

**June 17, 2015**

**VIA E-MAIL**

**To: City Planner, Andrew Thomas and the Alameda Planning Board**

**Applicant: Gary Voss, Owner, Big O Tires, 1200 Park Street Alameda**

**Regarding: Application and Request to Amend Use Permit 88-36 (updated from information provided in February 2014)**

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On January 30, 1989, the Alameda Planning Board, through Resolution 1926, approved a use permit (UP-88-36) for 1200 Park Street ("Property"). At that time and for over 30 years, Big O Tire Store ("Big O") has been a strong member of the Alameda community. Big O is a backbone business on Park Street and has provided jobs and significant tax revenue to the City for many years. While Big O has taken great efforts and implemented creative solutions to comply with the spirit and intent of the conditional use permit ("CUP"), certain conditions of the CUP are not being met to exaction. More specifically, despite great efforts, Big O cannot secure an alternative long-term parking site for customer cars, as well as for employees. For the following reasons, securing such a site would be unfeasible for the business. We respectfully request the UP-88-36 be amended to remove this condition.

For most of the 30 years Big O has been operating, it has done so without issue from the City or its neighbors. On average, Big O produces 65 invoices (works on approximately 60 cars) per day. Big O operates Monday through Friday from 7:30 a.m. to 5:30 p.m. and on Saturday from 8:00 a.m. to 4:00 p.m. The current parking lot for Big O includes 11 striped parking spots, additional space for 5 cars and 1 disabled persons' parking spot. If all spots on the rack inside the structure are filled, there could be 8-9 cars inside the structure. On average, during busy times, there may be a need for about 5-6 cars to be parked off-site.

Neighboring businesses include clothing retailers, a hair salon, a liquor store, an athletic club, a party store and a laundromat. There are also residences and residential neighborhoods in proximity of the Property. Most of these businesses and residents co-exist harmoniously. Big O provides services to many City residents. It has had considerable success and maintains repeat customers as is exhibited in part by the numerous reviews on yelp and the attached letter (see letter from Mr. Centurion).

While the 1988/89 CUP articulates eight conditions, one condition is most challenging to meet to exaction.

As stated, the CUP requires off-site parking to be secured. The intent and spirit of this requirement is to ensure that there is minimal impact on the availability of parking within the  
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business district. As stated above, Big O serves approximately 60 cars per day. About 20-30 percent of the customers wait for their cars while having minor service done. During this time, these customers will often patronize local restaurants and shops. The waiting time for minor repairs is usually 45 minutes to 1 hour. While Big O has always requested its employees to be sensitive about parking issues, store management has been particularly firm over the past year to make certain that no employees park their own vehicles or company trucks at the public metered spaces. There have been times when employees have parked for a period of time or customers cars are parked at the meters, but Big O endeavors to use its best efforts to limit this. Big O has made great efforts to keep customers cars within its property. With its capacity to maintain cars either on the racks under the structure or in the parking lot, it is at most only 5-6 cars that may spill over into the neighborhood.

Over the past three years, Big O has made diligent efforts to contact nearby property owners/lessees to discuss possible arrangements to secure off-street parking that also makes business sense. The following businesses were contacted:

Party Warehouse – not interested in subleasing any parking spaces.

UC Liquors – not interested in subleasing more than one or two parking spaces.

Emanuel's Muffler – not interested in subleasing any parking spaces.

Harry Greer Mortuary - 2 visits, 1 call, no response, 14 blocks away.

Dimitri's Sandwich Shop - 2 visits, no response.

AM/PM Mini Mart – 1 visit, no response, will follow up.

Sea Worthy Canvas - 5 spots available, \$500 per month, but a long distance to retrieve customers' vehicles.

Alameda Theater – 5 story parking complex, long waiting list for available spots. Only one parking space recently became available after months of waiting on the list.

Of the properties contacted, Sea Worthy Canvas was the only business that both had available spaces and were willing to lease them. However, the location is several blocks away from Big O and would take 15-20 minutes on average to drive there and 15-20 minutes to return with a customer's vehicle. Even the Theater, while closer in distance, poses a similar transfer time, as it is a 5-story parking complex and additional time is required to enter and exit the structure. Moreover, parking customers' cars off-premises is not received well by customers. They are understandably concerned about security and trips made by staff solely to store their vehicle which could result in potential damage to their vehicle. Parking cars any distance from the store will add to payroll cost and customers' wait time for vehicles. This could severely impact repeat business and in essence makes the condition requiring off-site parking unfeasible.

Given these constraints, Big O implemented a creative solution to the off-street parking requirement, focusing on the intent and spirit of the condition to minimize Big O's impact on-street parking within the business district. Accordingly, in April 2013, Big O hired two valets to

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perform a pick-up or delivery service, primarily during rush hours and Saturdays. While this has been in place a little over two years and still needs refinement, it has been well received by the customers. Customers view the valet service as a convenient benefit, particularly those that would prefer the ease of pick-up or delivery. It has, therefore, become a strong marketing tool, while reducing the number of cars that are parked for long periods of time in the parking lot, particularly those just waiting to be picked up. Due to this service, there has been some reduction in the need to park cars outside the lot during significant rush times; however, the service has not entirely eclipsed the need at all times. Big O intends to increase its valet service during rush times as well, but it must balance the need for valets with the need for those same employees to work on vehicles.

The complaints regarding compliance have been more focused on the violation of the use permit requirement rather than addressing Big O's impact on street parking within the business district. Many of the immediate neighboring businesses have some off-street parking. Most neighboring businesses, even during rush times for Big O, have available parking for their customers, including their own off-street parking (if available) in addition to the metered street parking. Further, while Big O is requesting removal of the off-street parking requirement and amendment of UP-88-36, Big O will make every effort to control employee and customers cars parked at the meters. Big O may, from time to time, need to use the metered parking (lawfully paying the meter); however, it will limit such parking to the three spaces in front of the Property, on the Big-O Park Street frontage/entrance.

We also have reached out to our neighbor at the Laundromat (across the street), as he has been most affected by the parking issues. We have offered to enter into a separate agreement stating that Big O employees shall not park employee or customer cars in the metered street parking on the west side of San Jose Avenue (in front of the Laundromat) and on the west side of Park Street. We intend to include this policy in our employee manual as well. We believe this should alleviate any specific parking concerns for the Laundromat.

We note and acknowledge that the nearby retailer has also questioned compliance of two other conditions of approval addressed below.

First, the CUP requires signage in the parking lot directing customers to turn right only, on Park Street (away from the residential side of the city). A sign, in compliance with this directive, had been installed and was subsequently destroyed by a car exiting the lot. Since then, the sign has been replaced, indicating "right turn only" on the Park Street exit to reduce traffic into residential areas. However, we note that now there are residential areas in both directions on Park Street.

Second, the CUP requires work to be conducted within the structure on the Property. The majority of the work is done on cars on the racks, within the structure. Big O performs tire, wheel and routine auto services such as oil and lube, alignment, brakes, suspension and battery services for its customers. Some of these services require a car to be up on the racks for some time. Other times, Big O is waiting for parts or labor so there may be difficulty getting another car up under the structure, particularly for quick service. If any work is done on the exterior (outside the structure), it may include a quick repair or discreet task such as a flat tire or reinstalling a repaired tire. Every safety precaution is taken so that there is no additional hazard

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to Big O customers or others. If there is a need to do such work, Big O takes every step to make sure it is done safely and efficiently. Accordingly, the duration of exterior work may range from a 10 to 20 minute process.

As an addendum to the CUP, we request the Planning Board acknowledge that in the event there is a need to conduct a minor repair, Big O be permitted do the work outside the structure provided that all safety precautions are taken and that the work be done in an expeditious manner.

In consideration of the above, we respectfully request the Planning Department staff recommend approval and the Planning Board approve our application to amend UP 88-36 to: (1) remove the off-street parking requirement, and (2) provide guidance through an addendum that in limited circumstances some work may be done outside the structure. The above noted conditions are the only conditions on which we are seeking amendment.

Please contact me should you have any questions.

Attachments

cc: Kathleen Livermore, City of Livermore (via e-mail)  
Farima Faiz, Office of the City Attorney (via e-mail)  
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