City of Piedmont
COUNCIL AGENDA REPORT

DATE: December 18, 2023

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Study Session for Forthcoming Draft General Plan Amendments, Draft Zoning Ordinance Revisions, and the Environmental Review.

PURPOSE

This agenda item intends to increase knowledge and awareness of forthcoming documents associated with the "6th Cycle Housing Element Implementation Project." The documents include draft General Plan amendments, draft Zoning Ordinance revisions, and the Draft Environmental Impact Report (DEIR).

EXECUTIVE SUMMARY

The City is continuing the implementation the 6th Cycle Housing Element. The Housing Element Implementation Plan timeline is outlined in Attachment B, agenda report pages 64.[1]

The Housing Element requires consistency within the elements of the General Plan and consistency between the City's General Plan and the Zoning Ordinance. To accomplish this end, draft amendments were prepared for the Land Use, Environmental Hazards, Transportation, Design and Preservation, Community Services and Facilities, Natural Resources and Sustainability, and Parks, Recreation, and Open Space Elements. The draft amendments were published on the City's Piedmontishome.org website on December 6, 2023. Many of the amendments were drafted with the assistance of the City's environmental consultants to manage and mitigate the impacts associated with growth.

The proposed revisions to the Zoning Ordinance are limited to changes required by Housing Element programs, changes necessary for conformance with State law, and best practices to ensure consistency throughout the Zoning Ordinance. The proposed revisions encompass updated standards, rules, procedures, special use regulations, development standards, and performance criteria to guide housing development projects throughout the City. The revisions specifically include:

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[1] City staff has presented the Housing Element Implementation Plan at prior City Council and Planning Commission meetings and held study sessions for the proposed revisions to the Zoning Ordinance, draft General Plan amendments, and draft DEIR at prior Planning Commission meetings.

- Updates to existing planning and land use divisions; and
- New planning and land use divisions.

The Housing Element programs necessitating the proposed revisions are listed in Attachment C, agenda report pages 65-66.

A Draft Environmental Impact Report (DEIR) was prepared by the City of Piedmont for the Housing Element Implementation project pursuant to the California Environmental Quality Act (CEQA). A scoping meeting for the DEIR was held by the Planning Commission on March 1, 2022. The DEIR evaluates potential environmental impacts associated with the 2023-2031 Housing Element Implementation Project ("proposed project"). The DEIR evaluates environmental impacts associated with construction facilitated by the proposed project, including construction facilitated by a program to prepare and adopt a specific plan in the Moraga Canyon Specific Plan (MCSP) Area, and implementation of the Housing Element programs. The DEIR is a Program EIR.

BACKGROUND

A General Plan sets forth a city's long-range planning policies that reflect the aspirations and values of residents, landowners, businesses, and organizations within the community. City Councils and Planning Commissions rely on the General Plan when considering land use and planning-related decisions. City staff use the General Plan day-to-day in administering regulations. Residents may refer to the General Plan to understand the City's approach to development.

The Housing Element is one of eight Elements, or chapters, of the General Plan. It presents how a city plans to accomplish the Regional Housing Needs Allocation (RHNA) on sites within city limits. Local jurisdictions, like the City of Piedmont, are responsible for furthering fair housing to overcome historical patterns of exclusion and for creating a regulatory environment in which the private market can build the unit types included in RHNA. The recommended General Plan amendments and revisions to the Zoning Ordinance are intended to achieve this requirement and ensure the rest of the General Plan is consistent with the Housing Element.

The General Plan is the guiding document, and the Zoning Ordinance is a tool to implement many of the General Plan policies, actions and programs. The environmental review considers the potential environmental impacts associated with change. Thus, the structure of this report is ordered as follows:

A. General Plan amendments
B. Zoning Ordinance revisions
C. Environmental Review (California Environmental Quality Act Analysis)

A. GENERAL PLAN AMENDMENTS

This section summarizes each of the Elements and describes the proposed amendments. Each of the Elements described below include revisions to ensure that the General Plan is consistent with the Housing Element and its programs and removes language that is no longer consistent with

State law. In each Element, certain studies and analyses were refreshed when necessary to achieve conformance. A summary list of proposed new General Plan policies is included as Attachment D.

Land Use Element: The Land Use Element is a guide for Piedmont's future development. It designates the distribution and general location of land uses, such as residential, services, retail, open space, recreation, and public uses. The Land Use Element also addresses the permitted density and intensity of the various land use designations as reflected on the General Plan Land Use Diagram ("map"). The proposed amendments to the Land Use Element include updated background information to reflect current conditions, new policies and actions to modify land use classifications, and changes to the Land Use Diagram to maintain consistency with the policies and zoning amendments described in programs in the Housing Element. The proposed amendments increase the housing development potential of land in Piedmont, and correspond to the proposed revisions to the Zoning Code. In addition, amendments are proposed to Figure 3.3, Land Use Diagram. Amendments to Figure 3.3 include changes to the sites that correspond with existing Zone C boundaries, which have changed since 2009 or had been previously omitted, and changes to introduce a new land use designation and description for the Moraga Canyon Specific Plan.

Environmental Hazards Element: The Piedmont Environmental Hazards Element serves as the City's Safety Element and Noise Element, and it was last updated in 2019. The Safety Element is a required component of the City's General Plan that serves to reduce the potential short and long-term risk of injuries, death, property damage, and economic and social dislocation associated with potential hazards. The proposed amendments to the Environmental Hazards Element include updated background information to reflect current conditions, address the requirements of new State legislation, and incorporate new policies based on updated local and regional data. The proposed amendments address the following legislative requirements:

- Approved in 2019, Senate Bill (SB) 99 requires jurisdictions, upon the next revision of the Housing Element on or after January 1, 2020, to review and update the Safety Element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes. The Environmental Hazards Element update includes an assessment of residential emergency evacuation routes consistent with SB 99.

- Senate Bill 379 requires Safety Elements to include a climate change vulnerability assessment, measures to address vulnerabilities, and a comprehensive hazard mitigation and emergency response strategy. In addition, Senate Bill 1035 requires cities and counties to update their Safety Element during a Housing Element or local hazard mitigation plan update cycle, but not less than once every eight years, if new information on flood hazards, fire hazards, or climate adaptation or resilience is available that was not available during the previous revision of the Safety Element. The Environmental Hazards Element update identifies populations vulnerable to climate change, updates the climate change projection information documented in the Piedmont Climate Action Plan 2.0, and includes new goals, policies and implementation actions addressing climate change.

- Senate Bill 1241 requires review and update of the Safety Element, upon the next revision

of the housing element on or after January 1, 2014, as necessary to address the risk of fire in state responsibility areas and very high fire hazard severity zones. The Environmental Hazards Element Update includes new goals, policies and actions related to fire hazard planning and preparedness consistent with CAL FIRE requirements.

Sections of the proposed Environmental Hazards Element include Geologic Hazards, Flooding, Wildfire, Climate Change, Emergency Preparedness, and Goals, Policies, and Actions. In addition, new noise and vibration policies related to construction noise reduction and vibration control plans are proposed.

Transportation Element: The Transportation Element addresses mobility, accessibility, safety, and other issues related to travel in and around Piedmont. The proposed amendments to the Transportation Element include updated background information to reflect current conditions, a new policy related to vehicle miles traveled (VMT) analyses, which can no longer be considered in environmental review but can be included as a policy consideration, and new policy that includes transportation demand management (TDM) measures.

Design and Preservation Element: The Design and Preservation Element addresses Piedmont's character, appearance, and historic and cultural resources. The proposed amendments to this element would update background information to reflect current conditions and add and amend policies related to historic resources assessment and treatment, archaeological resources assessment and treatment, and the treatment of tribal cultural resources. Proposed amendments in this Element and others remove text and terms that obstruct implementation of the housing programs and conflict with State law. For example, the terms "character" and "community character" have been replaced or modified to refer to specific physical attributes of Piedmont, such as architecture or landscape setting, because "character" is difficult to define and would not constitute an objective standard.

Community Services and Facilities Element: The Community Services and Facilities Element addresses Piedmont's municipal buildings, public safety services, educational facilities, and social services. It also covers infrastructure, including water, sewer, storm drainage, energy, and telecommunication facilities. The proposed amendments to the Community Services and Facilities Element include updated background information, including organizational changes, to reflect current conditions and additional and amended policies and actions, including Action 34.D, to prepare for increased demand for public services. Amendments would support housing for senior, special needs, and lower income residents.

Natural Resources and Sustainability Element: The Piedmont Natural Resources and Sustainability Element is the Conservation Element required under State law as a component of a City's General Plan. This element addresses the protection and management of the earth's climate and City's soil, water, air, and biological resources. The proposed amendments to the Natural Resource and Sustainability Element include updated background information to reflect current conditions, and include additional and amended policies and actions focused on conservation of natural features, urban forest, air quality, water quality, sustainable development, resources, and the protection of special-status species. Proposed new and amended policies follow best practices, refine the City's approaches to conserving natural resources in the application of General Plan

goals, and provide additional clarity in the development review process.

Parks, Recreation, and Open Space Element: The Parks, Recreation, and Open Space Element addresses the following topics: park planning and management, park operations and maintenance, recreational programming, and joint use of City and School District recreational facilities. The proposed amendments to this element include updated background information to reflect current conditions and new and amended policies and actions to support relocation of City services, facilities, and open space located on City owned land in Moraga Canyon, including the City corporation yard, Coaches Field, Kennelly Skate Park, and Blair Park, to facilitate development of 132 housing units and continue existing uses in potentially new locations. Amendments include a new action to study City owned land for possible new uses and declaration of surplus land by the City Council and amendments that remove text and terms that obstruct implementation of the housing programs.

B. ZONING ORDINANCE REVISIONS

This information provided below includes a number of Zoning Ordinance revisions implementing the Housing Element programs described in Attachment C. The redline edits of the Zoning Ordinance is included as Attachment A, agenda report pages 12-63. These revisions primarily focus on the nine Code provisions listed below:

1. **Making minor revisions to the Intent section of all zoning districts.** These revisions are recommended by staff to provide consistency with the Housing Element and reflect the City's goal of welcoming more and diverse housing types as specified in the Housing Element.

2. **Allowing new permitted uses in all zones.** (*Revised sections: 17.20.020, 17.22.020, 17.24.020, 17.26.020 and 17.28.020.)*

   Permitted use means a use that is permitted by right within a zoning district without a permit. The majority of the revisions to the permitted uses in all zones are required by State law, including but not limited to Assembly Bill (AB) 1851, AB 2244, Government Code §65852.3, AB 2634, and the Housing Element law and Affirmatively Furthering Fair Housing (AFFH) requirements. Housing Element law and AFFH require local governments to treat residential care facilities (also called group homes) as a residential use. Among the many reasons that group homes are essential housing for persons with disabilities is the support these homes provide for residents' individualized, disability-related needs. This includes the peer support that group homes encourage their residents to provide to each other when sharing a home, as well as the services these homes can provide. The communities of choice for many group homes are often single-family neighborhoods. Recovery residences, for example, often locate in single-family neighborhoods because this helps recovering addicts re-integrate into society and regain self-sufficiency.

3. **Allowing new conditional uses in all zones.** (*Revised sections: 17.20.030, 17.22.030, 17.24.030, 17.26.030., and 17.28.030.)*

A conditional use is a use of land or buildings that may be essential or desirable to a particular community, but which are not allowed as matter of right within a zoning district, but through a public hearing process. A majority of the revisions to the conditional uses in all zones are required by State law. Pursuant to Assembly Bill 2634, local governments are required to assist in the development of a variety of housing types to meet the needs of these households. Single Room Occupancy (SRO) units are one of the most traditional forms of affordable housing for low-income individuals. Co-housing projects are communities where shared common space is communally managed and governed, but households have their own private living units.

4. **Revising the development standards and regulations for all zoning districts, including implementing Housing Element Program 1.E.** (*Revised sections: 17.20.040, 17.22.040, 17.24.040, 17.24.040, 17.26.050, and 17.28.040; New sections: 17.20.040.B, 17.20.040.C, 17.22.040.C, 17.22.040.D, 17.24.040.B, 17.24.040.C, 17.26.050.C, 17.26.050.D, 17.26.050.E, 17.28.040.B, and 17.28.040.C)*

   Each zone's regulations and standards govern the development of all permitted uses, such as through setbacks, heights, floor area ratio (FAR) and other standards. These standards guide development, protect and promote public health, safety, and general welfare, reflect the Housing Element's goals, and comply with State law. The revisions are required by specific Housing Element programs. However, the recommended new standards are a result of staff's analysis. Highlighted below are some recommended standards for discussion:

   - Side and rear yard setbacks for multi-family residential development or similar group uses in zones B, C and D are proposed to be reduced to 4 feet because the setbacks for ADU and SB 9 construction that allows up to 4 units have similar state mandated setback requirements.
   - Maximum allowable height for multi-family residential development or similar group uses in zones C and D is proposed to be 45 feet (which is typically equivalent to 4 stories) with additional step back requirements for 2 or higher stories when the lots are smaller in size, allowing greater separation.
   - Street yard setback for parcels in zone C is proposed to be reduced to 15 feet.
   - The proposed changes also include increased allowable structure coverage, reduced minimum landscape coverage, elimination of FAR standards (for multi-family or similar group use residential) and addition of density standards. These revisions are intended to better control form and massing of the development.
   - Consistent with Housing Element Program 1.E, after reviewing the current property size thresholds for other development standards in all zones, staff recommends a property size threshold of larger than 5,000 square feet for requiring an ADU when a new residence is proposed on a vacant property and when a remodel of an existing residence is proposed where 70% or more of the structure is demolished.

   The proposed revisions, above, are intended to encourage more multi-family and mixed-use development in zones B, C and D.

5. **Implementing Housing Element programs and California Assembly Bill (AB) 1308, that relaxes and regulates parking standards for all zones.** (*Revised sections: 17.30.010.A., 17.30.010.A.2., 17.30.010.B.1, 17.30.020.A., and 17.30.030; New section: 17.30.020.B.)*

   Consistent with the Housing Element and State laws AB 1308 and SB 9, the revisions under this division would revise parking standards for single family residential or similar use, and multi-family residential or similar group use. AB 1308 [Government Code (GC) 65863.3. (a)] prohibits the City from increasing the minimum parking requirement that applies to a single-family residence as a condition of approval of a project to remodel, renovate, or add to a single-family residence. This effectively limits the ability to require additional parking for projects that add a bedroom to a single-family house, as long as the project complies with existing zoning regulations, including height, lot coverage, and floor-to-area ratio. Consistent with the State law, Code revisions under this section would eliminate existing parking regulations that are tied with the number of bedrooms and add new regulations that require parking when a residential project as defined in AB 1308 exceeds the maximum floor area ratio (FAR), lot coverage or structure height of the underlying zone.

   Aligning with the Housing Element program requirements and State Law, staff recommends:

   - Eliminating the current bedroom-based parking standards.
   - Requiring a minimum of two parking spaces for new single-family residence.
   - Requiring one parking space for each primary unit developed under SB 9 development applications.
   - Providing parking waivers for multi-family residential or similar group use if a certain percent of housing is reserved for low-income households or individuals.
   - Eliminating the need for non-tandem parking for multi-family residential or similar group use. This is because there are several lots in zones C and D that are smaller in size and accommodating non-tandem parking for more than 1 space would be challenging. The intent of these revisions is to support the construction of multi-family housing and to encourage on-site parking provisions.
   - Requiring guest or management parking for multi-family residential or similar group use to address visitor parking congestion in group residential developments. These standards encourage the efficient use of on-site parking spaces and promote smart parking strategies. Some of these strategies include guest parking rental, timed guest parking and efficient parking layout. This would benefit both residents and development owners by reducing parking congestion, improving parking availability, and potentially generating additional revenue.

6. **Implementing the State Density Bonus Law.** *(New Division 17.52)*

   The purpose and intent of this division is to incorporate into the City Code the State Density Bonus Law provided in California Government Code Section 65915(a), The new division provides incentives for the production of housing that is affordable to moderate, low or

very low-income households, senior housing, or includes childcare facilities in accordance with Sections 65915 et seq. of the California Government Code. This new division provides a process that governs requests by developers and other housing project owners for waivers or concessions from development standards that are needed in order to make the project economically feasible. A developer who meets the requirements of the State law is entitled to receive a density bonus and other benefits as a matter of right. Requests for a density bonus must be submitted in concurrence with the housing development application and will be reviewed by the body reviewing the housing development project. Density Bonuses must be calculated as set forth in State Density Bonus Law, and pursuant to the Administrative Guidelines.

7. **Implement California Senate Bill (SB) 9 and part of Housing Element program 1.J, which allow for the construction of up to four housing units on single-family lots under a ministerial review process.** *(New Division 17.54)*

   The purpose and intent of this division is to provide objective development and zoning standards in accordance with regulations established under SB 9 (California Government Code Sections 65852.21 and 66411.7). State law and this division apply to lots in single-family zones and allow for the ministerial review of up to two primary residential dwelling units and for urban lot splits in order to allow for the construction of additional housing units. Under SB 9, an agency must allow for the ministerial approval of up to two primary residences of at least 800 square feet and for a lot subdivision of a parcel of at least 1,200 square feet in area. An SB 9 lot split or housing development may only occur on a parcel that meets certain criteria, including on properties that are absent of environmental constraints and certain types of existing housing, and new dwelling units must adhere to objective development standards. The proposed revisions also include standards for lot street frontage, easements, and parking.

8. **Revising division 17.40 Residential Rentals to comply with SB 9 regulations.** (*Revised sections 17.40.010 and 17.40.030)*

   To maintain consistency with the SB 9 Law, staff recommends revisions to this division to explicitly state that dwelling units created through SB 9 are not permitted to be used for short term rentals.

9. **Revising division 17.90 Definitions and Measurements and adding new definitions for the new terms and uses added throughout the Ordinance.** (*Revised section 17.90.010)*

   Per Housing Element Program 5.L, staff has revised the definition of “family”. Other revisions recommended by staff include adding definitions of the new housing types and specific terms included in the revisions discussed above.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS

Draft Environmental Impact Report (DEIR)

While a formal California Environmental Quality Act (CEQA) analysis is not required for the study session, a DEIR has been prepared for the proposed project, which includes amendments to the City of Piedmont's General Plan, amendments to the Piedmont City Code (PCC), and future changes to implement the City's 2023-2031 Housing Element. The **DEIR** has been prepared by the City of Piedmont pursuant to the California Environmental Quality Act (CEQA) and was published on November 3, 2023. A scoping meeting for the DEIR was held by the Planning Commission on March 1, 2022. The DEIR evaluates potential environmental impacts associated with the 2023-2031 Housing Element Implementation Project ("proposed project"), including construction facilitated by the proposed project, as well as construction facilitated by a program to prepare a specific plan in the Moraga Canyon Specific Plan (MCSP) Area.

The DEIR is a Program EIR. CEQA Guidelines Section 15168(a) states that: "A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."

The Introduction section of the DEIR, pages 1-1 to 1-10, discusses: (1) the purpose of the EIR; (2) the purpose and legal basis for preparing an EIR; (3) the type of environmental document prepared; (4) documents incorporated by reference; (5) future streamlining and tiering opportunities; (6) the public review and participation process; (7) EIR content; (8) the scope of the Program EIR; (9) the issue areas found not to be significant; (10) the lead, responsible, and trustee agencies pursuant to the California Environmental Quality Act (CEQA); and (11) an overview of the environmental review process required under CEQA. The proposed project is described in detail in DEIR Section 2, Project Description, pages 2-1 to 2-29.

The Environmental Setting section, pages 3-1 to 3-4, describes Piedmont's existing environmental characteristics, and the Environmental Impacts Analysis section, pages 4-1 to 4.17-30, contains the bulk of the document. Other sections of the DEIR include Other CEQA Required Discussions, Alternatives, References, and Appendices.

The Environmental Impact Analysis section examined potential impacts in State-defined environmental topic areas. Many of the new General Plan policies and actions (described in the section above) address environmental impacts and effectively mitigate the impacts of the proposed project. A number of these new policies and actions were developed with the assistance of the DEIR consultants. The DEIR made the following conclusions:

- No impacts related to agriculture, forestry, and mineral resources;
- Less than significant impacts related to aesthetics, air quality, biological resources, energy, hydrology, water quality, land use, planning, population, housing, public services,

recreation, and tribal cultural resources;

- Potentially significant but mitigatable impacts related to geology and soils, and hazards and hazardous materials; and
- Significant and unavoidable impacts related to cultural resources, historical resources, greenhouse gas emissions, noise, wildfire, transportation, utilities, and service systems.

Under CEQA, prior to approving a project with a significant and unavoidable impact, the public agency must adopt a Statement of Overriding Considerations finding that the overall benefits of the project outweigh the unavoidable impacts. In this case, prior to approving the proposed project, the City Council will be required to adopt a statement that the benefits of the Housing Element Implementation project outweigh any adverse impacts.

On December 9, 2021, and in conformance with Assembly Bill (AB) 52 and Senate Bill (SB) 18, the City of Piedmont contacted California Native American Tribal governments by sending a notification letter via email to tribes with an affiliation with the project area based on a list provided by the Native American Heritage Commission (NAHC). Under AB 52, Native American tribes have 30 days to respond and request further project information and request formal consultation. Under SB 18, Native American tribes have 90 days to respond to request consultation. The City did not receive a request for formal consultation under AB 52 or SB 18. Therefore, no California Native American Tribes traditionally or culturally affiliated with the project area have requested consultation pursuant to Public Resources Code Section 21080.3.1.

The public comment period for the DEIR was from November 3, 2023 to 5:00 pm on December 18, 2023. City staff and consultants are in the process of responding to the comments received and will publish the comments and responses prior to Planning Commission review of the Final EIR in January 2024.

PLANNING COMMISSION REVIEW

On December 11, 2023, the Planning Commission held a study session on the proposed Draft General Plan Amendments, Draft Zoning Code Amendments, and the DEIR. Commissioners heard a presentation by City staff and consultants. One member of the public addressed the Commission and urged the City to explore implementation of SB 9 regulations that exceed minimum State requirements such as the number of units allowed and the subdivision of lots to allow a ratio greater than 40% - 60%. Commissioners discussed greater clarity in the definition of demolition and the construction of an ADU when a property is developed or redeveloped. No action was taken. Additional Planning Commission study sessions were held on October 9, 2023, and November 13, 2023.

PUBLIC ENGAGEMENT AND OUTREACH

The City of Piedmont's adopted Housing Element is a culmination of multiple years of extensive community engagement and stakeholder input. To ensure that the Housing Element reflected the diverse needs and perspectives of Piedmont residents, staff actively sought participation from all segments of the community, including individuals with special housing requirements. Community outreach efforts included presentations to various City commissions, committees, and the City

Council. Additionally, staff engaged in a range of outreach activities, such as hosting webinars and workshops, and disseminating information at popular community events. Public input played a pivotal role in shaping the 6th Cycle Housing Element. Direct feedback from residents led to the development of new, revised, and modified programs, many of which specify the changes necessary to implement the programs and remove barriers to the development of new diverse housing types that are affordable to occupants at all income levels.

Public participation opportunities continue beyond the adoption of the Housing Element. Community members are encouraged to attend and provide comment during the meetings of the Planning Commission and City Council at which the bodies study and consider the revisions to the Zoning Ordinance, the draft General Plan amendments, and the Draft Environmental Impact Report (EIR).

By: Kevin Jackson, Planning and Building Director
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ATTACHMENTS AND RELEVANT DOCUMENTS

	Pages	
A	12- 63	Redline edits of the Zoning Ordinance: Article 2, Article 3 & Article 5
B	64	Housing Element Implementation Schedule
C	65-66	Housing Element Programs associated with the proposed revisions to the Zoning Ordinance
D	67-83	Summary List of New General Plan Policies

- The Draft General Plan amendments https://www.piedmontishome.org/event/planning-commission-meeting-3-c7992-6mm37i-t42dl-kwzk8-g8c65-dtf26-m494j-z9raf-r9par-gkkbj-tcede
- The Draft Environmental Impact Report for the 2023-2031 Housing Element Implementation Project
- Overall Timeline for Planning Commission and City Council, see agenda report page 64.
- The City of Piedmont's 6th Cycle Housing Element

Chapter 17
PLANNING AND LAND USE

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ARTICLE 2. ZONING DISTRICTS: USES AND REGULATIONS

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DIVISION 17.20 ZONE A: SINGLE FAMILY RESIDENTIAL

Sections:

17.20.010 Intent
17.20.020 Permitted uses
17.20.030 Conditional uses
17.20.040 Regulations

17.20.010 Intent.

Zone A is established for single-family residential and other allowed uses. The intent is to:

- Preserve, ~~protect~~ maintain, and enhance Piedmont's residential character and the quiet community atmosphere of neighborhoods.~~, protecting the quiet, family atmosphere of neighborhoods.~~

- ~~Protect~~ Mitigate adverse environmental impacts and site constraints, such as ~~residents from the harmful effects of~~ excessive noise, light deprivation, ~~intrusions on privacy~~incompatible land uses, unsafe overcrowding, ~~excessive traffic~~obstructed pedestrian and vehicular access and circulation, ~~insufficient parking,~~ and blockage of significant views.~~, and other adverse environmental impacts.~~

- Create, maintain, and enhance a living environment that builds community for people of all income levels.

- Maintain openness and areas of vegetation ~~between residences~~ to enhance a healthy environment.

- Achieve design compatibility and orderly arrangement of development by establishing regulations for the siting, massing, and building form on properties throughout the zone~~between additions, remodeling and other new construction by establishing development standards~~.

- ~~Minimize the out-of-scale appearance of large homes, parking areas, and other development relative to the lot size and to other homes in a neighborhood.~~

17.20.020 Permitted uses.

The following are permitted uses in Zone A:

A. Single-family residence ~~together with accessory structures and associated uses, located on the same lot~~.

B. Rented room, subject to section 17.40.020, or short-term rental, subject to a short-term rental permit under section 17.40.030.

C. Accessory dwelling unit, subject to division 17.38.

D. Small ~~or large~~ family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47. ~~(Ord. 742 N.S., 05/2017)~~

E. Religious institution affiliated housing development projects, and religious institution affiliated emergency shelters.

F. Manufactured and mobile homes on a permanent foundation.

G. Low barrier navigation centers.

H. Residential care facilities -or group homes that provide licensable services for up to six residents.

I. Residential care facilities or group homes that do not provide licensable services.

J. Supportive housing and transitional housing developments.

K. Accessory structures with accessory uses located on the same lot as the primary structure.

L. Employee housing for 6 or fewer persons.

17.20.030 Conditional uses.

The following are allowed in Zone A with a~~as~~ conditional use permit~~uses in Zone A~~:

A. Religious assembly.

B. Private school, or day care facility associated with a religious assembly use. A pre-existing school not having a use permit may continue as a non-conforming use as long as the use is not expanded.

C. Reservoir.

D. Wireless communication facility, subject to a wireless communication facility permit (rather than a use permit) under division 17.46.

E. Residential care facilities or group homes that provide licensable services for seven or more residents.

F. Large family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.

17.20.040 Regulations.~~.~~

A. The following development standards apply to the development of all uses i~~I~~n Zone A, except those listed in Section 17.20.040.B:~~In Zone A:~~

	Zone A requirements
Lot area	Minimum 8,000 square feet, subject to exception for accessory dwelling unit construction set forth in division 17.38 or for a lot split under SB 9 set forth in division 17.54.
Frontage, on public or private street	Minimum 60 feet, subject to an exception for a lot split under SB 9 as set forth in division 17.54. ~~.~~
Lot coverage; Landscaping	Maximum 40% lot coverage for~~by~~ primary and accessory structures, subject to exception for accessory dwelling unit construction set forth in division 17.38. (A site feature is not calculated in the lot coverage if (1) the feature is not more than 7 feet height and (2) the total of all site features is 400 square feet or less.) Minimum 30% landscaping, subject to exception for accessory dwelling unit construction set forth in division 17.38.
Structure height	Maximum 35 feet, except accessory dwelling units shall be subject to restrictions set forth in division 17.38.
Street yard setback	Minimum 20 feet for primary or accessory structure, subject to exception for accessory dwelling unit construction set forth in division 17.38. No minimum setback for a site feature, but a site feature may require a design review permit under division 17.66.

Side yard and rear yard setback	Minimum 5 feet for a primary or accessory structure, ~~but~~ unless the yard is street facing, in which case the minimum is 20 feet ~~in a street-facing yard~~, except that a setback of only ~~four~~ 4 feet is required for a new structure to be used as an accessory dwelling unit, and no setback is required for conversions of an existing structure to an accessory dwelling unit or portion thereof in the same location and same dimensions.** However, an accessory structure may be located anywhere within the side and rear setback areas except that it: (a) must be located within 35 feet of the rear lot line; (b) must be located at least 5 feet from a habitable structure on an abutting property, and, for a corner lot, at least 5 feet from a side lot line of an abutting property to the rear; (c) may not exceed 15 feet in height; and (d) may not be habitable. A dwelling unit developed under SB 9 is subject to a 4 foot side and rear setback. A site feature proposed within these distances may require a design review permit under division 17.66.
Floor area ratio*	Subject to exception for accessory dwelling unit construction set forth in division 17.38 or for a dwelling unit developed under SB 9 set forth in division 17.54: Maximum 55% of the lot area if the parcel is 5,000 square feet or less. Maximum 50% of the lot area if the parcel is 5,001 square feet to 10,000 square feet. Maximum 45% of the lot area if the parcel is more than 10,000 square feet.

* In order to encourage development within the existing building envelope instead of building outwards or upwards, the floor area ratio standard is not applied to finishing an area into habitable space if: (1) there is no expansion of the exterior building envelope; and (2) the owner has not obtained a final inspection within the prior three years on a building permit issued for an expansion of the building envelope.

** Pursuant to Government Code section 65852.2(a)(1)(D)(vii). ~~(Ord. 743 N.S., 05/2018; Ord. 747 N.S, 02/2020; Ord 768 N.S., 01/2023)~~

Please refer to division 17.54 for standards for a lot split and two-unit housing developments performed under SB 9.

B. The development standards for the following uses are as indicated below:

a. Wireless communications facility, as provided in division 17.46.

b. Religious institution affiliated housing development projects, as provided in section 17.24.040.A.~~,~~ except that there is no minimum density and maximum allowable density is 21 dwelling units per ~~/~~acre.

c. Reservoir has no applicable development standards.

C. For lots that are larger than 5,000 square feet, an ADU shall be constructed:

a. when a new residence is proposed on a vacant lot.

b. when a remodel of an existing residence is proposed where 70% or more of structure is demolished.

DIVISION 17.22 ZONE B: PUBLIC FACILITIES

Sections:

17.22.010 Intent
17.22.020 Permitted uses
17.22.030 Conditional uses
17.22.040 Regulations

17.22.010 Intent.

Zone B is established to regulate and control development of public facilities and other allowed uses that are compatible with the character of surrounding uses.

17.22.020 Permitted uses.

The following are permitted uses in Zone B:

A. A single-family residence.

B. Accessory~~, accessory structures, and associated uses as listed in section 17.20.020 (for Zone A). An accessory~~ dwelling unit, subject to division 17.38~~, shall be permitted on a parcel in Zone B used for residential purposes~~.

C. Building occupied by a public agency or other nonprofit entity.~~B. City building, used by a governmental entity or other nonprofit entity.~~

D~~C~~. Public school.

E~~D~~. Parks and open space, including recreational uses and facilities.

F~~E~~. Cemetery, public utility.

G~~F~~. Emergency shelter, supportive housing or transitional housing.~~, as defined in Health and Safety Code sections 50801(e)I,), 50675.14(b)(2) and 50675.2(h), or successor statute, as may be amended from time to time, respectively~~ . ~~(Ord. 747 N.S., 02/2020)~~

H Manufactured and mobile homes on a permanent foundation.

I. Low barrier navigation centers.

J. Residential care facilities or group homes that provide licensable services for up to six residents.

K. Residential care facilities or group homes that do not provide licensable services.

L. A multi-family residential development, including senior housing, and disabled housing.

M. Small family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.

N. Employee housing for 6 or fewer persons.

O. Accessory structures and accessory uses affiliated with the primary structure on the same lot under this section.

17.22.030 Conditional uses.
The following are allowed as conditional uses in Zone B:

A. ~~City~~Except for schools, a public building used by a for-profit commercial entity.

B. Wireless communication facility, subject to a wireless communication facility permit (rather than a use permit) under division 17.46.

C. Licensed residential care or group homes that provide licensable services to seven or more residents.

D. Large family day care home in accordance with California Health and Safety Code sections 1597.43 – 1597.47.

17.22.040 Regulations.

A. ~~Certain city~~ City projects are not subject to development standards, except those listed below:
1. the green building requirements of chapter ~~5~~8, ~~article 4,~~ section ~~5.35~~8.10 and following; ~~and~~
2. the bay-friendly landscaping requirements of chapter 3, section 3.30 and following~~.~~

B. In Zone B, for ~~residential~~ uses other than those set forth in 17.22.040(A) and (C), the development standards are as follows~~use~~:

Lot area; frontage; coverage; height; front, rear and side yards; floor area ratio.	All as set forth for Zone A. See section 17.20.040.

C. In Zone B, the development standards for the following uses are set forth below:
a. Wireless communications facility as provided in division 17.46.
b. Multi-family residential as provided in section 17.24.040.A.
c. Cemetery, public utility – no standards.
d. Building occupied by a public agency or other nonprofit entity – no standards, except as set forth in Section 17.22.040.A.
e. Parks and open space, including recreational uses and facilities – no standards.

D. For lots that are larger than 5,000 square feet, an ADU shall be constructed:

a. when a new residence is proposed on a vacant lot.
b. when a remodel of an existing residence is proposed where 70% or more of structure is demolished.

DIVISION 17.24 ZONE C: MULTI-FAMILY RESIDENTIAL

Sections:

17.24.010 Intent
17.24.020 Permitted uses
17.24.030 Conditional uses
17.24.040 Regulations

17.24.010 Intent.

Zone C is established to regulate and control residential development, including ~~some~~ multi-family dwellings, ~~in harmony~~ that enhances~~with the~~ the character of the neighborhood and builds community for people of all income levels.

17.24.020 Permitted uses.

The following are permitted uses in Zone C:

A. A single-family residence.~~, accessory structures, and associated uses as listed in section 17.20.020 (for Zone A).~~

B. A multi-family residential development. ~~B. A multi-family dwelling. at a minimum density of one dwelling unit per each 3,600 square feet of lot area (12 units/acre), and not exceeding one dwelling unit per each 2,000 square feet of lot area (21 units/acre).~~

~~The Planning Commission will grant a density bonus for affordable housing in accordance with Government Code section 65915. A multi-family residential project that incorporates affordable units is also eligible for a 20% reduction in planning application fees.~~

C. Accessory dwelling unit, subject to division 17.38. ~~(Ord. 747 N.S., 02/2020)~~

D. Manufactured and mobile homes on a permanent foundation.

E. Low barrier navigation centers.

F. Residential care facilities or group homes that provide licensable services for up to six residents.

G. Residential care facilities or group homes that do not provide licensable services.

H. Supportive housing and transitional housing.

I. Accessory structures with accessory uses located on the same lot as the primary structure under this section.

J. Small family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.

K. Employee housing for 6 or fewer persons.

17.24.030 Conditional uses.
The following are allowed as conditional uses in Zone C:

A. A. Wireless communication facility, subject to a wireless communication facility permit (rather than a use permit) under division 17.46.

B. Residential care facilities or group homes that provide licensable services for 7 or more people.

C. Large family day care home in accordance with California Health and Safety Code sections 1597.43 – 1597.47.

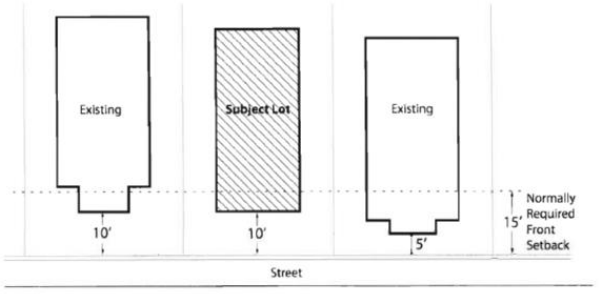
D. Single room occupancy dwellings.

E. Co-housing.

17.24.040 Regulations.

A. In Zone C, for multi-family residential use, licensed residential care facility for 7 or more residents, co-housing and single room occupancy dwellings, the standards are as follows::

	Zone C requirements
Lot area	Minimum 10,000 square feet, subject to exception for accessory dwelling unit construction set forth in division 17.38.
Frontage, on public or private street	Minimum 90 feet
Lot coverage; Landscaping	Maximum 5070% lot coverage for% of the total by primary and accessory structures, subject to exception for accessory dwelling unit construction set forth in division 17.38. Minimum 3015% landscaping, or 2010% by landscaping for a project in which at least 20% of the units are affordable, as defined by the California Department of Housing and Community Development, subject to exception for accessory dwelling unit construction set forth in division 17.38.
Structure height	Maximum 35 45 feet for buildings on lots with lot area 4,000 sq.ft.or or more, except accessory dwelling units shall be subject to restrictions set forth in division 17.38.

	Maximum 35 feet for buildings on lots with lot area less than 4,000 sq.ft., except accessory dwelling units shall be subject to restrictions set forth in division 17.38.
Street yard setback	Minimum 15 feet for primary or accessory structure, subject to exception for accessory dwelling unit construction set forth in division 17.38. If adjacent lots abutting the side lot lines of the subject lot both contain principal single family residential buildings that have front setbacks with a depth of less than ten (10) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal single family residential buildings on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a fifteen (15) foot front setback. See illustration below:~~Minimum 20 feet for primary or accessory structure, subject to exception for accessory dwelling unit construction set forth in division 17.38.~~  Site feature of any height may require a design review permit under division 17.66.
Side yard and rear yard setback	Minimum ~~5~~ 4 feet for primary or accessory structure, except as provided below. If adjacent lots abutting the side and rear lot lines of the subject property are single family residential, the proposed building shall further step back depending on the lot area: • If lot area is less than 4,000 sq.ft., the building shall step back 8 ft. from the side and/or rear property line abutting the single family residential after 2 stories or 22 ft., whichever is less. If lot area is 4,000 sq.ft. or more, the building shall step back 8 ft. from the side and/or rear property line abutting the single family residential after 3 stories or 35 ft, whichever is less.~~, stepbackexcept, except that a setback of only four feet is required for a new structure to be used as an accessory dwelling unit and no setback is required for~~

	~~conversions of an existing structure to an accessory dwelling unit or portion thereof in the same location and same dimensions.*~~ ~~•~~ ~~If the an existing multi-family dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling shall be required for construction of an accessory dwelling unit.**~~ However, an accessory structure may be located anywhere within the side and rear setback areas except that it: (a) must be located within 35 feet of the rear lot line; (b) must be located at least 5 feet from a habitable structure on an abutting property, and, for a corner lot, at least 5 feet from a side lot line of an abutting property to the rear; (c) may not exceed 15 feet in height; and (d) may not be habitable. A site feature proposed within these distances may require a design review permit under division 17.66.
~~Floor area ratio~~	~~Subject to exception for accessory dwelling unit construction set forth in division 17.38:~~ ~~Maximum 55% of the lot area if the parcel is 5,000 square feet or less.~~ ~~Maximum 50% of the lot area if the parcel is 5,001 square feet to 10,000 square feet.~~ ~~Maximum 45% of the lot area if the parcel is more than 10,000 square feet.~~
Density	Minimum density of 20 dwelling units/acre, and maximum density of 60 dwelling units/acre, unless otherwise required by State Law.

* Pursuant to Government Code section 65852.2(a)(1)(D)(vii).
** Pursuant to Government Code section 65852.2(e)(1)(D)(ii). (Ord. 747 N.S., 02/2020, Ord. 768 N.S., 01/2023)

B. In Zone C, for uses other than those listed above, the development standards are as follows:

1. Wireless communications facility as provided in division 17.46.
2. Single-family residence as provided in section 17.20.040.A.
3. Manufactured and mobile homes as provided in section 17.20.040.A.
4. Large day care home as provided in section 17.20.040.A.
5. Licensed residential care facility or group home for up to 6 residents and unlicensed residential care facility or group home as provided in section 17.20.040.A.
6. Low barrier navigation centers as provided in section 17.20.040.A.
7. Transitional and supportive housing as provided in section 17.20.040.A.
8. Employee Housing for up to six employees as provided in section 17.20.40.A
9. Small day care home as provided in section 17.20.40.A

C. For lots that are larger than 5,000 square feet, an ADU shall be constructed:

a. when a new residence is proposed on a vacant lot.

b. when a remodel of an existing residence is proposed where 70% or more of structure is demolished.

DIVISION 17.26 ZONE D: COMMERCIAL AND MIXED USE

Sections:

17.26.010 Intent
17.26.020 Permitted uses
17.26.030 Conditional uses
17.26.040 Prohibited uses
17.26.050 Regulations

17.26.010 Intent.

Zone D is established to regulate and control commercial and mixed-use commercial/residential development, where pedestrian-oriented commercial development will serve city residents, consistent and in harmony with the character of the neighborhood and adjacent residential areas.

17.26.020 Permitted uses.

The following are permitted uses in Zone D:

A. A single-family residence, including manufactured and mobile homes on a permanent foundation.~~, accessory structures, and associated uses as listed in section 17.20.020 (for Zone A).~~

B. An accessory dwelling unit, subject to division 17.38. ~~, shall be permitted on a parcel in Zone D used for residential purposes. (Ord. 747 N.S., 02/2020)~~

C. Low barrier navigation centers.

D. Residential care facilities or group homes that provide licensable services for up to six residents.

E. Residential care facilities or group homes that do not provide licensable services.

F. Supportive housing and transitional housing developments.

G. Accessory structures with accessory uses located on the same lot as the primary structures under this section.

H. Small family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.

I. Multi-family development including single-room occupancy, co-housing, senior housing, and disabled housing, that is part of a mixed-use development.

J. Employee housing for 6 or fewer persons.

17.26.030 Conditional uses.
The following are allowed as conditional uses in Zone D:

A. Religious assembly.

B. Private school, or day care facility associated with a religious assembly use. A pre-existing school not having a use permit may continue as a non-conforming use as long as the use is not expanded.

C. Large~~Small or large~~ family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.

D. Retail, office, and service commercial uses of a type that will be primarily neighborhood serving~~serve city residents~~. This includes minor auto servicing, fueling station, and EV charging station. Commercial uses that are ~~will~~ primarily ~~serve city~~neighborhood ~~residents are~~serving are those uses neighbors would be expected to use on a regular basis, and not uses that would be expected to draw the major portion of their clientele from outside the ~~city~~neighborhood. ~~.~~

A structural change (including reduction or addition in structure) or change in actual existing use in a commercial building requires a new conditional use permit. Change in actual existing use means the addition, withdrawal, or other modification of:
1. the type or quality of service or product being marketed;
2. the time or place of delivery of the service or product;
3. the manner or method of delivery of the service or product; or
4. the number of personnel on the site, where the addition, withdrawal, or other modification changes the facts upon which a conditional use permit was based.

E. Commercial portion of a ~~Mixed~~mixed-use commercial/residential development, including ground-floor retail, office, or service commercial uses to primarily serve the neighborhood. ~~Mixed-use commercial and residential developments must have both:~~
~~1. ground floor retail, office, or service commercial uses to primarily serve city residents~~the ~~neighborhood.. Ground floor residential use is not permitted, except for an entry to the upper floor(s); and~~
~~2. multi-family residences above the ground floor~~, ~~of not more than 20 units per net acre. When affordable housing is provided, the Planning Commission will grant a density bonus in accordance with Government Code section 65915~~. ~~.~~

F. Wireless communication facility, subject to a wireless communication facility permit (rather than a use permit) under division 17.46.

G. Residential care facilities or group home that provide licensable services for seven or more residents.

17.26.040 Prohibited uses.

The following uses are prohibited uses in Zone D: manufacturing, wholesaling, distributing, or industrial use; motor vehicle sales or service, except minor servicing; hotel or motel; fast food restaurants; and~~restaurant;~~ drive-through establishments~~establishment~~.

17.26.050 Regulations.

A. In Zone D, for commercial, mixed-use commercial/residential, and private school facilities ~~mixed-use development each conditional~~ uses, the standards are as follows~~use~~:

	Zone D requirements	
	Civic Center Subarea [1]	**Grand Avenue Subarea [2]**
Lot area	*No minimum lot* area, but an existing lot may not be subdivided into smaller lots.	No minimum lot area, but an existing lot may not be subdivided into smaller lots.
Frontage, on public or private street	No minimum requirement.	No minimum requirement.
Lot coverage; Landscaping	No maximum. No minimum.	No Maximum. Minimum 10% landscaping, subject to exception for accessory dwelling unit construction set forth in division 17.38.
Structure height	45 feet ~~Maximum 40 feet, and 3 stories.~~	Maximum ~~35~~ 45 feet~~, and 3 stories~~. For a building site adjacent to a single family residence: A. within 10 feet of the abutting lot line: maximum ~~25~~ 35 feet measured from adjacent grade; and B. daylight plane starting at ~~25~~ 35 feet above grade and a distance of 10 feet from the abutting property line.
	Zone D requirements (continued)	
	Civic Center Subarea [1]	**Grand Avenue Subarea [2]**
Street yard setback	No minimum setback.	Along Wildwood, Sunnyside and Linda Avenues: ~~10~~ 5 feet minimum from lot line. Along Grand Avenue: ~~15~~ 5 feet minimum from curb or 3 feet from lot line, whichever is greater.

Side yard and rear yard setback	No minimum setbacks, but if side or rear yard abuts a single-family residence, the minimum side and rear yard setback is ~~5~~ 4 feet from that abutting lot line.	Side Yard: no minimum setbacks, except minimum ~~5~~ 4 feet from lot line abutting a single-family residence. Rear Yard: ~~5~~ 4 feet minimum.
Floor to ceiling height for ground floor commercial use	15 feet minimum	12 feet minimum
Ground floor	Zone D developments must have: 1. ground floor retail, office, or service commercial uses to primarily serve the neighborhood. Ground floor residential use is not permitted, except for an entry and lobby to the upper floor(s), except that: a. the requirement for ground floor retail, office, or service commercial uses shall be waived for development in which 100% of the units are affordable to households earning 80% or less of the area median income (AMI) established by HUD.	

[1] The Civic Center Subarea consists of the Zone D parcels bounded by: Highland Way on the north, Highland Avenue on the south; and Highland Avenue on the east, Vista Avenue on the south, and Piedmont Unified School District properties on the north and west.

[2] The Grand Avenue Subarea consists of the Zone D parcels bounded by: Wildwood Avenue to the southeast, Grand Avenue on the west, Zone A parcels on the north and east; and City boundary on the south, Grand Avenue on the east, Linda Avenue on the north, and Zone A properties to the west.

[3] Setback requirements applicable to accessory dwelling unit construction are set forth in division 17.38, rather than this table.

B. In Zone D, for single-family residential use, small family day care home, manufactured and mobile homes, low barrier navigation center, licensed residential care facility or group home for up to 6 residents and unlicensed residential care facility or group home, employee housing for 6 or fewer persons, and supportive and transitional housing, the development standards are as follows:

Lot area; frontage; coverage; height; front,	All as set forth for Zone A. See section 17.20.040.

rear and side yards; floor area ratio.	

~~(Ord. 747 N.S., 02/2020)~~

C. In Zone D, for uses other than those listed above, the development standards are as follows:

1. Wireless communications facility as provided in division 17.46
2. Religious assembly as provided in section 17.20.040.A.
3. Stand-alone multi-family development including single-room occupancy and co-housing, and multi-family that is part of a mixed-use development as provided in section 17.24.040.A, except for density standards provided in 17.26.50.D.
4. Large day care home as provided in section 17.24.040.A.
5. Licensed residential care facility or group home for 7 or more residents as provided in section 17.24.040.A.

D. Density and Floor Area Ratio.
The following density and floor area ratio standards apply to all development that includes residential uses in this division, including multifamily developments, residential development within mixed-use development, SROs, and co-housing.

1. The developer/property owner may choose to develop property in this zone at a maximum of 81 dwelling units/acre.
2. The maximum non-residential FAR in a mixed-use development is 75%.

E. For lots that are larger than 5,000 square feet, an ADU shall be constructed:
a. when a new residence is proposed on a vacant lot.
b. when a remodel of an existing residence is proposed where 70% or more of structure is demolished.

DIVISION 17.28 ZONE E: ESTATE RESIDENTIAL

Sections:

17.28.010 Intent
17.28.020 Permitted uses
17.28.030 Conditional uses
17.28.040 Regulations

17.28.010 Intent.

Zone E is established for estate residential homes, which tend to be larger lots. The ~~other~~ purposes set forth for Zone A also apply to Zone E.

17.28.020 Permitted uses:

The following are permitted uses in Zone E:

A. Single-family residence. ~~together with accessory structures and associated uses, located on the same lot.~~

B. Rented room, subject to section 17.40.020, or short-term rental, subject to a short-term rental permit under section 17.40.030.

C. Accessory dwelling unit, subject to division 17.38.

D. Small ~~or large~~ family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47. ~~(Ord. 747 N.S., 02/2020)~~

E. Manufactured and mobile homes on a permanent foundation.

F. Low barrier navigation centers.

G. Residential care facilities or group homes that provide licensable services for up to six residents.

H. Residential care facilities or group homes that do not provide licensable services.

I. Supportive housing and transitional housing developments.

J. Accessory structures with accessory uses located on the same lot as the primary structures under this section.

K. Employee housing for 6 or fewer persons.

17.28.030 Conditional uses.

The following are allowed as conditional uses in Zone E:

A. Wireless communication facility, subject to a wireless communication facility permit (rather than a use permit) under division 17.46.

C. ~~B.~~ Residential care facilities or group homes that provide licensable services for seven or more residents.

D. Large family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.

17.28.040 Regulations.

A. The following development standards apply to the development of all uses in Zone E, except those listed in Section 17.28.040.B.~~In Zone E~~:~~In Zone E:~~

	Zone E requirements
Lot area	Minimum 20,000 square feet, subject to exception for accessory dwelling unit construction set forth in division 17.38 or for a lot split under SB 9 set forth in division 17.54~~.~~
Frontage, on public or private street	Minimum 120 feet, subject to an exception for a lot split under SB 9 as set forth in division 17.54~~.~~
Lot coverage; landscaping	Subject to exception for accessory dwelling unit construction set forth in division 17.38: Maximum 40% lot coverage for~~by~~ primary and accessory structures. (A site feature is not calculated in the lot coverage if (1) the feature is not more than 7 feet height and (2) the total of all site features is 400 square feet or less.) Minimum 40% landscaping.
Structure height	Maximum 35 feet, except accessory dwelling units shall be subject to restrictions set forth in division 17.38.
Street yard setback	Minimum 20 feet for primary and accessory structure, subject to exception for accessory dwelling unit construction set forth in division 17.38. No minimum setback for a site feature, but a site feature may require a design review permit, under division 17.66.
Side yard and rear yard setback	Minimum 20 feet for primary or accessory structure, unless the yard is street facing, in which case the minimum is 20 feet, except that a setback of only 4 ~~except that a setback of only four~~ feet is required for a new structure to be used as an accessory dwelling unit, and no setback is required for conversions of an existing structure to an accessory dwelling unit or portion thereof in the same location and same dimensions.**

	However, an accessory structure not to be used as an accessory dwelling unit may be located anywhere within the side and rear setback areas except that it: (a) must be located within 35 feet of the rear lot line; (b) must be located at least 5 feet from a habitable structure on an abutting property, and, for a corner lot, at least 5 feet from a side lot line of an abutting property to the rear; (c) may not exceed 15 feet in height; and (d) may not be habitable. These distance requirements for an accessory structure also apply to a garage or carport attached to a primary structure. No minimum setback for a site feature, but a site feature may require a design review permit under division 17.66. A dwelling unit developed under SB 9 is subject to a 4 foot side and rear setback.
Floor area ratio*	Subject to exception for accessory dwelling unit construction set forth in division 17.38, or for a dwelling unit developed under SB 9 set forth in division 17.54: Maximum 55% of the lot area if the parcel is 5,000 square feet or less. Maximum 50% of the lot area if the parcel is 5,001 square feet to 10,000 square feet. Maximum 45% of the lot area if the parcel is more than 10,000 square feet.

* In order to encourage development within the existing building envelope instead of building outwards or upwards, the floor area ratio standard is not applied to finishing an area into habitable space if: (1) there is no expansion of the exterior building envelope; and (2) the owner has not obtained a final inspection within the prior three years on a building permit issued for an expansion of the building envelope.

** Pursuant to Government Code section 65852.2(a)(1)(D)(vii). (Ord. 743 N.S., 05/2018; Ord. 747 N.S., 02/2020; Ord. 768 N.S., 01/2023)

Please refer to division 17.54 for standards for a lot split and two-unit housing developments performed under SB 9.

B. In Zone E, for uses other than those listed above, the development standards are as follows:

1. Wireless communications facility as provided in division 17.46.

C. For lots that are larger than 5,000 square feet, an ADU shall be constructed:

a. when a new residence is proposed on a vacant lot.

b. when a remodel of an existing residence is proposed where 70% or more of structure is demolished.

ARTICLE 3. SPECIAL REGULATIONS

Divisions:

17.30 Parking
17.32 Fences; Trash enclosures; Corner obstructions
17.34 Landscaping
17.36 Signs
17.38 Accessory dwelling units
17.40 Residential Rentals
17.42 (Not used)
17.44 Home occupations
17.46 Wireless communications
17.48 Cannabis cultivation and facilities
17.50 Non-conforming uses and structures

DIVISION 17.30 PARKING

Sections:

17.30.010 Single family residential and similar use (All zones)
17.30.020 Multi-family residential and similar group residential use (Zones A, B, C and D)
17.30.030 Commercial use and mixed-use residential/commercial (Zone D)
17.30.040 Location of parking spaces
17.30.050 Size and specifications
17.30.060 No reduction of existing parking
17.30.070 Compliance with Americans with Disabilities Act (ADA)

17.30.010 Single family residential ~~use~~and similar use. (All zones)

A. Applicability. This section 17.30.010 applies to the following ~~single family residential~~ uses: single-family residential, small and large family day care homes, manufactured and mobile homes, low barrier navigation centers, supportive and transitional housing, residential care facilities or group homes that provide licensable services for up to 6 residents, residential care facilities or group homes that do not provide licensable services, and employee housing for up to 6 employees, and development projects under division 17.54~~-~~ in any zone:

1. new development; and

2. existing development (which may be nonconforming under division 17.50), when an applicant seeks a building permit or land use approval for an improvement or change that ~~will~~ may affect the need for parking. ~~Either an increase in the number of~~

~~bedrooms~~Exceeding certain underlying zoning regulations as indicated in the table in section 17.30.010.B.1~~, as defined,~~ or an increase in the intensity of use will affect the need for parking. Existing street width and existing demand for on-street parking are factors in considering the intensity of use.

B. Regulations.

1. General.

~~**Dwelling unit**~~	~~**Minimum number of off-street, covered, non-tandem parking spaces**~~
~~Accessory dwelling unit (chapter 17.38)~~	~~0*~~
~~Dwelling unit 700 square feet or less~~	~~1~~
~~Dwelling unit greater than 700 square feet:~~ ~~1-4 bedrooms~~ ~~5-6 bedrooms~~ ~~7 or more bedrooms~~	 ~~2~~ ~~3~~ ~~4~~

Dwelling Unit	**Minimum number of off-street, covered, non-tandem parking spaces**
Accessory dwelling unit (division 17.38)	0*
New primary unit** 800 square feet or less	1
New primary unit** greater than 800 square feet	2
Primary unit that exceeds FAR, lot coverage or structure height of the underlying zone	1 additional parking space; for a maximum total of 3 parking spaces.
SB-9 development (division 17.54)	1 per primary unit. If the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code, then parking is not required for the new primary unit.

* Under Government Code section 65852.2, the city may not require parking for an accessory dwelling unit located within 1/2 mile of public transit, and all Piedmont properties are within 1/2 mile.

** primary unit refers to single family residence, small and large family day care homes, manufactured and mobile homes, low barrier navigation centers, supportive and transitional housing, residential care facilities or group homes that provide licensable services for up to 6 residents, residential care facilities or group homes that do not provide licensable services, and employee housing for up to 6 employees.

2. Parking spaces may not be located within a 20-foot street setback.

3. An applicant may increase the primary dwelling unit up to four bedrooms without adding additional parking, as long as:

a. no existing parking space is eliminated if it creates a nonconformance;
b. the required number of parking spaces are provided, even if uncovered or tandem;
c. the parking spaces are not within the required 20-foot street setback; and
d. section B.4 below does not apply.

4. When considering an application, the city may strictly apply the parking regulations under subsection B.1 above if the proposed construction will have an undue adverse impact on neighborhood vehicular congestion. A determination of undue adverse impact must be based on evidence considering one or more of the following factors: existing street width; existing on-street parking conditions; lack of sidewalks; and street slope and curvature. (Ord. 747 N.S., 02/2020)

17.30.020 Multi-family residential and similar group residential use. (Zones A, B, C and D).

A. Applicability. This section applies to each multi-family and similar group residential use in Zones A, B, C and D, including but not limited to: large family day care home, residential care facilities or group homes the provide licensable services for more than 7 residents, single-room occupancy, co-housing, multi-family residential, senior housing, housing for persons with disabilities, and religious institution affiliated housing.

	~~**Minimum number of off-street, covered, non-tandem parking spaces**~~
~~Accessory dwelling unit (division 17.38)~~	~~0*~~
~~Dwelling unit 700 square feet or less~~	~~1~~
~~Dwelling unit greater than 700 square feet~~	~~1.5~~

	Minimum number of off-street covered parking spaces	
Accessory dwelling unit (division 17.38)	0*	
Multi-family development, Independent living senior housing, independent living disabled persons housing	1 space per studio or 1 bedroom unit 1.5 space per 2 or more bedroom unit	Exception: Planning Commission shall reduce to 50% of required spaces when: a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income households.
Licensed residential facility or group home for 7 or more residents	1 space per bedroom	
Single room occupancies or co-housing	1 space per bedroom Exception: Planning Commission shall reduce to 50% of required spaces when:	

	a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income individuals.	
Religious institution affiliated housing	as provided in Section 65913.6 of the Government Code	
Senior housing, disabled persons housing (Assisted Living)	0.5 space per studio or 1 bedroom unit 0.75 space per 2 or more bedroom unit	Additionally, 1 parking space for each employee on-site at peak staffing.

* Under Government Code section 65852.2, the city may not require parking for an accessory dwelling unit located within 1/2 mile of public transit, and all Piedmont properties are within 1/2 mile.
(Ord. 747 N.S., 02/2020)

B. Additional Parking. Guest or management parking shall be provided for all development types under this section with the exception of accessory dwelling units and religious institution affiliated housing development.

Guest or management Parking	1 space plus an additional parking space for every 10 dwelling units. Exception: Planning Commission shall reduce to 50% of required spaces when: a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income households.

17.30.030 Commercial use and mixed-use residential/commercial. (Zone D).

A. Residential uses in mixed use commercial/residential: same as provided in section 17.30.020.

~~**Dwelling Unit Size**~~	~~**Minimum number of off-street, covered, non-tandem parking spaces**~~
~~Accessory dwelling unit (division 17.38)~~	~~0*~~
~~Studio or 1 bedroom~~	~~1~~
~~2 bedrooms~~	~~1.5~~
~~3 or more bedrooms~~	~~2~~

~~* Under Government Code section 65852.2, the city may not require parking for an accessory dwelling unit located within 1/2 mile of public transit, and all Piedmont properties are within 1/2 mile.~~

B. Commercial uses:

Use Type	Minimum number of off-street, covered, non-tandem parking spaces per floor area	
	First 1,500 square feet	**In excess of 1,500 square feet**
Eating places and similar, high-intensity on premise customer uses	Each 500 square feet: 1[1]	Each 250 square feet: 1[1]
Retail stores, offices, and other low-intensity uses	Each 750 square feet: 1[1]	Each 350 square feet: 1[1]

[1]Or as required by conditional use permit. (Ord. 747 N.S., 02/2020)

17.30.040 Location of parking spaces.
Parking for a permitted use in any zone must be located: (1) on the same lot as the permitted use; (2) not within the street setback; and (3) not between the street-facing facade of a building and the lot line in Zone D. Parking for a conditional use in any zone will be provided as required by the conditional use permit authorizing the use.

17.30.050 Size and specifications.
Except as otherwise provided, a parking space required by this section must have unrestricted access to a public street with a grade not more than 20%. In Zone A, one of every three required parking spaces may be for a compact car, and in Zones C and D, one of every four required parking spaces may be for a compact car.

The minimum parking space dimensions are:
8-1/2 feet x 18 feet, or
7-1/2 feet x 15 feet for compact car.

A minimum 1-foot clearance must be provided between the length side of a parking space and the nearest wall or similar obstruction. (Ord. 743 N.S., 05/2018)

17.30.060 No reduction of existing parking.
Except for (1) the demolition of a garage, carport, or covered parking structure in conjunction with the construction of an accessory dwelling unit, or (2) conversion of a garage, carport, or covered parking structure for use as an accessory dwelling unit, no person may alter, eliminate, or restrict access to an existing parking space unless the Planning Director first determines that the space is (1) unusable, (2) is to be restored or replaced with a parking space which meets the requirements of this division 17.30, or (3) is permitted with a variance approved by the Planning Commission or City Council. For purposes of making this determination, the term unusable means that the parking space is not large enough to contain a compact-sized automobile or that the driveway to the parking space is so steep, narrow or otherwise configured that it precludes safe passage of the vehicle, and that enlargement to permit safe passage would result in severe economic hardship.

No garage or other off-street parking may be altered for a use other than parking, unless otherwise allowed under this chapter. (Ord. 747 N.S., 02/2020)

17.30.070 Compliance with American with Disabilities Act (ADA).

The Chief Building Official may adjust the parking requirements in zones B, C or D without a conditional use permit or design review permit, to meet the requirements of the Americans with Disabilities Act.

DIVISION 17.40 RESIDENTIAL RENTALS

Sections

17.40.010	Purpose and intent
17.40.020	Rented room
17.40.030	Short-term rental
17.40.040	Business license tax
17.40.050	Enforcement

17.40.010 Purpose and intent.

A. Purpose. The purpose of this division is to establish regulations governing the rental of residential property within the city.

B. Intent. By enacting this division 17.40, the city council intends to:

1. Provide a community benefit by allowing alternative forms of lodging, allowing residents to participate in the sharing economy, and allowing residents an opportunity for additional source of income.

2. Allow the renting of homes, apartments, or rooms for periods of 30 days or more.

3. Allow short term renting of single-family dwelling units and rooms in single-family dwelling units for less than 30 consecutive days, while still preserving the single-family character of neighborhoods, and preventing short-term rental activities from becoming a nuisance or a threat to public health, safety or welfare;

4. Establish standards and a permit requirement for short-term rentals; and

5. Prohibit the short-term rental of accessory dwelling units ~~and~~ , multi-family dwelling units, and units developed under division 17.54 to preserve them for long-term housing. (Ord. 742 N.S., 05/2018)

17.40.020 Rented room.

A. Applicability. This section 17.40.020 applies to the rental of a room or rooms in a residential property for a period of 30 consecutive days or longer.

B. Definitions. In this section:

Rented room means the renting of a room or any combination of rooms within an existing single-family or multi-family dwelling unit that meets all of the following requirements:

1. one or more rooms, including at least one bedroom, is rented to a lessee under a rental agreement, not for the entire dwelling;
2. the rental period is a minimum of 30 consecutive days;

3. the tenant has the common use of the primary kitchen facilities, with no temporary or permanent cooking facilities in the rented room(s); and
4. either shared or separate bathroom.

C. General. The owner of a single-family dwelling unit in any zoning district is permitted to rent a rented room in such dwelling unit to a limit of one lessee. With the written consent of the property owner, a tenant has the same right. This provision does not authorize an owner or tenant to operate a boarding house or otherwise rent or sublease more than one rented room per dwelling unit.

D. Safety. The property owner is responsible for assuring that the rented rooms meet building codes. The property owner must either (at the owner's discretion):

1. Request that the city inspect the property to assure that the primary residence and the rented rooms meet building codes, consist of legally existing rooms eligible for use as a bedroom and habitable spaces. The property owner shall pay a nominal inspection fee in the amount established by city council resolution; or

2. Submit to the city a signed safety declaration in a form prepared by the city, to be kept in the property file at the city. (Ord. 742 N.S., 05/2018)

17.40.030 Short-term rental.

A. Applicability. This section 17.40.030 applies to short term rentals of less than 30 consecutive days. The short-term rental must be located in a single-family dwelling unit that is the primary residence of the property owner or long-term tenant. It may not be located in an accessory dwelling unit (permitted or unintended), a ~~or~~ multi-family dwelling unit, or a dwelling unit created under division 17.54. The short-term rental may be hosted or non-hosted.

B. Definitions. In this section:

Advertising platform means any online site that provides a means for the host to advertise or otherwise offer for rent a short-term rental.

Host or *hosted* means the primary occupant of the dwelling is present during the short-term rental. *Non-hosted* means the primary occupant is not present during the short-term rental.

Operate means the operation of a short-term rental, and includes the acts of establishing, maintaining, or listing for rent a short-term rental with an advertising platform.

Primary Occupant means an occupant who is either the owner of the dwelling or a long-term tenant in the dwelling with a month-to-month lease or lease of a longer duration.

Short-term rental means the use of a dwelling unit, or portion of it, for a rental of less than 30 consecutive days.

Unintended accessory dwelling unit means a living space which meets the definition of an accessory dwelling unit, but which is not approved for habitation as an independent dwelling unit under the provisions of division 17.38. An unintended accessory dwelling unit may include a guest cottage, pool house, or rent-free unit for an au pair, domestic employee or family member.

C. Short-Term Rental Permit; Permit Issuance. No person may operate a short-term rental without first obtaining a short-term rental permit. A short-term rental permit may be approved by the Director, provided that the Director determines the applicant has met the following requirements:

1. Application. The applicant must complete an application on a form provided by the city, accompanied by a fee established by city council resolution.

2. Property owner consent. If the applicant is a tenant, he or she must demonstrate written approval of the property owner to allow short-term rentals.

3. Insurance. The applicant must provide evidence of, and maintain, general liability insurance of at least $1,000,000 during the term of the short-term rental permit that covers the applicant's short-term rental operations.

4. Contact information. The applicant must provide current contact information to the city, and information regarding the advertising platform(s) to be used.

5. Safety. The dwelling or rooms serving as a short-term rental must have a smoke detector, carbon monoxide detector, fire extinguisher, and adequate egress, all as determined by the chief building official. The applicant must either (at the applicant's discretion):

a. Request that the city inspect the property to assure that the primary residence and the rented rooms meet building codes, consist of legally existing rooms eligible for use as a bedroom and habitable spaces. The property owner shall pay a nominal inspection fee in the amount established by city council resolution; or

b. Submit to the city a signed safety declaration in a form prepared by the Director, to be kept in the property file at the city.

D. Appeals. Any interested party may appeal any decision by the Director to approve or deny a short-term rental permit pursuant to division 17.78 of the Piedmont Municipal Code. No permit shall be deemed issued or effective until the appeal period set forth in division 17.78 has expired.

E. Permit Term and Renewal. A short-term rental permit is valid until December 31 of the year it is issued, unless suspended or revoked. The permittee may renew the permit annually, by submitting a renewal application and fee before the expiration of the permit.

F. Operating standards. A short-term rental is allowed only if it conforms to these standards:

1. Permit. The short-term rental is operated under a short-term rental permit issued by the city in accordance with Section 17.40.030.

2. 2-night minimum. The short-term rental must be rented for a minimum of two consecutive nights.

3. 60 days maximum. The short-term rental may not be rented more than 60 days in a calendar year.

4. No Events. The short-term rental may be used for dwelling, sleeping or lodging purposes, but may not be rented for any other commercial purpose, including temporary events or gatherings.

5. Guest Safety. The short-term rental permittee must provide the following materials electronically to any guests before arrival and make available printed materials on-site for the guest with the following information:

a. A diagram of exits, fire extinguisher locations, and fire and police contact numbers;

b. The short-term rental permittee's contact information;

c. The city's noise regulations (sections 12.8 – 12.12);

d. The city's smoking ordinance (chapter 12, article II);

e. The city's garbage and recycling guidelines (available on the city's website, or a print copy of the residential services guide: *recycling, organics and garbage*).

6. Current Information. The short-term rental permittee shall, during the term of the permit, promptly inform the Director regarding any changes regarding information provided in the application, including contact information and information regarding advertising platforms used by the permittee to advertise the short-term rental. (Ord. 742 N.S., 05/2018; Ord. 747 N.S., 02/2020)

17.40.040 Business license tax.
A person renting a room or operating a short-term rental is considered to have rental property and must pay an annual business license tax under City Code chapter 10. (Ord. 742 N.S., 05/2018)

17.40.050 Enforcement.
The city may enforce this division by any means permitted by law, including but not limited to those set forth in chapter 1 (General Provisions), article 2 (Code Enforcement) of this code, or under division 17.80, Enforcement. The city council may establish fines by resolution. (Ord. 742 N.S., 05/2018)

DIVISION 17.52 DENSITY BONUS

Sections:

17.52.010 Purpose and intent
17.52.020 Applicability
17.52.030 Definitions
17.52.040 Compliance with State Density Bonus Law
17.52.050 Application Requirements
17.52.060 Density Bonus Calculation
17.52.070 Application Review Procedure
17.52.080 Affordability Requirements
17.52.090 Appeal Process

17.52.010 Purpose and intent

The purpose and intent of this division is to implement the State Density Bonus Law as required by California Government Code Section 65915(a), and the Housing Element of the Piedmont General Plan, by providing incentives for the production of housing that is affordable to moderate, low or very low-income households, senior housing, or includes childcare facilities in accordance with Sections 65915 *et seq.* of the California Government Code.

17.52.020 Applicability

This division shall apply to any housing development project that is eligible to receive a density bonus pursuant to the State Density Bonus Law.

17.52.030 Definitions

In this division:

Administrative Guidelines means guidelines and procedures promulgated by the Director that may be modified from time to time to effectively implement this ordinance.

Affordable units means the proposed housing units available for rent or sale to households pursuant to State Density Bonus Law, as defined in Government Code section 65915 subdivision (b), as may be amended.

Base units means the total number of units in a housing development, not including units added through a density bonus pursuant to this division.

Concession shall have the same meaning as the term "concession or incentive" pursuant to State Density Bonus Law, as defined in Government Code section 65915 subdivision (k), as may be amended.

Density bonus means a density increase over the otherwise maximum allowable residential density for a housing development as of the date the application is deemed complete, as prescribed by State Density Bonus Law, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

Housing development shall have the same meaning as the term "housing development" pursuant to State Density Bonus Law, as defined in Government Code section 65915 subdivision (i), as may be amended.

Identifiable and actual cost reduction to provide for affordable housing means a reasonably quantifiable cost reduction that would be achieved for a housing development through a concession.

Maximum allowable residential density means the maximum residential density allowed for a housing development under this division and the land use element of the general plan. For purposes of this definition, residential density shall be calculated based upon the gross acreage of a housing development. If a housing development is proposed to be located on any property without a defined dwelling unit per acre standard, the maximum allowable residential density shall be the base density as established by the applicant pursuant to Section 17.52.050 B.

Reasonable documentation to establish eligibility for a concession means a credible written explanation or other documentation demonstrating to the reasonable satisfaction of the Director or designee that a concession will achieve an identifiable and actual cost reduction to provide for affordable housing.

State Density Bonus Law means California Government Code Section 65915, *et seq*, as the same may be renumbered or amended.

Waiver means a waiver or a reduction as the terms are used in California Government Code Section 65915 and in particular in Section 65915(e) thereof, and means any and all changes to or exemptions from physical lot development standards that are required to avoid precluding the construction of a housing development with density bonus units, as set forth in Section 65915(e), as may be amended. The City may request reasonable documentation from the applicant to support the request.

17.52.040 Compliance with State Density Bonus Law

The City shall comply with all provisions of State Density Bonus Law. The Director shall have the authority to prepare, adopt, and periodically update administrative guidelines consistent with this division and State Density Bonus Law, as mandated by state law without further action of the Planning Commission or City Council, to reflect changes in state law.

17.52.050 Application requirements.

A. An applicant requesting a density bonus pursuant to State Density Bonus Law must submit the following information as part of an application or amended application for a housing development in order for their application to be deemed complete:

1. A project summary table demonstrating the basis under State Density Bonus Law on which the applicant is requesting a density bonus, including the maximum allowable density permitted by the zoning and general plan designations excluding any density

bonus; base units; proposed number of affordable units by income level; proposed bonus percentage; total number of dwelling units; residential gross floor area and total gross floor area proposed; density per acre; proposed number of parking spaces; and unit and bedroom counts and unit types for the purpose of calculating parking requirements;

2. A preliminary site plan drawn to scale, showing the number and location of all proposed units;
3. A legal description of the site;
4. A boundary survey;
5. An identification of the maximum density bonus to which the housing development is entitled on the basis requested;
6. An identification of any concession(s) sought and reasonable documentation consisting of a detailed written statement to establish eligibility for the concession(s);
7. An identification of any waiver(s) sought and a detailed written explanation of why the development standard from which any waiver is sought would have the effect of physically precluding the construction of the housing development at the density and with any concession(s) or parking ratio reduction sought;
8. If the housing development is proposed on any property that includes a parcel or parcels with existing dwelling units or dwelling units that have been vacated or demolished in the five-year period preceding the application, an explanation of how the project meets State Density Bonus Law's replacement housing requirements, if applicable, set forth in Government Code section 65915 subdivision (c)(3), as may be amended;
9. If the density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control and reasonable documentation that each of the requirements pursuant to State Density Bonus Law, set forth in Government Code section 65915 subdivision (g), as may be amended, can be met;
10. If the density bonus or concession requested is based all or in part on the inclusion of a child-care facility, a written summary addressing the eligibility requirements pursuant to State Density Bonus Law, as set forth in Government Code section 65915 subdivision (h), as may be amended, have been met; and
11. If the density bonus or concession is based all or in part on the inclusion of affordable units as part of a condominium conversion, written summary addressing the eligibility requirements pursuant to State Density Bonus Law, set forth in Government Code section 65915.5, as may be amended, have been met.

B. Building permit. A building permit shall be required for construction or modification of a residential unit as set forth in the California Residential Code and other building standards adopted by the City.

17.52.060 Density Bonus Calculation

Density Bonuses must be calculated as set forth in State Density Bonus Law, and pursuant to the Administrative Guidelines.

17.52.070 Application Review Procedure

A. A density bonus application must accompany a housing development project application. The Director shall provide the applicant with notice whether the application is complete consistent with Government Code section 65943.

B. The Director shall process the density bonus application concurrently with all other applications required for the housing development. The body considering the housing development project will also be the reviewing body for the density bonus request.

C. At the time the application is deemed complete, the Director shall provide the applicant with a determination regarding the amount of density bonus and the parking ratio for which the housing development is eligible and whether adequate information has been submitted for the Director to make a determination or recommendation, as applicable, regarding any requested concessions and waivers.

D. The application for a density bonus shall be accompanied by an application fee in the amount established by City Council resolution.

E. The Director shall provide the applicant notice of financial assistance that may be available upon determining that the application is complete.

F. If the proposed housing development would be inconsistent with State Density Bonus Law, then the planning director shall provide the applicant notice describing the inconsistency(ies) pursuant to the Housing Accountability Act, Government Code section 65589.5.

G. Project Findings. All requests for density bonuses, concessions, parking ratios, or waivers shall be considered and acted upon by the approval body with authority to approve the housing development within the timelines prescribed by Government Code Sections 65950 et seq. The approval body shall grant the request(s) pursuant to state Density Bonus Law if the following findings are met:

i. The project is a housing development that qualifies for a density bonus and meets all applicable eligibility requirements;

ii. The housing development has provided sufficient affordable units or otherwise meets all eligibility requirements;

iii. If a reduced parking ratio is requested, the housing development meets all eligibility requirements, unless the City makes certain findings pursuant to State Density Bonus Law, as set forth in Government Code section 65915 subdivision (p)(8), as may be amended;

iv. If concessions are requested, the housing development meets all eligibility requirements, unless the City makes certain findings pursuant to State Density Bonus Law, as currently defined in Government Code section 65915 subdivision (d)(1), as may be amended; and

v. If waivers are requested, the development standards requested to be waived would physically preclude construction of the housing development at the density and with any concession(s) or parking ratio reduction sought, unless the City makes certain findings pursuant to State Density Bonus Law, as set forth in Government Code section 65915 subdivision (e)(1), as may be amended.

17.52.080 Affordability Requirements

A. Affordable rental units provided by a housing development to meet State Density Bonus Law requirements shall be subject to an affordable housing agreement recorded against the housing development with a fifty-five (55) year term commencing upon the issuance of certificates of occupancy. The form of the affordable housing agreement shall be approved by the City Attorney.

B. For-sale affordable units provided by a housing development to meet State Density Bonus Law requirements shall be subject to a recorded affordable housing agreement with a minimum 45-year term commencing upon the issuance of certificates of occupancy in a form approved as to form by the City Attorney . The affordable housing agreement shall, at a minimum, require that:

1. Each for-sale affordable unit shall be sold to an income qualified household at an affordable housing cost, as defined in the affordable housing agreement; and
2. Each for-sale affordable unit shall be sold to the initial purchaser subject to a recorded resale restriction agreement approved as to form by the City Attorney, which shall:
   a. Have a forty-five (45) year term or longer if required by another public financing source or law;
   b. Restrict the resale price of the unit to an affordable housing cost, as defined in the resale restriction agreement; and
   c. Require that if the unit is sold to a subsequent purchaser during the term of the agreement, the purchaser shall purchase the unit subject to a resale restriction agreement approved as to form by the town attorney with a new forty-five (45) year term or longer if required by another public financing source or law.

17.52.090 Appeal Process

Any interested parties may appeal any decision to approve or deny a density bonus permit application pursuant to division 17.78 of the Piedmont Municipal Code. No permit shall be deemed issued or effective until the appeal period set forth in division 17.78 has expired.

DIVISION 17.54 URBAN LOT SPLITS and TWO-UNIT HOUSING DEVELOPMENTS (SB 9)

Sections

17.54.010 Purpose and intent
17.54.020 Permit requirement
17.54.030 Definitions
17.54.040 Permit Application and review procedures
17.54.050 Urban Lot Split Standards
17.54.060 Two-Unit Housing Development Standards
17.54.070 Accessory Dwelling Units
17.54.080 Waivers from Standards

17.54.010 Purpose and intent

The State Legislature has declared that local jurisdictions must allow for a ministerial review of up to two residential dwelling units on each lot where single-family uses are authorized, and urban lot splits in order to allow for the construction of additional housing units. (Government Code Sections 66411.7 and 65852.21.) Proposed housing developments of up to two dwelling unit and urban lot splits shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development or urban lot split meets all of the applicable requirements. This division shall adhere to the Government Code sections referenced below, which Government Code provisions may be amended from time to time. This division shall be interpreted in accordance with state law requirements.

17.54.020 Permit requirement

A. SB9 – Urban lot split permit. A permit is required for an urban lot split under the provisions of Government Code Section 66411.7.

B. SB9 – Two-unit housing development permit. A permit is required for a housing development of up to two units under the provisions of Government Code section 65852.21.

C. An application for a two-unit housing development permit may be submitted in conjunction with an urban lot split permit application.

D. Building permit. A building permit shall be required for construction of any proposed new dwelling units.

17.54.030 Definitions

In this division:

Accessory dwelling unit or "ADU" shall have the same meaning as specified in Section 17.38.020 of the Piedmont City Code.

Existing dwelling unit means a primary dwelling unit or other dwelling unit on a parcel that exists prior to any voluntary demolition or reconstruction or remodel where more than 50 percent of the exterior wall framing has been removed or altered. Any existing dwelling

unit where more than 50 percent of the exterior wall framing has been removed is considered a new dwelling for purposes of this division.

Flag lot means a parcel that has less than the minimum required frontage on a public road and has access to the public right-of-way by a narrow strip of land, with the largest portion of the lot being situated behind adjoining lots which front a public right-of-way.

Junior accessory dwelling unit or "*JADU*" shall have the same meaning as specified in Section 17.38.020 of the Piedmont City Code.

Primary dwelling unit means a single-family residence or a residential unit within a multi-family residential development. A primary unit is distinct from an ADU or a JADU. Examples of primary units include a single-family residence (i.e., one primary unit) and a duplex (i.e., two primary units).

SB 9 dwelling unit or *SB 9 unit* means a dwelling unit that is developed using the provisions in this division and the provisions identified in California Government Code Section 65852.21.

Two-unit housing development means a development containing no more than two primary dwelling units. A two-unit housing development may include two new units or one new unit added to an existing unit.

Unusual shape means a property with more than 6 sides. The lot lines shall have lot angles, unless the curvature of an existing street or lot line precludes the possibility of a right-angled corner.

Urban lot split means the subdivision of a parcel within a residential single-family zone into no more than two parcels pursuant to the authority set forth in Government Code section 66411.7.

17.54.040 Permit application and review procedures

A. Application.

1. Application. An owner is required to submit an application for an urban lot split permit and a two-unit housing development permit. An application for an urban lot split may be submitted concurrently with an application for a two-unit housing development. A complete application will be reviewed for conformance with this division and the applicable standards by the Planning & Building Director.

2. Application fee. The owner shall pay an application fee in the amount established by City Council resolution.

3. Affidavit. Upon the submittal of an urban lot split application, the property owner must sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum period of three years from the date of the lot split. If there

is no residence existing on either lot, the applicant shall sign the affidavit stating that they will intend to live in one of the new units for a minimum of three years.

B. Ministerial Review. The Director shall review each application ministerially to determine if the development standards in section 17.54.050 are met for an urban lot split or the development standards in section 17.54.060 are met for a two-unit housing development. The Director will review the application without notice or public hearing, and shall approve the application of the application meets the applicable requirements of the division.

C. Subdivision Map Act. An application for an urban lot split permit must adhere to the objective requirements outlined in the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section. A tentative map shall be submitted to the City Engineer for a lot split application.

D. Inconsistencies. If the proposed urban lot split or two-unit housing development is inconsistent with applicable requirements, the planning director shall provide the applicant notice describing the inconsistency(ies) in the same manner prescribed by Government Code section 65589.5(j)(2).

E. Decision and conditions. The Director shall render a decision in writing and shall state the reasons for approval or denial. The decision of the Director shall be final. The City may deny an urban lot split permit or a two-unit housing development permit if the Director makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

17.54.050 Urban Lot Split Standards

The Director may not approve an application for an urban lot split permit unless the project conforms to all of the standards listed below. A waiver may be granted for an exception to the standards as described under section 17.54.080.

A. Size Requirements

1. The parcel subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
2. The newly created parcels are no smaller than 1,200 square feet.

B. Location Requirements

1. The parcel is not located in an area identified in subparagraphs (B) to (K) of paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.
    a. The parcel is not located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to

Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

b. The parcel is not located on a hazardous waste site, as defined by Government Code Section 65913.4(a)(6)(H).
c. The parcel is not located within a special flood hazard area subject to inundation by the one percent annual chance flood (one hundred (100)- year flood) as defined by Government Code Section 65913.4(a)(6)(G).
d. The property is not located within a regulatory floodway, as defined by Government Code Section 65913.4(a)(6)(H).

2. The proposed urban lot split would not require demolition or alteration of the housing types listed in Government Code section 66411.7(a)(3)(D)(i)-(iv). following types of housing:
    a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
    b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
    c. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 of the California Government Code (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
    d. Housing that has been occupied by a tenant in the last three years.
3. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
4. The parcel has not been established through prior exercise of an urban lot split as provided for in this division.
5. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this division.

C. <u>Lot Configuration</u>

1. Access to Public Right-of-Way. The new parcel shall have vehicular access to the public right-of-way, either through direct lot frontage or an easement through the existing parcel.
2. Existing Dwelling Unit. If an urban lot split is proposed for a property with an existing dwelling unit, the split must result in the existing dwelling unit being completely located on one parcel.
3. Lot Frontage. The lot shall have a minimum frontage of 60 feet, unless the frontage requirement precludes the development of two lots containing an 800 square foot primary

structure. A new lot may be accessed via an easement across a pre-existing lot that contains street frontage.

4. Flag Lots. Flag lots are not permitted under an urban lot split permit. If a new parcel is created without direct access to the public right-of-way, an easement shall be provided through the original lot. The easement shall meet the following requirements:
    a. The easement shall have a minimum width of 12 feet.
    b. The easement shall provide access for utilities to be connected to the public right-of-way.
5. The side line of all lots shall be at right angles to the street which the lot faces, or approximately radial to the center of the curvature, if the street is curved. Side lines of lots shall be approximately radial to the center of the curvature of a cul-de-sac on which the lot faces.
6. For a newly created lot that is located in both Piedmont and Oakland, the applicant shall obtain all the required permits in both jurisdictions.
7. Lots of an unusual shape, as defined in section 17.54.030, are not permitted.
8. Access to the new lot shall meet the driveway width and slope standards outlined in Chapter 3.07 of the Piedmont Design Standards and Guidelines.

D. Utilities
1. The new parcel shall have separate utilities, including but not limited to electric, gas, water, and sewer. The new parcel shall adhere to the standards outlined in the Piedmont Public Works Standards.
2. Utility easements shall be recorded prior to final map recordation.

17.54.060 Two-Unit Housing Development Standards

The Director may not approve an application for a two-unit housing development permit unless the project conforms to all of the standards listed below. A waiver may be granted for an exception to the standards as described under section 17.54.080.

A. Size.
    a. The SB 9 unit is no more than 800 square feet in size.
    b. For an SB 9 unit that exceeds the 800 square foot size limit, the SB 9 unit shall meet the floor area ratio criteria for the underlying zoning district, unless the development falls under section E below.

B. Height. The maximum height of a new SB 9 unit shall meet the requirements of the underlying zoning district.

C. Setbacks.
    a. The side and rear setback is four feet for an SB 9 unit in any zone.
    b. The street-side setback, including for corner lots, is 20 feet.
    c. For the development of a new SB 9 unit within an existing structure that does not meet the four-foot setback requirement, the new unit is allowed to keep the nonconforming condition so long as the nonconformity is not increased within the setback area. The converted structure must be in the same footprint and dimensions as the existing non-conforming structure.

D. Parking. New SB 9 units are required to have at least one parking space that meets the size requirements in Section 17.30 of the Piedmont City Code. If the parcel is located within one-

half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code, then parking is not required for the new SB 9 unit.

E. Lot Coverage.
   a. When a two-unit housing development is proposed on a new lot created pursuant to the urban lot split provisions specified in this division, the new SB 9 unit(s) shall conform to the structure coverage, landscape coverage, and floor area ratio of the underlying zoning district.
   b. When a new SB 9 unit is constructed on a lot with an existing dwelling unit, the floor area ratio may exceed the code required maximums so long as structure and landscape coverage conform to the requirements of the underlying zoning district.

F. Path of Travel. The path of travel to the new SB 9 unit shall be clearly marked by providing an address marker visible from the street and at the main entry door to the new unit. If needed, path lights shall also be installed. The path of travel shall have a minimum width of 3 feet.

17.54.070 Accessory Dwelling Units

Accessory dwelling units (ADU) and junior accessory dwelling units (JADU) are permitted on a parcel that has undergone an SB9 urban lot split or is a two-unit housing development that conforms with California Government Code Sections 65852.2 (ADUs) and 65852.22 (JADUs). Once a parcel has been divided pursuant to the urban lot split provisions, the maximum number of dwellings on each resulting parcel, inclusive of any ADUs or JADUs, is two. On a parcel with a two-unit housing development, the maximum number of units allowed is four (inclusive of two primary units, an ADU, and a JADU).

17.54.080 Waivers from Standards

A. An applicant may request a waiver from the development standards provided in this division if the following criteria are met:

   1. Application. The applicant requests an exception as a part of the application materials.

   2. Approval Authority. The exception request shall be submitted to the Director for review. The Director shall determine if the exception meets the standards for approval.

   3. Standards for Approval. An exception from a development standard shall be granted if the standard would have the effect of physically precluding:
      (1) an urban lot split where the minimum lot size is at least 1,200 square feet for both parcels; or
      (2) the construction of up to two units, or precluding either of the two units from being at least 800 square feet in floor area.

      A waiver cannot be approved for an application that proposes new construction within the four-foot side and rear setbacks.

ARTICLE 5. DEFINITIONS; MEASUREMENTS

17.90.010 Definitions
17.90.020 Measurements

17.90.010 Definitions.
In this chapter:

Abutting means next to, or against. It does not include a property across a street.

Accessory use. See *Uses.*

Adjacent means next to, or against. For notification purposes, it includes a property directly across a street.

Affordable housing and related definitions. See section 17.38.020.

Americans with Disabilities Act or *ADA* means the federal act that prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, government services, public accommodations, commercial facilities, and transportation, including amendments made to the Act.

Assisted living means housing that provides a special combination of traditional housing with personalized supportive services and care.

Basement means that portion of a building that is partly or completely below grade.

Bedroom includes any room with features generally characteristic of bedrooms, regardless of its designation on a building plan. A bedroom has adequate privacy and meets the minimum size and habitation requirements of the Building Code. It includes and is not limited to a room with: (a) access to a full bathroom on the same floor or within half a floor, if the house has a split level; (b) access to a full bathroom through a common hallway or other common space such as a kitchen, living room and/or dining room. A *bedroom* need not have a closet.

Building means a structure for the support, shelter, or enclosure of persons, animals, or possessions. See also *Structure*.

> *Nonconforming building* means a building or structure which was legally established, but which does not conform to the regulations of the zone in which it is presently located. See division 17.50.

Building Code means the California Building Codes adopted by the city at chapter 5.

Business (license) tax. See chapter 10.

City Code means the Piedmont City Code.

Co-housing means rental communities or developments where shared common spaces, such as kitchens, living rooms, and outdoor areas, are managed communally or by the landlord, but each household has a private bedroom or living space. A "Co-housing unit" means a unit rented for periods of 30 days or more containing one or more private bedrooms and providing a minimum of one shared living room, kitchen, and bathroom for every five bedrooms or fewer.

Conditional use permit or *use permit*. See division 17.68.

Day means a calendar day, unless stated otherwise. (See also section 17.04.080 regarding extensions of time for holidays and weekends.

Day care facility means an existing or proposed building, equipment and any accessory structures on a site, in which there are programs and personnel licensed by the state for direct child or adult care services including, but not limited to shelter, food, education and play opportunities for a portion of the day.

~~*City Code* means the Piedmont City Code.~~

~~*Conditional use permit* or *use permit*. See division 17.68.~~

Daylight plane. See Section 17.90.020, Measurements.

Density (residential) means the General Plan established minimum and maximum densities for residential uses in all parts of the city. Residential density is a computation expressing number of dwelling units per acre. See Section 17.90.020, Measurements for density calculation.

Director or *Planning Director* means the City Planning Director or his or her designee.

Dwellings:

Accessory dwelling unit. (Formerly *second unit*.) See division 17.38.

Dwelling unit means a room or a suite of connecting rooms, which provides complete, independent living quarters for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, and which complies with all building code requirements.

Dwelling unit, studio means any dwelling unit wherein one habitable room provides for combines living, sleeping, cooking, dining, and sanitation.

Multi-family dwelling means a residential structure containing more than one dwelling unit and designed to be occupied by more than one family independently of each other.

Primary unit means a principal single-family dwelling.

Rented room. See section 17.40.020.

Single-family dwelling or *single-family residence* means a building or structure, which is designed or used exclusively as a residence, including only one dwelling unit ~~for one family~~.

Short term rental. See section 17.40.020.

Emergency Shelter means housing with minimal supportive services that is limited to occupancy of up to 180 days by persons who are homeless, victims of domestic violence, individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.). Emergency shelter shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

Employee Housing means housing provided by an employer and maintained in connection with any work or place where is being performed, as more particularly defined in California Health and Safety Code Subdivision 17008, or successor statute, as may be amended from time to time.

Fair Housing Laws means (1) the Federal Fair Housing Act (42 U.S.C. § 3601 and following) and (2) the California Fair Employment and Housing Act (Govt. Code § 12955 and following), including amendments to them.

~~*Family* means the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit including the joint use of and responsibility for common areas, sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses. If the dwelling unit is rented, this means that all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease for the entire dwelling, with joint use and responsibility of the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than by the landlord or property manager.~~

Family means: (i) two or more persons related by birth, marriage, or adoption, or (ii) an individual or a group of persons living together who constitute a bona fide housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.

Fence. See Measurements.

Floor area. See Measurements.

Footprint. See Measurements.

Frontage. See Measurements.

Grade. See Measurements.

Ground floor is the floor level in a commercial or mixed-use building nearest the lowest adjacent grade.

Group home means housing shared by unrelated persons with disabilities that provide peer and other support for their resident's disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.

Hearing body or *appeal body* means the Planning Director, Planning Commission, or City Council authorized under this chapter to hear a matter.

Home occupation. See division 17.44.

Improvement(s) means any building, structure, landscaping, or other alteration of the natural or existing state of land.

Includes means includes but not limited to.

Independent living means housing that is designed to enable seniors to live an independent lifestyle that includes recreational, educational, and social activities.

Kitchen:

Kitchen, accessory means permanent facilities for the purpose of food storage, preparation and/or cooking, located on a single-family residential property, which are accessory and incidental to a primary kitchen. An accessory kitchen includes, but is not limited to: kitchen facilities or a wet-bar in a pool house, guest cottage, domestic quarters, or recreation room; or a wet-bar or outdoor kitchen.

Kitchen, primary means the main kitchen facilities within a single-family residence or accessory dwelling unit having permanent facilities for the purpose of food storage, preparation and cooking.

Landscape; hardscape; *open space:*

Landscaping means the planting, irrigation, and maintenance of land with living plant and other organic materials.

Hardscape surface means any non-landscaped surface where vegetation would not easily grow. See Measurements at section 17.90.020.

Open space means an expanse of land that is essentially unimproved except for vegetation and walkways.

Living space means space within a dwelling unit or accessory structure used for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.

Lots; lot lines:

Lot means a parcel of land under one ownership.

Corner lot means a lot located at the intersection of two or more streets and with frontage on at least two of those streets.

Interior lot means a lot not defined as a corner lot or a through lot.

Lot line means one of the boundary lines of a lot.

Rear lot line is the lot line most directly opposite the street lot line.

Side lot line means a lot line that is not defined as a street lot line or rear lot line.

Street lot line means a lot line along a street.

Through lot means a lot both the street lot line and rear lot line of which have frontage on a street.

Low Barrier Navigation Centers means a low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing, as more particularly defined in California Government Code section 65600, or a successor statute, as may be amended from time to time.

Low-income household means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to California Health and Safety Code Section 50052.5.

Manufactured home means a single-family detached or attached structure that is either wholly or substantially manufactured off-site, to be wholly or partially assembled on site, manufactured under the authority of 42 USC Section 5401, the National Manufactured Home Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes. It is transportable in one or more sections, is built on a permanent chassis, and is used as a residence, but is not constructed with a permanent hitch or other device allowing transport other than for the purpose of delivery to a permanent site, and does not have wheels or axles attached permanently to its body.

Minor servicing means any premises developed with facilities for the sale of motor vehicle fuels; and which may also provide lubricants, tires, batteries, accessory items, and other customary services for motor vehicles. The servicing of motor vehicles shall be generally limited to lubrication, minor repairs, and washing. Minor servicing shall not include major motor vehicle repair.

Mobile home means a transportable, manufactured home, designed to be used as a year-round residential dwelling unit, connected to required utilities, and built prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, which became

effective June 15, 1976. A mobile home does not include a recreational vehicle, motor coach, trailer coach or travel trailer.

Multifamily means a building designed or used exclusively as a residence that includes two or more separate dwelling units. This definition includes, but not limited to, duplexes and triplexes, apartments, and townhomes under a common ownership.

Peak staffing means the maximum number of employees on site at any point in time.

Person means an individual natural person, firm, corporation, association, organization, partnership, limited liability company, business trust, corporation or company, or the authorized agent of the person. It includes a governmental entity other than the city.

Public transit stop means a regularly scheduled bus stop, as posted in a transit agency's most current publication of routes and stops, including but not limited to Alameda-Contra Costa Transit District (AC Transit) bus service.

Reasonable accommodation. See division 17.78.

Religious assembly means a facility for religious worship and incidental religious education and social functions, but not including a private school.

Religious institution affiliated housing is as defined in California Government Code section§ 65913.6(a)(5) or a successor statute, as may be amended from time to time.

Religious institution affiliated emergency shelters means emergency shelters, as defined above, that meet the locational requirement for religious institution affiliated housing.

Religious-use parking spaces means parking that are required under the local agency's parking requirements for existing places of worship, or parking spaces that would be required in a proposed development for a new place of worship.

Residence. See *Dwelling*.

Residential care facilities means facilities for residential care for the elderly, adult residential facilities, group homes for children, and small family homes for children. Residential care facilities that provide licensable services provide licenses under State law. Residential care facilities that do not provide licensable services may provide some supportive services for their residents but not services that require licenses under State law.

Rented room. See section 17.40.020.

Setback. See Measurements, section 17.90.020.

Short-term rental. See section 17.40.030.

Sign. See section 17.36.010.

Single-room occupancy (SRO) means a type of group residential use where there are at least five single rooms with no more than two occupants in each unit. The single rooms are habitable rooms that may have a bathroom and/or limited cooking facilities, and are intended for combined living and dining purposes.

Street means a public vehicular roadway. It does not include a public alley, or a private roadway. (A list of streets is set forth in the Piedmont Design Guidelines.)

Structure; Site feature:

Accessory structure means a detached structure, the use of which is appropriate, incidental to, and customarily or necessarily related to the zone and to the principal use of the lot or to that of the primary structure.

Deck. See Measurements, section 17.90.020.

Primary structure means the structure on a lot in which the principal use is conducted. It does not include an accessory structure, site feature, underground facility, built feature listed in Building Code section 5.2.2, on-grade improvement, or temporary handicap structure.

Site feature means a subordinate structure that is intended to functionally or decoratively enhance a property and that is primarily used for recreation, decoration or as a utility feature. A list of site features is set forth in the Piedmont Design Guidelines. *Site feature* does not include an accessory structure, primary structure, or built feature listed in Building Code section 5.2.2.

Structure means a built feature that is located or attached to the ground, and that is 12 inches or higher above existing or proposed grade. *Structure* does not include fencing or retaining walls. See also *Building*.

Structural change means a physical change, addition, or reduction in an exterior wall, an interior bearing wall, a floor, or a roof and/or the addition of a new structure.

Supportive housing means housing with no limit on length of stay that is linked to on-site or off-site services, as more particularly defined in Health and Safety Code section 50675.14(b)(2), or successor statute, as may be amended from time to time, respectively.

Transitional housing and transitional housing development means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months, as more particularly defined in Health and Safety Code section 50675.2(h), or successor statute, as may be amended from time to time, respectively.

Uses.

Use means the purpose for which a parcel or improvement is designed, arranged, or intended.

Accessory use means a use that is appropriate, subordinate, incidental, and customarily or necessarily related to a lawfully existing principal use on the same lot.

Conditional use means a principal use for which a conditional use permit is required. (See division 17.68. See also wireless communication facility permit at division 17.46.)

Mixed use commercial/residential means a development that combines commercial and residential uses and has both (a) ground floor retail, office or service commercial; and (b) a multi-family residential dwelling. See Measurement.

Nonconforming use means a use that was legally established consistent with the zoning in effect at the time of its establishment, but which does not conform to the regulations of the zone in which it is presently located. See division17.50.

Permitted use means a principal use that is allowed as a matter of right in a particular zone.

Principal use means the primary use permitted or conditionally permitted on a lot.

Variance. See division 17.70.

View means an existing significant view involving more than the immediately surrounding properties or a view of sky, including, but not limited to, any of the following: city skyline, historic landmark, bridge, distant cities, geologic feature, significant hillside terrain, wooded canyon or ridge.

Wireless communication facility and related definitions. See section 17.46.020.

Yards.

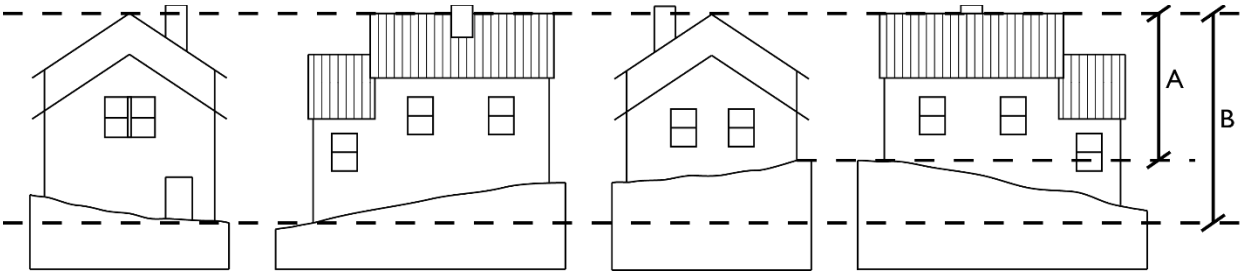
Rear yard means a yard abutting the rear lot line, measured between the rear lot line and the nearest point of the primary structure.

Side yard means a yard measured between the side lot line and the nearest point of the primary structure.

Street yard means a yard facing a street, measured between the street lot line and the nearest point of the primary structure. (Ord. 742 N.S., 05/2018, Ord. 747 N.S., 02/2020)

17.90.020 Measurements

Building height is measured from the average level of the highest and lowest point of that portion of the ground covered by the footprint of the building to the highest point of the roof edge, penthouse, mechanical equipment, or parapet wall. *Building height* is not measured to the highest point of a chimney or communications antenna.



(A + B)/2 = Building height

Building height of an accessory dwelling unit is measured from the average level of the highest and lowest point of that portion of the ground covered by the footprint of the *accessory dwelling unit* to the highest point of the roof edge, mechanical equipment, or parapet wall. *Building height of an accessory dwelling unit* is not measured to the highest point of a chimney or communications antenna.

Coverage means the percentage of the lot area that is covered. *Coverage* may refer either to (1) all structures and site features including their vertical projections to the ground except eaves, sills, cornices, awnings that project three feet or less from the wall surface, (2) hardscape surfaces, or (3) to both, as may be specified in the context. (See Design Guidelines.)

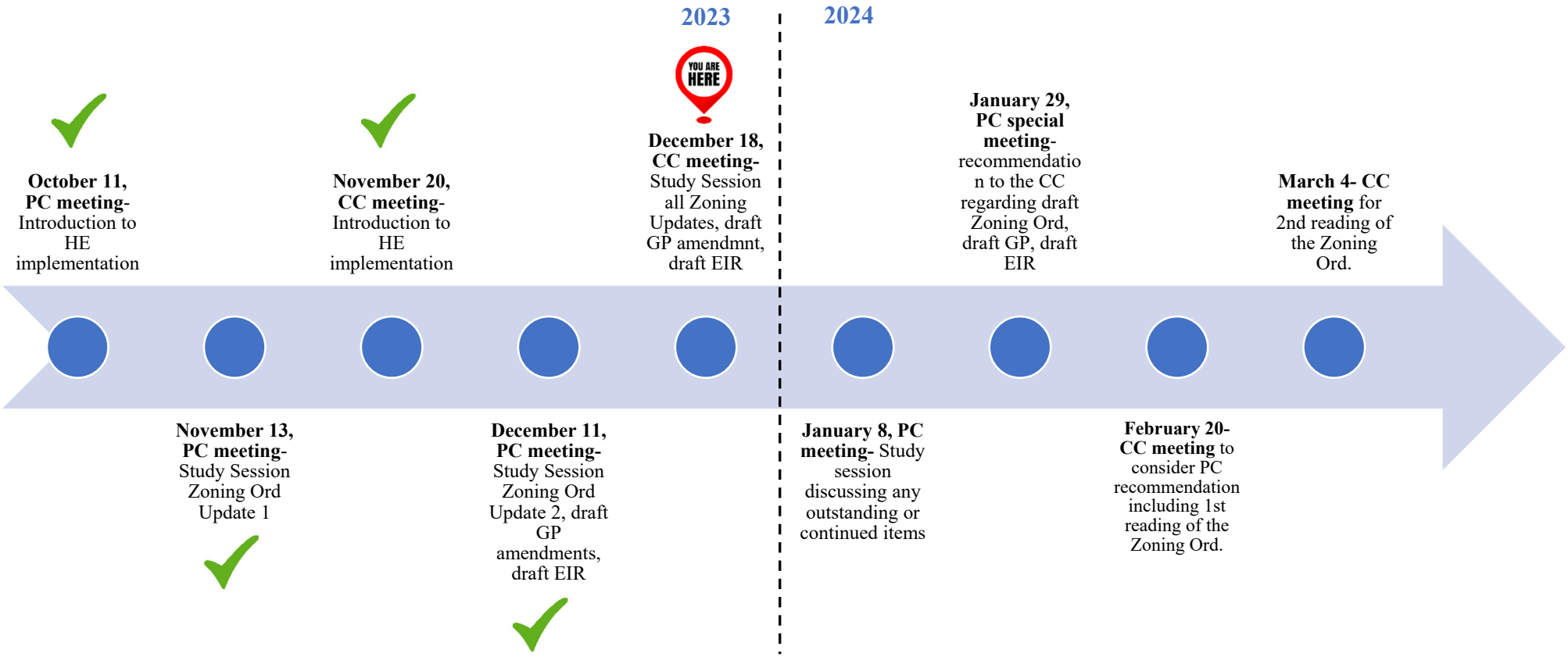

2023
2024
YOU ARE HERE
October 11, PC meeting- Introduction to HE implementation
November 20, CC meeting- Introduction to HE implementation
December 18, CC meeting- Study Session all Zoning Updates, draft GP amendmnt, draft EIR
January 29, PC special meeting- recommendation to the CC regarding draft Zoning Ord, draft GP, draft EIR
March 4- CC meeting for 2nd reading of the Zoning Ord.
November 13, PC meeting- Study Session Zoning Ord Update 1
December 11, PC meeting- Study Session Zoning Ord Update 2, draft GP amendments, draft EIR
January 8, PC meeting- Study session discussing any outstanding or continued items
February 20- CC meeting to consider PC recommendation including 1st reading of the Zoning Ord.

TABLE 1. Zoning Ordinance revisions that must be completed by January 31, 2024		
Housing Element Programs		**Current Status**
1.D	*Allow Religious Institution Affiliated Housing Development in Zone A: Single Family Residential*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
1.F	*Increase Allowances for Housing in Zone B: Public Facilities*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
1.G	*Facilitating Multi-family Development in Zone C: Multi-family Residential*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
1.H	*Increase Allowances for Housing in Zone D: Commercial and Mixed-Use*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
1.P	*General Plan Amendments*	**Study Sessions:** **Planning Commission - November 13 and December 11, 2023** **City Council - December 18, 2023**

Table 2. Zoning Ordinance to be Made Concurrently With Those in Table 1		
Housing Element Programs		**Current Status**
1.E	*Require ADUs for New Single-Family Residence Construction*	**Study Sessions:** **Planning Commission – December 11, 2023** **City Council - December 18, 2023**
1.J	*SB 9 Facilitation Amendments*	**Study Sessions:** **Planning Commission – December 11, 2023** **City Council - December 18, 2023**
1.M	*Manufactured and Mobile Homes*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
4.I	*Health and Safety Code 17021.5 Compliance*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
4.L	*Allow Parking Reductions for Multi-Family, Mixed-Use and Affordable Projects*	**Study Sessions:** **Planning Commission – December 11, 2023** **City Council - December 18, 2023**
4.N	*Allow Transitional and Supportive Housing by Right in Zones that Allow Residential Uses*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
4.O	*Allow Low Barrier Navigation Centers by Right in Zones that Allow Residential Uses*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**

Housing Element Programs		Current Status
4.P	*Residential Care Facilities*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
4.Q	*Parking Reductions for Persons with Disabilities, Seniors, and Other Housing Types*	**Study Sessions:** **Planning Commission – December 11, 2023** **City Council - December 18, 2023**
4.V	*Allow Emergency Shelters As Accessory Uses to Religious Facilities in Zone A*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
5.H	*Housing for Extremely Low-Income Individuals and Households*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**
5.L	*Definition of Family*	**Study Sessions:** **Planning Commission - November 13, 2023** **City Council - December 18, 2023**

	Element	New and Substantially Amended GP Goals, Polices, and Actions	
1.	Land Use	Policy 1.4: Lot Sizes Mergers. Incentivize lot mergers for multi-family housing development in Zones C and D, and create lot merger standards to increase the availability of sites suitable for housing development in the City.	
2.	Land Use	Policy 1.7: Incentives for Affordable Accessory Dwelling Units. Incentivize the production of affordable accessory dwelling units by relaxing standards, including increasing the allowed height of ADUs, increasing the square footage expansion allowed for existing accessory buildings, and allowing three ADUs on a single-family property.	
3.	Land Use	Policy 1.8: Residential Parking. Allow parking reductions for certain residential uses, including affordable projects, housing for seniors, and special needs groups, hospices, nursing homes, convalescent facilities, group homes for minors, people in recovery, community care facilities, and persons with disabilities in order to reduce constraints that may adversely affect access to adequate housing options for Piedmont residents or affect project feasibility.	
4.	Land Use	Policy 1.9: Implement Housing Element. Facilitate increased housing production, the development of new housing, and implementation of Housing Element programs and policies to increase the availability of housing affordable to households of all income levels.	
5.	Land Use	Policy 2.2: Mixed Use Development. Within the Grand Avenue and Civic Center commercial districts, support mixed-use development that combines ground floor commercial uses and upper story residential uses and 100 percent residential development affordable to households earning less than 80 percent of the area median income (AMI).	
6.	Land Use	Policy 2.4: Commercial Parking. Allow parking reductions for certain multi-family, mixed-use, and affordable projects in the city's two commercial districts in order to reduce constraints that may adversely affect multi-family project feasibility in a way that balances the needs of local businesses with those of immediately adjacent residents and the community at large. Consider incentives for Transportation Control Measures (TCM) and Transportation Demand Management (TDM) methods. Also see Program 4.L in the Housing Element.	
7.	Land Use	Action 2.A: Allow Multi-family Residential in Commercial Zones. Amend City regulations so that multi-family housing becomes a permitted use in the Commercial zone (Zone D). Update development regulations (including increased height up to four stories and reduced parking) for multi-family and residential mixed -use developments.	
8.	Land Use	Policy 3.2: Need for Public Land. Retain a sufficient supply of public land to support all essential local government activities, including schools, parks, municipal maintenance facilities, utilities, cultural facilities, police and fire stations, and administrative offices. In the event public land becomes available for another purpose, first priority shall be placed on uses that benefit Piedmont residents, including housing.	
9.	Land Use	Policy 3.7: Religious Uses. Recognize the important contribution of religious facilities and parochial schools (and any related accessory uses, including housing) to Piedmont while ensuring that any adverse effects of operation or expansion are mitigated.	
10.	Land Use	Action 3.B: Accessory Uses. Amend the zoning code to allow emergency shelters, multi-family housing, transitional and supportive housing, and single-room occupancy (SROs) up to 21 dwelling units per acre by right as an accessory use to religious institution sites in Zone A	

11.	Land Use	Policy 4.3: Moraga Canyon. Promote market-rate and affordable housing development in Moraga Canyon, while maintaining, replacing, and enhancing existing City operations (such as the Corporation Yard) and recreational and open space uses, including Blair Park, Coaches Field, and the Mountain View Cemetery Association property.	
12.	Land Use	Action 4.C: Implement Moraga Canyon Specific Plan (Housing Element Program 1.L). Complete the preparation of the Moraga Canyon Specific Plan to maintain, replace, and improve existing City facilities, open space, and recreational amenities and to facilitate construction of 132 units of new housing, 60 of which would be reserved for lower income households (see Housing Element program 1.L).	
13.	Transportation	Policy 7.1: Balancing Travel Modes. Ensure that land use and transportation planning and design balance the needs and safety of motorists, transit users, pedestrians, and bicyclists. Where feasible, future land use and transportation decisions should discourage driving in single passenger autos and instead encourage alternative modes of travel. CIP investments in Piedmont's circulation system should be directed toward improvements that benefit motorists, transit users, pedestrians, and bicyclists.	
14.	Transportation	Policy 7.3: Reducing Vehicle Miles Traveled. Implement the Piedmont Policy for Analyzing VMT impact under CEQA, adopted by Resolution 33-2023 in May 2023. Support changes that would reduce the number of vehicle miles traveled (VMT) by Piedmont residents, including continued support for transit, enabling residents to conduct business with City Hall on the internet, allowing home-based businesses, supporting telecommuting, encouraging carpooling, improving public transit, and upgrading facilities for bicycles and pedestrians.	
15.	Transportation	Policy 7.5: Public Facility Access. Consider pedestrian access, bicycle access, and public transit access when making investment decisions about future parks, schools, and other public facilities. Also, ensure that new public facilities, housing, and commercial uses are designed to include features that encourage walking, bicycling, and transit.	
16.	Transportation	Action 7.C: Complete Streets. Continue to maintain and update the Piedmont Safer Streets Plan to guide the design of Piedmont's roadways, intersections, sidewalks, and bike lanes to implement Complete Streets improvements.	
17.	Transportation	Action 7.D: VMT Screening Thresholds and Analysis. The following types of developments "screen out" of the required project-specific VMT programs set forth below: small multifamily and residential developments generating fewer than 50 automobile trips per day, development within 0.25 miles of a high-quality transit corridor, 100 percent affordable residential development, and small infill residential development generating fewer than 50 automobile trips per day. o Individual housing developments that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis consistent with the City's adopted Policy for Analyzing VMT Impact under CEQA, and modified as necessary to be consistent with local, regional and/or State thresholds and methodologies. o Development that results in significant VMT impacts shall include one-time physical and on-going operational travel demand management (TDM) measures to reduce VMT, including but not limited to the following: • Limit parking supply.	

		• Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). • Provide car sharing, bike sharing, and/or scooter sharing programs. • Subsidize transit passes. • Contribution to a VMT mitigation fee program, bank, or exchange.	
18.	Transportation	Policy 8.2: Development-Related Improvements. When new development is proposed, require the improvements necessary to ensure that satisfactory operating conditions are maintained on adjacent roads. Widening roads to increase their capacity is generally discouraged, while road widening that affords additional turning lanes, traffic controls, or pedestrian improvements is encouraged.	
19.	Transportation	Action 10.E: Piedmont Safer Streets Plan. Continue to maintain and implement the Piedmont Safer Streets Plan which outlines safety, maintenance, and education programs; and identifies capital improvements to encourage pedestrian travel and bicycling in Piedmont. Pursue grant funding and consider use of Measure B funds to update the Piedmont Safer Streets Plan..	
20.	Transportation	Policy 11.1: Off-Street Parking Standards. Maintain off-street parking requirements for new development—including the addition of bedrooms to existing residences—that minimize increases in on-street parking. At the same time, consider modifications to the parking standards which recognize factors such as proximity to major bus lines, incentives for hybrid or electric vehicles, allowances for bicycles, and other measures which discourage driving. These modifications could include allowing smaller parking spaces and reduced parking requirements under appropriate conditions.	
21.	Transportation	Policy 11.5: Managing Parking Demand. Schedule City and School District activities and events to avoid major parking conflicts and periods of excessive demand. Develop Transportation Demand Management programs for new housing development and mixeduse commercial and residential development.	
22.	Transportation	Policy 12.5: Piedmont Safer Streets Plan. Continue to maintain and implement the Piedmont Safer Streets Plan. Use neighborhood-wide traffic management plans to evaluate possible traffic calming measures, rather than identifying improvements on a piecemeal, project-by-project basis. Engage and educate the community about traffic safety and alternative modes of transportation. Evaluate and design complete streets improvements to Piedmont's roadways.	
23.	Natural Resources and Sustainability	Policy 13.1: Respecting Natural Terrain. Maintain the topography of Piedmont by discouraging inappropriate grading and alteration of hillsides. Planning and building regulations should ensure that any construction on steep slopes is sensitively designed and includes measures to stabilize slopes, reduce view blockage, and mitigate adverse environmental impacts. Designate environmentally sensitive hillside areas as protected zones, restricting intensive development to maintain the natural landscape and prevent erosion.	
24.	Natural Resources and Sustainability	Policy 13.2: Erosion Control. Reduce soil loss and erosion by following proper construction and grading practices, using retaining walls and other soil containment structures, and development control measures on very steep hillsides. Development activities within hillside areas shall adhere to strict guidelines to minimize disturbance to native vegetation and habitats.	

25.	Natural Resources and Sustainability	Policy 13.3: Creek Protection. Retain creeks in their existing natural condition rather than diverting them into man-made channels or otherwise altering their flow. Riparian vegetation and habitat along the city's creeks should be protected by requiring setbacks for any development near creek banks. These setbacks should be consistent with state and federal laws governing stream alteration. Figure 5.2 should be used as a general guide for identifying creeks subject to this policy, but it is not intended to be a comprehensive inventory of all watercourses in the city.	
26.	Natural Resources and Sustainability	Policy 13.4: Conserving Native Vegetation. Require new development (including expansion of existing residences and major landscaping projects) to protect native vegetation, particularly woodland areas that support birds and other wildlife to the extent practicable.	
27.	Natural Resources and Sustainability	Policy 13.6: Floodwater Accommodation for Groundwater Recharge Identify suitable land areas within creeks' riparian zones or other designated zones for floodwater accommodation to facilitate groundwater recharge. These areas shall be managed and maintained to allow controlled floodwater infiltration, aiding in recharging local aquifers and supporting sustainable groundwater levels.	
28.	Natural Resources and Sustainability	Policy 13.7: Stormwater Management and Green Infrastructure Prioritize the implementation of green infrastructure solutions, such as permeable pavements, vegetated swales, and rain gardens, to manage stormwater runoff. Incorporate green infrastructure practices into urban planning. New developments and redevelopment projects shall incorporate best practices for stormwater management that mimic natural hydrological processes, reducing the burden on conventional drainage systems.	
29.	Natural Resources and Sustainability	Policy 13.8: Conservation Easements and Land Acquisition Explore opportunities to establish conservation easements on private properties located in creeks' riparian zones or ecologically valuable areas adjacent to creeks and woodlands habitats, ensuring long-term protection. Consider acquiring lands of significant ecological importance or strategic value for floodwater management and groundwater recharge purposes through partnerships or direct purchases.	
30.	Natural Resources and Sustainability	Policy 13.9: Monitoring and Adaptive Management. Implement a regular monitoring program to assess the health and resilience of the identified natural features, including creeks, and woodlands. Findings from the monitoring program will be used to inform adaptive management strategies, making necessary adjustments to policies and practices to ensure the continued protection and enhancement of natural features.	
31.	Natural Resources and Sustainability	Policy 13.10: Nesting Bird Protection. Development projects that involve tree removal or significant tree trimming shall take steps to avoid impacts to nesting birds. Initial site disturbance activities for construction, including vegetation and concrete removal, shall be avoided during the general avian nesting season (February 1 to August 30). If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall	

		occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest.	
32.	Natural Resources and Sustainability	Policy 13.11: Bird Safe Design. Development projects (excluding small structures exempt under CEQA) shall incorporate bird-friendly building materials and design features to prevent bird strikes and collisions. Strategies for bird safe designs include but are not limited to: prohibiting glass walls around planted atria or windows installed perpendicularly on building corners; directing external lighting downward or shielding light fixtures to prevent light from spilling upward; designing building and landscaping without features known to cause collisions such as clear glass terrace, deck, or porch railings; using bird glazing treatments such as fritting, netting, permanent stencils, frosted glass, exterior screens, or physical grids placed on windows.	
33.	Natural Resources and Sustainability	Policy 13.12: San Francisco Dusky Footed Woodrat Protection. For development projects where construction would take place within 50 feet of woodland or riparian habitat (excluding remodels of existing structures), a qualified biologist shall conduct a pre-construction survey for woodrats no more than 14 days prior to construction. Middens (woodrat or other packrat nest structure) within 50 feet of project activity that would not be directly impacted by project activity should be demarcated with a 10-foot avoidance buffer and left intact. If a midden(s) that cannot be avoided is found during the pre-construction survey, an approved biologist should monitor the dismantling of the midden by a construction contractor to assist with the goal of ensuring the individuals are allowed to leave the work areas unharmed before on site activities begin.	
34.	Natural Resources and Sustainability	Policy 13.13: Roosting Bat Protection. For development projects that involve the removal of on-site trees or demolition of vacant structures, a qualified biologist shall conduct a focused survey of trees and structures to be removed to determine whether active roosts of special-status bats are present. Trees and/or structures containing suitable potential bat roost habitat features shall be clearly marked or identified. If active roosts are present, the biologist shall prepare a sitespecific roosting bat protection plan to be implemented by the contractor following the City’s approval.	
35.	Natural Resources and Sustainability	Policy 13.14: Paleontological Resources. For new development that involves ground disturbance within the high sensitivity Pleistocene alluvial fan and fluvial deposits (Qpaf) geologic unit, the project applicant shall retain a Qualified Paleontologist prior to excavations who shall direct all mitigation measures related to paleontological resources. If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity shall cease and the construction contractor shall contract a qualified paleontologist to evaluate the find and make appropriate recommendations. If warranted, the paleontologist shall prepare and implement a standard Paleontological Resources Mitigation Program for the salvage and curation of the identified resources.	
36.	Natural Resources and Sustainability	Action 13.B: Hillside Development Guidelines. Consider revising the Piedmont Design Standards and Guidelines to include standards for the sensitive development of hillside sites.	
37.	Natural Resources and Sustainability	Action 13.E: Hydrogeological Studies. Conduct a comprehensive hydrogeological study in collaboration with the Water Quality Control Board to assess the city's water systems, identify flood risk areas, and determine suitable locations for floodwater accommodation and groundwater recharge zones.	

38.	Natural Resources and Sustainability	Action 13.F: Development of Zoning Regulations. Revise existing zoning regulations or develop new ones to align with the identified policies, promoting sustainable land use practices, and ensuring compliance with flood management and conservation goals.	
39.	Natural Resources and Sustainability	Action 13.G: Inventory of Natural Features. A comprehensive inventory of existing riparian habitats, woodlands, environmentally sensitive hillside areas, and potential floodwater management sites shall be conducted to inform decision-making and resource allocation.	
40.	Natural Resources and Sustainability	Action 13.H: Seek Funding for Implementation. Explore funding opportunities and grants to support urban forest expansion, riparian habitat restoration, and floodwater management projects.	
41.	Natural Resources and Sustainability	Policy 14.4: Retention of Healthy Native Trees. Encourage the retention of healthy native trees as new construction takes place, including new multifamily development, mixed-use commercial and residential development, home additions and landscaping projects. Existing significant trees should be conserved where feasible when development takes place.	
42.	Natural Resources and Sustainability	Policy 15.1: Transportation Control Measures. Implement transportation control measures (TCMs) and Transportation Demand Management (TDM) to reduce air pollution emissions at the local level. This should include measures to promote walking and bicycling, continue casual carpooling, sustain or increase public transit service to Piedmont, and coordinate with other jurisdictions to create a more balanced and integrated transportation system. Create incentives, such as parking reductions, for development that incorporates complementary uses, TCMs, and TDM.	
43.	Natural Resources and Sustainability	Policy 15.6. Construction Emissions Screening. For individual projects subject to CEQA that do not meet the Bay Area Air Quality Management District (BAAQMD) construction and/or operational screening criteria under as provided in the 2022 BAAQMD CEQA Guidelines (or the guidelines in place at the time of development), individual air quality analysis shall be conducted to determine project significance. Where individual projects exceed BAAQMD significance thresholds, mitigation measures shall be incorporated to reduce emissions to below thresholds. Construction mitigation measures may include, but are not limited to, incorporation of Tier 4 and/or alternative fueled equipment, use of onsite power sources instead of generators, and use of low/no-VOC content architectural coatings. Operational mitigation measures may include, but are not limited to, increased incorporation of photovoltaic systems (PV) beyond regulatory requirements, increased incorporation of EV charging stations and/or infrastructure beyond regulatory requirements, incorporation of a development-wide ride-share system, or elimination of natural gas usage within residential developments. Individual project analysis and accompanying emission-reduction measures shall be approved by the City prior to issuance of a permit to construct or permit to operate.	
44.	Natural Resources and Sustainability	Policy 15.7 Construction Emissions Control Measures. As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's (BAAQMD) basic control measures for reducing construction emissions of PM10 (Table 5-2, Basic Best Management Practices for Construction-Related Fugitive Dust Emissions Recommended for All Proposed Projects, of the 2022 BAAQMD CEQA Guidelines, or applicable best management practices in BAAQMD's guidelines in place at the time of development), outlined below.	

		1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. 8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel. 9. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.	
45.	Natural Resources and Sustainability	Policy 15.8 Construction Health Risk Assessments. Development projects (excluding small structures exempt under CEQA) where construction activities would occur within 1,000 feet of sensitive receptors, would last longer than two months, and would not utilize Tier 4 and/or alternative fuel construction equipment, shall perform a construction health risk assessment (HRA). If an HRA is to be performed, the HRA shall determine potential risk and compare the risk to the following BAAQMD thresholds: • Non-compliance with Qualified Community Risk Reduction Plan; • Increased cancer risk of > 10.0 in a million; • Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or • Ambient PM2.5 increase of > 0.3 µg/m3 annual average If risk exceeds the thresholds, measures such as conditions of approval limiting use of diesel equipment to a maximum of two months, and requiring the use of Tier 4 and/or alternative fuel construction equipment for construction lasting longer than 2 months shall be incorporated to reduce the risk to appropriate levels.	
46.	Natural Resources and Sustainability	Policy 15.9 Roadway Health Risk Assessments. Residential development projects (excluding small structures exempt under CEQA) that would be sited within 500 feet of a roadway with 10,000 vehicles per day or more such as Park Boulevard and Oakland Avenue, the Bay Area Air Quality Management District (BAAQMD) shall be consulted to determine if a health risk assessment (HRA) is necessary. The roadway HRAs shall demonstrate that roadway impacts are below the BAAQMD's single-source risk and hazard thresholds. If risks and hazards exceed the applicable BAAQMD thresholds, then feasible project design features such as high-efficiency particulate air (HEPA) filtration shall be incorporated into the project. Screening tools may	

		be used to assess health risks in lieu of a roadway HRA if said tools are the most current published BAAQMD tools	
47.	Natural Resources and Sustainability	Policy 16.2: Sustainable Development. Support the use of sustainable development methods in new construction and rehabilitation projects, including both public agency projects, multifamily development, mixed-use commercial and residential development, and private projects undertaken by homeowners.	
48.	Natural Resources and Sustainability	Policy 16.7: Water Quality. Implement green infrastructure and Low Impact Design (LID) practices for new construction and city facilities where applicable and consistent with the MS4 permit requirements.	
49.	Natural Resources and Sustainability	Policy 16.7: Greenhouse Gas Emissions Reductions. Single-family and multi-family development projects shall be encouraged to not include natural gas appliances or natural gas plumbing and shall achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2	
50.	Environmental Hazards	Policy 18.8: Siting of New Developments. Minimize risks from landslide by requiring new developments to be sited outside of hazards areas, when possible, and to incorporate design that minimizes the potential for damage.	
51.	Environmental Hazards	Policy 18.9: Landslide Susceptibility Inspections. Regularly inspect locations with high landslide susceptibility directly following major storm and atmospheric events.	
52.	Environmental Hazards	Policy 19.1: Locate New and Existing Critical Facilities Outside of Very High Fire Hazard Severity Zones. Protect and harden critical facilities from natural hazards and minimize interruption of essential infrastructure, utilities, facilities, and services.	
53.	Environmental Hazards	Policy 19.2: Minimize Risk to New Residential Development in Very High Fire Hazard Severity Zones. Develop stringent initial site design and on-going maintenance standards incorporating adequate mitigation measures into individual developments to achieve an acceptable level of risk, considering the increased risk associated with wildland fire hazards due to climate change.	
54.	Environmental Hazards	Policy 19.3: New Development Siting. Require new development located along steep slopes and amidst rugged terrain to be fire resistant and avoid contributing to rapid fire spread and or decreased accessibility for firefighting.	
55.	Environmental Hazards	Policy 19.4: Density Management. Develop and implement density management strategies that cluster residential developments and minimize low-density exurban development patterns, or developments with undeveloped wildland between them, to reduce amounts of flammable vegetation and collective exposure to wildfire risk.	
56.	Environmental Hazards	Policy 19.5: Landscape Features. Site structures to maximize low-flammability landscape features to buffer against wildfire spread.	
57.	Environmental Hazards	Policy 19.6: Development Water Systems. Permit development only within areas that have adequate water resources available, to include water pressure, onsite water storage, or fire flows.	
58.	Environmental Hazards	Policy 19.7: Fire-Fighting Water Flow. Coordinate with East Bay Municipal Utility District to support the maintenance and long-term integrity of adequate water supplies throughout the City and provision of adequate water storage to meet future peak fire demand during times of peak domestic demands. As funding allows, undertake improvements for areas where capacity is determined to be deficient.	
59.	Environmental Hazards	Policy 19.8: Fire Protection. Require that new development have adequate fire protection, including proximity to adequate emergency services,	

		adequate provisions for fire flow and emergency vehicle access and fire hardened communication, including high speed internet service.	
60.	Environmental Hazards	Policy 19.9: Fire Protection Plans for New Development. Require fire protection plans for all new development, including new development within VHFHSZs. Fire protection plans shall contain the following components: • Risk Analysis • Fire Response Capabilities • Fire Safety Requirements – Defensible Space, Infrastructure, and Building Ignition Resistance • Mitigation Measures and Design Considerations for Non-Conforming Fuel Modification • Wildfire Education, Maintenance, and Limitations • Evacuation Planning	
61.	Environmental Hazards	Policy 19.10: Reducing Fire Hazards. Maintain building and development regulations that minimize the potential for damage, injury, or loss of life due to fire. Ensure that development is designed and constructed in a manner that minimizes the risk from fire hazards by increasing resistance of structure to heat, flames, and embers. Where appropriate, this should include the use of fire-resistant building materials, fire sprinklers, non-combustible roofing materials, and other fire suppression and risk-reduction measures. Review current building code standards and other applicable statutes, regulations, requirements, and guidelines regarding construction, and specifically the use and maintenance of risk reduction measures and consider adopting amendments to implement these standards.	
62.	Environmental Hazards	Policy 19.11: Fire Hazard Reduction Around Buildings and Structures Regulations. Update the City's development standards to meet or exceed title 14, CCR, division 1.5, chapter 7, subchapter 2, articles 1-5 (commencing with section 1270) (SRA Fire Safe Regulations) and title 14, CCR, division 1.5, chapter 7, subchapter 3, article 3 (commencing with section 1299.01) (Fire Hazard Reduction Around Buildings and Structures Regulations) for VHRHSZs. Minimize new development in VHFHSZs. All new construction in VHFHSZ's will require a Fire Protection Plan, Fire Safe Regulations, Home Hardening, two emergency access routes, and implementation of Public Resources Code 4290.	
63.	Environmental Hazards	Policy 19.12: Fire Safe Regulations. Minimize risks to existing development by identifying existing non-conforming development to contemporary fire safe standards, in terms of road standards and vegetative hazard, and requiring all development to meet or exceed title 14 CCR, division 1.5, chapter 7, subchapter 2, articles 1-5 requirements (Fire Safe Regulations).	
64.	Environmental Hazards	Policy 19.13: Fuel Management and Public Education. Require all properties in the city to enforce precautionary measures to create defensible space, including removing flammable vegetation and maintaining a fuel break around properties that meet or exceed the defensible space requirements of Public Resources Code 4291. This should include the removal of fire-prone vegetation and the use of less flammable plants for landscaping, especially on hillside sites. Require ongoing maintenance and upkeep to be codified as part of building covenants or homeowner covenants, conditions, and restrictions. Piedmont Public Works should partner with the Oakland Fire Safe Council to promote public education on "defensible space" and good vegetation management.	
65.	Environmental Hazards	Policy 19.14: Visible Street Signage. Require that all homes and businesses have visible street addressing and signage.	

66.	Environmental Hazards	Policy 19.16: Post-Fire Re-Development. In the event of a large fire, evaluate re-development within the impacted fire zone to conform to best practice wildfire mitigation.	
67.	Environmental Hazards	Policy 19.17: Vegetation Clearance for Public and Private Roads. Establish and maintain community fuel breaks and fuel modification/reduction zones, including clearance alongside public and private roads. The Piedmont Public Works Department will work with Oakland Firesafe Council, and Cal Trans to ensure continued long-term maintenance of vegetation clearance on public and private roads. Educate residents on vegetation clearance standards and maintenance practices to ensure maintenance of private roads.	
68.	Environmental Hazards	Policy 19.18: Education on Fire Hazard Reduction Strategies. Educate residents on fire hazard reduction strategies to employ on their properties and evacuation routes, focusing on the most vulnerable populations such as renters, elderly, disabled, and low-income residents.	
69.	Environmental Hazards	Policy 19.19: Ensure Adequate Emergency Evacuation Routes. Ensure that all new residential development has at least two emergency routes.	
70.	Environmental Hazards	Policy 19.20: Emergency Access. Ensure that the Piedmont Fire Department has complete access to all locations in the City, including gated residential communities and critical infrastructure.	
71.	Environmental Hazards	Policy 19.21: Emergency Roadways. Maintain emergency roadways and improve them as necessary and appropriate to ensure they stay in operation during hazardous events.	
72.	Environmental Hazards	Policy 19.22: Residential Neighborhood Engagement. Prioritize engagement with residential neighborhoods that have evacuation constraints to encourage home retrofits to meet current standards on structure hardening, proactively enforce defensible space standards, and conduct emergency preparedness trainings.	
73.	Environmental Hazards	Policy 19.23: Evaluate Evacuation Route Capacity. Evaluate evacuation route capacity, safety, and viability under a range of emergency scenarios as part of the next update to the Piedmont Hazard Mitigation Plan. Review and revise evacuation related policies in the Safety Element upon the revision of the Housing Element and LHMP, in accordance with Government Code Section 65302.15 (as amended by AB 747). Implement recommended mitigation measures to reduce evacuation constraints.	
74.	Environmental Hazards	Policy 19.24: Underground Power Lines. Coordinate with Pacific Gas & Electric to implement an electrical undergrounding plan with a focus on critical evacuation roadways and areas with highest wildfire risk.	
75.	Environmental Hazards	Policy 19.25: Restrict Parking. Restrict parking periodically (e.g., on red flag days) along critical evacuation routes.	
76.	Environmental Hazards	Policy 19.26: Telecommunications. Coordinate with telecommunication service entities to fire-harden communications.	
77.	Environmental Hazards	Policy 19.27: Vulnerable Schools Wildfire Resilience. Partner with the Renaissance International School and Corpus Christi School to increase structure hardening and implement emergency evacuation protocols to follow during a wildfire scenario.	
78.	Environmental Hazards	Policy 19.28: Access and Fuel Management Coordination. Coordinate with the City of Oakland Fire Department and the Oakland Fire Safe Council to improve emergency access and implement fuel load modification in Moraga Canyon.	
79.	Environmental Hazards	Policy 19.29: Critical Facilities Hardening. Evaluate all City critical facilities to prioritize structure hardening and retrofitting efforts to increase long-term resilience to wildfire.	

80.	Environmental Hazards	Policy 19.30 Transportation Construction Plan. Projects developers shall be required to prepare and implement a Transportation Construction Plan (TCP), which shall be approved by the City. The plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall include procedures for stopping construction in the event of an emergency and ensuring that emergency access and evacuation routes are not inhibited. The TCP shall ensure adequate emergency access and consistency with the California Fire Code and other development requirements as part of the development review process.	
81.	Environmental Hazards	Policy 19.30: Reduce Flood Damage. Reduce potential flood damage in areas of the city subject to flood conditions through Capital Improvement projects, the development review process, or other means as applicable.	
82.	Environmental Hazards	Policy 19.31: Development Activities in Flood Prone Areas. Require new development or expansion of existing development adjacent to canyons or valleys to assess potential environmental impacts from increased run-off and erosion and implement appropriate mitigation.	
83.	Environmental Hazards	Policy 19.32: Implement CAP 2.0. Implement all adaptation measures identified in the CAP 2.0 regarding addressing flooding risks, including the maintenance of storm drains across the city, encouraging green infrastructure, and restoring natural features of the watershed.	
84.	Environmental Hazards	Policy 19.35: Home Cooling. Promote home cooling through retrofits to homes to better withstand extreme heat and bad air quality days. Provide information about financial assistance programs to vulnerable households, including seniors and renters.	
85.	Environmental Hazards	Policy 19.36: Water Conservation. Continue to enforce updated State-mandated water conservation regulations.	
86.	Environmental Hazards	Policy 19.37: Promote Water Conservation Efforts. Provide educational materials and programs to support water conservation efforts that consider extended drought conditions associated with climate change.	
87.	Environmental Hazards	Policy 19.38: Resilient Water Supply. Pursue regional solutions with public and private partners including EBMUD to diversify the City's water supply through utilizing alternative sources, including recycled water.	
88.	Environmental Hazards	Policy 19.39: Resilient Critical Facilities. The City will evaluate selected locations for new critical facilities for potential impacts from climate change hazards and implement mitigations and adaptations accordingly.	
89.	Environmental Hazards	Policy 19.40: Implement CAP 2.0 Extreme Heat. Implement all adaptation measures identified in the CAP 2.0 regarding addressing risks of extreme heat, including the installation of increased tree and vegetation planting to reduce the urban heat island effect, and risks of grid outages, including the integration of energy assurance actions into citywide planning processes.	
90.	Environmental Hazards	Policy 19.41: Resilience Hubs. Partner with Alameda County to host resilience hubs to better support the needs of vulnerable populations during extreme climate events, such as extreme heat days and smoke events, including, but not limited to health assistance and resources, food refrigeration, charging stations, basic medical supplies, and other emergency supplies.	
91.	Environmental Hazards	Policy 19.42: Climate Resilient Landscaping. Facilitate the expanded establishment of climate resilient tree and plant species that are drought tolerant, resistant to pests and diseases, fire-retardant or fire-resistance, and heat tolerant by distributing and publishing guidance materials, updating code standards, and retrofitting City-owned parks and landscape strips and medians.	

92.	Environmental Hazards	Policy 19.43: Extreme Heat Preparedness. Expand public outreach and warning systems to increase preparedness for extreme heat events.	
93.	Environmental Hazards	Policy 19.44: Extreme Heat Protocols. Develop protocols to improve language appropriate outreach and assistance to vulnerable populations, including older adults and domestic workers, before and during extreme heat events.	
94.	Environmental Hazards	Policy 19.45: Integration of Climate Projections and Impacts. Integrate and regularly update best available climate science, projections, and potential impacts into relevant City plans, codes, and planning documents including the Municipal Code and Capital Improvement Program.	
95.	Environmental Hazards	Policy 19.46: Resilient Communities. Prepare for and adapt to the effects of climate change by considering climate change vulnerability in planning decisions, including those involving new public facilities and private development.	
96.	Environmental Hazards	Policy 19.47: Climate Adaptation Planning Coordination. Coordinate with Alameda County and neighboring jurisdictions to prioritize climate adaptation efforts that address regional climate change vulnerabilities affecting community members, infrastructure and services, natural resources and ecosystems, and critical facilities and buildings.	
97.	Environmental Hazards	Policy 19.48: Resilient Power at Critical Facilities. Invest in renewable back-up power sources and storage options to increase energy resilience at critical facilities during extreme heat events, wildfires, extreme precipitation events, or other scenarios that may trigger a power safety shutoff or outage.	
98.	Environmental Hazards	Policy 19.49: Adapted Services. Coordinate with emergency services as well as utility providers to assess needed service improvements in providing increased redundancy and uninterrupted service for water, power, and emergency service response.	
99.	Environmental Hazards	Action 19.C: Intergovernmental Coordination on Vegetation Management. Implement recommended fire mitigation strategies from the Alameda County Community Wildfire Protection Plan including vegetation management for and around existing and new development.	
100.	Environmental Hazards	Action 19.D: Educational Materials. Make available and promote educational materials for defensible space standards, or vegetation “clear zones,” and vegetation compliance for all existing and new structures in areas that are designated by the California Department of Forestry and Fire Protection and Local Ordinance 15.60. as State Responsibility Areas or Very High Fire Hazard Severity Zones. In addition, make available educational materials on evacuation routes for all residential neighborhoods. Promote educational materials for elderly, disabled, and low-income residents.	
101.	Environmental Hazards	Action 19.E: Fire Suppression Guidelines. Develop fire suppression water system guidelines and implementation plans for existing and acquired lands, including fire protection water volumes, system distribution upgrades, and emergency water storage.	
102.	Environmental Hazards	Action 19.J: Review New Essential Facilities. The City will require review of new essential facilities and, as necessary, development of measures to avoid flood and fire hazard impacts.	
103.	Environmental Hazards	Action 19.K: Shade Structures. Complete an assessment to identify locations in Piedmont to implement shade structures to minimize the impacts of extreme heat vulnerable populations. Prioritize walking corridors, areas with lowest proportions of canopy coverage, areas most susceptible to the urban heat island effect, and areas that have population that could be most negatively impacted by heat (e.g., older adults and young children).	
104.	Environmental Hazards	Action 19.L: Extreme Heat and Air Quality Monitoring. Collaborate with the Alameda County Public Health Department and local community	

		organizations to establish extreme heat and air quality monitoring systems and develop accessible and language appropriate community education resources to prepare community members for increased extreme heat events and air pollution.	
105.	Environmental Hazards	Action 19.M: Retain Water Services during Extreme Heat Events. Establish a lifeline program for vulnerable populations to sustain water services during high heat days.	
106.	Environmental Hazards	Action 19.N: Resilient Buildings and Properties. Conduct near-term and long-term climate hazard evaluations, such as for flooding and wildfire, for at-risk City facilities. Develop adaptation plans for at-risk buildings and facilities, and prioritize necessary retrofits or upgrades based on the age, vulnerability, and need of the City facility.	
107.	Environmental Hazards	Policy 20.7: Hazardous Waste Sites Cleanup. Regulate development on sites with known contamination of soil and groundwater, according to maps herein or conclusions of a Phase II environmental report, to ensure that construction workers, future occupants, and the environment, as a whole, are adequately protected from hazards associated with contamination, and encourage cleanup of such sites. Provide documentation that development sites are not impacted by former/current site uses, including but not limited to, agricultural chemicals, aerially deposited lead, common railroad contaminants, and hazardous material storage and/or use.	
108.	Environmental Hazards	Policy 21.4: Intergovernmental Preparedness Planning. Cooperate with other cities, regional organizations, and other public agencies to undertake emergency preparedness planning. Collaborate with other agencies and neighboring jurisdictions during future LHMP and emergency operations plan updates.	
109.	Environmental Hazards	Action 21.F: Emergency Vehicle Access. Maintain on-street parking prohibitions where necessary to ensure adequate access to all properties by emergency vehicles and adequate evacuation access.	
110.	Environmental Hazards	Policy 22.7: Construction Noise Reduction. For projects within 500 feet of a noise sensitive land use and that involve subterranean parking, large excavation, construction over 18 months in duration, and/or the use of heavy-duty equipment, a Construction Noise Study prepared by a qualified noise expert shall be required. The Construction Noise Study shall characterize sources of construction noise, quantify noise levels at noise-sensitive uses, and identify feasible measures to reduce noise exposure. The project shall incorporate the feasible measures identified in the study. Noise reduction techniques may include, but are not limited to, shielding and silencing construction equipment, enclosing and screening outdoor fixed equipment, placing construction staging areas away from noise-sensitive uses, using smart adjusting back-up alarms for mobile construction equipment, controlling worker radio noise, installing temporary sound barriers, designating a noise complaint response protocol, shall be used as appropriate.	
111.	Environmental Hazards	Policy 22.8 Vibration Control Plan. For construction activities involving vibratory rollers and sonic pile drivers within 40 feet of a historic structure or impact pile drivers within 115 feet of a historic structure, or if an impact pile driver is used within 60 feet of an occupied structure, the applicant shall prepare a Vibration Control Plan prior to the commencement of construction activities. The Vibration Control Plan shall be prepared by a licensed structural engineer and shall include methods required to minimize vibration such as alternative installation methods for pile driving or vibration monitoring. The Vibration Control Plan shall also establish baseline	

		conditions at potentially affected structures, provide shoring design to protect buildings and structures from damage, document damage at the conclusion of vibration generating activities, and include recommendations for repair if necessary.	
112.	Parks, Recreation, and Open Space	Policy 23.3: Environmentally-Sensitive Park Design. Design parks, trails, and other recreational facilities in Piedmont's parks to be compatible with the natural environment, including habitat, views, and other environmental resources. New recreational buildings, housing, and other park structures and facilities should be sited in a way that minimizes their impacts on useable open space, avoids conflicts with existing park activities, and is compatible with the natural setting. Park design should also be compatible with city policies to reduce fuel loads and wildfire hazards. See also policies in the Natural Resources and Sustainability Element on creek protection, and policies in the Environmental Hazards Element on vegetation management.	
113.	Parks, Recreation, and Open Space	Action 23.C: New or Improved Athletic Fields. Complete the feasibility studies and analyses for: night lighting and synthetic turf at Coaches Field. If appropriate, develop plans to fund future improvements consistent with study recommendations and community input.	
114.	Parks, Recreation, and Open Space	Action 23.F: Park Master Plans. As funding allows, develop master plans or specific plans for individual Piedmont parks which identify the locations of future facilities (if any), landscaping and drainage/irrigation improvements, and other changes necessary to implement City goals and ensure optimal use, aesthetic quality, and environmental protection.	
115.	Parks, Recreation, and Open Space	Action 23.G: Surplus Land Inventory. Maintain an inventory of potential surplus land. Consider the potential highest and best use of City open space, including parks, that may be underutilized. New uses may include multifamily housing development consistent with the Housing Element. See Housing Element program 1.L	
116.	Design and Preservation	Policy 27.3: View Preservation. Recognize and protect significant views in the city, particularly Piedmont's characteristic views of the San Francisco and Oakland skylines, Lake Merritt, the Bay and Golden Gate Bridges, Angel Island, and Alcatraz Island. Discourage the obstruction of such views by upper-level additions, tall structures, and devices such as communication towers. Similarly, tree planting should avoid species or locations that will lead to the obstruction of desirable views.	
117.	Design and Preservation	Goal 28: Residential Architecture. Integrate new residential construction, additions, and alterations in a way that is physically compatible with existing structures, their immediate surroundings, and enhance the community as a whole.	
118.	Design and Preservation	Policy 28.10: Multi-family Design. Require any new development in Piedmont's multi-family and mixed use areas and housing development affiliated with religious institutions to enhance the residential architectural styles of Piedmont. Avoid "motel style" apartment buildings which face the side yard rather than the street, and "podium" (or soft-story) units built over street-facing parking bays. Where feasible, multi-family buildings and mixed-use buildings should be broken into clusters to reduce perceived size and bulk.	
119.	Design and Preservation	Action 28.D: Commercial, Mixed Use, and Multi-Family Standards. Maintain updated codes and standards for multifamily residential development and mixed-use development to reflect changes in State and federal law, new technology, and market trends. Streamline the review and approval of certain	

		qualifying affordable housing developments through a ministerial process with objective design standards. (See Housing Element program 4.R.)	
120.	Design and Preservation	Action 28.E Accessory Dwelling Units. Encourage the creation of rent-restricted accessory dwelling units for low and very low income households. Maintain Planning & Building regulations which ensure the health and safety of accessory dwelling unit occupants and the occupants of the adjacent residences. (See Housing Element goal 3 policies and programs.)	
121.	Design and Preservation	Goal 30: Tribal and Archaeological Resources. Protect Piedmont's Native American cultural resources and archaeological resources.	
122.	Design and Preservation	Policy 30.2: Archaeological Resources Assessment and Treatment. Prior to approval of development projects (excluding small structures exempt under CEQA) that have the potential to impact an archaeological resource(s), such as through grading, excavation for foundations or basements, or new swimming pools, an Archaeological Resources Assessment shall be conducted under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology. Assessments shall be completed in accordance with the California Office of Historic Preservation guidance and will follow the Archaeological Resource Management Reports (ARMR): Recommended Contents and Format guidelines. If the Archaeological Resource Assessment identifies resources that may be affected by the project, Phase II testing and evaluation will be required. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites.	
123.	Design and Preservation	Action 31.B: Historic Preservation Ordinance. Adopt a historic preservation ordinance that establishes a program of designating local landmarks and establishes a process for review of alterations to these landmarks.	
124.	Design and Preservation	Policy 31.10: Historical Resources Assessment and Treatment. A historic resources assessment including State of California Department of Parks and Recreation (DPR) 523 forms shall be prepared prior to the approval of development projects involving the demolition or substantial alteration (alteration of 30 percent or more of the building exterior) of buildings 45 years or older. DPR forms shall include a Primary Record (523A), Location Map (523J), and appropriate detailed recording forms (e.g., BSO Record (523B), Archaeological Site Record (523C), or District Record (523D)). The forms shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history (as defined in Code of Federal Regulations, Title 36, Part 61). If the property is already listed in the NRHP or CRHR or if DPR forms or an historical resources evaluation (HRE) has been prepared for the property in the past five years, preparation of new DPR forms shall not be required.	

		If a building to be demolished or substantially altered is identified as a historical resource, efforts shall be made to the greatest extent possible to ensure that the alteration of the identified historical resources is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Where compliance with the Standards and/or avoidance is not possible, documentation of the historical resource in the form of a Historic American Building Survey (HABS)-like report shall be prepared. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS.	
125.	Community Services and Facilities	Policy 33.1: Municipal Real Estate. Ensure that the City of Piedmont owns and retains a sufficient amount of land to meet the long-term operational needs of municipal government. Consider transfer of possible surplus lands under the California Surplus Public Lands Act to support the development of affordable housing and the modernization and repair of City facilities.	
126.	Community Services and Facilities	Action 33.A: Annual Capital Improvement Program. Prepare and adopt an annual capital improvement program in which potential public facility, transportation, recreation and infrastructure improvements are evaluated, prioritized, and funded as appropriate. Continue to convene a Capital Improvement Program committee comprised of Piedmont residents to provide oversight and direction in this process. Coordinate CIP planning and funding to support placebased improvements that support affordable housing in Piedmont. See goal 4, Elimination of Housing Constraints, and program 4.F, and others, of the Housing Element.	
127.	Community Services and Facilities	Action 33.E: Corporation Yard Study. Study the Corporation Yard property to determine its long-term use potential and ensure that its activities are arranged as efficiently as possible. See Housing Element program 1.L, Specific Plan.	
128.	Community Services and Facilities	Action 34.D: Prepare for Increased Demand. Study the nexus between the impacts of new multifamily development on City services and infrastructure and the costs to provide the services and infrastructure (see Housing Element program 4.D). Enact a new city services impact fee levied against new multifamily development to address the additional costs (see Housing Element program 1.K). Study the local municipal services tax to determine if the tax could be structured to collect annual tax from each new housing unit built in Piedmont (see Housing Element program 1.N). Establish a Piedmont Affordable Housing fund (see Housing Element programs 3.E).	
129.	Community Services and Facilities	Policy 34.7: Defensible Space, Evacuation Planning, and Emergency Access. Encourage new development (including additions and alterations) to incorporate lighting, landscaping, and design features that reduce the potential for crime, facilitate rapid response to emergency calls, and facilitate evacuation in event of an emergency. Prohibit new development and home alterations that would impede emergency access. See Policy 19.23: Evaluate Evacuation Route Capacity of the Piedmont Hazards Element in accordance Government Code Section 65302.15 (as amended by AB 747) and design requirements developed in implementing policy 19.23.	

[redacted]
Piedmont, California 94611

December 18, 2023

Kevin Jackson
Planning and Building Director
City of Piedmont
120 Vista Avenue
Piedmont, California 94611

Dear Mr. Jackson,

I am submitting the following comments on the Draft EIR for the 2023-2031 Housing Element Implementation Project.

1. Page 1-3. EIR State Clearinghouse Number 2009112054 “Moraga Canyon Sports Field Project” should be incorporated by reference and the Housing Element EIR should describe the significant and unavoidable impacts State Clearinghouse Number 2009112054 reports for accessing Blair Park from Moraga Avenue. The Housing Element EIR should call for further study of those impacts as part of the MCSP CEQA assessment (see comment 7 below) or, alternatively, make clear how those impacts would be mitigated, or made worse, by implementation of the Housing Element.

2. Page 2-23. If the data in Table 2-4, and in the text describing the table, are correct, more explanation is needed on how the sums were calculated because the addition as presented appears incorrect.

3. Page 4.7-21. If the data in Table 4.7-1 are correct, more explanation is needed on how the sum was calculated because the addition as presented appears incorrect.

4. Page 4.10-18. The following text needs further explanation because unclear referents make it virtually incomprehensible.

> *“…as discussed in Section 4.14, Transportation, impacts related to VMT would be significant and unavoidable. Therefore, although development in the MCSP Area would be inconsistent with transportation policies of the General Plan related to VMT, development in the MCSP Area would generally be consistent with other goals and policies within Plan Bay Area 2050, the Piedmont*

General Plan, and the PCC. As noted above in the "Methodology and Significance Thresholds" section, for an impact to be considered significant, an inconsistency would also have to result in a significant adverse change in the environment not already addressed in the other resource Environmental Impact Analysis Land Use and Planning Draft Environmental Impact Report 4.10-19 chapters of this EIR. This impact is acknowledged in the Transportation section of the EIR as it is a transportation impact. Impacts related to land use would be less than significant."

5. Page 4.11-21. The following text appears to confuse traffic volumes with noise volumes (e.g., dBA CNEL measures noise, not traffic) and needs clarification.

   "*The conditions of operational roadway traffic noise in the MCSP Area would be similar to those discussed for the Citywide Housing Element Implementation analysis, above. Traffic volumes on streets would not increase by 3 dBA CNEL or more, and, therefore, increases in traffic noise would be less than perceptible. Therefore, development facilitated by an adopted MCSP would not substantially add traffic volumes and would not increase associated traffic noise. Impacts related to increases in roadway noise would be less than significant."*

6. Page 4.13-7. What are the referents for "*these two facilities"* in the text *"Conservatively assuming the facilities are removed and replaced with housing, the removal of these two facilities would result in a decrease of approximately 7.5 acres of parkland within the city?"*

7. Page 4.14-28. The Draft EIR states

   "Considering that one of the main goals of the MCSP program is to improve bicycle, pedestrian, and traffic safety, new transportation facilities, or improvements to existing facilities associated with projects, such as new or enhanced pedestrian and bicycle facilities along Morage Avenue, would be constructed based on industry design standards and best practices consistent with the Piedmont City Code (PCC), Public Works Standard Details, and building design and inspection requirements. The PCC's evaluation of projects' access and circulation would incorporate analysis with respect to City standards for service to pedestrians, bicyclists, and transit users. For example, potential new driveways on Moraga Avenue or existing driveways or streets that would serve new development would provide adequate

sight distance as required by General Plan Policy 12.2 (Maintaining Sight Lines). Therefore, the MCSP would result in a less than significant impact to transportation hazards."

This poorly drafted text may constrain Council choice of options currently under consideration for the MCSP. Does "*PCC*" in the second sentence refer to the "Piedmont City Code" as implied by the preceding sentence? Or does it refer to the Piedmont City Council? Presumably not the former because city staff and paid consultants, not city codes, evaluate safety hazards. In fact, city staff and paid consultants have already evaluated the safety of adding entrances to Blair Park from Moraga Avenue. Consultants paid by the City of Piedmont prepared State Clearinghouse EIR Number 2009112054 for the "Moraga Canyon Sports Field Project." That EIR concluded (page 255) that pedestrians, drivers, and bicyclists entering or exiting Blair Park from Moraga Avenue would encounter *"Significant and Unavoidable"* safety hazards because no location along the park provides the 385-foot site distance Caltrans assumes for safe stopping of vehicles traveling at 35 MPH. More than 15% of vehicles traveling on Moraga Avenue *exceeded* that speed. The Housing Element Draft EIR predicts a 27% increase in Piedmont's population over the next 7 years and acknowledges (Section 14.4) a *significant and unavoidable* increase in VMT. The 8,000 average daily vehicular trips now on Moraga Avenue will likely exceed 10,000 by 2031. At least 1,500 (more than 1 per minute) of those vehicles will exceed 35 MPH each day making entering and leaving Blair Park, as well driving on Moraga Avenue, exceedingly risky.

The Draft Housing Element EIR asserts, without reference to the earlier EIR, that safety hazards along Moraga Avenue can be deemed "*less than significant*" because adequate sight distance is *"required by General Plan Policy 12.2."* Policies, of course, cannot mitigate risk unless enforced. If the Council approves the draft EIR as written, the city can comply with the EIR only by enforcing General Plan Policy 12.2. Future Councils would, therefore, have to either deny projects requiring entrance to Blair Park because such entrances would violate General Plan Policy 12.2, or realign Moraga Avenue to provide entrances that comply with General Plan Policy 12.2. But, 3 of the 4 options under consideration for the MCSP require access to Blair Park without requiring realignment of Moraga Avenue. These options would in effect violate General Plan Policy 12.2 and could not be approved under the Draft EIR as written. <u>If the Council anticipates pursuing any of these 3 options, the most prudent course of action now would include (1) amending the Draft Housing Element EIR to acknowledge that EIR Number 2009112054 found significant and unavoidable safety hazards and, (2) requiring further</u>

study of sight lines on Moraga Avenue as part of the CEQA assessment of the MCSP. This course of action would allow the Council to both comply with CEQA and approve any of the three options by making, if necessary, findings of overriding consideration.

Thank you,

Ralph Catalano

CC Piedmont City Council

From: RICK SCHILLER
To: City Council
Subject: Dec 18 General Plan Study Session
Date: Friday, December 15, 2023 11:03:09 PM

[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Piedmont City Council

Re: Dec 18 Study Session General Plan, et al
Dear Mayor Cavenaugh and Council,
Revision suggested to PCC 17.020.040: C. For lots that are larger than 5,000 square feet, an ADU shall be constructed:

1. When a new residence is proposed on a vacant lot. 2. When a remodel of an existing residence is proposed where 70% or more of structure is demolished.

This proposed change does not make sense and should be rejected, especially for existing residences:

1. If an existing residence is destroyed by fire or other natural disaster, it forces the homeowner to rebuild and ad an ADU. No insurer in California covers this. Further we are in a challenging insurance environment with major insurance companies exiting the state. Many homeowners are now forced to utilize expensive FAIR plan coverage. The Oakland Hills Fire destroyed 3,000 homes.
2. If the City wishes to encourage ADU's, it is better done by eliminating off-street parking requirements. At the Dec 11 PC hearing, if I heard correctly, as Piedmont is not within a half-mile of a "High Quality Transportation Corridor" all added ADU's, as allowed by SB-9, require off-street parking.
3. Encouraging ADU's through easing the process for residences is worthwhile; forcing ADU's on those that may choose to significantly expand their homes is misguided and may curtail major upgrades of existing aging homes.
4. Existing residence is normally defined by structure. Structure is any attachment to a home that is attached to the ground and minimally 12". If a homeowner has a large patio/deck they wish to renovate along with a small part of their residence, the 70% rule may then be relevant when the reality is that only a small portion of the home may be "demolished."
5. This 70% standard was not mandated, required or State legislated. When asked Dec. 11 Staff stated this 70% proposal "is a State requirement effectively." The reality is that the City put this in the draft HE which was then accepted by the State. HCD did not create, recommend nor mandate this. They accepted it.

Respectfully,
Rick Schiller