

City of Piedmont
COUNCIL AGENDA REPORT

DATE: August 19, 2024

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Informational Study Session on Proposed Revisions to City Code Chapter 17 related to Permitted Commercial Uses and Conditional Use Permits, and Review of Final Results of the Citywide Commercial Uses Survey

RECOMMENDATION

This report outlines proposed modifications to the conditional use permit (CUP) process and permissible commercial activities within Zone D. It is requested that the City Council consider the informational agenda report and accompanying staff presentation and discuss the following:

- **CUP process revisions:** Evaluate staff's proposed changes to the CUP process.
- **Use-by-right commercial uses:** Assess staff's analysis of commercial uses that should be permitted by right in Zone D, including findings from a recent citywide commercial use survey.

These changes aim to comply with State regulations, advance the City's Housing Element goals, and improve the permitting process for commercial activities in Piedmont.

EXECUTIVE SUMMARY

City staff is preparing modifications to the list of permitted uses within Zone D and streamlined permitting procedures for commercial development in Zone D to better serve the Piedmont community and project applicants. In addition, the revisions are intended to comply with State housing mandates (SB 35 and SB 330) and implement programs of the City's 6th Cycle Housing Element.

Key Proposed Changes:

- **Permitted Commercial Uses:** To enable the ministerial permitting of commercial/multifamily residential mixed-use development as required by State law and to eliminate unnecessary permitting requirements, staff recommends that certain commercial uses that benefit the broader community to be allowed "by right" in Zone D.

Other commercial uses would remain conditional and be subject to conditional use permits (CUPs).

- **Conditional Use Permits (CUPs):** To improve customer service and the permitting process, staff recommends revisions including developing standards for approval of commercial conditional uses distinct from those for residential conditional uses, clarifying when a CUP is necessary, and changing of the decision-making body from the City Council to the Planning Commission.

This report also presents the results of a citywide commercial use survey that are intended to inform the proposed "by-right" commercial uses. Additional public engagement is expected.

BACKGROUND

Piedmont's zoning code categorizes land uses as either permitted or conditional. Permitted land use, also known as "as-of-right" or "use by right" uses, are land uses that are allowed in a specific zoning district without requiring special approval or permits, although design review approval may be required. Conditional land uses are allowed only with a conditional use permit (CUP). These uses may be desirable or essential to a community, but they may also have the potential to negatively impact nearby properties. To address evolving needs and state mandates, as described below, this report presents proposed updates to both permitted commercial uses and the CUP process, particularly in Zone D.

1. Housing Element Program 4.M and State Law: To align with State housing mandates (SB 330 and SB 35) and fulfill the City's Housing Element Program 4.M, the City is currently in the midst of zoning code amendments to increase housing density and expedite development approvals, particularly for mixed-use projects. Housing Element Program 4.M Facilitate Multi-Family and Residential Mixed-Use Projects by Right Subject to Objective Standards states in part: "Consistent with State law, including SB 35 and SB 330, the City will adopt objective design standards for multi-family and residential mixed-use projects. The purpose of these standards is to expedite the approval and development process for such projects and support the City in meeting its housing goals." Building on April 2024 zoning updates that permitted residential components in mixed-use developments, the implementation of Program 4.M requires the City to allow entire mixed-use projects to be permitted by right. These projects would include both commercial uses and residential uses and would be eligible for ministerial review subject to specific criteria.

To identify suitable commercial uses for permitted use status within Zone D, the City conducted a community survey on commercial use preferences, which concluded on July 21, 2024. This survey asked the community to weigh in on permitting options (permitted without a hearing, permitted with limitations, or not permitted) for 16 commercial uses. Staff will analyze survey results, industry best practices, existing City standards, and input from Planning Commission and City Council study sessions (July 8, August 12 and August

19, 2024, respectively) to determine which commercial uses to recommend for by-right in permitting in Zone D.

2. Housing Element Program 4.U: Conditional Use Permits (CUPs) require detailed findings to justify approval. These findings structure decision-making, and ensure transparency. To comply with Housing Element Program 4.U, the City must develop CUP findings that differentiate between residential and commercial uses and that eliminate subjective criteria for residential uses. Housing Element Program 4.U Amend Conditional Use Permit Findings states: “To eliminate a potential governmental constraint, the City of Piedmont proposes new program 4.U, Amend Conditional Use Permit findings. In implementing program 4.U, the City will develop a conditional use permit process that complies with State law and distinguishes between required findings for commercial uses and required findings for residential uses. The new conditional use permit findings for residential uses will no longer require a finding that “The use is primarily intended to serve Piedmont residents (rather than the larger region).”

To implement the Program and comply with State law, staff recommends updates to the existing findings criteria section 17.68.040 of Division 17.68 as discussed below.

3. Improve Current Procedures and Practices: In reviewing and processing CUPs during the past several years, staff has identified areas for improvement and recommends updates to the current procedures and practices. The intent is to streamline the CUP review process, add clarity to the code language, modify the permit applicability, and add language clarifying the validity of the permit.

Planning Commission Study Sessions Summarized

The July 8 and August 12, 2024 study sessions of the Planning Commission addressed key areas for potential zoning code amendments:

- Identifying commercial uses eligible for permitted status in Zone D.
- Refining CUP criteria and procedures.
- Streamlining the CUP approval process in which the Planning Commission is the decision-making body, including establishing an appeal process.
- Clarifying CUP validity and applicability.

The Planning Commission reviewed proposed revisions to division 17.26 and 17.68 of the Piedmont City Code. The Planning Commission discussion focused on a number of areas, including:

- The historical justification for a CUP when structural changes to a building are involved.
- The City’s goals for establishing permitted commercial uses and the reasoning behind

selecting the commercial uses named in the survey.

- Future public engagement for the proposed changes beyond the citywide survey.
- Staff assessment of potential impacts of the commercial uses on the surrounding areas (such as considerations for loading/unloading zones, parking availability, and business operation hours).

At the August 12 study session, the Commissioners received written and verbal comments from community members. During their discussion the Commissioners expressed gratitude for the public's participation in the commercial uses survey and directed staff to continue public engagement through additional surveys focused on commercial uses and to initiate the drafting of performance standards.

DISCUSSION

1. Proposed Updates to Permitted Uses in Zone D

To expedite approvals for commercial and mixed-use projects, particularly projects that include housing, staff proposes designating certain commercial uses as permitted by-right within Zone D. These updates implement Housing Element Program 4.M, streamlines development and incentivizes commercial uses of benefit to Piedmont.

To identify suitable permitted commercial uses, staff conducted a comprehensive analysis, including:

- Reviewing the City's General Plan to understand commercial development goals.
- Analyzing results of a citywide survey to assess community preferences.
- Comparing permitted commercial uses, and limitations on those uses in eight nearby cities to align with industry best practices.
- Examining existing City development standards, design standards and guidelines to identify if additional standards are required.

City's Goals for Commercial Development

The [Land Use Element](#) of the Piedmont General Plan outlines goals, policies and actions for all the land use categories within the City, including commercial and mixed-use areas. **Goal 2 Commercial and Mixed-Use Areas focuses on providing for a range of commercial uses which serve the basic needs of the community.** It aims to prioritize local businesses, encourage mixed-use development, and create pedestrian-friendly environments. By balancing the needs of residents, businesses, and the overall community, the goal is to enhance the quality of life in Piedmont while managing potential negative impacts of commercial growth.

An excerpt of the Land Use Element listing the goal, policies and actions for commercial and mixed-use areas is included as Attachment C, report pages 15-16. By aligning with these goals, the proposed commercial use changes will contribute to a thriving City.

Citywide Survey Results

Public engagement for this effort to identify by-right permitted commercial uses began with a web-based public opinion survey conducted between June 8 and July 21, 2024, to gather feedback on the community's desired commercial uses in the existing, designated commercial and mixed-use areas along Grand and Highland Avenues in Zone D of Piedmont. The citywide survey was publicized on the Exedra news website, on posters, and in the Planning & Building Department e-newsletter and was emailed twice to over 1,000 subscribers. A total of 640 people participated, and most respondents (83.6%) live within a 10-minute walk of Zone D.

The survey asked residents their opinions on whether specific business types should be allowed in Zone D without requiring a special permit. Here's a breakdown of the results for some key business types:

- **Highly favored (desired by most respondents):** Restaurant/café (no entertainment or drive-thru), Retail (food/beverage, nurseries, general), Tutoring/lessons, Personal services (salons, barber services etc.)
- **Somewhat favored (desired but with some limitations by most respondents):** Hardware store, Fitness center, Office (professional), Medical/dental office
- **Divided opinions:** Dry cleaner, Financial institution, Bar/tavern, Animal services
- **Least favored (not desired by most respondents):** Liquor store

An open-ended question in the Piedmont commercial uses survey allowed residents to express their desires for businesses beyond the listed options. Piedmont residents expressed a strong desire for community-oriented businesses, local shops, and convenient services. They emphasized the importance of maintaining Piedmont's unique character while addressing concerns about traffic, parking, and potential negative impacts on neighborhoods. Respondents also highlighted the need for businesses that align with the community's aesthetic and offer a variety of options, such as different types of restaurants and retail stores.

Overall, the open-ended responses indicate a desire for a vibrant commercial area featuring local businesses, spaces for socializing, and amenities that enhance the overall quality of life, consistent with the Land Use Element goals. Staff recognizes the additional public engagement will help inform the further refinement of proposed permitted uses and the performance standards those uses.

Commercial Uses Permitted in Other Jurisdictions

Staff compared commercial zoning regulations in eight Bay Area cities (Alameda, Albany, Belvedere, Berkeley, Moraga, San Anselmo, Sausalito, and San Rafael) to those in Piedmont. Staff found that all these cities, regardless of population, allow a variety of commercial uses "by-right" in commercial and mixed-use areas. The table providing the analysis of the regulations in the eight

Bay Area cities is provided as Attachment B, agenda report page 11-14.

- **Common Permitted Uses:** Most cities allow a variety of commercial and mixed-use businesses to operate without use permits, including retail, food service, offices, and personal services.
- **Local Variations:** While core permitted uses are similar, specific regulations (such as hours of operation, business size, etc.) may differ between cities.
- **Development Standards:** All permitted businesses must comply with city-specific rules on parking, landscaping, building size, setbacks etc.

Staff notes that the 16 commercial uses named in the citywide commercial use survey are inclusive of the uses permitted use-by-right in other Bay Area jurisdictions. The highly favored and somewhat favored uses from the citywide survey results align with the permitted uses in the eight cities compared in this section of the staff report.

City's Existing Design Standards and Guidelines

Currently, the City Code mandates a CUP for any structural modifications to buildings housing existing commercial uses. This requirement is redundant given the existing design standards and guidelines that already regulate building and site design. Further, the structural modifications typically involve design rather than use. Therefore, staff recommends that the criteria for an approval of a commercial use be separate from the design standards governing the building itself.

Chapter 7 of the Piedmont Design Standards and Guidelines provides clear criteria for evaluating building design, site design, and façade design for proposed commercial or mixed-use developments. These standards address building placement, massing, architectural elements, parking, lighting, landscaping, and other design factors. Other development standards, such as setbacks, height, parking, and signage, are outlined in City Code Chapter 17.

To streamline the process, staff recommends that the City eliminate the CUP requirement for building modifications to existing commercial structures. By-right commercial uses would then be subject to performance standards currently being developed by staff.

2. Updates to CUP division

A CUP is required for land uses that are not permitted by right within a zoning district but that the City may allow if it is found to meet specified criteria. The CUP process involves a public hearing and discretionary approval. Current City CUP regulations include:

- Consideration of the CUP application by both the Planning Commission and the City Council, wherein the Commission makes a recommendation to the City Council, which serves as the decision-making body. This process does not allow for an appeal.

- All commercial uses within Zone D (Commercial and Mixed Use) require a CUP, including minor modifications to an existing business and changes to the structure in which the business is located.
- The standards for approval are not objective and imply decisions are based on providing service only to Piedmont residents, as pointed out in Housing Element program 4.U.
- The standards for approval cannot be applied effectively to both commercial uses and residential uses.

Proposed Revisions to CUP Procedures and Practices

- **Transfer CUP approval authority to Planning Commission:** Attachment A, report page 10, examines the CUP approval process across 10 Alameda County jurisdictions. The analysis reveals variations in CUP procedures, including the frequent use of tiered systems and differing review bodies for different CUP types. Consistent with this, staff recommends delegating the decision-making power for CUPs from the City Council to the Planning Commission to streamline the approval process. Historically, the City Council's decisions on CUPs are consistent with the Planning Commission's recommendation. Such a change in decision-making authority allows for an appeal to the City Council.
- **Streamline CUP process by eliminating CUP requirements for building modifications:** Structural changes to a building are subject to Piedmont's Design Standards and Guidelines, the zoning standards set forth in City Code Chapter 17, and to Piedmont's Building Code. Subjecting structural changes to a CUP is unnecessary and not a best practice, as discussed in this report's earlier section.
- **Develop separate CUP findings criteria for residential and commercial uses:** Establish distinct standards for approval for residential and commercial CUP applications to align with State housing laws and ensure appropriate consideration of the two conditional use types.
- **Clarify CUP validity as property-based, not owner-based:** Specify that Conditional Use Permits are tied to the property rather than the property owner to maintain permit validity in case of ownership changes.

Overall, the proposed changes seek to achieve a more efficient CUP decision-making pathway while safeguarding public engagement for these important land use decisions. The inclusion of an appeal process ensures a balanced approach that respects both the authority of the Planning Commission and the right to appeal the Planning Commission's decisions to the City Council.

NEXT STEPS

Following this study session, the next steps are:

1. **Community Engagement:** Continue to engage and inform the community of the proposed amendments to the conditional use permit process and new permitted commercial uses. This may include additional surveys, open houses, study sessions, Planning and Building e-newsletters, and information on the City website.
2. **Permitted Commercial Uses List:** Based on completed and forthcoming community engagement, as well as Planning Commission and City Council direction and feedback, develop a curated list of permitted commercial uses accompanied by specific performance standards for each use. Possible performance standards could include regulations governing the number of staff, floor area sizes, limits on the types of sales and service, hours of operation, loading zones, and delivery hours.
3. **Update Zoning Ordinance:** Upon the completion of items 1 and 2 above, staff will complete draft amendments to relevant sections of the Piedmont City Code (including divisions 17.26, 17.28, and others) to reflect the newly defined permitted uses, changes to CUP review body, the standards for approval of a CUP and other updates related to the CUP process for consideration by the Planning Commission and City Council.

CITY CHARTER

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

CITY ATTORNEY REVIEW

The proposed discussions of the report have been reviewed by the City Attorney.

CONCLUSION

This report provides information and seeks the City Council's feedback on draft changes to the CUP process and issues related to the selection of commercial uses to be permitted by-right in Zone D. The draft revisions aim to achieve a more efficient and responsive approach to commercial development in Piedmont to achieve General Plan goals, including those of the General Plan's Housing Element, and implement best practices.

Overall, the proposed revisions aim to preserve the unique character of Piedmont by continuing to permit the types of businesses currently in Piedmont's commercial districts while providing some incentive to attract certain types of businesses. The streamlined CUP process and careful selection of permitted uses are expected to facilitate a more responsive and efficient approach to commercial development that meets the community's needs. The proposed revisions will also include standards for approval of commercial conditional uses distinct from those for residential conditional uses.

Upon the completion of additional public engagement and a Planning Commission recommendation, staff will seek the City Council’s consideration of City Code revisions as above described. All the public comments received are included as Attachment E, report page 18.

By: Kevin Jackson, Planning and Building Director
 Gopika Nair, Associate Planner

LINKS TO RELEVANT DOCUMENTS:

<u>Pages</u>	
A	10 CUP Review Body for 10 Alameda County Jurisdictions
B	11-14 Table Comparing Permitted Commercial Uses in Other Bay Area Cities
C	15-16 Land Use Element- Goal 2 Excerpt
D	17 Zone D Map
E	18 Public Comments

1. [Commercial Uses Survey Results Report](#)
2. [Combined Document- Permitted Uses in Commercial and Mixed-Use Districts of other Jurisdictions](#)
3. The City of Piedmont’s 6th Cycle [Housing Element](#)
4. Piedmont City Code [Chapter 17, Planning and Land Use](#)
5. [Piedmont Design Standards and Guidelines](#)
6. July 8, 2024, study session meeting [video](#) and [staff report](#)
7. August 12, 2024, study session meeting [video](#) and [staff report](#).
8. [Council Report and Ordinance](#) adopting Zoning Ordinance Updates that went into effect on April 3, 2024.

Attachment A

City	Review Body
Fremont	Planning Commission, Staff/Zoning Administrator
San Leandro	Planning Commission, Staff
Pleasanton	Planning Commission, Staff/Zoning Administrator
Emeryville	Planning Commission, Staff
Dublin	Planning Commission
Hayward	City Council, Planning Commission, Staff
Albany	Planning Commission, Staff
Alameda	Planning Commission
Berkeley	Zoning Adjustments Board
Union City	Planning Commission
Piedmont	City Council

Attachment B

LEGEND


 Uses Listed in Piedmont’s Commercial Uses Survey

Table Comparing Commercial Uses Permitted in Comparable Zoning Districts of 8 Cities

Uses	Alameda	Albany		Belvedere		Berkeley	Moraga	San Anselmo	San Rafael	Sausalito	
	C-1 Neighborhood Business	CMX Commercial Mixed Use	SC Solano Commercial	C-1 Commercial	MU Mixed Use	C-N Neighborhood Commercial	Community Commercial	C-2 Downtown Commercial	NC Neighborhood Commercial	CN Neighborhood Commercial	CR Mixed Commercial & Residential
General Limitations	Use conducted principally within enclosed structures and not doing business between the hours of 10 pm and 7 am		Use specific limitation for some cases like size		Use specific limitation for some cases like size	Use specific limitation for some cases like size	Use specific limitation for some cases like size	Use specific limitation for some cases like size	Use specific limitation for some cases like size and distance between stores		
Hardware Store	P				P				P		
Dry Cleaner-Full service	P		P		P			P	P		
Laundromats	P		P		P				P		
Financial Institution			P		P		P			P	
Fitness Center						P	P				
Liquor Store									P		
Offices of General Professional						P	P	P	P	P	
a) Real Estate	P		P		P	P	P				
b) Financial Planning	P		P			P	P				
c) Architectural	P		P			P	P				
d) Travel Agency					P	P	P				

Attachment B

	Alameda C-1	Albany CMX	Albany SC	Belvedere C-1	Belvedere MU	Berkeley C-N	Moraga Community Commercial	San Anselmo C-2	San Rafael NC	Sausalito CN	Sausalito CR
Medical Offices	P						P	P			
Restaurants/Cafes			P			P	P	P	P		
Live Entertainment, Unamplified and Indoor						P	P				
Retail, food and beverage sales	P		P		P	P	P		P		
a) Wine Shop											P
Retail, nurseries and garden supplies			P		P				P		
Retail Sales, neighborhood serving			P			P		P		P	P
a) Art, Thrift and Antique Shop	P				P		P			P	P
b) Bakery	P				P				P		
c) Clothing Stores	P				P			P		P	P
d) Florist Shops	P										
e) Gift, novelty and stationery shops	P				P			P			
f) Craft Studio						P		P	P		
g) Toy Store					P				P		
h) Jewelry Shops	P				P						P
i) Printing Shop			P		P						
j) Repair Shops	P		P					P	P	P	P

Attachment B

LEGEND


 Uses Listed in Piedmont’s Commercial Uses Survey

Table Comparing Commercial Uses Permitted in Comparable Zoning Districts of 8 Cities

Uses	Alameda	Albany		Belvedere		Berkeley	Moraga	San Anselmo	San Rafael	Sausalito	
	C-1 Neighborhood Business	CMX Commercial Mixed Use	SC Solano Commercial	C-1 Commercial	MU Mixed Use	C-N Neighborhood Commercial	Community Commercial	C-2 Downtown Commercial	NC Neighborhood Commercial	CN Neighborhood Commercial	CR Mixed Commercial & Residential
General Limitations	Use conducted principally within enclosed structures and not doing business between the hours of 10 pm and 7 am		Use specific limitation for some cases like size		Use specific limitation for some cases like size	Use specific limitation for some cases like size	Use specific limitation for some cases like size	Use specific limitation for some cases like size	Use specific limitation for some cases like size and distance between stores		
Hardware Store	P				P				P		
Dry Cleaner-Full service	P		P		P			P	P		
Laundromats	P		P		P				P		
Financial Institution			P		P		P			P	
Fitness Center						P	P				
Liquor Store									P		
Offices of General Professional						P	P	P	P	P	
a) Real Estate	P		P		P	P	P				
b) Financial Planning	P		P			P	P				
c) Architectural	P		P			P	P				
d) Travel Agency					P	P	P				

Attachment B

	Alameda C-1	Albany CMX	Albany SC	Belvedere C-1	Belvedere MU	Berkeley C-N	Moraga Community Commercial	San Anselmo C-2	San Rafael NC	Sausalito CN	Sausalito CR
Medical Offices	P						P	P			
Restaurants/Cafes			P			P	P	P	P		
Live Entertainment, Unamplified and Indoor						P	P				
Retail, food and beverage sales	P		P		P	P	P		P		
a) Wine Shop											P
Retail, nurseries and garden supplies			P		P				P		
Retail Sales, neighborhood serving			P			P		P		P	P
a) Art, Thrift and Antique Shop	P				P		P			P	P
b) Bakery	P				P				P		
c) Clothing Stores	P				P			P		P	P
d) Florist Shops	P										
e) Gift, novelty and stationery shops	P				P			P			
f) Craft Studio						P		P	P		
g) Toy Store					P				P		
h) Jewelry Shops	P				P						P
i) Printing Shop			P		P						
j) Repair Shops	P		P					P	P	P	P

Attachment B

k) Grocery Stores	P				P			P	P	P	P
l) Paint					P						
m) Furniture					P					P	P
n) Video Sales and Rentals						P			P		
	Alameda C-1	Albany CMX	Albany SC	Belvedere C-1	Belvedere MU	Berkeley C-N	Moraga Community Commercial	San Anselmo C-2	San Rafael NC	Sausalito CN	Sausalito CR
Animal Supplies and Services					P						
a) Veterinary			P								
b) Grooming			P				P				
c) Animal Sales			P						P		
Tutoring/lessons	P		P								
Dance, Music, Photography, Martial Arts Studio	P				P	P			P		
Bar/Tavern											
Personal Services (Beauty Parlor, Barber Shops)	P				P	P	P	P	P	P	P
Massage Services					P		P		P		
Business Services (advertising, blueprint services, equipment rental, mail forwarding and package delivery, office security)					P	P	P				
Cannabis						P					
Vehicle Parts Store						P					
Drug Stores and Pharmacies									P		
Bicycle Shops									P		

- **Action 1.A: Work Sessions**
Conduct periodic work sessions with the Piedmont City Council and Planning Commission to address emerging issues and to discuss changes that would help the City achieve its goal of protecting residential neighborhoods.
- **Action 1.B: Mandatory Lot Mergers**
Continue City efforts to merge constrained, adjacent non-conforming lots under common ownership.

See the Housing Element for policies on second units and residential “teardowns.”

See the Design and Preservation Element for policies on the design of new or altered residential structures.

Goal 2: Commercial and Mixed Use Areas

Provide for a limited range of commercial uses which serve the basic needs of the community.

Policies and Actions

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 2.2: Mixed Use Development

Within the Grand Avenue commercial district, encourage mixed use development that combines ground floor commercial uses and upper story residential uses.

Recognize the importance of Piedmont's commercial land uses as community gathering places. Any new commercial project should be designed in a way that contributes to pedestrian vitality and safety, and provides a clean, attractive, and welcoming environment for the public.

Policy 2.3: Office Development

Support limited office development in the city's commercial districts to accommodate businesses serving Piedmont residents, and to provide rental office space for Piedmont residents with small businesses.

Policy 2.4: Commercial Parking

Resolve parking problems in the city's two commercial districts in a way that balances the needs of local businesses with those of immediately adjacent residents and the community at large.

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.

Policy 2.6: Commercial Uses as Gathering Places

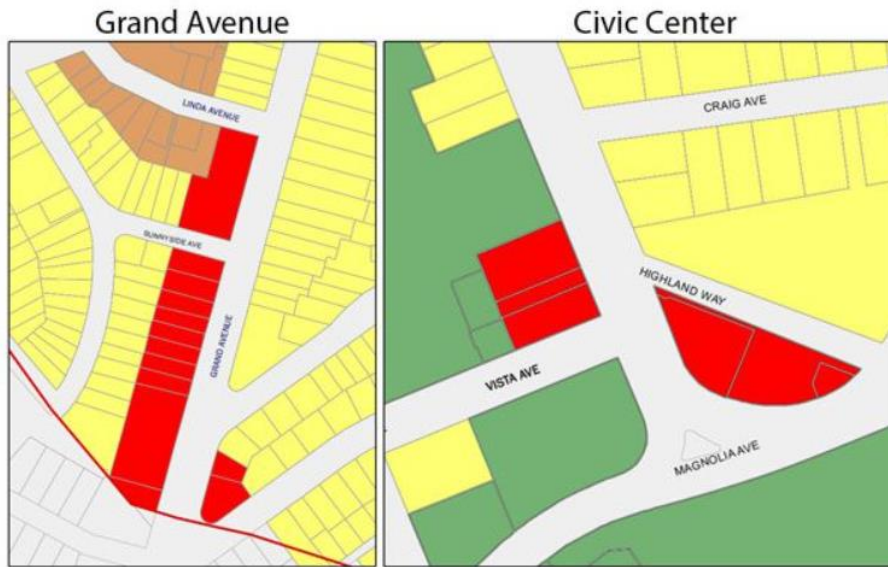
Recognize the importance of Piedmont's commercial land uses as community gathering places. Any new commercial projects should be designed in a way that contributes to pedestrian vitality and safety, and provides a clean, attractive, and welcoming environment for the public.

- *Action 2.A: Allowing Multi-family Residential in Commercial Zones*
Amend City regulations so that multi-family housing becomes a conditionally permitted use in the Commercial zone (Zone D). However, such uses should only be permitted when they are part of a mixed use project that includes ground floor commercial uses.
- *Action 2B: Commercial Development Standards*
Review the development standards for commercial uses to ensure that they support the goal of promoting pedestrian-oriented development and attractive streetscapes.

See the Design and Preservation Element for additional policies on the design of commercial areas, including Action 28.F on commercial design guidelines.

Attachment D

Map of Commercial and Mixed-Use (Zone D)



Zone D parcels are shown in red.

City of Piedmont
120 Vista Ave
Piedmont, CA 94611

August 12, 2024

Mike Gallagher
1246 Grand Ave
Piedmont, CA 94610

Dear Mr. Jackson,

Regarding the August 12, 2024, meeting on proposed changes to Piedmont's CUP process, I am very concerned that the July 8, 2024, study session discussed clarifying that a CUP shall continue to be valid upon change of ownership of the business site or structure when the continued use is consistent with the original CUP.

I have previously raised concerns that the Piedmont Shell/ Mr. Jeffrey Hansen, had implemented illegal and unsafe unattended refueling at the 29 Wildwood location. I emailed you, Mr. Jackson, that the unattended fueling was not legal, you then replied that the CUP did not address unattended fueling, so it was therefore allowed. I replied that only expressly authorized uses were permitted. You, Mr. Jackson, then had unattended 24/7 refueling added to a pending Shell CUP and you informed the Piedmont City Council that unattended fueling at the Shell had existed since credit cards were invented and the Shell did not have to have a CUP until 2008- in fact I found evidence of the 1990 CUP and all testimony provided for justifying the retroactive CUP approval were at best incorrect but more than likely intentional lies intended to help get more tax revenue out of the Shell station. I'm not sure whether this effort to approve retroactive unattended fueling at Shell was motivated by stupidity or cupidity, but the only other gas station in Piedmont had a clear history of being expressly authorized for unattended fueling per their CUP.

Having read the Planning Commission Agenda Report which makes hay of "best practices", I am concerned that the City of Piedmont will confer this illegal, unattended, 24/7 operation that was affirmed on false testimony to the Piedmont City Council to the new Shell Re-Charge station at 29 Wildwood.

I would like the City to investigate what happened between Planning and City Council that allowed lies and misinformation to influence the City Council to approve unsafe and illegal unattended fueling at a station that was never properly equipped to operate unattended.

This was unacceptable, and people should held responsible.

Mike Gallagher
1246 Grand Ave.