CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 10/02/01

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of Planning Commission's Denial of Modification of Use Permit 00-160-06 – Request to Amend the Conditions of Approval to Allow Vehicle Access from Smalley Avenue, Donald Boehm (Applicant/Owner) - The Property Is Located at 730 and 750 "A" Street, North Side, in the "CC-C" (Central City-Commercial) Subdistrict

DISCUSSION:

The applicant requested a modification of a condition of approval that limits access to Smalley Avenue to emergency vehicles. The applicant feels that access to Smalley Avenue is necessary to relieve on-site vehicle congestion and requests that only customer vehicles be allowed to access the site via Smalley Avenue and that delivery truck access continue to be restricted to "A" Street with a posted "Right Turn Only" exit.

On September 18, 2001, following the public hearing and discussion, this matter was continued and staff was directed to identify possible options that would limit customer vehicles on Smalley, while continuing to prohibit truck access to this street.

The applicant suggested signs be posted on the interior and exterior of the fence to restrict the Smalley Avenue entrance to customer vehicles and prohibit delivery trucks from entering or exiting. Companies that deliver inventory to both Larry's Tires Express and Rent-A-Center would be informed in writing that delivery trucks are required to enter and exit the site on "A" Street.

In this regard, staff suggests two options that would control Smalley Avenue access but would physically inhibit delivery truck access. In considering these options, staff suggests that Smalley only be used for exiting purposes.

1) Install three removable bollards across a portion of the driveway entrance to limit its operable width. The bollards would be locked in wells. The keys would be kept in the Supra box that is required to allow Fire Department access. The bollards would be removed during non-business hours when the gate is closed.

This would impede access by all trucks, and in turn, slow emergency response time but not appreciably over a closed gate.

2) Install a device on the gate restricting how far the gate can open. This would limit access to automobiles during business hours. The gate could be locked to the ground and the Fire Department could cut the lock to gain emergency access to the site.

This would impede access by trucks, allow adequate emergency access, but could result in the queuing of vehicles on Smalley Avenue waiting to enter the site.

Prepared by:

Arlynne J. Camire, AICP
Associate Planner

Recommended by:

for Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

Jesus Armas, City Manager

Exhibits: A. City Council Meeting Minutes and Staff Report dated September 18, 2001
Draft Resolution

9/27/01

CONSENT

1. Approval of Minutes of the City Council Meeting of September 11, 2001

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to approve the Minutes of the City Council Meeting of September 11, 2001.

2. Resignation of Michael L. Comini from the Human Services Commission

> Staff report submitted by City Clerk Reyes, dated September 18, 2001, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to introduce and adopt the following:

> Resolution 01-134, "Resolution Accepting Written Resignation of Michael L. Comini as a Member of the Human Services Commission of the City of Hayward"

3. Traffic Signal Installation on West Tennyson Road at Oliver Drive: Reject All Bids and Authorization to Re-advertise

> Staff report submitted by Deputy Director of Public Works Bauman, dated September 18, 2001, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

> Resolution 01-135, "Resolution Rejecting all Bids and Authorizing Re-Advertisement and Call for New Bids for Traffic Signal Installation at West Tennyson and Oliver Drive Project, Project No. 5747"

HEARINGS

4. **Appeal of Planning Commission's Denial of Modification of Use Permit 00-160-06** - Request to Amend the Conditions of Approval to Allow Vehicle Access from Smalley Avenue, Donald Boehm (Applicant/Owner)- The Property Is Located at 730 and 750 "A" Street, North Side, in the "CC-C" (Central City-Commercial) Subdistrict

> Staff report submitted by Associate Planner Camire, dated September 18, 2001, was filed.

Associate Planner Camire provided the staff report. She noted that the Planning Commission and City staff recommended denial of the appeal because of the increase of unnecessary commercial traffic on such a small street, and allowing access for customers only from Smalley Avenue would be rather difficult to enforce. She responded to questions related to the type of vehicles that might enter through the Smalley Avenue entrance as well as the impact of customers utilizing both businesses. She noted that modifications to the canopy as well as the rain gutters could alleviate some of the problems.

Council Member Jimenez asked questions related to the applicant's willingness to post signs, use of the Smalley Avenue street access and enforcement to prohibit trucks from entering.

Mayor Cooper opened the public hearing at 8:37 p.m.

Donald Boehm, the applicant, reiterated his request and noted that his business moved due to redevelopment. He responded to Council questions related to the use of the current back gate to Smalley Avenue, hours of operation and delivery service. He offered to close the gate on Saturday to satisfy the neighborhood concerns.

Council Member Jimenez inquired on the size of the letters for a "No Trucks" sign and whether the applicant would accept a trial period and enforce the signage.

Luwana Deyoung stated that she owns the apartment house on A Street as well as several businesses in Castro Valley and is familiar with parking issues. She said she has no objection to allowing traffic from the rear entrance. She said she was concerned about the enforcement by the applicant. She agreed with the suggestion to close the gate on Saturdays.

Bill Carroll lives in an apartment house on Smalley Avenue and commented on the traffic lights that were recently installed near the new Albertson's store. He said he misunderstood the notice he received.

Bill Baker owns a small office building on A Street and indicated that his parking lot allows access to and from Smalley Avenue. He said he would be in favor of passenger vehicles accessing, but not trucks. He felt that these property owners should be allowed the same rights of access as others enjoy.

Mayor Cooper closed the public hearing at 8:54 p.m.

Council Member Jimenez moved to approve the amendment to allow vehicle access onto Smalley Avenue with a sign to be posted with letters at least 6 inches high, and the owner to notify by letter all those who do business with him and use trucks. An additional condition would also prohibit Saturday access.

Council Member Ward said he would second the motion and asked staff if a condition of approval could provide signage for the prohibition of a particular size truck on Smalley Avenue. He asked for further clarification, as he saw this issue no different from any other neighborhood business as far as deliveries.

City Manager Armas said staff could draft the appropriate language. He suggested that the Council Members continue this matter so that staff could bring them new conditions of approval including the reconfiguration of the driveway exit so that the enforcement is not an issue.

Council Member Dowling said he would speak against the motion since the neighborhood is already impacted by the auto repair businesses along Smalley Avenue.

Council Member Hilson asked about the number of businesses in Hayward having only one access. He was told that it is not uncommon to find this. He noted that he could not find this business to be uniquely impacted due to access and that the suggested signage could not be enforced.

Council Member Henson felt that the signage would not be sufficient and enforcement would be difficult. He said he was not convinced that the proposed motion would be a solution to the problems that currently exist.

The applicant offered to install bars that would limit the height and size of the trucks accessing the driveway.

Associate Planner Camire expressed staff concerns that this sort of apparatus might prohibit emergency vehicles from entering or exiting the site.

Council Member Ward withdrew his second to the motion and used his Council prerogative to continue the item. He suggested that a reasonable agreement might be reached to satisfy most issues.

The item was continued until October 2, 2001.

5. Amendment of Benefit District 409-96, Garin Reservoir Water Benefit District to Allow for a Service Point Connection to Garin Regional Park - East Bay Regional Park District (Applicant/Owner)

Staff report submitted by Development Review Services Engineer Garcia, dated September 18, 2001, was filed.

Deputy Director of Public Works/Engineering Bauman made the staff report. He commented that this would modify the existing benefit district where the Garin Regional Park would receive water service. Because the Park is in the County, it requires a Utility Service Agreement. When the agreement was made in 1996, the Park was planning to get their water from the Treeview Reservoir. Since then, they determined that it would not be feasible; they are now requesting water from the Garin Reservoir. As a result, they need to participate in the Benefit District. This

THE ATTACHMENT TO THIS REPORT IS THE SAME REPORT ON THE AGENDA FOR 9/18. PLEASE REFER TO THAT AGENDA IF NEEDED.