



MEMORANDUM

DATE: November 13, 2023

TO: Planning Commission

FROM: Gopika Nair, Associate Planner

SUBJECT: STAFF REPORT FOR Study Session on Updates to the Zoning Ordinance

AGENDA ITEM NUMBER 3

OBJECTIVE:

This agenda item is a study session to review the draft updates to City Code Chapter 17, Planning and Land Use (Zoning Ordinance) that implement the key programs from Piedmont's adopted 6th Cycle Housing Element for the 2023-2031 term (Housing Element). The revisions are also intended to implement the State laws that are currently in effect.

The draft revisions discussed in this report are to add a new division 17.52: Density Bonus; and update divisions 17.20 Zone A: Single family residential, 17.22 Zone B: Public Facilities, 17.24 Zone C: Multi-family residential, 17.26 Zone D: Commercial and mixed-use commercial/residential, 17.28 Zone E: Single family residential estate, and 17.90 Definitions & Measurements.

This agenda item provides an opportunity for the Planning Commission and the Piedmont community to review the draft updates to the Zoning Ordinance and provide staff the opportunity to respond to comments received from Commissioners and members of the public. This is an informational item only.

EXECUTIVE SUMMARY:

At the Planning Commission's regular meeting on October 9, 2023, staff presented an [introduction to the Housing Element implementation](#) which included an implementation plan and timeline. The Housing Element presents goals, policies and programs to affirmatively further fair housing for the community. A significant part of the implementation plan is to update the City's Zoning Ordinance. The Zoning Ordinance must be consistent with the City's General Plan. With the assistance of Rincon Consultants and the City Attorney's office, staff is currently working on updating the General Plan so that it is consistent with the Housing Element.

The updates to the Zoning Ordinance provide revised standards, rules, and procedures, and include revised and new special use regulations, development standards, and performance criteria to govern development on properties throughout Piedmont. An important difference between the

Housing Element and other elements of the General Plan is the extent of State oversight. The State legislature has declared an adequate supply of housing to be a matter of statewide importance and has delegated authority to the California Department of Housing and Community Development (HCD) to review both draft and adopted Housing Elements and issue assessments regarding their compliance with State law. When HCD issues a jurisdiction a letter of substantial compliance, it is referred to as “certification” of the Housing Element. HCD certification is important to enhance eligibility for grant funds, to reduce potential litigation, and to curtail uncertainty in the local land use approval process.

Revisions to the Zoning Ordinance discussed in this report will help to address governmental constraints to housing development in Piedmont through new multifamily and mixed-use development standards, increased housing opportunities throughout the City, zoning for a variety of housing types and other development standards.

Similar informational reports on other draft revisions to the Zoning Ordinance are expected to be provided at the regular meetings of the Planning Commission leading to a special meeting of the Commission on Monday, January 29, 2024, during which the Commission will consider a recommendation on the final proposed ordinance revisions to the City Council in conformance with City Code section 17.72.040.

BACKGROUND:

Table B-10 in the [Housing Element](#) demonstrates the City’s plan to accommodate the City’s RHNA on sites within the City. While the City is not responsible for the actual construction of these units, it is responsible for creating a regulatory environment in which the private market can build the unit types included in its Regional Housing Needs Allocation (RHNA). The recommended revisions to the Zoning Ordinance are intended to achieve this requirement.

The Housing Element programs 1.F, 1.G, 1.H and 1.P call for increased residential unit densities to ensure that the City has adequate capacity to meet Piedmont’s RHNA obligation throughout this planning period. The Housing Element Programs 1.D, 1.M, 4.I, 4.N, 4.O, 4.P, 4.V and 5.H require adding other uses, such as group homes (licensed and unlicensed), shared living residences, housing for people who are in transition like a temporary living facility, service-enriched shelter homes, employee housing, community care facilities, and mobile homes, as permitted and conditional uses in the City. A number of these revisions are also required by State law. It is important to note that Piedmont allows residential use (single-family) as a permitted use in all the zones (A, B, C, D and E), and most of these new housing types will be included as a permitted use in all zones. The sections below explain how the recommended revisions to the Zoning Ordinance will achieve the inclusion of these new housing types and increased densities. It is important to note that the draft revisions will allow for more than 587 new housing units. This “buffer” of capacity will help the City achieve its allocation for new housing because it is expected that development will not occur on every site identified in Housing Element Table B-10.

Staff had presented an outline of the implementation plan, timeline and status of the revisions that are on-going, completed, and yet to begin at the October 9, 2023, Planning Commission meeting.

Staff has updated the implementation plan based on work done until now and is included as Attachment 2, report pages 45-46, at the end of this report. The implementation plan lists and describes all the Housing Element programs identified in the discussion below.

RECOMMENDED DRAFT REVISIONS TO THE ZONING ORDINANCE:

This section outlines the draft revisions to the Zoning Ordinance and describes the revisions made, where necessary. With the exception of a number of clean-up items, all revisions are a result of the programs listed in recently adopted Housing Element programs. A redlined version of the edits to the current Zoning Ordinance is included as Attachment 1, report pages 13-44.

1) Revisions to “Permitted Uses and Conditional Uses” in Every Zoning District

In order to implement Housing Element programs 1.D, 1.M, 4.I, 4.N, 4.O, 4.P, 4.V, and 5.H, the draft ordinance would add a number of housing types to all zones as permitted and conditional uses in addition to the existing uses. Permitted use means a use that is permitted by right within a zoning district without a permit and a conditional use is a special 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. The draft revisions and state law requiring these revisions are summarized below:

- Permitted uses would be added to all zones include: manufactured and mobile homes on permanent foundation, low barrier navigation centers, residential care facilities (group homes) that provide licensable services for up to 6 residents, residential care facilities (group homes) that do not provide licensable services regardless of the number of residents, supportive and transitional housing developments, and employee housing for up to 6 employees.
- In addition, conditional uses would be added to permitted uses in zones B, C and D, include: small family day care home in zones B, C and D; multi-family residential development in zones B and D; and single room occupancy (SRO) and co-housing developments in Zone D.

Revised sections: 17.20.020, 17.22.020, 17.24.020, 17.26.020 and 17.28.020.

- Conditional uses would be added to all zones, which include: Residential care facilities that provide licensable services for seven or more people, and in zones B, C, and D: large family day care home. In addition, SROs and co-housing developments would be added as a conditional use in Zone C. Some clean-up language edits are also recommended under this section.

Revised sections: 17.20.030, 17.22.030, 17.24.030, 17.26.030., 17.28.030

Except for “clean-up” revisions, the changes noted above are required by state law, including, but

not limited to:

- Assembly Bill (AB) 1851 and AB 2244, which encourage the uses of religious facility sites including parking lots for housing development projects;
- Government Code §65852.3, which 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 built structure;
- Housing Element law and Affirmatively Furthering Fair Housing (AFFH) requirements, which require local governments to treat residential care facilities (also called group homes) as a residential use for the reasons described in the paragraph below; and
- State law pursuant to AB 2634, which requires local governments to assist in the development of a variety of housing types to meet needs of all household types including extremely low-income residents that are not seniors, such as SROs, and co-housing.

HCD has issued an advisory explaining the importance of residential care facilities. In sum, among the many reasons that group homes are essential housing for persons with disabilities is the support these homes provide for their 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. These services range from basic support for independent living to more intensive care and supervision services that require state licenses. Because group homes are such an important housing resources for persons with disabilities, State law not only protects them from discriminatory land use policies and practices, it mandates that local governments affirmatively support group homes locating in their communities.

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' reintegration into society and redevelopment of self-sufficiency. The draft revisions to the Zoning Ordinance would allow residential care facilities (group homes) in all zones with minor distinctions:

- Residential care facilities or group homes that provide licensable services for up to 6 residents as a permitted use. This does not include service staff. Six people living in a single-family home meets the definition for "family."
- Residential care facilities or group homes that do not provide licensable services as a permitted use. These "unlicensed" residential care facilities or group homes are not providing licensable services. The residents of a group home meet the definition for "family."
- Residential care facilities or group homes that provide licensable services for 7 or more residents as a conditional use: Because these homes may house more than 7 people excluding service staff, the State allows jurisdictions to review these on a case-by-case basis to ensure compatibility with the surrounding neighborhood.

2) Revisions to the "Development Standards in Every Zoning District.

Each zone's regulations and standards govern the development of all permitted uses, such as through setbacks, heights 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. In this section, staff will describe proposed updates to development standards.

Zone A Single family residential and Zone E Single family residential estate: *Revised sections: 17.20.040, 17.28.040*

- Keep the development standards unchanged for single-family development such as lot size, frontage, coverage, setbacks, FAR, and building height.
- Add development standards for all the new permitted and conditional uses allowed under these zones.
- Minor clean-up language edits to the development standards table.

Zone B Public Facilities: *Revised section: 17.22.040*

- Add development standards for construction of multi-family residential development consistent with Housing Element Program 1.F, which requires the City to allow for multi-family residential development in this Zone (with an allowed density of maximum 60 dwelling units per acre).
- Add development standards for all the new permitted and conditional uses allowed under these zones.
- Update green building requirements chapter and section.

Zone C Multi-family residential: *Revised section: 17.24.040*

- Increase the maximum allowed residential density in Zone C to 60 dwelling units per acre, increase 3 stories maximum height limit to 4 stories, allow parking reductions for certain multi-family and affordable projects, reduce front yard setbacks, increase lot coverage allowance and reduce constraints to facilitate multi-family development projects, as required by Housing Element Program 1.G. To determine the appropriate minimum lot size and frontage for Zone C, staff analyzed existing lot sizes using ArcGIS and Alameda County Assessor's Parcel data. The median lot area is 3,913 square feet and median lot frontage is 40 feet. Staff also researched comparable zones in neighboring cities, which are summarized in Attachment 3, report pages 47-52. Staff recommends a minimum lot size of 4,000 square feet and a lot frontage of 40 feet for Zone C. This recommendation is based on the following:
 - Using the average lot size would have yielded a skewed result because there are a few properties in Zone C that are much larger than the majority.
 - The median lot size is a more representative value of a typical property in Zone C.
 - The recommended lot size is consistent with comparable zones in neighboring cities.

Staff also recommends adding density standards and eliminating floor area ration (FAR) standards. This is because for coverage, landscaping, height, setbacks, and step backs sufficiently control form and massing. Finally, staff will discuss amendments to the parking

standards under separate division in a future study session. Table 1 compares existing standards for multi-family development with recommended draft standards:

Table 1: Multi-family development standards		
Development standard	Existing Zone C Requirements	Recommended Zone C Requirements
Lot area	Min. 10,000 sq.ft	Min 4,000 sq.ft, unless otherwise required by State law.
Frontage, on public or private street	Min. 90 ft.	Min 40 ft.
Table 1: Multi-family development standards		
Development standard	Existing Zone C Requirements	Recommended Zone C Requirements
Lot coverage; Landscaping	Max:50% lot coverage Min:30% landscaping or 20% if 20% of units affordable	Max:70% lot coverage Min:15% landscaping or 10% if 20% of units affordable
Structure Height	35 ft.	45 ft. for buildings on lots with lot area 4,000 sq.ft. or less. 35 ft. for buildings on lots with lot area more than 4,000 sq.ft.
Street yard setback	Min. 20 ft. for primary or accessory structure	Min. 15 ft. for primary or accessory structure. 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.
Side and rear yard setback	Min. 5 feet for primary or accessory structure. If the existing multi-family dwelling has a rear or side setback of less than four feet, no modification of	Min. 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

	the existing multifamily dwelling shall be required for construction of an accessory dwelling unit	shall further step back depending on the lot area: <ul style="list-style-type: none"> • If the lot area is 4,000 sq.ft. or less, 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 the lot area is more 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 3 stories or 35 ft, whichever is less.
Table 1: Multi-family development standards		
Development standard	Existing Zone C Requirements	Recommended Zone C Requirements
Floor area ratio	Max 55% of the lot area if the parcel is 5,000 sq.ft. or less. Max 50% of the lot area if the parcel is 5,001 sq.ft. to 10,000 square feet. Max 45% of the lot area if the parcel is more than 10,000 sq.ft.	None
Density	A multi-family dwelling at a minimum density of one dwelling unit per each 3,600 sq.ft. of lot area (12 units/acre), and not exceeding one dwelling unit per each 2,000 sq.ft. of lot area (21 units/acre).	Min. density of 20 units/acre, and max. density of 60 units/acre; unless otherwise required by State Law.

All the standards in Table 1 would be subject to exception for accessory dwelling unit construction set forth in division 17.38. Side and rear yard setbacks are proposed to be reduced to 4 feet mainly because the setbacks for ADU and Senate Bill (SB) 9 construction that allows for up to 4 units have a similar setback. However, as the height of the proposed development increases, there additional step backs are proposed that allow for greater separation between existing and proposed buildings at the upper levels.

- Clarify how density is calculated for eligible projects. *This would be provided at a future study session.*
- Add development standards for all the new permitted and conditional uses allowed under these zones.

Zone D Commercial and mixed-use commercial/residential: *Revised section: 17.26.050*

- Allow residential densities up to 81 units per acre; relax parking, setback and lot coverage standards; and allow up to 4 stories, as required by Housing Element Program 1.H. 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, staff recommends updates to existing development standards in the Civic Center and Grand Avenue Subareas based. First, staff recommends adding a minimum lot size requirement and eliminating the regulation that disallowed subdivision of lots. This is in response to State law resulting from SB 9 and newer legislation such as SB 684, which requires ministerial approval of subdivisions under specified conditions. To determine the appropriate minimum lot size and frontage for Zone D, staff analyzed existing lot sizes using ArcGIS and Alameda County Assessor's Parcel data. The median lot area for Grand Avenue area is 4,750 square feet and the median lot area for Civic Center area is 9,874 square feet. Staff also researched comparable zones in neighboring cities, which are summarized in Attachment 4, report pages 53-56. Staff recommends a minimum lot size of 4,750 square feet in all Zone D areas and this recommendation is based on the following:

- Encouraging smaller, multiple buildings with varied massing rather than a few large buildings to provide visual interest and human scale urban character.
- The median lot size is a more representative value of a typical property in Grand Avenue area of Zone D.
- The recommended lot size is consistent with comparable zones in neighboring cities.

Table 2 below compares existing standards and recommended standards for the Civic Center Subarea:

Table 2: Civic Center Subarea		
Development Standard	Existing	Recommended
Lot Area	No minimum area, but an existing lot may not be subdivided into smaller lots.	Minimum 4,750 square feet, unless otherwise required by State law.
Frontage, on public or private street	No minimum requirement.	No minimum requirement.
Lot coverage; Landscaping	No maximum. No minimum.	No maximum. No minimum.
Structure height	Maximum 40 feet, and 3 stories.	45 feet
Street yard setback	No minimum setback.	No minimum setback.
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 feet from that abutting lot line.	No minimum setbacks, but if side or rear yard abuts a single-family residence, the minimum side and rear yard setback is 4 feet from that abutting lot line.
Floor to ceiling height for ground floor	15 feet minimum	15 feet minimum

Table 3 below compares existing standards and recommended standards for the Grand

Avenue Subarea:

Table 3: Grand Avenue Subarea		
Development Standard	Existing	Recommended
Lot Area	No minimum area, but an existing lot may not be subdivided into smaller lots.	Minimum 4,750 square feet, unless otherwise required by State law.
Frontage, on public or private street	No minimum requirement.	No minimum requirement.
Lot coverage; Landscaping	No Maximum. Minimum 10% landscaping, subject to exception for accessory dwelling unit construction set forth in division 17.38.	No Maximum. Minimum 10% landscaping, subject to exception for accessory dwelling unit construction set forth in division 17.38.
Structure height	Maximum 35 feet, and 3 stories. For a building site adjacent to a single family residence: <ul style="list-style-type: none"> • within 10 feet of the abutting lot line: maximum 25 feet measured from adjacent grade; and • daylight plane starting at 25 feet above grade and a distance of 10 feet from the abutting property line. 	Maximum 45 feet, For a building site adjacent to a single family residence: <ul style="list-style-type: none"> • within 10 feet of the abutting lot line: maximum 25 feet measured from adjacent grade; and • daylight plane starting at 25 feet above grade and a distance of 10 feet from the abutting property line.
Street yard setback	Along Wildwood, Sunnyside and Linda Avenues: 10 feet minimum from lot line. Along Grand Avenue: 15 feet minimum from curb or 3 feet from lot line, whichever is greater.	Along Wildwood, Sunnyside and Linda Avenues: 5 feet minimum from lot line. Along Grand Avenue: 5 feet minimum from curb or 3 feet from lot line, whichever is greater.
Side yard and rear yard setback	Side Yard: no minimum setbacks, except minimum 5 feet from lot line abutting a single-family residence. Rear Yard: 5 feet minimum.	Side Yard: no minimum setbacks, except minimum 4 feet from lot line abutting a single-family residence. Rear Yard: 4 feet minimum.
Floor to ceiling height for ground floor	12 feet minimum	12 feet minimum

Next, as shown in Tables 2 and 3 above, staff recommends that side and rear yard setbacks be reduced to 4 feet to keep the standard consistent with the ADU and SB9 state laws as explained in the section above. Street yard setback would also be reduced to encourage development on smaller lots. Finally, amendments to the parking standards in this Zone will be discussed under separate division at a future hearing.

- Add development standards for all the new permitted and conditional uses allowed under these zones.
 - Add density and FAR standards for multifamily and mixed-use projects. Where density is regulated, it is often possible to predict the future requirements for school facilities, sewer and water system capacities, and other facilities affected by population density. Residential density proposed for Zone D is a result of the Housing Element program.
- 3) Revisions to the “Intent” section in Every Zoning District. Revised sections 17.20.010, 17.22.010, 17.24.010, 17.26.010 and 17.28.010.**

This is a clean-up item recommended by staff for consistency with the Housing Element requirement for updates to allowed uses and development standards in all zones, and the City’s goal of welcoming more and diverse housing types.

4) Revisions to Article 5. Definitions; Measurements. Revised section: 17.90.010.

Staff recommends revisions to the definition of “family” as required by Housing Element Program 5.L. Staff also recommends adding definitions for the new housing types introduced in Article 2 and adding clean-up definitions for certain terms used in Article 2. New definitions and clarifications have been added for the following terms: co-housing, day care facility, density, duplex, dwelling unit, studio, employee housing, low barrier navigation centers, manufactured home, minor servicing, mobile home, multi-family, religious institution affiliated housing, religious institution affiliated emergency shelters, religion-use parking spaces, residential care facilities, single room occupancy, supportive housing, and transitional housing and transitional housing development.

5) Adding a New City Code Division 17.52 Density Bonus

The purpose and intent of this division would be 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 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.

Under the following scenarios, a project would be entitled to a density bonus:

- At least 5% of the housing units are restricted to very low-income residents.

- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale common interest development are restricted to moderate income residents.
- 100% of the housing units (other than manager's units) are restricted to very low, lower and moderate-income residents (with a maximum of 20% moderate).
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low-income level.
- At least 20% of the housing units are for low-income college students in housing dedicated for full-time students at accredited colleges.
- The project donates at least one acre of land to the city or county for very low-income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development (no affordable units required).
- The project is a mobile home park age-restricted to senior citizens (no affordable units required).

The quantity of a density bonus is based on two factors: 1) the percentage of units in the project that will be set aside as affordable, and 2) the household income category of those affordable units. There are multi-family objective development and design standards that a developer must meet when seeking approval and there are occasions when a deviation from design standards is needed in order to make the project economically feasible for the developer to build (e.g., a waiver from a design standard that requires a setback of 3 feet after 15 feet of façade along the façade). In such scenarios, a developer can ask for a Concession. If a developer cannot meet the development regulations due to physical infeasibility such as height/setback limits, site conditions or parking standards, the developer can request a Waiver. The State law defines these scenarios.

The City may be able to deny an incentive or waiver that will potentially result in a specific adverse impact upon health, safety, the environment or on any property listed in the California Register of Historic Resources.

CITY CHARTER:

The proposed modifications to the City Code are in conformance with the City Charter, including section 9.02. No zones would be reduced or enlarged, and no zones would be reclassified. City Charter provisions are expressly referred to in City Code division 17.02.C.

COMMISSION ACTION:

This is an informational item intended to present the draft revisions to the Zoning Ordinance. The Commission is requested to receive the staff presentation, review the updates, encourage public discussion, and provide feedback to staff on recommended revisions to the Zoning Ordinance. No action is required.

CONCLUSION AND NEXT STEPS

The Zoning Ordinance update is required in order to implement the Housing Element. The update will also bring the Zoning Ordinance into compliance with current California housing laws and thereby provide clarity to the community, design professionals, and other interested parties. Next steps include:

1. Study sessions at subsequent regular meetings of the Planning Commission discussing more revisions to the Zoning Ordinance, including but not limited to: parking requirements, a new division for SB-9 development, clarifications as to how density is calculated, and revisions that implement State law that go into effect on January 1, 2024.
2. The completion of the EIR and General Plan amendments and the posting of these documents for public review and the introduction of these documents during study sessions scheduled for the agendas of future Planning Commission meetings.
3. A special meeting of the Commission on Monday, January 29, 2024, during which and in conformance with City Code section 17.72.040, the Commission will consider a recommendation to the City Council regarding the Zoning Ordinance update, General Plan amendments, and a related Environmental Impact Report.

ATTACHMENTS AND RELEVANT DOCUMENTS:

	<u>Pages</u>	
1	13- 44	Redline edits of the Zoning Ordinance: Article 2, Article 3 & Article 5
2	45-46	Implementation Programs Tracking
3	47-52	Zone C Comparable Development standards
4	53-56	Zone D Comparable Development standards

Separate Attachment and Links:

- The City of Piedmont's 6th Cycle [Housing Element](#)

Chapter 17 PLANNING AND LAND USE

ARTICLE 1. GENERAL PROVISIONS

- 17.02 Title; Intent; City Charter
- 17.04 Applicability and interpretation
- 17.06 General requirements
- 17.08 Establishment of zones; Zoning map; Interpretation

ARTICLE 2. ZONING DISTRICTS: USES AND REGULATIONS

- 17.20 Zone A: Single family residential
- 17.22 Zone B: Public facilities
- 17.24 Zone C: Multi-family residential
- 17.26 Zone D: Commercial and mixed-use commercial/residential
- 17.28 Zone E: Single family residential estate

ARTICLE 3. SPECIAL REGULATIONS

- 17.30 Parking
- 17.32 Fences; Walls; Retaining walls
- 17.34 Landscaping
- 17.36 Signs
- 17.38 Accessory dwelling units
- 17.40 Residential rentals
- 17.42 Additional bedrooms in existing dwelling units
- 17.44 Home occupations
- 17.46 Wireless communication facilities
- 17.48 Cannabis cultivation and facilities
- 17.50 Non-conforming uses and structures
- 17.52 Density Bonus

ARTICLE 4. ADMINISTRATION

- 17.60 General provisions
- 17.62 Notice requirements
- 17.64 Hearings; Review; Term of approval; Conditions
- 17.66 Design review
- 17.68 Conditional use permits
- 17.70 Variances
- 17.72 Zoning amendments
- 17.74 Development agreements
- 17.76 Reasonable accommodation
- 17.78 Appeals; Calls for review
- 17.80 Enforcement

ARTICLE 5. DEFINITIONS; MEASUREMENTS

- 17.90 Definitions & Measurements

ARTICLE 2. ZONING DISTRICTS: USES AND REGULATIONS

Divisions

- 17.20 Zone A: Single family residential
- 17.22 Zone B: Public facilities
- 17.24 Zone C: Multi-family residential
- 17.26 Zone D: Commercial and mixed-use
- 17.28 Zone E: Estate residential

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, ~~protecting the quiet, family atmosphere of neighborhoods.~~
- ~~Protect residents from the harmful effects of excessive noise, light deprivation, intrusions on privacy, overcrowding, excessive traffic, insufficient parking, blockage of significant views, and other adverse environmental impacts.~~ Create, maintain, and enhance an urban 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.

17.20.030 Conditional uses.

The following are allowed in Zone A with aas 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.

17.20.040 Regulations.

A. The following development standards apply to the development of all uses in 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.
Frontage, on public or private street	Minimum 60 feet.
Lot coverage; Landscaping	Maximum 40% lot coverage for 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 <u>unless the yard is street facing, in which case the minimum is 20 feet-in a street facing yard</u> , 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,

	<p>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.</p>
<p>Floor area ratio*</p>	<p>Subject to exception for accessory dwelling unit construction set forth in division 17.38: <u>Maximum</u> 55% of the lot area if the parcel is 5,000 square feet or less. <u>Maximum</u> 50% of the lot area if the parcel is 5,001 square feet to 10,000 square feet. <u>Maximum</u> 45% of the lot area if the parcel is more than 10,000 square feet.</p>

* 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)~~

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 units per acre.
- c. Reservoir has no applicable development standards.

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.~~

~~DC.~~ Public school.

~~ED.~~ Parks, including recreational uses and facilities.

~~FE.~~ Cemetery, public utility.

~~GF. 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.

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

N. Employee housing.

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 ~~58, article 4,~~ section ~~5.358.10~~ 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, including recreational uses and facilities – no standards.

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.

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, co-housing and single room occupancy dwellings, the standards are as follows:

	Zone C requirements
Lot area	Minimum 10,000 <u>4,000</u> -square feet, subject to exception for accessory dwelling unit construction set forth in division 17.38.
Frontage, on public or private street	Minimum 40 <u>90</u> feet
Lot coverage; Landscaping	Maximum 50 <u>70</u> % 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 30 <u>15</u> % landscaping, or 20 <u>10</u> % 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.

<p>Structure height</p>	<p>Maximum 35-45 feet <u>for buildings on lots with lot area 4,000 sq.ft. or more</u>, except accessory dwelling units shall be subject to restrictions set forth in division 17.38.</p> <p><u>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.</u></p>
<p>Street yard setback</p>	<p><u>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:</u>Minimum 20 feet for primary or accessory structure, subject to exception for accessory dwelling unit construction set forth in division 17.38.</p> <div data-bbox="678 1125 1263 1409" data-label="Diagram"> </div> <p>Site feature of any height may require a design review permit under division 17.66.</p>
<p>Side yard and rear yard setback</p>	<p>Minimum 5-4 feet for primary or accessory structure, <u>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:</u></p> <ul style="list-style-type: none"> <u>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.</u> <p><u>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</u></p>

	<p>residential after 3 stories or 35 ft, whichever is less., stepback except, 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.*</p> <p>•</p> <p>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.**</p> <p>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.</p>
<p><u>Floor area ratio</u></p>	<p>Subject to exception for accessory dwelling unit construction set forth in division 17.38:</p> <p>Maximum 55% of the lot area if the parcel is 5,000 square feet or less.</p> <p>Maximum 50% of the lot area if the parcel is 5,001 square feet to 10,000 square feet.</p> <p>Maximum 45% of the lot area if the parcel is more than 10,000 square feet.</p>
<p><u>Density</u></p>	<p>Minimum density of 20 units/acre, and maximum density of 60 units/acre, unless otherwise required by State Law.</p>

* 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. Small and large day care facility centers as provided in section 17.20.040.A.
5. Residential care facility 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. Emergency shelters as provided in section 17.20.040.A.
9. Employee Housing for up to six employees as provided in section 17.20.40.A

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, ~~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. Manufactured and mobile homes on a permanent foundation.
- D. Low barrier navigation centers.
- E. Residential care facilities or group homes that provide licensable services for up to six residents.
- F. Residential care facilities or group homes that do not provide licensable services.
- G. Supportive housing and transitional housing developments.
- H. Accessory structures with accessory uses located on the same lot as the primary structures under this section.
- I. Small family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.
- J. Stand-alone multi-family development including single-room occupancy and co-housing, and multi-family that is part of a mixed-use development.
- K. Employee housing.

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 (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. Mixed-use commercial/residential development. 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 <u>Minimum 4,750 square feet, unless otherwise required by a State law area, but an existing lot may not be subdivided into smaller lots.</u>	<u>Minimum 4,750 square feet</u> No minimum lot area, unless otherwise required by a State law. 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 <u>Maximum 40 feet, and 3 stories.</u>	Maximum 35 <u>45</u> 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 <u>35</u> feet measured from adjacent grade; and B. daylight plane starting at 25 <u>35</u> 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 <u>5</u> feet minimum from lot line. Along Grand Avenue: 15 <u>5</u> 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 <u>4</u> feet from that abutting lot line.	Side Yard: no minimum setbacks, except minimum 5 <u>4</u> feet from lot line abutting a single-family residence. Rear Yard: 5 <u>4</u> feet minimum.

Floor to ceiling height for ground floor <u>commercial use</u>	15 feet minimum	12 feet minimum
----------------------------------------------------------------	-----------------	-----------------

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 and large day care facility, manufactured and mobile homes, low barrier navigation center, residential care facility, and supportive and transitional housing, the development standards are as follows:

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.
-------------------------------------------------------------------------------------	-----------------------------------------------------

~~(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.

D. Density and Floor Area Ratio.

The following density and floor area ratio standards apply to all residential development 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 units/acre.
2. The maximum non-residential FAR in a mixed-use development is 75%.

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.

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.

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

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.
Frontage, on public or private street	Minimum 120 feet.
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, <u>unless the yard is street facing, in which case the minimum is 20 feet, except that a setback of only 4</u> 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

	<p>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.</p> <p>No minimum setback for a site feature, but a site feature may require a design review permit under division 17.66.</p>
<p>Floor area ratio*</p>	<p>Subject to exception for accessory dwelling unit construction set forth in division 17.38: <u>Maximum</u> 55% of the lot area if the parcel is 5,000 square feet or less. <u>Maximum</u> 50% of the lot area if the parcel is 5,001 square feet to 10,000 square feet. <u>Maximum</u> 45% of the lot area if the parcel is more than 10,000 square feet.</p>

* 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)

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.

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.

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.

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 a type of ownership housing in which residents actively participate in the design and operation of their neighborhoods. Co-housing includes private homes with full kitchens, but may also incorporate extensive common facilities such as open space, playgrounds, courtyards, and a common house.

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.

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.

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. Major motor vehicle repair is not allowed.

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 Federal 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, including two or more separate dwelling units. This definition includes, but not limited to, duplexes and triplexes, apartments, and townhomes under a common ownership.

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.

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 in an exterior wall, an interior bearing wall, a floor, or a roof.

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 division 17.50.

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.

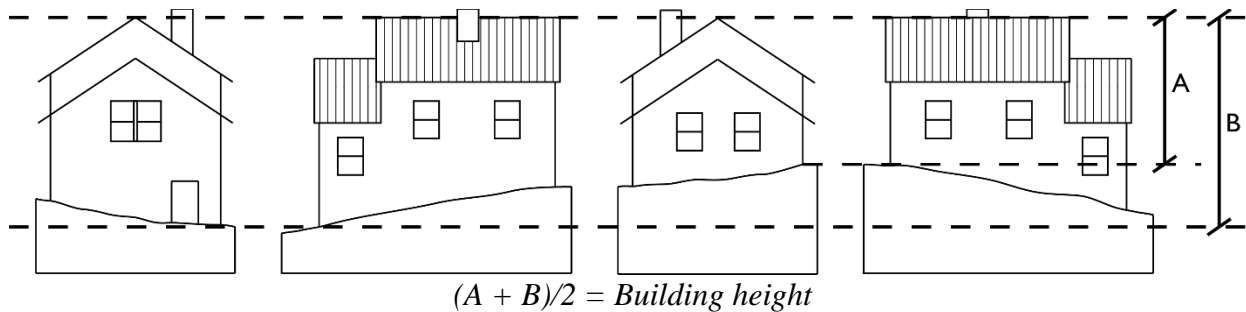
Rear yard means a yard abutting the rear lot line, measured between the rear lot line and the nearest point of the primary structure.

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.



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.)

Density means (phase 2 updates)

Implementation Plan Tracking

Programs		Status
1.D	<i>Allow Religious Institution Affiliated Housing Development in Zone A</i>	Draft Revisions Presented at the November PC
1.F	<i>Increase Allowances for Housing in Zone B</i>	Draft Revisions Presented at the November PC
1.G	<i>Facilitating Multi-family Development in Zone C</i>	Draft Revisions Presented at the November PC
1.H	<i>Increase Allowances for Housing in Zone D</i>	Draft Revisions Presented at the November PC
1.P	<i>General Plan Amendments</i>	Draft Revisions Presented at the November PC- please refer to Table 5 for status update on Program 1.L.

Programs		Status
1.E	<i>Require ADUs for New Single-Family Residence Construction</i>	Draft Revisions To be Presented at the December PC
1.J	<i>SB 9 Facilitation Amendments</i>	Draft Revisions To be Presented at the December PC
1.M	<i>Manufactured and Mobile Homes</i>	Draft Revisions Presented at the November PC
4.I	<i>Health and Safety Code 17021.5 Compliance</i>	Draft Revisions Presented at the November PC
4.L	<i>Allow Parking Reductions for Multi-Family, Mixed-Use and Affordable Projects</i>	Draft Revisions To be Presented at the December PC
4.N	<i>Allow Transitional and Supportive Housing by Right in Zones that Allow Residential Uses</i>	Draft Revisions Presented at the November PC
4.O	<i>Allow Low Barrier Navigation Centers by Right in Zones that Allow Residential Uses</i>	Draft Revisions Presented at the November PC
4.P	<i>Residential Care Facilities</i>	Draft Revisions Presented at the November PC
4.Q	<i>Parking Reductions for Persons with Disabilities, Seniors, and Other Housing Types</i>	Draft Revisions To be Presented at the December PC
4.T	<i>Establish Standards for Emergency Shelters</i>	Expected Start: 1stth Quarter 2024
4.V	<i>Allow Emergency Shelters As Accessory Uses to Religious Facilities in Zone A</i>	Draft Revisions Presented at the November PC
5.H	<i>Housing for Extremely Low Income Individuals and Households</i>	Draft Revisions Presented at the November PC
5.L	<i>Definition of Family</i>	Draft Revisions Presented at the November PC

State Law	<i>State Density Bonus</i>	Draft Revisions Presented at the November PC
------------------	----------------------------	-----------------------------------------------------

Programs		Status
1.I	<i>Lot Mergers to Facilitate Husing in Zone C and Zone D</i>	Planned to begin in 2025
1.Q	Density Bonus Ordinance	Planned to begin in 2025
3.G	<i>Inclusionary Housing</i>	Planned to begin in 2024
4.U	<i>Amend Conditional Use Permit Findings</i>	Planned to begin in 2025
5.I	<i>Housing for Extremely Low-Income Families</i>	Planned to begin in 2024

Program		Zoning Revisions Needed	Status
1.C	<i>Public Engagement for Accessory Dwelling Units</i>	No	On Going
1.U	<i>Priority Development Area Designation</i>	No	Completed
3.E	<i>Affordable Housing Fund</i>	No	Expected Start: 4th Quarter 2023
4.A	<i>Media Strategy</i>	No	On Going
4.B	<i>Home Improvement Workshops</i>	No	On Going
5.D	<i>Accommodations for Disabled Persons</i>	No	Expected Start: 4th Quarter 2023

Programs		Zoning Revisions Needed	Status
3.F	<i>Incentives for Rent-Restricted ADUs new ADUs.</i>	Yes	Largely Completed
1.L	<i>Specific Plan</i>	Yes	On Going
4.E	<i>Temporary Staff Additions</i>	No	On Going

Attachment 3: Table Comparing Multi-Family Development Standards of Neighboring Cities

Piedmont’s Proposed standards are included in red in column 1.

Development Standards	Neighboring Cities					
	Alameda		Berkeley	Oakland	Albany	Moraga
Comparable Zones (Zone C)	R-3 Residential District	MF Multi-Family	R-4 Multi-Family Residential District	RU- 1 & 2 (Urban Residential)	R-3 (Residential High Density)	R-20/R-24 (Twenty/twenty-four unit/acre)
Notes Zone C is established to regulate and control residential development, including multi-family dwellings, that enhances the character of the neighborhood and builds community for people of all income levels.	It is intended that this district classification be applied in areas where one-family, two-family, and multifamily dwellings may be located	This is an overlay zone intended for lands in Alameda that are well located for transit-oriented multi-family housing, necessary to accommodate Alameda's share of the RHNA, and available to facilitate and encourage the development of a variety of types of housing for all income levels, including multi-family rental housing as required by California Government Code sections 65580 and 65583.	The purpose is to implement the General Plan by encouraging relatively high-density residential areas.	The intent of these zones is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.	The Residential High-Density District provides opportunities for high-density residential development characterized by a mix of housing types, including townhouses, duplexes, apartments and condominiums, subject to appropriate standards	The purpose of this district is to establish regulations and procedures for high-density and high-intensity multi-family structures and selected service uses.

	Alameda		Berkeley	Oakland	Albany	Moraga
Comparable Zones	R-3 Residential District	MF Multi-Family	R-4 Multi-Family Residential District	RU- 1 & 2 (Urban Residential)	R-3 (Residential High Density)	R-20/R-24 (Twenty/twenty-four unit/acre)
Lot Area 4,000 sq.ft.	2,000 sq.ft.	Minimum lot size requirements shall be modified as necessary to permit construction at the densities allowed by this section	New lots: 5,000sq.ft. Per Group Living Accommodation Resident: 350 sq.ft.	4,000 sq.ft.	3,750sq.ft.	3 acres
Lot Frontage 40 ft.	None			25ft.	50ft.	200ft.
Structure Coverage 70%	53%		2 stories:45% 2 stories, corner lot: 50% 3 stories:40% 3 stories, corner lot: 45% 4-6 stories:35% 4 stories, corner lot: 40%		70%	65%

	Alameda		Berkeley	Oakland	Albany	Moraga
Comparable Zones	R-3 Residential District	MF Multi-Family	R-4 Multi-Family Residential District	RU- 1 & 2 (Urban Residential)	R-3 (Residential High Density)	R-20/R-24 (Twenty/twenty-four unit/acre)
Front Setback 15ft. (Similar to Oakland)	20ft.	Underlying zoning district	1 st to 6 th story: 15ft.	15ft. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than 15 ft., the min. 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 Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least 8 ft., and has a width of at least 5 ft. In the case of a corner lot or lot that has a vacant parcel next to	15ft.	20ft.

				it, this same principal may apply if the two lots adjacent to the corner lot or lot along its front lot line have less than a 15 ft. front setback.		
	Alameda		Berkeley	Oakland	Albany	Moraga
Comparable Zones	R-3 Residential District	MF Multi-Family	R-4 Multi-Family Residential District	RU- 1 & 2 (Urban Residential)	R-3 (Residential High Density)	R-20/R-24 (Twenty/twenty-four unit/acre)
Rear Setback 4ft. and If abutting residential, lot area<4000, 8ft. step back after 2 stories lot area>=4000, 8ft. step back after 3 stories	20ft.	Underlying zoning district	1 st - 3 rd story: 15ft. 4 th story:17ft. 5 th story: 19ft. 6 th story: 21ft.	15ft.	15ft.	15ft.
Side Setback Same as rear setback	5ft.	Underlying zoning district	1 st - 2 nd story: 4ft. 3 rd story: 6ft. 4 th story:8ft. 5 th story: 10ft. 6 th story: 12ft.	4ft.; and 3ft. for lots smaller than 3,000 sq.ft.	5ft.	20ft.
Side Street yard for corner lot	10ft.	Underlying zoning district	1 st story: 6ft. 2 nd story: 8ft. 3 rd story: 10ft. 4 th story:12ft. 5 th story: 14ft. 6 th story: 15ft.	4ft.; and 3ft. for lots smaller than 3,000 sq.ft.	7.5ft.	15ft.

Comparable Zones	Alameda		Berkeley	Oakland	Albany	Moraga
	R-3 Residential District	MF Multi-Family	R-4 Multi-Family Residential District	RU- 1 & 2 (Urban Residential)	R-3 (Residential High Density)	R-20/R-24 (Twenty/twenty-four unit/acre)
FAR Removed FAR requirements			No maximum		1.5/2.0	1.15 when enclosed parking is provided, or .85 when uncovered or carport parking is provided and an additional .35 is allowed for common area facilities such as enclosed corridors, game room, dining room and facility kitchen
Density Min:20du/ac Max:60du/ac	Maximum: 30 du/acre	Minimum: 30 du/acre.		1 unit/800sq.ft	Maximum: 63du/acre	Minimum:16du/acre
Building Height Max 45 ft. for buildings on lots with lot area 4,000 sq.ft. or more, Max 35 ft. for buildings on lots with lot	35ft.	65' ft, unless the underlying zoning district provides a greater height limit, in which case the greater height limit in the underlying zoning district shall govern. Where any side or rear lot line abuts a residential district, the maximum height of	New Buildings and residential additions: 35ft. and 3 stories Residential additions: 16ft. Maximum 65 ft and six stories allowed with Use Permit.	50ft. for primary structures and 15ft. for accessory structures.	Maximum building height is 50ft. The maximum building height allowed at the front setback line shall be 28ft.	45ft. and maximum stories is 3

area less than 4,000 sq.ft.		the adjacent residential district shall apply within 20 ft. of the property line.				
	Alameda		Berkeley	Oakland	Albany	Moraga
Comparable Zones	R-3 Residential District	MF Multi-Family	R-4 Multi-Family Residential District	RU- 1 & 2 (Urban Residential)	R-3 (Residential High Density)	R-20/R-24 (Twenty/twenty-four unit/acre)
Open Space Requirement	Minimum: 60 sq.ft./du	Underlying zoning district	Per dwelling unit: 200sq.ft. Per group living accommodation resident: 90sq.ft.	175sq.ft. per regular dwelling unit	All multifamily dwellings (three (3) or more units) shall provide at least two hundred (200) square feet of common usable open space per unit; except that each square foot of private usable open space, up to a maximum of one hundred (100) square feet for each individual unit, may be substituted for two (2) square feet of the common usable open space requirement.	Private outdoor area: 20sq.ft. attached or immediately adjacent to each Residential Dwelling Unit with a minimum dimension of 4ft. in each direction
Landscape Coverage						20% live plant coverage
15%						

Attachment 4: Table Comparing Mixed-Use Development Standards of Neighboring Cities

Piedmont’s Proposed standards are included in red in column 1.

Development Standards	Neighboring Cities				
	Alameda	Berkeley	Oakland	Albany	Moraga
Comparable Zones Zone D	C-C Community Commercial District	R-SMU Residential Southside Mixed Use District	HBX-4 Housing and Business Mix Commercial Zone	CMX Commercial Mixed Use	MCSP MU-RR Mixed Retail/Residential District
Notes 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.	The intent is to provide for general retail, personal service use, offices, restaurants, hotels/motels, residential uses, service stations, public and quasi-public uses and similar and compatible uses serving a community-wide need under design standards which ensure compatibility and harmony with adjoining land uses.	The purpose is to implement the General Plan and Southside Plan (of Berkeley) policy by encouraging high-density, multi-story residential development close to major shopping, transportation, and employment centers.	The purpose is to allow for mixed use districts that recognize both residential and business activities to compatibly co-exist.	This district provides for a broad range of retail, production, light manufacturing, distribution, and repair uses consistent with the Commercial Services and Production designation in the General Plan Land Use Element.	The purpose of this district is to provide for commercial development, including community-serving recreational uses, combined with medium or high density residential at densities. This district envisions a flexible mix of land uses with retail or similar use on the first floor and residential uses above the first floor.
Lot Area 4,500 sq.ft. for both Grand Avenue (GA)and Civic Center (CC)areas	None	New Lot: 5,000 sq.ft. Per group accommodation resident: 175sq.ft.	4,000sq.ft.	5,000sq.ft.	10,000sq.ft.
Lot Frontage No minimum	None		35ft.	50ft.	30ft.

	Alameda	Berkeley	Oakland	Albany	Moraga
Comparable Zones	C-C Community Commercial District	R-SMU Residential Southside Mixed Use District	HBX-4 Housing and Business Mix Commercial Zone	CMX Commercial Mixed Use	MCSP MU-RR Mixed Retail/Residential District
Front Setback CC: None GA:5 ft	Buildings shall be located on the front property line. A minimum of eighty-five (85%) percent of the area between the side property lines must be occupied by building mass, plazas, or paseos along the primary street frontage.	10ft.		None	0ft.
Rear Setback CC: no minimum but 4 ft. if abutting single family residential GA: 4 ft.	None; however, where the rear lot line abuts a residential district there shall be a minimum rear yard of 5' ft. For Gasoline Service Station pumping stations and automobile service facilities (in addition to the yard requirements prescribed here): A setback of 10' ft. shall be maintained from property lines that abut the rear yard of a lot located in a residential district or a lot in residential use.	1 st – 3 rd story: 10ft. 4 th story: 17ft. 5 th story: 19ft.	A minimum 10 ft. rear yard depth is required when a rear lot line abuts any portion of a lot in a residential zone.	10ft. where a lot abuts a residential district	0ft.

	Alameda	Berkeley	Oakland	Albany	Moraga
Comparable Zones	C-C Community Commercial District	R-SMU Residential Southside Mixed Use District	HBX-4 Housing and Business Mix Commercial Zone	CMX Commercial Mixed Use	MCSP MU-RR Mixed Retail/Residential District
Side Setback CC: no minimum but 4 ft. if abutting single family residential GA: 4 ft.	None; however, where the rear lot line abuts a residential district there shall be a minimum rear yard of 5' ft. For Gasoline Service Station pumping stations and automobile service facilities (in addition to the yard requirements prescribed here): A setback of 15' ft. shall be maintained from property lines that abut the rear yard of a lot located in a residential district or a lot in residential use.	1 st – 2 nd story: 4ft. 3 rd story: 6ft. 4 th story: 8ft. 5 th story: 10ft.		10ft. where a lot abuts a residential district	0ft.
Side Street yard for corner lot		1 st story: 6ft. 2 nd story: 8ft. 3 rd -5 th story: 10ft.			0ft.
FAR None for residential but 75% for non-residential use		No maximum	2.5 permitted; 3.0 may be allowed upon the granting of a conditional use permit. Non-residential FAR:2.5	Commercial:0.5 Residential: N/A	Non-residential uses: 0.85

	Alameda	Berkeley	Oakland	Albany	Moraga
Comparable Zones	C-C Community Commercial District	R-SMU Residential Southside Mixed Use District	HBX-4 Housing and Business Mix Commercial Zone	CMX Commercial Mixed Use	MCSP MU-RR Mixed Retail/Residential District
Density Residential Min:20 du/ac Residential Max:81 du/ac	Minimum:30du/acre Maximum: none		Maximum density: 800 sf. of lot area per unit	Residential: N/A	
Building Height Max 45 ft. For a building site adjacent to a SF residence: a. within 10 feet of the abutting lot line: maximum 35 feet measured from adjacent grade; b. daylight plane starting at 35 feet above grade and a distance of 10 feet from the abutting property line.	Maximum height shall be 60ft., provided that any portion of a building over 40' ft. shall be set back at least 15'ft. from the front property line. Where any side or rear lot line abuts a residential district, the maximum height of the adjacent residential district shall apply within 20' ft. of the property line.	New buildings: 60ft. and 4 stories and additional height allowed in certain areas up to 75 feet and 5 stories. Residential additions: 16ft.	55ft. Buildings shall have a 30 ft. maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a residential zone.	45ft.	45ft. and 3 stories maximum
Open Space Requirement		Per dwelling unit: 40sq.ft. Per group living accommodation resident: 20sq.ft.	Per dwelling unit: 100sq.ft.		Greater than or equal to 5 percent of each dwelling unit floor area (minimum of 50 square feet and minimum dimension of 5 feet in each direction)
Landscape Coverage					