City of Piedmont
COUNCIL AGENDA REPORT

DATE: January 18, 2022

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of a Conditional Use Permit Modification and a Design Review Permit for Piedmont Shell Auto Care at 29 Wildwood Avenue.

RECOMMENDATION

Approve the attached resolution, which:

A. Approves a modification to the conditional use permit to convert 54 square feet within the existing building footprint to commercial retail for use as a convenience store, clarifies the hours of operations, and denies the installation of a temporary storage structure for use during future construction; and
B. Approves the design review permit to make window and door modifications on the existing building and denies the design review permit for the temporary storage structure and associated electrical hook-ups.
C. Determines that the project is categorically exempt under the California Environmental Quality Act Guidelines Section 15301, Class 1 (a), Existing Facilities.

EXECUTIVE SUMMARY:

On November 16, 2020, the City Council approved a modification to the conditional use permit for Piedmont Shell Auto Care to add a commercial retail component to the existing gasoline and automobile service facility. A separate design review permit application was approved by staff for the associated window and door changes. There was no proposed change to the existing building footprint or site plan. These approvals were subject to the issuance of a building permit for the approved work. However, a building permit application was never submitted by Piedmont Shell Auto Care for the approved work scope and the approved conditional use permit modification and design review permit expired.

In November 2021, Piedmont Shell Auto Care reapplied to modify its conditional use permit to add a commercial retail component (convenience store) to the existing gasoline and automobile service facility and to install a temporary storage structure. A design review permit application was also submitted for window and door changes on the west façade of the existing office and garage building to accommodate the convenience store, and for the installation of a temporary

storage structure.

On December 13, 2021, after careful review of the application materials and written comments submitted by residents and receiving testimony from the applicant and neighboring property owners, the Planning Commission unanimously recommended the partial approval and partial denial of the Conditional Use Permit modification application (#21-0335), and approved the Design Review Permit application (#21-0334) for the window and door modifications but not for the temporary storage building, with 8 conditions of approval, at 29 Wildwood Avenue.

PROPOSED APPLICATION:

A conditional use permit is requested by Piedmont Shell Auto Care at 29 Wildwood Avenue to modify the site and the existing conditional use permit to include a convenience store within the existing office area, and the installation of a temporary detached accessory structure to the east of the existing auto shop. The proposed additions modify the previosuly approved site plan by amending the parking arrangement and adding a structure. Concurrently, a design review permit is also requested to make window and door changes on the west façade of the existing building, and to install an accessory structure to the side (east) of the existing building and associated exterior electrical hook-ups. The application is partially retroactive in that the accessory storage structure and associated electrical hook-ups have been installed without a permit and are on site.

In response to the application form questions below, the applicant submitted the following information indicated **in bold** and previously approved CUP terms are noted in the *[brackets]*:

1. Proposed Use of Business/Organization: **Proposed Gas, Commercial Retail and Auto Repair.**

2. Days and Hours of Operation:
   Retail store, office, and auto shop: Monday through, Sunday 7am - 10pm *[Monday through Sunday 6 a.m. – 10 p.m.]*

3. Number of On-Site Parking Spaces: Proposed site plan indicates **10, including 1 handicap parking** *[10, including 1 handicap parking]*

4. Maximum Number of People Using Business/Organization at One Time: **12** *[10]*

5. Type(s) of Staff/Personnel, Number of Each: **6 mechanic/clerk/Staff/Personnel** *[CUP approved in 2008 does not specify the number of Staff/Personnel]*

6. Projected Busiest Hours/Days: **During the week 8 – 11 a.m. and 4 - 7 p.m. Weekends fluctuate per season.**

7. Potential Neighborhood Impacts: **Cars going in and out a lot**

8. Anticipated Gross Annual Revenue: $**3M +**

9. Benefit to Piedmont Residents: **Replace outdated establishment**

10. Changes in the existing structure are necessary to accommodate the proposed use as follows: **A design review permit application has been submitted for door and window modifications and the new accessory structure.**

ADDITIONAL INFORMATION:

As attachments to the application form, the applicant provided the following supplemental information in support of his proposed application:

- A plan set for all modifications.

No modification to existing signage is proposed as part of the current application.

PLANNING COMMISSION DELIBERATIONS AND MOTION:

Deliberations

The issues under consideration were narrowly limited to the application: the proposed structural changes (window and door modifications and the new temporary storage structure) and the proposed modifications to the conditional use permit (the retail convenience store and the storage structure). The Commission was apprised that the existing conditional use permit and the operations of the auto repair and fueling service were not under review.

Prior to the meeting, ten public comments were submitted to the Planning Commission. During the public meeting, the Commission received testimony from the applicant and from neighboring property owners at 31 Wildwood Avenue and 22 Wildwood Avenue. The applicant stated that the convenience store and window and door modifications are the same as that approved by the City in 2020. He also stated that he was unaware that the storage unit and electrical hook-ups needed a permit until his receipt of a notice from the City dated October 28, 2021. Neighboring property owners generally expressed concerns about operating hours of the fuel pumps, illegal storing of tires and air hose connection in setbacks, parking on sidewalk, fencing between the subject property and abutting residential property; and support for the storage structure was expressed by the property owner at 22 Wildwood Avenue.

At its meeting on December 13, 2021, the Planning Commission unanimously recommended the partial approval and partial denial of the Conditional Use Permit modification application (#21-0335) and approved the Design Review Permit application (#21-0334) for the window and door modifications but not for the temporary storage building, with 8 conditions of approval, at 29 Wildwood Avenue. In this report staff is recommending that in addition to the City Council approving the applications as recommended by the Planning Commission and adopting the findings made by the Commission, that the City Council clarify and delineate the hours of operation for the various services being provided. The Terms of Approval are on agenda report

page 5.

A video of the Planning Commission's deliberations and motion to recommend partial approval of the Conditional Use Permit modification and Design Review Permit applications, including the findings made in support of this recommendation, can be viewed at: https://piedmont.granicus.com/MediaPlayer.php?view_id=3&clip_id=2456 by selecting agenda item number 6.

Findings

Conditional Use Permit

Recommend Findings as required by City Code section 17.68.040

The Piedmont Municipal Code requires the following findings to support the issuance of a conditional use permit: (1) The proposed use is compatible with the general plan and conforms to the zoning code; (2) The use is primarily intended to serve Piedmont residents (rather than the larger region); and (3) The use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity. Considerations for this finding include: no substantial increase in traffic, parking, or noise; no adverse effect on the character of the neighborhood; no tendency to adversely affect surrounding property values.

Staff's analysis of the findings requirements is as follows:

1. The proposed additional use as a retail store is compatible with the general plan, particularly Land Use Element Policy 2.1 and Local Serving Emphasis, and conforms to the zoning code in that the use is related to other surrounding businesses and the use as a retail store complies with the standards of Zone D listed in Section 17.26.

2. The use as a retail store is primarily intended to serve Piedmont residents as has been the history of the service station.

3. Under all the circumstances and conditions of the particular case, the convenient store use will not have a material adverse effect on the health, safety, or welfare of persons residing or working in the vicinity. Considerations for this finding include no substantial increase in traffic, parking needs or noise, no adverse effect on surrounding property values in that pedestrian and vehicular safety will not be affected because the traffic, customer usage, and noise impacts will be similar to the prior use.

4. Modifications to the conditional use permit should not include the accessory structure (storage container) for the reasons including: the proposed accessory structure is utilitarian in nature and unsightly; the addition of the accessory structure will eliminate one on-site parking space; and that there is insufficient screening between the accessory structure and neighboring homes. Furthermore, a conditional use permit and design review permit are inappropriate applications to consider a temporary storage unit.

Recommended Conditions of Approval

In regard to the recommended partial approval of the application to modify the Conditional Use permit, the Planning Commission recommended the following conditions of approval:

1. Terms of the Approval. A review of the conditional use permit shall occur in December 2023, and the conditional use permit shall have the following operational characteristics:

   Hours of operation for the Convenience Store: **Monday – Sunday, 8 a.m. to 8 p.m.**
   Hours of operation for the Auto Repair and Service: **Monday – Sunday, 6 a.m. to 10 p.m.**
   Hours of operation for the Fuel Dispensing Pumps: **Monday – Sunday, 24 hours each day**
   Fuel deliveries shall occur only during the hours of operation of the Auto Repair and Service and when a member of staff is on site.

   Number of Staff/Personnel: **6**

2. The approval of this application is subject to the issuance of a building permit for the construction of an area for a convenience store within the footprint of the existing building.

3. Signage. Any new or modified exterior signage may require a design review permit as provided in Division 17.36 of the City Code.

4. The accessory storage structure and associated electrical hook-ups are not approved as part of this permit.

Design Review Permit

Recommend Findings as required by City Code section 17.66.060

Piedmont Municipal Code requires all of the following findings when issuing a design review permit: (A) The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines; (B) The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light; (C) The proposed design does not adversely affect pedestrian or vehicular safety.

Staff's Analysis of the findings:

1. The proposed design of the retail store is consistent with the City's General Plan and Piedmont Design Guidelines in that the following building features are consistent with the original architecture and neighborhood development: the window material; the window operation and location; and the wall material.

The proposed design of the accessory structure is not consistent with the City's General Plan and Piedmont Design Guidelines in that the following building features are not consistent with the original architecture and neighborhood development: the structure is unsightly and utilitarian in nature.

2. The retail store design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the view is not a significant view, and the project proposes modifications within the existing building footprint.

   The accessory structure design has an adverse effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the view is unsightly, and there is insufficient screening between the accessory structure and neighboring homes.

3. The proposed design of the retail store does not adversely affect pedestrian or vehicular safety because the project maintains adequate visibility for entering and exiting the driveway.

   The proposed location of the accessory structure adversely affects pedestrian or vehicular safety because the project eliminates one on-site parking.

4. As conditioned, the retail store complies with the following Design Review Guidelines and General Plan policies and programs: 4.03 (Building Design: General).

   The accessory structure design does not comply with the City’s General Plan policies and programs and Design Review Guidelines.

5. The retail store design is consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including: Design and Preservation Element Policy 28.6 (Exterior Materials).

Recommended Conditions of Approval

In regards to the recommended partial approval of the application for design review permit, the Planning Commission recommended the following conditions of approval:

1. **Approved Plans.** The approved plans are those submitted on December 1, 2021, after neighbors were notified of the project and the plans were available for public review. However, the scope of the approved project includes the exterior window and door modifications and interior modifications related to the convenience store. The approved project does not include the proposed accessory structure and related electrical hook-ups.

2. **Window and Door Material**. As specified in the plans, the building material for the new windows shall be aluminum storefront.

3. **Window Color Scheme.** All the windows on the building shall have a consistent color scheme.

4. **Window Recess.** All new windows shall be recessed 3 ¼ inches from the exterior wall to the face of window sash in order to maintain consistency with the original architecture, as required by the City's Design Guidelines and Window Replacement Policy. Window details shall be submitted for review and approval at the time of building permit application.

5. **Pre-construction Inspection.** After the issuance of a building permit and prior to the commencement of window fabrication, the installer shall schedule a pre-construction inspection with the Building Department. The inspection will review the approved installation criteria, noted on the approved building permit drawings and specifications, such as the window recess, window trim if any, and window sill projection if any, with the existing conditions.

6. **Construction Management Plan.** The Property Owner shall develop a comprehensive Construction Management Plan. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, site safety security emergency access, and other potential construction impacts, as well as other details involving the means and methods of completing the Project, including the construction route. The City Building Official has the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the Final Inspection.
   a. Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at cleanwaterprogram.org.
   b. Renovation / New Construction. Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new building and planning Code requirements. If this occurs during demolition, all work must stop and a new hearing and public review by the Planning Commission is required.
   c. Neighboring Property Owner Permission. Should the execution of the Foundation/Shoring/Excavation Plan require excavation into a neighboring property or if access onto the neighboring property is necessary for construction, the applicant shall submit, prior to the issuance of Building Permit, a written statement from the neighboring property owner granting permission for access onto his/her property for the purpose of excavation and/or construction.

7. **Construction Completion Schedule**. Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Property Owner shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage of the project as a whole for each phase.
   a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks as needed: i) Completion of Excavation; ii) Completion of Retaining Walls; iii) Completion of Foundation; iv) Completion of Rough Framing; v) Completion of Electrical; vi) Completion of Plumbing; vii) Completion of Mechanical; viii) Completion of Fire Sprinklers; ix) Completion of Home; x) Completion of Hardscaping and Landscaping; and any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.
   b. Before the Project begins, the Director of Public Works shall make a determination as to the reasonableness of the proposed completion dates applicable to the Project, and that determination shall constitute the Approved Construction Completion Schedule and be binding on the Property Owner. The City may, at the Property Owner's sole cost, engage the services of a consultant to review the proposed Construction Completion Schedule and, to the extent the period allocated for any work appears unjustifiable, recommend to the Director of Public Works a reasonable completion date for any benchmark.
   c. In the event of a change in scope of the Project that would alter the benchmarks dates set forth in the Approved Construction Completion Schedule, or in the event the Property Owner fails to meet a benchmark set forth in the Approved Construction Completion Schedule, the Property Owner shall immediately submit a request to amend the Approved Construction Completion Schedule to the Director of Public Works. The request to amend shall be accompanied by a new proposed Construction Completion Schedule in compliance with subsection (a) of this condition of approval and the Director of Public Works shall evaluate the proposed amendments to the Approved Construction Completion Schedule in accordance with subsection (b) of this condition of approval.
   d. The failure of the Property Owner to comply with the Approved Construction Completion Schedule, or any amendments to it approved in conformance with subsection (d) of this condition of approval, shall constitute a nuisance under the City of Piedmont City Code ("City Code"). The failure of the Property Owner to comply with the Approved Construction Completion Schedule may result in the City pursuing administrative citations pursuant to Chapter 1 of the City Code, nuisance abatement pursuant to Chapter 6 of the City Code, or any other remedy available to the City under the law. Additionally, if the Property Owner fails to comply with the Approved Construction Completion Schedule, the Director of Public Works, at his or her sole discretion, may make a claim against the Property Owner's Site Security, if one is required, in order to complete the benchmark. The Director of Public Works, at his or her sole discretion, may refer the application to the Planning Commission for public review and direction.
   e. At least two weeks prior to start of construction, the Applicant shall provide written notice to property owners and residents of all adjacent properties on forms provided by the Director of Building & Planning. This notification shall include information such as the start date and scope of construction, building permit number, a copy of the Construction

Completion Schedule, as well as the contact information of the property owner, designer/agent, and contractor(s). The Applicant shall sign an affidavit of said notice and provide a copy to City Building Official.

8. **Defense of Legal Challenges.** The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

The General Plan and Zoning Code provisions for conditional uses in Zone D are provided in Attachment 4, agenda report pages 71-73)

CITY COUNCIL ACTION REQUIRED:

According to Piedmont City Code Section 17.68.030, the City Council shall hold a hearing to consider the recommendation of the Planning Commission and any further evidence regarding the applications and either approve or disapprove the Conditional Use Permit and Design Review Permit applications.

Report By: Gopika Nair, Associate Planner

ATTACHMENTS:

1	10-12	Resolution Approving a Modification of a Conditional Use Permit to Include a Convenience Store with the Continued Operation of an Existing Gasoline and Automobile Service Facility and a Design Review Permit for Window and Door Modification on the Existing Building at 29 Wildwood Avenue
2	13-37	Conditional Use Permit and Design Review Permit Application Forms and Application materials including Plan set
3	38-70	Neighbor comments submitted to Planning Commission
4	71-73	The General Plan and Zoning Code provisions for conditional uses in Zone D

RESOLUTION No.____

A RESOLUTION PARTIALLY APPROVING AND PARTIALLY DENYING AN APPLICATION REQUESTING A MODIFICATION OF A CONDITIONAL USE PERMIT, CLARIFYING THE HOURS OF OPERATIONS AND, PARTIALLY APPROVING AND PARTIALLY DENYING AN APPLICATION REQUESTING A DESIGN REVIEW PERMIT AT PIEDMONT SHELL AUTO CARE LOCATED AT 29 WILDWOOD AVENUE

WHEREAS, Piedmont Shell Auto Care is requesting a modification to the conditional use permit to:

a. Include commercial retail and to convert 54 square feet within the existing building area to a convenience store; and
b. Install a temporary storage structure for use during future construction; and

WHEREAS, Piedmont Shell Auto Care is requesting a design review permit to:

a. Make window and door modifications on the west façade of the existing office and garage building; and
b. To modify the site to include the addition of a temporary accessory storage structure to the east of the existing auto shop and associated exterior electrical hook-ups.; and

WHEREAS, in November 2020 the Piedmont City Council approved Piedmont Shell Auto Care's conditional use permit to include commercial retail and to convert 54 square feet within the existing building area to a convenience store located at 29 Wildwood Avenue, Piedmont, California, which construction requires a building permit; and

WHEREAS, Piedmont Shell Auto Care did not get building permit for the approved construction within one year from approval and, as a result, the approved modification to the conditional use permit has expired; and

WHEREAS, Piedmont Shell Auto Care, without required permits, installed a temporary storage structure and installed exterior electrical hookups to the east of the existing auto shop; and

WHEREAS, at a regular meeting on December 13, 2021, the Planning Commission conducted a public hearing on the applications and unanimously recommended that the City Council approve the modification to the conditional use permit application to include commercial retail and to convert 54 square feet within the existing building area to a convenience store in accordance with the plans and specifications on file with the City, subject to conditions as well as a design review permit to make window and door modifications on the west façade of the existing office and garage building necessary to the conversion to commercial retail; and

WHEREAS, previous Conditional Use Permits for this business did not clarify the hours of operation for the fuel pumps and fuel deliveries, City staff is recommending those hours be delineated in the conditions of approval for this Conditional Use permit; and

WHEREAS, at the same meeting, the Planning Commission unanimously recommended that the City Council deny the modification to the Conditional Use Permit to install a temporary storage structure for use during future construction as well as the design review permit necessary for the installation; and

WHEREAS, as the same meeting, the Planning Commission, after reviewing the applications, plans, and any and all testimony and documentation submitted in connection with such applications, and after having visited the subject property, unanimously recommended that the project is categorically exempt under the California Environmental Quality Act Guidelines Section 15301, Class 1 (a), Existing Facilities;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

SECTION 1. The above recitals are correct and are incorporated into this Resolution as findings of the City Council. This Resolution incorporates the contents of the staff report and analysis included therein.

SECTION 2. The application to modify the Conditional Use Permit include commercial retail and to convert 54 square feet within the existing building area to a convenience store is hereby approved, as it conforms with the criteria and standards of Section 17.68.040 of the Piedmont City Code, subject to the subject to the conditions of approval detailed in the City Council Agenda Report dated January 18, 2022.

SECTION 3. The application for a design review permit to make window and door modifications on the west façade of the existing office and garage building necessary to the conversion to commercial retail is hereby approved, subject to the conditions of approval detailed in the City Council Agenda Report dated January 18, 2022.

SECTION 4. The application to modify the Conditional Use Permit to install a temporary storage structure for use during future construction is not approved, as it does not conform with the criteria and standards of Section 17.68.040 of the Piedmont City Code.

SECTION 5. The application for a Design Review Permit to modify the site to include the addition of a temporary accessory storage structure to the east of the existing auto shop and associated exterior electrical hook-ups is hereby denied, as it does not conform to the criteria and standards of Section 17.66.060 of the Piedmont City Code.

SECTION 6. The City Council determines that the project is categorically exempt under the California Environmental Quality Act Guidelines Section 15301, Class 1 (a), Existing Facilities.

SECTION 7. The City Council hereby directs Piedmont Shell Auto Care to remove the previously installed accessory structure and associated electrical hook-ups from the site within thirty days. Alternatively, if a building permit is issued for the work approved in Section 3 of this resolution by February 21, 2022, the accessory structure can be allowed to remain until the construction under

the building permit is deemed substantially complete by the Building Official. At that point, the applicant will have thirty days to remove the accessory structure.

SECTION 8. The Planning and Building Director is the custodian of documents and other materials that were considered by the City Council and constitute the record of proceedings on which this decision was based. The records are located at the Planning & Building Department, 120 Vista Avenue, Piedmont, CA 94611.

SECTION 9. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

[END OF RESOLUTION]

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CA 94611
TEL: (510) 420-3050
FAX: (510) 658-3167

RECEIVED BY Marc
FEE PAID 2426.-
DATE FILED 11/12/21
NUMBER 21-0335
PLANNER GN
(For staff use only)

A CONDITIONAL USE PERMIT is required for a proposed change in the number of dwelling units in a multiple dwelling in Zone C; a change in actual existing use or a structural change relating to a commercial use in Zone D; or a proposed new church, school, multiple dwelling unit or commercial use, as outlined in the City's Municipal Code (§17.68).

Please complete the following application form and submit a floor plan and a $2,426 ($763 for minor modifications) application fee (includes a $52 records management fee; $26 for minor modifications). If you believe your application is a minor modification, please contact the City Planner. Please note that planning application fees are non-refundable.

In addition to this Conditional Use Permit application, you may also need one or more of the following applications if your project proposes physical modifications, a variance or a new or modified sign:

- Design Review Permit
- Design Review Permit reviewed by the Director
- Expedited Design Review Permit
- Fence Design Review Permit
- Non-Residential Sign Design Review Permit
- Building Permit Application

Applicant and Property Owner Information

Name of Business/Organization PIEDMONT SHELL AUTO CARE

Address of Property 29 WILDWOOD AVE Zip Code: 94610

Name of Applicant JEFFERY HANSEN

Affiliation of Applicant (owner, lessee, purchaser, agent, etc.) OWNER / OPERATOR

Lease Expiration Date (if applicable) N/A

Mailing Address of Applicant (if different from above) [redacted]

Telephone # of Appli[redacted] Email of Applicant [redacted]

Name(s) of Property Owner(s) CITY GATELINE LLC

Mailing Address of Property Owner(s) (if different from above) SAME

City, State, Zip Code:

Telephone # of Property Owner(s) SAME Email of Property Owner(s) SAME

Design Professional/Property Owner Agent Information

Name of Design Professional/Agent N/A

Mailing Address of Design Professional/Agent _____

_____ City, State, Zip Code: _____

Telephone # of Design Professional _____ Email of Design Professional _____

Professional License Number _____ Expiration Date _____

Piedmont Business License Number _____ Expiration Date _____

(required for all design professionals/contractors/engineers/agents)

(Please contact the City Clerk at 510-420-3040 for Piedmont Business License information.)

Type of Business/Organization GAS & AUTO REPAIR

Current Use and/or Proposed Use of Business/Organization (describe functions and/or operating characteristics of the business or organization. Please be specific) SEVERAL POSSIBILITIES CONVENIENCE STORE, AFFORDABLE HOUSING ELECTRIC CHARGING STATIONS

Exterior and Interior Changes to be Made to Existing Structure (if applicable. Please be specific) REMOVE UNDERGROUND GAS TANKS REMOVE HYDRAULIC LIFTS INSTALL CHARGING STATIONS ADD CONVENIENCE STORE

Type(s) of Staff/Personnel (Please indicate the amount of each type of staff/personnel. Please be specific) 6 EMPLOYEES

Days and Hours of Operation 7 DAYS 8-8PM

Projected Busiest Hours/Days MORNING & EVENING

Maximum Number of People Using Business/Organization *at one time* 12

Number of On-Site Parking Spaces (indicate whether these parking spaces are for staff or visitors) 6

Please list all Potential Neighborhood Impacts from Business Related Activities (i.e. parking, deliveries, foot traffic, etc.) CARS GOING IN AND OUT ALOT

Please indicate how this use will be a benefit to Piedmont residents REPLACING OUTDATED ESTABLISHMENT REDUCE GAS EMISSIONS ETC

Anticipated Gross Annual Revenue 3M + Term of the Lease 30 YR

Please indicate what steps you have taken to discuss this project with your neighbors prior to submittal:

Please indicate what steps you have taken to discuss this project with City staff prior to submittal: INFORMAL TALKS WITH MANY STAFF

Authorization of Design Review Submittal

My signature below signifies that I:

- have read the background document and have provided all applicable information.
- have reviewed the legal description on my property deed for all recorded easements and deed restrictions (*Please provide a description here of the easements and restrictions that were indicated on your property deed*) _____
- believe the information provided in this application is accurate to the best of my knowledge.
- am aware that City staff, Planning Commissioners and/or City Council Members will be on my property to review the proposal. (*Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc.)* _____
- understand that this application is heard by both the Planning Commission and City Council. The Planning Commission shall recommend to the City Council that the permit be approved or denied. The City Council shall take final action on the application.
- understand that if there is a third party administrative, legal or equitable action challenging the project approvals, including CEQA issues, that I, the Property Owner, shall defend and indemnify the City against any liability, fees and costs arising out of the defense, including the costs of City's own counsel. If such an action is filed, the Property Owner and City shall then enter into an agreement regarding selection of counsel and other provisions related to the defense. For this purpose, "City" includes the City and its elected and appointed officials, agents, officers and employees.

➢ SIGNATURE OF APPLICANT _____ date 11-10-21

➢ SIGNATURE OF PROPERTY OWNER _____ date _____

Agent Authorization

This authorization must be signed by the property owner if the applicant is not the property owner.

I authorize _____ to act as my agent in the processing of all matters pertaining to this application.

➢ SIGNATURE(S) OF PROPERTY OWNER(S) _____ date _____

APPLICANT'S CONDITIONAL USE PERMIT FINDINGS

Please describe how the proposed application meets the following Conditional Use Permit criteria outlined in Chapter 17 of the City's Municipal Code (§17.68.040).

(1) The proposed use is compatible with the general plan and conforms to the zoning code. (*Describe how the proposed use conforms with the goals, policies and actions of Piedmont's General Plan, and the requirements of Chapter 17 of the Municipal Code.*)

SEE ATTACHED

2. The use is primarily intended to serve Piedmont residents (rather than the larger region). (*Describe how the proposed use will benefit Piedmont Residents.*)

SEE ATTACHED

3. The use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity. Considerations for this finding include: no substantial increase in traffic, parking, or noise; no adverse effect on the character of the neighborhood; no tendency to adversely affect surrounding property values. (*Describe the effect, if any, of the proposed use on the health, safety or welfare of persons in the vicinity.*)

SEE ATTACHED

the business: 1) compliance with the federally mandated underground fuel tank upgrades and EPA requirements; 2) the renovation and addition of a small retail store and office area; 3) the addition of 2 electric charging stations; 4) and the replacement of 2 hydronic lifts in the garages stations.

HYDRAULIC

The Proposed Use is Compatible with the General Plan and Conforms to the Zoning Code:
The variance for the temporary use of a shipping container is necessary for the business in order to successfully complete four projects that will all benefit the Piedmont community. 1) completion of federally mandated retrofitting of underground fuel tanks; 2) the replacement of 2 hydronic lifts that are over 50 years old; 3) addition of a retail space that will provide a convenience to neighbors and customers who are looking for snacks and refreshments; 4) the addition of 2 electric charging stations will benefit both the city's desire for more electric stations and provide a local spot for neighbors to charge their cars.

The Use is Primarily Intended to Serve Piedmont Residents
The station serves primarily Piedmont residents and the electric charging stations are very important to the growing number of electric cars in Piedmont. The retail space provides walk ability and convince. The hydraulic lifts are essential for our successful and ongoing repair business that Piedmont residents rely on for their car care and maintenance.

The Use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity.
On the contrary, from speaking with customers there is a clear demand from Piedmont residents for electric charging stations. Neighbors have always been looking for us to provide refreshments and snacks. There will be no change in traffic or noise. The hydronic lifts are outdated and unsafe. New lifts will allow us to safely repair cars.

Exterior and Interior Changes to be made to Existing Structure

1) Interior improvement of the office in order to accommodate retail space (prior approval has been granted for a convenience store)
2) Federally mandated retrofit of below ground fuel tanks (compliance must be performed by 2025)
3) Addition of electric charging stations at the front of the property at the corner of Wildwood and Grand Avenues.
4) Replacement of 2 hydronic lifts in the two garage stalls
5) Temporary shipping container: we are seeking a variance for the continued use of a temporary shipping container for the next 2 years though 2024. In order to perform the mandated fuel tank retrofitting project, the upgrading of our interior office and retail space and the addition of 2 electric charging stations, we require temporary office space and storage space. The shipping container is necessary for our ability to continue operations while completing the above projects over the next few years.

Please List Potential Neighborhood Impacts from Business related Activities

1) The temporary shipping container will have little impact on the current and ongoing business activities. The shipping container is placed in an area where we formerly stored excess supplies for the business (tires, batteries, and other supplies). No parking space has been effected. The supplies are now able to be housed inside the container along with a temporary office and equipment for the ongoing operation of the business.
2) The retrofitting project is mandated by the federal government and will presumably meet new safety and environmental requirements. And will have no change to the appearance or ongoing activities at the station.
3) The addition of a retail space inside the station will add a convenience for the neighborhood and for customers. The retail space will sell healthy refreshments and snacks.
4) The addition of electric charging stations will provide a convenience for the growing number of electric car owners and an environmentally superior alternative to traditional gas pumps.

Please Indicate How This Use Will Be a Benefit to Piedmont Residents

1) Electric charging stations are a clear benefit to residents with electric vehicles and to the overall community as the city strives to be more green and meet zero net emissions standards.
2) A retail space with healthy refreshments and snacks is a convenience for the neighbors and the customers. Neighbors will no longer have to cross busy Grand Avenue in order to walk to a nearby grocery store.
3) The new hydraulic lifts will ensure new safety measures and meet new environmental requirements.

Please Indicate What Steps You Have Taken to Discuss This Project With Your Neighbors Prior to Submittal:

1) Regrettably we did not discuss the temporary shipping container with our neighbors. We made the assumption that a temporary structure did not need prior approval. We are prepared to do whatever we need to in order to communicate with our neighbors in order to establish an ongoing and positive dialogue with our neighbors and customers.

Please Indicate What Steps You Have Taken to Discuss this Project with City Staff Prior to Submittal:

1) As far as the shipping container is concerned we did not discuss prior because we didn't realize we were required to. We are retroactively seeking a variance for the shipping container as a temporary office and storage area so that we can do the various upgrades to

Exterior and Interior Changes to be made to Existing Structure

1) Interior improvement of the office in order to accommodate retail space (prior approval has been granted for a convenience store)

2) Replacement of 2 hydronic lifts in the two garage stalls

3) **Temporary shipping container: we are seeking a variance for the continued use of a temporary shipping container for the next 2 years though 2024. In order to perform upgrading of our interior office and retail space and the removal and replacement of (2) hydronic lifts, we require temporary storage space. A computer will be in the accessory structure to track inventory of items that have been transferred from the existing building to the container. The shipping container is necessary for our ability to continue operations while completing the above projects.**

Please List Potential Neighborhood Impacts from Business related Activities

1) The temporary shipping container will have little impact on the current and ongoing business activities. The shipping container is placed in an area where we formerly stored excess supplies for the business (tires, batteries, and other supplies). No parking space has been effected. The supplies are now able to be housed inside the container along with a temporary office and equipment for the ongoing operation of the business.

2) The replacement of the car lifts is a life-safety issue.

3) The addition of a retail space inside the station will add a convenience for the neighborhood and for customers. The retail space will sell healthy refreshments and snacks.

Please Indicate How This Use Will Be a Benefit to Piedmont Residents

1) A retail space with healthy refreshments and snacks is a convenience for the neighbors and the customers. Neighbors will no longer have to cross busy Grand Avenue in order to walk to a nearby grocery store.

2) The new hydraulic lifts will ensure new safety measures and meet new environmental requirements.

Please Indicate What Steps You Have Taken to Discuss This Project With Your Neighbors Prior to Submittal:

1) Regrettably we did not discuss the temporary shipping container with our neighbors. We made the assumption that a temporary structure did not need prior approval. We are prepared to do whatever we need to in order to communicate with our neighbors in order to establish an ongoing and positive dialogue with our neighbors and customers.

Please Indicate What Steps You Have Taken to Discuss this Project with City Staff Prior

to Submittal:
1) As far as the shipping container is concerned we did not discuss prior because we didn't realize we were required to. We are retroactively seeking a variance for the shipping container as a temporary storage area so that we can do the various upgrades to the business: 1) the renovation and addition of a small retail store and office area; 2) and the replacement of 2 hydronic lifts in the garages stations.

The Proposed Use is Compatible with the General Plan and Conforms to the Zoning Code:

The variance for the temporary use of a shipping container is necessary for the business in order to successfully complete the projects that will all benefit the Piedmont community. 1) the replacement of 2 hydronic lifts that are over 50 years old; 3) addition of a retail space that will provide a convenience to neighbors and customers who are looking for snacks and refreshments.

The Use is Primarily Intended to Serve Piedmont Residents

The station serves primarily Piedmont residents. The retail space provides walk ability and convince. The hydronic lifts are essential for our successful and ongoing repair business that Piedmont residents rely on for their car care and maintenance.

The Use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity.

On the contrary, from speaking with customers there is a clear demand from Piedmont residents for us to provide refreshments and snacks. There will be no change in traffic or noise. The hydronic lifts are outdated and unsafe. New lifts will allow us to safely repair cars.

SCOPE OF ACCESSORY STRUCTURE:

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CA 94611
TEL: (510) 420-3050
FAX: (510) 658-3167

RECEIVED BY Mark
FEE PAID 1636 =
DATE FILED 11/12/21
NUMBER 21-0334
PLANNER GN
(For staff use only)

APPLICATION FOR DESIGN REVIEW PERMIT, review by PLANNING COMMISSION

Please complete this application form if the value of your project exceeds $142,445 and/or one or more variances is necessary.

☐ DESIGN REVIEW PERMIT ☐ VARIANCE ☐ ADDITIONAL VARIANCE

Fees. Please add those that apply to your project (*includes a $52 records management fee*)

☑	($1,636)	Project has an estimated value less than $199,423
☐	($1,955)	Project has an estimated value equal to or greater than $199,423
☐	($4,804)	Project is a NEW HOUSE.
☐	($952)	Project requires a VARIANCE.
☐	($1,296)	Project requires a VARIANCE, without a Design Review Permit.
☐	($470 each)	Project requires _____ additional VARIANCES.
1,636	**TOTAL**	**Please note that planning application fees are non-refundable.**

Property Owner Information

Name(s) of Property Owner(s) CITY GATELINE LLC
Address of Property 29 WILDWOOD AVE Zip Code: 94610
Mailing Address of Property Owner(s) (if different from above) [redacted]
[redacted] City, State, Zip Code: [redacted]
Telephone Number [redacted] Preferred Contact Method PHONE
Mobile Number [redacted] Email [redacted]

Design Professional/Property Owner Agent Information

Name of Design Professional/Agent N/A
Address of Design Professional/Agent _____
_____ City, State, Zip Code: _____
Telephone Number _____ Preferred Contact Method: _____
Mobile Number _____ Email _____
Professional License Number _____ Expiration Date _____
Piedmont Business License Number _____ Expiration Date _____
(required for all design professionals/contractors/engineers/agents)
(Please contact the City Clerk at 510-420-3040 for Piedmont Business License information.)

Description of proposed project IMPROVEMENTS TO PIEDMONT SHELL AUTO CARE

Estimated cost of proposed exterior improvements $ 150K +
(Please refer to page 13 of this application for additional information on what to include your cost estimate)

Please indicate what steps you have taken to discuss this project with your neighbors prior to submittal: SENDING LETTER

Please indicate what steps you have taken to discuss this project with city staff prior to submittal: TALKED TO SUZANNE & DANIEL

Authorization of Design Review Permit Submittal

My signature below signifies that I:

- have read the background document and have provided all applicable information per the attached variance and/or design review permit checklist;
- have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan (*Please provide a description here of the easements and restrictions that were indicated on your property deed*) _____;
- believe the information provided in this application is accurate to the best of my knowledge.
- agree to provide city staff and/or Planning Commissioners access to my property to view existing conditions and proposed construction. (*Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc.)*_____;
- understand that if this application is approved, a building permit (issued within one year from the approval date) is required for construction and that no construction may commence prior to the issuance of the building permit. No changes to the approved construction may be made without city approval, and changes may require a new application; and
- understand that that I, the property owner, shall defend (with counsel acceptable to the city), indemnify and hold harmless the city (including its agents, officers, and employees) from any claim, action, or proceeding to challenge an approval of the Planning Commission, City Council, or any officer or department concerning a permit granted under City Code Chapter 17.

➢ SIGNATURE(S) OF PROPERTY OWNER(S) [redacted] date 11-12-21

Agent Authorization

This authorization permits City staff to contact your agent if necessary.

I authorize _____ to act as my agent (architect, contractor, engineer, etc.) in the processing of all matters pertaining to this application.

➢ SIGNATURE(S) OF PROPERTY OWNER(S)_____date

ZONE A or ZONE E INFORMATION

Please complete all applicable zoning information below.

Zone A or Zone E (Circle one) Lot Area _____ square feet Lot Frontage _____ feet

Code Requirements Zone A See §17.20.040 Zone E See §17.28.040	To Existing Structures	To Proposed Construction	Code Limit	Variance Required? (circle one)
Lot Coverage/Structures[1]	_____%	_____%	40%	Yes No
Minimum Landscaped Area	_____%	_____%	30% (A) / 40% (E)	Yes No
Building Height	_____	_____	35 ft	Yes No
Street Yard Setback[2]	_____	_____	20 ft	Yes No
_____ Side Yard Setback[2,3]	_____	_____	5 ft (Zone A) 20 ft (Zone E)	Yes No
_____ Side Yard Setback[2,3]	_____	_____	5 ft (Zone A) 20 ft (Zone E)	Yes No
Rear Yard Setback[2,3]	_____	_____	5 ft (Zone A) 20 ft (Zone E)	Yes No
Floor Area Ratio[4]	_____%	_____%	55% 0 - 5,000 sq.ft. 50% 5,001 - 10,000 sq.ft. 45% 10,001 and up sq.ft.	Yes No

If new construction is proposed within the 20-foot street yard setback, please indicate the distance from the face of curb to the lot line or describe how the lot line was determined. Distance from face of curb to lot line is _____.

(Feel free to contact city staff for assistance in determining the distance from the curb to the lot line.)

What is the total square footage of the addition(s)? _____

What is the maximum height of any proposed trellis, fence and/or retaining wall? (§17.90.020)_____

[1] A site feature is not calculated in the lot coverage if (1) the feature is not more than 7 feet high and (2) the total area of all site features on the lot is 400 square feet or less.

[2] *Setback* means the required distance that a building, structure or other designated item must be located from a lot line. Setbacks are measured from the *lot line* to the *footprint* of the *structure* or *building*. (§17.90.020)

[3] An accessory structure in both Zones A and E 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 lot to the rear; (c) may not exceed 15 feet in height; and (d) may not be habitable.

[4] 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.

§17.90.010 *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.

Based on the definition above, how many *bedrooms* are existing: _____

What is the total number of *bedrooms* under the current proposal: _____

If this application results in the net addition of one or more *bedrooms*, additional conforming parking spaces may be required on the property. The number of conforming parking spaces required is as follows:

Dwelling unit is 700 square feet or less	1 conforming parking space required
1 – 4 *bedrooms*[5]	2 conforming parking spaces required
5 – 6 *bedrooms*	3 conforming parking spaces required[6]
7 or more *bedrooms*	4 conforming parking spaces required[6]

A conforming parking space is covered, non-tandem, and at least 8-½ feet wide by 18 feet deep, 7-½ feet wide by 15 feet deep for a compact space. A minimum 1-foot clearance must be provided between the length side of a parking space and the nearest wall or similar obstruction.

How many existing conforming parking spaces are there on the property? _____

Please describe any additional parking on the property that does not meet the definition of a conforming parking space: _____

_____

If this application results in the net addition of a room eligible for use as a bedroom, please describe how this application proposes to meet the parking requirements: _____

_____

_____

Please describe the proposed parking on the property that is covered, non-tandem, and at least 8-1/2 feet wide by 18 feet deep: _____

_____

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

a. no existing parking space is eliminated if it creates a nonconformance;
b. the required number of parking spaces are provided, even if uncovered or tandem;
c. the parking spaces are not within the required 20 foot street setback; and
d. the project does not fall under the provisions of City Code Section 17.30.010(B)(4).

[6] In Zone A, one of every three required parking spaces may be for a compact car

DESIGN REVIEW PERMIT STANDARDS
(To be completed by the applicant.)

The hearing body (the Planning Commission or City Council) may not approve a design review permit unless the design of the project conforms to all the standards listed below (§17.66.060). **Please describe how the proposed project meets the standards for approving a design review permit:**

A. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. (*Describe how the project's exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. These elements include but are not limited to: height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. You may cite specific guidelines and General Plan goals and policies.*)

SEE ATTACHED

B. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light.

SEE ATTACHED

C. The proposed design does not adversely affect pedestrian or vehicular safety.

SEE ATTACHED

APPLICANT'S VARIANCE FINDINGS

The hearing body (the Planning Commission or City Council) may approve a variance only if it makes the findings listed below. Please describe how the proposed project meets the variance criteria of City Code Section 17.70.040.A.

1. The property and existing improvements present unusual physical circumstances of the property (including but not limited to size, shape, topography, location and surroundings), so that strictly applying the terms of this chapter would keep the property from being used in the same manner as other conforming properties in the zone; *(Describe specific, unique problems with the property, such as location, surroundings, mature trees, natural obstacles or formations, and explain why the improvements cannot be made in conformity with codes and regulations. Issues of personal hardships -- such as family size, finances, and medical condition -- should not be considered.)*

2. The project is compatible with the immediately surrounding neighborhood and the public welfare; and *(Explain why, without the variance, the owner cannot use the property in the same manner as others in the same zone, and explain how the variance will not give the owner an advantage over others in the same zone.)*

3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction. In this subsection 3, *unreasonable hardship* refers to the unusual physical characteristics of the property and existing improvements, and not to conditions personal to the applicant.: *("Unreasonable hardship" for purposes of this subsection refers to the unusual physical characteristics of the underlying lot and existing improvements on the lot which prohibit development of the lot in a manner consistent with lots conforming to City standards. "Unreasonable hardship" shall not refer to any conditions personal to the applicant.)*

INSTRUCTIONS for NOTICE BY APPLICANT (§17.62.030.B)

1. Complete the attached notice and make one photocopy to be provided to each adjacent neighbor, and one photocopy to be submitted with this application.

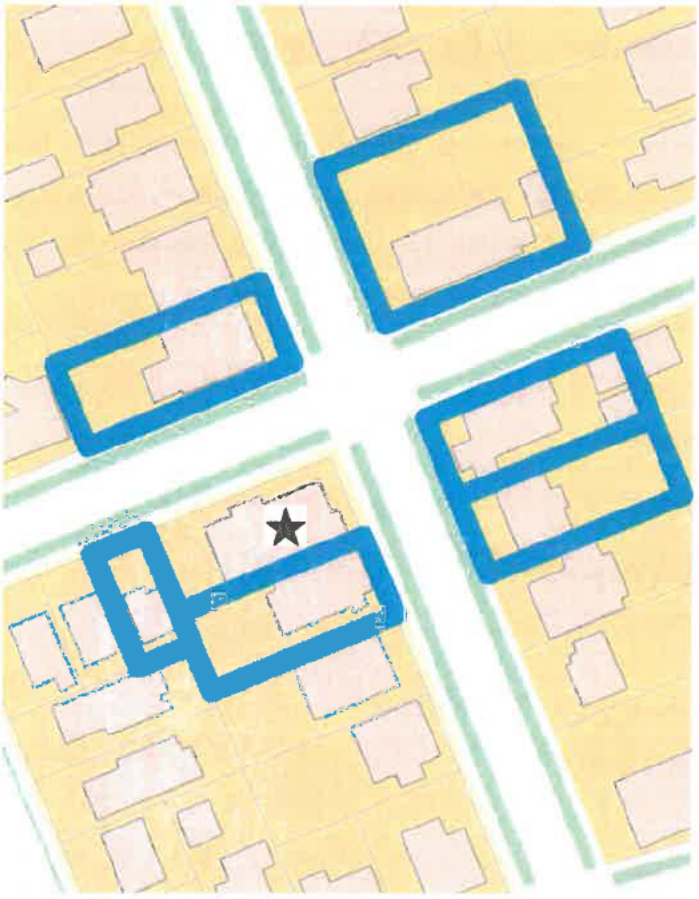
2. Hand deliver or mail one copy of the notice to each *adjacent* neighbor at least 30 days before the initial hearing. *Adjacent* means next to, or against. For notification purposes it includes a property directly across the street (§17.90.010). You may address the notices to "Property Owner" if you do not know the names of your adjacent neighbors.

3. Complete the attached affidavit of service and return it along with one copy of the notice to the Planning Director at least 30 calendar days before the hearing. Please note the affidavit of service is not required to be notarized.

4. Please call the Planning Department at (510) 420-3050, if you have any questions or would like help in determining the addresses or names of your adjacent neighbors.

Example Map of Neighbor Notices:

If the applicant lives at the "star" property, the applicant shall notify the adjacent affected (highlighted) properties.



NOTICE BY APPLICANT
of
AN APPLICATION SUBMITTED FOR DESIGN REVIEW PERMIT,
Review by PLANNING COMMISSION

Dear Neighbor:

I/ We have submitted an application for design review permit for consideration by the Piedmont Planning Commission. I am seeking City approval of an application to (description of project) I AM MAKING SOME UPGRADES TO 29 WILDWOOD AVE. I NEED A SHIPPING CONTAINER TO STORE ITEMS WHILE I CLEAN UP THE SHOP AND UPGRADE LIFTS REMOVE UNDERGROUND TANKS AND ADD A CONVENIENCE STORE.

THIS SHIPPING CONTAINER WILL NOT HAVE A NEGATIVE EFFECT ON THE NEIGHBORHOOD.

THANKS SO MUCH — JEFF

The purpose of this form is to notify you of my application. My application is expected to be considered by the Planning Commission on or after (date) DEC 12, 2021

This notice will be followed by a notice from the city confirming the date of the hearing and inviting you to comment on the application. The Planning Commission regularly meets at 5:00 p.m. on the second Monday of every month in the council chambers at City Hall, 120 Vista Avenue. Please contact the Planning Department at (510) 420-3050, if you have any questions regarding my application.

Signed

Signature of applicant

JEFFERY J HANSEN

Print name of applicant

29 WILDWOOD AVE

Address of project (number and street)

11-12-21

Date

AFFIDAVIT OF SERVICE BY **APPLICANT/ AGENT**

(To be attached to a copy of the notice and returned to the Planning Director.)

JEFFERY HANSEN being sworn, says that he or she is over 18 years of age
Print affiant (applicant/agent) name

and a resident of OAKLAND CA ALAMEDA USA.
County, Country

That affiant's **residence address** is [redacted]

That affiant served a copy of the attached notice of an application for variance and/or design review permit, review by the Planning Commission by placing said copy in an envelope addressed to (please list the names and addresses of all the property owners to whom the notice was served):

[redacted]
21 TOPPER CT
LAFAYETTE CA 94549

[redacted]
1221 GRAND AVE
PIEDMONT, CA 94610

[redacted]
25 N W 23RD PLACE
PORTLAND OR 97210

[redacted]
or current resident
PO BOX 13064
OAKLAND CA 94611

[redacted]
8 WILDWOOD AVE
[illegible]

[redacted]
18010 GIMLEY CT
LAKE OSWEGO OR 97034

[redacted]
1221 GRAND AVE
PIEDMONT CA 94610

[redacted]
16 WILDWOOD AVE
[illegible]

[redacted]
31 WILDWOOD AVE
OAKLAND CA 94610

[redacted]
16 WILDWOOD AVE
OAKLAND CA 94610

[redacted]
1246 GRAND AVE
PIEDMONT CA 94610

aled and postage fully prepaid thereon, and thereafter was on 11-12-21,
date

deposited in the United States mail or delivered personally by hand.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11-12-21 at _____, California.
date address

Signed [redacted]

[redacted]
29 WILDWOOD AVE
PIEDMONT, CA 94610

City of Piedmont
CALIFORNIA

Stormwater Requirements Checklist for Small Projects

- All applicants for Design Review Permit must complete and submit this form.

Municipal Regional Stormwater Permit (MRP) Order No. R2-2009-0074 ; Order No. R2-2011-0083; NPDES No. CAS612008

Purpose: The Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, which is issued and enforced by the San Francisco Regional Water Quality Control Board, requires that the City of Piedmont, as a member agency of the Alameda Countywide Clean Water Program, track and report the development of impervious surfaces.

Impervious Surfaces include any surface that cannot be effectively (easily) penetrated by water, thereby resulting in runoff. Examples: pavement (asphalt, concrete, etc.), buildings/structures, decks, driveways, swimming pools, and on-grade paths.

Permeable Surfaces include pervious concrete, porous asphalt, sand-set unit pavers, and granular materials.

A. Applicant Information

A.1 Property Owner Name: CITY GATELINE LLC

A.2 Project Address: 29 WILDWOOD AVE PIEDMONT 94610
Number Street City Zip Code

A.3 Mailing Address: _____
(*If different from above*) Number Street City State Zip Code

A.4 Property Owner Phone Number: [redacted] Email Address: [redacted]

A.5 Architect/Contractor: _____
Name Phone Number

_____
Address City Zip Code Email Address

B. Project Information

B.1 Total Lot Area in Sq. Ft.: 10,000 APN #: _____

B.2 Please select the correct description of the project from one of the six selections below:

Yes	No		
O	Ø	B.2.a	The project proposes no disturbance to the site (only changes to the interior, existing roof and/or existing walls). *(MRP Provision C.3.b.ii.(1)(b) and C.3.b.ii.(3))* ⇒ The project is exempt from MRP provisions. Please complete section F of this form.
O	O	B.2.b	The project proposes to disturb the site and will create and/or replace less than 2,500 square feet of impervious surface. *(MRP Provision C.3.i.i)* ⇒ The project is exempt from MRP provisions but you are encouraged to incorporate into your plans one or more of the design measures listed under Section C of this form. Please complete section E of this form, which notes Construction Site Control requirements.
O	O	B.2.c	The project is a new or existing single-family home project that proposes to create and/or replace 2,500 square feet or more of impervious surface. *(MRP Provision C.3.i.i)* ⇒ Please complete Sections C and E of this form, both of which note the stormwater protection requirements for the project.
O	O	B.2.d	The project is commercial, industrial, multi-family (town homes, condominiums, and/or apartments), mixed-use, and/or public project that proposes to create and/or replace 2,500 square feet or more of impervious surface but less than 10,000 square feet of impervious surface. *(MRP Provision C.3.i.i)* ⇒ Please complete Sections C and E of this form, both of which note the stormwater protection requirements for the project.

Staff Use Only: ___DR # _____, submitted on _____ Building Permit # _____

O O B.2.e The project proposes to create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site) and is a restaurant, auto service facility, retail gasoline outlet, or uncovered parking lot. *(MRP Provision C.3.b.ii(1))*

⇒ The project is regulated. Please complete Sections D and E of this form, both of which note the stormwater protection requirements for Regulated Projects.

O O B.2.f The project is a commercial, industrial, multi-family (town homes, condominiums, and/or apartments), mixed-use, and/or public project that proposes to create and/or replace 10,000 square feet or more of impervious surface (collectively over the entire project site). *(MRP Provision C.3.b.ii(2 and 3))*

⇒ The project is regulated. Please complete Sections D and E of this form, both of which note the stormwater protection requirements for Regulated Projects.

C. Small Projects and Single-Family Home Projects

MRP Provision C.3.i requires single-family home projects that create and/or replace 2,500 square feet or more of impervious surface; and all commercial, industrial, multi-family (town homes, condominiums, and/or apartments), mixed-use, and/or public projects, which create and/or replace 2,500 square feet or more of impervious surface but less than 10,000 square feet of impervious surface, to install **one** or more of the site design measures listed under C.2.

C.1 The project proposes to create and/or replace _____ square feet of impervious surface.

C.2 Please indicate which of the following six site design measures are incorporated into the project plans:

Yes	No	Plan Sheet #	Site Design Measure
O	O	_____	Direct roof runoff into cisterns or rain barrels for reuse.
O	O	_____	Direct roof runoff onto vegetated areas.
O	O	_____	Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
O	O	_____	Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
O	O	_____	Construct sidewalks, walkways, and/or patios with permeable surfaces.
O	O	_____	Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

D. Regulated Projects

MRP Provision C.3.b requires Regulated Projects to implement Low Impact Development (LID) source control, site design, and stormwater treatment onsite or at a joint stormwater treatment facility in accordance with MRP Provisions C.3.c and C.3.d, unless the Provision C.3.e alternate compliance options are evoked.

D.1 The project proposes to create and/or replace _____ square feet of impervious surface.

D.2 Please contact City staff for a Stormwater Requirements Checklist for Regulated Projects, which you must complete and submit.

Yes

O I have completed and attached a Stormwater Requirements Checklist for Regulated Projects

E. Construction Site Best Management Practices and Control Measures

Yes	No	
O	O	I understand that because the project proposes to disturb the site, the Chief Building Official may require the implementation of appropriate and effective erosion and other construction pollutant controls (Best Management Practices, BMPs) by the project's construction site operators/developers as outlined under MRP Provision C.6.

F. Owner Signature

I declare under penalty of perjury, that to the best of my knowledge, the information presented herein is accurate and complete. Incorrect information may delay my project application(s) and/or permit(s).

[redacted] 11-12-21

Signature of Property Owner Date

More information on the Alameda County Clean Water Program and additional literature such as *Stormwater Requirements Checklist for Regulated Projects*, *C3 Builder's Outreach 2012 Update*, *C3 Technical Guidance Manual*, and *Construction Best Management Practices* are available at www.ci.piedmont.ca.us and http://cleanwaterprogram.org.

Additional Questions:

(a) The exterior design elements (including but not limited to height, bulk, area openings, breaks in the facade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that:

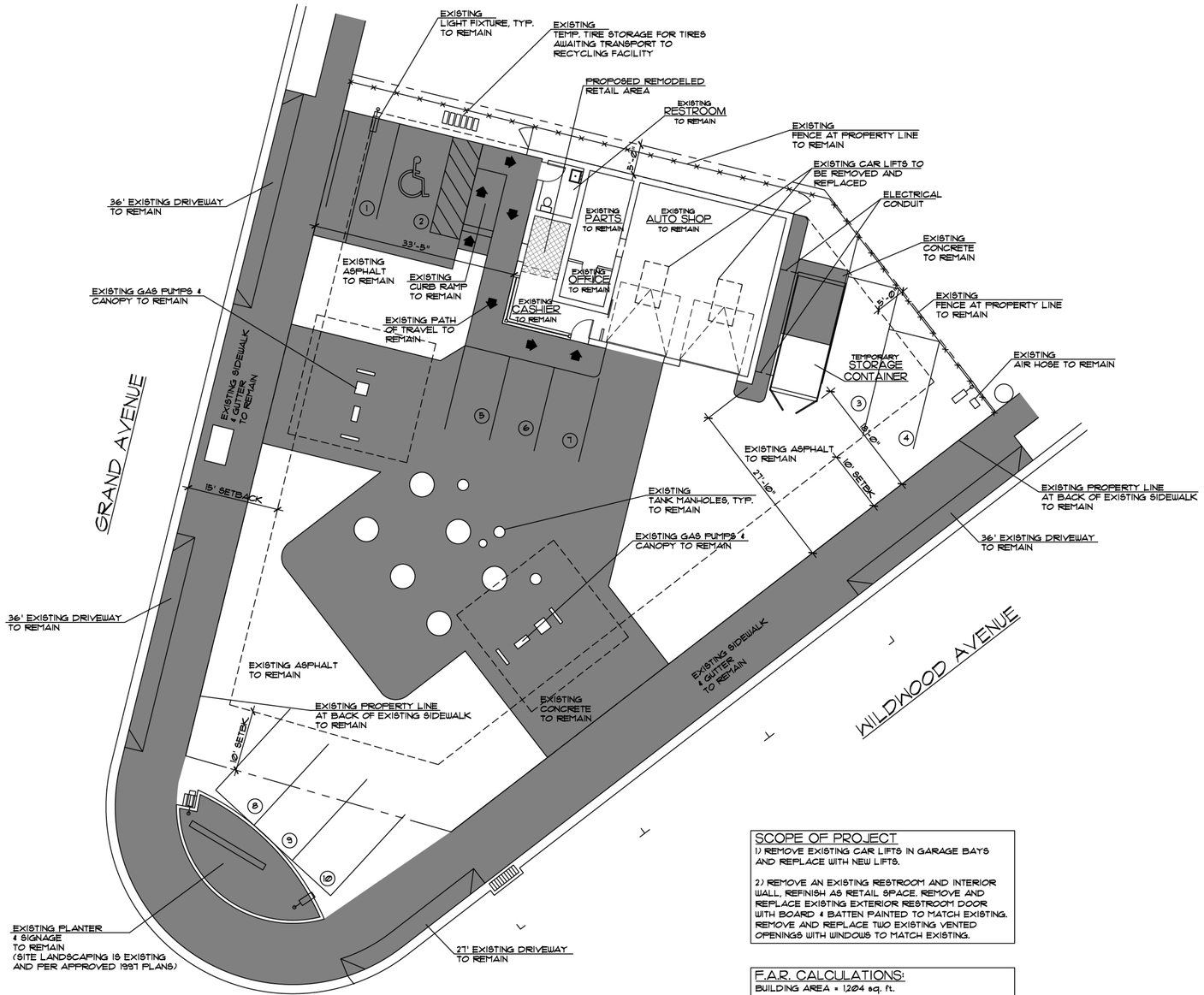
We understand that the temporary accessory structure may be unsightly, however, we have placed it as out of sight as possible. The strucute will be properly maintained, paited, etc.

(b) The design is appropriate, considering its effect on neighboring properties existing views, privacy, and access to direct and indirect light because:

The temporary accessory structure is shielded from the view of neighboring residential properties by existing trees and wooed fence.

(c) The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because:

The temporary accessory structure occupies an existing parking space adjacent to the existing garage structure and does not interfere with the flow of vehicular or pedestrian traffic.



SCOPE OF PROJECT

1) REMOVE EXISTING CAR LIFTS IN GARAGE BAYS AND REPLACE WITH NEW LIFTS.

2) REMOVE AN EXISTING RESTROOM AND INTERIOR WALL, REFINISH AS RETAIL SPACE. REMOVE AND REPLACE EXISTING EXTERIOR RESTROOM DOOR WITH BOARD & BATTEN PAINTED TO MATCH EXISTING. REMOVE AND REPLACE TWO EXISTING VENTED OPENINGS WITH WINDOWS TO MATCH EXISTING.

F.A.R. CALCULATIONS:

BUILDING AREA = 1,204 sq. ft.
SITE AREA = 9,691 sq. ft.
LOT COVERAGE = 12.4%
AREA OF PROPOSED INTERIOR REMODEL = 54 sq. ft.

EXISTING SITE PLAN - 29 WILDWOOD AVE.

SCALE: 1" = 10'-0"

N

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HYDRAULIC LIFT REMOVE AND REPLACE

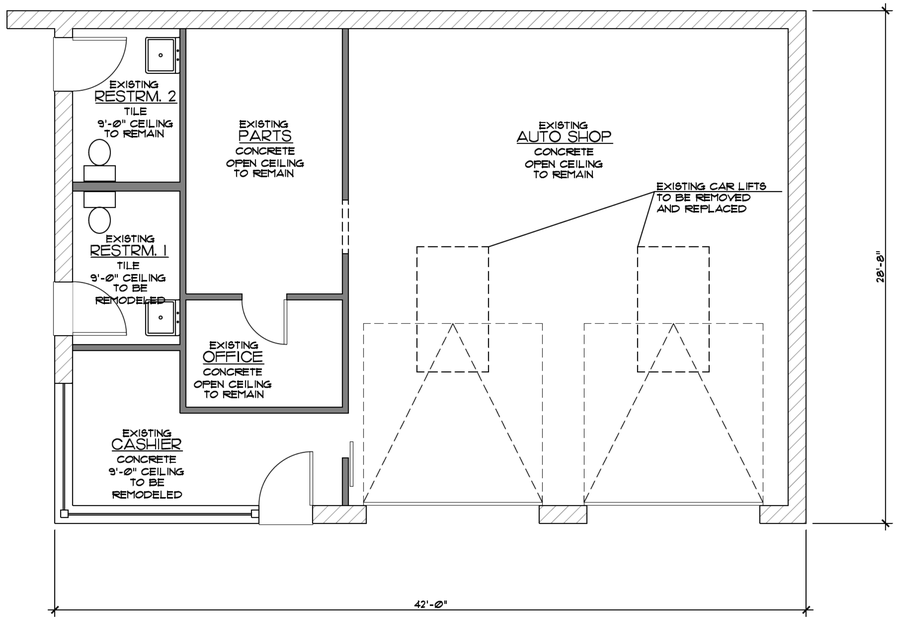
29 WILDWOOD AVENUE
PIEDMONT, CA

ISSUE DATE: 11.30.2021

REVISIONS:

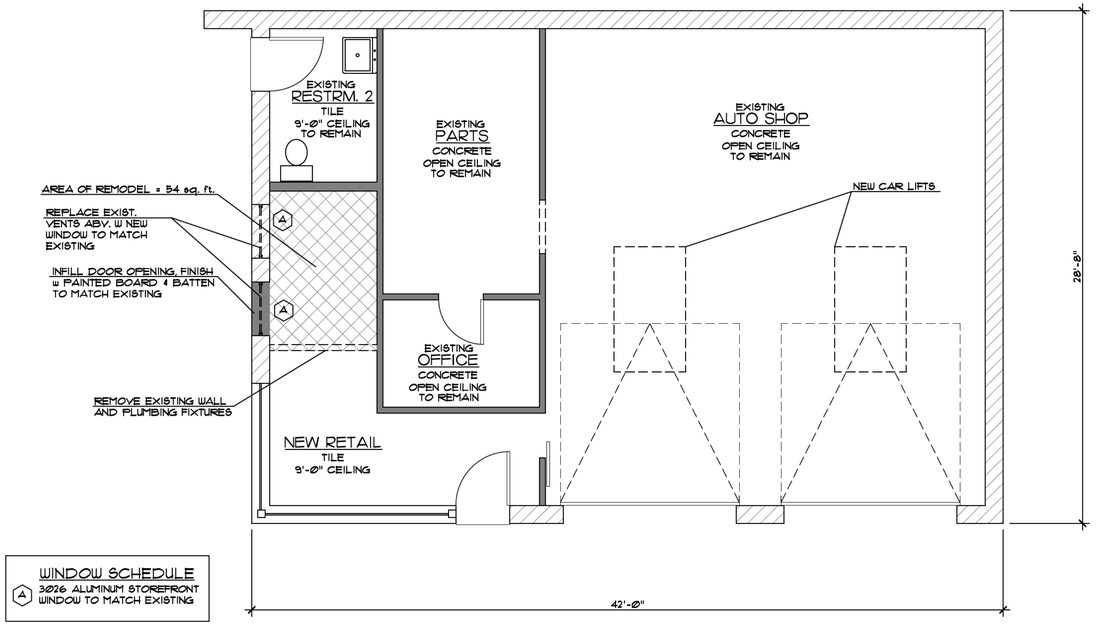
SITE PLAN

A1.10



FLOOR PLAN

SCALE: 1/4" = 1'-Ø"

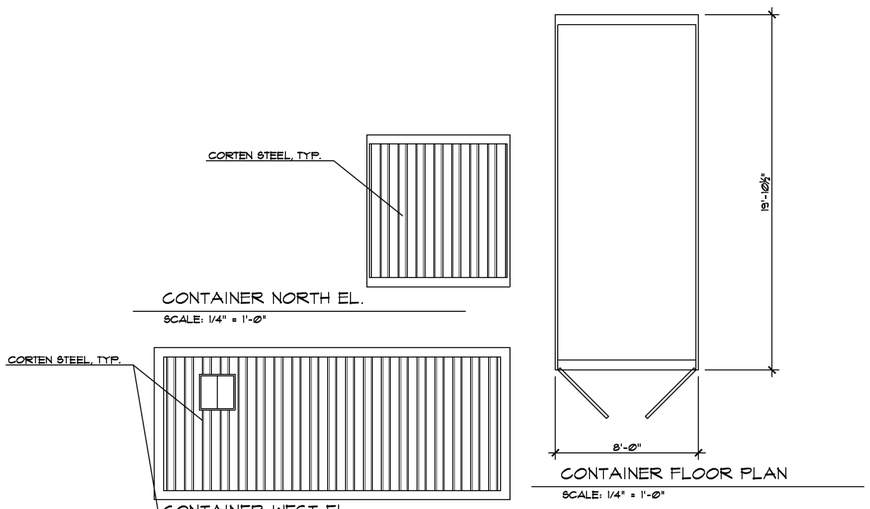


WINDOW SCHEDULE

A 3026 ALUMINUM STOREFRONT WINDOW TO MATCH EXISTING

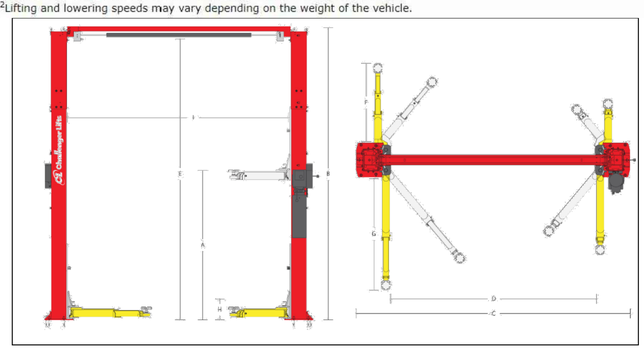
PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-Ø"



Specifications	VLE10
Lift Capacity [1]	10,000 lbs. (4536kg)
A - Rise Height (Screw Pads at Highest Position)	74.75"
B - Overall Height	Standard: 143.875" / Extended Height: 167.875
C - Overall Width	131.625"
D - Drive-Thru Clearance	98.375"
E - Floor to Overhead Switch	Standard: 137" / Extended Height: 161
F - Front Arm Reach	22.3125" - 39.375"
G - Rear Arm Reach	38.375" - 55.375"
H - Screw Pad Height	4.25" / 6.75"
I - Inside of Columns	110.25"
Rise Time[2]	44 seconds
Ceiling Height Required	Standard: 12' / Extended Height: 14'
Motor / Voltage	2HP / 208v-230v, 60Hz, 1Ph

[1]Lift capacity ratings are based on loads equally distributed on all four arms.
[2]Lifting and lowering speeds may vary depending on the weight of the vehicle.



LIFT SPECIFICATION

NO SCALE

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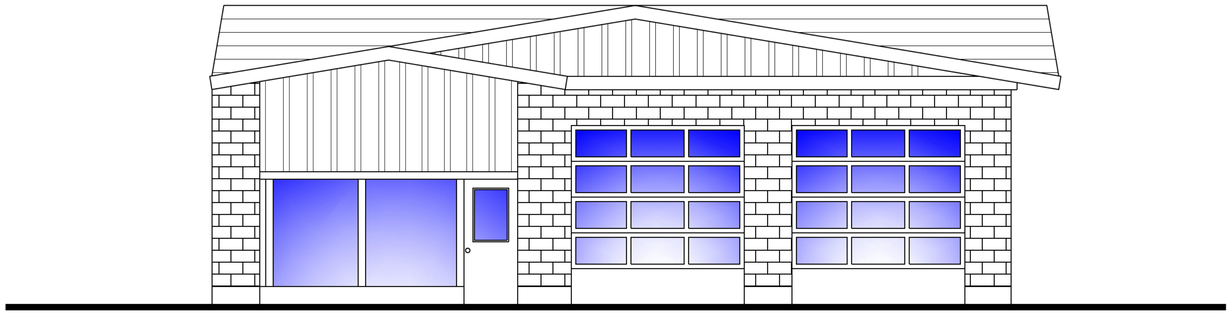
HYDRAULIC LIFT REMOVE AND REPLACE

29 WILDWOOD AVENUE
PIEDMONT, CA

ISSUE DATE: 11.30.2021

FLOOR PLANS

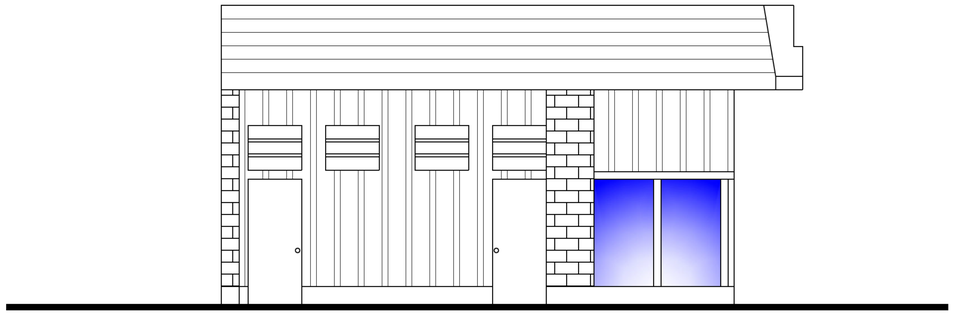
A1.20



SOUTH ELEVATION

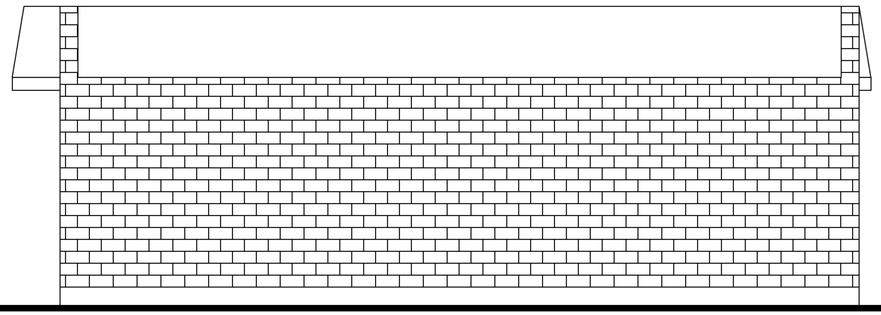
SCALE: 1/4" = 1'-0"

NO CHANGES PROPOSED



WEST ELEVATION

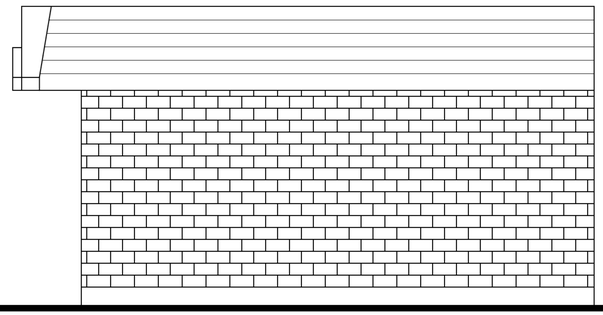
SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

NO CHANGES PROPOSED



EAST ELEVATION

SCALE: 1/4" = 1'-0"

NO CHANGES PROPOSED

REPLACE EXIST. VENTS W NEW GLAZING TO MATCH EXISTING

INFILL DOOR OPENING, FINISH W PAINTED BOARD & BATTEN TO MATCH EXISTING

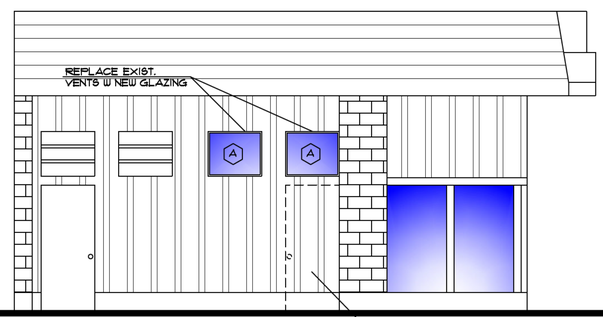


EXISTING WEST-FACING ELEVATION

NO SCALE

WINDOW SCHEDULE

(A) 3026 ALUMINUM STOREFRONT WINDOW TO MATCH EXISTING



PROPOSED WEST ELEVATION

SCALE: 1/4" = 1'-0"

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HYDRAULIC LIFT REMOVAL
29 WILDWOOD AVENUE
PIEDMONT, CA

ISSUE DATE: 11.30.2021

REVISIONS:

EXTERIOR ELEVATIONS

A1.30

Laws and building and safety codes governing the design and use of glazed assemblies vary greatly. It is the responsibility of the user to control the selection of product configurations, operating hardware, or glazing materials, and assumes no responsibility therefor.

Kawneer reserves the right to change configuration without prior notice when deemed necessary for product improvement.

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SECTION 085113 ALUMINUM WINDOWS

This suggested guide specification has been developed using the current edition of the Construction Specifications Institute (CSI) "Manual of Practice," including the recommendations for the CSI 3 Part Section Format and the CSI Page Format. Additionally, the development concept and organizational arrangement of the American Institute of Architects (AIA) MASTERSPEC Program has been recognized in the preparation of this guide specification. Neither CSI, AIA, USGBC nor ILFI endorse specific manufacturers and products. The preparation of the guide specification assumes the use of standard contract documents and forms, including the "Conditions of the Contract," published by the AIA.

PART 1 - GENERAL

1.1 Related Documents

A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and Division 01 Specification Sections, apply to this Section.

1.2 Summary

A. Section includes Kawneer Architectural Aluminum Windows including perimeter trims, stools, accessories, shims and anchors, and perimeter sealing of window units.
1. Types of aluminum windows include:
   a. Kawneer Series 516/518 Thermal Windows
   b. Fixed Window
   c. 4" (101.6 mm) 516 frame depth, 5" (127 mm) 518 frame depth

EDITOR NOTE: BELOW RELATED SECTIONS ARE SPECIFIED ELSEWHERE HOWEVER KAWNEER RECOMMENDS SINGLE SOURCE RESPONSIBILITY FOR ALL OF THESE SECTIONS AS INDICATED IN PART 1.6 QUALITY ASSURANCE.

B. Related Sections:
1. 072700 "Air Barriers"
2. 079200 "Joint Sealants"
3. 083213 "Sliding Aluminum-Framed Glass Doors"
4. 084113 "Aluminum-Framed Entrances and Storefronts"
5. 084313 "Aluminum-Framed Storefronts"
6. 084329 "Sliding Storefronts"
7. 084413 "Glazed Aluminum Curtain Walls"
8. 084433 "Sloped Glazing Assemblies"
9. 086300 "Metal-Framed Skylights"

1.3 Definitions

A. Definitions: For fenestration industry standard terminology and definitions refer to American Architectural Manufactures Association (AAMA) – AAMA Glossary (AAMA AG).

1.4 Performance Requirements

A. General Performance: Aluminum-framed window system shall withstand the effects of the following performance requirements without failure due to defective manufacture, fabrication, installation, or other defects in construction.

B. Fixed Window Performance Requirements:

1. Fixed window air tightness shall meet the FIXED rating (less than 0.045 cfm/ft² (0.25 $(m^3/h)\ m^{-1}$) at 1.57 psf (75 Pa)) when tested in accordance with CAN/CSA-A440 Windows.

2. Fixed window water tightness shall meet the B7 rating (no water leakage at 14.6 psf (700 Pa)) when tested in accordance with CAN/CSA-A440 Windows.

3. Structural performance shall be based on CSA Standard CAN3-S157 "Strength Design in Aluminum" and a maximum deflection of 1/175 of the span.

4. Windload resistance for fixed windows shall meet the C5 rating when tested with configurations in accordance with CAN/CSA-A440 Windows.

5. The fixed window thermal transmittance U-Factor shall be:
   a. Series 516 Window; 0.39 BTU /hr·ft² · °F (2.2 W/m² · °C) when tested in accordance with AAMA 1503.1 and CAN/CSA-A440.2.
   b. Series 518 Window; 0.37 BTU /hr·ft² · °F (2.1 W/m² · °C) when tested in accordance with AAMA 1503.1 and CAN/CSA-A440.2.

   (Note to Specifier: Thermal performance depends on glass specified. Above tests were performed using 25mm double glazed insulated glass unit with 0.10 low emmisivity coating on surface 3, argon gas filled interspace and a thermally broken aluminum glazing spacer.)
   Test size 4ft x 6ft (1219mm x 1829mm).

6. The fixed window condensation temperature index of the frame (I) shall be:
   a. Series 516 Window; 68 and temperature index of the glass (Ig) shall be 68 when tested in accordance with CAN/CSA-A440 Windows.
   b. Series 518 Window; 67 and temperature index of the glass (I_g) shall be 67 when tested in accordance with CAN/CSA-A440 Windows.

C. Environmental Product Declarations (EPD): Shall have a Type III Product-Specific EPD created from a Product Category Rule.

1.5 Submittals

*EDITOR NOTE: ADD RECYCLED CONTENT SECTION IF REQUIRED **TO MEET PROJECT REQUIREMENTS** AND/OR GREEN BUILDING CERTIFICATIONS SUCH AS LEED, LIVING BUILDING CHALLENGE (LBC), ETC. ARE REQUIRED.*

** IF RECYCLED CONTENT REQUIREMENTS **ARE NOT SPECIFIED - PRIME (ZERO RECYCLED CONTENT) ALUMINUM COULD BE SUPPLIED.***

A. Product Data: Include construction details, material descriptions, fabrication methods, dimensions of individual components and profiles, hardware, finishes, and operating instructions for each type of aluminum window indicated.
1. Recycled Content:
   a. Provide documentation that aluminum has a minimum of 50% mixed pre- and post-consumer recycled content with a sample document illustrating project specific information that will be provided after product shipment.
   b. Once product has shipped, provide project specific recycled content information, including:
      1) Indicate recycled content; indicate percentage of pre- and post-consumer recycled content per unit of product.
      2) Indicate relative dollar value of recycled content product to total dollar value of product included in project.
      3) Indicate location recovery of recycled content.
      4) Indicate location of manufacturing facility.
2. Environmental Product Declaration (EPD):
   a. Include a Type III Product-Specific EPD created from a Product Category Rule.

B. Shop Drawings: Include plans, elevations, sections, details, hardware, attachments to other work, operational clearances and installation details.

C. Samples for Initial Selection: For units with factory-applied color finishes including samples of hardware and accessories involving color selection.

D. Samples for Verification: For aluminum windows and components required.

E. Product Schedule: For aluminum windows. Use same designations indicated on Drawings.

F. Product Test Reports: Based on evaluation of comprehensive tests performed by a qualified testing agency for each type, class, grade, and size of aluminum window. Test results based on use of downsized test units will not be accepted.

1.6 Quality Assurance

A. Installer Qualifications: An installer which has had successful experiences with installation of the same or similar units required for this project and other projects of similar size and scope.

B. Manufacturer Qualifications: A manufacturer capable of fabricating aluminum windows that meet or exceed performance requirements indicated and of documenting this performance by inclusion of test reports, and calculations.

C. Source Limitations: Obtain aluminum windows through one source from a single manufacturer.

D. Product Options: Drawings indicate size, profiles, and dimensional requirements of aluminum windows and are based on the specific system indicated. Refer to Division 01 Section "Product Requirements." Do not modify size and dimensional requirements.
1. Do not modify intended aesthetic effects, as judged solely by Architect, except with Architect's approval. If modifications are proposed, submit comprehensive explanatory data to Architect for review.

E. Mockups: Build mockups to verify selections made under sample submittals and to demonstrate aesthetic effects and set quality standards for materials and execution.
1. Build mockup for type(s) of window(s) indicated, in location(s) shown on Drawings.

F. Pre-installation Conference: Conduct conference at Project site to comply with requirements in Division 01 Section "Project Management and Coordination."

1.7 Project Conditions

A. Field Measurements: Verify aluminum window openings by field measurements before fabrication and indicate measurements on Shop Drawings.

1.8 Warranty

A. Manufacturer's Warranty: Submit, for Owner's acceptance, manufacturer's standard warranty.
1. Warranty Period: Two (2) years from Date of Substantial Completion of the project provided however that the Limited Warranty shall begin in no event later than six months from date of shipment by manufacturer.

PART 2 - PRODUCTS

2.1 Manufacturers

A. Basis-of-Design Product:
1. Kawneer Company Inc.
2. Series 516/518 Thermal Windows - Fixed
3. 4" (101.6 mm) 516 frame depth, 5" (127 mm) 518 frame depth

EDITOR NOTE: PROVIDE INFORMATION BELOW INDICATING APPROVED ALTERNATIVES TO THE BASIS-OF-DESIGN PRODUCT.

B. Subject to compliance with requirements, provide a comparable product by the following:
1. Manufacturer: (_____)
2. Series: (_____)
3. Profile dimension: (_____)
4. Performance Grade: (_____)

C. Substitutions: Refer to Substitutions Section for procedures and submission requirements.
1. Pre-Contract (Bidding Period) Substitutions: Submit written requests ten (10) days prior to bid date.
2. Post-Contract (Construction Period) Substitutions: Submit written request in order to avoid window installation and construction delays.
3. Product Literature and Drawings: Submit product literature and drawings modified to suit specific project requirements and job conditions.
4. Certificates: Submit certificate(s) certifying substitute manufacturer (1) attesting to adherence to specification requirements for window system performance criteria, and (2) has been engaged in the design, manufacturer and fabrication of aluminum windows for a period of not less than ten (10) years. (Company Name)
5. Test Reports: Submit test reports verifying compliance with each test requirement required by the project.
6. Samples: Provide samples of typical product sections and finish samples in manufacturer's standard sizes.

D. Substitution Acceptance: Acceptance will be in written form, either as an addendum or modification, and documented by a formal change order signed by the Owner and Contractor.

2.2 Materials

A. Aluminum Extrusions: Alloy and temper recommended by aluminum window manufacturer for strength, corrosion resistance, and application of required finish and not less than 0.070" wall thickness at any location for the main frame and sash members.

*EDITOR NOTE: ADD RECYCLED CONTENT SECTION **IF REQUIRED TO MEET PROJECT REQUIREMENTS** AND/OR GREEN BUILDING CERTIFICATIONS SUCH AS LEED, LIVING BUILDING CHALLENGE (LBC), ETC. ARE REQUIRED.*

** IF RECYCLED CONTENT REQUIREMENTS **ARE NOT SPECIFIED - PRIME (ZERO RECYCLED CONTENT) ALUMINUM COULD BE SUPPLIED.***

1. Recycled Content: Shall have a minimum of 50% mixed pre- and post-consumer recycled content.
   a. Indicate recycled content; indicate percentage of pre-consumer and post-consumer recycled content per unit of product.
   b. Indicate relative dollar value of recycled content product to total dollar value of product included in project.
   c. Indicate location recovery of recycled content.
   d. Indicate location of manufacturing facility.

B. Fasteners: Aluminum, nonmagnetic stainless steel or other materials to be non-corrosive and compatible with aluminum window members, trim, hardware, anchors, and other components.

C. Anchors, Clips, and Accessories: Aluminum, nonmagnetic stainless steel, or zinc-coated steel or iron complying with ASTM B 633 for SC 3 severe service conditions; provide sufficient strength to withstand design pressure indicated.

D. Reinforcing Members: Aluminum, nonmagnetic stainless steel, or nickel/chrome-plated steel complying with ASTM B 456 for Type SC 3 severe service conditions, or zinc-coated steel or iron complying with ASTM B 633 for SC 3 severe service conditions; provide sufficient strength to withstand design pressure indicated.

E. Sealant: For sealants required within fabricated windows, provide window manufacturer's standard, permanently elastic, non-shrinking, and non-migrating type recommended by sealant manufacturer for joint size and movement.

2.3 Window Framing System

A. Series 516/518 Thermal Window - Fixed

EDITOR NOTE: IF RAIN SCREEN WINDOW IS REQUIRED, ADD THE FOLLOWING :

B. All glazing pockets shall be vented, pressure equalized and drained to the exterior.

C. Elastomeric air seal gasket shall be installed around the full perimeter of glass and sealed at corners with silicone sealant. Air seal gasket must provide adhesion with silicone sealant.

EDITOR NOTE: IF 526 THERMAL WINDOW OPERATING SASH IS REQUIRED, ADD SPECIFICATION FOR 526 THERMAL WINDOW VENTS.

EDITOR NOTE: IF 512 VENTROW THERMAL VENTILATOR INSERTS ARE REQUIRED, ADD SPECIFICATION FOR 512 VENTROW THERMAL VENTILATOR.

2.4 Glazing

A. Glass and Glazing Materials: Refer to Division 08 Section "Glazing" for glass units and glazing requirements applicable to glazed aluminum window units.

B. Glazing System: Glazing method shall be a wet/dry type in accordance with manufacturer's standards. Exterior glazing shall be silicone back bedding sealant. Interior glazing shall be snap-in type glazing beads with an interior gasket in accordance with AAMA 702 or ASTM C864.

2.5 Hardware

A. General: None required.

2.6 Accessories

A. General: None required

2.7 Fabrication

A. Framing Members, General: Fabricate components that, when assembled, have the following characteristics:
1. Profiles that are sharp, straight, and free of defects or deformations.
2. Accurately fit joints; make joints flush, hairline and weatherproof.
3. Means to drain water passing joints, condensation within framing members, and moisture migrating within the system to exterior.
4. Physical and thermal isolation of glazing from framing members.
5. Accommodations for thermal and mechanical movements of glazing and framing to maintain required glazing edge clearances.
6. Provisions for field replacement of glazing.
7. Fasteners, anchors, and connection devices that are concealed from view to greatest extent possible.

B. Window framing shall be designed for screw spline corner construction. All framing joints shall be sealed to provide neat weathertight connections.

C. Fabricate aluminum windows in sizes indicated. Include a complete system for assembling components and anchoring windows.

D. Fabricate aluminum windows that are re-glazable without dismantling sash or framing.

E. Thermally Improved Construction: Fabricate aluminum windows with an integral, concealed, low-conductance thermal barrier; located between exterior materials and window members exposed on interior side; in a manner that eliminates direct metal-to-metal contact. Thermal barriers shall be designed in accordance with AAMA TIR A8.
1. Frame thermal barrier shall be Kawneer IsoPort™ with a minimum of 1/4" (6mm) separation consisting of a one piece polyamide strip installed continuously and mechanically bonded to the aluminum.

F. Mullions: Provide mullions and cover plates as shown, matching window units, complete with anchors for support to structure and installation of window units. Allow for erection tolerances and provide for movement of window units due to thermal expansion and building deflections, as indicated. Provide mullions and cover plates capable of withstanding design loads of window units.

G. Sub frames: Provide sub frames with anchors for window units as shown, of profile and dimensions indicated but not less than 0.093-inch (2.4-mm) thick extruded aluminum. Miter or cope corners, and join with concealed mechanical joint fasteners. Finish to match window units. Provide sub frames capable of withstanding design loads of window units.

H. Glazing Stops: Provide snap-on glazing stops coordinated with Division 08 Section "Glazing" and glazing system indicated. Provide glazing stops to match frame.

2.8 Aluminum Finishes

A. Finish designations prefixed by AA comply with the system established by the Aluminum Association for designating aluminum finishes.

EDITOR NOTE: CHOOSE THE APPROPRIATE FINISH BELOW BASED ON PROJECT REQUIREMENTS.

B. Factory Finishing:
1. Kawneer Permanodic™ AA-M10C21A44 / AA-M45C22A44, AAMA 611, Architectural Class I Color Anodic Coating (Color _____).
2. Kawneer Permanodic™ AA-M10C21A41 / AA-M45C22A41, AAMA 611, Architectural Class I Clear Anodic Coating (Color #14 Clear) (Optional).
3. Kawneer Permanodic™ AA-M10C21A31, AAMA 611, Architectural Class II Clear Anodic Coating (Color #17 Clear) (Standard).
4. Kawneer Permafluor™ (70% PVDF), AAMA 2605, Fluoropolymer Coating (Color _____).
5. Kawneer Permadize™ (50% PVDF), AAMA 2604, Fluoropolymer Coating (Color _____).
6. Kawneer Permacoat™ AAMA 2604, Powder Coating (Color _____).
7. Other: Manufacturer _____ Type _____ Color _____.

PART 3 - EXECUTION

3.1 Examination

A. Examine openings, substrates, structural support, anchorage, and conditions, with Installer present, for compliance with requirements for installation tolerances and other conditions affecting performance of work. Verify rough opening dimensions, levelness of sill plate and operational clearances. Examine wall flashings, vapor retarders, water and weather barriers, and other built-in components to ensure a coordinated, weather tight window installation.
1. Masonry Surfaces: Visibly dry and free of excess mortar, sand, and other construction debris.
2. Wood Frame Walls: Dry, clean, sound, well nailed, free of voids, and without offsets at joints. Ensure that nail heads are driven flush with surfaces in opening and within 3 inches (76 mm) of opening.
3. Metal Surfaces: Dry; clean; free of grease, oil, dirt, rust, corrosion, and welding slag; without sharp edges or offsets at joints.
4. Proceed with installation only after unsatisfactory conditions have been corrected.

3.2 Installation

A. Comply with Drawings, Shop Drawings, and manufacturer's written instructions for installing windows, hardware, accessories, and other components.

B. Install aluminum framed window system level, plumb, square, true to line, without distortion or impeding thermal movement, anchored securely in place to structural support, and in proper relation to wall flashing and other adjacent construction.

C. Set sill members in bed of sealant or with gaskets, as indicated, for weather tight construction.

D. Install aluminum framed window system and components to drain condensation, water penetrating joints, and moisture migrating within system to the exterior.

E. Separate aluminum from dissimilar materials to prevent corrosion or electrolytic action at points of contact.

3.3 Adjusting, Cleaning, And Protection

A. Adjust operating sashes, screens, hardware, and accessories for a tight fit at contact points and weatherstripping for smooth operation and weather tight closure. Lubricate hardware and moving parts.

B. Clean aluminum surfaces immediately after installing windows. Avoid damaging protective coatings and finishes. Remove excess sealants, glazing materials, dirt, and other substances.

C. Clean glass immediately after installing windows. Comply with manufacturer's written recommendations for final cleaning and maintenance. Remove nonpermanent labels, and clean surfaces.

D. Remove and replace glass that has been broken, chipped, cracked, abraded, or damaged during construction period.

E. Protect window surfaces from contact with contaminating substances resulting from construction operations. In addition, monitor window surfaces adjacent to and below exterior concrete and masonry surfaces during construction for presence of dirt, scum, alkaline deposits, stains, or other contaminants. If contaminating substances do contact window surfaces, remove contaminants immediately according to manufacturer's written recommendations.

DISCLAIMER STATEMENT

This guide specification is intended to be used by a qualified construction specifier. The guide specification is not intended to be verbatim as a project specification without appropriate modifications for the specific use intended. The guide specification must be used and coordinated with the procedures of each design firm, and the particular requirements of a specific construction project.

END OF SECTION 085113

WINDOW SPECIFICATION

OR APPROVED EQUAL

STIMPSON DESIGN
SAN FRANCISCO, CA
415.830.2758

HYDRAULIC LIFT REMOVAL
29 WILDWOOD AVENUE
PIEDMONT, CA

ISSUE DATE: 11.30.2021

REVISIONS:

WINDOW SPECIFICATIONS

A1.40

Gopika Nair

From: Jeffery Hansen [redacted]
Sent: Friday, January 7, 2022 11:48 AM
To: Daniel Gonzales; Gopika Nair
Subject: Fwd:

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

This is the way I see things going at 29 Wildwood Ave. I would like everyone to be excited about the future while realizing that the storage container needs to stay on the property until this project is completed. Piedmont will have its own Shell branded charging station in the not to distant future.

Please share the attached with the City Council.

sincerely Jeff

---------- Forwarded message ---------
From: [redacted]
Date: Fri, Jan 7, 2022 at 10:31 AM
Subject:
To: [redacted]

https://insideevs.com/news/559069/shell-gas-station-ev-charging/

Gopika Nair

From: Eric Bentley [redacted]
Sent: Friday, December 3, 2021 9:29 AM
To: Gopika Nair
Subject: Re: 29 Wildwood Olans

You don't often get email from bentleyej@yahoo.com. Learn why this is important

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

Thank you. Looks good. No comments.

On Friday, December 3, 2021, 08:17:44 AM PST, Gopika Nair <gnair@piedmont.ca.gov> wrote:

Hi Eric,

I apologize for the delay. Below is the drop box link to access the files for the project.

https://www.dropbox.com/sh/yexzsafm221lfdk/AADmq8PeLT9l6pkkqQXhKnxma?dl=0

Please let me know if you have any questions or comments.

Sincerely,

Gopika Nair
Associate Planner
(510) 420-3054

Piedmont Safer Streets (PSS) Final Plan Draft (linked below) for review.
https://p1cdn4static.civiclive.com/UserFiles/Servers/Server_13659739/File/Government/Departments/Planning%20Division/General%20Plan/PSS_final%20draft%20plan_Oct.%2028,%202021.pdf

Receive Planning & Building Department news emails by subscribing at:https://lp.constantcontactpages.com/su/rMGm1oM/PiedmontPlanBuild

Stay healthy. Help keep others healthy. Stay at home.

-----Original Message-----

From: Eric Bentley [redacted]
Sent: Thursday, December 2, 2021 7:52 PM
To: Gopika Nair <gnair@piedmont.ca.gov>
Subject: Re: 29 Wildwood Olans

[You don't often get email from [redacted] Learn why this is important at http://aka.ms/LearnAboutSenderIdentification.]

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December 6, 2021

To Whom It May Concern,

I am writing this letter in opposition to the proposed CUPs for the Shell Station located at 29 Wildwood Avenue. As background documentation, I have attached an edited copy of the letter I sent in August, in which I cite numerous ongoing violations of city code occurring at the site. Issues cited in that letter include

1. Prohibited and illegal parking;
2. Illicit discharge into city drains;
3. Defacing city sidewalks;
4. Unpermitted changes to the business property (CUP);
5. Creating public nuisances.

It was that letter that was the genesis for the CUPs under consideration.

To approve the Shell station CUP application, the City Council must make the following findings:

1. The proposed use is compatible with the general plan and conforms to the zoning code.
2. The use is primarily intended to serve Piedmont residents (rather than the larger region).
3. The use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity. Considerations for this finding include: no substantial increase in traffic, parking, or noise; no adverse effect on the character of the neighborhood; no tendency to adversely affect surrounding property values.

As it is currently being operated, the Shell station satisfies none of these requirements.

1. The proposed use is compatible with the general plan and conforms to the zoning code.

The current Shell station operation is not compatible with the General Plan. In Chapter 3, the Land Use Element of the General Plan establishes Piedmont's fundamental goals for the use of public and private property.

Policy 2.5: Off-Site Impacts requires the city to "Maintain a conditional use permit procedure for commercial uses which ensures that off-site impacts such as traffic, noise, parking, and odor are disclosed and mitigated to the greatest extent possible. Buffering and screening should be required between commercial development and adjacent residential properties to minimize the potential for land use conflicts between the two uses.

The requirement for buffering and screening between commercial and residential properties is not being met. Currently the Shell station uses the five-foot setback for used tire storage, customer air hose use, waste oil storage and processing, oil and fuel filter storage and processing, and parking (photographic and video evidence to follow). Numerous inquiries to the Planning Department questioning the appropriateness of these

activities have gone unanswered. A complaint recently filed with CalEPA, (COMP-51765), resulted in Shell being cited for numerous infractions, but did not mitigate the ongoing handling and accumulation of hazardous materials in the residential setback. Any CUP approval process for the Shell station should be accompanied by appropriate and comprehensive environmental review.

Chapter 6, the Environmental Hazards Element of the General Plan, incorporates two of the mandatory elements of the General Plan—Safety and Noise. The primary goal of this element is to minimize future loss of life, injury, and property damage resulting from natural hazards. A secondary goal is to reduce exposure to hazardous materials, noise, vibration, and other dangers or nuisances associated with the built environment. This Environmental Hazards Element of the General Plan also includes a proactive set of policies to address noise issues in Piedmont. Piedmont residents value their peace and quiet, and enjoy a relatively calm environment considering the city's location in the center of a major metropolitan area. Policies in this chapter strive to maintain that environment and mitigate activities and land uses that generate noise.

The Shell station violates the spirit and the wording of the Environmental Hazards Element of the General Plan. As outlined in my August letter and complaints to the City, the Shell station has engaged in illicit discharge into city drains, defaced city sidewalks, stored hazardous materials within the buffer between residential and commercial property. In addition, the Shell station regularly violates noise ordinances after regular business hours.

The Shell station operation does not conform to Zoning Code.
Piedmont City Code Section 17.26.040 prohibits all but minor servicing of motor vehicles in Zone D. The Shell station openly violates this City Code Section. The following quote is from the Shell website at
https://www.piedmontshell.mechanicnet.com/

"We are a full service, automotive repair and maintenance shop.
Lube And Oil
Engine/Repair
Electrical systems
Smog/Emissions
Exhaust/System
A/C
Tune-Ups
Suspension
Radiator System
Brakes
Transmission
Body
Tire Inspection
Wheel Alignment
Tow

We are a modern repair facility. We use the latest computer hardware and software to diagnose your vehicle. We work on all makes and models and can handle all of your car care needs."

In a post to Network Neighborhood on April 7, 2015 the owner, in responding to a customer comment about running out of space, said " I said well really we need a bigger place for our auto repair business.....over to Broadway might be a good place?" He has been aware of ongoing issues for some time. The Shell station has morphed into a "full service automotive repair and maintenance shop," in violation of City Code and with little regard for the detrimental effects on the neighborhood.

2. **The use is primarily intended to serve Piedmont residents (rather than the larger region).** While this evidence is not conclusive, an analysis of Yelp reviews suggests that Piedmont residents constitute an insignificant minority of Shell station customers. There are currently 130 reviews of Piedmont Auto Care on Yelp. The majority of reviewers, 77 reviews are from Oakland residents, 48 are from other Bay Area locations and beyond, and only 5 are from Piedmont residents.

3. The use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity. Considerations for this finding include: no substantial increase in traffic, parking, or noise; no adverse effect on the character of the neighborhood; no tendency to adversely affect surrounding property values.

For some time now, the Shell station has been operating its fuel dispensing pumps 24 hours a day, 7 days a week. Neither the current nor any previous CUP for the Shell station includes approval to conduct business beyond the CUP stated hours of operation. On September 27, 2021, I sent an email to the Planning Department requesting clarification of the CUP permitted hours of operation for the Shell station. I wanted to know what city approved document existed to permit the currently occurring 24/7 operation of the fuel dispensing islands. On November 8, 2021, Gopika Nair responded,"The CUP approved regulated store hours alone, meaning they can operate pumps 24 by 7."

The General Plan requires the city to "Maintain a conditional use permit procedure for commercial uses which ensures that off-site impacts such as traffic, noise, parking, and odor are disclosed and mitigated to the greatest extent possible." Further, the Conditional Use Permit, Resolution 243-CUP-20 specifically addressed the Piedmont Shell Auto Care request to include commercial retail with hours Monday – Sunday, from 8:00 a.m. to 9:00 p.m. These hours pertain only to the retail use of the Shell station. Overnight operation has not been permitted, and in consideration of the location on a residential border, should never be allowed.

However, the fuel pumps continue to operate 24/7. The pumps are unattended during the overnight hours and are not in compliance with the section of California State Fire Code that covers unattended fuel dispensing, (included below).

Californa State Fire Code Section 2304 reads as follows:

2304.3 Unattended Self-Service Motor Fuel-Dispensing Facilities
Unattended self-service motor fuel-dispensing facilities shall comply with Sections 2304.3.1 through 2304.3.7.

2304.3.1 General
Where approved, unattended self-service motor fuel-dispensing facilities are allowed. As a condition of approval, the owner or operator shall provide, and be accountable for, daily site visits, regular equipment inspection and maintenance.

2304.3.2 Dispensers
Dispensing devices shall comply with Section 2306.7. Dispensing devices operated by the insertion of coins or currency shall not be used unless approved.

2304.3.3 Emergency Controls
Approved emergency controls shall be provided in accordance with Section 2303.2. Emergency controls shall be of a type that is only manually resettable.

2304.3.4 Operating Instructions
Dispenser operating instructions shall be conspicuously posted in approved locations on every dispenser and shall indicate the location of the emergency controls required by Section 2304.3.3.

2304.3.5 Emergency Procedures
An approved emergency procedures sign, in addition to the signs required by Section 2305.6, shall be posted in a conspicuous location and shall read:

IN CASE OF FIRE, SPILL OR RELEASE
1. USE EMERGENCY PUMP SHUTOFF
2. REPORT THE ACCIDENT!

FIRE DEPARTMENT TELEPHONE NO._____

FACILITY ADDRESS _____

2304.3.6 Communications

A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the fire code official.

The Shell station borders a residential neighborhood on two of it's three sides, and as such, this unapproved activity is extremely inappropriate and potentially dangerous. The neighbors have the right to expect peace and quiet in the overnight hours and that expectation should be protected. All of us who have taken our cars in for service are familiar with the many loud noises generated by repair facilities. Tire air guns produce a noise level of 104 dBA and the air chisels used in body shops emits 112 dBA. An accelerating diesel truck emits 114 dBA and even 100 dBA while idling. A late-night or all-night gas station creates noise issues.

I am particularly concerned about the lack of compliance with the emergency provisions referenced above. The State Fire Code allows unattended pump operation only with previous approval. The pumps are not in compliance with the regulations requiring Emergency Controls, Operating Instructions, Emergency Procedures, and Communications. The result is a major safety concern. I sent emails expressing my concerns to Piedmont Fire Chief Brannigan in early November. I advised him of the State Fire Code violations. My emails have gone unanswered. In a conversation with the Shell owner, he revealed that he was unaware of these fueling requirements.

The Shell station was in operation for several decades before the public was made aware of the high levels of pollution that are generated by service stations. With what is now known, a gas station would never be approved at this location, sitting as it does atop the confluence of Bushy Dell and Pleasant Valley creeks. Testing records indicate that discharges from the Shell station have been contaminating the groundwater flowing into Lake Merritt with Total Purgeable Petroleum Hydrocarbons, (TPPH), and Benzene, a known carcinogen and fish toxin, at levels more than 50 times the recommended limit for at least 30 years. Additionally, the UST vents spew benzene vapors at the window of a neighboring house just 10 feet away and spreads to the other homes and a daycare nearby.

Sufficient regulatory governance exists at the federal, state, and local levels to minimize the adverse impact of the Shell station operations on the surrounding neighborhood. However, absent a committed monitoring and enforcement process, this guidance is worthless. The lack of responsiveness by the city conflicts with the city's stated interest in protecting the environment.

I am concerned not only with environmental implications of after-hours unattended fueling but the impact on neighbors of a retail store operating late at night at the Shell station. Operation of a retail store past normal business hours (Ace closes at 6:00 p.m.) will encourage, noise, loitering, and other issues. Convenience stores accounted for about 3% of violent crimes overall in 2020, and gas stations accounted for about 2%, according to new statistics released by the Federal Bureau of Investigation (FBI). Out of a total of 675,715 violent crimes represented by National Incident-Based

Reporting System (NIBRS) data, 20,108 incidents occurred at convenience stores in 2020, and 11,795 occurred at gas stations, the data shows.These statistics make convenience stores and gas stations the fourth and seventh most common locations for violent crime, respectively.

I am not asking to close the Shell station. I am only asking that as you consider approval of the proposed CUPs, you also consider what steps must be taken to ensure that the Shell station operates within the guidelines of the General Plan and the City Code and with the least impact on the surrounding neighbors. Thank you for your conscientious consideration.

Warmest regards,

Don Dare
[redacted]

Request for approval of an existing shipping container installed without permit.











The Shell CUP application asserts that the installed container “is placed in an area where we formerly stored excess supplies for the business, (tires, batteries and other supplies). No parking space has been effected.” The above photographic evidence clearly disproves this contention. As illustrated by the number of illegally parked vehicles on the sidewalks on Wildwood and Grand Avenues, the container occupies sorely needed on-site parking. Two derelict vehicles permanently parked on the west side of the building further reduce the available number of parking spaces.

Accumulation of Hazardous Materials in Residential Setback contradicts General Plan.



















The buffering and screening between commercial development and adjacent residential properties required in the General Plan is nonexistent at the Shell station. Instead, the setback is used to process and store hazardous materials and toxic waste, store used tires, park and perform work on vehicles, and provide a compressed air hose for customers. The Underground Storage Tanks vent is also located within the setback.

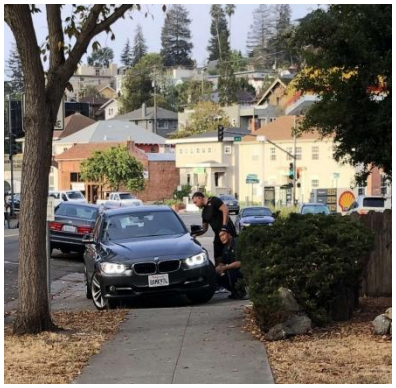
Customer Air Hose in Residential Setback contradicts the General Plan







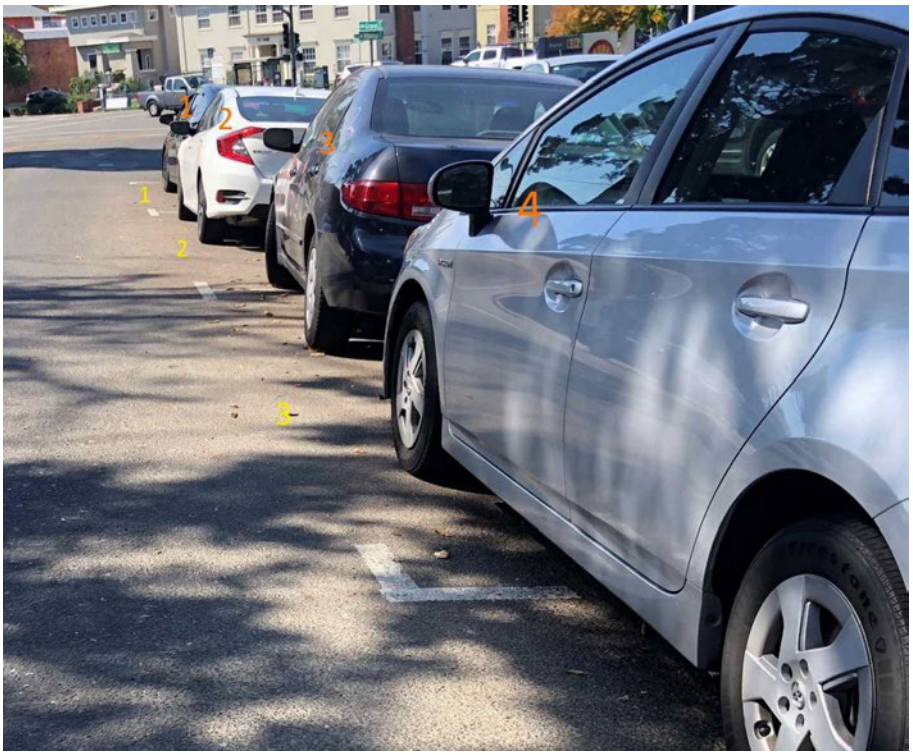





This series of photos shows the current location of the customer air hose and some examples of the daily parade of illegally parked vehicles that come to use it. This location is within both the 10 foot Wildwood setback and the 5 foot residential setback. The ongoing nuisance and hazmat accumulation creates a challenge for pedestrians, especially the handicapped, wheelchair bound or blind persons.

Unlawfully parked vehicles at the Shell station



















Piedmont City Code - SEC. 11.48 PARKING WITHIN ALLOTTED SPACE In such areas where any painted or marked lines have been placed on the pavement for the purpose of allotting space to parked vehicles, it shall be unlawful for the operator of any vehicle to park his vehicle, unless the vehicle is entirely within the limits of the allotted space. The Shell station regularly squeezes 4 cars into the 3 designated spaces on Wildwood. Usually it is a combination of employee and customer vehicles. This is further evidence of this business's severe parking shortage.

Conditional Use Permit and Design Review Permit Comment Form

On **Monday, December 13, 2021**, the Piedmont Planning Commission will consider the applications of Piedmont Shell Auto Care for conditional use permit and design review permit at **29 Wildwood Avenue.** Please note that the Planning Commission shall make a recommendation to the City Council on whether to approve or deny the permit applications and that the ultimate decision will be made by the City Council at a later hearing on January 18, 2022. Your comments regarding the proposed construction and its effect on your property are welcome. You may submit comments in writing by completing this form and returning it to City Hall, 120 Vista Avenue or by emailing gnair@piedmont.ca.gov, by 4:30 p.m. **Thursday, December 9, 2021**. If you wish, you may also attend the public hearings on the application and express any opinions you so desire.

Name (please print) DAVID ROE

Address [redacted]

Telephone Number [redacted]

Did you review the plans or discuss the project with the applicant? Yes ✓ No _____

I/We support the application for design review: Yes _____ No ✓

Comments:

This reiterates my comments submitted on this proposal a year ago (dated 11/1/20).

This change to the Grand Ave. Shell station will add snack-food commerce to Piedmont at a location where the equivalent is essentially just across the street in Oakland, on the same side of Grand Ave. The Shell station manager told me last year when I talked to him that its purpose was "so you'll be able to buy your favorite flavor of Lay's Potato Chips" at the gas station.

Piedmont's careful boundaries around clutter commerce have no reason to be relaxed in this case, much less to set a precedent for further erosion elsewhere. And here, the effect will be to take business away from a long-time classic small business in Oakland so close by, which has no support from a multinational oil company.

In my 40 years' experience living a block away, local Piedmont residents happily use Grand Ave. businesses that lie just across the lower Piedmont boundary on Grand; and generally Piedmont has acted as a good neighbor to its less affluent neighbor of Oakland. But this proposed encroachment would not be a neighborly act. Please leave the recognized, mutually comfortable boundaries of commerce between Piedmont and Oakland, along Grand Ave., where they stand now.

Signature [redacted] **Date** 12/1/21

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PLANNING & BUILDING DEPT.
CITY OF PIEDMONT

Conditional Use Permit and Design Review Permit Comment Form

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Name (please print) Alison Kuehn + David Brown

Address [redacted]

Telephone Number [redacted]

Did you review the plans or discuss the project with the applicant? Yes ✓ No _____

I/We support the application for design review: Yes ✓ No _____

Comments:

We support the addition of much needed charging stations in the area.

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DEC 07 2021
PLANNING & BUILDING DEPT.
CITY OF PIEDMONT

Signature [redacted] **Date** 12/6/21

December 8, 2021

To Whom It May Concern,

We are writing to express our opposition to the proposed Conditional Use Permit and Design Review Permit (#21-0334 & #21-0335) for Piedmont Shell Auto Care at 29 Wildwood Avenue. We live at 1250 Grand Avenue. We have lived in Piedmont for seven years. Thank you for taking the time to consider our observations and thoughts on Piedmont Shell Auto Care's permit applications.

Unfortunately, based on repeated violations of various Piedmont ordinances, we cannot in good faith support further development at the Shell Auto Care. While we support the business owner's overall goal to improve his business, we have found that he has skirted and violated ordinances that are intended to create and maintain good neighborly relations. The Shell Auto Care has repeatedly engaged in prohibited and illegal parking, discharged dangerous fluids into city drains, has defaced sidewalks by regularly conducting maintenance and repair on cars parked on the sidewalk, and violated noise ordinances. When this behavior was called to the owner's attention and to the city's attention, it did not abate.

Most importantly, we do not support any permit that would allow business operations until 10:00 p.m. at night. Ace Hardware closes at 6:00 p.m. We hope that you will balance the needs of the business with the fact that it is situated in a densely residential area. Because our home is near a busy commercial corridor, noise reduction in the evening is very important. As things currently exist, we suffer daily from a loud 9:00 p.m. opening and release of the air compressor used in the mechanic bay. It is insufferable. Our more immediate neighbors also deal with gasoline refueling and deliveries at all hours of the night. Noise that even carries to our home. A convenience store that operates until 10:00 p.m. will drive further traffic and noise to the corner of Wildwood Avenue.

It should also be noted that a convenience store is a leading cause of crime. We are extremely concerned about attracting further blight, loitering, and crime to the Wildwood Avenue corner. We already live with transient use of the Shell Auto Care facilities that spills over to our property. We are concerned for the safety of our children and our neighbors closer to the station (who also have children). Despite the stated convenience for Piedmont residents, another convenience store already exists 269 feet away from the Shell Auto Care (a one minute walk per Google Maps). There is no need for a second convenience store.

The City has not shown itself as a willing and engaged administrator of its own requirements. There have been numerous violations ranging from incompatibility with the zoning code (Piedmont City Code Section 17.26.040 prohibits all but minor servicing of motor vehicles in Zone D) to violation of the existing CUP (via 24/7 pump operation) to endless violations of parking and setbacks. All of these have been brought to City attention via formal channels.

The owner/operator has not shown himself as willing to comply with the requirements. Again, through both formal and informal channels there have been numerous and continuous violations of the existing requirements.

In this context it makes little sense for the City to obligate itself to greater complexity via enhancing the CUP, nor to give the owner/operator greater freedoms, all at the expense of the Piedmont residents who are simply asking both parties to uphold their current obligations.

The new CUP should be denied and only reconsidered when the existing CUP is being monitored and met.

Miguel and Maria DeAvila

Conditional Use Permit and Design Review Permit Comment Form

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Name (please print) HELEN STEERS

Address [redacted]

Telephone Number [redacted]

Did you review the plans or discuss the project with the applicant? Yes ✓ No _____

I/We support the application for design review: Yes _____ No X

Comments:

I frequently walk along Grand Avenue and into Wildwood avenue. The number of cars parked along parts of the sidewalk on Wildwood and Grand make it extremely dangerous for pedestrians along that corner.

Autos line up ~~for~~ into Wildwood avenue for air for their tires — some blocking the sidewalk on the east side.

The very unsightly storage container on the east side of the building does not make parking in that area easy. It's such a blight on the neighborhood.

Signature [redacted] Date 12/8/2021

RECEIVED
DEC 09 2021
PLANNING & BUILDING DEPT.
CITY OF PIEDMONT

Gopika Nair

From: Grand Piedmont Liquors [redacted]
Sent: Thursday, December 9, 2021 12:41 AM
To: Gopika Nair
Subject: Concerns regarding the application of Piedmont Shell Auto Care for conditional use permit and design review permit

You don't often get email from [redacted]. Learn why this is important

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

City of Piedmont California
Planning and Building Department

Dear Planner,

I am writing this email to let you know my concerns regarding the proposed application submitted by Piedmont Shell Auto Care for conditional use permit and design review.

I am the owner of the connivance store **Grand Piedmont liquor Store** (3900 Grand Ave). The proposed application to modify the site if granted will impact negatively to my business.

Recent years my business is struggling to survive and this pandemic has worsened the situation. The proposed site is within 500 feet to the right of my business and planning to do the same business as mine. Safeway is within 2 minutes walking distance across the street to the left from my store. It is not fair to me to let the same business operate within 500 ft distance, in the periphery of giant Safeway. If granted this will put me out of business. I request the City Of Piedmont California not to grant the application submitted by Piedmont Shell Auto Care.

I hope you will consider my concern and act fairly while making a decision on this application.

Thank you,

Yours Sincerely,
Rajesh Thapa
[redacted]

Gopika Nair
Planning & Building Department
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

December 9, 2021

Dear Ms. Nair,

We are residents of 1246 Grand Ave, next to the 29 Wildwood Ave property applying for the conditional use & design review permit. We have reviewed the files associated with this property and would like to bring attention to 3 issues:

RETROFIT UNDERGROUND GAS TANKS & CURRENT CONDITIONAL USE PERMIT:
In the handwritten notice by the applicant & CUP permit application, Jeff Hansen wrote that his project would include "removing underground gas tanks". In the CUP permit, he mentions that the fuel tank upgrades are federally mandated & EPA requirements. However, in the stormwater requirement checklist, he states that the impervious surface will be left undisturbed and there's no mention of underground tank retrofit. This checklist contradicts the notes in the CUP permit application. There's no mention of the underground gas tank retrofit work in the City of Piedmont's memorandum – Could this be an oversight?

In addition, there are no plans, documentations, or project timeline available for public review on the proposed retrofit of those underground tanks. We are concerned about ground contamination and would like to see tank testing data as well as tank removal safety hazard plans prior to any work being done. This retrofit project could cause serious health and environmental issues from vapor inhalation and exposure to harmful contaminants, which will have an adverse effect on the health, safety, and welfare of anyone in the vicinity.

The permitting of underground gas tanks retrofit should be denied & excluded from this conditional use & design review permit #21-0334 & #21-0335. We understand that this work is federally mandated and necessary by 2025. Therefore, Mr. Hansen can apply for another design review and/or conditional use permit at a separate instance with proper documentation and testing data.

CEQUA should not be waived; this may be an existing business, but there has been a lot discovered about the dangers of benzene, and volatile organic compounds, to the health of adults and children living near gas stations, and this is reflected in the fact that CARB has been recommending a 300' distance between new gas stations and sensitive land uses like the homes and daycare that are all less than 300' from the Shell station; additionally, there have been hazardous wastes stored for years within 2 feet of the property line. This retrofit should be held to the highest of standards.

In the City of Piedmont's memorandum page 5, the claim that there will be no material adverse effect on the health, safety, or welfare of persons residing or working in the vicinity is a baseless platitude. There is also a claim that there will be no substantial increase in traffic, parking or noise is preposterous. Parking is terrible on Grand Avenue and very few drivers observe the parking permit spots. There are some Ace shoppers who park right on the crosswalk and walk across the street and people that block our driveway. Traffic and noise are also a regular issue- there was recently a pedestrian killed right between two crosswalks at the Safeway. We find it difficult to cross Grand Ave at a crosswalk with two kids and two dogs because most drivers are speeding and don't want to stop. Presently, the Shell Station does create adverse effects on our health because you can be overexposed to VOCs even when you can't smell anything- and

we can smell gasoline. It's reprehensible that the Shell Station has been a very consistent scofflaw regarding codes, permits, parking, gasoline vapors during refueling, they're not even honoring the existing CUP and Piedmont is glossing over serious issues and shilling for the Shell Station.

It appears that if something is not specified in the CUP, like 24/7/365 gas pumps and fuel tankers arriving in the middle of the night, then the city defers to Shell and says the activity is not proscribed by the CUP. The city should look at the municipal codes and CUPs of other cities because there is too much room for abuse with the CUPs. One good example of this is the CUP for the ACE encourages the ACE employees to park on Linda Ave so that they don't take up the much-needed parking spaces around the ACE; and of course, the ACE employees park all day in the green spaces and never get a ticket!

EXISTING TIRE STORAGE:
In the architectural drawing existing site plan A1.10, the existing tire storage is inside the 5' feet property set back line adjoining to our property. This existing storage is not acceptable and is considered illegal per the California Fire Code, Title 24 of the California Code of Regulations, sections 3405.4 - Distance from Lot Lines and Buildings:
"Tire storage piles containing less than 500 waste tires shall be located no closer than 10 feet from lot lines or buildings; however, tire piles containing less than 500 waste tires may be stored within 10 feet of lot lines or buildings after the operator has obtained approval from the fire code official. Waste tire piles containing less than 500 waste tires shall not exceed 6 feet in height when within 20 feet of any property line, building, or perimeter fencing."

We respectfully request that the existing storage of tires be relocated elsewhere on the property, and not next to adjoining private residences.

We opposed to this conditional use permit & design review permit #21-0334 & #21-0335 at 29 Wildwood Ave.

Thank you for your attention & consideration.

Best regards,

Bernice & Mike Gallagher

Gopika Nair

From: RICK SCHILLER [redacted]
Sent: Thursday, December 9, 2021 4:58 PM
To: Kevin Jackson; Gopika Nair
Subject: Dec 13, 2021 29 Wildwood CUP application

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Piedmont Planning Commission
c/o Kevin Jackson, City Planner

Re: Dec 13, 2021 29 Wildwood CUP application

Dear Commission,

I supported the 2020 application for retail food sales so long as neighbors were not impacted. Disappointingly there have been numerous documented negative impacts on neighbors even without the addition of a convenience store. The City allowed Shell to use the sidewalks for parking and automotive work. There is an ongoing CalEPA violation. Residents at 1246 Grand have been informed by the City to contact Bay Area Air Quality Management District concerning the late night noxious refueling fumes. The unpermitted shipping container has sat for several years.

As only 4% of Yelp reviews for Piedmont Shell are from Piedmont residents, the sales of soft drinks, candy and Ding-Dongs will be from other than Piedmont residents. While I oppose the convenience store, should it be approved the open hours must conform to Ace Hardware and Simple Floors which close at 6pm.

Nextdoor shows positive comments about Shell's services from Piedmonters and Shell provides many necessary routine maintenance services. However the first page of Yelp reviews (12/07/21) reveals a "clutch and engine rebuild." These are major repairs. Only minor auto repairs are allowed in Zone D and City Staff should provide clarity to the PC as to the limits of minor automotive work.

Grand Avenue is the most used gateway entrance to Piedmont. A shipping container is not in harmony with the neighborhood or Piedmont Design Review. If a temporary structure is allowed including one of steel composition, a building permit can be issued that mandates aesthetic elements. If the shipping container is allowed to remain, a firm date should be set for its removal once work is completed.

Respectfully,

Rick Schiller
[redacted]

Conditional Use Permit and Design Review Permit Comment Form

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Name (please print) Malcolm Talcott

Address [redacted]

Telephone Number [redacted]

Did you review the plans or discuss the project with the applicant? Yes ✓ No _____

I/We support the application for design review: ~~Yes _____ No _____~~

Comments:

I do not support the CUP Application as presented. There are various conditions I would like included. Please see attached

Signature [redacted] **Date** 12/9/21

Malcolm Talcott
[redacted]

City Of Piedmont Planning Commission

RE: Conditional Use Permit application of Piedmont Shell Auto Care 29 Wildwood Avenue

I have lived at my residence since May 2002, and have a clear view of the Shell Station from my living room. We can hear noises from the station in the house and in the back yard. I have had both of my cars serviced by the Shell Station and the staff and owner are generally very friendly neighbors. However, through the diligent investigations of my neighbor, Don Dare, I have learned that the Shell Station has been in violation of its existing CUP and it appears that it has also likely been in violation of environmental regulations with regard to the storage, disposal and refueling of hazardous materials, including gasoline and used motor oil. I am very unhappy about these violations and been disappointed in the City of Piedmont's very slow and lackadaisical responses. I have the following comments on the Conditional Use Permit Application:

1. As this is an application for a Conditional Use Permit, it would seem appropriate and necessary that relevant conditions be included in the granting of the permit for the requested uses. Accordingly, my review and comments are informed by this basic notion.
2. Interior improvements of the office to accommodate retail space. I have no objection, but I would like to point out that the Applicant inaccurately states that residents who want to buy snacks have to cross the street to walk to a grocery store. There is a liquor store less than a one minute walk away which has a large selection of snacks and non-alcoholic drinks available for purchase. I don't know if the Applicant is deliberately trying to mislead the Planning Commission or if they are ignorant about the products offered by the liquor store. Neither provides me with much confidence in the Applicant.
3. Replacement of 2 hydronic lifts in the garage stalls, no objection.
4. Retroactive temporary approval of a shipping container in an exterior location. Applicant claims it is not located in a parking space, but photos submitted by Don Dare show that prior to the installation of the shipping container the area was used as a parking space. Applicant is misleading the Planning Commission and is not being honest and forthright. Nevertheless, I am willing to support the temporary installation of the shipping container for a maximum of two years. Since the container has already been installed, I would like the CUP to specify a fixed date by which the shipping container will be removed, such as January 15, 2024. If the shipping container is not removed on or prior to the expiration date, I would like the CUP to specify that the Applicant pay liquidated damages to the City of Piedmont at the rate of $100 per day for each day of violation after the expiration date. The Applicant has not complied with the conditions of its current CUP and I don't trust that it will necessarily comply with a new CUP. That is why I encourage the City to include a liquidated damages provision in the CUP if the Applicant fails to comply with its terms for this item.

5. The Applicant has requested that it be allowed to operate from 6:00 am until 10:00 pm. I object to these hours. I think that automobile repair and maintenance work should be limited to the same hours that the City limits construction work, 8:00 am until 6:00 pm, seven days a week. The use of air wrenches is particularly noisy. If the Applicant strongly objects to these hours, I would be willing to accept a start time of 7:30 am and an ending time of 6:30 pm for these activities. For a retail store I would support operating hours of 7:00 am until 9:00 pm, seven days a week. For the self-service gas pumps, I support them being operational 24 hours a day. I recommend that the CUP specify the operating hours for each of the relevant operations.
6. While not mentioned in the CUP Application, it has been pointed out in much detail in correspondence from Don Dare that the Shell Station is refueled in the evening after Shell Station personnel have left for the day. Consequently, without staff to provide access to the fuel tank gauges located inside the gas station, my understanding is that the refueling operation is conducted by disabling the fuel vapor capturing system which violates California State Environmental Regulations. This violating and preventable activity releases fuel vapors that are considered harmful to human health and is completely unacceptable. I demand that the CUP require the Applicant to comply with California State Environmental Regulations by properly staffing the Shell Station every time its fuel tanks are refilled so that the fuel vapor system can function properly and safely. Furthermore, I would like the CUP to specify that the Applicant pay liquidated damages to the City of Piedmont at the rate of $100 for each violation. After ten such violations, the penalty would be increased to $250 per violation. Proof of violation could be provided by cell phone photos and/or video.
7. The Existing Site Plan in the Application shows two parking spaces (identified as spaces 3 and 4) located next to the temporary storage container. Adjacent to space #4 is the existing air hose used to put air into tires. As noted repeatedly in correspondence from Don Dare, there is no place for a vehicle to park to use the air hose without blocking the sidewalk and the driveway. This results in frequent violations of City Code on a daily basis. Let's be honest about this situation. There is not room for two parking spaces here. I request that the CUP require that one parking space be striped next to the temporary storage unit (space #3) and that the adjacent space be striped and posted with a sign that states, "Temporary Parking Only While Using Air Hose." Consequently, the true and accurate number of parking spaces listed on the application needs to be reduced from 10 to 9. Alternatively, it might be more accurate to state that the temporary storage container is located in one of the 10 parking spaces.
8. Finally, in Don Care's correspondence to the City he has included photos showing poorly stored hazardous materials adjacent to the property line. I would like the CUP to specify that the Applicant shall not be permitted to store any new or used hazardous materials within the five foot setback adjacent to any property line. This is an important health and safety matter and should not be consequential or controversial.

Sincerely,



Malcolm Talcott

08/24/2021

Sara Lillevand, Piedmont City Administrator
John Tulloch, Piedmont City Clerk
Kevin Jackson, Director of Planning & Building
Daniel Gonzales, Director of Public Works
Jeremy Bowers, Chief of Police

We are writing to discuss our concerns over the ongoing violations of Zone D and other Piedmont City Codes currently occurring at the Shell station at 29 Wildwood Avenue. These issues include;

1. Prohibited and illegal parking
2. Illicit discharge into city drains
3. Defacing city sidewalks,
4. Unpermitted changes to the business property, (CUP).
5. Creating public nuisances

The Shell station has added an unpermitted additional outdoor lift in order to work on more vehicles at a time. It has replaced one of the very limited number of parking spaces with an unpermitted shipping container. To accommodate this increase in activity in a limited space, it has incorporated the city sidewalk that surrounds his property to park the overflow of vehicles in excess of those in the minimal available on-site parking. In addition to the three active lifts on site, mechanics can frequently been seen working under the hoods of cars parked on the city sidewalk. The Shell station is operating in violation of numerous city codes and to the disadvantage of its neighbors.

Section 17.26.040 prohibits all but minor servicing of motor vehicles in Zone D. I suggest that the current level of servicing and repair activity is stretching the term "minor servicing'' beyond it's limit. I would like to have this term clearly defined.

Section 17.26.050 defines a street yard setback of 10 feet along Wildwood Avenue and 17.30.040 does not allow parking within that street setback. The photos included with this document clearly demonstrate how these regulations are being ignored. Additionally, the site plan included with the Shell station's most recent CUP application shows that the 10 foot setback does not include the sidewalk. This document suggests it is currently a violation of these regulations to park within 10 feet of the sidewalk.

17.30.060 prohibits removal of a parking space without approval. When I requested information from the city concerning Shell doing this, I was advised that there had been no application or request, nor any permit or CUP granted for the Shell station to replace an existing parking spot with the currently installed full size shipping container. The same lack of oversight guided the installation of the currently operating outdoor lift. Both installations violate Sections of Division 17.68 – Conditional Use Permit.

Section 18.5 prohibits defacing public sidewalks. I have attached photos to document vehicle service work being performed on the sidewalk as well as the resultant grease, oil and other fluid stains.

18.22 prohibits the obstruction of any portion of any sidewalk.

18.25 permits the PPD to abate any nuisance as defined in 18.22. Calls to the PPD for help resolving the parking issue were always responded to, but there was no real enforcement. No tickets were issued nor cars towed, and the end result of each encounter has always been continued non-compliance and violations by Shell.

Section 6.4 makes it unlawful to cause, maintain, permit or allow a nuisance. Unlawful conditions covered in this section which I believe apply to the Shell station include:

B. Rubbish, refuse, unsightly accumulations of dirt, sand, gravel, and the like on parkways, sidewalks, streets or private property in the city.

C. Any structure, other improvement, activity, use, or act on private or public property which is in violation of the provisions of the Piedmont City Code;

R. The unpermitted release, discharge, placement, spill or deposit of any hazardous substance or waste on private or public property

S. The unpermitted release, discharge, placement, spill or deposit of materials, hazardous or otherwise, in or on City streets, the public right-of-way, storm drains or creeks;

T. Conditions creating or contributing to a substantial likelihood of an unpermitted release, discharge, placement, spill or deposit of materials, hazardous or otherwise, in or on City streets, the public right-of-way, storm drains or creeks, as determined by the Director of Public Works

U. Conditions that support the development, attraction or maintenance of vectors; Despite repeated requests, including a visit from Alameda county vector control, Mr. Hansen either has been unable or refuses to stop his employees from feeding pigeons. Pigeon droppings appear to be the most important source of the disease fungus Cryptococcus neoformans in the environment. I have chronic pneumonitis caused by Stage 4 cancer treatments, and can ill afford to be near this ongoing activity.

Regarding Chapter 30 – Storm Water Management and Discharge Control, by allowing oil, grease and other toxic fluids to accumulate on the city sidewalk that slopes toward an adjacent city storm drain, and by hosing out the bays, washing the tarmac and allowing the runoff to flow into city drains, the Shell station is ignoring and in violation of the following regulations under 30.10.

SEC.30.10 Reduction of Pollutants in Storm Water.

Any person engaged in activities which will or may result in pollutants entering the City storm drain system shall undertake all practicable measures to reduce such pollutants. Examples of such activities include ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, commercial facilities, stores fronting City street, etc. The following minimal requirements shall apply.

30.10.1 - The occupant or tenant, or in the absence or occupant or tenant, the owner, lessee, or proprietor of any real property in the City of Piedmont in front of which there is a paved sidewalk shall maintain said sidewalks free of dirt or litter. Sweepings from said sidewalks shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be

disposed of in receptacles maintained on said real property as required for the disposal of garbage.

30.10.2 - Standard for Parking Lots and Similar Structures. Persons owning or operating a parking lot, gas station tarmac or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm drain system.

Chapter 11 contains two Sections which make the city's position on parking on the sidewalk very clear.

11.49 Parking on Sidewalks - It shall be unlawful for any person to park, place or leave standing any vehicle, or any part thereof, on any sidewalk.

SEC. 11.84 Permit Parking in Front of Private Driveways - Within districts which have been previously designated by the City Council as "Parking Impacted Districts," the Police Chief may issue at the discretion of the Police Chief a permit to a Piedmont resident to park in front of that resident's private driveway; provided that under no circumstances shall this authorize parking on a City sidewalk.

We have lived next door to the Shell station for over 39 years. We have always gotten along well with the owners, including Mr. Hansen. We have never had occasion to to complain to City Hall or call the PPD prior to these recent developments. We support Mr. Hansen's right to run his business, and only ask that he follow the rules in doing so. As his operation grows, and the traffic becomes unmanageable, a neighborhood business is becoming a neighborhood nuisance. We should not have to go to such lengths to seek redress from the city and can only assume that the push back we have received is because of Mr. Hansen's solid standing in the community. However, his civic contributions do not excuse or permit the current conditions. The significant expansion of a once friendly little neighborhood gas station into a neighborhood nuisance by an ongoing series code violations may in fact be contributing to a decline in the market value of my property. We are requesting that the appropriate city departments take immediate action to remediate this untenable situation.

Thank you for your attention to these issues. Please review the accompanying photos and exhibits.

Don and Dianne Dare

[redacted]











These photos document the Shell station's daily violation of Piedmont City Code Section 17.26.050 which creates a setback of 10 feet along Wildwood Avenue, and Section 17.30.040 which prohibits parking within that setback. Additionally, Section 18.5 prohibits defacing of public sidewalks and Section 18.22 prohibits the obstruction of any portion of any sidewalk. Also, Section 11.49 makes it unlawful for any person to park, place or leave standing any vehicle, or any part thereof, on any sidewalk.



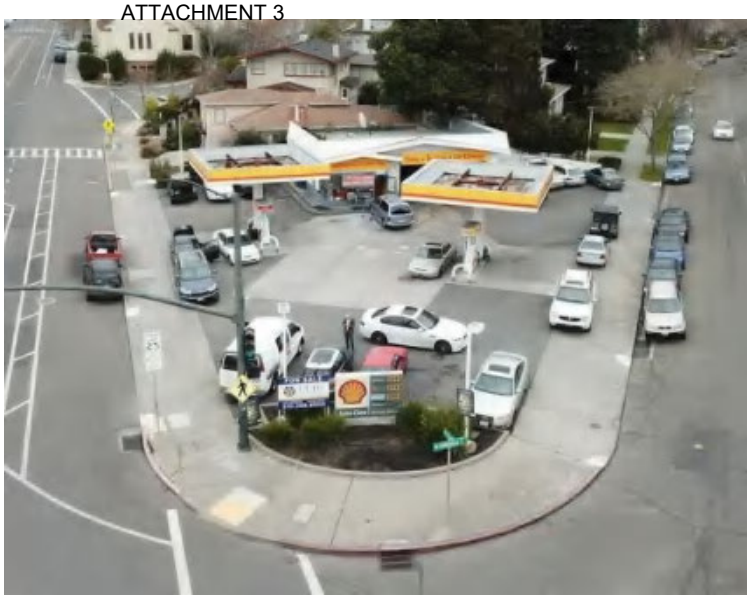








These photos document the Shell station's use of city sidewalks to perform vehicle services. In addition to violating numerous city codes that prohibit any obstruction of and parking on city sidewalks, the picture to the left shows the resulting defacing of the sidewalk. Oil and grease left on the sidewalk that slopes toward a city storm drain will be washed into that drain and eventually into the bay when the rainy season arrives. This constitutes violations of numerous Piedmont City Codes in Chapter 6 – Abatement of Nuisances and Chapter 30 – Storm Water Management and Discharge Control.



In this photo there are 10 cars parked illegally, either on the sidewalk or within the setback.



This shipping container was installed removing a parking spot without a permit.



Despite repeated requests to stop, over several years, Shell employees continue to feed the pigeons, creating a nuisance and a health hazard. Below are photos of the roof outside my bedroom window and a neighbors car parked on Wildwood Ave. Both are covered in pigeon feces. Even a visit from Alameda County Vector Control failed to convince them to stop.

















These photos document additional accumulations of oil and grease on city sidewalks, within the no parking setback, and on Shell property at the handicapped parking spot and by the unpermitted lift. They routinely allow hose water runoff to flow across some of these areas and into city drains, (see next page).



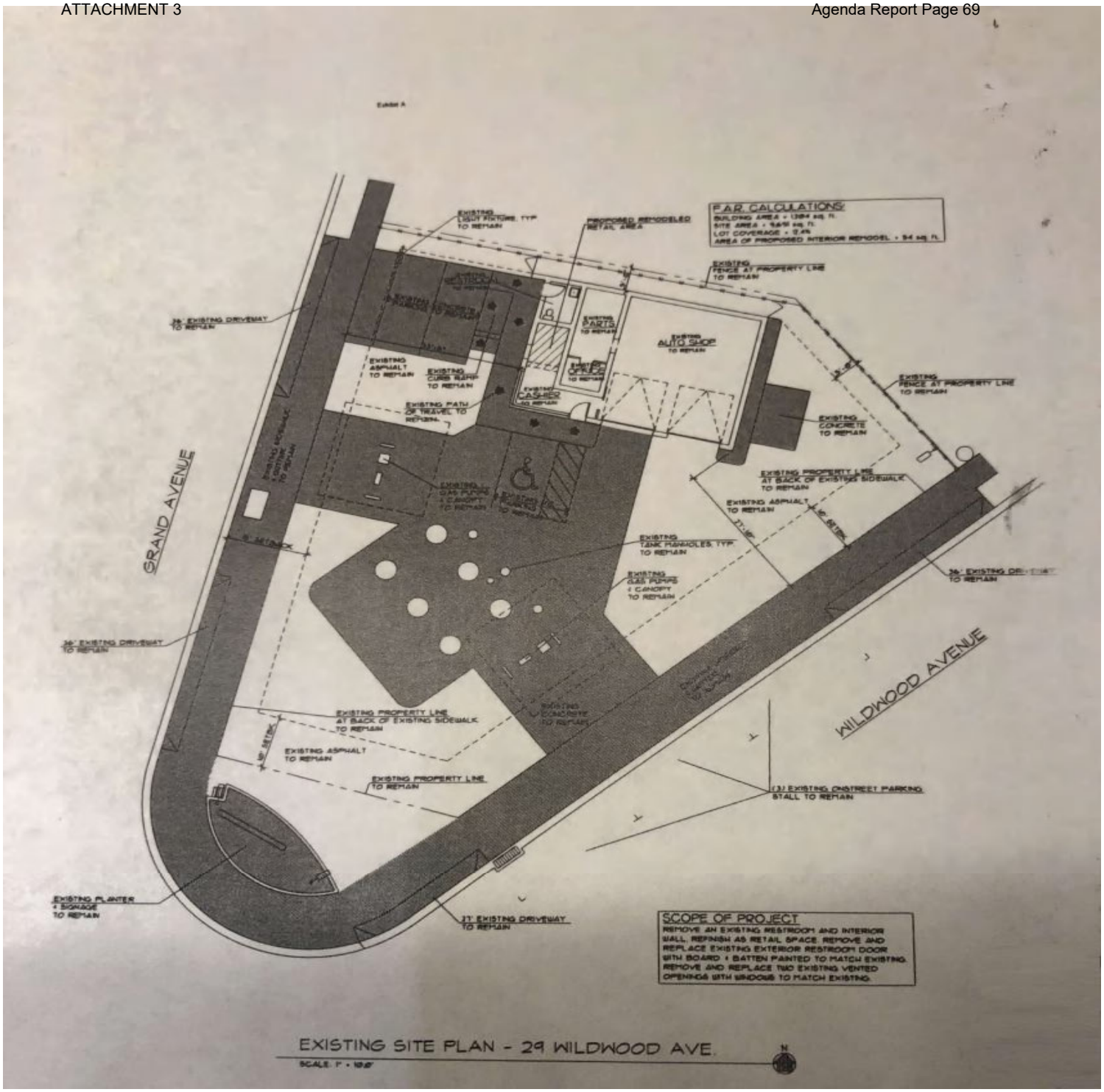








Pictures from 8/21/21 show an employee hosing out the lift bays and washing down the tarmac, including the above pictured filthy handicapped parking spot the grease and oil covered section of the Grand Avenue sidewalk. The water runs into a drain clearly marked as draining to the lake. Also, on their sidewalk near this drain is a collection of more pigeon feces from the birds they feed.



This site plan, taken from the Shell Station's most recent CUP application, shows that the mandated 10 foot setback along Wildwood does not include the sidewalk but extends for the next 10 feet beyond it. Current city regulations prohibit parking on the sidewalk or within the setback. The new CUP further requires 7 on-site parking spaces, down from the 10 required for the previous decade's CUP. It will be difficult to find 7 legal parking spaces on the property while adhering to current Piedmont City Code. Also, I have been told by a city official that the Shell station owns the sidewalk. The legal description of the property taken from the Grant Deed clearly indicates that this is not the case. (see next page)

EXHIBIT "A"
LEGAL DESCRIPTION

APN: 051-4638-014

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PIEDMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING LOT 93 OF THE "NOVA PIEDMONT" SUBDIVISION AS SHOWN ON THE MAP FILED IN BOOK 28 OF MAPS AT PAGE 49, OFFICIAL RECORDS, ALAMEDA COUNTY RECORDS, AS DESCRIBED IN THE DEED TO EQUILON ENTERPRISES, LLC AS TRACT 25 IN DOCUMENT NUMBER 98-252223 OF OFFICIAL RECORDS, ALAMEDA COUNTY RECORDS AND ALL THAT CERTAIN PORTION OF THE LANDS OF THE EQUILON ENTERPRISES, LLC (FORMERLY OWNED BY THE CITY OF PIEDMONT) LYING BETWEEN THE WESTERLY, SOUTHERLY AND EASTERLY BOUNDARY LINES OF LOT 93 OF THE MAP ENTITLED "NOVA PIEDMONT", FILED IN BOOK 28 OF MAPS AT PAGE 49, ALAMEDA COUNTY RECORDS AND THE NORTHWESTERLY AND EASTERLY BACKS OF THOSE CERTAIN SIDEWALKS OF WILDWOOD AVENUE AND GRAND AVENUE, AS EXISTING IN MARCH, 1999, AND DESCRIBED IN THE DEED TO EQUILON ENTERPRISES, LLC IN DOCUMENT NUMBER 2000049536 OF OFFICIAL RECORDS ALAMEDA COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF LOTS 93 AND 94 OF THE MAP ENTITLED "NOVA PIEDMONT", FILED IN BOOK 28 OF MAPS AT PAGE 49, ALAMEDA COUNTY RECORDS, WITH THE NORTHWESTERLY LINE OF WILDWOOD AVENUE, THENCE ALONG THE SOUTHEASTERLY PROJECTION OF THE COMMON LINE OF SAID LOTS 93 AND 94, SOUTH 37° 41' 00" EAST, 5.2 FEET MORE OR LESS TO THE INTERSECTION WITH THE NORTHWESTERLY BACK OF SIDEWALK LOCATED WITHIN THE WILDWOOD AVENUE RIGHT OF WAY; THENCE ALONG SAID BACK OF SIDEWALK SOUTH 52° 20' 20" WEST, 112.3 FEET MORE OR LESS TO THE INTERSECTION WITH THE COMMON LINE BETWEEN THE CITY OF PIEDMONT AND THE CITY OF OAKLAND, THENCE ALONG SAID COMMON LINE BETWEEN PIEDMONT AND OAKLAND NORTH 74° 00' 00" WEST, 45.1 FEET MORE OR LESS TO THE INTERSECTION OF THE EASTERLY BACK OF SIDEWALK LOCATED WITHIN THE GRAND AVENUE RIGHT OF WAY; THENCE LEAVING SAID COMMON CITY LINE AND ALONG SAID EASTERLY BACK OF SIDEWALK NORTH 13° 45' 05" EAST, 113.6 FEET MORE OR LESS TO THE INTERSECTION OF THE WESTERLY PROJECTION OF THE COMMON LINE BETWEEN LOTS 92 AND 93 OF THE MAP ENTITLED "NOVA PIEDMONT", FILED IN BOOK 28 OF MAPS AT PAGE 49, ALAMEDA COUNTY RECORDS; THENCE ALONG SAID PROJECTED LINE SOUTH 76° 15' 00" EAST, 5.5 FEET TO THE COMMON WESTERLY CORNER OF SAID LOTS 92 AND 93; THENCE CONTINUING ALONG THE COMMON LINE BETWEEN SAID LOTS 92 AND 93 OF SAID MAP SOUTH 76° 15' 00" EAST, 75.09 FEET TO THE COMMON CORNER OF LOTS 92, 93, AND 94 OF SAID MAP, THENCE ALONG THE COMMON LINE BETWEEN LOTS 93

CC #: 135765
Address: 29 Wildwood Ave.
Piedmont, CA 94610-1043

ZONING AND CODE COMPLIANCE:

Zoning includes the administration of City Code Chapter 17 (the Zoning Ordinance) and other development regulations of the Piedmont Municipal Code and providing zoning and regulatory information to property owners and their professionals. This responsibility includes the processing of applications for conditional use permit, nonresidential signs, second unit permit, wireless communication facilities, subdivision, lot line adjustment and parcel merge.

Code Compliance

In accordance with section 17.68.010(B):

(1) A conditional use permit is required for a use listed as a conditional use in any zone, or a change in an existing conditional use. A conditional use permit is not required for a single-family residence.

(2) A conditional use permit is required for new construction, or a structural change to commercial or mixed use in Zone D.

Zoning

The proposed use is located in Zone D. According to Division 17.26 of the City Code, 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. Commercial uses which will serve the residents of the City are those uses which residents would be expected to use on a regular basis. They do not include uses which would be expected to draw the major portion of their clientele from outside the City of Piedmont and the surrounding area.

According to Piedmont City Code section 17.26.030, the following principal uses 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. Small or large family day care home in accordance with Government Code sections 1597.43 - 1597.47.

D. Retail, office, and service commercial uses of a type that will primarily serve city residents. Commercial uses that will primarily serve city residents are those uses residents 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.

   A structural change or minor 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. 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 12 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.

According to Piedmont City Code section 17.26.040, the following principal 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 restaurant; or drive-through establishment.

GENERAL PLAN:

The Piedmont General Plan is a State-mandated document containing the city's official long-range policies for land use and development. Its policies affect a wide range of topics, including transportation, housing, natural resources, parks, public services, community design, and infrastructure. The Plan is organized into 11 elements or chapters.

CHAPTER 3- LAND USE ELEMENT

Future Land Use Plan- Grand Avenue

The commercial district along Grand Avenue between Linda and Wildwood Avenues has the potential for a small amount of additional development. Although there are no vacant lots, some of the commercial properties are aging and are not used as intensively as they might be. Private redevelopment of some of these properties is possible and is permitted under existing zoning. The five single family houses within the commercial district are in excellent condition and are not expected to be replaced; however, conversion to office, retail, or multi-family residential uses could occur.

In the event that any property in the Grand Avenue commercial area is redeveloped, the city strongly supports mixed use projects which combine residential and commercial uses. Development which includes ground floor retail shops and upper story office or residential use is

encouraged. The commercial district should not be expanded beyond its current boundaries, however, since such expansion would encroach on established, stable residential uses.

Land Use Element Goal 2: Commercial and Mixed-Use Areas - Provide for a limited range of commercial uses which serve the basic needs of the community.

Policy 2.1: Local-Serving Emphasis
On the city's limited commercial land supply, strongly encourage activities that meet the needs of Piedmont residents rather than region-serving activities. By supporting local-serving businesses in these areas, Piedmont can advance its goals of reducing driving, promoting walking, and creating a more balanced and well-rounded community.

Policy 2.5: Off-Site Impacts
Maintain a conditional use permit procedure for commercial uses which ensures that off-site impacts such as traffic, noise, parking, and odor are disclosed and mitigated to the greatest extent possible. Buffering and screening should be required between commercial development and adjacent residential properties to minimize the potential for land use conflicts between the two uses.

Item #5 – Conditional Use Permit & Design Review Permit for 29 Wildwood Avenue
Correspondence Received Before 4:30 p.m. on Tuesday, January 18th

Dear Piedmont City Council,

We are writing to oppose both the 24/7 gasoline sales and the early-morning (before 8am) and late-night auto repair (past 6:00 pm) at the Piedmont Shell Station.

First, the provision for 24/7 gasoline sales to the proposed Shell Station Conditional Use Permit was added after the fact by the City. A request for 24/7 gasoline sales was not included in the original CUP application by the owner of the Shell Station. Moreover, this modification was not considered at the December Planning Commission meeting where neighbors and residents of Piedmont were able to comment.

Second, we oppose the early-morning (before 8am) and late-night (after 6pm) auto repair. There is no rationale presented as to why this business should have hours outside of standard business hours and those held by other businesses in Zone D. Piedmont enforces Mon-Sat 8am-6pm construction hours, in major part to minimize noise nuisance for its residents. This reasoning is equally appropriate to auto repair. Again, as with the 24/7 gasoline sales, the original CUP application did not include a request to expand the hours for auto repair and the expanded hours proposed by the Planning Commission has not been subject to public notification and comment.

The hours of service added by Planning Commission even if characterized as "conditions of approval," are not terms of approval, but business hours that should be articulated in the CUP itself. (It seems that in the history of the CUPs submitted, language regarding hours for the retail operation was mixed with hours for the auto repair - resulting in longer allowed auto repair hours.)

To add a modification that was not requested in the original application and to do so without public notification and comment violates section 17.26.030, 17.62.030, and the other Administrative sections of the City Code.

The noise related to 24/7 gasoline sales, and current auto repair noise, has been disruptive and a nuisance to the neighborhood in violation of the Piedmont City Code. The intent of the City Code is outlined in section 17.02.010 (B). As that section states, the residents wish, in pertinent part, to preserve the "the architectural heritage and beauty of the city's homes, the mature vegetation, *the tranquility and privacy* that now exist, and significant views;" allow commercial uses that serve residents and promote property improvements without sacrificing these goals. The proposed hours related to the Piedmont Shell Station sacrifice and directly impact in the negative the tranquility and privacy of the neighbors. To permit the proposed hours for gasoline services and auto repair violates Piedmont's own City Code.

Further, section 17.04.040, regarding public nuisance, states that the approval of any permit does not authorize the maintenance of a public nuisance and a violation of this provision of the division is a public nuisance. (See also section 17.80, et al.)

Again, to permit operation of 24/7 gasoline sales and late-night auto repair past normal business hours in Piedmont goes against the City Code as outlined above.

Finally, this body may impose reasonable conditions necessary to protect the public health, safety, and general welfare. (17.64.030.) Please do so.

We have refrained from emailing and calling for every noise disturbance and violation of Piedmont City Codes in hope of effectively using City time and resources. We can no longer sit quietly and will seek further remedies going forward.

Miguel and Maria DeAvila

Dear Mayor King and Council,

Adjacent neighbor Don Dare at 31 Wildwood spent months having the City finally require the Shell station to stop parking on City sidewalks. Don and Mike Gallagher at 1246 Grand Ave informed the City as early as 8/24/21 of chemical hazards immediately next to their homes; the City took action 1/6/22 when a complaint was received from the Department of Toxic Substance Control (COMP-52727). Neighbors have been subject to ongoing hazards as noted by the 8/31/2021 inspection report by the Alameda County Department of Environmental Protection Health ("ACDEH"). That report states "All violations noted in the inspection report shall be corrected immediately." 1/5/2022 follow up inspection by ACDEH notes six separate instances of continuing violations. Dec 13, 2021 the Piedmont Planning Commission ("PC") rejected with prejudice the use of the shipping container on site that remains today.

The PC principally allowed the convenience store because the other gas station in town on Highland Avenue has one. There are no resident neighbors on Highland Ave. Further the many violations I note above would have been allowed for about five minutes on Highland Ave. PCC 17.68.040 mandates CUP approval contingent upon "The use will not have material impact on the health, safety or welfare of persons … residing in the vicinity." Quite literally the health and welfare of the immediate neighbors of Shell has been negatively impacted.

Living a block away I am unaffected by Shell and I recognize that Piedmont Shell's auto repair serves Piedmont residents and has a good reputation. I write in the spirit of PCC 17.68.040 and the intrinsic character of Piedmont that resident right to quiet enjoyment and health is respected by both other residents, adjacent businesses and City Hall.

No permit has been granted Shell to sell gas 24 hours a day and I know this is of concern to adjacent neighbors. Kindly consider the rights of resident neighbors when discussing 24 hour gas sales.

Respectfully,

Rick Schiller

Dear Piedmont City Council,

We are in agreement with and fully support all of the points made by our neighbors in the below email regarding the Shell Station.

Holly Bybee and Roger Tinkoff

Dear Piedmont City Council,

We are writing to oppose both the 24/7 gasoline sales and the early-morning (before 8am) and late-night auto repair (past 6:00 pm) at the Piedmont Shell Station.

First, the provision for 24/7 gasoline sales to the proposed Shell Station Conditional Use Permit was added after the fact by the City. A request for 24/7 gasoline sales was not included in the original CUP application by the owner of the Shell Station. Moreover, this modification was not considered at the December Planning Commission meeting where neighbors and residents of Piedmont were able to comment.

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The hours of service added by Planning Commission even if characterized as "conditions of approval," are not terms of approval, but business hours that should be articulated in the CUP itself. (It seems that in the history of the CUPs submitted, language regarding hours for the retail operation was mixed with hours for the auto repair - resulting in longer allowed auto repair hours.)

To add a modification that was not requested in the original application and to do so without public notification and comment violates section 17.26.030, 17.62.030, and the other Administrative sections of the City Code.

The noise related to 24/7 gasoline sales, and current auto repair noise, has been disruptive and a nuisance to the neighborhood in violation of the Piedmont City Code. The intent of the City Code is outlined in section 17.02.010 (B). As that section states, the residents wish, in pertinent part, to preserve the "the architectural heritage and beauty of the city's homes, the mature vegetation, *the tranquility and privacy* that now exist, and significant views;" allow commercial uses that serve residents and promote property improvements without sacrificing these goals. The proposed hours related to the Piedmont Shell Station sacrifice and directly impact in the negative the tranquility and privacy of the neighbors. To permit the proposed hours for gasoline services and auto repair violates Piedmont's own City Code.

Further, section 17.04.040, regarding public nuisance, states that the approval of any permit does not authorize the maintenance of a public nuisance and a violation of this provision of the division is a public nuisance. (See also section 17.80, et al.)

Again, to permit operation of 24/7 gasoline sales and late-night auto repair past normal business hours in Piedmont goes against the City Code as outlined above.

Finally, this body may impose reasonable conditions necessary to protect the public health, safety, and general welfare. (17.64.030.) Please do so.

We have refrained from emailing and calling for every noise disturbance and violation of Piedmont City Codes in hope of effectively using City time and resources. We can no longer sit quietly and will seek further remedies going forward.

Miguel and Maria DeAvila

Gallagher, Michael

Subject: FW: [**External**] FW: Letter of Concern Regarding the Shell Station

Hello Piedmont City Council,

I am concerned about the email below where Gopika Nair tells us that 24/7 gas pumping was added to the CUP only for clarification and is assumed to have always been allowed because there was no CUP regulating any hours back in 1928; however, in Mr. Jackson's 12/6/2021 email to me, below, he said, "fuel deliveries are authorized after operating hours because the CUP for the Shell station does not specify a restriction on timings for fuel deliveries". To this I replied that conditional use permits do not authorize uses not expressly authorized by the permit; so the 24/7/365 fuel deliveries and 24/7 gas pumping are not expressly authorized by the CUP and they need to stop. These issues need to be proposed by Shell in a CUP application, and all of Shell's neighbors should have an opportunity to provide their input (per California Code 65030). Although Mr. Jackson has yet to reply to my email, he did add 24/7 gas pumping despite the fact that this issue was not on the CUP application and was not discussed in the 12/13/2021 Planning Commission meeting.

This is another example of Piedmont's preferential treatment of a business to the detriment of everyone who lives next to it! Where is the proof that the original Shell station on 29 Wildwood (pictured below) was open for 24/7 fill ups?
What business in this little bedroom town was open for business 24/7 in 1928? I was looking at this Bloomberg article (A Brief History of the 24-Hour Convenience Store - Bloomberg) where the origin of today's 7/11 convenience stores was founded by "Uncle Johnny" Jefferson Green back in 1927; and even his business was only open 16 hours a day and didn't go 24/7 for another 36 years! Why is there no mention of Piedmont's little Shell station being the first 24/7 business in the nation? **Because it never was!**

I am also concerned about the 6:00 AM to 10:00 PM automotive service hours. I've been looking at automotive service stations, car dealerships and even wholesale businesses like Costco, and I don't see any other business that has been granted such ridiculous automotive servicing hours! Neither the 24/7 gas pumping nor the 16 hours of daily car servicing were discussed during the 12/13/2021 Planning Commission meeting. In fact, Jonathan Levine said he would recommend to City Council the following hours:

1. Convenience Store: 8:00 AM to 8:00 PM
2. Service Station: 8:00 AM to 8:00 PM or 6:00 PM with no Service on Sundays
3. Pumps: 24/7 just like in center of town- **again, 24/7 pumps were not on the CUP application and they were not on the existing CUP / more preferential treatment!**

Considering the 6:00 AM to 10:00 PM, 7 days a week for servicing cars, I really think Mr. Jackson is either tone deaf or spiteful in his autocratic decision making. Ironically, at the very beginning of the Planning Commission meeting, Jonathan Levine asked Jeff Hansen, "Is this application proposing a change in the hours of the facility?" Jeff replied, "It is not"

Rani Batra very fairly asked Kevin Jackson about screening as a requirement- since it is a requirement! Answer from Kevin Jackson: "I don't see it as a... There's a nexus between that and the convenience store which is operating on the, umm, other side, y'know, and that's an existing condition that's" Batra then completed Jackson's sentence with, "That's not being met". After a pause, Kevin Jackson replied: "Well I don't think

there's ever been any regulation of what can and can't be stored in a setback." Is the setback also exempt from Chapter 30 of Piedmont's City Code? I think a Planning Commissioner with good business instincts would easily recognize the very obvious need for regulating the use of setbacks.

The setback between Shell and my home is supposed to be a neat and tidy transition between two incongruent land uses, but I have had just inches beyond the property line pallets of old car batteries, barrels of used motor oil, an oil filter crushing machine that was noisy and pneumatically operated (sometimes late at night directly outside of my dining room windows), old anti-freeze containers, many portable gas containers, a barrel of crushed oil filters, used tires, and the earth is saturated with all of these hazardous materials that were left open to exposure to the elements and only recently were given secondary containment that isn't actually legal or sufficient in any environmental or professional way. I can offer photographic evidence (if anyone cares?) that there was no navigable route between the Shell and fence if it had been necessary for firefighters to fight a fire in that "setback".
The tires and used oil are not only a fire hazard, but the used oil could react explosively if the fire fighters were to engage such a fire using the wrong techniques. I also saw no markings on the fence for the setback area that would alert firefighters to these hazards.

During the Planning Commission's roll call, Tom Ramsey said the "...use will not have a material adverse effect on persons residing or working in the vicinity, umm, no substantial increase in traffic, parking needs, noise, adverse effect on surrounding property value..." It's all boilerplate language for giving the CUP a rubber stamp of approval. All of those points are moot, but the parking all over the sidewalks, the soil sampling numbers and the pictures I'd provided with oily water on top of the water filter crushing machine after a night of rain are more accurate measures of what the Shell Station brings to the neighborhood. Falseness of the tongue leads to falseness of the heart Tom.

Mr. Jackson has a professional and ethical obligation to provide timely, adequate and accurate information on planning issues to all affected persons, to governmental bodies, to the public and to decision makers. It is my belief that Mr. Jackson is rigging this legal process and undermining public trust when he ought to be ensuring that all parties are represented fairly.

From: Gopika Nair <gnair@piedmont.ca.gov>
Date: January 14, 2022 at 10:03:35 AM PST
To: Maria Morga[redacted]
Subject: RE: January 18 Public Hearing for 29 Wildwood Avenue CUP+DRP

Hi Maria,

If this project is approved on Monday, the following operation hours would apply:

Hours of operation for the Convenience Store: Monday – Sunday, 8 a.m. to 8 p.m.
Hours of operation for the Auto Repair and Service: Monday – Sunday, 6 a.m. to 10 p.m.
Hours of operation for the Fuel Dispensing Pumps: Monday – Sunday, 24 hours each day
Fuel deliveries shall occur only during the hours of operation of the Auto Repair and Service and when a member of staff is on site.

The only change from the existing CUP hours is the hours of operation for the convenience store and we have highlighted

I know that gas station hours was never specified in any of the prior CUP's so we are taking this opportunity to note the h assumed that the gas station can stay open for 24 hours. But if you do have outstanding concerns regarding this, please

Sincerely,
Gopika

Gopika Nair
Associate Planner
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611
p: (510)420-3054
e: gnair@piedmont.ca.gov

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Stay healthy. Help keep others healthy. Stay at home.

This is the original Piedmont Shell Station- 24/7 Gas Pumps- really?



Thank You,
Mike & Bernice Gallagher
[redacted]

From: M G [redacted]
Sent: Tuesday, January 4, 2022 10:36 PM
To: Kevin Jackson <kjackson@piedmont.ca.gov>
Cc: Don Dare [redacted]; Sara Lillevand <slillevand@piedmont.ca.gov>; John O. Tulloch <jtulloch@piedmont.ca.gov>; Daniel Gonzales <dgonzales@piedmont.ca.gov>; Jeremy Bowers <jbowers@piedmont.ca.gov>; Bernice Gallagher [redacted]; Miguel De Avila [redacted]; Maria Morga[redacted]; Malcolm Talcott [redacted]; Jim Nemechek [redacted] Rick Schiller [redacted]; Dianne Dare [redacted]
Subject: Re: Letter of Concern Regarding the Shell Station

Hello Mr. Jackson,

Your reply that after hours fuel deliveries are authorized because the CUP for the Shell station does not specify a restriction appears to be a false official statement. I've found a California governor issued planners guide that says that conditional use permits do not authorize uses not expressly authorized by the permit; so the 24/7/365 fuel deliveries

and 24/7 gas pumping are not expressly authorized by the CUP and they need to stop. These issues need to be proposed by Shell in a CUP application, and all of Shell's neighbors should have an opportunity to provide their input. The last planning commission meeting was a farce- Jeff Hanson didn't even know his current business hours per the current CUP and new hours of operation for Shell were pulled out of thin air by, I think it was Jonathan Levine? Absolutely no need for input from the neighbors! It's all proof that nobody on the planning commission cares about the people living in Zone D!

AICP rules of conduct state that you shall not deliberately fail to provide adequate, timely, clear and accurate information on planning issues, but it appears that your reply has been misleading everyone living near the Shell station and depriving them of their rights to any input regarding this business which in my case is storing HazMat just 6 feet from my kitchen windows and has a 30,000 gallon underground storage tank which vents just 9 feet from my living room windows. AICP Code of Ethics and Professional Conduct (AICP Code of Ethics and Professional Conduct (planning.org))

I do see that the Piedmont City Code requires that violations like the ones raised by Mr. Dare, back in August, should be corrected prior to the next rainfall or within 10 business days- what corrective actions were requested of the Shell station, when were they requested, and what was the timeline? I took pictures on 1/1/2022 and I see there are still used tires, an oil filter crusher and oil drums with oily rags that are getting rained on, and the oil is washing down into the "secondary overflow containment" which then overflows onto the soil and leaches into the groundwater! If this is proper use of a setback, please affirmatively declare it as authorized by the City of Piedmont!

Piedmont City Code (https://piedmont.ca.gov/government/charter___city_code) chapter 30 STORM WATER MANAGEMENT AND DISCHARGE CONTROL; the Shell station has been in violation of Piedmont City Codes in chapter 18 Streets and Sidewalks and Chapter 30 below.

- 30.10.2 Cleaning in a manner that allowed discharge into storm drains
- 30.12.1 The city has the authority to do sampling. I had suggested an industrial hygienist examine VOC and benzene releases during tank refilling but Jackson chose to not reply on that issue.
- 30.12.2 How can there be notification of spills to public works or fire department when there is no phone and no contact information so that someone who has created an after hours spill can notify appropriate authorities- this has been an ongoing issue that should have been addressed by the CUP whenever it was last revised.
- 30.12.3 Requirement to monitor- has the city taken any action on this? The city should also have an Enforcement Response Plan which is interesting because they can't even write an effective CUP!
- 30.13.1 (b) i The City may oversee, inspect, and require expedient compliance and pollution abatement at all industrial and commercial sites which may be reasonably considered to cause or contribute to pollution of stormwater runoff. The City shall require implementation of BMPs (Best Management Practices) at industrial and commercial to address pollutant sources associated with outdoor process and manufacturing areas, outdoor material storage areas, **outdoor waste storage and disposal areas,** outdoor vehicle and equipment, storage and maintenance areas, outdoor parking areas and access roads, outdoor wash areas, outdoor drainage from indoor areas, rooftop equipment, and contaminated and erodible surface areas, and other sources determined by the City or Water Board Executive Officer to have a reasonable potential to contribute to pollution of stormwater runoff.
- 30.13.1 (b) ii ***The City shall notify the discharger of any actual or potential pollutant sources and violations and require problem correction*** within a **reasonably short and expedient timeframe commensurate with the threat to water quality**. The City shall require timely correction of problems involving rapid temporary repair, and may allow longer time periods for implementation of more permanent solutions, if these require significant capital expenditure or construction. **Violations shall be corrected prior to the next rain event or within 10 business days after the violations are noted. If more than 10 business days are required for correction, a rationale shall be given in the tabulated sheets.**

The environmental concerns raised by Mr. Dare ought to be enough to inspire a conversation in the Planning Commission about revoking the CUP for the Shell station, especially when the CUP also allows for a Nuisance Standard:

"Any use found to be objectionable or incompatible with the character of the city and its environs due to noise, dust, odors or other undesirable characteristics may be prohibited" (Snow v. City of Garden Grove (1961) Cal.App.2d 496). HazMat ought to be added to that list, along with the used tires which attract rodents, disease carrying mosquitoes and other bugs. The undesirable and objectionable characteristics I see in that toxic setback between the Shell and my home are a reflection of city politics that are incompatible with the character of the city.

Why is Piedmont not sampling, monitoring VOCs and Benzene, not advocating for Best Management Practices? Some of the secondary containment at the Shell is so small and shallow that the barrels of oil barely fit in them, and one of the secondary containers is crushed- so it doesn't function as "containment" in any way except as window dressing!

You have high ethical and professional obligations not only to Shell, but also to their neighbors, the AICP, your employer, and all of the flora and fauna in Lake Merritt and the bay! Quality and integrity of practice should be the rules of conduct!

Thank you for your consideration,
Mike Gallagher
[redacted]

On Mon, Dec 6, 2021 at 8:00 AM Kevin Jackson <kjackson@piedmont.ca.gov> wrote:

Dear Mr. Gallagher,

Thank you for bringing your concerns to our attention.

First, you ask whether afterhours fuel deliveries are allowed under the Conditional Use Permit ("CUP"). Yes, fuel deliveries are authorized after operating hours, as the CUP for the Shell station does not specify a restriction on timings for fuel deliveries or the hours for fuel deliveries generally. However, the City is not precluded from looking into the fire hazard issues you identified relating to the fuel deliveries.

Relatedly, you inquire about the legality and safety of the vapor recovery system during refueling of underground tanks, and ask about the propriety of the conduct of a fuel delivery driver. I have forwarded to and discussed your email with Fire Chief Dave Brannigan so that the City's Fire Department is aware of your concerns related to fuel delivery operations. I understand that the Fire Department will follow up to look into any irregularities that may pose a fire hazard, including enhanced vapor recovery operations. While the City cannot regulate the use or mechanics of enhanced vapor recovery (EVR) systems through the CUP, the Bay Area Air Quality Management District ("BAAQMD") does have this regulatory authority. Accordingly, we suggest that you contact BAAQMD directly to describe your personal observations and concerns. BAAQMD's website indicates that their compliance and enforcement team can be contacted at 415-749-4795 and/or compliance@baaqmd.gov.

Sincerely,

Kevin Jackson, AICP Planning & Building Director
City of Piedmont, 120 Vista Avenue, Piedmont, CA 94611
Tel: (510) 420-3039 Fax: (510) 658-3167

Receive Planning & Building Department news emails by subscribing at:
https://lp.constantcontactpages.com/su/rMGm1oM/PiedmontPlanBuild "

Stay healthy. When it becomes available to you, get the Fauci Ouchie.

From: M G [redacted]
Sent: Monday, November 29, 2021 8:35 PM
To: Don Dare [redacted]
Cc: Sara Lillevand <slillevand@piedmont.ca.gov>; John O. Tulloch <JTulloch@piedmont.ca.gov>; Kevin Jackson <kjackson@piedmont.ca.gov>; Daniel Gonzales <dgonzales@piedmont.ca.gov>; Jeremy Bowers <JBowers@piedmont.ca.gov>; Bernice Gallagher [redacted] Miguel De Avila [redacted]; Maria Morga [redacted] Malcolm Talcott [redacted]; Jim Nemechek [redacted] Rick Schiller [redacted]
Subject: Re: Letter of Concern Regarding the Shell Station

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

Hello Mr. Jackson,

I'd like to raise my concerns about the afterhours refueling of the underground tanks at the Shell station at 29 Wildwood Ave.

I've always been able to smell gasoline when there is refueling, and I've grown more curious after reading about the importance of vapor recovery systems (Arid Technologies - ARID's PERMEATOR System Earns CARB Certification), so I've walked over to the Shell station a few nights when they were refueling and discovered a few concerning issues. One of the refueling drivers explained to me that because the gas station is closed and unstaffed, it is necessary for him to open the underground tanks to atmosphere so he can sound/ measure the level of gas as he fills. He had the required vapor recovery hose connected, but with the tank opened for sounding the vapor recovery system is defeated and those vapors are not sent to the fuel delivery tanks but are instead carelessly discharged into our neighborhood and into our windows while we sleep. Please advise on whether afterhours fuel deliveries are allowed per the CUP? Please also advise on the legality and safety of defeating the vapor recovery system during refueling of underground tanks?

Additionally, one of the delivery drivers was standing right in front of that open tank while watching videos on his cell phone; could you please confirm that using a cell phone while filling a 30,000 gallon underground gas tank system with the vapor recovery system defeated and the open tank releasing gasoline vapors around the fuel delivery person using the cell phone is lawful and safe? What would be the worst case scenario if the 30,000 gallon tanks and the tandem fuel delivery tankers were ignited by the driver playing with his cell phone? I ask because the underground tank vent is nine feet from my living room window and the city is responsible for the safety of me, my children, and anyone else within the radius of the blast zone.
Gas station explosion: https://youtu.be/VLUtd10Z6F4 Video Shows Car Fire, Explosion at Gas Station – NBC Los Angeles

Per this link (Microsoft Word - AV461 clean d2.doc (ca.gov)), it appears that the state of California requires that the integrity of a vapor recovery system must be established before fuel is transferred from tanker to storage tank. It also appears that the Shell station is unnecessarily exposing their neighbors to excessive fuel vapors which contain an alarming number of VOCs (VOC composition of current motor vehicle fuels and vapors, and collinearity analyses for receptor modeling (nih.gov)), when they could simply provide staff later at night for refueling- if that is even allowed by the CUP? The vapor recovery should be of special concern because people can be overexposed to VOCs even when they can't actually smell vapors; well beyond these insidious and undetectable vapors, we can smell gasoline! Gas Stations Emit Ten Times More Benzene Than Previously Recorded | IER Indiana Environmental Reporter

Per the below 16 year old link, we are currently far behind even the 2005 CARB standards for gasstation - Community & Environmental Defense Services (ceds.org) Community & Environmental Defense Services (ceds.org)

In 2005, the California Air Resources Board probably became the first in the U.S. to recommend a minimum public health safety zone between new gas stations and "sensitive land uses." The recommendation appeared in *Air Quality and Land Use Handbook: A Community Health Perspective*. The pre-2005 studies referenced above and other research prompted the Board to recommend a minimum 300-foot separation distance between new gas stations and "sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities." The State of California is widely recognized as having some of the most effective air pollution control requirements in the nation. Yet even with California controls a minimum separation is still required to protect public health.

I've also learned that there is some debate about the efficacy of the existing vent for the underground tanks, I think it is an absolute must that the city require the Arid Technologies Permeator vent, and the vent should be moved over into the little grassy island with the Shell sign. I am totally in agreement with my neighbor, Don Dare, on the issues he has raised; and I am especially concerned about the barrels of used oil and oil filters being crushed within two feet of the property line and with what appears to be grossly unsafe and illegal refueling procedures. I think the city should bring in an industrial hygienist to assess the air quality during normal operations and during one of these non-recovery/ open tank fuel dumps because we deserve to know how bad the exposure has been on the neighbors.

I'd also like to see the city show some enthusiasm in bringing the Shell up to code, raising and maybe exceeding current standards, implementing some best practices, refueling their tanks safely and legally. Most of what I have seen so far with the city's response to Don's complaints has been remarkably underwhelming considering that cleaning up the Shell station and modernizing their fuel tank vents and fueling procedures would be a very substantial contribution toward Piedmont's Climate Action Plan.

Thank you for your consideration,
Mike Gallagher [redacted]
[redacted]

On Sun, Aug 22, 2021 at 12:26 PM Don Dare <[redacted]> wrote:

> To Whom it may concern,
> We have attached for your review, a letter outlining numerous concerns we have regarding current operation of the Shell station at 29 Wildwood Ave. We look forward to hearing from you.
> Regards,
> Don and Dianne Dare
> [redacted]