



## MEMORANDUM

DATE: October 9, 2023

TO: Planning Commission

FROM: Gopika Nair, Associate Planner

SUBJECT: STAFF REPORT FOR Introduction to Housing Element  
Programs Implementation and Zoning Ordinance Updates

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### AGENDA ITEM NUMBER 3

#### PURPOSE:

This agenda item introduces Zoning Ordinance updates and other programs that implement key programs from Piedmont's recently adopted 6<sup>th</sup> cycle Housing Element for the 2023-2031 cycle. This report will discuss Housing Element implementation, highlight key programs, and outline timelines for completing the current implementation cycle.

#### EXECUTIVE SUMMARY:

The Housing Element of the General Plan is a blueprint for the City to achieve its housing goals and objectives. It sets forth policies and programs to increase the supply of affordable housing, promote diverse housing types, and support housing stock at all income levels. In the coming months, the Planning Commission will be asked to consider a number of Zoning Ordinance updates and other programs that are part of the Housing Element implementation plan. These updates are aimed at increasing housing development, increasing funding for affordable housing programs, and working with community groups to develop housing programs.

The Housing Element implementation plan can be divided into three categories:

1. Revisions to the Zoning Ordinance: These updates will map a path to allow for more affordable housing and diverse housing types in the City through the revision and addition of permitted uses and development standards for existing and new housing types and other amendments to address housing. The Housing Element sets forth different timeframes for the various revisions and this report prioritizes the Zoning Ordinance updates accordingly.
2. Other programs to be implemented within a strict timeframe: These programs are intended to provide funding for affordable housing, support community outreach, and promote housing equity.
3. Programs that are on-going or that have a more generous implementation timeframe.

The City is committed to implementing the Housing Element to help make housing in Piedmont more affordable and accessible for everyone.

## BACKGROUND:

The Housing Element, a crucial component of the City's General Plan, outlines the City's strategy for conserving its existing housing stock, creating new housing affordable to households of all income levels, and meeting the needs of all residents, including seniors, people with disabilities, and other special needs groups. The Housing Element establishes policies and programs that address the needs of the State and Piedmont community and that implement these policies.

Piedmont's Housing Element includes seven goals, 56 policies, and 71 programs. The goals encompass new housing construction, housing conservation, affordable housing opportunities, the elimination of housing constraints, special housing needs populations, sustainability and energy, and equal access to housing. The programs include modifications to regulations and procedures to comply with State Law and align with other General Plan goals. The programs implement housing goals and policies and address housing needs, resources, and constraints, as identified in the Housing Element and through community input.

The Housing Element must be updated every eight years for jurisdictions like Piedmont that are within a metropolitan planning organization (MPO), such as the Association of Bay Area Governments (ABAG), on a four-year regional transportation plan (RTP) cycle. The Housing Element must also be reviewed and approved (i.e., certified) by the California Department of Housing and Community Development (HCD) to ensure compliance with statutory requirements. Failure to adopt a Housing Element or to receive state certification can result in financial penalties, loss of local planning control and grant funding, and potential legal challenges.

### **Timeline to Implement Zoning Ordinance Revisions to Provide Adequate Sites**

After adoption of a Housing Element, each local jurisdiction must complete any zoning revisions required to provide adequate sites within a certain timeframe, which is dependent on the date its Housing Element is found to be in compliance with State Law by HCD. The various timelines set forth in State Law are as follows:

- If a housing element is adopted and found by HCD to be in compliance with State Law (i.e., certified) by May 31, 2023, then the jurisdiction has approximately three years after the date it adopts its housing element to complete all zoning revisions required to provide adequate sites (Govt. Code Section 65583(c)(1)(A)).<sup>1</sup>
- If HCD does not find a housing element to be in compliance by May 31, 2023, then all zoning changes required to provide adequate sites must be accomplished by January 31, 2024 (Govt. Code Section 65583(c)(1)(A) and 65588(e)(4)(C)(i)).

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<sup>1</sup> The due date for these jurisdictions is either three years after the date the jurisdiction adopted its housing element, or three years after the date that is 90 days after the jurisdiction received HCD's comments on its draft element, whichever is earlier.

- If a housing element is adopted after January 31, 2024, HCD cannot find it in compliance with state law until all necessary zoning revisions is adopted (Govt. Code Section 65588(e)(4)(C)(iii)).

In addition, the following requirements apply to certain zoning amendments not adopted by January 31, 2023:

- If zoning required to provide adequate sites for lower income housing is adopted after the housing element due date of January 31, 2023, it must provide for “by right” approval.

“By right” approval means that a housing project that does not require a subdivision and that contains 20 percent lower income housing is exempt from the California Environmental Quality Act (CEQA). A jurisdiction may require design review based on objective standards, but only if its “by right” ordinance requires design review approval (Govt. Code Section 65583.2(i)).

### **Failure to Implement Zoning Revisions**

If a jurisdiction does not complete its zoning revisions by the appropriate deadline as stated above, HCD is authorized to:

- Revoke its findings of compliance until zoning amendments are complete; and/or
- Refer the jurisdiction to the Attorney General (Govt. Code Section 65585(i), (j)).

### **Piedmont’s Current Status**

HCD did not certify Piedmont's Housing Element by May 31, 2023. This means that Piedmont must complete Housing Element programs 1.F, 1.G, 1.H and 1.P by January 31, 2024. With the goal of receiving HCD certification before the end of 2023, a revised Housing Element addressing May 23<sup>rd</sup> comments from HCD was submitted to HCD on September 8, 2023. The revisions do not alter the core of the City’s plan for accommodating 587 new homes by 2031, but provide additional detail requested by HCD about how the City’s plan will support housing mobility and affordability. HCD has 60 days to review the revised document. In the meantime, to comply with State law, City staff is currently drafting zoning updates that align with the programs and policies listed in the adopted Housing Element, including those Zoning Ordinance revisions now required to be completed by January 31, 2024.

The Analysis and Discussion section below provides information about the relevant programs in Piedmont’s Housing Element and their implementation timelines.

### **ANALYSIS AND DISCUSSION:**

#### **1) Revisions to Zoning Ordinance**

There are several revisions to the Zoning Ordinance planned for completion in the coming years. All these revisions require a Planning Commission recommendation and City Council adoption.

However, as discussed above, some require a more compressed adoption timeline. In this section and the tables below, staff will highlight: the Zoning Ordinance revisions that are to be completed by January 31, 2024; the Zoning Ordinance revisions that have a deadline of March/April 2024; the Zoning Ordinance revisions that have a later deadline; revisions to the Zoning Ordinance that implement State Laws that are currently in effect; and the Zoning Ordinance revisions that have a deadline of January 2026.

Expected to begin in November, staff will seek the Commission’s recommendation for the following two categories of Zoning Ordinance revisions:

1. Revisions that must be completed by January 31, 2024,
2. Revisions with a completion date of March 2024 but that can be completed with the earlier revisions, and

Revisions with a completion date of December 2024 through January 2026, and other clean up revisions will follow starting in 2024..

Detailed descriptions for programs listed in the tables below are available in the [Housing Element](#).

<b>TABLE 1. Zoning Ordinance revisions that must be completed by January 31, 2024</b>	
<b>1.D</b>	<i>Allow Religious Institution Affiliated Housing Development in Zone A</i> Consistent with Assembly Bill 1851 and Assembly Bill 2244, the City will amend the Zoning Ordinance to allow religious institution affiliated housing development projects by right in Zone A as accessory to a permitted religious institution use, allow these uses at densities up to 21 units per acre, and update the parking requirements consistent with State law. The City commits to modifying standards and make making other modifications as needed to achieve maximum allowed densities. The objective is to facilitate affordable multi-family housing development in all parts of the City by allowing religious institution affiliated house by right in Zone A, accessory to religious facilities.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>1.F</b>	<i>Increase Allowances for Housing in Zone B</i> In order for the City to have adequate capacity to meet its RHNA obligation throughout the planning period, it will expand residential development in publicly-owned lands. To ensure these properties are viable for multi-family residential development, the City wants to accommodate at a minimum 20 units per site and will amend the Zoning Ordinance to increase the allowed density in the Public Facilities Zone (Zone B) to 60 dwelling units per acre maximum.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>1.G</b>	<i>Facilitating Multi-family Development in Zone C</i> The City will amend the Zoning Ordinance to increase the maximum allowed residential density in Zone C to 60 dwelling units per acre, will increase the three-story maximum height limitation to 4 stories, and will allow parking reductions for certain multi-family and affordable projects. Reductions to front yard setbacks and increases

	in lot coverage allowances will also be implemented. The objective is to continue to develop and implement possible incentives and reduce constraints to facilitate multi-family development in Zone C.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>1.H</b>	<i>Increase Allowances for Housing in Zone D</i> To help facilitate future mixed-use redevelopment to achieve the City’s RHNA, the City will amend the Zoning Ordinance to allow residential densities up to 81 units per acre in Zone D, remove the Conditional Use Permit requirements for multi-family development in Zone D, and relax parking, setback, and lot coverage requirements in Zone D. The City will also waive ground floor commercial in Zone D as an incentive for residential development. In addition, the City will increase allowable height to four stories and reduce parking requirements to minimum one space per unit to facilitate residential development up to 81 units per acre in Zone D. The objective is to facilitate redevelopment of commercial and residential sites in Zone D for mixed use and multi-family development, including new mixed-use projects on underutilized commercial and residential sites and the addition of residential units to existing commercial and residential structures.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>1.P</b>	<i>General Plan Amendments</i> To ensure consistency between the City’s General Plan and the Zoning Ordinance, the City will amend the General Plan to allow the uses and densities as proposed under the Housing Element in Programs 1.D, 1.F, 1.G, 1.H, and 1.L.
<b>Status</b>	<b>Draft Revisions Underway</b> - please refer to Table 5 for status update on Program 1.L.

Table 2 below includes the Zoning Ordinance revisions that have a deadline of March/April 2024, the Zoning Ordinance revisions that have a later deadline but reference revisions made in code that are due March/April 2024, and revisions to the Zoning Ordinance that implement State Law that is currently in effect.

These revisions will be made concurrently with the revisions listed in Table 1.

<b>Table 2. Zoning Ordinance to be Made Concurrently With Those in Table 1</b>	
<b>1.J</b>	<i>SB 9 Facilitation Amendments</i> The goals of the City’s program to implement SB 9 are to allow up to four housing units per property in single-family zoning districts like Piedmont’s Zone A and Zone E, which includes the integration of missing middle housing, such as duplexes, triplexes, fourplexes, bungalow courts, and ADUs, in these zones. As part of these amendments, the City will amend the Zoning Code to facilitate missing middle product types up to four units per lot, greater than those standards required at a minimum per State law. The objective is to adopt objective design standards for SB9 properties by

	December 2023 and amend the Zoning ordinance to encourage large lot splits under SB 9 by April 2024.
<b>Status</b>	<b>Expected Start: 4<sup>th</sup> Quarter 2023</b>
<b>1.M</b>	<i>Manufactured and Mobile Homes</i> Government Code §65852.3 requires cities to allow and permit manufactured and mobile homes on a permanent foundation in the same manner and in the same zone as a conventional stick-built structure, subject to the same development standards that a conventional single-family home on the same lot would be subject to.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>4.I</b>	<i>Health and Safety Code 17021.5 Compliance</i> The California Legislature has established that cities must allow the development of employee housing commensurate with local needs. State Health and Safety Code (Section 17021.5) requires that cities treat employee housing for six or fewer employees as single-family residential uses and allowed by right in residential zones which allow single-family uses. The objective is to amend the City Code to ensure compliance with the employee housing provisions of California Health and Safety Code 17021.5.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>4.L</b>	<i>Allow Parking Reductions for Multi-Family, Mixed-Use and Affordable Projects</i> The City should allow parking reductions for certain multi-family, mixed-use, and affordable projects in order to reduce constraints that may adversely affect multi-family project feasibility. Priority reductions shall be granted for projects with affordable housing. The objective is to reduce constraints to multi-family housing development and amend the Zoning Ordinance to reduce parking for multi-family, mixed-use, and affordable housing projects.
<b>Status</b>	<b>Expected Start: 4<sup>th</sup> Quarter 2023</b>
<b>4.N</b>	<i>Allow Transitional and Supportive Housing by Right in Zones that Allow Residential Uses</i> Consistent with AB 2162 and other State law provisions, the City will amend the Zoning Ordinance to permit transitional and supportive housing uses by-right in all zones which allow residential uses, subject to the same standards of similar dwellings. The City will amend its Zoning Ordinance to permit permanent supportive housing without discretionary action in zones allowing multifamily and mixed-use development and comply with Government Code Section 65651.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>4.O</b>	<i>Allow Low Barrier Navigation Centers by Right in Zones that Allow Residential Uses</i> Consistent with State law, including SB 35 and SB 330, the City will adopt objective design standards for multi-family and residential mixed-use projects. The purpose of

	these standards is to expedite the approval and development process for such projects and support the City in meeting its housing goals. Low Barrier Navigation Centers must be allowed by-right in all residential zones, areas zoned for mixed-uses, and non-residential zones permitting multi-family uses. Therefore, the City must amend the Zoning Ordinance to allow Low Barrier Navigation Centers in all zones that allow residential and mixed-use, consistent with AB 101 (Government Code §65660 et seq.).
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>4.P</b>	<i>Residential Care Facilities</i> State law requires local governments to treat licensed residential care facilities (sometimes called group homes) with six or fewer residents as a residential use and subject to the same development standards as a single-family dwelling. Furthermore, no conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility that serves six or fewer persons that is not required of a family dwelling of the same type in the same zone. To comply with State law, the City adds this Program to amend the Zoning Ordinance to permit residential care facilities for six or fewer persons by right in all zones which allow residential uses. Additionally, recognizing that larger facilities provide necessary supportive environments for a variety of households, the City will amend the Zoning ordinance to allow unlicensed facilities of 7 seven or more persons in all zones which allow residential uses similar to other residential uses in the zone, subject to specific objective design standards and appropriate findings. The City will amend the Zoning Ordinance to establish conditional use permit findings for licensed residential care facilities for seven or more persons, and allow subject to a conditional use permit in Zone B and Zone D.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>4.Q</b>	<i>Parking Reductions for Persons with Disabilities, Seniors, and Other Housing Types</i> Allow parking reductions or waivers for housing for persons with disabilities, seniors, and other housing types to reduce development constraints.
<b>Status</b>	<b>Expected Start: 4<sup>th</sup> Quarter 2023</b>
<b>4.T</b>	<i>Establish Standards for Emergency Shelters</i> Consistent with SB 2 and Government Code Section 65583(a)(4), the City will amend the Zoning Ordinance to establish objective standards for emergency shelters including the maximum number of beds, parking requirements for shelter staff, provision of onsite management, length of stay, and security as allowed by SB 2. In addition, as part of its efforts to establish objective design standards for emergency shelters and to reduce constraints as identified in Appendix C, the City will eliminate the need for design review for emergency shelters that conform to the standards.
<b>Status</b>	<b>Expected Start: 4<sup>th</sup> Quarter 2023</b>
<b>4.V</b>	<i>Allow Emergency Shelters As Accessory Uses to Religious Facilities in Zone A</i> To facilitate the development of emergency shelter, the City will amend its Zoning



	Ordinance to allow emergency shelters by right as an accessory use to religious facilities in Zone A.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>5.H</b>	<i>Housing for Extremely Low Income Individuals and Households</i> 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. In smaller communities, provisions for shelters and supportive and transitional housing are required by State law, but additional steps must still be taken to meet the diverse housing needs of extremely low-income residents. The objective is to amend the Zoning Ordinance to allow Single Room Occupancy in Zone C and Zone D.
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>5.L</b>	<i>Definition of Family</i> To ensure no potential constraints to housing for persons with disabilities persist in the Zoning Ordinance, Program 5.L (Definition of Family) is proposed to revise the definition of “family” and remove any implicit requirements that families be “traditional,” that members “share household activities,” and requiring a “single written lease.”
<b>Status</b>	<b>Draft Revisions Underway</b>
<b>State Law</b>	<i>State Density Bonus</i> To implement the State Density Bonus Law as required by California Government Code Section 65915(a), 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 <i>et seq.</i> of the California Government Code.
<b>Status</b>	<b>Draft Revisions Underway</b>

The revisions in Table 3 have a more generous completion timeframe and will be drafted for the Commission’s consideration at a later time.

<b>Table 3. Zoning Ordinance Revisions with a Deadline of December 2024 to January 2026</b>	
<b>1.I</b>	<i>Lot Mergers to Facilitate Housing in Zone C and Zone D</i> The City is limited in the availability of sites suitable for higher density housing development, with few areas zoned for multi-family development. Of those sites, many are small (less than 0.5 acres). In order to help create viable housing sites and facilitate new multi-family and mixed-use housing in Zone C and Zone D, the City will amend the City Code to incentivize lot mergers and create lot merger standards.
<b>Status</b>	<b>Expected Start: Sometime in 2025</b>



<b>1.Q</b>	<i>Density Bonus Ordinance</i> Issue a request for proposals for a consultant or consulting firm to develop a local density bonus that is inclusive of State of California density bonus incentives and creates incentives for local goals for affordable housing above the minimum requirements of State density bonus law.
<b>Status</b>	<b>Expected Start: Sometime 2025.</b>
<b>3.G</b>	<i>Inclusionary Housing</i> The City will evaluate the potential to establish inclusionary housing requirements for new multi-family housing development, which would require affordable housing development. The objective is to provide additional affordable housing opportunities equally distributed and integrated with market-rate developments.
<b>Status</b>	<b>Expected Start: Sometime 2024</b>
<b>4.U</b>	<i>Amend Conditional Use Permit Findings</i> The City will develop a conditional use permit process that complies with State law and distinguishes between required findings for commercial uses and required findings for residential uses. The new conditional use permit findings for residential uses will no longer require a finding that “The use is primarily intended to serve Piedmont residents (rather than the larger region)”
<b>Status</b>	<b>Expected Start: Sometime 2025</b>
<b>5.I</b>	<i>Housing for Extremely Low-Income Families</i> The City will pursue new incentives for housing for extremely low-income families, including apartments, two-bedroom units, and larger ADU incentives. The intent of this Program is to provide larger housing configurations to serve families. The objective is to develop incentives to meet the needs of Piedmont's extremely low-income families, potentially including modified development standards for ADUs.
<b>Status</b>	<b>Expected Start: Sometime 2024</b>

In summation, all revisions to Zoning Ordinance highlighted in Table 1 and the programs whose status is “Draft Revisions Underway” in Table 2 will be brought before the Commission in November or December for recommendation for approval by the City Council. These revisions are summarized in the bullet list below:

- Updating the Intent sections for divisions 17.20,17.22, 17.24, 17.26 and 17.28 to align with Piedmont’s housing goals.
- Making religious institution affiliated emergency shelter a permitted use in Zone A.
- Allowing manufactured and mobile home on permanent foundation, low barrier navigation centers, licensed residential care facilities, small family day care home, unlicensed residential care facilities for seven or more people, and supportive and transitional housing development permitted uses in all zones.
- Allowing large family day care homes and licensed residential care facilities for seven or

more people as conditional uses in all zones.

- Making single room occupancy unit development and co-housing development a conditional use in Zone C and permitted use in Zone D.
- Updating development standards including setbacks, heights, FAR, densities for all zones.
- Adding development standards for emergency shelters, small and large family day care, transitional and supportive housing, low barrier navigation centers, and residential care facilities, that are consistent with standards for single-family homes.
- Clarifying how density is calculated for zones C and D.
- Creating a new division 17.52 implementing the State Density Bonus Law.
- Adding definitions for the new housing types and revising the definition of “family”.
- Reviewing the code for consistency with the Housing Element programs listed in the tables 1 and 2 above and making necessary updates.

**2) Other programs planned for completion by January 31, 2024:**

Apart from revisions to the Zoning Ordinance there are programs in the Housing Element that are planned to be completed by either December 31, 2023, or January 31, 2024, and that do not require any actions by the Planning Commission or City Council; as discussed in the table below. These programs are discussed in Table 4 below:

<b>Table 4. Other Programs Not Requiring Zoning Ordinance Revisions</b>	
<b>1.C</b>	<i>Public Engagement for Accessory Dwelling Units</i> The City of Piedmont will expand publicity and public engagement for the ADU programs to reach underserved and racially and ethnically diverse members of the Piedmont community, including residents and employees. The objective is to increase awareness of the ADU program.
<b>Status</b>	<b>On Going</b> The City of Piedmont is using a variety of methods to outreach to the community about ADUs, including: <ul style="list-style-type: none"> <li>• Booth at Harvest Festival (September 24, 2023): City staff were available to answer questions and provide information about ADUs at the Harvest Festival, a popular annual event in Piedmont.</li> <li>• Periodic newsletter to residents: The City's newsletter will include regular articles about ADUs, including information about costs, design, permit processing, and timelines.</li> <li>• East Bay ADU Tour (October 21, 2023): The City is partnering with other East Bay cities to host an ADU tour on October 21, 2023. The tour will feature 10+ ADUs in Oakland, Berkeley, and Piedmont, ranging in size from 700 square feet. Participants will have the opportunity to see different ADU designs and learn about the ADU permitting process from homeowners, builders, and City staff.</li> </ul>
<b>1.U</b>	<i>Priority Development Area Designation</i> The City will pursue a Priority Development Area (PDA) designation for land within

	Zone C and Zone D along Grand Avenue and City owned land within Moraga Canyon, areas where existing programs support increased density and use of surplus public land to increase production of lower income housing during the 6th Cycle. The objective is to support affordable housing development and other redevelopment through PDA designation.
<b>Status</b>	<b>Completed-</b> Secured nominations for both sites. Sites were approved by ABAG-Resolution 13-2023 on September 8, 2023.
<b>3.E</b>	<i>Affordable Housing Fund</i> The City will create a Piedmont affordable housing fund to receive philanthropic donations, in-lieu fees, and other sources of funding. These funds could be used for affordable housing programs including a loan program for ADUs with Habitat for Humanity or other programs for other affordable housing types. The objective is to meet with Council by December 2023 to discuss potential risks and opportunities and to create the affordable housing fund for the construction of new ADUs and Junior ADUs and other affordable housing types with occupancy restricted to very-low income and extremely-low income residents for a minimum period of 15 years by July 2024.
<b>Status</b>	<b>Expected Start: 4<sup>th</sup> Quarter 2023</b>
<b>4.A</b>	<i>Media Strategy</i> Prepare and update printed brochures and web-based materials which inform residents about the planning and building processes in Piedmont.
<b>Status</b>	<b>On Going</b> Many application materials are now downloadable from the City’s website. Continued efforts are being made to improve the content and usability of information on the Planning homepage, and to use the web to assist residents and reduce the wait for permits. Additionally, City staff were available to answer questions and provide information about ADUs and other building types at the Harvest Festival (September 24, 2023).
<b>4.B</b>	<i>Home Improvement Workshops</i> In the past, the City Planning Commission has held sessions on topics such as window replacement and upper story additions. Additional Planning Commission sessions on Bay-Friendly landscaping, solar panel installation, energy conservation, and other home improvements would be helpful and could ultimately make home maintenance and improvement projects more affordable for Piedmont households.
<b>Status</b>	<b>On Going</b> <ul style="list-style-type: none"> <li>• Discussions with residents on home remodels, ADU/JADU construction, energy efficient window replacements, solar panel installations and other.</li> <li>• East Bay ADU Tour (October 21, 2023): The City is partnering with other East Bay cities to host an ADU tour on October 21, 2023. The tour will feature 10+ ADUs in Oakland, Berkeley, and Piedmont, ranging in size from 700 square</li> </ul>

	feet. Participants will have the opportunity to see different ADU designs and learn about the ADU permitting process from homeowners, builders, and City staff.
<b>5.D</b>	<i>Accommodations for Disabled Persons</i> The City will work with local advocates and service providers (such as the Center for Independent Living) to provide an explanation of the process to retrofit a home to meet the needs of persons with disabilities, including developmental disabilities, on an as requested basis. Links to the websites of key service providers and advocacy organizations should be provided on the City’s website. Printed information (such as brochures or FAQ handouts), produced by these organizations should be available at City Hall, on an as requested basis. This information should identify the range of features that might be incorporated in a barrier-free home, and the steps an applicant would need to take to add these features to a residence.
<b>Status</b>	<b>Expected Start: 4<sup>th</sup> Quarter 2023</b>

**3) Other Housing Element programs that are underway:**

The three programs listed in Table 5 are underway:

<b>Table 5. Housing Element Programs that Have Commenced</b>	
<b>3.F</b>	<i>Incentives for Rent-Restricted ADUs</i> The City of Piedmont will incentivize ADU construction by: <ul style="list-style-type: none"> <li>• Providing pre-approved architectural plans for ADUs and JADUs.</li> <li>• Increasing the allowed height of ADUs.</li> <li>• Allowing larger expansions of existing accessory buildings.</li> <li>• Allowing up to three ADUs on a single-family property, including one rent restricted ADU.</li> </ul> Additionally, the City will continue to actively promote accessory dwelling unit construction in the 6th Cycle and expedite the review and approval of new ADUs.
<b>Status</b>	<b>Largely Completed</b> -Adopted Ordinance 769 on September 18, 2023.
<b>1.L</b>	<i>Specific Plan</i> The intent of this process would be to facilitate the development of below-market-rate housing to help meet the demand for affordable housing in the City. In order for the City to meet its RHNA requirements, these sites need to accommodate at least 132 housing units at all income levels. Given the size of the site, existing constraints, and the desire to preserve the existing public uses (open space, recreation, and City Corporation Yard), the area will be planned using the specific plan process outlined in Government Code §65450 et seq.
<b>Status</b>	<b>On Going</b> The public outreach and involvement for the preparation of the Moraga Canyon Specific Plan started on September 24, 2023 with an information booth at the Harvest Festival and promotion of a web-based community survey about Moraga Canyon. The

	survey asks community members what they value about Moraga Canyon and what are their preferences for new development, including architectural design. The survey will be live and posted to <a href="http://Piedmontishome.org">Piedmontishome.org</a> until October 20, 2023. The survey results and preliminary analysis will be presented at an event at Piedmont Veterans Hall on November 30, 2023. Everyone is invited to attend and share their perspectives and ideas.
<b>4.E</b>	<i>Temporary Staff Additions</i> As a small city, Piedmont is susceptible to fluctuations in the volume of planning and building applications. Because the City is committed to customer service in its Planning and Building functions, contract staff may be hired to provide building inspection, plan checking, and planning services during peak periods or prolonged staff absences.
<b>Status</b>	<b>On Going</b> The Building Division is employing 6 part time staff to facilitate the processing of building permits and conducting building inspections. The Planning Division is employing 1 part time staff to increase capacity to facilitate the implementation of Housing Element programs.

Besides the programs discussed in subsections 1), 2), and 3) above, there are other programs in the Housing Element that discuss: promoting housing development; reviewing impact fees to help pay for cost of maintaining City services and infrastructure; studying local municipal services tax to potentially generate additional revenue; obtaining grants to study gas station and brownfield remediation; maintaining rental units; initiating several public information and education campaigns about housing types, planning and building regulations, opportunities for construction, incentives etc.; continuing implementing California Building Code of Regulations; updating Capital improvements and Facilities Maintenance Funds; clarifying the City Charter; identifying funding for housing support for families in crisis; exploring ways to encourage and incentivize greener residential construction and participating in various County programs that serve the residents in need within Piedmont and the greater East Bay. These programs will be initiated and implemented by 2026.

**City Staff Tasks**

As discussed in the sections above, City staff is currently working on: drafting several Zoning Ordinance updates amending Planning and Land Use Chapter 17 Article 2, Article 3 and Article 5; and creating media strategy for promoting new housing types and permitting process. In addition, a new division to adopt state density bonus law is being drafted to be added within Article 3 of Chapter 17. A detailed analysis of the updates will be provided at the future hearings along with a proposed ordinance noting all updates for Commission review and recommendation.

Additionally, the City is preparing a programmatic EIR with assistance from Rincon Consultants and in coordination with the City Attorney’s Office to evaluate potential environmental impacts associated with 2023-2031 Housing Element implementation. Implementation includes amendments to the City of Piedmont’s General Plan and the Piedmont City Code as set forth in

the City's 2023-2031 Housing Element. The Draft EIR is expected to be published for public review and comments this fall. It will be considered by the Commission concurrently with the proposed zoning amendments.

#### COMMISSION ACTION:

This is an informational item intended to update the Commission on Housing Element implementation and introduce Zoning Ordinance changes and other programs outlined in the 6<sup>th</sup> cycle Housing Element. No action is required.

#### CONCLUSION AND NEXT STEPS

Implementing the programs included in Piedmont's approved 6<sup>th</sup> Cycle Housing Element is important for the City of Piedmont to comply with State Law, maintain project funding eligibility, and to meet the City's housing needs as provided in the Housing Element. Next steps include:

1. Staff's completion of draft Zoning Ordinance revisions and the posting of the revisions for public review in advance of a future Planning Commission meeting, at which the Commission is expected to consider a recommendation to the City Council.
2. The completion of the EIR and General Plan amendments and the posting of these documents for public review in advance of a future Planning Commission meeting, at which the Commission is expected to consider a recommendation to the City Council.

#### RELEVANT DOCUMENTS:

The City of Piedmont's 6<sup>th</sup> Cycle [Housing Element](#)