

City of Piedmont
PLANNING COMMISSION AGENDA REPORT

DATE: July 14, 2025

TO: Planning Commission

FROM: Kevin Jackson, Planning and Building Director
Gopika Nair, Senior Planner

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 Performance Standards Survey

AGENDA ITEM NUMBER 7

RECOMMENDATION

This agenda item presents draft amendments to the Zoning Ordinance—Chapter 17, Planning and Land Use—specifically addressing permitted commercial uses in Zone D (Commercial and Mixed-use) and conditional use permits. Staff recommends the Planning Commission review the proposed draft changes to the Zoning Ordinance (Attachment A), this informational report, and the accompanying staff presentation. The Commission is asked to discuss the following key areas:

- Permitted commercial uses in Zone D and accompanying performance standards.
- Updated conditional use permit (CUP) process and findings.

EXECUTIVE SUMMARY

City staff is developing modifications to the list of permitted uses within Zone D and streamlined permitting procedures for commercial development in this zone. These revisions aim to better serve the Piedmont community and project applicants. While not intended to significantly alter Piedmont's small commercial sector, the proposed changes will eliminate unnecessary procedures and incentivize neighborhood-serving commercial activity. Furthermore, these revisions will ensure compliance with State housing mandates (SB 35 and SB 330) and implement programs outlined in the City's 6th Cycle Housing Element.

A series of study sessions regarding permitted commercial uses and conditional use permits were previously held by the Planning Commission (July 8, August 12, and October 14, 2024) and the City Council (August 19,). These sessions addressed potential improvements to the Conditional Use Permit (CUP) process, permitted uses in Zone D, and the broader commercial landscape of the City. Both the Council and Commission directed staff to proceed with the revisions to CUP

procedures as discussed and to develop a curated list of permitted commercial uses and associated performance standards, integrating community feedback and industry best practices. A link to the study session staff reports and meeting videos is included at the end of this report.

Following the last Planning Commission study session on October 14, 2024, a community-wide survey was conducted to gather feedback on proposed performance standards for selected permitted commercial uses. The updates to the Zoning Ordinance presented in this report are informed by the results of this survey, a prior survey (asking community feedback on which commercial uses should be permitted) and by industry best practices, with detailed discussions provided in the subsequent sections of the report.

It is important to note that the commercial uses permitted by right, as provided in Attachment A, is an initial list of permitted uses. Commercial uses that are not permitted by right and that are not prohibited can still apply for a conditional use permit. If as the City implements the code changes it finds that permitted uses need to be reduced or expanded, or the performance standards need refinement, that can be accomplished through subsequent ordinances.

BACKGROUND

Piedmont's zoning code classifies land uses as either permitted or conditional. Permitted land uses, 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 for the construction of- or modification to buildings. Conditional uses, conversely, require a CUP because they may be desirable but also have the potential to impact nearby properties.

To address evolving community needs and adhere to state mandates, this report proposes updates to both permitted commercial uses and the CUP process, specifically within Zone D, as detailed below:

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 undertaking 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 appropriate commercial uses for "permitted" status within Zone D, the City launched a community survey on commercial use preferences, concluding on July 21, 2024. This initial survey sought community input on permitting options (permitted without a hearing, with limitations, or not permitted) for 16 commercial uses. A second survey, concluded on January 25, 2025, gathered community input on the selected list of commercial uses and their specific and general performance standards. By analyzing these survey results, industry best practices, existing City standards, and input from Planning Commission and City Council study sessions, staff has developed a proposed list of permitted commercial uses for Zone D, as outlined in Piedmont City Code Division 17.26, Attachment A.

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 certain 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 Housing Element Program 4.U and comply with State law, staff recommends updates to the existing findings criteria in section 17.68.040 of Division 17.68, as detailed in Attachment A.

3. Improve Current Procedures and Practices: Through the review and processing of CUPs over the past several years, staff has identified areas for improvement. Consequently, updates to the current procedures and practices are recommended, as reflected throughout the proposed revisions to Division 17.68 in Attachment A. The objective is to streamline the CUP review process, enhance code clarity, modify permit applicability, and add language clarifying permit validity.

DISCUSSION AND ZONING ORDINANCE AMENDMENTS

The redlined draft revisions to the Zoning Ordinance- Chapter 17 Planning and Land Use is included as Attachment A, at the end of this report. This section discusses the update and notes the sections that are updated for Commission’s consideration and discussion.

1. Draft 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. This analysis, discussed in the August 12 and August 19, 2024, Planning Commission and City Council study sessions, included: 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 best practices; and examining existing City development standards, design standards, and guidelines to identify if additional standards are required. Links to the study session reports and meeting video are available at the end of this report.

Based on the analysis and the results of the aforementioned survey, staff developed a curated list of permitted commercial uses along with specific and general performance standards. This led to a second round of community-wide survey that ended in January 20, 2025. The performance standards ensure that commercial development aligns with the community’s values and preserves its character.

Communitywide Survey#2 Results

Following the Survey #1 results, comments and survey results from the Commission, Council, and community informed the draft Code update for 16 commercial uses and developed performance standards specific to each use and that are generic to all uses. This curated list was presented to the Planning Commission on October 14, 2024, and based on the comments received staff made revisions and engaged in a community-wide survey seeking community input on the standards. The survey was publicized in multiple media outlets. The City received a total of 31 responses, and most of the respondents (83.3%) live within a 10-minute walk of Zone D.

Takeaways from the survey results include the following:

- **Outdoor uses:** A majority of respondents support permitting outdoor seating/patios for restaurants/cafes/bakeries provided they do not impede accessibility.
- **“Neighborhood-serving” requirement:** This standard was seen as being too restrictive, potentially stifling business growth and diversity. Respondents cited Mulberry’s and Ace Hardware as businesses serving the broader community.

- **Employee limits:** This was consistently flagged as a major issue, with strong calls to remove or significantly increase caps, arguing they make it “harder on businesses” and limit potential for larger establishments.
- **Loading times:** The 8-9 a.m. loading restriction, particularly for Grand Avenue, could “disrupt business logistics increasing cost”.
- **Parking:** Respondents insist that businesses should provide their own parking to avoid impacting limited street parking.
- **Performance standards as a burden:** Some respondents included detailed arguments that the proposed standards place “additional burdens” on small businesses.
- **Alcohol prohibition in restaurants:** Respondents strongly disagree with prohibiting on-premises alcohol sales in restaurants, stating it severely restricts business model and income potential.

Generally, the respondents stated a preference for a more business-friendly regulatory environment that prioritizes operational flexibility for local business, especially regarding hours of operation, staffing, alcohol sales and outdoor amenities. However, this desire is tempered by significant and consistent concerns about the impact on local infrastructure, primarily parking, traffic, and cleanliness. The survey results are attached at the end of this Report, Attachment B.

Related Zoning Ordinance Amendments

Based on the discussion above, staff has made draft amendments to certain City Code sections as described below:

- Updated City Code sections 17.26.020, 17.30.030 and 17.90.010 and New City Code section 17.26.060
In response to these results, staff has refined the commercial uses list and performance standards, and incorporated definitions for certain commercial uses to clarify their scope. The performance standards exempt certain uses (florist and bakery) from providing parking and so corresponding updates were made to the parking provisions. Additionally, with evolving State laws, staff finds it necessary to include performance standards for those commercial uses that are permitted and require to be ministerially reviewed, such as EV charging stations.
- Updated City Code section 17.68.010
To streamline the permitting process, staff recommends that the City eliminate the CUP requirement for building modifications to existing commercial structures. Building modifications will continue to be reviewed and regulated through other permit processes to ensure conformance with City standards. The by-right commercial uses would then be subject to performance standards currently being developed.

2. Updates to CUP and other related divisions

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.
- Mention of minor modifications to existing CUP but no clear definition of what constitutes a minor modification.

Proposed Revisions to CUP Procedures and Practices and Related Zoning Ordinance Amendments

- Updated City Code sections throughout Divisions 17.68, 17.60.060, and 17.70.030
Transfer CUP approval authority to Planning Commission: Staff examined the CUP approval process across 10 Alameda County jurisdictions (see Attachment C). Based on local government's best practices, staff recommends the Planning Commission as the decision-making body for CUPs. This will streamline the review process and eliminate unnecessary costs. 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.
- Updated City Code section 17.68.010
Eliminate CUP requirements for building modifications: The draft Code revisions remove the requirement for a CUP for a proposed building modification. 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 above.
- Updated City Code section 17.68.040
Separate CUP findings criteria for residential and commercial uses: The draft revisions 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.

- New City Code section 17.68.070
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.
- Updated City Code section 17.68.060
Provisions for allowing minor modifications to existing CUP: The draft revisions propose provisions for allowing minor modifications to existing CUPs, with "minor modifications" being clearly defined. These modifications, while requiring some level of discretion and oversight, are generally less impactful. Establishing this pathway will provide greater flexibility in zoning regulations and promote efficiency for lower-impact changes to CUP applications. Even minor use changes, however, can generate impacts related to noise, traffic, hours of operation, and design, which necessitate assessment and potential mitigation. Therefore, the proposed allowance for minor CUP modifications enables planning staff to review these specific impacts and impose conditions to ensure the use integrates harmoniously within its context.

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 as the decision-making body and the right to appeal the Planning Commission's decisions to the City Council.

CITY CHARTER

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

CITY ATTORNEY REVIEW

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

SUMMARY AND NEXT STEPS

This report provides information regarding draft changes to the CUP process and 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 City’s needs.

The Planning Commission is encouraged to discuss the draft revisions and provide comments to staff intended to inform a final draft for the Planning Commission to consider at a subsequent Commission meeting. The Planning Commission’s responsibility is to make a recommendation regarding Code revisions to the City Council, which is the decision-making body.

LINKS TO RELEVANT DOCUMENTS:

	<u>Pages</u>	
A	9-45	Attachment A- Updates to the Zoning Ordinance
B	46-60	Survey #2 Results
C	61	CUP Review Body for 10 Alameda County Jurisdictions

1. [Commercial Uses Survey #1 Results Report](#)
2. The City of Piedmont’s 6th Cycle [Housing Element](#)
3. Piedmont City Code [Chapter 17, Planning and Land Use](#)
4. [Piedmont Design Standards and Guidelines](#)
5. July 8, 2024, study session meeting [video](#) and [staff report](#)
6. August 12, 2024, study session meeting [video](#) and [staff report](#).
7. August 19, 2024, study session meeting [video](#) and [staff report](#).
8. October 14, 2024, study session meeting [video](#) and [staff report](#).
9. [Council Report and Ordinance](#) adopting Zoning Ordinance Updates that went into effect on April 3, 2024.

Chapter 17
PLANNING AND LAND USE**ARTICLE 1. GENERAL PROVISIONS**

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

ARTICLE 2. ZONING DISTRICTS: USES AND REGULATIONS

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

ARTICLE 3. SPECIAL REGULATIONS

- 17.30 Parking
- 17.32 Fences; Walls; Retaining walls
- 17.34 Landscaping
- 17.36 Signs
- 17.38 Accessory dwelling units
- 17.40 Residential rentals
- 17.42 Additional bedrooms in existing dwelling units
- 17.44 Home occupations
- 17.46 Wireless communication facilities
- 17.48 Cannabis cultivation and facilities
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- 17.52 Density Bonus
- 17.54 Urban Lot Splits and Two-Unit Housing Developments (SB 9)
- 17.56 Emergency Shelters

ARTICLE 4. ADMINISTRATION

- 17.60 General provisions
- 17.62 Notice requirements
- 17.64 Hearings; Review; Term of approval; Conditions
- 17.66 Design review
- 17.67 Ministerial Design Review Permits
- 17.68 Conditional use permits
- 17.70 Variances
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- 17.74 Development agreements
- 17.76 Reasonable accommodation
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- 17.80 Enforcement

ARTICLE 5. DEFINITIONS; MEASUREMENTS
17.90 Definitions & Measurements

DIVISION 17.26**ZONE D: COMMERCIAL AND MIXED USE**

Sections:

- 17.26.010 Intent
- 17.26.020 Permitted uses
- 17.26.030 Conditional uses
- 17.26.040 Prohibited uses
- 17.26.050 ~~Regulations~~ Development Standards
- 17.26.060 Performance Standards

17.26.010 Intent.

Zone D is established to regulate and control commercial and mixed-use commercial/residential development, where pedestrian-oriented commercial development will serve the neighborhood, consistent and in harmony with the character of the neighborhood and adjacent residential areas.

17.26.020 Permitted uses.

The following are permitted uses in Zone D:

- A. A single-family residence
- B. An accessory dwelling unit, subject to division 17.38.
(Ord. 747 N.S., 02/2020, Ord. 772 N.S., 03/2024)
- C. Low barrier navigation centers.
- D. Residential care facilities or group homes that provide licensable services for up to six residents.
- E. Residential care facilities or group homes that do not provide licensable services.
- F. Supportive housing and transitional housing developments.
- G. Accessory structures with accessory uses located on the same lot as the primary structures under this section.
- H. Small family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.
- I. Multi-family development including single-room occupancy, co-housing, senior housing, and disabled housing, that is part of a mixed-use development.
- J. Employee housing for 6 or fewer persons.
- K. Manufactured and mobile homes on a permanent foundation. (Ord. 772 N.S., 03/2024)

L. The following commercial uses, subject to the performance standards in section 17.26.060: Wine shop, restaurants and café (limited service), bakery, nurseries and garden supply, florist shop, clothing store, art and craft store, book store, bike shop, hardware store, office, hair salon and barber services, yoga studio, dance studio, martial arts studio, photography studio, tutoring center, and fitness center.

17.26.030 Conditional uses.

The following are allowed as conditional uses in Zone D:

- A. Religious assembly.
- B. Private school, or day care facility associated with a religious assembly use. A pre-existing school not having a use permit may continue as a non-conforming use as long as the use is not expanded.
- C. Large family day care home in accordance with California Health and Safety Code sections 1597.43 - 1597.47.
- D. Minor auto servicing such as fueling station and auto repairs (e.g. tire repair, oil change). Retail, office, and service commercial uses of a type that will be primarily neighborhood serving. Commercial uses that are primarily neighborhood serving are those uses neighbors would be expected to use on a regular basis, and not uses that would be expected to draw the major portion of their clientele from outside the neighborhood.

A structural change (including reduction or addition in structure) or change in actual existing use in a commercial building requires a new conditional use permit. Change in actual existing use means the addition, withdrawal, or other modification of:
 - 1. the type or quality of service or product being marketed;
 - 2. the time or place of delivery of the service or product;
 - 3. the manner or method of delivery of the service or product; or
 - 4. the number of personnel on the site, where the addition, withdrawal, or other modification changes the facts upon which a conditional use permit was based.
- E. Commercial uses not listed in 17.26.020.L. and 17.26.040. Commercial portion of a mixed-use commercial/residential development, including ground floor retail, office, or service commercial uses to primarily serve the neighborhood.
- F. Wireless communication facility, subject to a wireless communication facility permit (rather than a use permit) under division 17.46.
- G. Residential care facilities or group home that provide licensable services for seven or more residents. (Ord. 772 N.S., 03/2024)

17.26.040 Prohibited uses.

The following uses are prohibited uses in Zone D: manufacturing, wholesaling, distributing, or

industrial use; motor vehicle sales or service (except as provided in section 17.26.030.D), ~~except minor servicing~~; hotel or motel; fast food restaurants; and drive-through establishments. ~~(Ord. 772 N.S., 03/2024)~~

17.26.050 Development StandardsRegulations.

A. In Zone D, for commercial, mixed-use commercial/residential, and private school facilities uses, the standards are as follows:

	Zone D requirements	
	Civic Center Subarea ¹	Grand Avenue Subarea ²
Lot area	No <i>minimum lot</i> area, but an existing lot may not be subdivided into smaller lots.	No minimum lot area, but an existing lot may not be subdivided into smaller lots.
Frontage, on public or private street	No minimum requirement.	No minimum requirement.
Lot coverage; Landscaping	No maximum. No minimum.	No Maximum. Minimum 10% landscaping, subject to exception for accessory dwelling unit construction set forth in division 17.38.
Structure height	45 feet	Maximum 45 feet. For a building site adjacent to a single-family residence: A. within 10 feet of the abutting lot line: maximum 35 feet measured from adjacent grade; and B. daylight plane starting at 35 feet above grade and a distance of 10 feet from the abutting property line.
	Zone D requirements (continued)	
	Civic Center Subarea ¹	Grand Avenue Subarea ²
Street yard setback	No minimum setback.	Along Wildwood, Sunnyside and Linda Avenues: 5 feet minimum from lot line. Along Grand Avenue: 5 feet minimum from curb or 3 feet from lot line, whichever is greater.
Side yard and rear yard setback	No minimum setbacks, but if side or rear yard abuts a single-family residence, the minimum side and rear yard setback is 4 feet from that abutting lot line.	Side Yard: no minimum setbacks, except minimum 4 feet from lot line abutting a single-family residence. Rear Yard: 4 feet minimum.
Floor to ceiling height	15 feet minimum	12 feet minimum

for ground floor commercial use		
Ground floor	<p>Zone D developments must have:</p> <ol style="list-style-type: none"> 1. ground floor retail, office, or service commercial uses to primarily serve the neighborhood. Ground floor residential use is not permitted, except for an entry and lobby to the upper floor(s), except that: the requirement for ground floor retail, office, or service commercial uses shall be waived for development in which 100% of the units are affordable to households earning 80% or less of the area median income (AMI) established by California Health and Safety Code 5105 that are deed-restricted for a period of 55 years or more. 	

¹ The Civic Center Subarea consists of the Zone D parcels bounded by: Highland Way on the north, Highland Avenue on the south; and Highland Avenue on the east, Vista Avenue on the south, and Piedmont Unified School District properties on the north and west.

² The Grand Avenue Subarea consists of the Zone D parcels bounded by: Wildwood Avenue to the southeast, Grand Avenue on the west, Zone A parcels on the north and east; and City boundary on the south, Grand Avenue on the east, Linda Avenue on the north, and Zone A properties to the west.

³ Setback requirements applicable to accessory dwelling unit construction are set forth in division 17.38, rather than this table.

B. In Zone D, for single-family residential use, small family day care home, manufactured and mobile homes, low barrier navigation center, licensed residential care facility or group home for up to 6 residents and unlicensed residential care facility or group home, employee housing for 6 or fewer persons, and supportive and transitional housing, the development standards are as follows:

Lot area; frontage; coverage; height; front, rear and side yards; floor area ratio.	All as set forth for Zone A. See section 17.20.040.
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(Ord. 747 N.S., 02/2020)

C. In Zone D, for uses other than those listed above, the development standards are as follows:

1. Wireless communications facility as provided in division 17.46
2. Religious assembly as provided in section 17.20.040.A.
3. Stand-alone multi-family development including senior housing, disabled housing, single-room occupancy and co-housing, and multi-family that is part of a mixed-use development as provided in section 17.24.040.A, except for density standards provided in 17.26.50.D.
4. Large day care home as provided in section 17.24.040.A.
5. Licensed residential care facility or group home for 7 or more residents as provided in section 17.24.040.A.

D. Density and Floor Area Ratio.

The following density and floor area ratio standards apply to all development in this division that includes residential uses, including multifamily developments, residential development within mixed-use development, SROs, and co-housing, except for single-family or similar residential uses.

1. The developer/property owner may choose to develop property in this zone at a minimum of 20 dwelling units/acre and maximum of 81 dwelling units/acre.
2. The maximum non-residential FAR in a mixed-use development is 75%.
3. The maximum non-residential floor area is 50% of residential floor area.

E. For lots that are larger than 5,000 square feet, an ADU shall be constructed:

- a. when a new single-family residence is proposed on a vacant lot.
- b. when an existing single-family residence is demolished for a remodel or reconstruction, except when a single-family residence is being reconstructed to the same or similar square footage due to damage or destruction by accident, fire, flood, earthquake, or other act of nature. (Ord. 772 N.S., 03/2024)

17.26.060 Performance Standards**A. The following standards apply in Zone D, for permitted commercial uses:**

1. Uses are subject to the following hours of operation and standards as noted. If a use requires a waiver from specified hours of operation and /or performance standards, then a conditional use permit subject to provisions of division 17.68 is required.

<u>Use</u>	<u>Hours of Operation</u>	<u>Performance Standards</u>
<u>Wine Shop*</u>	<u>9am- 8pm</u>	
<u>Restaurants and Cafes, limited service*</u>	<u>8am- 9pm</u>	<u>If serving alcohol, the establishment shall not be located within 100 feet of a school.</u>
<u>Bakery*</u>	<u>7am- 6pm</u>	<ul style="list-style-type: none"> • <u>Prohibit manufacturing of products to be sold elsewhere</u> • <u>Exempt from parking provisions in division 17.30</u> • <u>Ground floor only</u>
<u>Nurseries and Garden Supply</u>	<u>8am- 6pm</u>	
<u>Florist Shop*</u>	<u>6am- 8pm</u>	<u>Exempt from parking provisions in division 17.30</u>
<u>Clothing Store*</u>	<u>8am- 8pm</u>	
<u>Art and Craft Store*</u>	<u>8am- 8pm</u>	
<u>Book Store</u>	<u>8am- 8pm</u>	
<u>Bike Shop</u>	<u>8am- 8pm</u>	
<u>Hardware Store</u>	<u>8am- 8pm</u>	
<u>Office</u>	<u>8am- 8pm</u>	<u>Not permitted on ground floor</u>
<u>Hair Salon and Barber Services</u>	<u>8am- 8pm</u>	<u>No massage services</u>
<u>Yoga Studio</u>	<u>8am- 8pm</u>	

<u>Dance Studio</u>	<u>8am- 8pm</u>	
<u>Martial Arts Studio</u>	<u>8am- 8pm</u>	
<u>Photography Studio</u>	<u>8am- 8pm</u>	
<u>Tutoring Center</u>	<u>8am- 8pm</u>	<u>Not permitted on ground floor</u>
<u>Fitness Center</u>	<u>6am- 8pm</u>	<u>On-site child care is not permitted.</u>
<u>* Use is defined in Division 17.90</u>		

2. Uses are subject to the following hours of operation and standards as noted. If a use requires a waiver from specified hours of operation and /or performance standards, then a conditional use permit subject to provisions of division 17.68 is required.
3. All development (or use) shall be subject to ministerial review, building permit, and development standards of the underlying zone.
4. Uses may not include outdoor services. The uses must be conducted primarily within an enclosed structure. Outdoor storage is permitted when screened from street view.
5. Uses must be primarily neighborhood serving. Commercial uses that are primarily neighborhood serving are those that neighbors would be expected to use on a regular basis, and not uses that would be expected to draw the major portion of their clientele from outside the neighborhood.
6. Storage, repair, and production may not take place in required setbacks. Every part of each required minimum setback shall be open and unobstructed from finished grade to the sky except for landscaped areas.
7. There shall be no loading between 8-9 a.m. on school days
8. The site must be kept free of trash and debris. All receptacles for collection and recycling shall be completely screened from view at street level.
9. Unless specified, the uses shall comply with the parking provisions in Division 17.30.
10. No sooner than 30 days prior to the opening of a new business, an unlighted temporary sign announcing the name of the new business may be displayed in one storefront window per façade. The sign shall not exceed eight (8) square feet in the sign area and may identify the name of the business in a graphic or text format.
11. Signage shall be subject to the provisions of Division 17.36.

B. For ministerially permitted commercial uses under State Law, not set forth in subsection (A) above, the performance standards are as follows, unless otherwise regulated by State Law:

1. Hours of operation: 6am – 10pm
2. The site shall be kept free of trash and debris. All receptacles for collection and recycling shall be completely screened from view at street level.

3. The signage for the commercial use shall be subject to the provisions of Division 17.36.

ARTICLE 3. SPECIAL REGULATIONS

Divisions:

17.30	Parking
17.32	Fences; Trash enclosures; Corner obstructions
17.34	Landscaping
17.36	Signs
17.38	Accessory dwelling units
17.40	Residential Rentals
17.42	(Not used)
17.44	Home occupations
17.46	Wireless communications
17.48	Cannabis cultivation and facilities
17.50	Non-conforming uses and structures

DIVISION 17.30**PARKING**

Sections:

- 17.30.010 Single family residential and similar use (All zones)
- 17.30.020 Multi-family residential and similar group residential use (Zones A, B, C and D)
- 17.30.030 Commercial use and mixed-use residential/commercial (Zone D)
- 17.30.040 Location of parking spaces
- 17.30.050 Size and specifications
- 17.30.060 No reduction of existing parking
- 17.30.070 Compliance with Americans with Disabilities Act (ADA)

17.30.010 Single family residential and similar use. (All zones)

A. Applicability. This section 17.30.010 applies to the following uses: single-family residential, small and large family day care homes, manufactured and mobile homes, low barrier navigation centers, supportive and transitional housing, residential care facilities or group homes that provide licensable services for up to 6 residents, residential care facilities or group homes that do not provide licensable services, and employee housing for up to 6 employees, and development projects under division 17.54 in any zone:

1. new development; and
2. existing development (which may be nonconforming under division 17.50), when an applicant seeks a building permit or land use approval for an improvement or change that may affect the need for parking. Exceeding certain underlying zoning regulations as indicated in the table in section 17.30.010.B.1 or an increase in the intensity of use will

affect the need for parking. Existing street width and existing demand for on-street parking are factors in considering the intensity of use.

B. Regulations.

1. General.

Dwelling Unit	Minimum number of off-street, covered, non-tandem parking spaces
Accessory dwelling unit (division 17.38)	0*
New primary unit** 800 square feet or less	1
New primary unit** greater than 800 square feet	2
Primary unit that exceeds FAR, lot coverage or structure height of the underlying zone	1 additional parking space; for a maximum total of 3 parking spaces.
SB-9 development (division 17.54)	1 per primary unit. If the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code, then parking is not required for the new primary unit.

* Under Government Code section 65852.2, the city may not require parking for an accessory dwelling unit located within 1/2 mile of public transit, and all Piedmont properties are within 1/2 mile.

** primary unit refers to single family residence, small and large family day care homes, manufactured and mobile homes, low barrier navigation centers, supportive and transitional housing, residential care facilities or group homes that provide licensable services for up to 6 residents, residential care facilities or group homes that do not provide licensable services, and employee housing for up to 6 employees.

2. Parking spaces may not be located within a 20-foot street setback.

3. When considering an application, the city may strictly apply the parking regulations under subsection B.1 above if the proposed construction will have an undue adverse impact on neighborhood vehicular congestion. A determination of undue adverse impact must be based on evidence considering one or more of the following factors: existing street width; existing on-street parking conditions; lack of sidewalks; and street slope and curvature. (Ord. 747 N.S., 02/2020, Ord. 772 N.S., 03/2024)

17.30.020 Multi-family residential and similar group residential use. (Zones A, B, C and D).

A. Applicability. This section applies to each multi-family and similar group residential use in Zones A, B, C and D, including but not limited to: large family day care home, residential care facilities or group homes the provide licensable services for more than 7 residents, single-room occupancy, co-housing, multi-family residential, senior housing, housing for persons with disabilities, and religious institution affiliated housing.

	Minimum number of off-street covered parking spaces	
Accessory dwelling unit (division 17.38)	0*	
Multi-family development, Independent living senior housing, independent living disabled persons housing	1 space per studio or 1 bedroom unit	Exception: Planning Commission shall reduce to 50% of required spaces when: a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income households.
	1.5 space per 2 or more-bedroom unit	
Licensed residential facility or group home for 7 or more residents	1 space per bedroom	
Single room occupancies or co-housing	1 space per bedroom Exception: Planning Commission shall reduce to 50% of required spaces when: a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income individuals.	
Religious institution affiliated housing	as provided in Section 65913.6 of the Government Code	
Senior housing, disabled persons housing (Assisted Living)	0.5 space per studio or 1 bedroom unit	Additionally, 1 parking space for each employee on-site at peak staffing.
	0.75 space per 2 or more-bedroom unit	

* Under Government Code section 65852.2, the city may not require parking for an accessory dwelling unit located within 1/2 mile of public transit, and all Piedmont properties are within 1/2 mile.

(Ord. 747 N.S., 02/2020, Ord. 772 N.S., 03/2024)

B. Additional Parking. Guest or management parking shall be provided for all development types under this section with the exception of accessory dwelling units and religious institution affiliated housing development.

Guest or management Parking	1 space plus an additional parking space for every 10 dwelling units. Exception: Planning Commission shall reduce to 50% of required spaces when: <ul style="list-style-type: none"> a. Development is within ½ mile of regularly scheduled public transit stop; and b. At least 50% of units are deed-restricted for a period of 55 years to low-income households.
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(Ord. 772 N.S., 03/2024)

17.30.030 Commercial use and mixed-use residential/commercial. (Zone D).

A. Residential uses in mixed use commercial/residential: same as provided in section 17.30.020, except as otherwise provided for commercial uses in section 17.26.060.

B. Commercial uses:

Use Type	Minimum number of off-street, covered, non-tandem parking spaces per floor area	
	First 1,500 square feet	In excess of 1,500 square feet
Eating places and similar, high-intensity on premise customer uses	Each 500 square feet: 1 ¹	Each 250 square feet: 1 ¹
Retail stores, offices, and other low-intensity uses	Each 750 square feet: 1 ¹	Each 350 square feet: 1 ¹

¹Or as required by conditional use permit. (Ord. 747 N.S., 02/2020)

17.30.040 Location of parking spaces.

Parking for a permitted use in any zone must be located: (1) on the same lot as the permitted use; (2) not within the street setback; and (3) not between the street-facing facade of a building and the lot line in Zone D. Parking for a conditional use in any zone will be provided as required by the conditional use permit authorizing the use.

17.30.050 Size and specifications.

Except as otherwise provided, a parking space required by this section must have unrestricted access to a public street with a grade not more than 20%. In Zone A, one of every three required parking spaces may be for a compact car, and in Zones C and D, one of every four required parking spaces may be for a compact car.

The minimum parking space dimensions are:

8-1/2 feet x 18 feet, or

7-1/2 feet x 15 feet for compact car.

A minimum 1-foot clearance must be provided between the length side of a parking space and the nearest wall or similar obstruction. (Ord. 743 N.S., 05/2018)

17.30.060 No reduction of existing parking.

Except for (1) the demolition of a garage, carport, uncovered parking space, or covered parking structure in conjunction with the construction of an accessory dwelling unit, or (2) conversion of a garage, carport, uncovered parking space, or covered parking structure for use as an accessory dwelling unit, no person may alter, eliminate, or restrict access to an existing parking space unless the Planning Director first determines that the space is (1) unusable, (2) is to be restored or replaced with a parking space which meets the requirements of this division 17.30, or (3) is permitted with a variance approved by the Planning Commission or City Council. For purposes of making this determination, the term unusable means that the parking space is not large enough to contain a compact-sized automobile or that the driveway to the parking space is so steep, narrow or otherwise configured that it precludes safe passage of the vehicle, and that enlargement to permit safe passage would result in severe economic hardship.

No garage or other off-street parking may be altered for a use other than parking, unless otherwise allowed under this chapter. (Ord. 777 N.S., 01/2025)

17.30.070 Compliance with American with Disabilities Act (ADA).

The Chief Building Official may adjust the parking requirements in zones B, C or D without a conditional use permit or design review permit, to meet the requirements of the Americans with Disabilities Act.

ARTICLE 4. ADMINISTRATION

Divisions:

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

DIVISION 17.60**GENERAL PROVISIONS**

Sections:

17.60.010	General
17.60.020	Completeness of application
17.60.030	Environmental review
17.60.040	Fees and deposits
17.60.050	City indemnification
17.60.060	Approval authority
17.60.070	Decision; New application
17.60.080	Withdrawal of application

17.60.010 General.

A. General. This article 4, Administration, sets forth the general administrative authority and procedures for decision making under this zoning ordinance. It includes general administrative provisions and notice and hearing requirements; requirements for various discretionary approvals: design review permit, conditional use permit, variance, zoning amendment, development agreement, and reasonable accommodation; and provisions for appeals and enforcement.

B. Applicant. The applicant is the person or entity, or representative, who submits an application under this chapter. An applicant must either be the legal owner or submit the owner's written consent with the application.

17.60.020 Completeness of application.

A. Initial application. Within 30 calendar days after the city has received an application for a development project, the city will determine in writing whether the application is complete, and shall promptly transmit the determination to the applicant. If the application is determined not to be complete, the city's determination will specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed.

If the determination is not made within 30 calendar days, and the application includes a statement that it is an application for a development permit (as that term is used in Government Code sections 65927 and 65943), the application will be deemed complete.

B. Resubmittal. Upon any resubmittal of an application determined not to be complete, a new 30-day period begins for determining whether the application is complete. The city will determine in writing whether the resubmitted materials are complete and will notify the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials will be deemed complete.

If the city determines, after receiving the resubmitted materials, that the application is still incomplete, the city and the applicant will follow the procedures set forth in Government Code section 65943 (as it may be amended from time to time).

C. Time period extensions. An applicant and the city may mutually agree to extend a time period provided by this subsection.

D. Applications deemed withdrawn. To promote efficient review and timely decisions, an application will automatically be deemed withdrawn when an applicant fails to submit a substantive response within 90 days after the City deems an application incomplete in a written notice to the applicant. The Director may grant a written extension for up to an additional 30 days upon a written request for an extension received before the 90th day. The Director may grant further written extensions only for good cause, based on circumstances outside the applicant's reasonable control.

17.60.030 Environmental review.

Each land use application for a discretionary approval by the city is subject to the requirements of the California Environmental Quality Act (CEQA), and the state CEQA Guidelines.

17.60.040 Fees and deposits.

A. General. Each person submitting an application for a permit, or filing an appeal, under this chapter must pay the required fees and deposits as established by city council resolution. The fee may be either a flat fee or the actual cost incurred by the city in processing an application.

B. Fee calculation. When a flat fee, or sliding scale, is established for a particular type of application, the fee is based on the estimated number of hours of work by city staff at the staff member's hourly rate. If the estimated number of hours is exceeded, the city may charge for

additional hours worked. The hourly cost for city employees is the full, hourly cost of that employee, including overhead.

C. Deposits.

1. Actual cost. If an application does not have an established flat fee, or if an extraordinary cost is involved under subsection D, the fee is based on actual cost. The Director will require that a deposit equal to the estimated cost of processing be submitted concurrently with an application. The actual cost of city staff work is the person's hourly rate, including overhead. For a consultant or contractor, the actual cost is the billed amount plus 10% for the city's administrative cost.

2. Refund; Increase in deposit. If the actual cost is less than the deposit, or if the applicant withdraws an application under section 17.60.080, the city will refund the unused balance to the applicant within 15 working days after final action on the application, or after the withdrawal.

If it appears that the actual cost will be greater than the deposit, the Director may require an additional deposit, and may direct the city staff to cease work on the application until the city has received the additional deposit. The city may not issue a permit based on the application until the balance is paid.

D. Extraordinary costs. Extraordinary costs incurred by the city in processing an application include the cost of consultants and experts determined by city staff, the Planning Commission or the City Council to be necessary for a full and adequate hearing. The applicant is responsible for these costs, which will be included in a deposit amount under subsection C.

E. Reduction for affordable dwelling units. A multi-family residential project that incorporates affordable units is eligible for a 20% reduction in the application fees.

17.60.050 City indemnification.

Each applicant 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 this chapter 17.

17.60.060 Approval authority.

A. Planning Director; City Clerk. The Planning Director has the primary authority to approve: some design review permit (including signs), some wireless communication facilities permits, and accessory dwelling unit permits. Except for accessory dwelling unit permits, the Planning Director may, in the director's discretion, refer any of these applications directly to the Planning Commission.

The City Clerk has the primary authority to approve home occupation permits.

B. Public Works Director. The Public Works Director has the primary authority to approve: encroachments permits, and sign permits on public property.

C. Planning Commission. The Planning Commission has the primary authority to approve applications for variances, some design review permits, conditional use permits, some wireless communication facilities permits, and to make recommendations to the City Council regarding ~~conditional use permits~~, zoning amendments, some subdivisions, and development agreements. The Planning Commission also hears appeals from decisions of the Planning Director, and matters referred from the Planning Director. Combined applications involving multiple permits or approvals will be heard together.

D. City Council. The City Council has the authority to approve ~~conditional use permits~~, development agreements, zoning ordinance amendments, some subdivisions, ~~some wireless communication facilities permits~~, and to hear appeals from the Planning Commission. Combined applications involving multiple permits or approvals will be heard together.

All actions taken under this section 17.60.020, except for subsection D (City Council), are subject to division 17.78, Appeals and Calls for Review. (Ord. 747 N.S., 02/2020)

17.60.070 Decision; New application.

A. Decision. When considering an application, the hearing body may approve, approve with conditions, or deny the application. The decision is based on the regulations in effect at the time the application is approved or denied. The hearing body will inform the applicant of its reasons, and state the basis for findings, if findings are required. The decision is final and takes effect at the end of the appeal period, or, if appealed, after the appeal has been decided. (See division 17.78, Appeals; Calls for review.) If no appeal is filed, any required time period is measured from the date of the original decision

B. New application. If the hearing body denies an application, it is presumed to be without prejudice, meaning the applicant may re-submit a modified application at any time. However, the hearing body may deny an application with prejudice, meaning that the applicant may not resubmit a new application for substantially the same project for one year.

17.60.080 Withdrawal of application.

An applicant may withdraw an application at any time during the review process before the final decision, by filling out the request for withdrawal form. Upon withdrawal, the applicant may request a partial refund of fees, in proportion to the staff time and costs already expended, in the Director's discretion.

DIVISION 17.68**CONDITIONAL USE PERMIT**

Sections:

- 17.68.010 General: Intent; Applicability.
- 17.68.020 Application.
- 17.68.030 Hearing-Decision Making body
- 17.68.040 Findings for Conditional Use Permit
- 17.68.050 Review
- 17.68.060 Modification
- 17.68.070 Permit to run with land

17.68.010 General: Intent; Applicability.

A. ~~General~~General; Intent. No person shall begin a conditional use without first obtaining a conditional use permit. The purpose of conditional use permits is to provide a process for reviewing land uses which may be compatible with the zoning district, but whose effect on the site and surroundings cannot be determined before being proposed for a specific location. After recommendation from t~~The Planning Commission, the City Council may approve a conditional use permit, upon making findings of approval and imposing any necessary subject to conditions of approval.~~

B. Applicability. A conditional use permit is required for:

~~1. a use listed as a conditional use in any zone, or a change in an existing conditional use, unless the new proposed use is permitted by right or is a minor modification under 17.68.060. A conditional use permit is not required for a single-family residence.~~

~~2. new construction, or a structural change to: commercial or mixed use in Zone D.~~

C. Wireless communication facilities permit. A wireless communication facility is a conditional use in ~~Zones A through E~~all zones if not otherwise permitted by and approved under division 17.46. However, a wireless communication facilities permit under division 17.46 is required instead of a conditional use permit.

17.68.020 Application.

The applicant must submit an ~~written~~application for a conditional use permit, ~~or a minor modification to a conditional use permit~~ on a form provided by the Director. The application shall be accompanied by plans as set forth in the required materials for a ~~the use applicable~~permit application, and the application fee. Where necessary, the Director or hearing body may waive a requirement or require additional information.

17.68.030 Hearing-Decision Making body.

A. Conditional Use Permit. The Planning Commission will hold a hearing on ~~the a conditional use a~~an application and make a final recommendation decision to the City Council. The decision of

~~the City Council is final~~ The decision of the Planning Commission can be appealed to the City Council subject to Division 17.78.

B. Minor modification. The Director will make a determination on a minor modification. The decision of the Director can be appealed to the Planning Commission subject to 17.78.

17.68.040 Findings for Conditional Use Permit.

A. ~~The Planning Commission may recommend and the City Council may~~ approve a conditional use permit for a residential use requiring a conditional use permit (e.g. large family day care home, residential group home, residential component of mixed-use development) only after making the following findings:

1. The proposed use is ~~compatible-consistent~~ with the general plan and, any applicable specific plan, and the use conforms to the zoning code.

2. ~~The use is primarily intended to serve Piedmont residents (rather than the larger region); and~~

~~32.- 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.~~

The proposed use will not cause an increase in peak hour traffic exceeding 50 trips as determined by a traffic study.

3. The proposed use will not generate a parking demand greater than the number of on-site spaces provided in accordance with the city parking standards.

4. The proposed use will not produce noise levels that exceed 50 dBA measured at the nearest residential property line.

5. The proposed use will not require new or expanded public services or infrastructure beyond existing capacity.

B. The Planning Commission may approve a conditional use permit for a commercial or commercial component of mixed-use development only after making the following findings:

1. Necessity, Desirability, Compatibility. That the size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the general neighborhood; and

2. Adverse Impacts. That such use as proposed will not be detrimental to the public health, safety, or general welfare, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- a) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - b) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - c) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, trash and recycling management, lighting and signs; and
3. Consistency with Zoning Ordinance, General Plan and Specific Plan. That such use or feature as proposed will comply with the applicable provisions of this chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.

17.68.050 Review.

A. Review. Each conditional use permit is subject to review two years after the permit is approved, or a longer period if provided in the approved permit, and each five years after that, or longer as determined by the ~~City Council~~Planning Commission. The Director will initiate the review and provide a report to the Planning Commission. If the Director or Planning Commission determines that there may be grounds for revocation of the permit, the Director will schedule the matter for a revocation hearing under section 17.80.050.

B. Applicability to prior conditional use permits. If a use permit issued before December 2013 has a condition with an automatic review or termination date, that condition is superseded by this section.

17.68.060 Modification.

~~A person wishing to make a minor modification to a conditional use permit may submit an application for modification to the Director, together with the application fee. Consideration of a request for a minor modification requires the same procedures and findings as for the original use permit.~~

A. Application. A person may apply for a minor modification to a conditional use permit if the modification meets any of the following criteria:

- 1. The cumulative physical expansion of any structure approved in the original Conditional Use Permit by no more than 100 square feet.
- 2. The expansion or intensification of use by no more than 10% of the original use.
- 3. Relocation of a use within the same property or structure.
- 4. A maximum 25% increase or decrease in the number of employees or hours of operation.

B. Minor Modification Findings: The Director may approve a minor modification to a conditional use permit only after making the following findings:

- 1. The modification qualifies as a minor modification described in 17.68.060.A.
- 2. The modification does not have any new significant impact and is Categorically Exempt from the California Environmental Quality Act.

3. The modification is consistent and in substantial conformance with the conditions of approval of the existing conditional use permit.

C. Other Modifications. An applicant wishing to make modifications to an existing conditional use permit that does not meet the criteria in section 17.68.060.A, shall submit an application for an amendment to their existing conditional use permit. Consideration of this application requires the same procedures and findings as for the original use permit.

D. It is not the intent of this Section that a series of minor modifications be used to circumvent the need for a new Conditional Use Permit.

17.68.070 Permit to run with land.

A conditional use permit granted pursuant to the provisions of this division shall run with the land and shall continue to be valid upon a change of ownership of the business or property which is the subject of the conditional use permit.

SECTION 17.70**VARIANCE**

Sections:

- 17.70.010 General; Exceptions.
- 17.70.020 Application
- 17.70.030 Hearing body
- 17.70.040 Findings

17.70.010 General; Exceptions.

A. General. The city may approve a variance from the provisions of this chapter, except for those features set forth in subsection B, which do not require a variance.

B. Exceptions.

1. These features do not require a variance: fence, retaining wall, or site feature.
2. A variance is not required to replace a nonconforming:
 - a. garage, pool house, exempt accessory dwelling unit, or accessory structure, which is destroyed, and any of those may be replaced as it was, within two years, without increasing the degree of nonconformity, and without a variance under this division; (See section 17.50.020 B.4.)
 - b. deck, balcony, porch, or site feature, which is destroyed, and any of those may be replaced as it was, within one year, without increasing the degree of nonconformity, and without a variance under this division. (See section 17.50.020 B.4.)
3. If a proposed improvement of an existing structure is subject only to a design review permit except that a feature of the improvement requires a variance, the city may approve it without the need for a variance if: (1) the extent of the nonconformity is unchanged or reduced; and (2) the proposal meets the design review permit requirements of section 17.66.050, Standards. (See section 17.66.020 F.)
4. A variance shall not be required to construct an accessory dwelling unit meeting the standards of division 17.38. (Ord. 747 N.S., 02/2020; Ord. 768 N.S. 01/2023)

17.70.020 Application.

The applicant must submit a written application for a variance on a form provided by the Director. The application shall be accompanied by: plans as set forth in the required materials for a variance; a statement of the reasons for and evidence in support of the request; and the application fee. Where necessary, the Director or hearing body may waive a requirement or require additional information, including a survey.

17.70.030 Hearing body.

The Planning Commission will hold a hearing and decide on a variance request.

However, when another related application is normally decided by the City Council, the City Council will also be the decision-making body on the variance, and the Planning Commission will make a recommendation to the City Council. For example, this applies to an application for a subdivision (under chapter 19), ~~conditional use permit (under division 17.68), or a wireless communications facility permit (under division 17.46).~~

17.70.040 Findings.

A. Findings. The hearing body may approve a variance only if it makes the following findings:

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;
2. The project is compatible with the immediately surrounding neighborhood and the public welfare; and
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. (See also Reasonable accommodation, at division 17.76.)

B. No variance for use. The city may not grant a variance authorizing a use or activity not otherwise permitted.

ARTICLE 5. DEFINITIONS; MEASUREMENTS

17.90.010	Definitions
17.90.020	Measurements

17.90.010 Definitions.

In this chapter:

Abutting means next to, or against. It does not include a property across a street.

Accessory use. See *Uses*.

Adjacent means next to, or against. For notification purposes, it includes a property directly across a street.

Affordable housing and related definitions. See section 17.38.020.

Americans with Disabilities Act or *ADA* means the federal act that prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, government services, public accommodations, commercial facilities, and transportation, including amendments made to the Act.

Art and Craft Store means a retail store that sells art, glass, ceramics, paintings, sculpture, or other handcrafted items. This establishment may also feature on-site studio or workshop spaces designed for the creation of items like knitted goods, pottery, and paintings.

Assisted living means housing that provides a combination of traditional housing with personalized supportive services and care.

Bakery means any room, building or place used or operated for making, preparing or baking bread, cakes, pies, pastry, doughnuts, rolls, biscuits, crackers or other edible products of flour or meal to be sold to the public.

Basement means that portion of a building that is partly or completely below grade.

Bedroom includes any room with features generally characteristic of bedrooms, regardless of its designation on a building plan. A bedroom has adequate privacy and meets the minimum size and habitation requirements of the Building Code. It includes and is not limited to a room with: (a) access to a full bathroom on the same floor or within half a floor, if the house has a split level; (b) access to a full bathroom through a common hallway or other common space such as a kitchen, living room and/or dining room. A *bedroom* need not have a closet.

Building means a structure for the support, shelter, or enclosure of persons, animals, or possessions. See also *Structure*.

Nonconforming building means a building or structure which was legally established, but which does not conform to the regulations of the zone in which it is presently located. See division 17.50.

Building Code means the California Building Codes adopted by the city at chapter 5.

Business (license) tax. See chapter 10.

City Code means the Piedmont City Code.

Clothing store means a retail establishment whose principal purpose is to sell ready-made and made-to-order clothing and/or accessories such as bags, headwear, footwear, and jewelry.

Co-housing means rental communities or developments where shared common spaces, such as kitchens, living rooms, and outdoor areas, are managed communally or by the landlord, but each household has a private bedroom or living space. A “*Co-housing unit*” means a unit rented for periods of 30 days or more containing one or more private bedrooms and providing a minimum of one shared living room, kitchen, and bathroom for every five bedrooms or fewer.

Conditional use permit or *use permit.* See division 17.68.

Day means a calendar day, unless stated otherwise. (See also section 17.04.080 regarding extensions of time for holidays and weekends.

Day care facility means an existing or proposed building, equipment and any accessory structures on a site, in which there are programs and personnel licensed by the state for direct child or adult care services including, but not limited to shelter, food, education and play opportunities for a portion of the day.

Daylight plane. See Section 17.90.020, Measurements.

Demolition as used in Chapter 17 means the decimating, razing, ruining, tearing down or wrecking of any structure or building, including any change to a building which removes a dwelling unit. As used herein, the word "demolition" shall include any partial demolition and any interior demolition affecting more than 70 percent of the original structure, including exterior facades, vertical elements (such as interior walls, interior stairs, chimneys) and horizontal elements (such as roof areas, floor plates), as determined by the Building Official.

Density (residential) means the amount of development per acre on a parcel under the applicable zoning, commonly measured as dwelling units per acre (du/ac). Residential density is a computation expressing number of dwelling units per acre.

Director or Planning Director means the City Planning Director or his or her designee.

Dwellings:

Accessory dwelling unit. (Formerly *second unit*.) See division 17.38.

Dwelling unit means a room or a suite of connecting rooms, which provides complete, independent living quarters for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation, and which complies with all building code requirements.

Dwelling unit, studio means any dwelling unit wherein one habitable room provides for combines living, sleeping, cooking, dining, and sanitation.

Multi-family dwelling means a residential structure containing more than one dwelling unit and designed to be occupied by more than one family independently of each other.

Primary unit means a principal single-family dwelling.

Rented room. See section 17.40.020.

Single-family dwelling or *single-family residence* means a building or structure, which is designed or used exclusively as a residence, including only one dwelling unit.

Short term rental. See section 17.40.020.

Emergency Shelter means housing with minimal supportive services that is limited to occupancy of up to 180 days by persons who are homeless, victims of domestic violence, individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.). Emergency shelter shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

Employee Housing means housing provided by an employer and maintained in connection with any work or place where is being performed, as more particularly defined in California Health and Safety Code Subdivision 17008, or successor statute, as may be amended from time to time.

Fair Housing Laws means (1) the Federal Fair Housing Act (42 U.S.C. § 3601 and following) and (2) the California Fair Employment and Housing Act (Govt. Code § 12955 and following), including amendments to them.

Family means: (i) two or more persons related by birth, marriage, or adoption, or (ii) an individual or a group of persons living together who constitute a bona fide housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.

Fence. See Measurements.

Floor area. See Measurements.

Florist Shop means a retail establishment that sells cut flowers and ornamental plants. Florist shops may also offer services such as flower care, arranging, design, merchandising, and delivery.

Footprint. See Measurements.

Frontage. See Measurements.

Grade. See Measurements.

Ground floor is the floor level in a commercial or mixed-use building nearest the lowest adjacent grade.

Group home means housing shared by unrelated persons with disabilities that provide peer and other support for their resident's disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.

Hearing body or *appeal body* means the Planning Director, Planning Commission, or City Council authorized under this chapter to hear a matter.

Home occupation. See division 17.44.

Improvement(s) means any building, structure, landscaping, or other alteration of the natural or existing state of land.

Includes means includes but not limited to.

Independent living means housing that is designed to enable seniors to live an independent lifestyle that includes recreational, educational, and social activities.

Kitchen:

Kitchen, accessory means permanent facilities for the purpose of food storage, preparation and/or cooking, located on a single-family residential property, which are accessory and incidental to a primary kitchen. An accessory kitchen includes, but is not limited to: kitchen facilities or a wet-bar in a pool house, guest cottage, domestic quarters, or recreation room; or a wet-bar or outdoor kitchen.

Kitchen, primary means the main kitchen facilities within a single-family residence or accessory dwelling unit having permanent facilities for the purpose of food storage, preparation and cooking.

Landscape; hardscape; open space:

Landscaping means the planting, irrigation, and maintenance of land with living plant and other organic materials.

Hardscape surface means any non-landscaped surface where vegetation would not easily grow. See Measurements at section 17.90.020.

Open space means an expanse of land that is essentially unimproved except for vegetation and walkways.

Living space means space within a dwelling unit or accessory structure used for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.

Lots; lot lines:

Lot means a parcel of land under one ownership.

Corner lot means a lot located at the intersection of two or more streets and with frontage on at least two of those streets.

Interior lot means a lot not defined as a corner lot or a through lot.

Lot line means one of the boundary lines of a lot.

Rear lot line is the lot line most directly opposite the street lot line.

Side lot line means a lot line that is not defined as a street lot line or rear lot line.

Street lot line means a lot line along a street.

Through lot means a lot where both the street lot line and rear lot line have frontage on a street.

Low Barrier Navigation Centers means a low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing, as more particularly defined in California Government Code section 65600, or a successor statute, as may be amended from time to time.

Low-income household means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to California Health and Safety Code Section 50052.5.

Manufactured home means a single-family detached or attached structure that is either wholly or substantially manufactured off-site, to be wholly or partially assembled on site, manufactured under the authority of 42 USC Section 5401, the National Manufactured Home Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes or mobile homes. It is transportable in one or more sections, is built on a permanent chassis, and is used as a residence, but is not constructed with a permanent hitch or other device allowing transport other than for the purpose of delivery to a permanent site, and does not have wheels or axles attached permanently to its body.

Minor servicing means any premises developed with facilities for the sale of motor vehicle fuels; and which may also provide lubricants, tires, batteries, accessory items, and other customary services for motor vehicles. The servicing of motor vehicles shall be generally limited to lubrication, minor repairs, and washing. Minor servicing shall not include major motor vehicle repair.

Mobile home means a transportable, manufactured home, designed to be used as a year-round residential dwelling unit, connected to required utilities, and built prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. A mobile home does not include a recreational vehicle, motor coach, trailer coach or travel trailer.

Multifamily means a building designed or used exclusively as a residence that includes two or more separate dwelling units. This definition includes, but not limited to, duplexes and triplexes, apartments, and townhomes under a common ownership.

Peak staffing means the time at which the maximum number of employees are on site.

Person means an individual natural person, firm, corporation, association, organization, partnership, limited liability company, business trust, corporation or company, or the authorized agent of the person. It includes a governmental entity other than the city.

Public transit stop means a regularly scheduled bus stop, as posted in a transit agency's most current publication of routes and stops, including but not limited to Alameda-Contra Costa Transit District (AC Transit) bus service.

Reasonable accommodation. See division 17.78.

Religious assembly means a facility for religious worship and incidental religious education and social functions, but not including a private school.

Religious institution affiliated housing is as defined in California Government Code section § 65913.6(a)(5) or a successor statute, as may be amended from time to time.

Religious institution affiliated emergency shelters means emergency shelters, as defined above, that meet the locational requirement for religious institution affiliated housing.

Religious-use parking spaces means parking that are required under the local agency's parking requirements for existing places of worship, or parking spaces that would be required in a proposed development for a new place of worship.

Residence. See *Dwelling*.

Residential care facilities means facilities for residential care for the elderly, adult residential facilities, group homes for children, and small family homes for children. Residential care

facilities that provide licensable services provide licenses under State law. Residential care facilities that do not provide licensable services may provide some supportive services for their residents but not services that require licenses under State law.

Restaurant means an establishment that prepares food or sells packaged food for on-site consumption, take-out, or delivery. Service models typically range from self-serve to full-service. This classification includes cafeterias, delicatessens, sandwich shops, pizza parlors, food trucks, and take-out restaurants that have a storefront restaurant component.

Rented room. See section 17.40.020.

Setback. See Measurements, section 17.90.020.

Short-term rental. See section 17.40.030.

Sign. See section 17.36.010.

Single-room occupancy (SRO) means a type of group residential use where there are at least five single rooms with no more than two occupants in each unit. The single rooms are habitable rooms that may have a bathroom and/or limited cooking facilities, and are intended for combined living and dining purposes.

Street means a public vehicular roadway. It does not include a public alley, or a private roadway. (A list of streets is set forth in the Piedmont Design Guidelines.)

Structure; Site feature:

Accessory structure means a detached structure, the use of which is appropriate, incidental to, and customarily or necessarily related to the zone and to the principal use of the lot or to that of the primary structure.

Deck. See Measurements, section 17.90.020.

Primary structure means the structure on a lot in which the principal use is conducted. It does not include an accessory structure, site feature, underground facility, built feature listed in Building Code section 5.2.2, on-grade improvement, or temporary handicap structure.

Site feature means a subordinate structure that is intended to functionally or decoratively enhance a property and that is primarily used for recreation, decoration or as a utility feature. A list of site features is set forth in the Piedmont Design Guidelines. *Site feature* does not include an accessory structure, primary structure, or built feature listed in Building Code section 5.2.2.

Structure means a built feature that is located or attached to the ground, and that is 12 inches or higher above existing or proposed grade. *Structure* does not include fencing or retaining walls. See also *Building*.

Structural change means a physical change, addition, or reduction in an exterior wall, an interior bearing wall, a floor, or a roof and/or the addition of a new structure.

Supportive housing means housing with no limit on length of stay that is linked to on-site or off-site services, as more particularly defined in Health and Safety Code section 50675.14(b)(2), or successor statute, as may be amended from time to time, respectively.

Transitional housing and transitional housing development means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months, as more particularly defined in Health and Safety Code section 50675.2(h), or successor statute, as may be amended from time to time, respectively.

Uses.

Use means the purpose for which a parcel or improvement is designed, arranged, or intended.

Accessory use means a use that is appropriate, subordinate, incidental, and customarily or necessarily related to a lawfully existing principal use on the same lot.

Conditional use means a principal use for which a conditional use permit is required. (See division 17.68. See also wireless communication facility permit at division 17.46.)

Mixed use commercial/residential means a development that combines commercial and residential uses and has both (a) ground floor retail, office or service commercial; and (b) a multi-family residential dwelling. See Measurement.

Nonconforming use means a use that was legally established consistent with the zoning in effect at the time of its establishment, but which does not conform to the regulations of the zone in which it is presently located. See division 17.50.

Permitted use means a principal use that is allowed as a matter of right in a particular zone.

Principal use means the primary use permitted or conditionally permitted on a lot.

Variance. See division 17.70.

View means an existing significant view involving more than the immediately surrounding properties or a view of sky, including, but not limited to, any of the following: city skyline, historic landmark, bridge, distant cities, geologic feature, significant hillside terrain, wooded canyon or ridge.

Wine shop means a retail establishment that specializes in serving wine and the selling of wine for off-premise consumption.

Wireless communication facility and related definitions. See section 17.46.020.

Yards.

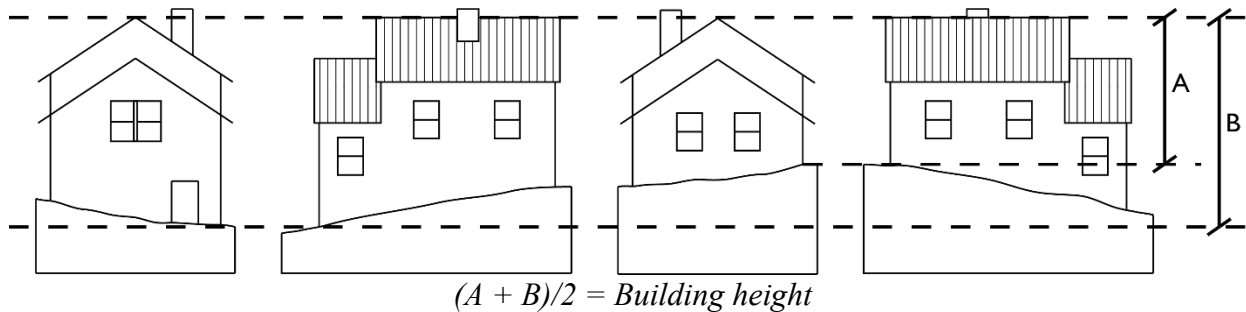
Rear yard means a yard abutting the rear lot line, measured between the rear lot line and the nearest point of the primary structure.

Side yard means a yard measured between the side lot line and the nearest point of the primary structure.

Street yard means a yard facing a street, measured between the street lot line and the nearest point of the primary structure. (Ord. 742 N.S., 05/2018, Ord. 747 N.S., 02/2020)

17.90.020 Measurements

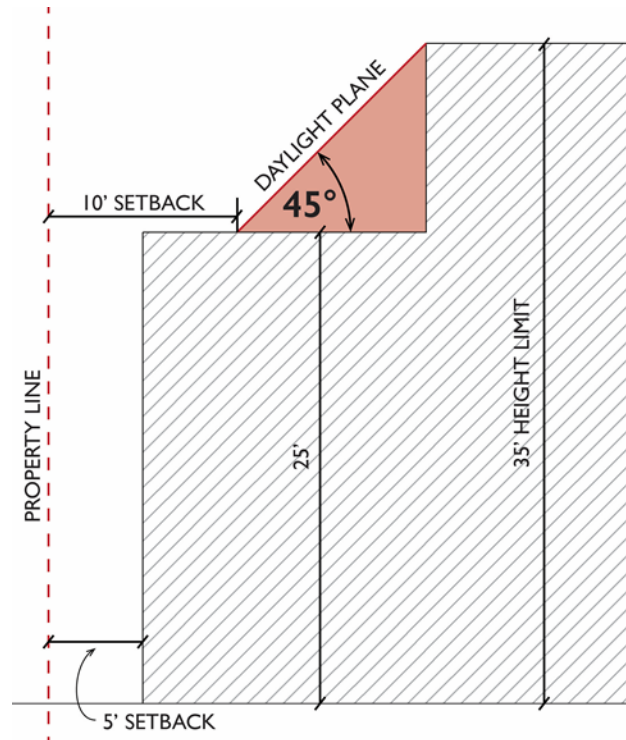
Building height is measured from the average level of the highest and lowest point of that portion of the ground covered by the footprint of the building to the highest point of the roof ridge, penthouse, mechanical equipment, or parapet wall. *Building height* is not measured to the highest point of a chimney or communications antenna.



Building height of an accessory dwelling unit is measured from the average level of the highest and lowest point of that portion of the ground covered by the footprint of the *accessory dwelling unit* to the highest point of the roof ridge, mechanical equipment, or parapet wall. *Building height of an accessory dwelling unit* is not measured to the highest point of a chimney or communications antenna.

Coverage means the percentage of the lot area that is covered. *Coverage* may refer either to (1) all structures and site features including their vertical projections to the ground except eaves, sills, cornices, awnings that project three feet or less from the wall surface, (2) hardscape surfaces, or (3) to both, as may be specified in the context. (See Design Guidelines.)

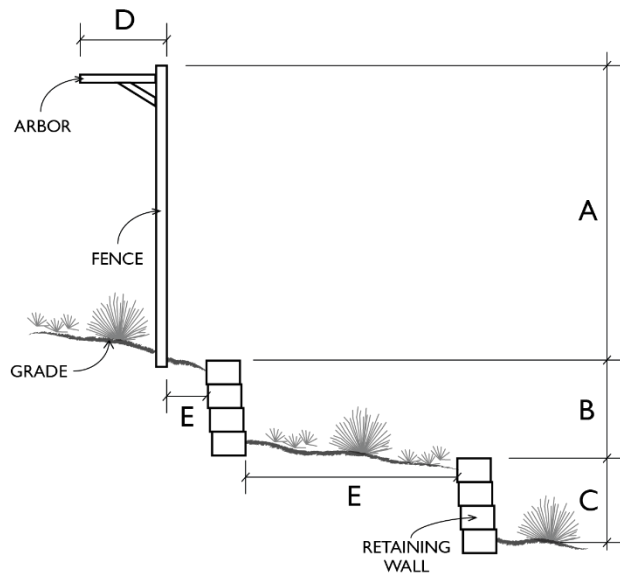
Daylight plane means a height limitation that when combined with the maximum height limit, defines the maximum building envelope. A new structure or addition must fall within this envelope. The daylight plane is measured inward toward the center of the property at an angle of 45 degrees from a point defined by its height above grade and distance from the abutting lot line.



Deck means an expanse of wood or other material where any part of the horizontal surface is greater than 12 inches above the ground directly below the point of measurement.

Dwelling units per acre (du/ac) means how many individual dwellings can be located on any one lot. For example, a single-family residence on a 1-acre lot would have a density of 1 du/ac. Likewise, if a 50-unit apartment building is on a 0.5-acre lot, the density would be 100 du/ac. The physical size of the lot determines how many dwellings can fit on a site; a 0.5-acre lot with a density maximum of 20 du/acre would only be permitted for up to 10 dwelling units. Du/ac does not dictate unit size or unit type.

Fence means a vertical barrier that is attached to the ground or atop a retaining wall. Fencing may include a railing, free-standing wall, or a decorative element such as lattice, trellis, and covered gate, or any combination of these features. Neither the trellis or any part of the fence may be wider than 24 inches in the smallest plan dimension. A *fence* may be free-standing or self-supporting.



If measurement "E" is less than 24 inches, the fence and retaining walls are measured together (e.g., $A+B=Height$).

If measurement "E" is greater than 24 inches, the fence and retaining walls are measured independently. (e.g., measurement C would be independent of A+B)

If measurement "D" is ≤ 24 " the improvement is considered a fence.

If measurement "D" is > 24 " the improvement is considered a site feature.

The measurement and terracing of fences and retaining walls. See section 17.30.010.

Floor area of a building means the sum of the gross horizontal area of the floors of the building, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, and includes, but is not limited to:

1. living space on all levels, including within a basement or attic;
2. elevator shafts and stairwells at each floor;
3. bay window or window seat that projects beyond the exterior wall in which a person can reasonably stand or sit, even if the window or seat does not have a minimum ceiling height of seven feet, six inches;
4. seventy square feet or more of contiguous non-habitable attic area that has permanent access, a minimum ceiling height of five feet, and an average ceiling height of at least seven feet six inches. *Permanent access* includes built-in stairs (even if they do not meet all of the building code requirements), but does not include built-in or pull-down ladders;
5. seventy square feet or more of contiguous non-habitable basement area that has a minimum ceiling height of seven feet and at least 42 inches of the basement level, measured from the basement ceiling, is above grade at the exterior wall;
6. enclosed porch or lanai, heated or not;
7. high-volume space that exceeds an average height of 15 feet, measured from finished floor to the outer roof, is counted as two stories; and
8. area within a building used for commercial purposes.

Unless listed above, living space not considered habitable under the Building Code because of window size, ventilation, access, ceiling height, heating, or electrical service (e.g. unconditioned storage area) is not counted in the floor area, but if the space is actually used for living, sleeping, eating, bathing, washing, or cooking, the space will be included, subject to the interpretation of the Director. Mechanical rooms containing gas-burning furnaces or gas-burning hot water heaters are not considered a living space. (Ord. 774 N.S., 09/2024)

Floor height is measured from the floor level of a story to the floor level of the story directly above or roof surface directly above. See also *Story*.

Footprint means the total land area covered by all accessory and primary structures on a lot, measured from outside the exterior walls and supporting columns or posts, except that the following are not included in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than 30 inches above finished grade and which project no more than 36 inches from the footprint;
2. Uncovered and unenclosed stairways, including railings, which are less than six feet above finished grade and which project no more than 36 inches from the footprint;
3. Eave or and roof overhang that projects up to three feet from the exterior wall surface or supporting column or post;
4. Trellis, awning or similar feature that projects horizontally up to three feet from the exterior wall surface or supporting column or post.

Frontage means the length of a lot line of a lot contiguous with a portion of a public or private street, whether or not the entrance to any structure on that lot faces the street. Frontage may occur along a front, side, or rear lot line.

Grade.

Average grade means the average level of land on the surface defined as the shortest distance between finished grade at the highest and lowest sides of a structure.

Existing grade means the level of the ground or pavement as it exists before it is disturbed in preparation for a project.

Hardscape includes: a structure; paving material (concrete, asphalt, brick, stone, gravel, wood, stepping stone or other similar walkway); swimming pool; or patio, deck, balcony, or terrace. *Hardscape* does not include building eaves or landscaping. Nor does it include retaining walls, fences, furniture, statuary, or other individual built features used in conjunction with landscaping which individually do not cover more than ten square feet and cumulatively do not cover more than 100 square feet.

Net lot area means the area of a lot, excluding publicly dedicated land and private streets that meet local standards, and other public use areas.

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.

Story means a portion of a building included between the upper surface of a floor and the upper surface of the floor or roof above. See also *Floor height*. (Ord. 743 N.S., 05/2018, Ord. 768 N.S. 01/2023; Ord. 769 N.S., 10/2023, Ord. 772 N.S. 03/2024)

Rev. 2025-03-04 (Ordinance 778 N.S., 03/2025)

Commercial Permitting Standards

We'd like your feedback on proposed operating standards for new businesses in Piedmont.

Summary Of Responses

As of June 12, 2025, 11:43 AM, this forum had:		Topic Start	Topic End
Attendees:	105	December 13, 2024, 3:16 PM	January 20, 2025, 11:59 PM
Responses:	31		
Hours of Public Comment:	1.6		

QUESTION 1

Do you live within a 10-minute walk of the commercial and mixed-use area on Grand Avenue or Highland Avenue?

		%	Count
Yes		83.3%	25
No		16.7%	5

Are there any comments you would like to share about the proposed performance standards for all business types?

- Outdoor uses should be permitted provided they do not impede sidewalks/pathways or accessibility. These use would be expected to draw the major portion of their clientele from outside the neighborhood. This is not an objective factor. I am supportive of community-oriented businesses we all know Piedmont needs a good coffee shop but people should have the ability to set up a business if they meet objective criteria and the market can support them. This requirement is artificially exclusionary. It's not the governments place to put a thumb on the scale in favor of certain types of business (unless related to factors like safety).
- In bulletin #1 I would request a definition of â enclosed structure. Is that necessarily a permanent structure? Could a business erect a temporary enclosed structure?
- There should not be any more commercial businesses in Piedmont regardless of standards or rules unless special circumstances exist. We are surrounded by Oakland which offers most everything that anyone needs.
- - Food and drinks should be able to be outside on a patio or rooftop during middle of the day. To not allow this would be absolutely silly. Mulberrys has this now.
- It would be ideal if they provided parking for customers and employees on their own site, instead of using the very limited parking on Highland Avenue, for example.
- I would love to see outdoor seating areas for uses such as a wine bar, cafe, or ice cream / coffee shop. It seems like these standards wouldn't allow for that.
- - Disagree with no outdoor service. Should be allowed for cafes and restaurants.
- Remove neighborhood serving requirement. Ace Hardware and Mulberrys are the two largest commercial uses, and are not "neighborhood serving" but rather citywide and beyond serving.
- No loading 8 am to 9 am may be appropriate for Highland, but not for Grand Avenue. Unnecessary restriction.
- Businesses must be required to clean sidewalk in front of their space. Mulberrys customers leave food and trash around as it is. Staining the sidewalk. This is how SF became so dirty.
- I am concerned about how the proposed performance standards might impact local small businesses. Here are my thoughts:
 1. Outdoor Services Ban: This limits business flexibility and potential revenue, especially during peak times.
 2. Neighborhood-Serving Shops: The definition might be too restrictive, potentially stifling business growth and diversity.
 3. Setback Restrictions: These could reduce usable space significantly, impacting operations for space-constrained businesses.
 4. Loading Time Limits: The 8-9am restriction on school days could disrupt business logistics, increasing costs.
 5. Trash and Storage Screening: These requirements could add financial strain due to the need for additional infrastructure.

Suggestions:

- Allow seasonal outdoor permits.
- Clarify what "neighborhood-serving" means to avoid limiting business models.
- Offer practical setback use guidelines.
- Adjust loading times or provide shared zones.
- Support businesses with grants for compliance costs.

These standards should support, not hinder, our local economy. Thank you for considering these points.

- Would love to see more outdoor services and have vibrant streets
- Make it easier for businesses to thrive in Piedmont and create walkable urban amenities that make folks want to live nearby.
- No
- My feeling is that this is more unnecessary government overreach that might actually present more impediments to potential new businesses. It isn't like there are lines of people trying to open up businesses in Piedmont. It would be more helpful to lower permit fees and make inspections and licenses easier for businesses to procure.
- My biggest concern for any commercial businesses is available parking. Currently, even with parking available, the businesses at Linda and Grand impact parking on both streets. The city should restrict parking on and around those regions so that residents have access to parking. This is especially true on Linda Ave, which is also impacted by the park and school.
- Disagree with the neighborhood serving because it serves to isolate Piedmont as a white rich only area trying to keep others out. Also, along Grand it is ludicrous to only be a neighborhood serving as Grand is a major thoroughfare through Oakland and Piedmont.
Disagree with No outdoor services. Why can't we have outdoor seating? We have such wonderful weather in the Bay Area why do we have to be closed in a building?
- I would allow for decor outside of the business during business hours.
- I think outdoor services (patios for cafes, restaurants, etc) are a strong positive feature for prospective businesses and would prefer to promote businesses that make good use of outdoor spaces (site permitting)
- Grand Ave. and City Center are very different. Grand is very commercial, but City Center is not.
- outdoor services for cafe/restaurants could be a desirable option

Are there any comments you'd like to share on the proposed standards for wine shops?

- 8 pm closing seems an hour early for shops conducting wine tasting. I am unclear on the need for a restriction on number of employees.
- Tables out front of a business like this is good for Public Safety. Lots of eyes and ears on the street.
- We do not need wine shops. There are some already within walking distance in Oakland.
- I think it is a bad idea to have wine shops on Highland Avenue, so close to schools, and on an already-busy and often dangerous stretch of road. Inebriated drivers could endanger our children, and residents.
- Seems like a wine shop should be open until 9 pm, not sure why it would close earlier than a restaurant.
- Is this employees present at one time/simultaneously? Why would you limit these in any case and make it harder on businesses?
- I don't want any wine shops unless we are adding police to help enforcement crime as it relates to drunk driving and minor in possession and theft

- I have some concerns regarding the proposed performance standards for wine shops:
 - Hours of Operation (9am-8pm): These hours might be too restrictive, especially during high-traffic periods like holidays or special events. Extending evening hours could benefit both the business and the community, providing more flexibility for customers.
 - Number of Employees (5): Limiting the number of employees to five might not be practical for wine shops, particularly during peak times or if the shop offers tastings or events. This could affect service quality and operational efficiency.
 - Definition: The definition of a wine shop as "a tavern that specializes in selling and service wine" seems misleading. Traditionally, wine shops focus on retail sales rather than tavern-like service. This definition might confuse potential business owners about the nature of operations allowed under this permit.

Suggestions:

- Hours: Consider allowing extended hours on weekends or special event days to accommodate different customer schedules.
 - Staffing: Allow for more flexibility in staffing, perhaps based on square footage or expected customer capacity, to ensure customer service isn't compromised during busy periods.
 - Clarify Definition: Revise the definition to better reflect a retail-focused business. Perhaps, "A retail establishment specializing in the sale of wine for off-premises consumption."
- These adjustments would help ensure that wine shops can operate viably while maintaining the neighborhood's character and serving its residents effectively.
- I think it's a mistake to allow wine/beer vendors without more vetting. Especially along the residential stretch of Grand.
 - allow them to be open until 10 to have an opportunity to host special events in the evening
 - Why just wine? Beer or bottle shop?
 - No
 - Allow for those with allergies to participate by providing Cider.
 - Would only grape-based alcoholic beverages be allowed to be sold? Not clear on the limitations of this use. Would tastings be allowed?
 - See previous comment about parking concerns.
 - Until 8pm? Why bother opening a business in Piedmont at all.
 - No, if we let a wine shop come in it would be a bad fit since from what I understand the only place this could go is right next to the schools and so I think that would be a bad fit.
 - I would not permit a tavern near schools/park (along Highland).
 - I'd be curious to understand the 8pm hours of operation. A wine shop that also services wine seems like a great neighborhood destination for an evening glass of wine, but that would require being open until ~9:30 or 10pm
 - Wine shops should be open until 10pm.
 - Grand only.
 - I would want them to stay open later than 8PM

Are there any comments you'd like to share on the proposed standards for limited service restaurants and cafes?

- Why shouldn't these establishments be allowed to serve breakfast before 9 am? Why shouldn't they be allowed to serve alcohol?
- I'd be concerned about any business grilling or frying food in close proximity to residential parcels as the noise, smoke, and fmgrease would be a nuisance.
- Tables out front of a business like this is good for Public Safety. Lots of eyes and ears on the street. I think the city needs both a dine in and a take away restaurant option.
- We do not need any. There are many already within walking distance in Oakland.
- - Why prevent sales of alcohol on site? Instead are we encouraging our residents to drive to be served and then drive home when they could walk? This is silly and backwards.
 - You could instead limit the number of beverages served to any one person if public intoxication is a concern
 - Why are we barring a club structure? Instead, we could encourage a club structure where all Piedmont residents have to be granted membership. This stipulation does not seem well thought out.
 - A club might actually be the best solution as it could be managed as a public good for the Piedmont community. There must be a full time manager who is the party responsible, and this should address the need to have accountability.
 - why could the restaurant not have a food truck pop up? We allow those at the park, so why are we barring that across the street? This seems backwards.
 - Why ground floor only? Piedmont doesn't have a lot of these spaces but has a lot of demand for this kind of service, so it would only make sense to allow a second floor. Again, backwards thinking here!
 - what we do not want is a catering business in the middle of our town. We are not a warehouse district hosting ghost kitchens.
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted.
- Open until 11pm Steak & Chops full service restaurant
- Why wouldn't alcohol be permitted? This seems to limit our ability to attract a high quality restaurant by lowering the income potential.
- Please do not limit the number of employees. If we get one large restaurant in this town, great. How many employees does Ace Hardware have, and if they closed, why wouldn't be ok to have a restaurant of similar size in its place?
- Again they need to clean their sidewalks. The trash bins at the park fill up quickly especially on weekends- these businesses will need to be responsible for trash their customers create. We should not add these businesses. But if we must we need to ensure they will keep Piedmont clean.

- I strongly disagree with the proposed performance standards for limited service restaurants and cafes, as they seem to be detrimental to the sustainability and growth of these businesses:
 - Hours of Operation (9am-9pm): These hours are too restrictive, particularly for establishments that benefit from late-night or early-morning business. Many cafes and restaurants thrive on evening trade or breakfast crowds, and these limitations could significantly reduce their operational viability.
 - Number of Employees (10): Capping the number of employees at 10 limits the potential for these businesses to scale or even maintain service during peak times. This could lead to poor customer service due to understaffing, especially in busy areas.
 - Alcohol Prohibition: Prohibiting on-premise alcohol service severely restricts the business model of many cafes and restaurants. Offering alcoholic beverages is often a key part of their revenue, especially for evening business. This could deter customers looking for a full dining experience.
 - Ground Floor Only: This restriction could limit the availability of commercial space for new or expanding businesses, particularly in areas where ground floor real estate is scarce or prohibitively expensive.
 - Definition and Exclusions: The definition seems overly specific and excludes many business models that could benefit the neighborhood, like food trucks or pop-up events, which are increasingly popular and can offer unique culinary experiences.

Suggestions:

- Extend Hours: Allow for later hours, at least on certain days, to cater to different demographic needs and increase revenue potential.
 - Remove or Increase Employee Cap: Either remove the cap or adjust it based on the size of the establishment or expected customer volume.
 - Reconsider Alcohol Ban: Permit alcohol sales with appropriate licensing to align with customer expectations and enhance business viability.
 - Flexible Location: Allow operations on upper floors or in different formats to increase business opportunities.
 - Broader Definition: Expand the definition to include modern food service models like food trucks or temporary setups that can stimulate local economies.
- These standards, as proposed, do not seem to consider the operational needs of modern food and beverage businesses or the economic benefits they bring to the community. I urge you to revisit these standards to ensure they support rather than hinder small business growth.
- should be open until 10pm and allow for alcohol
 - I wouldn't call a business selling packaged food a restaurant or cafe, but I am not sure what the proper term is.
 - If we were fortunate enough to get a restaurant like this in town, i would not limit the number of employees required to make it successful.
 - See comment about parking concerns.
 - What's wrong with Piedmont having a REAL restaurant? Disagree with this 100%!!
 - Yes, since from what I can understand it seems that the students that go to the high school, middle school, and Havens, all they have accessible to eat for lunch is just basically sandwiches from mulberries and ramen from the gas station, and so I feel that kids also need another option for lunch at school, or just to have it after school.
 - Being open until 10pm is fine and I would prefer to change hours until 10pm.
 - Grand only

Are there any comments you'd like to share on the proposed standards for bakeries?

- Can this be a retail location where the baked goods are made off-site and delivered hourly to be sold here? As the La Farigne model on Piedmont Avenue? I am not opposed to that but if that is allowed it should factor in a commercial loading zone.
- This would be welcomed
- We do not need any. There are many already within walking distance in Oakland. Mulberry's ?
- Same as above.
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted.
- Do not limit number of employees. Do not make it hard for businesses to operate.
- Again they need to clean their sidewalks. The trash bins at the park fill up quickly especially on weekends- these businesses will need to be responsible for trash their customers create. We should not add these businesses. But if we must we need to ensure they will keep Piedmont clean.
- I am writing to express my strong opposition to the proposed standards for bakeries, as they appear to be counterproductive to both business operations and community benefits:
 - Hours of Operation (6am-6pm): These hours are too limited, especially considering bakeries often start early to prepare fresh goods for morning customers. Evening hours could also benefit from after-work crowds or special events. This restriction could significantly reduce the bakery's ability to serve the community effectively.
 - Number of Employees (5): Limiting the staff to five is impractical for many bakeries, particularly during peak production times or when managing both baking and retail operations. This could lead to reduced service quality and product availability.
 - Prohibition on Manufacturing for External Sale: This severely restricts the business model of a bakery by prohibiting wholesale or supply to other local businesses, which many rely on for additional income. This not only hampers growth but also limits the economic circulation within the neighborhood.
 - Exemption from Parking Provisions: While this might be seen as beneficial, it could lead to parking congestion issues if not balanced with other solutions, particularly if the bakery's customer base increases.
 - Ground Floor Only: This could limit new or expanding bakeries from finding suitable locations, especially in areas where ground-level commercial spaces are limited or expensive.
 - Definition and Scale Limitation: The definition seems to restrict bakeries to a very narrow scope of operation, which does not reflect the diverse business models that exist today, from artisanal to commercial scale. Limiting sales to individual customers only would prevent bakeries from engaging in community events or partnerships with local cafes or restaurants.

Suggestions:

- Extend Operational Hours: Allow bakeries to operate based on community needs, possibly with later closing times or earlier openings.
- Increase Employee Allowance: Remove or expand the employee cap to reflect actual operational needs, especially during busy periods.
- Allow Broader Sales: Permit bakeries to sell products wholesale or to other businesses, fostering local business ecosystems.
- Review Location Restrictions: Consider allowing bakeries on different floors or in multi-use buildings to increase viable locations.
- Reevaluate Definition: Broaden the definition to include modern bakery practices and business models

that benefit both the bakery and the neighborhood.

These standards, if implemented as proposed, would not only limit business potential but also reduce the vibrancy and economic activity of our neighborhood. I urge you to reconsider these standards to support local entrepreneurship and community engagement.

- once again, why limit the hours of operation. if an establishment wants/needs more flexibility to support their business, allow them to dictate their hours including staying open later
- No
- I think the performance standards are not necessary. Same with employee count.
- See comments about parking concerns
- This is perfect! Please allow for seating!
- Yes, but I also feel that a restaurant would be a better fit since all the kids need a restaurant to eat at but also a bakery would be a good option.
- Grand only

Are there any comments you'd like to share on the proposed standards for florist shops?

No

- We do not need any. There are many already within walking distance in Oakland. We do not have room or need for more. ACE on Grand ?
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted.
- Provide Parking lot
- Again, doesn't make sense to limit number of employees.
- No
- Employee limit not needed
- See comment about parking concerns
- No, Piedmont doesn't need anything like that.
- Sounds good.
- Grand Only

- I find the proposed standards for florist shops to be not only impractical but also detrimental to the business and the community it serves. Here's why:
 - Hours of Operation (7am-8pm): These hours are overly restrictive for a florist shop. Many florists start early to prepare for the day's orders, especially for events like weddings or funerals that require early morning deliveries. Evening hours are also crucial as they coincide with when people often buy flowers for celebrations or as gifts. This limitation could severely restrict business opportunities, particularly during high-demand periods like holidays or special events.
 - Number of Employees (5): Capping the number of employees at five is ludicrous for florist shops, especially during peak seasons or when dealing with large orders. Floristry involves labor-intensive tasks like arranging, delivery, and customer service, which require adequate staffing to maintain quality and meet customer expectations. This cap could lead to service degradation and customer dissatisfaction.
 - Parking Exemption: While an exemption from parking provisions might seem advantageous, it could lead to parking chaos around the shop, particularly if customer volume increases. There should be some consideration for how this impacts local traffic and access.
 - Definition: The definition provided is too narrow and does not account for the evolving nature of florist businesses, which might include workshops, classes, or expanded offerings like garden supplies or gifts.

Key Concerns and Suggestions:

- Extend Hours: Florist shops should have the flexibility to operate from early morning to late evening or even 24/7 for certain services like emergency orders or pre-arranged holiday deliveries.
- Staffing Flexibility: Remove the employee cap or make it dynamic based on business size, peak times, or special events to ensure that the shop can scale operations as needed.
- Consider Parking: If exempt from parking provisions, there should be a plan in place for managing customer flow and parking to avoid congestion, perhaps through shared parking arrangements or promoting alternative transport like bike racks or delivery services.
- Expand Definition: The definition should recognize the broader activities florists engage in, such as educational classes, community events, or partnerships with local businesses, to encourage a vibrant, evolving business model.

These proposed standards seem out of touch with the operational realities of running a florist shop and could stifle growth, innovation, and community engagement. I strongly suggest revising these standards to reflect the actual needs and potential of florist businesses to thrive and contribute positively to our neighborhood.

Are there any comments you'd like to share about the proposed standards for plant nurseries and garden supply stores?

- No
- I am confused by this question. We already have a nursery with Ace on Grand. I don't think we need another one.
- We do not need any. There are many already within walking distance in Oakland. We do not have room or need for more. ACE on Grand ?
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted.
- We would be really lucky to get any new businesses of the type listed previously. Please make it easy for them to locate, and not difficult. Remove all requirements related to size, number of employees, etc.

- I must express my strong disagreement with the proposed standards for plant nurseries and garden supply stores. Here's why:
 - Hours of Operation (7am-8pm): This schedule is excessively limiting for a business where customer needs vary greatly by season. Early morning hours are essential for those wanting to avoid the heat or for professionals who start their workday early. Conversely, extending hours into the evening would cater to people working during the day who wish to garden as a leisure activity. The current proposal could significantly reduce business potential, especially during peak gardening seasons like spring and fall.
 - Number of Employees (10): Limiting the staff to just 10 employees is impractical for nurseries and garden centers, particularly during busy periods or when managing both retail and nursery operations. These businesses often require more hands for tasks like plant care, customer service, and handling large quantities of goods. This cap could lead to overburdened staff, reduced service quality, and ultimately, a negative customer experience.

Key Concerns and Recommendations:

- Extend Hours: Allow for operational hours that reflect the needs of both the business and the community. Perhaps consider later closings on certain days or during high season, and earlier openings to accommodate different customer schedules.
- Remove or Adjust Employee Cap: The number of employees should be based on the size of the operation, the scope of services offered, and seasonal demands rather than a fixed number. This would enable nurseries to scale their workforce appropriately to maintain plant health and customer service.
- Seasonal Flexibility: Propose standards that recognize the seasonal nature of this business, allowing for adjustments in hours and staffing based on seasonal demands to better serve the community and maintain plant health.
- Support Growth: Rather than imposing restrictions, the standards should facilitate business growth, community engagement, and the environmental benefits that nurseries bring to neighborhoods, like workshops, community projects, or educational events.

These proposed standards are not only unrealistic but also counterproductive to fostering a vibrant local economy and green community spaces. I urge you to reconsider these measures to ensure they support rather than hinder local plant nurseries and garden supply stores.

- No
- Again, not needed and could limit the existing greatly appreciated nursery at Ace Hardware.
- See comment about parking concerns
- Should be required to have sufficient parking with better traffic flow onto and off main streets.
- No, Piedmont doesn't need anything like that.
- Would they be allowed to have outdoor operations? On the first page it said something about not having outdoor activities, so may need to be explicit here since a plant nursery would need outdoor areas.
- Grand only

Are there any comments you'd like to share about the proposed standards for clothing stores, art and craft stores, or book stores?

- No
- I am deeply concerned that the proposed performance standards for neighborhood-serving retail like clothing stores, art and craft stores, and bookstores resemble a form of business dictatorship rather than supportive regulation. Here's my critique:
 - Hours of Operation (9am-8pm): These hours are restrictive and do not account for the varied shopping habits of customers, especially in evenings or on weekends. Retail businesses often depend on extended hours to accommodate working individuals who shop after work or on days off, which could be crucial for their survival, particularly during holiday seasons or special sales events.
 - Number of Employees (8): Capping the number of employees at eight is not only impractical but also detrimental. Retail, especially in areas like art and crafts or specialty clothing, requires staff for customer assistance, inventory management, and in-store events or workshops. This limitation could lead to poor customer service, reduced stock variety, and stymied growth opportunities.

Specific Comments:

- Clothing Store: The need for flexibility in hours is even more pronounced in fashion retail, where evening shopping can be a significant revenue driver.
- Art and Craft Store: These stores often thrive on community engagement through classes or demonstrations, which might require more hands than the proposed cap allows. The crafting area mentioned should be supported by adequate staffing to ensure safety, quality, and instructional capacity.
- Bookstore: Bookstores benefit from evening events like readings or book clubs, which not only increase foot traffic but also community engagement. The current standards would severely limit these cultural activities.

Recommendations:

- Flexible Operating Hours: Allow for later closing times or special event hours to cater to the community's needs and maximize business potential.
- Uncap or Flexibly Cap Staffing: Allow businesses to scale staffing according to peak times, store size, or event schedules. This would ensure better service and operational efficiency.
- Encourage Community Interaction: These standards should foster, not hinder, community activities like workshops, book clubs, or fashion shows, which are vital for small retail survival and neighborhood vitality.

These measures, as they stand, do not support the struggling small businesses in our neighborhood but instead place additional burdens on them. They could lead to closures rather than growth, reducing the diversity and richness of our local commerce. I urge you to reconsider these standards to ensure they are supportive and reflective of the real needs of small business owners and their customers.

- We do not need any. There are many already within walking distance in Oakland. We do not have room or need for more. ACE on Grand ?
- These stores would need to attract buyers far beyond Piedmont in order to be successful, so I do not see this type of business as one that should be included!
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted.
- Open until 11:00pm
- Remove number of employees

- We need to add more police if we were going to have this type of shop. Where is the city planning?? Where is the top down approach? Why are we recreating the crummy business districts with a hodge podge of mediocre shops that we see all around the east bay?
- No
- Employee count is arbitrary and not needed.
- See comment about parking concern
- Sounds fine.
- No, Piedmont doesn't need anything like that.
- Grand only

Are there any comments you'd like to share on the proposed standards for bike shops or hardware stores?

- No
- We do not need any. There are many already within walking distance in Oakland. There is ACE and a bike shop almost across the street from ACE ?
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted.
- Don't need hardware or bike store
- I bet you Ace Hardware has more than 10 employees at any one time. Would they become illegal? Why limit the number of employees?
- See above but PLEASE NO! We don't have parking let alone parking enforcement for these shops.
- I think parking needs to be taken into consideration for all of these proposed businesses
- Don't know whether Bike Shop activities need to be defined or restricted - e.g., sales, repairs, holding community meetings, arranging bike tours, etc.
- Same. Don't limit how Ace Hardware needs to work . Strongly disagree with this intrusive, unnecessary requirement.
- See comment about parking concern
- Hardware store should be required to have parking.
- No, Piedmont doesn't need anything like that.
- Hardware stores could open earlier than 8am, similar to nurseries.
- Grand only

Are there any comments you'd like to share about the proposed standards for offices?

- 5 pm closure is too restrictive.
- By listing professional services you may be limiting others. Either make the list broader or longer. Counseling? Consulting? Test prep? Tutoring? Advertising? PR? Etc. 5 pm closing time feels restrictive. 6 pm allows people needing services after getting off work.
- We do not need any more. There are many already within walking distance in both Piedmont & Oakland. Wells Building & office buildings already available on Grand.
- These businesses would need to attract clients far beyond Piedmont in order to be successful, so I do not see this type of business as one that should be included!

- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted.
- These would be the least valuable uses as they are least likely to be used on a regular basis by a wide range of people. Also don't create a community feel. Seems a lot like the banks that occupy all of our commercial spaces today.
- Remove requirement related to not permitted on ground floor. I am good with real estate offices being on the ground floor, e.g. That may be the only use we may be able to get in a mixed-use building with residential above.
- businesses should be allowed to occupy ground floor spaces and all business uses should be allowed.
- Other use types come to mind: Accounting, Law
- See comment about parking concern
- These services would go against the Neighborhood Serving because these could not survive just serving Piedmont residents.
- More flexible hours of operation (after 5pm) would be beneficial for professional services like dental and physical therapy. I would move those businesses to the professional services group below.
- Ok
- professional offices may need to be open beyond 5pm, and services like medical/dental/PT may need longer and weekend hours. Would be useful for services to have longer hours for use by full time working residents

Are there any comments you'd like to share on the proposed standards for hair salons and barber services?

- Hopefully no nail salons.
- We had a barber shop in the center of Piedmont for 50 plus years up until the pandemic. Dennis Miller retired during COVID.
- These businesses would need to attract clients far beyond Piedmont in order to be successful, so I do not see this type of business as one that should be included!
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted. I also agree with the no massage services element.
- Do not limit number of employees
- Just no.
- No
- See comment about parking concern
- These services would go against the Neighborhood Serving because these could not survive just serving Piedmont residents.
- Second floor only

Are there any comments you'd like to share about the proposed standards for professional services?

- No
- We do not need any. There are many already within walking distance in Oakland. However, at the Veteran's Hall, already there is exercise and Orvis difficult to get participants.
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted. As a yoga practitioner myself (albeit online from home), I can see why a yoga shop would want to be open at 7 AM, but it is also a driver of traffic in the early hours, particularly on Highland Avenue where it is generally quiet until closer to 8-8:30am when school drop-off happens. Plus, it would add to congestion during those hours/rush-hour in an area with lots of children and families on foot.
- Do not limit number of employees
- We don't have parking for this
- all uses should be permitted on the ground floor
- No
- Same comments...Employee count not needed.
- See comment about parking concern
- These services would go against the "Neighborhood Serving" because these could not survive just serving Piedmont residents.
- No, Piedmont doesn't need anything like that.
- I think a Yoga studio (or any place offering classes like that) should be allowed to have 6am classes.
- Include medical services.
- Grand street only

Are there any comments you'd like to share regarding the proposed standards for fitness centers?

- Why prohibit child care, which will make these more attractive for families (maybe they could even offer services tailored to kids)?
- No
- We do not need any. There are many already within walking distance in Oakland. I walk to one in Montclair except I drive in foul weather.
- These businesses would need to attract clients far beyond Piedmont in order to be successful, so I do not see this type of business as one that should be included!
- I think they should provide their own parking spots for customers and employees, so that already-limited parking on Highland Avenue and Grand Avenue is not impacted. I can see why a fitness shop would want to be open at 6AM, but it is also a driver of traffic in the early hours, particularly on Highland Avenue where it is generally quiet until closer to 8-8:30am when school drop-off happens. Plus, it would add to congestion during those hours/rush-hour in an area with lots of children and families on foot.
- We should consider an earlier opening time of 5:30. Many people have to workout before work and kid responsibilities
- Do not limit number of employees. How will you monitor that in any case?
- We don't have parking for this!!
- allow for these uses to be on second floors and allow on-site, short term child care

- No
- I think the City should be thankful if someone wanted to create a fitness center with childcare or 7 employees.
- See comment about parking concern
- These services would go against the ~ Neighborhood Serving because these could not survive just serving Piedmont residents. These hours for a fitness center are stupid; most people that work couldn't fit a workout during these hours. This facility would also need ample parking.
- Would hate to see this compete with PRD programs.
- For a fitness center to have a 6am class, they may need to open earlier. I attend 6am workout classes, and they open the doors around 5:50 for people to come in. It is worth considering this use case as it is very common for exercise classes (and yoga classes above)
- Grand st only

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