

Does the City Charter require a vote of the electorate to enact the zoning changes proposed in the Draft Housing Element?



No. Piedmont’s City Charter explicitly states that the City Council is responsible for adopting and modifying the General Plan, which includes the Housing Element. The City Charter requires voter approval to change zoning district boundaries or move properties between zones. The Charter does not require a vote to modify uses and densities in an existing zone without changing boundaries.

The following chart shows the analytical steps courts use to interpret charter provisions and applies the law to Piedmont’s City Charter. This analysis makes clear that a vote of the electorate is only required to alter the size and boundaries of existing zones, not to modifying uses within a zone.

INTERPRETATION CRITERIA	EXAMINATION	CONCLUSION
<p>1 What is the precise language used in the City Charter?</p>	<p>Piedmont’s City Charter says:</p> <p><i>“The Council may classify and reclassify the zones established, but no existing zones shall be reduced or enlarged with respect to size or area, and no zones shall be reclassified without submitting the question to a vote at a general or special election.”</i> (Sec. 9.02)</p>	<p>Piedmont’s City Charter explicitly states that a vote is required to alter the size and boundaries of existing zones.</p> <p>The City Charter does not state that a vote is required to amend regulations within a zone, such as allowed uses or density.</p>
<p>2 Do other City laws interpret or define the terms in question?</p>	<p>Piedmont’s municipal code defines “reclassify” twice:</p> <ul style="list-style-type: none"> - <i>“the prohibition not to reduce, enlarge, or reclassify a zone without a vote is understood to mean the city may not change the zone boundaries, or change (reclassify) a property from one zone to another.”</i> (§ 17.02.010.C.) - <i>“If a property reclassification from one zoning district to another has been proposed by a person other than the property owner, including the city, the city will mail notice of all hearings to the property owner.”</i> (§ 17.62.030.C.) 	<p>Piedmont’s current and past municipal code specifically defines “reclassify” to mean changing the boundaries of zones, not changing uses.</p>
<p>3 How was the City Charter provision interpreted in the past?</p>	<p>In a previous version of the municipal code, which was in effect until 2017, the same definition of “reclassify” was used three times.</p> <p>Since 1987, Piedmont has modified allowed uses in existing zones seven times. These changes have never been put to a vote of the electorate.</p>	<p>This interpretation of the City Charter has been used consistently for over three decades.</p>

Is a citywide vote required on the Housing Element?

No. Under State law and the Piedmont City Charter, a vote of the electorate is not required for the Piedmont City Council to approve the Housing Element.

- ✓ Like all California cities, Piedmont is required by law to submit an updated Housing Element to the State.
- ✓ A vote of a city's electorate cannot override State law. There is no option to opt out of the Housing Element update process.

Will adoption of the Housing Element “re-zone” parts of Piedmont?

No. The Housing Element itself does not change any existing regulations.

- ✓ The Housing Element declares an intention to study and implement a set of policies, programs, and regulatory changes over a period of three years.
- ✓ Every proposal in the Housing Element will still need to be studied, developed, and crafted to meet Piedmont's specific needs as part of the implementation process.
- ✓ The City's goal throughout the implementation process will be to enact programs and policies in a way that preserves and enhances Piedmont's unique community character.

Does allowing uses that are not part of a zone's title (such as housing in a “Public Facilities” zone) amount to a reclassification of a zone?

No. Every zone in Piedmont already allows uses that are not part of the zone's name. The name of a zone is simply a shorthand that represents the most common uses in a zone.

- ✓ Piedmont's Zone B, or “Public Facilities” Zone, already permits housing. Single-family homes and ADUs are allowed, in addition to public facilities like City buildings, schools, parks, cemeteries, and emergency shelters.
- ✓ Similarly, Zone C, or the “Multi-Family Residential” Zone, currently allows for single-family homes in addition to multi-family properties.
- ✓ The Housing Element does not propose to change the intent of any zone. The City's foremost goal in developing the Housing Element is to craft a plan that meets State mandates without comprising the character that makes Piedmont so special.

How can residents influence Piedmont's Housing Element?

The best way to help shape the Housing Element is to participate in the process. Many changes have already been made based on community feedback.

- ✓ Visit PiedmontisHome.org to stay informed, share your ideas, and learn about upcoming public meetings.