

City of Piedmont
COUNCIL AGENDA REPORT

DATE: April 15, 2024

TO: Mayor and City Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of Approval of a Conditional Use Permit for Project Glow at 1235 Grand Avenue

RECOMMENDATION

Approve the attached resolution (Attachment 1) to:

1. Approve a conditional use permit to allow for a new beauty salon at 1235 Grand Avenue, subject to three conditions of approval; and
2. Determine that the project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1 (a), Existing Facilities and Section 15332, In-Fill Development Projects.

EXECUTIVE SUMMARY

Under Piedmont Municipal Code 17.60.060.C(d), the City Council is the body with decision-making authority over conditional use permits, and the Planning Commission is the body that makes recommendations to the Council on such permit applications. On April 8, 2024, the Planning Commission considered an application for conditional use permit (CUP) for Project Glow, a proposed beauty salon at 1235 Grand Avenue (CUP2024-001). The Planning Commission unanimously recommended that the Council approve the application, subject to conditions.

DISCUSSION AND BACKGROUND

In Piedmont, CUPs are required when there is a change in an existing conditional use (Piedmont Municipal Code 17.68.010.B.1). A CUP was requested by a lessee of an existing mixed-use commercial and residential building at 1235 Grand Avenue. The lessee requests the CUP to allow for a new beauty salon because the proposed use is a modification from the previous use, which was a retail flooring store.

The structure was originally constructed in 1923 and features a mixed use building, with a ground floor and mezzanine level for commercial uses and a residential unit on the upper level. A private garage for the residence is attached to the commercial storefront.

In response to the application form questions below, the applicant submitted the following information indicated **in bold**:

1. Proposed Use of Business/Organization: **Beauty Salon.**
2. Days and Hours of Operation: **7 days a week, 10am-7pm**
3. Number of On-Site Parking Spaces: **None**
4. Maximum Number of People Using Business/Organization at One Time: **7 to 10**
5. Type(s) of Staff/Personnel, Number of Each: **5 to 7 full-time and part-time staff, total**
6. Projected Busiest Hours/Days: **10 am to 5 pm**
7. Potential Neighborhood Impacts: **No differences from the previous businesses since 1988**
8. Benefit to Piedmont Residents: **Project Glow is a beauty salon that offers quality services to its clientele. Our business already serves many clients from Piedmont. Piedmonters would benefit from having our services closer to their homes. Almost all Piedmont women could use our services, and we would be honored to provide them with premium beauty treatments. Our mission is to help women feel beautiful inside and out. Project Glow hopes to be actively involved in the Piedmont community. We hope to hire Piedmont High School students for part-time work at our salon after school hours, providing students with valuable work experience.**
9. Changes in the existing structure are necessary to accommodate the proposed use as follows: **None are proposed.**

According to the Project Glow representative, the beauty services they will offer are eyelash services, waxing, and spray tanning. No signage is proposed as part of this application. The applicant has provided supplemental application information (Attachment 2), containing a proposed floor plan, a parking analysis and diagram, and a letter of intent detailing the terms of the lease.

Required Findings:

Under Piedmont Municipal Code section 17.68.040, the approval of a conditional use permit requires the following three findings:

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

increase in traffic, parking, or noise; no adverse effect on the character of the neighborhood; no tendency to adversely affect surrounding property values.

Based on staff's analysis, the three findings can be made with the imposition of conditions, as analyzed below.

1. 17.68.040.1 – compatibility with the City's General Plan and Zoning Code:

The proposed use is compatible with the General Plan, particularly the following policies: Land Use Element Policy 2.1 Local Serving Emphasis, as the business' location is convenient and accessible to Piedmont residents; Policy 2.2: Mixed Use Development, as the business is located within a mixed-use structure and zone; Policy 2.6: Commercial Uses as Gathering Places, as the business can be used as a meeting place for customers and residents; and Design and Preservation Element Policy 27.4: City Gateways, as the business is located adjacent to the Piedmont-Oakland city boundary.

The proposed use conforms to the zoning code based on staff's analysis. The subject use is proposed for Zone D. Piedmont Municipal Code section 17.26.030(D) specifies that in Zone D the following uses are a conditional use, "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." The proposed facility will serve Piedmont residents because there are no similar businesses along this segment of Grand Avenue (east of Interstate 580), reducing travel distances for Piedmont residents. Accordingly, the proposed use is compatible with the conditional uses allowed in Zone D.

2. 17.68.040.2 – proposed use provides services to Piedmont residents:

The use as a beauty salon is primarily intended to serve Piedmont residents because the business owner has indicated that many of its existing customers are Piedmont residents and that the proposed location in Piedmont makes it more visible and accessible to Piedmont residents.

3. 17.60.060 - proposed use does not have adverse health, safety, and welfare impacts:

The customer base for the proposed beauty salon will be similar in volume and intensity compared to the commercial uses that have occupied the site since 1997 and would not create a significant impact to traffic, parking, and safety when compared to previous uses. Since 1997 the property has been home to a rug gallery, a linen and bath shop, a fashion boutique, and a flooring showroom. The previous businesses had anywhere from two to five staff onsite, and the maximum number of users at the businesses ranged from five to ten users. The previous businesses were also open for business up to seven days a week. For comparison, this business is similar to the conditional use permit approved in 2005 for Patu, a linens and bath accessories shop, which anticipated 10 users on the property at once. Further north on Grand Avenue, other businesses have limited off-street parking (or none at all),

which makes the proposed business' facilities consistent with the neighborhood commercial patterns.

Accordingly, in staff's assessment, the proposed use will not have a material adverse effect on the health, safety, or welfare of persons residing or working in the vicinity. Considerations for this finding include no substantial increase in traffic, parking needs or noise, and no adverse effect on surrounding property values. Pedestrian and vehicular safety will not be affected because the traffic, customer usage, and noise impacts will be similar to the prior uses. Given that there is a residential parking permit program already in place along several streets radiating off Grand Avenue, parking for residents will not be adversely affected.

Recommended Conditions of Approval:

Regarding the recommended approval of the CUP application, the Planning Commission recommended the following three conditions of approval:

1. Terms of the Approval. A review of the conditional use permit shall occur as provided in City Code section 17.68.050.A, and the conditional use permit shall have the following operational characteristics:
 Operating Hours: **10:00 a.m. to 7:00 p.m., 7 days a week.**
 Types of Staff/Personnel: **Maximum of 7 full-time and part-time staff, total**
2. Signage. Any new or modified exterior signage shall comply with the provisions of Division 17.36 of the City Code.
3. Defense of Legal Challenges. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

The General Plan and Chapter 17 Zoning Code provisions for conditional uses in Zone D are provided in Attachment 4, agenda report pages 35-37.

PLANNING COMMISSION RECOMMENDATION

Prior to the Planning Commission meeting, ten public comments were submitted to the Planning Commission. At its meeting on April 8, 2024, the Planning Commission placed the application on the consent calendar and unanimously recommended the approval of the CUP. No member of the public spoke in opposition or support of the application. In this report, staff recommends that the City Council approve the CUP application as recommended by the Planning Commission, and staff recommends the Council adopt the findings made by the Commission. The terms of approval are on agenda report page 4. Staff has prepared a draft resolution (Attachment A) for the consideration of the Council.

A video of the Planning Commission's deliberations and motion to recommend approval of the CUP, including the findings made in support of this recommendation, can be viewed at: https://piedmont.granicus.com/MediaPlayer.php?view_id=3&clip_id=2456 by selecting agenda item number 4.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, Sections 15301, Existing Facilities, because the project consists of a change in leasing and minor alteration of a private structure that does not expand the existing floor area of the commercial tenant space.

The proposed project is also categorically exempt from CEQA Section 15332, In-Fill Development, because the project is consistent with the underlying zoning regulations and General Plan designation; is on an urban site of less than five acres; does not impact endangered species or habitats; does not significantly impact traffic, noise, air quality, or water quality; and the site can be adequately served by all utilities and public services.

FISCAL IMPACT

Commercial businesses, such as Project Glow, are required to obtain a City business license and report income to the City of Piedmont. Due to the small size of the proposed new business, staff has been unable to identify a fiscal impact to the Piedmont general fund resulting from action on the CUP application.

CITY COUNCIL ACTION REQUIRED

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

Report by: Steven Lizzarago, Assistant Planner

ATTACHMENTS

<u>Number</u>	<u>Page Numbers</u>	<u>Title</u>
1	7-10	Draft Resolution Approving a Conditional Use Permit at 1235 Grand Avenue
2	11-23	Conditional Use Permit Application Materials, including plans, findings, letter of intent, and parking analysis
3	24-34	Neighbor Comments submitted to Planning Commission
4	35-37	General Plan and Zoning Code provisions for conditional uses in Zone D
5	38-42	Planning Commission Staff Report for April 8, 2024, without attachments

RESOLUTION No. _____

**A RESOLUTION APPROVING APPLICATION FOR A
CONDITIONAL USE PERMIT AT 1235 GRAND AVENUE AND FINDING THE
PROJECT EXEMPT UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT
GUIDELINES SECTION 15301 AND SECTION 15332**

WHEREAS, Project Glow, represented by Ashley Stoltz, submitted an application for a Conditional Use Permit at 1235 Grand Avenue to allow for a new beauty salon; and

WHEREAS, 1235 Grand Avenue is located in Zone D, which authorizes as a conditional use: “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.”; and

WHEREAS, Applicant is seeking a conditional use permit to change the existing use of a flooring store to a beauty salon, thereby requiring a conditional use permit under Piedmont Municipal Code section 17.26.030.D, which requires a conditional use permit when there is a change in “the type or quality of service or product being marketed”; and

WHEREAS, at a regular meeting on April 8, 2024, the Planning Commission unanimously recommended that the City Council approve the conditional use permit application; and

WHEREAS, under the Piedmont Municipal Code section 17.68.010.A and 17.68.030, the City Council renders the final decision on applications for conditional use permits; and

WHEREAS, the City Council held a duly noticed public hearing on April 15, 2024 and made the following findings as required by Piedmont Municipal Code section 17.68.040:

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

The City Council finds that the proposed use is compatible with the zoning code, specifically the Land Use Element Policy 2.1 Local Serving Emphasis, as the business’ location is convenient and accessible to Piedmont residents; Policy 2.2: Mixed Use Development, as the business is located within a mixed-use structure and zone; Policy 2.6: Commercial Uses as Gathering Places, as the business can be used as a meeting place for customers and residents; and Design and Preservation Element Policy 27.4: City Gateways, as the business is located at adjacent to the Piedmont/Oakland city boundary.

The proposed use also compatible with the zoning code, as the Piedmont Municipal Code section 17.26.030(D) specifies that in Zone D, “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” is a conditional use. The proposed business will serve Piedmont residents because there are no other similar businesses along this segment of Grand Avenue (east of Interstate 580), reducing travel times for residents. Accordingly, the proposed use is compatible with the conditional uses allowed in Zone D.

2. The use is primarily intended to serve Piedmont residents (rather than the larger region) for the following reasons:

The City Council finds that the use is primarily intended to serve Piedmont residents, rather than the larger region because the business owner has indicated that many of its existing customers are Piedmont residents and that the proposed location in Piedmont makes it more visible and accessible to Piedmont residents.

3. The use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity for the following reasons.

The City Council finds that the use will not have a material adverse effect on the health, safety, or welfare of persons residing or working in the vicinity because the customer base for the proposed beauty salon will be similar in volume and intensity compared to the commercial uses that have occupied the site since 1997 and would not create a significant impact to traffic, parking, and safety when compared to previous uses. Since 1997 the property has been home to a rug gallery, a linen and bath shop, a fashion boutique, and a flooring showroom. The previous businesses had anywhere from two to five staff onsite, and the maximum number of users at the business ranged from five to ten users. The previous businesses were also open for business up to seven days a week. For comparison, this business is similar to the conditional use permit approved in 2005 for Patu, a linens and bath accessories shop, which anticipated 10 users on the property at once. Further north on Grand Avenue, other businesses have limited off-street parking (or none at all), which makes the proposed business consistent with the neighborhood commercial patterns.

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 needs or noise, no adverse effect on surrounding property values. Pedestrian and vehicular safety will not be affected because the traffic, customer usage, and noise impacts will be similar to the prior uses. Given that there is a residential parking permit program already in place along several streets radiating off Grand Avenue, parking for residents will not be adversely affected.

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

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

SECTION 2. The application of a Conditional Use Permit to allow the operation of a beauty salon, as it conforms with the criteria and standards of Section 17.68.040 of the Piedmont City Code, subject to the subject to the conditions of approval attached hereto as Exhibit A to this Resolution.

SECTION 3. The City Council determines that the project is categorically exempt under the California Environmental Quality Act Guidelines Section 15301, Class 1 (a), Existing Facilities because the project consists of a change in leasing and minor alteration of a private structure that does not expand the previous use. The project is also categorically exempt from California Environmental Quality Act Guidelines Section 15332, In-Fill Development, because the project is consistent with the underlying zoning regulations and general plan designation; is on an urban site of less than five acres; does not impact endangered species or habitats; does not significantly impact traffic, noise, air quality, or water quality; and the site can be adequately served by all utilities and public services.

SECTION 4. The Planning and Building Director is the custodian of documents and other materials that were considered by the City Council and constitute the record of proceedings on which this decision was based. The records are located at the Planning & Building Department, 120 Vista Avenue, Piedmont, CA 94611.

SECTION 5. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

EXHIBIT A

Regarding the Conditional Use Permit application at 1235 Grand Avenue, the City Council approves the application with the following conditions of approval:

1. **Terms of the Approval.** A review of the conditional use permit shall occur as provided in City Code section 17.68.050.A, and the conditional use permit shall have the following operational characteristics:
Operating Hours: **10:00 a.m. to 7:00 p.m., 7 days a week.**
Types of Staff/Personnel: **Maximum of 7 full-time and part-time staff, total**
2. **Signage.** Any new or modified exterior signage shall comply with the provisions of Division 17.36 of the City Code.
3. **Defense of Legal Challenges.** The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant’s project (“Challenge”). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant’s sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney’s fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Bijan Zahedi
Debra C. Nelson
 633 Grizzly Peak Blvd
 Berkeley, CA 94708

Feb 22, 2024

Ashley Stoltz
 7140 Saroni Drive
 Oakland, CA 94611

RE: Letter of Intent for 1235 Grand Avenue, Piedmont

Dear Ashley:

I am writing to set forth the proposed terms for the lease of 1235 Grand Avenue, Piedmont:

- 1. Tenant:** Ashley Stoltz an individual dba: Project Glow Beauty Salon
- 2. Landlord:** Bijan Zahedi and Debra C. Nelson
- 3. Premises:** Approximately 1,650 rentable square feet as shown on the Attachment A.
- 4. Use:** Beauty Salon and related activities as allowed by applicable zoning and other laws
- 5. Lease Term:** Five years term with an additional 5 years option to renew from the Commencement Date.
- 6. Holdover:** Nonconsensual hold over at 150% of the lease rate.
- 7. Occupancy, Lease and Rent Commencement:** The lease term shall commence 30 days following the Piedmont City Council's approval of conditional use permit. Provided Tenant submits the applicable permit application on or before March 8th, 2024, if the City of Piedmont denies or fails to approve the occupancy or use permit, Tenant shall have the right to terminate the Lease at no cost to Tenant and all deposits shall be returned to Tenant.

8. Base Rental Rate:

Month 1 through 12	\$6,300.00
Month 13 through 24	\$6,300.00

Month 25 through 36	\$6,300.00
Month 37 through 48	\$6,375.00
Month 49 through 60	\$6,450.00

- 9. Security Deposit:** Tenant shall provide a security deposit of \$6,300.00 upon execution of this letter of intent.
- 10. First Month's Rent:** The first month's rent shall be payable upon delivery of the premises.
- 11. Real Estate Commission:** Neither party has engaged the services of a broker in connection with this lease and no commissions are due to any party.

If you are in agreement with the proposed terms, please sign in the space provided below and return to the undersigned together with the deposit check set forth in Section 9.

Sincerely,

Bijan Zahedi

AGREED & ACCEPTED

Ashley Stoltz

1235 Grand Avenue CUP2024-001 Questionnaire:

1. Type of business/organization:
 - Beauty Salon
2. Current Use and/or Proposed Use of Business/Organization:
 - Project Glow will offer beauty salon services and related activities and accessories with the city of Piedmont's application law and regulation in a warm and inviting environment.
3. Exterior and Interior Changes to be Made:
 - None
4. Type of staff/personnel:
 - 5-7 full time/part time.
5. Days and Hours of Operation:
 - 7 days a week/10am-7pm
6. Project busiest hours/days:
 - 10am-5pm
7. Maximum Number of People using business at one time:
 - 7-10
8. Number of on-site parking spaces:
 - None
9. Potential Neighborhood Impacts from related business activities (parking, deliveries, foot traffic, etc.):
 - No differences from the previous business since 1988.
10. Explain how this will be a benefit to Piedmont residents:
 - Project Glow is a beauty salon that offers quality services to its clientele. Our business already serves many clients from Piedmont. Piedmonters would benefit from having our services closer to their homes. Almost all Piedmont women could use our services and we would be honored to provide them with premium beauty treatments. Our mission is to help women feel beautiful inside and out. Project Glow hopes to be actively involved in the Piedmont community. We hope to hire Piedmont High School students for part-time work at our salon after school hours, providing students with valuable work experience.
11. Anticipated Gross Annual Revenue:
 - 500,000
12. Term of the lease:
 - 5 years with 5 year option

Conditional Use Permit Findings:

1. Please describe how the proposed use is compatible with the general plan and conforms to the zoning code:

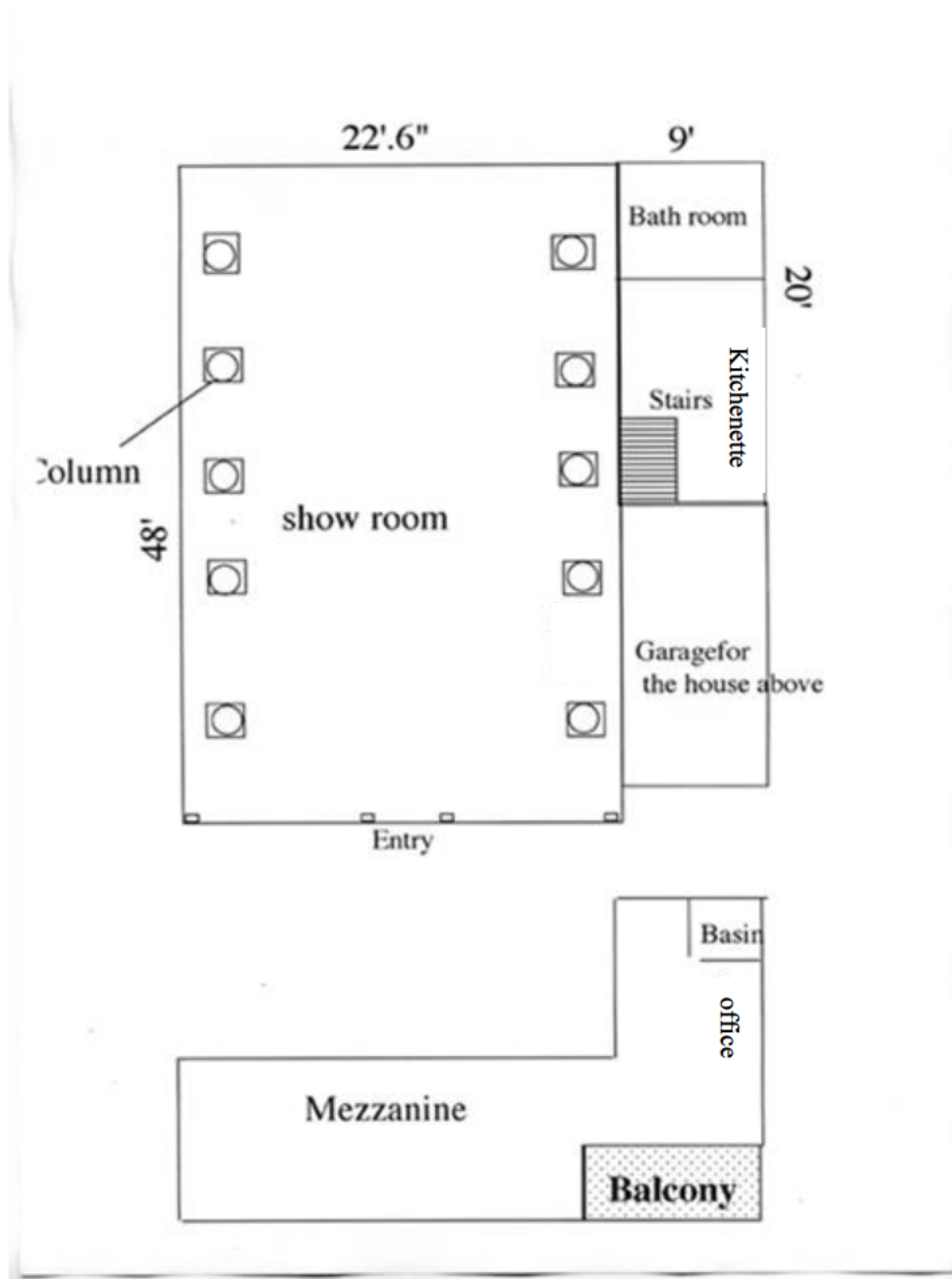
This is an existing retail site in a commercially zoned D area and the proposed change in operation will have no new impact.

2. Please describe how the use is primarily intended to serve Piedmont residents, rather than the larger region:

The use will benefit Piedmont community by providing beauty salon services in an inviting and warm environment. Residents will be able to be served locally.

3. Please describe the effect, if any, of the proposed use on the health, safety, or welfare of persons in the vicinity:

There will be no material adverse effect on the health or safety of the persons residing or working in the vicinity.



2
7

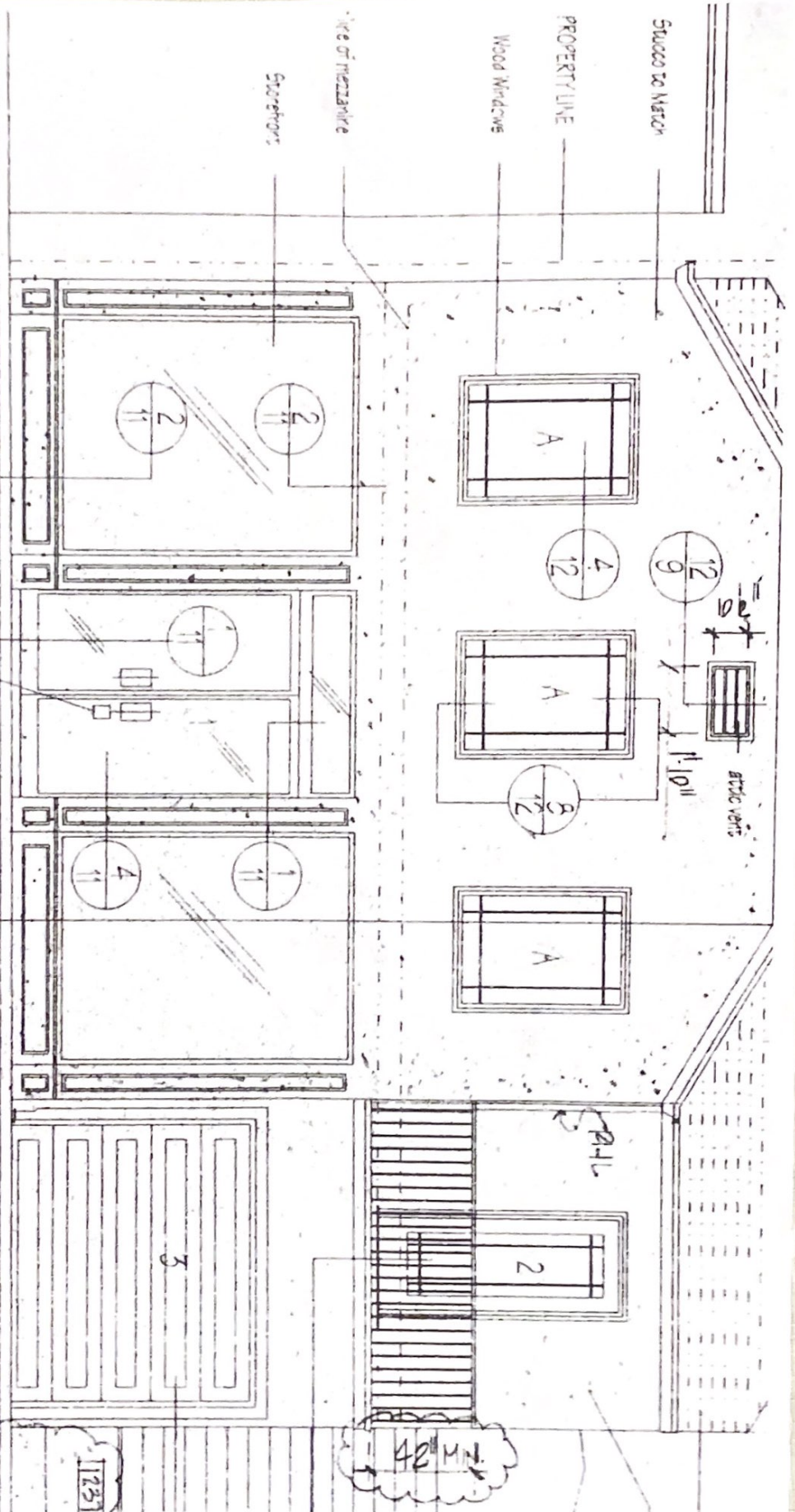
EAST - FRONT ELEVATION

1/4" = 1'-0"

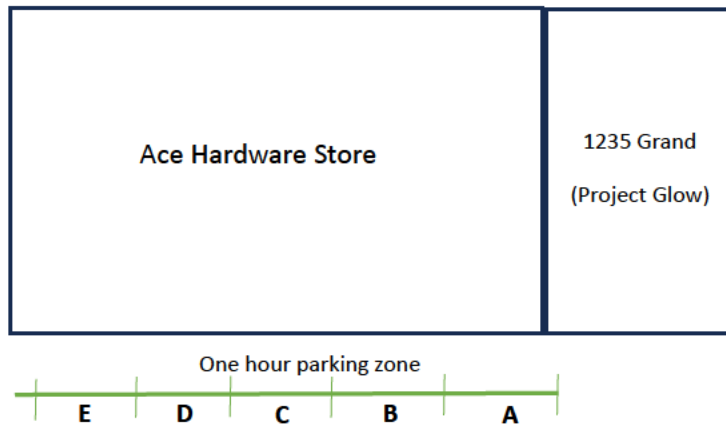
BUSINESS ADDRESS ON
FUTURE ALIENING

Handicap Access Sticker

3/6



Parking Survey Map



There is no need to survey before 10:30am and after 4:30pm since all these spaces are available after 4:30pm. Also, there are other one-hour parking spaces below Ace and across the street from Ace. From 1235 Grand Avenue upwards to Oakland Avenue and beyond, there are non-restricted parking spaces on both sides of Grand.

Hour 10:30-11:30

[illegible]

Hour 11:30-12:30

[illegible]

Date 4/18/05

Hour 12:30-1:30

[illegible]

Date 4/11/05

Hour 2:30-3:30

[illegible]

**SUMMARY OF RESPONSES
FOR**

APPLICANT: Ashley Stoltz

ADDRESS OF PROPERTY: 1235 Grand Avenue

MEETING DATE: April 8, 2024

APPLICATION #: CUP2024-001

Conditional Use Permit Comment Form

On Monday, **April 8, 2024**, the Piedmont Planning Commission will consider the application of Ashley Stoltz for a conditional use permit at **1235 Grand Avenue**. Please note that the Planning Commission shall make a recommendation to the City Council on whether to approve or deny the permit and that the ultimate decision will be made by the City Council at a later hearing. Your comments regarding the proposed construction and its effect on your property are welcome. You may submit comments in writing by completing this form and returning it to City Hall, 120 Vista Avenue, by 4:30 p.m. **Thursday, April 4, 2024**. Your comments will be provided to both the Planning Commission and City Council. If you wish, you may also attend the public hearings on the application and express any opinions you so desire.

On **Monday, April 15, 2024**, the Piedmont City Council will consider the application of Ashley Stoltz and take final action. You may submit comments in writing by completing this form and returning it to City Hall by 4:30 p.m. **Thursday, April 11, 2024**.

Name (please print) Debra C. Nelson
Address [REDACTED] Grizzly Peak Blvd, Berkeley
Telephone Number (510) [REDACTED]

Did you review the plans or discuss the project with the applicant? Yes ☒ No ☐

I/We support the application for design review: Yes ☒ No ☐

Comments:

Ms Stoltz offers wonderful services to her clients.

The neighborhood and greater Piedmont community would benefit from her business.

Debra C. Nelson

RECEIVED

APR 01 2024

PLANNING & BUILDING DEPT.
CITY OF PIEDMONT

Signature Debra C. Nelson Date 3/31/2024

Conditional Use Permit Comment Form

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Name (please print) Gregory Jurin
 Address 1235 Grand Ave., Piedmont
 Telephone Number 510 - [REDACTED]

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

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

Comments:

- * Good use of this commercial space.
- * Minimal effect on the neighborhood.
- * Can benefit Piedmont Residents.
- * Business owner has a good reputation in her present location.
- * Need to confirm open 7 days a week? ^{closed?} ^{Sundays?}
- * Need to ask if she plans to open early (8:00AM) for some working customers wanting to book early before they begin work and if will be open after posted hours for late arrivals.
- * What interior modifications planned like creating private rooms for "public" wax hair removal.
- * Verify number of customers and workers at a maximum at any one time.
- * Check if ACE parking lot availability for ^{her} customers.
- * Confirm signage and window banners. Exterior lighting.

Signature Greg Jurin Date 4/3/24

Conditional Use Permit Comment Form

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On **Monday, April 15, 2024**, the Piedmont City Council will consider the application of Ashley Stoltz and take final action. You may submit comments in writing by completing this form and returning it to City Hall by 4:30 p.m. **Thursday, April 11, 2024**.

Name (please print) Leila Zahedi
Address [REDACTED] Grizzly Peak, Berkeley
Telephone Number 510 [REDACTED]

Did you review the plans or discuss the project with the applicant? Yes ☒ No ☐

I/We support the application for design review: Yes ☒ No ☐

Comments:

I think this would be a fantastic addition to the neighborhood. I wholeheartedly support this application.

RECEIVED

APR 01 2024

PLANNING & BUILDING DEPT.
CITY OF PIEDMONT

Signature Leila M. Zahedi Date 3/31/24

Conditional Use Permit Comment Form

On Monday, **April 8, 2024**, the Piedmont Planning Commission will consider the application of Ashley Stoltz for a conditional use permit at **1235 Grand Avenue**. Please note that the Planning Commission shall make a recommendation to the City Council on whether to approve or deny the permit and that the ultimate decision will be made by the City Council at a later hearing. Your comments regarding the proposed construction and its effect on your property are welcome. You may submit comments in writing by completing this form and returning it to City Hall, 120 Vista Avenue, by 4:30 p.m. **Thursday, April 4, 2024**. Your comments will be provided to both the Planning Commission and City Council. If you wish, you may also attend the public hearings on the application and express any opinions you so desire.

On **Monday, April 15, 2024**, the Piedmont City Council will consider the application of Ashley Stoltz and take final action. You may submit comments in writing by completing this form and returning it to City Hall by 4:30 p.m. **Thursday, April 11, 2024**.

Name (please print) THOMAS HEADLEY

Address [REDACTED] AVE.

Telephone Number 510 [REDACTED]

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

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

Comments: I DID HAVE AN EXTENDED CONVERSATION WITH THE PROPERTY OWNER, BIJAN ZAHE, AND AM INCLINED TO APPROVE OF THE APPLICATION. THE BEAUTY SALON BUSINESS SHOULD BE A POSITIVE ADDITION TO OUR IMMEDIATE NEIGHBORHOOD.

RECEIVED

APR 03 2024

PLANNING & BUILDING DEPT.
CITY OF PIEDMONT

Signature

Thomas R. Headley

Date

MARCH 31, 2024

From: A Lee**Subject:** Project GrowRecommendation **Date:** March 25, 2024
at 7:06 PM

AL

Hi,

My name is Amy Lee. I am a PHS graduate of 1997, a Piedmont community member and I currently work as the Administrative Assistant to the PMS principal Karyn Shipp.

I've lived in Piedmont my whole life and one of the things I have always loved about the community is how supportive we are of small businesses.

I have been going to Project Grow for various beauty services since 2019. Ashley has always been a bright light of positivity for her clients. She is ALWAYS responsive and respectful to her staff and clients. She runs a reputable business that offers services that we would otherwise have to travel for. She is well known among many of my friends in town and having her business closer to our home makes her even more accessible to us.

It is my belief that Ashley would be a contributing member of our community and would add to the beauty of Piedmont. We need to support more small businesses in town and grow our city.

Thanks for taking the thoughts into consideration!

Sincerely,
Amy Lee
Piedmont, CA 94611

March 31, 2024

Dear Piedmont Planning Commission and City Council Members:

I have had the pleasure of meeting Ms. Ashley Stoltz and we have spoken in depth about the services she plans to offer at Project Glow, including eyelashes, waxing, and sunless tanning. She seems very courteous, experienced, positive, and dedicated to her work. I spoke with several immediate neighbors of 1235 Grand Ave. about her business:

Richard and Amy Worthing, Grand Ave.

Gary Braga (Ace Hardware), Grand Ave.

Josh Davis, Grand Ave.

Thomas Headley, Grand Ave.

Greg Jurin, Grand Ave.

and they all reacted positively to Ms. Stoltz establishing a beauty salon at this location. I believe she would be a great addition to the Piedmont community.

Sincerely,

Bijan Zahedi

From: Lynnette Hua
Subject: PG RECOMMENDATION LETTER
Date: March 25, 2024 at 12:47 AM
To: ash ey@

LH

To whom it may concern,

This letter is regarding Ms. Ashley Stoltz. I have been getting services done by Project Glow for the past 4 years and have gotten to know Ms. Stoltz. I myself have been working as an esthetician for 15 years. In all the years I have worked in this industry, I have never seen such an amazing team unit now. Her retention in clientele and employees are solid. I am looking forward to seeing Ms. Stoltz grow Project Glow and take it to the next level.

Kind regards,
Lynnette Leung

From: Nyanda D nyandad81@
Subject: Recommendation letter
Date: March 23, 2024 at 5:27 PM
To: Ashley@

ND

To whom it may concern,

My Name Nyanda L gheart, a resident of the Piedmont area where I and my three daughters have resided for the past 8 years . Professionally I am in the creative space as well as a practitioner of Eastern medicine, which allows me to travel both here and LA biweekly.

I have been a client of Project Glow for the past 5 years. I was referred by my dearest friends Ayesha Curry and Ashley Bas. There is nothing more to say then excellence when describing this space of business and all the amazing individuals who work at this location. From the moment you walk in you are greeted with an inviting soft sound of music and an essence of joy within every greeted smile. I am always acknowledged with authentic kindness and feel like a new woman every time I leave my service. I get stopped constantly and asked where I get my lashes done which speaks volumes to the professionalism and high-quality service of this shop. I have gotten my lashes done by a most aesthetician at this location but who I enjoy most is Ashley Stoltz the owner and creator of Project Glow. I find myself leaving her lash bed feeling a therapeutic shift of happiness from listening to her wisdom and insight during my sessions.

I am grateful to have a woman-owned business in Oak and that speaks to the community and takes every detail with pride. I look forward to her expansion and evolution with her visionizations on growing her business.

Thank you for your time and my hopes that you see the full magic and potential that all of her customers see.

At the best,

Nyanda L gheart

Nyanda L gheart

Founder: SOSBOM

"Sister of the Sun, Brother of the Moon"

www.sistersunbrothermoon

IG: @nyanda_ghheart

Co-Founder/

Vision and Creative Director

Joseph Gross Gallery

Cell : 510.292.1846

www.josephgrossgallery.com

IG: @nyanda_ghheart

CREATIVE DIRECTOR STYLIST INTERIORS ART CONSULTANT

info@sharpwhobjects.com

Samantha Baus
Sports Massage Therapist
Body Fix USA
March 25, 2024

Dear to whom it may concern,

I am writing to provide a professional recommendation for Ms. Ashley Stoltz, whom I have had the privilege of knowing for over five years. During this time, I have consistently utilized her services and have been exceedingly satisfied with the result.

As a sports massage therapist with a demanding schedule, maintaining a polished appearance is essential for my business. Ms. Stoltz's expertise in lash services at Project Glow has been instrumental in helping me present my best self to clients and colleagues alike. The tranquil environment of Project Glow also serves as a sanctuary where I can unwind and rejuvenate.

I can confidently attest to Ms. Stoltz's professionalism, consistency, and dedication to her clients. Her attention to detail and commitment to delivering exceptional results have made her an invaluable asset to my beauty regimen. I am certain that the Piedmont community will greatly benefit from the arrival of Project Glow and its array of services.

Thank you for considering my endorsement of Ms. Ashley Stoltz and Project Glow. Should you require any further information, please do not hesitate to contact me at (650) or Samjbaus@

Best regards,

Samantha Baus
BodyFixUSA

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On **Monday, April 15, 2024**, the Piedmont City Council will consider the application of Ashley Stoltz and take final action. You may submit comments in writing by completing this form and returning it to City Hall by 4:30 p.m. **Thursday, April 11, 2024**.

Name (please print) Dale Hervero

Address 106

Telephone Number 510

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

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

Comments:

RECEIVED
APR 08 2024
PLANNING & BUILDING DEPT.
CITY OF PIEDMONT

Signature

Dale B. Hervero

Date

3/28/2024

ZONING AND CODE COMPLIANCE:

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

Code Compliance

In accordance with section 17.68.010(B):

- (1) A conditional use permit is required for a use listed as a conditional use in any zone, or a change in an existing conditional use. A conditional use permit is not required for a single-family residence.
- (2) A conditional use permit is required for new construction, or a structural change to commercial or mixed use in Zone D.

Zoning

The proposed use is located in Zone D. According to Division 17.26 of the City Code, Zone D is established to regulate and control commercial and mixed-use commercial/residential development, where pedestrian-oriented commercial development will serve city residents, consistent and in harmony with the character of the neighborhood and adjacent residential areas. Commercial uses which will serve the residents of the City are those uses which residents would be expected to use on a regular basis. They do not include uses which would be expected to draw the major portion of their clientele from outside the City of Piedmont and the surrounding area.

According to Piedmont City Code section 17.26.030, the following principal uses are allowed as conditional uses in Zone D:

- A. Religious assembly.
- B. Private school, or day care facility associated with a religious assembly use. A pre-existing school not having a use permit may continue as a non-conforming use as long as the use is not expanded.
- C. Small or large family day care home in accordance with Government Code sections 1597.43 - 1597.47.
- D. Retail, office, and service commercial uses of a type that will primarily serve city residents. Commercial uses that will primarily serve city residents are those uses residents would be expected to use on a regular basis, and not uses that would be expected to draw the major portion of their clientele from outside the city.

A structural change or minor change in actual existing use in a commercial building requires a

new conditional use permit. Change in actual existing use means the addition, withdrawal, or other modification of:

1. The type or quality of service or product being marketed;
2. The time or place of delivery of the service or product;
3. The manner or method of delivery of the service or product; or
4. The number of personnel on the site, where the addition, withdrawal, or other modification changes the facts upon which a conditional use permit was based.

E. Mixed-use commercial/residential development. Mixed-use commercial and residential developments must have both:

1. Ground floor retail, office, or service commercial uses to primarily serve city residents. Ground floor residential use is not permitted, except for an entry to the upper floor(s); and
2. Multi-family residences above the ground floor of not more than 12 units per net acre. When affordable housing is provided, the Planning Commission will grant a density bonus in accordance with Government Code section 65915.

F. Wireless communication facility, subject to a wireless communication facility permit (rather than a use permit) under division 17.46.

According to Piedmont City Code section 17.26.040, the following principal uses are prohibited uses in Zone D: manufacturing, wholesaling, distributing, or industrial use; motor vehicle sales or service, except minor servicing; hotel or motel; fast food restaurant; or drive-through establishment.

GENERAL PLAN:

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

CHAPTER 3- LAND USE ELEMENT

Future Land Use Plan- Grand Avenue

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

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

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

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

Policy 2.1: Local-Serving Emphasis

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

Policy 2.2: Mixed Use Development

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

Policy 2.6: Commercial Uses as Gathering Places

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

CHAPTER 8- DESIGN AND PRESERVATION ELEMENT

Visual Landmarks and Gateways

Gateways are the key points of entry into a city, its neighborhoods, and business districts. They shape first impressions, create a sense of arrival, and present an opportunity to strengthen civic identity. Gateways in and out of Piedmont are presently understated.

Design and Preservation Element Goal 27: City Identity and Aesthetics - Ensure that streets, parks, civic buildings, and other aspects of the "public realm" contribute to Piedmont's overall identity, beauty and visual quality.

Policy 27.4: City Gateways

Create more distinctive and memorable points of entry into the city to provide a stronger sense of arrival and define city edges.

City of Piedmont
PLANNING COMMISSION AGENDA REPORT

DATE: April 8, 2024

TO: Planning Commission

FROM: Steven Lizzarago, Assistant Planner

SUBJECT: Consideration of an Application for a Conditional Use Permit at 1235 Grand Avenue

AGENDA ITEM NUMBER 4

APPLICATION SUMMARY:

Conditional Use Permit

CUP2024-001

Project Glow, represented by Ashley Stoltz
1235 Grand Avenue

The applicant requests a conditional use permit to operate a new beauty salon at the existing commercial building located at 1235 Grand Avenue.

RECOMMENDED ACTION:

Adopt the attached Resolution, Attachment A, recommending that the City Council conditionally approve the conditional use permit.

PROPOSED APPLICATION:

A conditional use permit is requested by the lessee of the existing commercial office and retail building at 1235 Grand Avenue to allow for a new beauty salon. The structure was originally constructed in 1923 and features a mixed use building, with a ground floor and mezzanine level for commercial uses and a residential unit on the upper level. A private garage for the residence is attached to the commercial storefront.

In response to the application form questions below, the applicant submitted the following information indicated **in bold**:

1. Proposed Use of Business/Organization: **Beauty Salon.**
2. Days and Hours of Operation: **7 days a week, 10am-7pm**
3. Number of On-Site Parking Spaces: **None**

4. Maximum Number of People Using Business/Organization at One Time: **7 to 10**
5. Type(s) of Staff/Personnel, Number of Each: **5 to 7 full time and part time staff**
6. Projected Busiest Hours/Days: **10 am to 5 pm**
7. Potential Neighborhood Impacts: **No differences from the previous businesses since 1988**
8. Benefit to Piedmont Residents: **Project Glow is a beauty salon that offers quality services to its clientele. Our business already serves many clients from Piedmont. Piedmonters would benefit from having our services closer to their homes. Almost all Piedmont women could use our services and we would be honored to provide them with premium beauty treatments. Our mission is to help women feel beautiful inside and out. Project Glow hopes to be actively involved in the Piedmont community. We hope to hire Piedmont High School students for part-time work at our salon after school hours, providing students with valuable work experience.**
9. Changes in the existing structure are necessary to accommodate the proposed use as follows: **None are proposed.**

Additional Information

In addition, as part of the application materials the applicant provided the following supplemental information in support of the proposed application as Attachment B:

- A floor plan of the “showroom” and entire leasable space.
- A parking analysis and diagram, which was provided by the property owner.
- A letter of intent detailing the terms of the lease.

According to Project Glow, the beauty services they offer are eyelash services, waxing, and spray tanning. No signage is proposed as part of this application.

ZONING AND CODE COMPLIANCE:

Code Compliance. Piedmont Municipal Code section 17.68.010(B) provides that a conditional use permit is required in the following circumstances:

- 1) A conditional use permit is required for a use listed as a conditional use in any zone, or a change in an existing conditional use. A conditional use permit is not required for a single-family residence.
- 2) A conditional use permit is required for new construction, or a structural change to commercial or mixed use in Zone D.

A conditional use permit is required because the property is located in Zone D, and the application seeks to change the use from a retail flooring store to a beauty salon. The type of business, hours of operation, and number of users and staff onsite are all changing from the previously approved conditional use permit. No structural changes are proposed as a part of the application.

Zoning. The proposed use is located in Zone D. According to Division 17.26 of the City Code, Zone D is established to regulate and control commercial and mixed-use commercial/residential development, where pedestrian-oriented commercial development will serve city residents, consistent and in harmony with the character of the neighborhood and adjacent residential areas. Commercial uses which will serve the residents of the City are those uses which residents would be expected to use on a regular basis. They do not include uses which would be expected to draw the major portion of their clientele from outside the City of Piedmont and the surrounding area.

According to Piedmont City Code section 17.26.030, the uses allowed as conditional uses in Zone D include:

D. Retail, office, and service commercial uses of a type that will primarily serve city residents. Commercial uses that will primarily serve city residents are those uses residents would be expected to use on a regular basis, and not uses that would be expected to draw the major portion of their clientele from outside the city.

A structural change or change in actual existing use in a commercial building requires a new conditional use permit. Change in actual existing use means the addition, withdrawal, or other modification of:

1. The type or quality of service or product being marketed;
2. The time or place of delivery of the service or product;
3. The manner or method of delivery of the service or product; or
4. The number of personnel on the site, where the addition, withdrawal, or other modification changes the facts upon which a conditional use permit was based.

E. Mixed-use commercial/residential development. Mixed-use commercial and residential developments must have both:

1. Ground floor retail, office, or service commercial uses to primarily serve city residents. Ground floor residential use is not permitted, except for an entry to the upper floor(s); and
2. Multi-family residences above the ground floor of not more than 12 units per net acre. When affordable housing is provided, the Planning Commission will grant a density bonus in accordance with Government Code section 65915.

According to Piedmont City Code section 17.26.040, the following principal uses are prohibited uses in Zone D: manufacturing, wholesaling, distributing, or industrial use; motor vehicle sales or service, except minor servicing; hotel or motel; fast food restaurant; or drive-through establishment.

Staff finds that the customer base for the proposed beauty salon will be similar in volume and intensity compared to the commercial uses that have occupied the site since 1997 and would not create a significant impact to traffic, parking, and safety when compared to previous uses. The property does not feature onsite parking and since 1997 the property has been home to a rug gallery, a linen and bath shop, a fashion boutique, and a flooring showroom. The previous businesses had anywhere from two to five staff onsite, and the maximum number of users at the business ranged from five to ten users. The previous businesses were also open for business up to seven days a week. For comparison, this business is similar to the conditional use permit approved in 2005 for Patu, a linens and bath accessories shop, which anticipated 10 users on the property at once. Further north on Grand Avenue, other businesses have limited off-street parking (or none at

all), which makes the proposed business's facilities consistent with the neighborhood commercial patterns.

GENERAL PLAN ELEMENTS:

The Grand Avenue district is identified in the Land Use Element as one of the City's Mixed-Use districts. Commercial uses in these areas are required to be neighborhood-serving, rather than regional in nature. This is due in part to concerns over parking and traffic, but also to the extremely limited supply of commercial land in the City and the need to use this land to meet the day-to-day service needs of Piedmont residents.

Relevant General Plan Goals and Policies

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

Policy 2.1: Neighborhood-Serving Emphasis

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

Policy 2.2: Mixed Use Development

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

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

- Design and Preservation Element Goal 27: City Identity and Aesthetics – Ensure that streets, park, civic buildings, and other aspects of the “public realm” contribute to Piedmont's overall identity, beauty, and visual quality.

Policy 27.4: City Gateways Create more distinctive and memorable points of entry into the city to provide a stronger sense of arrival and define city edges.

PLANNING COMMISSION ACTION:

Procedure. In accordance with Section 17.68.030 of the City Code, the Planning Commission will hold a hearing on the application and make a recommendation to the City Council. To recommend approval, the Planning Commission must make the findings set forth in Section 17.68.040. To recommend denial, the Planning Commission shall show how the findings cannot be made.

As provided in City Code section 17.68.040 Findings, the Planning Commission may recommend and the City Council may approve a conditional use permit only after making the following findings:

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

The **applicant's** proposed findings can be found in the supplemental documents provided in Attachment B.

Staff Recommendation. Staff recommends the Planning Commission make a recommendation to the City Council for approval of the application for conditional use permit, subject to 3 conditions of approval. Staff's recommended findings for approval and recommended conditions of approval are provided in the resolution (Attachment A).

Review. Each conditional use permit is subject to review two years after the permit is approved, or a longer period if approved with the permit, and each five years after that, or longer as determined by the City Council. 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.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to Article 19, Sections 15301, Existing Facilities, and Section 15332, Infill Development.

CITY COUNCIL ACTION REQUIRED:

City Council action is required to approve or disapprove the conditional use permit.

ATTACHMENTS

- Attachment A: Draft Resolution Recommending Approval of the Application
- Attachment B: Supplemental documents submitted by applicant