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MEMORANDUM

April 29, 2013

TO: Michael Notaro
(counsel for Arthur Thoms)
2219 Santa Clara Avenue
Alameda, CA 94501

FROM: Anagha Dandekar Clifford

RE: Plan re Conditional Use Permit for Big O Tire Store at 1200 Park Street,
Alameda, California

We represent Big O Tire Store ("Big O"). The following Plan articulates the process in which Big O Tire Store intends to preserve and improve its compliance with the articulated requirements of the 1989 Conditional Use Permit ("CUP") on 1200 Park Street or (the "Property").

Big O Tire Store is a flourishing and successful business within the City of Alameda ("City"). It has been providing service to its customers for over 30 years. It is a mainstay on Park Street and has provided jobs and significant tax revenue to the City for many years. On average, Big O produces 65 invoices (approximately 60 cars) per day. The Store operates on Monday through Friday from 7:30 am to 5:30 pm and on Saturday from 8:00 am to 4:00 pm. The current parking lot for Big O includes eleven striped parking spots, additional space for 5 cars and one 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 Store. 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 example letter from Mr. Centurion.*

In 1989, a CUP was approved by the Alameda Planning Commission issuing conditions on Big O's use of the property. While the 1989 CUP articulates eight conditions, there are three that appear to be most of concern.

First, the CUP requires a sign 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 leaving the lot. Another sign will be installed by May 1, 2013, 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 batteries 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 a part or labor so there may be difficulty getting another car up under the structure, particularly for a quick service. If any work is done on the exterior (outside the structure), it may include a quick repair of sorts such as a flat tire or reinstalling a repaired tire. Every safety precaution is taken so that there is no additional hazard to our customers or others. If there is a need to do such work, Big O takes every step to make sure it is done efficiently. Accordingly the duration of exterior work may range from a 10 to 20 minute process.

Third, the CUP requires off-site parking to be secured. Much of this requirement is to ensure that there is minimal impact on the availability of parking within the 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 one hour. While Big O has always requested all of its employees to be sensitive about parking issues, store management has been particularly firm recently to make certain that no employees park their own vehicles or company trucks at the metered public parking.

Big O has made great efforts to keep customers cars within its lot. With its capacity to maintain cars either on the racks under the structure or in the parking lot, it is only at most 5-6 cars that may spill over in to the neighborhood.

For the past two months Big O has made diligent efforts to contact nearby property owners/lessees to see if it can make any arrangement 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 any parking spaces.

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

Harry Greer Mortuary - 2 visits, 1 call, no response. 4 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, number 11 on waiting list for a parking space.

Of the properties contacted, Sea Worthy Canvas was the only property 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 vehicle. Even the Theater, while closer in distance, poses a similar transaction time as it is a 5 story parking complex and additional time is required. 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 that could result in potential damage (whether intentional or unintentional) 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.

Big O seeks to resolve the off-street parking issue by employing some creativity, while being mindful of the CUP's intent—to minimize Big O's impact on street parking within the business district. Accordingly, Big O has hired two valets that will perform a pick-up or delivery service every Saturday and, if needed, on weekdays during rush hours as determined over the course of four months. This is viewed as a benefit to customers that would prefer the ease of pick-up or delivery, and therefore 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. This service is anticipated to reduce the amount of time customers cars are at Big O, and therefore ease the parking situation. If the valet option does not demonstrate relief at the close of the four month period, Big O will initiate one of the off-street parking options noted above or discussed below. In conjunction with the above valet option, Big O has been in discussions with the neighboring home owner who has a large pad in the back of his home on 1212 Park street, currently blighted and overgrown. There is a fence separating this portion of the property from Big O. With some work needed to prepare the back pad for parking and appropriate permitting from the City, this area could be cleaned up and provide the parking relief needed by Big O. While further investigation is necessary, this could also prove to be a strong solution to the off-site parking condition.

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Memo to Michael Notaro
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There are several options articulated above to comply with the off-site parking condition, either on its face or through its intended goal. Big O intends to put in place its pick up or drop off pilot valet service, as articulated above, by May 1st. Big O also intends to continue its investigation and communication with the neighboring property owner and the City to determine the status of the 1212 Park Street property for parking. Please contact me with any questions or comments.

ADC

Enclosure

cc: Kathleen Livermore, City of Alameda
Farima Faiz, Office of City Attorney



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November 26, 2013

VIA E-MAIL

Mr. Andrew Thomas, AICP
Planning Services Manager
Planning and Development Department
City of Alameda
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Re: Big O Tires, 1200 Park Street Conditional Use Permit

Dear Andrew:

This letter responds to a complaint sent via facsimile on October 28, 2013, by Mr. Art Thoms, the owner of the Washboard Laundromat, a neighboring business on Park Street. The complaint articulates two violations of the conditional use permit: (1) parking at the meters on the street in front of the tire store by Big O employees, and (2) violations of the "right turn only" sign by Big O employees.

On or around April 29, 2013, we provided Mr. Thoms with a memorandum articulating the process in which the Big O Tire Store would preserve and improve its compliance with the articulated requirements of the 1989 Conditional Use Permit ("CUP") on 1200 Park Street (the "Property"). Since then, Big O has replaced the "right turn only" sign on the Property. Also, it has increased its Saturday valet service to a daily service as an alternative to the off-street parking requirement. The service is a good marketing tool for the business and the customers but it is very costly, as it requires two employees to pick-up or drop-off a customer's vehicle. Separately, many employees have begun riding their bikes to work to minimize employee parking. The October 28, 2013 occurrences are exceptions and not the rule. Big O will take every precaution to prevent their reoccurrence.

For a robust, thriving and longstanding Alameda business, Big O does its best to operate in accordance with the CUP requirements; however, parking is an ongoing issue both on Park Street and in Alameda generally. While Big O continues to seek creative solutions to its off-street parking requirement, it must also review all of its options which now must also include relocation, as the confines of the CUP may prove too onerous.

Mr. Andrew Thomas, AICP
November 26, 2013
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We, as always, are open and willing to work with the City on this. Please let me know if you have any questions.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN LLP

A handwritten signature in black ink, appearing to read 'Anagha Dandekar Clifford', with a long horizontal line extending to the right.

Anagha Dandekar Clifford

ADC/smr

cc: Kathleen Livermore
Art Thoms
Michael Notaro
Gary Voss

February 18, 2014

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 88-26

On January 30, 1989, the Alameda Planning Board, through Resolution 1926, approved a use permit (UP-88-26) 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-88-26 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 1989 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 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 year, 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 any 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, Big O hired two valets to perform a pick-up or delivery service, primarily during rush hours and Saturdays. While this has been in

place less than one year 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, north of the Park Street entrance.

We note and acknowledge that a nearby retailer has 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 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 US 88-26 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)
Anagha D. Clifford, Wendel, Rosen, Black & Dean LLP (via e-mail)

March 8, 2013

TO: Permit Use Board

SUBJECT: Renewal of Use Permit for Big O Tires

I would like to attend the scheduled meeting referenced above, but cannot since I will be out of town on March 11th. Instead I am writing to you and I hope that you will carefully consider my thoughts about this issue.

I have been next door neighbors with Big O Tires since purchasing my home at 1201 Park Avenue in February 1990. My property shares a property line with Big O on San Jose Avenue. Without exception, Big O management and employees have been nothing but the best of neighbors for all of those 23 years.

All of the families that live in the Jackson Park/downtown area are impacted with parking issues. Often I can not park in front of my house, and occasionally I must park on another block. This is because we live in a business district. Businesses have customers, and customers have cars. Are cars from Big O tires parked on the street? Yes they are, but so are many cars from other businesses i.e., the laundry mat, the gym around the corner, and other businesses on Park Street. Not to mention those commuters that park in the neighborhood and then take the bus or ride pools to their place of employment. It can be an inconvenience some times, but one must expect this when living in or near a business district.

Big O Tires employees are consistently pleasant and hard working. Do I hear them working sometimes? Yes, but I just think of good activity going on and people being employed. Do I sometimes step out my door and the whole area smells like fabric softener because of the laundry mat which is not very pleasing to me? Yes, but I just think that this unpleasant smell comes from people that are trying to get their clothes clean which is certainly a right idea. Sometimes there is some noise from people in cars that are waiting for their clothes to be washed or dried. They sit in their cars and play the radio loudly, or have several children that are playing in or outside of the car yelling, laughing, and squealing. Was it disturbing many years ago when week after week we had to call the police to quiet down the tenants above the laundry mat because of their loud parties late at night? Yes, it was a problem for months, but the police would come, the parties would quiet down, and eventually the problematic tenants moved. This all comes from, by choice, living in a neighborhood that is zoned for business.

At 5:00pm when Big O Tires closes and all their employees go home, activity at the laundry mat picks up and many cars using that business are parked on our street. Also, activity at the gym picks up and many people park on San Jose or Park Avenue at that time.

As residents and businesses in this area we must share the public parking spaces on a first come, first available basis. That is just the way it is. If we live in a city in or near the

central business district, we have to expect parking and sometimes noise to be an issue at times. To single out one business for use of parking on the street when there are many businesses in the area whose customers regularly park on the street, would be totally unfair and unjust. Therefore, I strongly urge you to approve the use permit for Big O Tires.

I you have any questions at all, please do not hesitate to contact me at 510-865-9945.

Very sincerely yours,

Bobbie V. Centurión

Bobbie V. Centurión
1201 Park Avenue
Alameda, CA 94501

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)

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

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.

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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

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

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.

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