



Staff Report

RESOLUTION GRANTING A HAULING PERMIT TO 1557 VINE STREET IN VEHICLES EXCEEDING THE MAXIMUM GROSS WEIGHTS ALLOWED BY THE CITY ORDINANCE

Honorable Mayor and City Council:

Summary

The City of Belmont has granted a building permit to property owners at 1557 Vine Street to construct a soldier beam retaining wall behind their house. The wall will correct a slope failure occurring this spring and construction on an expedited schedule to limit further property damage. Construction requires hauling of soil and materials and is expected to begin in April 2005. The contractor wants to use trucks that exceed the weight limits established by Belmont Municipal Code. Pursuant to Section 14-65 of the Belmont Municipal Code, the City Council may, upon making specific findings, grant an exemption to these weight limits. Staff recommends that the Council approve a permit for hauling pursuant to Section 14-65, allowing the contractor to haul materials in trucks that exceed the weight limits in the Belmont Municipal Code.

Background

Section 14-46 of the Belmont Municipal Code designates truck routes within the City. Subsection (e) provides that Alameda de las Pulgas and Ralston Avenue are acceptable truck routes, but limits the gross weight of any truck and load moving along these roadways to eight (8) tons. The maximum vehicle weight on other City streets is limited to three (3) tons. Pursuant to Section 14-65 of the Belmont Municipal Code, the City Council may, upon making specific findings, grant an exemption to the weight limits enumerated in the Belmont Municipal Code.

The property owners at 1557 Vine Street are constructing a soldier beam retaining wall to stabilize the site. During one of the recent storms, a landslide occurred on the property that jeopardized the stability of the existing building. Approximately 100 cubic yards of dirt will be off-hauled from the site during construction of the new wall. The proposed truck route for this project is Vine Street, Harbor Boulevard and El Camino Real.

On April 12, 2005, the City Council considered the alternatives to allow staff to issue permits with notification and appeal rights to the City Council. Permit applicant will be required to file for permit 10 days in advance of the actual hauling of material from a site. Staff will notify Council of each hauling permit as part of the weekly update, or by some other mechanism as directed by Council. The applicant will also be required to notify all properties within 300 feet

of the proposed hauling permit of the proposed days the material will be hauled. 10 wheeler dump trucks will be restricted from all residential streets of 20 feet or less in width. Tractor-trailer dumps trucks will be restricted from all residential streets.

Staff has determined that the applicant for this hauling permit has met these new conditions.

Discussion

The owner has submitted a hauling permit application to the City. The following reasons provide a basis for granting a waiver to the Municipal Code which also comply with the direction Council provided for the revised hauling ordinance:

- 1) The applicant has filed the permits at the City at least 10 days prior to hauling. This staff report serves as a notification to the Council regarding this hauling permit.
- 2) The applicant will notify all properties within 300' of the proposed hauling permit site of the proposed days the material will be hauled.
- 3) The use of the dump vehicles (10 wheelers) will have insignificant impact to the City streets. The existing roadway is 25' wide which allows only 10 wheeler dump trucks per the new proposed hauling ordinance.
- 4) The project is scheduled to begin in April 2005. Approximately twenty days will be required to remove the soil from the site.
- 5) The amount of hauled materials is insignificant. The construction traffic will have little impact to the local traffic.

Pursuant to Section 14-65, Conditions for Granting Permits, the City Council may grant a permit allowing the variance from the weight limits based upon the following findings:

- (a) *That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable* - The operation of the 10 wheeler small dump vehicles will have insignificant impact to the City streets. The construction traffic will have little impact to the local traffic.
- (b) *That the hauling over the route specified will not be injurious to the public health, safety or welfare* - The routes used by the vehicles will be on designated truck routes and residential roadway with pavement designed to handle the small dump vehicles. The existing pavement on Vine Street is 25' wide, which is sufficient for truck traffic.
- (c) *That the City will be duly protected from liability for injury to persons and property* - The contractor will have insurance protecting the City from liability for injury to persons and property.
- (d) *That the City will be indemnified from injury to the public streets and other places*

by reason of the use thereof for such operation – The contractor filed the grading and hauling permit applications that include an indemnification clause to hold the City harmless against any claims and damages. The contractor will have insurance protecting the City from liability for injury to persons and property.

Fiscal Impact

There is no fiscal impact. The City will receive the Hauling Permit fees as required in the City Code.

Public Contact

Posting of City Council agenda and notices to be mailed to residences within 300' radius.

Recommendation

It is recommended City Council adopt a resolution granting a hauling permit to 1557 Vine Street in vehicles exceeding the maximum gross weights allowed by the City Ordinance.

Alternatives

1. Refer back to staff for further information.
2. Deny the request.

Attachments

1. Resolution

Respectfully submitted,

Gilbert Yau, PE
Senior Civil Engineer

Raymond E. Davis III, PE, PTOE
Public Works Director

Daniel Rich
Interim City Manager

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
GRANTING A HAULING PERMIT TO 1557 VINE STREET IN VEHICLES
EXCEEDING THE MAXIMUM GROSS WEIGHTS ALLOWED BY THE
CITY ORDINANCE**

WHEREAS, the City of Belmont has approved a building and grading permit for the construction of a new soldier beam retaining wall at 1557 Vine Street; and,

WHEREAS, the owners of the property at 1557 Vine Street propose to utilize Vine Street, Harbor Boulevard and El Camino Real for hauling of soil from the site; and,

WHEREAS, Belmont Municipal Code Section 14-65 allows for the hauling of materials in trucks exceeding the weight limits provided for in Belmont Municipal Code, Chapter 14, Article III, Truck Routes and Weight Limitation, provided certain findings are made; and,

WHEREAS, the City Council finds that:

- (a) *That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable* - The operation of the 10 wheeler small dump vehicles will have insignificant impact to the City streets. The construction traffic will have little impact to the local traffic.
- (b) *That the hauling over the route specified will not be injurious to the public health, safety or welfare* - The routes used by the vehicles will be on designated truck routes and residential roadways with pavement designed to handle the small dump vehicles. The existing pavement on Vine Street is 25' wide, which is sufficient for a 10-wheeler truck.
- (c) *That the City will be duly protected from liability for injury to persons and property* - The contractor will have insurance protecting the City from liability for injury to persons and property.
- (d) *That the City will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation* - The contractor filed the grading and hauling permit applications that include an indemnification clause to hold the City harmless against any claims and damages. The contractor will have insurance protecting the City from liability for injury to persons and property.

WHEREAS, the applicant has notified the City 10 days prior to commencement of hauling; and,

WHEREAS, the applicant will be responsible for mailing a notice to all residences within 300' radius in regard to the time and dates of hauling; and,

WHEREAS, the use of the 10 wheelers also satisfies the condition of the proposed hauling permit requirements restricting 10 wheelers trucks on residential streets.

NOW, THEREFORE BE IT RESOLVED THAT, the City Council grants a hauling permit pursuant to Belmont Municipal Code Section 14-65 to 1557 Vine Street for vehicles no larger than 10 wheeler trucks.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on this 26th day of April 2005, by the following vote:

AYES, COUNCILMEMBER(S): _____

NOES, COUNCILMEMBER(S): _____

ABSTAIN, COUNCILMEMBER(S): _____

ABSENT, COUNCILMEMBER(S): _____

Clerk of the City of Belmont

APPROVED:

Mayor of the City of Belmont