

City of Piedmont
CITY COUNCIL AGENDA REPORT

DATE: April 20, 2026

TO: City Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of Second Reading of Ordinance 791 N.S. Amending Divisions 17.60 [General provisions] and 17.78 [Appeals; Call for Review] (CEQA Review: Exempt under CEQA Guidelines Section 15378(b)(5) and 15183)

RECOMMENDED ACTION

Approve the second reading of Ordinance 791 N.S., Attachment A, amending divisions 17.60 [General Provisions] and 17.78 [Appeals; Call for Review] of Chapter 17 of the Piedmont City Code.

BACKGROUND

On April 6, 2026, the City Council approved a first reading and introduction of Ordinance 791 N.S., amending the Piedmont City Code Chapter 17 divisions 17.60 General Provisions, and 17.78 Appeals; Call for Review to provide clarification and make technical refinements to existing regulations. The revisions include aligning decision-making timelines compliant with Government Code requirements and establishing a time-of-day deadline for filing appeals.

Additionally, on April 6, 2026, the City Council found that the proposed Code amendments are not considered a "project" under the California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000 et seq.), specifically exempt under Section 15378(b)(5) and 15183. This exemption applies because the amendments primarily involve changes to local ordinances and regulations, and do not involve any physical development or direct impacts on the environment. Therefore, the amendments are not subject to further CEQA review.

A second and final reading is required for adoption. Once approved, this ordinance will become effective May 20, 2026.

REVIEW BY CITY ATTORNEY

The proposed amendments to the City Code have been reviewed and approved by the City Attorney.

Prepared by: Kevin Jackson, Planning & Building Director

ATTACHMENTS AND RELEVANT DOCUMENTS

	<u>Pages</u>	
A	3-5	Ordinance 791 N.S.

Separate Relevant Documents:

Link to April 6, 2026, City Council Staff Report:

<https://piedmont.ca.gov/common/pages/GetFile.ashx?key=dDREAc%2fK>

Link to Planning Commission Staff Reports:

https://piedmont.ca.gov/government/commissions__committees/planning_commission

Link to all meeting videos:

https://piedmont.ca.gov/news/kcom-tv/live_content_and_video_archive

Piedmont City Code Chapter 17, Planning and Land Use:

[https://cdnsm5-hosted.civillive.com/UserFiles/Servers/Server_13659739/File/Government/City%20Charter%20&%20Code/Chapter%2017%20\(Effective%202026-03-17\).pdf?v=6SwNQqpaA&v=6SwNQqpaA](https://cdnsm5-hosted.civillive.com/UserFiles/Servers/Server_13659739/File/Government/City%20Charter%20&%20Code/Chapter%2017%20(Effective%202026-03-17).pdf?v=6SwNQqpaA&v=6SwNQqpaA)

ORDINANCE NO.791 N.S.

AN ORDINANCE AMENDING SECTIONS OF DIVISIONS 17.60 GENERAL PROVISIONS AND 17.78 APPEALS; CALLS FOR REVIEW OF THE PIEDMONT CITY CODE TO CLARIFY REGULATIONS RELATING TO APPEALS DEADLINE AND UPDATING LANGUAGE RELATING TO APPLICABLE REGULATIONS IN EFFECT FOR A PROJECT

WHEREAS, the proposed amendments to Piedmont City Code (Chapter 17, Planning and Land Use) Sections 17.60.070 (General Provisions) and 17.78.020 (Appeals) are intended to bring the City Code into compliance with applicable Government Code requirements, clarify the regulations applicable to a project, and establish a clear deadline for filing appeals; and

WHEREAS, the proposed Code amendments are not considered a "project" under the California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000 et seq.), specifically exempt under Section 15378(b)(5) and 15183. This exemption applies because the amendments primarily involve changes to local ordinances and regulations, and do not involve any physical development or direct impacts on the environment; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and has taken public testimony on the proposed amendments to City Code Chapter 17 on March 9, 2026, consistent with existing City Code section 17.72.040 and recommended that the City Council adopt the proposed amendments to divisions 17.60 General provisions and 17.78 Appeals; Call for Review, to bring the City Code into compliance with updates to clarify the appeals deadline and clarify what regulations are in effect for a design review permit application; and

WHEREAS, the City Council has held a duly noticed public hearing and took public testimony on the proposed amendments to City Code Chapter 17 on April 6, 2026, consistent with existing City Code section 17.72.050.

NOW, THEREFORE, the City Council of the City of Piedmont hereby ordain, based on the oral and written staff report, all oral and written comments received and all other evidence in the record, as follows:

SECTION 1 - BACKGROUND AND INTENT

Amendments to Piedmont City Code (Chapter 17, Planning and Land Use) sub-section 17.60.070.A and Section 17.78.020 of Chapter 17 of the Piedmont City Code are proposed to bring the City Code into compliance with applicable Government Code requirements, clarify the regulations applicable to a design review permit application, and establish a clear deadline for filing appeals.

SECTION 2. Findings. The City Council hereby makes the following findings:

- A. The above recitations are true and correct and incorporated herein by reference.
- B. The proposed Code amendments are not considered a "project" under the California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000 et seq.)

and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000 et seq.) and are specifically exempt under Section 15378(b)(5) and 15183. This exemption applies because the amendments primarily involve changes to local ordinances and regulations, and do not involve any physical development or direct impacts on the environment. Therefore, the amendments are not subject to further CEQA review.

C. The proposed revisions implement amendments that clarify the regulations applicable to a project consistent with State law and establish a clear deadline for filing appeals.

D. The proposed amendments further public health, safety, and welfare of the community.

SECTION 3 – AMENDMENT OF SUBSECTION 17.60.070.A

Subsection 17.60.070.A of Section 17.60.070 [Decision; New application] of the City Code is amended in its entirety to read as follows:

“A. Decision. When considering an application, the hearing body may approve, approve with conditions, or deny the application. The decision is based on the regulations in effect at the time when the application is deemed complete pursuant to Government Code section 65943, or for housing development projects, at the time a preliminary application is deemed submitted pursuant to the requirements of Government Code section 65941.1, provided that a submittal of a full application follows within 180 days. The hearing body will inform the applicant of its reasons, and state the basis for findings, if findings are required. The decision is final and takes effect at the end of the appeal period, or, if appealed, after the appeal has been decided. (See division 17.78, Appeals; Calls for review.) If no appeal is filed, any required time period is measured from the date of the original decision.”

SECTION 4 – AMENDMENT OF SECTION 17.78.020

Section 17.78.020 Application of the City Code is amended in its entirety to read as follows:

“A person wishing to file an appeal must submit an application, stating the grounds for appeal, within ten calendar days after the date of the decision. The request must be filed with the City Clerk by 5:00 p.m. and must be accompanied by the appeal fee.”

SECTION 5 – CONFLICTS

If a previous City Council ordinance or resolution is in conflict with this ordinance, that ordinance or resolution is superseded, and the provisions of this ordinance prevail.

SECTION 6 – SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

SECTION 7 – CODIFICATION

The City Clerk is directed to codify this ordinance in a manner which reflects the legislative intent of the City Council.

SECTION 8 – CUSTODIAN

The Planning and Building Director is the custodian of all documents referenced in this ordinance.

SECTION 9 – POSTING, EFFECTIVE DATE, AND SUBMISSION

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading.

[END OF ORDINANCE]