

1200 Park St. Conditional Use Permit Hearing (CUP)  
May 8, 2017

Re: Official notice of Violation dated January 19, 2017 citing condition #3:  
*"Applicant's business vehicle(s) shall be store on the site, not on adjacent residential streets."*

This hearing and the prior one on November 28, 2016 are being held in response to a petition dated August 2, 2016, signed by 21 individuals from 18 addresses on Park Ave. and San Jose Ave. The petitioner's statement that specifically impacts the violation of the CUP is:

*"The property is too small for this type of business and overflow parking needs would impact the surrounding neighborhood."* (note prospective language)

The Garfinkle family that owns this property actually had the existing structures built in 1922 and 1928 and the family business, Clamp-Swing Pricing Company operated out of the main building from 1924 to 1956. Our grandparents lived almost all of their adult lives at 1171 Park Ave. at the southern end of Jackson Park. The point is, we are intimately familiar with this neighborhood. The current tire business has been successfully operating at this location for some 35 years and is a compatible "use" given that Park Street is a service corridor and that the complementary use of Auto Zone will be located across the street.

While we are aware that there has been ongoing tension over the use of off-street parking between Gary Voss, one of the owners of Tire Pros and Art Thoms, the owner of the laundromat across the street, we were surprised to see so many available parking spaces during most, if not all hours of the business day, any day of the week, including the metered spaces on San Jose Avenue adjacent to both properties. We understand that Mr. Thoms has been personally involved with getting this petition before the Planning Board though his signature is noticeably absent. In that light, we believe that the petition was generated for and is serving his personal commercial goals.

We note that the statement in the petition is "prospective" in nature and does not accurately represent the true picture of available parking in this neighborhood now, or moving forward to the future, once the current tenant Tire Pros moves their business.

The residents on Park Avenue where it surrounds Jackson Park are blessed with more than twice the amount of parking compared with any typical residential neighborhood in Alameda. This is because the one-way streets have parking on both sides and on the sides along the park there are continuous stretches of parking spaces without curb cuts except for an occasional access driveway for maintenance vehicles.

The Garfinkle Family is in contract to sell the property to Big O Tires, the corporate Franchisor who will initially operate the business as a company owned site and thereafter, oversee a future franchisee operating as the local Big O store. This will be a

continuation of the same type of business that has been there going back to 1982, probably before most of the residents in the neighborhood moved in.

When Tire Pros leave, they hope to take all of their customers with them. Big O is buying the property with a full understanding of the demographics. They are confident that with the familiarity of the Big O name and the 35 year history at the same location, they will keep the much, if not most of the business. We believe that neither will get as much as they want, and a split is likely. Only time will tell how much business each will do.

The important aspect of this development is that the impact on parking will actually be significantly diminished because the new franchisee will be lucky to keep half of the customers who now buy from this location. We have been told by the current tenant that they service about 60 cars per day. A survey of their operation reveals that they have 24 spaces in their yard for parking and there are 6 service bays for a total of 30 locations for customer cars. If the new owner is able to retain half of the current level of business, they will be servicing around 30 cars spread out over the course of the day and will have no need for parking on the neighboring streets. None-the-less, to ensure the permit stays in place, Big O has submitted a plan for a revised CUP promising to provide additional off-street parking, should any be necessary.

Another consideration is that people who regularly buy tires in Alameda could be the beneficiaries of a price war between these two competing merchants. That would be a positive, if unintended, consequence of not revoking the CUP.

Our awareness of available spaces in the neighborhood prompted us to document what we believed was the case. Over the last 7 months we have made our own observations and taken photographs on random days at random times during business hours. Each visit to the site confirmed that there were many open spaces. We took pictures on 8 occasions when we had time to do this and the attached parking summary and photo pages reveal that on average, there were 35 available parking spaces on San Jose between Park St. and Regent St, and on Park Avenue around Jackson Park. On all of the other visits where we just drove by, including on Saturdays, there were always many spaces.

It appears that there is no parking problem, even now with Tire Pros operating at 100% capacity. If this is really the case, the concerns voiced in the petition that prompted this discussion are unfounded and there is actually no justification for the CUP's parking restrictions. What documentation does the city have to substantiate that there is a problem now or will be once these two businesses start competing for the same customers? Have the petitioners presented evidence to support their statements?

We respectfully request that the Conditional Use Permit be maintained or recommend amending it by striking the parking conditions #2 and #3 given the evidence that there is no actual negative impact related to parking and confirm that the current business use of our property is a valuable asset to the community.

## Photographic Parking Survey Summary

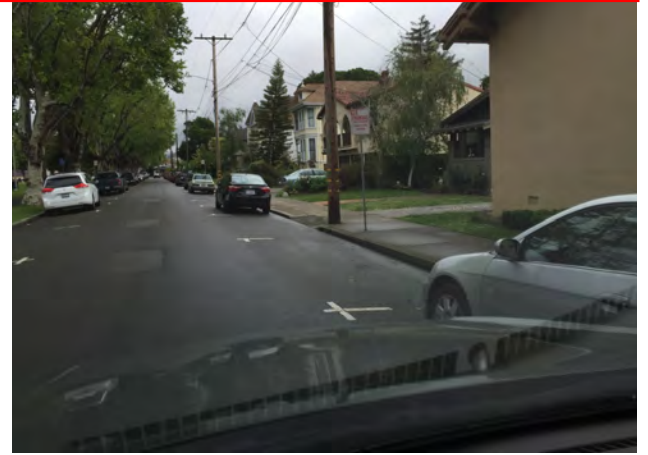
The table below is a summary of available off-street parking spaces in the vicinity of 1200 Park St. The area includes San Jose Avenue from Park St. to Regent St. and Park Avenue from Encinal Avenue to the end of Jackson Park. It does not include spaces on Park St or on San Jose across Park St. The counts do not include handicap spaces and photos were not taken during street sweeping hours.

Date	Day	Time	Available Spaces
October 19, 2016	Wednesday	2:00pm	39
October 24, 2016	Monday	9:30am	35
October 28, 2016	Friday	1:00pm	50
November 28, 2016	Monday	1:00pm	23
November 29, 2016	Tuesday	2:00pm	32
December 7, 2016	Wednesday	2:30pm	41
April 11, 2017	Tuesday	2:00pm	23
April 18, 2017	Tuesday	9:45am	41

There was an average of 35.5 spaces per visit to the site when these photographs were taken.

Photographs taken by Ben Garfinkle on random dates and times as indicated.

4/18/17 @ 9:45AM, 41 total spaces, 27 on Park Ave., 3 metered, 4 free on San Jose, 7 spaces San Jose between Park Ave & Regent

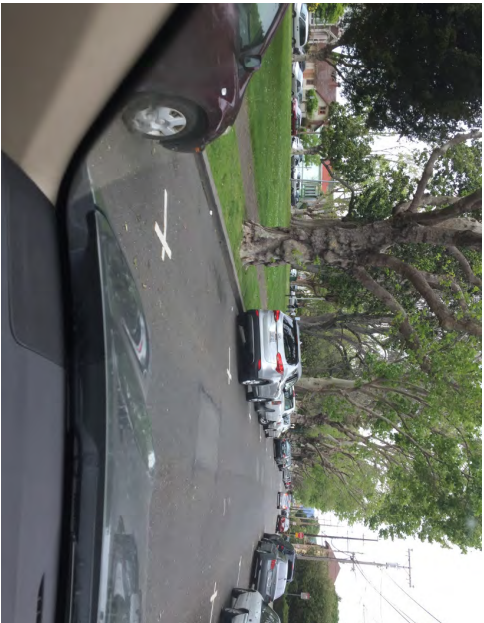
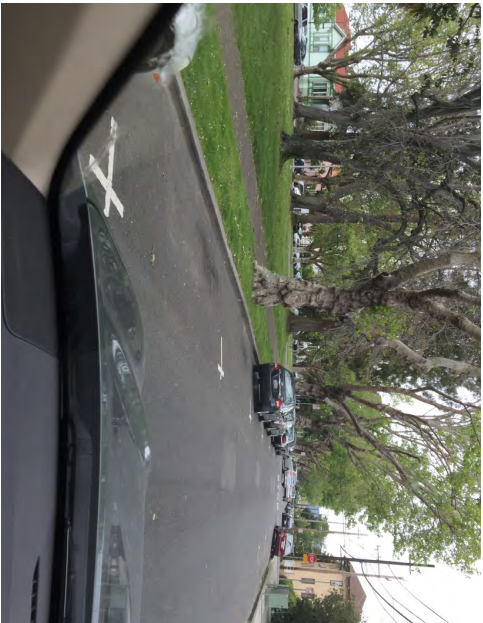








4/11/17 @ 2:00PM, 23 total spaces, 11 on Park Ave., 2 free + 3 metered on San Jose, 7 on San Jose between Park Ave & Regent









10/19/16 @ 2PM, 39 total spaces, 27 on Park Ave., 4 metered on San Jose, 8 prox spaces on San Jose between Park Ave & Regent



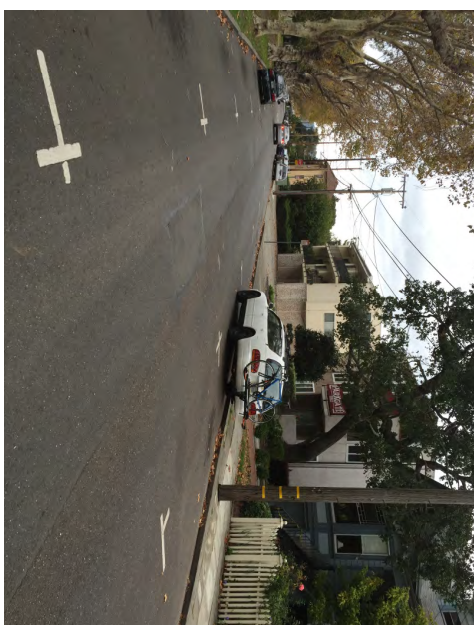
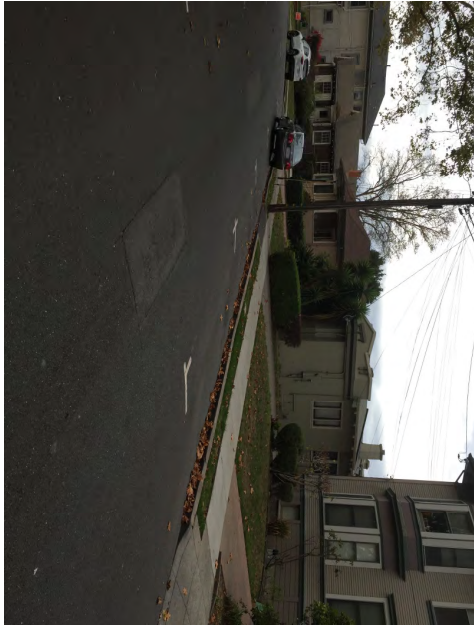


































11/29/16 @ 2PM, 32 total spaces, 21 spaces on Park Ave., 1 metered on San Jose, 10 prox on San Jose between Park Ave & Regent









12/7/16 @ 2:30PM, 41 total spaces, 23 spaces on Park Ave., 4 metered on San Jose, 12 prox San Jose between Park Ave & Regent

