

City of Piedmont
PLANNING COMMISSION AGENDA REPORT

DATE: October 28, 2024

TO: Planning Commission

FROM: Joshua Muller, Assistant Planner

SUBJECT: Consideration of Recommendation to City Council to Adopt an Initial Study and Negative Declaration and Consideration of Recommendation on Applications for Conditional Use Permit, Non-Residential Sign Design Review Permit, Design Review Permit, and Variance for Proposed Conversion of a Gas Station Facility to an EV Charging Hub at 29 Wildwood Avenue

AGENDA ITEM NUMBER 3

<u>APPLICATION SUMMARY:</u>	Conditional Use Permit	CUP2023-001
	Non-Residential Sign Permit	SIGN2023-001
	Design Review Permit	DRPC2023-025
	Variance	VAR2024-002

Shell Recharge, represented by Jeremy Randolph
29 Wildwood Avenue

The applicants request a Conditional Use Permit, Non-Residential Sign Design Review Permit, Design Review Permit and Variance to demolish an existing gas and auto repair station at 29 Wildwood Avenue and replace it with a 14-stall electric vehicle (EV) charging station. The applications propose the construction of new canopy structures, fencing, EV charging kiosks, exterior lighting, auxiliary equipment, landscaping and commercial signage at the site of the existing gas station and auto-repair shop. The applicants are seeking a variance to allow for the construction of a proposed canopy structure within the street-yard setback along Wildwood Avenue.

Please note that the southern tip of the site at the intersection of Wildwood and Grand Avenues is located in the City of Oakland. The existing and proposed ground-mounted “monument” signs are located in Oakland and the applicants will need to seek approval from the City of Oakland for improvements made within that jurisdiction’s boundaries.

Please also note that the Planning Commission is normally the decision-making body for applications for variance, design review permit and sign design review permit, but makes recommendations to the City Council regarding conditional use permits. Due to the request for a conditional use permit, City Code section 17.60.060.C and 17.60.060.D provide that applications involving multiple permits (such as those for this project) will be heard together by the City Council. Accordingly, the Planning Commission’s role as to this Project is to make recommendations to the City Council.

RECOMMENDED ACTION

Adopt the attached Resolution, Attachment A, recommending that the City Council adopt an Initial Study and Mitigated Negative Declaration in accordance with the California Environmental Quality Act, and conditionally approve the conditional use permit, variance, design review permit, and non-residential sign design review permit.

Because there are four separate applications being reviewed concurrently, this report has been divided into four sections to address each application separately.

CONDITIONAL USE PERMIT APPLICATION CUP2023-001

APPLICATION:

A conditional use permit is requested by the property owner of 29 Wildwood Avenue. The application proposes to discontinue the property's permitted uses as a gas station, auto-repair shop and convenience store, and to operate a new 14-stall electric vehicle (EV) charging station, a use considered to be minor automobile servicing.

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

1. Proposed Use of Business: **Electric Vehicle Charging Station Alternative Fueling**
2. Days and Hours of Operation: **24 Hours**
3. Number of On-Site Parking Spaces: **14 EV-only charging stalls (no parking-only stalls).**
4. Maximum Number of People Using Business at One Time: **Total of 7 dual-service dispensers allowing for 14 vehicles to charge simultaneously.**
5. Type(s) of Staff/Personnel, Number of Each: **Site is managed by off-site customer experience manager. EV chargers are remotely monitored and available for customer support 24/7. Contracted, dispatched, and regular site service personnel includes charger maintenance, facilities, and landscaping.**
6. Projected Busiest Hours/Days: **Anticipating regular business hours. The site will be busiest when serving, morning and evening commuters along their route to and from work, and mid-day errand runners.**
7. Potential Neighborhood Impacts: **No major impacts to current parking or traffic. Adjacent businesses may have increased foot traffic when customers run an errand while charging.**
8. Benefit to Piedmont Residents: **Addresses top barriers for EV adoption such as concerns for charging infrastructure and challengers installing charging at home. Residents will use stations for needed faster top offs than what's possible at home and will support resident services being electrified (EV ride sharing, municipal services, delivery, etc.) while contributing toward climate and air quality goals.**
9. Changes in the existing structure are necessary to accommodate the proposed use as follows: **This project will require demolition of the existing gas station and auto-repair shop as well as removal of the underground fuel storage tanks, to be replaced with**

EV charging equipment, covered parking canopies and a sustainable garden space with native plants.

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 petroleum fueling station and auto repair to an EV charging hub (minor auto servicing). A conditional use permit is also required because of the proposed structural changes and new construction, since the project proposes to demolish an existing gas station, and to newly construct canopy structures, fencing, EV charging kiosks, exterior lighting, auxiliary equipment, landscaping and commercial signage.

Zoning and Service to Piedmont Residents. 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.”

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.

As to the issue of whether the proposed EV charging use will primarily serve City residents and draw users who would be expected on a regular basis, staff finds that this requirement is satisfied. This is because [a survey of Piedmont voters carried out by FM3 Research in June 2020](#) found that a significant share of Piedmont residents own electric vehicles, or are more likely to become one with the availability of charging infrastructure in Piedmont, demonstrating that there is local demand for EV chargers. Specifically, the survey found that 25 percent of Piedmont voters are electric vehicle owners, that 4 in 5 support expanding access to EV charges in Piedmont, that

renters are especially supportive of increasing EV chargers in Piedmont, that the proposed facility is located in close proximity to properties constructed with multi-family rental development, that 49 percent of EV owners were likely to use public chargers, and that approximately half of respondents who do not have an EV would be more likely to buy one if electric vehicle charges were more widely available and accessible in Piedmont. Additionally, the project site is located in a commercial and mixed-use district with multiple stores and offices within walking distance to the proposed facility. Thus, the proposed EV charging station is expected to serve City residents, who would be regular users of the facility while visiting stores and offices located in the adjacent area.

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.

- Natural Resources & Sustainability Element Goal 15: Air and Water Quality - Actively participate in efforts to improve air and water quality in the San Francisco Bay Area.

Policy 15.2: Alternative Fuel Vehicles

Encourage the use of cleaner-burning fuels and low-emission vehicles. This could include providing infrastructure for "plug-in" vehicles; hydrogen fuel pumps at the city's gas stations; and a gradual switch to hybrid, electric, or alternative fuel vehicles for the City fleet.

Relevant Climate Action Plan Goals and Policies

- Piedmont's Climate Action Plan priority 4 states:

Drive a Zero Emissions Vehicle (ZEV): Petroleum-fueled personal vehicle use is the single largest source of emissions in Piedmont. Purchasing an electric or other zero emissions vehicle is another significant action that can be taken. When combined with the use of 100% renewable electricity, electric vehicles become significantly more impactful, as the additional electricity required for charging the vehicle would no longer be linked to electricity generated from fossil fuels. The City will investigate the possibility of installing public EV charging stations in public areas within Piedmont.

- Climate Action Plan Objective T-4: Accelerate the adoption of Zero Emissions Vehicles (ZEVs) in Piedmont

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 for conditional use permit 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 application form (separate).

Staff Analysis and Recommendation.

As to the first finding that the proposed use is compatible with the general plan and zoning, staff finds that this requirement is met. As explained above, the EV charging use is compatible with General Plan policies 2.1 and 15.4, and the use would primarily serve Piedmont residents. A significant share of Piedmont residents own an electric vehicle, and are more likely to become electric vehicle owners with additional EV charging infrastructure in place.

As to the second finding, as analyzed above, EV charging use is intended to and would serve Piedmont residents, given the demand for EV charging infrastructure in the City, as well as the proposed location of the project.

With respect to third finding pertaining to the health, safety, and welfare, staff also finds that this requirement is satisfied, with the addition of the following 4 conditions of approval: terms of approval defining the operational characteristics, site maintenance defining the parameters for maintain the site in good condition, mitigation monitoring and reporting program recommending the adoption of the program and its implementation and defense of legal challenges. The proposed equipment for the site meets Federal regulations regarding electrical and magnetic safety. Staff's recommended findings for approval and recommended conditions of approval are provided in Section 3 the proposed resolution (Attachment A).

Additionally, the proposed use will not result in the substantial increase in traffic, parking, or noise because the means of egress to the facility are not proposed to be altered, and per the roadway analysis in the IS-MND the proposed project is anticipated to generate 123 fewer daily trips and fewer trips in the AM and PM peak hours than the existing gasoline station, even

accounting for lower pass-by trip frequency at EV charging stations. The reduction in trips will inherently reduce the noise impacts from traffic to and from the site. Additionally, mitigation measures will be implemented for temporary construction-related noise and the elimination of the auto repair shop will reduce noise output from the site. There will not an adverse effect on the character of the neighborhood because the auto repair use is proposed to be eliminated from the site and the reduction in trips will reduce traffic in the neighborhood. Moreover, for the aforementioned reasons the proposed use will not adversely affect surrounding property values.

Hours of Operation: The applicants have requested that the proposed EV Charging Station be operational 24 hours a day, 7 days a week. Staff finds that this request is consistent with City policies and the public welfare in that it will: a) help improve the health safety and welfare of persons residing or working in the vicinity because the full availability of the chargers will facilitate the transition to zero emission vehicles and the resulting improved air quality and reduced noise from internal combustion vehicles; b) be available to residents and workers that work nighttime shifts (e.g., doctors, nurses and other hospital workers, public safety workers) and that experience nighttime emergencies; and c) increase site security through lighting and CCTV monitoring. Staff also finds that the operation of the EV charging facility will have no adverse effect on the character of the neighborhood in that the previous and proposed uses are for minor automobile servicing, and that the use does not demonstrate a tendency to adversely affect surrounding property values. The perimeter wall (see condition of approval #3 recommended to be place on the design review permit) and canopies provide barriers and screening that sufficiently mitigate any adverse impacts that might occur as a result of EV charging during daytime and nighttime hours.

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.

CITY COUNCIL ACTION REQUIRED:

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

VARIANCE APPLICATION VAR2024-002

A variance from the requirements of Chapter 17 of the Piedmont City Code is required to allow for the construction of a proposed canopy structure within the 10-foot street-yard setback along Wildwood Avenue. The application proposes to construct the canopy at the southern end of the site so that the structure is set back approximately 8 inches from the property line to the nearest new canopy.

According to Section 17.70.040 of the Piedmont City Code, variances from these regulations shall not be granted except when the particular property to be improved varies in some unique physical way from other properties in the same zone and, because of these physical differences, applying the regulations of Chapter 17 would effectively prohibit the use of the property in a manner similar to the use of other properties in the same zone. This standard of hardship relates to the property, not the personal or economic circumstances of the applicant. No variance shall be granted for

reasons which are personal to the applicant and unrelated to the uniqueness of the property.

VARIANCE FINDINGS:

To approve the variance requested by this application, the Planning Commission must recommend, and the City Council must make specific findings of fact to support all of the following conclusions:

(a) The underlying lot and existing improvements present unusual physical circumstances including but not limited to: _____

(b) The variance is compatible with the immediately surrounding neighborhood and the public welfare as follows: _____

(c) Accomplishing the improvements without a variance would cause unreasonable hardship in planning, design or construction as follows: _____

The **applicant's** proposed findings can be found in the application form (separate).

"Unreasonable hardship" for purposes of this subsection refers to the unusual physical characteristics of the underlying lot and existing improvements on the lot which prohibit development of the lot in a manner consistent with lots conforming to City standards. "Unreasonable hardship" shall not refer to any conditions personal to the applicant.

Staff Recommendation. Staff recommends the Planning Commission make a recommendation to the City Council for approval of the application for a variance from the 10-foot street yard setback requirement on the basis that findings can be made that there are unusual physical circumstances presented by the lot, especially due to the irregular shape of the lot, and the lot being a corner lot with two street-yard setbacks along Grand and Wildwood Avenue, that the construction within the street yard setback is consistent with the construction of commercial buildings in the immediate neighborhood, and that unreasonable hardship in obtaining optimal planning, design and construction would result from strict adherence to setback requirements. Optimal design and construction includes canopies covering the charging stalls order to help protect the electrical equipment from contact with rain, in order to provide drivers the benefits of shade and the protection from other environmental exposures, and in order to provide additional screening between the property and neighboring residential properties that mitigates light and sound intrusion and increases privacy. Staff's recommended findings for approval are provided in Section 4 of the proposed resolution (Attachment A).

DESIGN REVIEW PERMIT APPLICATION DRPC2023-025

APPLICATION:

The application for design review permit proposes to demolish all the above-ground structures associated with the closed and vacated gas station and minor auto-repair shop and construct two new canopy structures, fencing, EV charging kiosks, exterior lighting, auxiliary equipment, landscaping.

CODE COMPLIANCE:

The existing landscape coverage is 0% (*existing non-conforming*) and is proposed to increase to 15.7%. The minimum limit in the City Code (17.26.050.4) is 10%. *Complies.*

The existing canopy height (average) is 17.1 feet and is proposed to decrease to 13 feet (Canopy “B”) and 11 feet 6 inches (Canopy “A”). The maximum limit in the City Code (section 17.26.050) is 35 feet. *Complies.*

The existing street yard setback along Wildwood Avenue is 5 feet 6 inches as measured from the property line to the nearest existing canopy (*existing non-conforming*) and is proposed to decrease to 8 inches as measured from the property line to the nearest new canopy. The minimum required street yard setback in the City Code (section 17.26.050) is 10 feet. ***Does not comply - requires a variance (see Variance Section above).***

The existing street yard setback along Grand Avenue is 15 feet as measured from the curb to the nearest existing canopy and is proposed to increase to 21 feet 10 inches as measured from the curb to the nearest proposed canopy. The minimum required side yard setback in the City Code (section 17.26.050) is 15 feet from the curb. *Complies.*

The existing right side yard setback (property line adjacent to 31 Wildwood Avenue) is 5 feet measured to the automobile service building and is proposed to increase to 17 feet as measured to the nearest proposed canopy. Ground-mounted electrical equipment is proposed to be in an enclosure 3-4 feet away from the property line, Such equipment is considered a site feature per the Design Guidelines and Standards and is allowed within a side yard setback but is subject to design review permit. The minimum required side yard setback is 5 feet from a lot line abutting a single-family residence in the City Code (section 17.26.050). *Complies.*

The existing rear yard setback (property line adjacent to 1246 Grand Avenue) is 5 feet as measured from the property line to the existing building and is proposed to increase to 5 feet 6 inches as measured from the property line to the nearest proposed canopy. The minimum required rear yard setback is 5 feet from a lot line abutting a single-family residence in the City Code (section 17.26.050). *Complies.*

There are no minimum requirements for lot area or frontage and no maximum lot coverage requirements for properties in Zone D. As interpreted by the Director of Planning & Building per City Code section 17.08.030.A, the requirement for a 12-foot minimum floor to ceiling height for a ground floor is intended for interior commercial space, not a carport, and is therefore not applicable.

DESIGN REVIEW:

The site at 29 Wildwood Avenue currently houses a gas station (which ceased operations for this project to occur), minor auto-repair shop, and convenience store. The current structures include four fueling stations under two canopies, a one-story building containing a minor auto-repair shop and a convenience store. The previous uses as a gas station, minor auto-repair shop, and convenience store have all been discontinued and all structures above-ground and all infrastructure below-ground are proposed to be removed.

The application for design review permit proposes to construct a 14-stall electric vehicle (EV)

charging station, as follows:

- Construct two new canopies: Canopy “A” towards the center of the lot, measuring 13 feet in height, and Canopy “B” near the corner of Wildwood and Grand Avenues, also measuring 13 feet in height. The proposed material of the canopies, including the underside and roof, is laminated timber canopy beams and columns, and the proposed material of the fascia is glue laminated timber covered by acrylic signage.
- Install 22 light fixtures mounted on the underside of the proposed canopies. The projected light along the property lines is proposed to not exceed three lumens. A photometric evaluation is included within the project plans showing the full projected lumen output of the lights throughout the property and toward the public right-of-way and adjacent properties.
- Install 7 two-user EV charging cabinets throughout the site and associated EV charging infrastructure in a fenced portion of the northeastern corner of the property. The fencing for the enclosure is proposed to be Trex and 6 feet in height.
- Construct a new 6-foot tall Trex fence to stretch along the rear property line.
- Install two public seating areas: a picnic table, bench, and trash and recycling bins in the center portion of canopy “A”, and two benches adjacent to Wildwood Avenue.
- Install new landscaping throughout the site, especially in the central area and along the edges of the parcel.

Design Review Guidelines, General Plan policies and programs, and Climate Action Plan goals and objectives which may be used for reference are listed in Attachment B.

DESIGN REVIEW FINDINGS:

To approve this application for design review, the Planning Commission must make findings that the application complies with the design review criteria under Section 17.66.060 as noted below.

(A) The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines and Standards, in that: _____

(B) The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light, in that: _____

(C) The proposed design does not adversely affect pedestrian or vehicular safety: in that: _____

The **applicant's** proposed findings can be found in the application form (separate).

Staff Recommendation. Staff recommends the Planning Commission make a recommendation to the City Council for approval of the application for design review permit with 27 conditions of approval. Findings can be made that the project is consistent with the General Plan, the Climate Action Plan and Design Standards and Guidelines, that there is little or no adverse effect on neighboring properties, and that the project does not adversely affect pedestrian or vehicular safety. In addition to several standard conditions of approval, staff recommends that an 8-foot-tall solid free-standing wall be constructed along the property lines adjacent to the abutting residential properties in order to mitigate sound, light, and potential electric and magnetic impacts, and that the proposed lighting be installed to mitigate any glare or spillage onto neighboring residential

properties. Staff's recommended findings for approval and conditions of approval are provided in Section 5 of the proposed resolution (Attachment A).

NON-RESIDENTIAL SIGN DESIGN REVIEW APPLICATION SIGN2023-001

APPLICATION:

The application for non-residential sign design review permit proposes to install four brand signs attached to the canopies, three bay header signs also attached to the canopies, and six freestanding brand specific signs. The brand signs on the canopies are proposed to face Wildwood and Grand Avenues with two on Canopy "A" and two on Canopy "B". The bay header signs are proposed to be attached to the posts of the canopies, with markings for the numbered charging bays and the maximum kilowatts available for charging. The freestanding signs are proposed to be mounted on galvanized steel poles throughout the facility.

All of the signs are proposed to be made of aluminum composite with printed graphics on clear vinyl applied on the fascia surface. The proposed signs will not be backlit.

The applicants also seek to install a monument sign at the corner of Grand and Wildwood Avenues. This new ground-mounted monument sign is proposed to be located within the City of Oakland. The City of Piedmont does not have the authority to approve construction that is located in Oakland and the applicants will need to seek permits from the City of Oakland for such construction.

SIGN DESIGN REVIEW FINDINGS:

As provided in City Code sections 17.36.040.C.2 and 17.60.060.C and D and the Planning Commission may recommend, and the City Council may approve the design of signage on a private nonresidential parcel only if the signage conforms to the purpose of City Code division 17.36 Signs, as stated in section 17.36.020, and the signage meets the following standards:

- i. Approval of the sign design review permit will not result in more than one sign per applicant for each building façade;
- ii. Each sign shall be simple in design. Graphic depictions related to the nonresidential use are appropriate;
- iii. Each sign shall be compatible in design, color and scale to the front of the building, adjoining structures and general surroundings;
- iv. The sign shall be oriented toward the pedestrian and vehicular traffic;
- v. The sign shall be constructed of sturdy materials; and
- vi. The design of the sign is consistent with the City's General Plan and Piedmont Design Standards and Guidelines.

The **applicant's** proposed findings can be found in the application form (separate).

Staff Recommendation. Staff recommends the Planning Commission make a recommendation to the City Council for approval of the application for non-residential sign design review permit with 1 condition of approval. Findings can be made that the proposed signage is sturdy, appropriate for the site, the facility and the general surroundings. Staff's recommended findings for approval and conditions of approval are provided in the resolution (Attachment A).

CRITERIA RELATED TO ALL APPLICATIONS

CLEANWATER CONSIDERATIONS

The proposed project will create *or replace* 2,500 square feet or more of impervious surfaces and may result in significant changes to water runoff at the site. Incorporation of site design measure(s) into the plans submitted for a building permit as required under Provision C.3.i of the Municipal Regional Stormwater NPDES Permit is required. See recommended conditions of approval 14 and 20 to be placed on the design review permit.

CEQA COMPLIANCE

The City of Piedmont has completed an Initial Study/Mitigated Negative Declaration (IS-MND) for the proposed project. The IS-MND concluded that the project would have less-than-significant impacts in the various topic areas required by CEQA Guidelines Appendix G including Aesthetics, Agriculture and Forestry Resources, Biological Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Population/Housing, Public Services, Transportation, Tribal Cultural Resources, and Utilities/Service Systems. Air Quality, Cultural Resources, Geology/Soils, and Noise impacts were identified as potentially significant, however, it was determined that the implementation of feasible mitigation measures would reduce these impacts to less than significant levels. A Mitigation Monitoring and Reporting Program (MMRP) was prepared and is included in the IS-MND as Appendix F. The project will be conditioned to comply with all mitigation measures in the MMRP. As such, the City of Piedmont has determined that an Initial Study/Mitigated Negative Declaration is the appropriate CEQA document.

The draft IS-MND was posted on July 12, 2024 for public review. The City submitted a Notice of Intent to the State Clearinghouse and the Alameda County Clerk-Recorder's Office on July 12, 2024. The City also sent a copy of the Notice of Intent to all properties within 500 feet of the subject property and published a display ad in The Piedmonter on July 12, 2024. The public comment period for the IS-MND and MMRP opened on July 12, 2024, and closed on August 1, 2024. The City received five comments on the draft IS-MND, most of which pertain to the nature of the conditional use permit and not the content of the IS-MND. Relevant issues raised in the comments include noise impacts, water service and conservation, soil contamination mitigation.

The IS-MND is provided through hyperlink. The MMRP, comments received from the public and responses to those comments are included with the IS-MND.

CITY COUNCIL ACTION REQUIRED:

City Council action is required to approve or disapprove all four permit applications being reviewed concurrently.

ATTACHMENTS

- Attachment A: Proposed Resolution recommending conditional approvals
- Attachment B: Relevant design review guidelines, General Plan policies and programs, and Climate Action Plan priorities and objectives

Relevant Documents provided through hyperlink:

Project plans, applications and the Initial Study & Mitigated Negative Declaration (IS-MND) can be found on this City webpage: https://piedmont.ca.gov/services/permits/planning/active-projects/29_wildwood_e_v_charging_station_application

ATTACHMENT A

RESOLUTION No. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PIEDMONT RECOMMENDING THAT THE CITY COUNCIL ADOPT AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND RECOMMEND THAT THE CITY COUNCIL APPROVE THE APPLICATIONS FOR CONDITIONAL USE PERMIT (CUP2023-001), NON-RESIDENTIAL SIGN DESIGN REVIEW PERMIT (SIGN2023-001), AND DESIGN REVIEW PERMIT (DRPC2023-025), AND VARIANCE (VAR2024-002) AT 29 WILDWOOD AVENUE

WHEREAS, Shell Recharge, represented by Jeremy Randolph, submitted applications for a Conditional Use Permit, Non-Residential Sign Design Review Permit, and Design Review Permit to the City of Piedmont (City) on November 9, 2023, and an application for a variance from setback requirements on January 25, 2024; and

WHEREAS, the City, acting as the Lead Agency as defined in Public Resources Code (PRC) §21067, prepared an Initial Study for the Project pursuant to the California Environmental Quality Act (“CEQA”) to ascertain whether the Project may have a significant effect on the environment; and

WHEREAS, the City determined that a Mitigated Negative Declaration was the appropriate and proper environmental analysis, given that the incorporation of specified mitigation measures would result in the project having no significant effect on the environment; and

WHEREAS, an Initial Study-Mitigated Negative Declaration (IS-MND) was prepared and filed with the State Clearinghouse on July 12, 2024; and circulated for public comment for a period of 20 days; and on September 14, 2024 was again circulated for public comment for a period of 30 days; and

WHEREAS, the City received nine comments on the draft IS-MND, which discussed noise impacts, exterior lighting, water service and conservation, soil contamination mitigation, electromagnetic interference and radiation; and

WHEREAS, the IS-MND identified certain potentially significant adverse environmental impacts from the Project and recommends certain mitigation measures regarding such effects; and

WHEREAS, the City of Piedmont Planning Commission considered the proposed IS-MND together with any comments received during the public review process, and the public was provided an opportunity for oral testimony at the October 28, 2024 Planning Commission hearing; and

WHEREAS, on October 14, 2024, the application was deemed complete, and notices were sent out to property owners within 500 feet in conformance with the notification requirements provided

in City Code division 17.64; and

WHEREAS, during the public comment period, the Planning Commission received and reviewed written comments; and

WHEREAS, prior to the scheduled special meeting, the Planning Commission received and reviewed the application materials and visited the site; and

WHEREAS, on October 28, 2024, the Piedmont Planning Commission conducted a public hearing on the applications, received public testimony, and discussed the proposed demolition of an existing gas station and the construction of an EV charging station; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Piedmont does hereby resolve, declare, determine, and order, based on the oral and written staff reports, oral and written public comments, and all other project documentation in the record, as follows:

SECTION 1. Recitals.

The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. CEQA Review and Recommendation.

1. The Planning Commission makes the following findings and recommendations with respect to the IS/MND:

a. The Planning Commission has reviewed and considered the IS/MND, comments received during the public review period, and the written responses to any comments prior to acting on the project.

b. The IS/MND adequately describes the environmental impacts of the Project. On the basis of the whole record before it, the Planning Commission finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.

c. The MND has been completed in compliance with CEQA and the CEQA Guidelines.

d. The MND is complete and adequate and reflects the City's independent judgment and analysis as to the environmental effects of the project.

e. The Planning Commission has determined that the proposed project will not have a significant effect on the environment because the MMRP, is a condition of approval of the Project, and with the MMRP, all identified impacts are mitigated to a less than significant level.

2. The Planning Commission of the City of Piedmont hereby recommends that the City Council adopt the MND for the Project.

3. The Planning Commission hereby recommends that the City Council adopt the Mitigation Monitoring and Reporting Program included in the IS/MND, which is incorporated herein by reference.

4. Pursuant to CEQA Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the Planning Commission has based its recommendations are located in and may be obtained at https://piedmont.ca.gov/services/permits/planning/active-projects/29_wildwood_e_v_charging_station_application

SECTION 3. Conditional Use Permit Recommendation.

A. Recommend the City Council conditionally approve the application for conditional use permit (CUP2023-001), making findings for all of the criteria in Section 17.68.040 (1) through (3), adding consideration of any conditions of approval the Commission thinks appropriate as follows:

1. The proposed use is compatible with the *City of Piedmont General Plan* and conforms to *City Code Chapter 17 Planning and Land Use* because it is a commercial use for minor automobile servicing within an existing commercial zone of the City, the proposed facility will serve Piedmont residents, the proposed use is compatible with the conditional uses allowed in Zone D per section 17.26.030 of the Piedmont City Code, and the proposed use is consistent with General Plan policies LU 2.1 and NR&S 15.2 and Climate Action Plan action T-4.1A. The proposed EV charging station will facilitate the transition to zero emissions vehicles, which is essential to the City's achievement of its climate action goals.
2. The use is primarily intended to serve Piedmont residents (rather than the larger region) because the number of chargers, the scale of the facility and its location at a gateway to the City is appropriate and convenient for Piedmont residents to be regular users, and the charging station is located at a confluence of other local commercial facilities used by Piedmont residents. Additionally, the operational characteristics of the facility will provide charging opportunities to Piedmont residents that work night or irregular hours, including doctors, nurses, hospital and public safety workers. Furthermore, [a survey of Piedmont voters carried out by FM3 Research in June 2020](#), with a sampling error of 4.9 percent at the 95 confidence level found that 25 percent of Piedmont voters are electric vehicle owners, that 4 in 5 support expanding access to EV charges in Piedmont, that renters are especially supportive of increasing EV chargers in Piedmont, that the proposed facility is located in close proximity to properties constructed with multi-family rental development, that 49 percent of EV owners were likely to use public chargers, and that approximately half of respondents who do not have an EV would be more likely to buy one if electric vehicle charges were more widely available and accessible in Piedmont.
3. The use, including the proposed operation of the facility 24 hours a day 7 days a week, will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity because the proposed use will not substantially change traffic or parking impacts, as compared to the previous use as a gasoline fueling station and auto repair service the use for electric vehicle charging will greatly reduce the use of toxic fuels and substances and noisy machinery, and the proposed use will have no adverse effect on

the character of the neighborhood in that the previous and proposed uses are for minor automobile servicing, and does not demonstrate a tendency to adversely affect surrounding property values. The 8-foot-tall perimeter wall, as recommended as a condition of approval by staff, and canopies provide barriers and screening that sufficiently mitigate any adverse impacts that might occur as a result of EV charging during daytime and nighttime hours, including light, noise, and potential electrical and magnetic emissions. The operation of the facility 24 hours a day 7 days a week will: a) help improve the health safety and welfare of persons residing or working in the vicinity because the full availability of the chargers will facilitate the transition to zero emission vehicles and the resulting improved air quality and reduced noise from internal combustion vehicles; b) be available to residents and workers that work nighttime shifts (e.g., doctors, nurses and other hospital workers, public safety workers) and that experience nighttime emergencies; and c) increase site security through lighting and CCTV monitoring. EV chargers are installed and used at private residences throughout Piedmont with no reported adverse impacts related to noise, health or safety.

B. Recommend the City Council include **5** conditions of approval on the Conditional Use Permit (CUP2023-001) as follows:

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: **24 Hours, 7 days a week.**

Types of Staff/Personnel: **Zero on-site. Off-site customer experience manager and customer support. Contracted, dispatched, and site service personnel.**

2. **Site Maintenance.** To ensure site operation and maintenance standards are met, the Property Owner shall employ an off-site manager, who shall be responsible for coordinating ongoing maintenance, including cleaning, repairs, landscape maintenance, and collection of solid waste. The landscape shall be maintained weekly by a landscaping crew and kept in good order. The site shall also be visited in-person monthly by a representative of the Property Owner to evaluate site conditions and determine if corrective action is necessary.
3. **Mitigation Monitoring and Reporting Program.** The Planning Commission has reviewed and considered the Mitigation Monitoring and Reporting Program (MMRP) that requires all mitigation measures described in the IS-MND be implemented by means of project conditions, agreements or other measures, as set forth in the MMRP, found on the City website via hyperlink, and incorporated herein by reference. The Planning Commission hereby recommends adoption of the MMRP.
4. **Defense of Legal Challenges.** The Property Owner 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 Property Owner’s project (“Challenge”). City may, but is not

obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Property Owner'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 Property Owner, City, and/or parties initiating or bringing such Proceeding. If the Property Owner 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 Property Owner of any Proceeding and shall cooperate fully in the defense.

- 5. Sound and Vibration Mitigation Plan and Review.** As required by the Director of Public Works, the Property Owner shall submit a plan prepared by a licensed engineer of the Property Owner's choice that fully assesses the existing site conditions for the mitigation and monitoring of vibration and decibel levels at the Project during construction (including being periodically present at the construction site during excavation and foundation work). If, in the Engineer's sole discretion, such monitoring indicates that the sound or vibration levels exceed those anticipated in the Property Owner's Construction Management Plan and/or the Sound and Vibration Mitigation Plan, all work on the Project may be immediately stopped by the City and may not resume until the City Engineer is fully assured that the sound and vibration transmissions generated by work on the Project can be maintained at or below a reasonable level and duration
- **Peer Review.** The City, at the Property Owner's sole expense, shall retain an independent engineering consultant to perform a peer-review of the Property Owner's Sound and Vibration Mitigation Plan and advise the City in connection with the Property Owner's proposals. The City Engineer shall select this independent engineering consultant, whose services shall be provided for the sole benefit of the City and whose reports and recommendations can be relied upon only by the City. The independent engineering consultant shall also review the building plans during the permit approval process and may provide periodic on-site observations during excavation and construction as deemed necessary by the City Engineer. The Property Owner shall provide payment for this at the time of the Building Permit submittal.

SECTION 4. Variance Recommendation.

- A. Recommend the City Council approve the application for setback variance (VAR2024-002), because it meets the findings under Section 17.70.040 as follows:
1. The underlying lot and existing improvements present unusual physical circumstances because the lot is irregularly shaped and has frontage on two streets (approximately 69 percent of the site perimeter), exceptionally constraining the buildable area of the property, particularly in areas that are most distant from neighboring residential properties.
 2. The project is compatible with the immediately surrounding neighborhood and the public welfare because it will improve air quality, the 1-story structures are at the same or smaller scale as surrounding residences and commercial buildings, the previous canopies were located within the street yard setbacks, most all nearby commercial buildings are located within street yard setbacks, it continues the property's use for minor automobile servicing,

and it offers the community an essential service for the attainment of its climate action goals.

3. Accomplishing the improvements without a variance would cause unreasonable hardship in planning, design or construction because it is important that each charging space be covered in order to help protect the electrical equipment from contact with rain, in order to provide drivers the benefits of shade and the protection from other environmental exposures, and in order to provide additional screening between the property and neighboring residential properties that mitigates light and sound intrusion and increases privacy.

SECTION 5. Design Review Permit Recommendation.

A. Recommend the City Council conditionally approve the application for design review permit (DRPC2023-025), making the findings under Section 17.66.060 as follows:

1. As conditioned, the proposed design is consistent with the City's General Plan and Piedmont Design Standards and Guidelines because the low height, 1-story scale, streamlined aesthetics, and wood and metal materials are appropriate for the proposed use for minor automobile servicing, the Grand Avenue Commercial District, and adjacent residential neighborhood. The site is proposed to have landscaping, lighting and other amenities that are aesthetically pleasing and facilitate its proposed use and its integration into the neighborhood. The project is consistent with the following Design Guidelines: 3.03, 3.09, 3.11, 3.12, 3.12, 4.04, 4.05, 7.02, and 7.06. The project is also consistent with the following General Plan policies: LU 2.1 and NR&S 15.2, and Climate Action Plan Priority 4 and Objective T-4.
2. As conditioned, the design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the height of the proposed canopies is 13 feet, the views from surrounding properties are not significant as defined in City code section 17.90.010, and per the photometric plan included with the application the installed lighting will not spill onto adjacent properties. In addition, the wall along the property lines abutting neighboring residential properties and the canopies above the charging stations provide screening to adequately mitigate any light or sound intrusion between properties.
3. As conditioned, the proposed design does not adversely affect pedestrian or vehicular safety because it reconfigures the existing lot to better accommodate vehicular traffic and pedestrian circulation patterns. As shown in the plans, one of the existing curb cuts is proposed to be removed and a curb is proposed to be constructed along the perimeter of the facility area to better define the sidewalk area and reduce driveway crossings of the sidewalk. The proposed directional signage, and new pathway materials will improve pedestrian safety on-site. Above-ground electrical equipment is adequately protected by bollards, fencing and other devices.

B. Recommend the City Council include **29** conditions of approval on the design review permit as follows:

1. **Sound.** The proposed mechanical equipment shall meet the sound requirements of a maximum 50 decibels (dBA) at the nearest property line as proscribed in Building Code Section 8.02.020 EE if the quietest ambient noise level is below 50 dBA L_{eq} . Should

ambient noise levels exceed 50 dBA L_{eq} during the quietest hour of operation, the equipment shall not result in a 3 dBA noise level increase above the quietest ambient noise hour. Prior to the operation of the project, a current 24-hour noise level measurement shall be gathered at the nearest property line in proximity to the proposed equipment. Additionally, testing of the proposed equipment, once installed and able to be operated at typical conditions, shall occur prior to the scheduling of final inspection to determine compliance with the City's noise level requirements. Should it occur that operational noise levels exceed the requirements of this condition, additional mitigation will be required to bring operations into compliance. Any modifications in order to meet the sound requirements including a sound barrier or an enclosure are subject to staff review and approval. Modifications to bring operations in compliance shall be made within 45 days.

2. **Lighting.** All exterior lighting for the facility shall be directed so that there is no glare and minimal spillage of light on to the adjacent residential properties.
3. **Barriers Abutting Adjacent Properties.** Rather than fencing, a new free-standing wall shall be constructed along the property boundaries adjacent to 1246 Grand Avenue and 31 Wildwood Avenue to mitigate any noise, visual, or potential electrical or magnetic emission impacts on the adjacent residential properties. The new wall shall have a height of 8 feet and be constructed with stucco or similar material(s) with the result being a solid wall of durable quality. The wall shall have a minimum density of 4 lb/ft² or be sound rated with a minimum sound transmission class (STC) of 20. The wall should be free of gaps. The wall shall step up in height from a height of 3 feet at the property lines along Wildwood and Grand Avenues to a height of 5.5 feet at a distance 5 feet from the property line to a height of 8 feet at a distance 10 feet from the property line. The final design shall be subject to staff review and approval.
4. **Environmental Hazards.** As proposed in the application, the underground fuel storage tank(s) and hydraulic lifts shall be removed in compliance with the requirements of the Alameda County Department of Environmental Health and the California State Water Resources Board. Prior to the issuance of a building permit as required by the Chief Building Official, the applicant shall provide a plan, including necessary testing, to verify compliance with all local, state and federal regulations regarding removal of any underground fuel storage tanks and the disturbance, removal, and/or remediation of hazardous materials (if any) on residential properties, public rights-of-way, and/or in the proximity of schools, including soil contamination, lead-based paint and asbestos. Said plan for the proper removal and handling of hazardous materials shall be provided on the appropriate sheets of the construction plan sets and included in the Construction Management Plan.
5. **Contractor's General Liability Insurance.** To ensure that the contractor doing work in the City will be responsible for damages caused by the work to City property or to neighboring property, the Property Owner shall require all contractors performing work on the Project to maintain General Liability Insurance for protection from claims for damages because of bodily injury, including death, and claims for damages, other than to the contractor's work itself, to property which may arise out of or result from the contractor's operations. Such insurance shall be written for not less than \$2,000,000 per occurrence. The insurance shall include an endorsement requiring 10 days prior notice to the City if the insurance is to be cancelled or changed, and Property Owner shall immediately arrange for

substitute insurance coverage. If the contractor's insurance carrier states in writing that it is unable to provide the required endorsement, Property Owner shall be responsible for providing the City with the required notice if the insurance is to be cancelled or changed. Property Owner's failure to provide such notice shall constitute grounds for revocation of the City's design review approval and/or permit. If the Property Owner does not have a general contractor, the Property Owner shall maintain property insurance and coverage for contractors, which is substantially equivalent to the contractor's requirement of this section.

6. **BAAQMD Compliance.** The applicant shall comply with the Bay Area Air Quality Management District regulations related to any building demolition. The Demolition Notification form is available on their website at www.BAAQMD.gov/forms.
7. **Modifications to Conditions.** Any insurance or security requirement, or related Condition of Approval, may be implemented and, if necessary modified, in a reasonable manner with the joint agreement of the Director of Planning & Building and the City Attorney, consistent with the intent of the condition.
8. **C&D Compliance.** Compliance with Section 9.04 of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.
9. **Defense of Legal Challenges.** The Property Owner 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 Property Owner's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Property Owner'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 Property Owner, City, and/or parties initiating or bringing such Proceeding. If the Property Owner 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 Property Owner of any Proceeding and shall cooperate fully in the defense.
10. **Setback from Property Line Verification.** Prior to foundation inspection, the applicant shall submit to the Building Official written verification by a licensed land surveyor stating that the construction of the canopies is located at the setback dimension from all property lines as shown on the approved plans. The intent is to verify that the approved features are constructed at the approved dimension from the property lines.
11. **Building Height Verification.** Prior to foundation and/or frame inspection, the applicant shall provide the Building Official written verification by a licensed land surveyor stating that the roof of the new structures are constructed at the approved heights above grade.

- 12. Encroachment Permit.** Before the issuance of a building permit, the Property Owner shall apply for an encroachment permit to allow for the construction within the public right-of-way or public easement.
- 13. Sewer Main Condition and Repair.** City records indicate that City storm and sewer mains and associated easement(s) may be located near the proposed construction next to the east property line. Prior to the issuance of a building permit, the Property Owner shall submit a revised copy of the survey prepared by Blew and Associates, P.A. to show sewer manhole covers and any easements. Said easements and manhole covers shall also be shown on the building permit drawings. The applicant shall also work with City staff to verify the location and depth of the storm and sanitary sewer mains. In addition, the City shall videotape the existing sanitary and storm sewer mains to assess their pre-construction condition in order to make a determination as to whether any repairs to or replacement of the sewer main is required prior to the commencement of excavation and/or construction. If it is discovered that the existing sewer main is not within the existing easement that will allow for maintenance of the sewer line, the applicant shall dedicate additional easement widths to accommodate City maintenance of the sewer main. (The City is responsible for the cost of the main line, and the property owner for costs of the lateral.) All proposed charging station facilities associated with this project shall provide at least ten feet clear of the City's sewer and storm drain facilities to all for maintenance. As part of the final inspection the same sanitary and storm sewer lines shall be inspected as required by the Director of Public Works, who shall also determine if the sewer lines were damaged as a result of the construction and therefore must be repaired at the applicant's expense. The applicant is responsible to locate their private sewer lateral and note such location on the building permit drawings.
- 14. Stormwater Design.** The California Regional Water Quality Control Board requires all projects, or a combination of related projects, that create and/or replace 2,500 square feet or more of impervious surface to comply with Provision C.3.i of the Municipal Regional Stormwater NPDES Permit. As required by the Chief Building Official, the Property Owner shall verify the total area of impervious surface to be created and/or replaced within the scope of this project, or this project combined with other related projects and/or permits, and incorporate the site design measure(s) required under Provision C.3.i into the plans submitted for a building permit. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at cleanwaterprogram.org.
- 15. Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan. The final plan shall comply with City Code Division 17.34 and Section 17.33.30, and shall not propose plants near the driveway that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway. Upon the determination of the Director, minor differences in the number, size and/or species of vegetation between those shown on the approved landscape plan and those installed at the time of final inspection that do not involve an increase in hardscape or structure coverage may be subject to staff review and approval. Significant differences between the vegetation installed at the time of final inspection and vegetation shown on the approved landscape plan are subject to a design review permit.

- 16. Landscape Irrigation.** To ensure the long-term health and viability of the plant materials on-site, the Property Owner shall install irrigation for the proposed landscaped areas. The irrigation plan shall comply with all relevant landscaping requirements and regulations, including but not limited to MWELo.
- 17. City Facilities Security.** The Property Owner shall provide a specific cash deposit, letter of credit, bank guarantee, or other similar financial vehicle (“City Facilities Security”) in the amount of \$100,000 as established by the Director of Public Works. This financial vehicle serves as an initial sum to cover the cost of any potential damage to City property or facilities in any way caused by Property Owner, Property Owner’s contractors or subcontractors, or any of their agents, employees or assigns, and related in any way to the Project. The Property Owner is responsible for the full cost of repair as determined by the City Engineer prior to final inspections. The form and terms of such City Facilities Security shall be determined by the Director of Public Works after consultation with the Property Owner. The Director may take into account any of the following factors: the cost of construction; past experience and costs; the amount of excavation; the number of truck trips; the physical size of the proposed project; the logistics of construction; the geotechnical circumstances at the site; and City right-of-way and repaving costs.
- a. To provide clear baseline information to assist in determining whether damage to the City’s facilities has been caused by the Property Owner or others working for or on behalf of Property Owner, the City will document such facilities (including, without limitation, streets and facilities along the approved construction route as specified in the Construction Management Plan, to establish the baseline condition of the streets and facilities. The City shall further re-document the streets as deemed appropriate after the Project commences until the Director of Public Works determines that further documentation is no longer warranted. As part of the documentation, the City may water down the streets to better emphasize any cracks or damage in the surface. The Property Owner is responsible for the full cost of the documentation and repair work as determined by the City Engineer, and shall reimburse the City for those costs prior to the scheduling of final inspection.
 - b. When the City Facilities Security is in a form other than cash deposit with the City, the proceeds from the City Facilities Security shall be made payable to the City upon demand, conditioned solely on the Director of Public Works’ certification on information and belief that all or any specified part of the proceeds are due to the City.
- 18. Consultant Cost Recovery.** In order to accommodate the scope and nature of the Project proposed by the Property Owner, if the Director of Planning & Building deems it necessary to retain independent consultants with specialized expertise, including the City Engineer, the Property Owner shall make a cash deposit with the City at the time of the Building Permit Application in the amount of \$5,000 to be used to pay for the fees and expenses of such City consultants, or in any way otherwise required to be expended by the City for professional consultant assistance. If the cash deposit has been reduced to \$2,500 or less at any time, the Director of Planning & Building may require the Property Owner to deposit additional funds to cover any further estimated fees and expenses associated with consultants retained by the City on a regular basis or specifically for the Property Owner’s Project. Any unexpended amounts shall be refunded to the Property Owner within 90 days after the Project has an approved Final Inspection by the Chief Building Official.

19. City Attorney Cost Recovery. If there is a substantial additional commitment of City Attorney's time required to accommodate the scope and nature of the Project, the Property Owner shall, at the time of the Building Permit Application, make a cash deposit with the City in the amount of \$5,000 to be used to offset time and expenses of the City Attorney relating to the Project. If such cash deposit has been reduced to \$2,500.00 or less at any time, the Director of Planning & Building may require the Property Owner to deposit additional funds to cover any further estimated additional City Attorney time and expenses. Any unused amounts shall be refunded to the Property Owner within 90 days after the Project has an approved Final Inspection by the Chief Building Official.

20. Site Safety Security. The City and the public have an interest in not having an unfinished project blighting the neighborhood and undermining property values. These public interests are primarily safety and aesthetics, and diminishment of property values. Prior to the issuance of a Building Permit, the Property Owner shall provide a specific cash deposit, letter of credit, bank guarantee, or other similar financial vehicle ("Site Safety Security") in the amount of \$100,000 to ensure that the Project site is not left in a dangerous or unfinished state.

- a. The Site Safety Security shall be in an amount to include three components:
 - i. safety, which means the cost to make the site and structure safe if construction should cease mid-way through the Project;
 - ii. aesthetics, which means an amount to install and maintain landscaping all around the Project to protect the immediate local views from neighbors and public property; and
 - iii. staff and consultant time to evaluate and implement this condition.If, as the Project proceeds, the expected cost of these components increases beyond the original estimate in the opinion of the Director of Planning & Building, the City may require the Property Owner to increase the amount of the Site Safety Security by the additional amount. The Property Owner shall provide City with written evidence of compliance within 15 working days after receiving written notice of the additional required amount. The City shall retain, at the Property Owner's expense, an independent estimator to verify the total expected costs to complete the Project and any subsequent revisions.
- b. The form and amount of the Site Safety Security is subject to the approval of the Director of Planning & Building. Payment to City under the Site Safety Security shall be made payable upon demand by the City and prior to the issuance of the Building Permit, conditioned solely on the Director of Planning & Building's certification on information and belief that all or any specified part of such Performance Security is due to the City.
- c. The Site Safety Security shall not be released until the Project has an approved Final Inspection by the Chief Building Official. However, if sufficient work has been completed according to the benchmarks and construction values as established under the Construction Completion Schedule, the Site Safety Security may be reduced to the extent the Director of Planning & Building in his sole discretion determines is appropriate.

21. Construction Management Plan. The Property Owner shall develop a comprehensive Construction Management Plan. The Construction Management Plan shall identify the point(s) for access to the property for construction and address noise, vibrations, traffic

control, parking, debris removal, dust control, sanitary facilities, site safety security emergency access, and other potential construction impacts, as well as other details involving the means and methods of completing the Project, including the construction route. It shall incorporate the appropriate components of relevant hazardous waste mitigation plans as required. The City Building Official has the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the Final Inspection.

- a. Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at cleanwaterprogram.org.
- b. Neighboring Property Owner Permission. Should the execution of the Foundation/Shoring/Excavation Plan require excavation into a neighboring property or if access onto the neighboring property is necessary for construction, the applicant shall submit, prior to the issuance of Building Permit, a written statement from the neighboring property owner granting permission for access onto his/her property for the purpose of excavation and/or construction.

22. Construction Completion Schedule. Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Applicant shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage of the project as a whole for each phase.

- a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks as needed: i) Completion of Excavation; ii) Completion of Retaining Walls; iii) Completion of Foundation; iv) Completion of Rough Framing; v) Completion of Electrical; vi) Completion of Plumbing; vii) Completion of Mechanical; viii) Completion of Fire Sprinklers; ix) Completion of Home; x) Completion of Hardscaping and Landscaping; and any further construction benchmarks and conditions of occupancy as may be determined by the Director of Planning and Building.
- b. Before the Project begins, the Director of Planning and Building shall make a determination as to the reasonableness of the proposed completion dates applicable to the Project, and that determination shall constitute the Approved Construction Completion Schedule and be binding on the Applicant. The City may, at the Applicant's sole cost, engage the services of a consultant to review the proposed Construction Completion Schedule and, to the extent the period allocated for any work appears unjustifiable, recommend to the Director of Planning and Building a reasonable completion date for any benchmark.

- c. In the event of a change in scope of the Project that would alter the benchmarks dates set forth in the Approved Construction Completion Schedule, or in the event the Applicant fails to meet a benchmark set forth in the Approved Construction Completion Schedule, the Applicant shall immediately submit a request to amend the Approved Construction Completion Schedule to the Director of Planning and Building. The request to amend shall be accompanied by a new proposed Construction Completion Schedule in compliance with subsection (a) of this condition of approval and the Director of Planning and Building shall evaluate the proposed amendments to the Approved Construction Completion Schedule in accordance with subsection (b) of this condition of approval.
- d. The failure of the Applicant to comply with the Approved Construction Completion Schedule, or any amendments to it approved in conformance with subsection (d) of this condition of approval, shall constitute a nuisance under the City of Piedmont City Code (“City Code”). The failure of the Applicant to comply with the Approved Construction Completion Schedule may result in the City pursuing administrative citations pursuant to Chapter 1 of the City Code, nuisance abatement pursuant to Chapter 6 of the City Code, or any other remedy available to the City under the law. Additionally, if the Applicant fails to comply with the Approved Construction Completion Schedule, the Director of Planning and Building, at his or her sole discretion, may make a claim against the Property Owner’s Site Security, if one is required, in order to complete the benchmark. The Director of Planning and Building, at his or her sole discretion, may refer the application to the Planning Commission for public review and direction.

23. California’s Water Efficient Landscape Ordinance: Property Owner shall comply with the requirements of California’s Model Water Efficient Landscape Ordinance that went into effect December 1, 2015, by submitting the following required information to the Building Department:

- a) Landscape Documentation Package that includes the following 6 items: i) Project Information; ii) Water Efficient Landscape Worksheet; iii) Soil Management Report; iv) Landscape Design Plan; v) Irrigation Design Plan; and vi) Grading Design Plan. The Landscape Documentation Package is subject to staff review and approval before the issuance of a building permit.
- b) Once a building permit has been issued, the Property Owner shall submit a copy of the Water Efficient Landscape Worksheet, to the local water purveyor, East Bay Municipal Utility District.
- c) After completion of work, the Property Owner shall submit to the City and East Bay Municipal Utility District a Certificate of Completion, including an irrigation schedule, an irrigation maintenance schedule, and an irrigation audit report. The City may approve or deny the Certificate of Completion.

24. ADA Requirements. All sidewalks fronting the project must meet both City and Americans with Disabilities (ADA) Standards. As part of the development of this project, the applicant shall verify if all sidewalk slopes meet ADA Standards, including pedestrian access crossing all driveways. If any sections of sidewalk are found to be out of compliance with both City and ADA standards or are found to be damaged, the applicant shall be responsible for reconstruction all out of compliance and damaged sections with new compliant sidewalk as part of this project. If any public sidewalk improvements are needed that require construction of a public sidewalk that extends beyond the current public

right-of-way, the applicant shall dedicate a Public Access Easement over those portions of sidewalk that are outside the public right-of-way.

- 25. Grand Avenue Excavation and Paving.** If any portion of this project requires the applicant to excavate in Grand Avenue (whether it be associated with site improvements or offsite improvements), the applicant shall first obtain an encroachment permit from the City. Due to recently paving the portion of Grand Avenue fronting the project, Grand Avenue between Wildwood and Fairview is currently on the pavement moratorium list (excavation in any street on the moratorium list is typically prohibited unless it is associated with an emergency or other extenuating circumstances). Should any construction associated with this project require excavation in the paving on Grand Avenue, the applicant shall be subject to paving requirements that will be more significant. The applicant shall comply with the requirements of the encroachment permit issued by the Piedmont Public Works Department.
- 26. Waste Receptacles.** As called out in the plans, solid waste and recycling receptacles shall be located within the on-site common areas.
- 27. Approved Construction Limited to City Boundaries.** The features approved under the scope of this application must be located within the boundaries of the City of Piedmont and do not include any existing or proposed features located outside of the city boundaries.
- 28. Minor Modifications to Site Features.** Any minor modifications to site features, including but not limited to placement and orientation of signage, lighting, electrical equipment and conduit, furniture and landscaping shall be subject to staff review and approval.
- 29. Sound and Vibration Mitigation Plan and Review.** As required by the Director of Public Works, the Property Owner shall submit a plan prepared by a licensed engineer of the Property Owner's choice that fully assesses the existing site conditions for the mitigation and monitoring of vibration and decibel levels at the Project during construction (including being periodically present at the construction site during excavation and foundation work). If, in the Engineer's sole discretion, such monitoring indicates that the sound or vibration levels exceed those anticipated in the Property Owner's Construction Management Plan and/or the Sound and Vibration Mitigation Plan, all work on the Project may be immediately stopped by the City and may not resume until the City Engineer is fully assured that the sound and vibration transmissions generated by work on the Project can be maintained at or below a reasonable level and duration.

 - **Peer Review.** The City, at the Property Owner's sole expense, shall retain an independent engineering consultant to perform a peer-review of the Property Owner's Sound and Vibration Mitigation Plan and advise the City in connection with the Property Owner's proposals. The City Engineer shall select this independent engineering consultant, whose services shall be provided for the sole benefit of the City and whose reports and recommendations can be relied upon only by the City. The independent engineering consultant shall also review the building plans during the permit approval process and may provide periodic on-site observations during excavation and construction as deemed necessary by the City Engineer. The Property Owner shall provide payment for this at the time of the Building Permit submittal.

SECTION 6. Non-Residential Sign Design Review Permit Recommendation

- A. Recommend the City Council conditionally approve the application for a non-residential sign design review permit (SIGN2023-001), affirming that as conditioned the proposed signs meet the standards in Section 17.36.020 as follows:
1. As shown in the plans, approval of the sign design review permit does not result in more than one sign per applicant for each canopy façade;
 2. Each sign is simple in design and includes graphic depictions related to the proposed EV charging use and pedestrian and vehicular safety;
 3. Each sign is compatible in design, color and scale to the proposed canopies, adjoining structures and general surroundings because it matches the proportion of the structures relative to the size of the lot and the structures in the vicinity;
 4. As shown in the plans, the signs are located on the canopies and freestanding poles that are oriented toward the pedestrian and vehicular traffic;
 5. As specified in the plans, the signs are constructed of sturdy materials; and
 6. The design of the signage is consistent with the City's General Plan and Piedmont Design Standards and Guidelines, because the signs are not backlit and are appropriate for the scale of the proposed structures and use.
- B. Recommend the City Council include 1 condition of approval on the non-residential sign design review permit as follows:
1. **Defense of Legal Challenges.** The Property Owner 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 Property Owner's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Property Owner'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 Property Owner, City, and/or parties initiating or bringing such Proceeding. If the Property Owner 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 Property Owner of any Proceeding and shall cooperate fully in the defense.

[END OF RESOLUTION]

ATTACHMENT B

DESIGN REVIEW GUIDELINES:

3.03 SITE DEVELOPMENT

3.03.01 SIGNIFICANT VIEWS

3.03.01.1 The siting and construction of a new or modified existing structure, including its site plantings at mature growth, should make all reasonable efforts to avoid adverse impacts on significant views currently available to existing nearby residences.

3.09 FENCES AND WALLS

3.09.01 NEIGHBORHOOD AND CONTIGUOUS PARCEL COMPATIBILITY

3.09.01.1 The design of fences or walls should be consistent with the character of existing fences or walls in the neighborhood and on contiguous parcels, except when they exceed the recommended maximum heights outlined in these guidelines.

3.09.01.2 A fence or wall should minimize any adverse impacts on the neighborhood and on residences located on contiguous parcels. The quality of design reflected by the fence or wall should be directly related to its visual prominence.

3.09.03 CONTIGUOUS PARCELS AND ON-SITE SAFETY

3.09.03.1 A fence or wall located in a side yard should not obstruct emergency access between the street and the side and rear yards of a contiguous residence.

3.09.03.2 A fence or wall located in a side yard should not obstruct emergency access from the street, through the side yard, and into the rear yard of the residence. A gate located in a side yard fence or wall should be wide enough to accommodate an emergency stretcher. Its locking mechanism should be a type that can be unlocked or removed by police and fire department personnel in an emergency. A gate in a fence or wall located within side yards and permitting access to rear yards should be equipped with an adequate lock which can be unlocked or removed by police and fire department personnel in an emergency.

3.09.03.3 A fence or wall located adjacent to a driveway should not obstruct the view of a driver exiting a driveway.

3.09.03.4 A fence or wall located in the side yard of a corner lot adjacent to a street should not obstruct the view of the cross street for drivers approaching the cross street.

3.11 LANDSCAPE AND HARDSCAPE DESIGN

3.11.01 INTRODUCTION

3.11.01.1 Landscape and hardscape surfaces are design elements that anchor structures to their surrounding terrain. Rather than being used as an afterthought to mask inappropriately positioned or designed structures, they should instead be part of a comprehensive site development design scheme and should be compatible with the design of structures found on the property.

3.11.01.2 As with additions to existing structures, additions to existing landscaping and hardscaping should provide a seamless transition to existing planting and pathway designs.

3.11.02 STREET FACING GARDENS IN SETBACK AREAS

3.11.02.1 Planting designs within the street facing setback area should be compatible with those found on neighboring properties, as shown in the two photographs above.

3.11.02.2 Living plant materials should be the primary ground cover for street facing gardens within the front setback area. Planting areas consisting primarily of rock or inorganic material should be avoided, as shown in the two photographs above.

3.11.02.3 Artificial turf is not a landscaping material. As a hardscape material it does not count towards the 30% landscape minimum. The 20 ft. street setback area must be landscaped except for areas of ingress and egress. Side and rear yards offer more flexibility in the use of landscape and hardscape materials, including artificial turf.

3.11.02.4 At corner lots, where the side yard also has a street facing garden within the 20 ft. street setback, landscaping should be attractive while providing privacy for outdoor living areas.

3.11.03 ON-SITE DESIGN PRINCIPLES

3.11.03.1 Minimize impacts on existing terrain.

3.11.03.2 Use natural drainage channels and on-site storm water drainage management opportunities.

3.11.03.3 Preserve and incorporate existing mature trees as part of the overall landscape design.

3.11.03.4 Use landscaping within side and rear setback areas to reinforce property lines and minimize the need for fencing between separate outdoor spaces.

3.11.03.5 Avoid locating structures within the drip line of existing mature trees or within riparian zones.

3.11.03.6 Rear yard gardens should provide plantings with usable open space.

3.11.03.7 When possible, use a variety of plant materials in the palette to have a layered effect of size and species. Consider the need for wind breaks, the need for shading in South and West facing areas, while choosing plant materials conducive to sunny and shaded zones within the lot.

3.11.03.8 Use native plant species, drought tolerant or climate appropriate planting materials. Consider following Bay-Friendly Landscape Guidelines when designing your garden.

3.11.03.9 Avoid invasive plant species or flammable mulch, such as shredded redwood bark, also known as “gorilla hair.”

3.11.03.10 Consider the eventual height and width of plant materials when planting near property lines, buildings, site features, streets and sidewalks.

3.11.03.11 Use drip irrigation systems to establish newly planted materials, but choose species that will primarily survive on rainfall.

3.11.03.12 Use permeable paving as part of the hardscape materials, when possible. Pavers should be light in color with a high solar reflective index.

3.11.03.13 Consider planting strips at driveways.

3.11.03.14 On-site asphalt driveway paving and on-site driveway and walkway solid white concrete paving should be discouraged. Colored concrete or pavers are recommended for on-site driveways and walkways.

3.12 EXTERIOR LIGHTING

3.12.01 NEIGHBORHOOD AND CONTIGUOUS PARCEL COMPATIBILITY

3.12.01.1 Limit the lighting of front yard landscape features, to respect the existing neighborhood character.

3.12.01.2 Use “Dark Sky Compliant” exterior light fixtures that are shielded and directed downwards to prevent light trespassing from a subject property to neighboring properties. The use of floodlights is discouraged.

3.12.02 ON-SITE AESTHETIC DESIGN, COMPATIBLITLY AND SAFETY

3.12.02.1 Complement the light fixture design with the architectural character and building elements being illuminated.

3.12.02.2 Conceal electrical boxes from public view. Conduits should not be exposed on

exterior walls and should be embedded either in walls or landscaping.

3.12.02.3 Locate low level lighting to ensure entry paths, entry stairs and driveways, garage and building entries are adequately illuminated.

3.12.02.4 When used, provide motion sensors that are adjustable, to prevent them from rapidly flashing on and off when activated.

3.13 LOCATION OF SITE FEATURES

3.13.02 NEIGHBORHOOD AND CONTIGUOUS PARCEL COMPATIBILITY

3.13.02.1 The placement of site features, when viewed from the street right-of-way, should be compatible with structures on adjacent parcels and those within the surrounding neighborhood.

3.13.02.4 The location of noise generating equipment, such as pool and spa equipment, should be properly enclosed and/or have sound attenuating devices to reduce the noise from traveling to contiguous parcels as required by the Building Code. The installation of permanent exterior audio speakers is discouraged.

3.13.03 ON-SITE AESTHETIC DESIGN COMPATIBILITY

3.13.03.1 The design and location of site features should be compatible with the design and location of primary and accessory structures on the property.

3.13.03.2 The materials used for a site feature should be of high quality to ensure its long-term durability.

4.04 MECHANICAL EQUIPMENT

4.04.01 NEIGHBORHOOD AND CONTIGUOUS PARCEL COMPATIBILITY

4.04.01.1 Noise and odor generating equipment, such as water pumps, heat pumps, air conditioning condensers, kitchen hood exhaust fans, and pool equipment, should be located so that noise generation is within the maximum decibel limit regulated by the Piedmont Building Code.

4.04.01.2 To ensure neighborhood compatibility, mechanical equipment is prohibited within the setback area unless it is enclosed within an allowable site feature.

4.04.02 ON-SITE AESTHETIC DESIGN COMPATIBILITY

4.04.02.1 Site-and ground-mounted mechanical or electrical equipment should be screened using plant materials, fencing, walls, or other approved means to shield the equipment from view.

4.04.02.2 Roof mounted equipment greater than 12 inches above the roof line, except for roof exhaust vents, plumbing vents, and solar panels, should be screened from being viewed from the public right-of-way.

4.04.02.3 Utility connections should be located in a way that does not interfere with the design character of the buildings they serve. They should not be located in a street-facing manner.

4.04.02.4 Runs of all supply, exhaust and venting plumbing, conduits, and flues should be concealed within the walls of a building. If concealment is infeasible, the run should be minimized, discretely placed, and painted to match the adjacent wall.

4.04.02.5 Utility connections should be screened or painted to blend in with the exterior materials to which they are mounted.

4.05 GREEN BUILDING MEASURES AND RENEWABLE ENERGY FEATURES

4.05.02 ON-SITE LANDSCAPE DESIGN PRINCIPLES

4.05.02.1 Protect existing soil conditions and mature planting.

4.05.02.2 Encourage the selection of drought tolerant plant materials that are compatible with local climate and topography and that require little or no irrigation during the dry season.

4.05.02.3 Encourage the employment of Bay-Friendly Landscaping principles in landscape design and maintenance.

4.05.02.4 Strategically place shade trees to reduce building energy consumption.

4.05.02.5 Develop efficient irrigation systems that use plant-specific or pop-up irrigation emitters to eliminate excessive water use.

4.05.02.6 Consider treating storm water on-site as much as possible, using devices such as bioretention planter boxes, cisterns, bioswales, vegetated swales and rain gardens to prevent excessive water runoff.

4.05.02.7 For paved areas, consider using permeable paving, as recommended in Chapter 3, Section 3.11 of the Guidelines, to reduce water runoff.

7.02 SITE DEVELOPMENT

7.02.02 AMENITIES ON-SITE: NEIGHBORHOOD COMPATIBILITY

7.02.02.1 Landscaping on commercial and mixed-use properties should complement the landscape treatments on adjacent properties.

7.02.02.2 Along property lines abutting single-family residences, landscaping should provide screening and privacy for the adjacent residences.

7.02.02.3 Along the street facing frontage, smaller scale design elements such as container plantings and window boxes should be considered to enhance the pedestrian experience.

7.02.02.4 Where facades are set back from the property line, paving within setback areas should be distinctively different from the adjacent public sidewalk. As appropriate, plazas or outdoor seating areas located adjacent to sidewalks may be separated from the sidewalk by landscaping, raised planters, or similar features.

7.06 EXTERIOR BUILDING SIGNAGE

7.06.01 AESTHETIC DESIGN: ON-SITE COMPATIBILITY

7.06.01.1 Provide a consistent building signage program that is compatible with the building design. Discourage the obscuring of building elements with building signage.

7.06.01.2 Limit the location and number of signs for each commercial space.

7.06.01.3 Limit the exterior lighting of building signage to avoid light trespassing to adjacent properties and to residential units above the ground floor. Lighted signs should be lit only during business hours.

7.06.01.4 Discourage the use of back-lit signage.

APPLICABLE GENERAL PLAN POLICIES

Land Use 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.

Natural Resources and Sustainability Policy 15.2: Alternative Fuel Vehicles - Encourage the use of cleaner-burning fuels and low-emission vehicles. This could include providing infrastructure for "plug-in" vehicles; hydrogen fuel pumps at the city's gas stations; and a gradual

switch to hybrid, electric, or alternative fuel vehicles for the City fleet.

Climate Action Plan Priority 4: Drive a Zero Emissions Vehicle (ZEV): Petroleum-fueled personal vehicle use is the single largest source of emissions in Piedmont. Purchasing an electric or other zero emissions vehicle is another significant action that can be taken. When combined with the use of 100% renewable electricity, electric vehicles become significantly more impactful, as the additional electricity required for charging the vehicle would no longer be linked to electricity generated from fossil fuels. The City will investigate the possibility of installing public EV charging stations in public areas within Piedmont.

Climate Action Plan Objective T-4: Accelerate the adoption of Zero Emissions Vehicles (ZEVs) in Piedmont: Install EV chargers in the Civic Center area, Grand Avenue commercial zone, and other commonly traveled locations in Piedmont, develop an ordinance to require EV charger pre-wiring in any garage remodel, and require pre-wiring for EV charging in new construction