SUBJECT: Encroachment Permit for Bus Stop/Parklet at 1116 Solano Ave. (Mr. Dewie’s Cashew Creamery)

REPORT BY: Anne Hersch, Planning Manager
Jeff Bond, Community Development Director

SUMMARY

The business operator of Mr. Dewie’s Cashew Creamery (1116 Solano Ave.) has applied for an encroachment permit to construct a bus stop parklet.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2018-135 directing staff to issue the encroachment permit for a new bus stop/parklet at 1116 Solano Avenue.

The Traffic and Safety Commission also forwards a recommendation to the City Council to direct staff to issue the encroachment permit for 1116 Solano Ave. (Mr. Dewie’s Cashew Creamery).

BACKGROUND

Encroachment Permit Review

Use of the public right-of-way is regulated by Section 14-2 of the Albany Municipal Code. Per the Municipal Code, applications for work or use of the public right of way are processed in the form of an encroachment permit, which is subject to the approval of the Community Development Director. As a matter of practice, encroachment permits of a technical nature are referred to the City Engineer for review and approval. Additionally, substantive permanent encroachments into the public right of way are forwarded to the City Council for review prior to staff action.

AC Transit Bus Stop Relocation

AC Transit filed and received approval for an encroachment permit application request with the City of Albany requesting relocation of the existing 72/18/G route bus stop located
at the southeast corner of San Pablo Ave. at Solano Ave. Under this request, the bus stop will be separated into two different stops.

The City Council approved an Encroachment Permit request to relocate bus stops on San Pablo Ave. and Solano Ave. on April 16, 2018. The approval relocates the 72 route bus stop to the northeast corner of San Pablo and Solano Avenue. The 18/G route bus stop will be relocated to the south side of Solano Ave. at Kains Avenue. The proposed bus stop relocation for the 18/G will result in a loss of four (4) on-street parking spaces on lower Solano Avenue.

SITE LOCATION
Proposed Parklet Location: A new bus stop location for the 18/G will be relocated to the south side of Solano Ave. at Kains Ave.

ANALYSIS

The curb changes to relocate bus stops will be implemented in 2019. As part of the changes, the business owner of Mr. Dewie’s Cashew Creamery approached the City about the feasibility of using the newly established red curb to create a bus stop/parklet in the public right of way. The on-street parking has already been approved to be reduced and the changes will occur regardless of the parklet request.

The owner has been working with a licensed landscape architect/contractor who has built parklets in other jurisdictions. Additionally, the preliminary design is based on the AC Transit Design Guidelines for bus stops.

The bus stop portion of the parklet will have built in seating, planters and sail cloth for shade. The parklet portion of the project will have built in planters and a platform for tables and chairs that are not fixed in place.

The business owner is securing the project financing through fundraising efforts. If the encroachment permit is approved, the applicant would apply for a building permit and construction would likely occur in 2019.

Bus Stop Frequency

The proposed stop is an in lane stop which means the bus will not pull into the curb area. This allows for a more expeditious stop and also provides safe loading/unloading at the curb.
Traffic & Safety Commission Review

The Traffic & Safety Commission reviewed the request at the October 25, 2018 hearing. The Commission moved 4-0 to forward a recommendation to the City Council to direct staff to issue the encroachment permit.

A concern was identified at the Traffic & Safety Commission meeting regarding potential vehicle back up on Solano and possibly into San Pablo Ave. during a routine bus stop. The 18 service stops every fifteen (15) minutes for an approximate fifteen (15) second load/unload. In a typical hour, there would be up to one minute of bus stop activity in in four different intervals. Currently, there are already vehicle backups when drivers wait for parking spaces on the south side of 1100 block of Solano Ave.

The signal at Solano & San Pablo Avenues is a split phase which means that the east and west bound vehicles on Solano do not proceed at the same time. The 18 bus will make a right turn from San Pablo onto Solano on a green signal. Once the light changes, the west bound vehicles from Solano Avenue proceed. The signal duration for westbound movements varies from 24.5-32.5 seconds, depending on the hour (PM is the peak time) This limits any further east bound vehicle flow to right turns from San Pablo Ave. only. Overall, current cycle lengths range from 98 seconds to 130 seconds at the peak PM hour.

With the signal split phase, interval of bus stops and duration of loading and unloading, potential vehicle backups are not expected to increase, and could potentially be reduced as the bus would be loading and unloading when vehicle flow proceeds in the opposite direction.
SUSTAINABILITY IMPACT

Establishing a parklet has demonstrated positive impacts on sustainability, by encouraging creative use of right-of-way space, and the parklet can also help improve bus service within the area.

FINANCIAL IMPACT

The project will be privately financed by Mr. Dewie’s. There are no financial impacts incurred by the City.

NEXT STEPS

If approved, plans will be submitted for building permit plan check review. Once the building permit is ready to issue, the encroachment permit will be issued.

ATTACHMENTS

1. Resolution 2018-135 directing staff to issue the encroachment permit for the parklet
2. Encroachment Permit Application
3. Parklet Renderings
4. City Council Resolution 2018-45 Bus Stop Relocation approved April 16, 2018
RESOLUTION NO. 2018-135

A RESOLUTION OF THE ALBANY CITY COUNCIL DIRECTING STAFF TO ISSUE THE ENCROACHMENT PERMIT PURSUANT TO THE REQUEST FOR A PARKLET AT 1116 SOLANO AVENUE

WHEREAS, AC Transit filed an encroachment permit application with the City of Albany on January 11, 2018; and

WHEREAS, the Traffic & Safety Commission initially review the request at the February 22, 2018 hearing and continued the matter to a date certain pending additional information to be provided by staff; and

WHEREAS, the Traffic & Safety Commission voted 4-0 on February 22, 2018 to forward a recommendation to the City Council to direct staff to issue the encroachment permit; and

WHEREAS, the City Council held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request and adopted Resolution 2018-45 on April 16, 2018 directing staff to issue the encroachment permit for AC Transit; and

WHEREAS, Andrew Cohen on behalf of Mr. Dewie’s Cashew Creamery filed and encroachment permit application on July 20, 2018 for a bus stop parklet at 1116 Solano Avenue, and;

WHEREAS, the Traffic & Safety Commission voted 4-0 on October 25, 2018 to forward a recommendation to the City Council to direct staff to issue the encroachment permit; and
WHEREAS, parklet maintenance is the responsibility of the project sponsor and staff is hereby authorized to work with the project sponsor to establish and implement a memorandum of understanding for on-going parklet maintenance; and

WHEREAS, the City Council held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby directs staff to issue the encroachment permit for the parklet at 1116 Solano Avenue.

PEGGY MCQUAID, MAYOR
City of Albany

ENCROACHMENT PERMIT
PERMANENT CONSTRUCTION WITHIN CITY RIGHT OF WAY

LOCATION: __1116 Solano Ave__.

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<tr>
<td>Applicant: Contractor</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Commercial Tenant:</td>
<td><strong>ANDREW COHEN</strong>_ / <strong>ME. DEWIS</strong></td>
<td>(510) 225-9534</td>
<td>(510) 558-8888</td>
<td>N/A</td>
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<tr>
<td>Architect:</td>
<td><strong>IAN MODDYS DES.</strong></td>
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<td>N/A</td>
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<td>Contractor:</td>
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**TYPE OF WORK**

- [ ] Sidewalk
- [ ] Curb & Gutter
- [ ] Sewer
- [ ] Street Tree
- [ ] Utility Co.
- [ ] Permanent Structure
- [ ] Other: ____________________________

**DESCRIPTION OF WORK**

Construction of parklet in sidewalk area, per approved plans

**REQUIRED CONDITIONS**

1. All work shall be in accordance with the attached standard conditions.
2. No refund after 120 days or work begins; 70% of fee refundable within 120 days provided no work has begun.
3. Permanent structures require City Council approval (City Code 14-2).
4. CALL USA 1-800-227-2600 before excavating.
5. Call for Final Inspection and Sign-Off 48 hr. in advance at ☐ (510) 528-5760 ☐ (510) 524-9543.
6. Special Conditions may be imposed following City review and prior to issuance of this permit.

Contractor's Signature: ____________________________ Date: ____________________________

**STAFF USE ONLY**

**Permit Fee Computation**

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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Total construction cost subject to fee:</td>
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<tr>
<td>New construction at 8% of construction cost</td>
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<tr>
<td>In-Lieu slurry seal fee (when street is out)</td>
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<tr>
<td>Minimum fee per schedule (if greater than % fee)</td>
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<tr>
<td>Total Fee due (transfer to fee schedule from) (Utilities to be billed, copy of permit to Finance)</td>
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Special Conditions: All work per approved plans and City Standard Details; any sidewalk concrete removed must be replaced within 14 days

Issued by: ____________________________ Date: ____________________________

Permit Expiration Date: ____________________________ (not to exceed 180 days from date issued)

Final Sign Off by: ____________________________ Date: ____________________________
RESOLUTION NO. 2018-45

A RESOLUTION OF THE ALBANY CITY COUNCIL DIRECTING STAFF TO ISSUE THE ENCROACHMENT PERMIT PURSUANT TO AC TRANSIT’S REQUEST FOR BUS STOP RELOCATION AT SAN PABLO AVENUE, SOLANO AVENUE, AND KAINS AVENUE

WHEREAS, AC Transit filed an encroachment permit application with the City of Albany on January 11, 2018; and

WHEREAS, the Traffic & Safety Commission initially review the request at the February 22, 2018 hearing and continued the matter to a date certain pending additional information to be provided by staff; and

WHEREAS, the Traffic & Safety Commission voted 4-0 to forward a recommendation to the City Council to direct staff to issue the encroachment permit; and

WHEREAS, the City Council held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby directs staff to issue the encroachment permit for the bus stop relocation pursuant to the request from AC Transit.

[Signature]
PEGGY McQUAID, MAYOR
RESOLUTION NO. 2018-45

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 16th day of April, 2018, by the following votes:

AYES: Council Members Barnes, Maass, Nason, Pilch and Mayor McQuaid

NOES:

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 17th day of April, 2018.

Eileen Harrington
DEPUTY CITY CLERK