

**LAW OFFICE OF BENJAMIN R. LEVINSON**

A PROFESSIONAL CORPORATION

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January 19, 2018

**By Hand Delivery**

Mayor Sam Liccardo  
Vice Mayor Magdalena Carrasco  
Councilmember Charles "Chappie" Jones  
Councilmember Raul Peralez  
Councilmember Tam Nguyen  
Councilmember Donald Rocha  
Councilmember Sergio Jimenez  
Councilmember Lan Diep  
Councilmember Devora "Dev" Davis  
Councilmember Sylvia Arenas  
Councilmember Johnny Khamis  
City of San Jose / City Hall  
200 E. Santa Clara Street  
San Jose, CA 95113

Re: **Video of Noise from Hair Dryer at Adjacent Property to 3702 Bascom Ave., San Jose  
File No. CP16-035**

Dear Mayor and City Councilmembers:

As set forth in my letter of January 12, 2018 delivered to you earlier this week, I am helping Appellant Kathleen Flynn with regard to her appeal of the recommendation by the San Jose Planning Department and Commission's approval of a Conditional Use Permit for the car wash and convenience store proposed by Andary's Enterprise located at 3702 Bascom Avenue, San Jose, California.

I have not heard from any of you with regard to meeting with me at the property to review the traffic and noise. Attached is a 55-second video demonstration of a hair dryer running at 40 feet from the point of videotaping, which is the approximate distance from the window of the nearest residents to the exit of the proposed car wash. I encourage you to view this video. This is a small representation of the gravity of the noise to which the adjacent residents would be subjected.

Mayor Sam Liccardo  
Vice Mayor Magdalena Carrasco  
SJ City Councilmembers  
January 19, 2018  
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If you have any questions, do not hesitate to contact me.

Very truly yours,

A solid black rectangular box redacting the signature of Benjamin R. Levinson.

Benjamin R. Levinson

cc: Client

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January 12, 2018

**Hand Delivery, First Class Mail, and  
Email**

Mayor Sam Liccardo  
Vice Mayor Magdalena Carrasco  
Councilmember Charles "Chappie" Jones  
Councilmember Raul Peralez  
Councilmember Tam Nguyen  
Councilmember Donald Rocha  
Councilmember Sergio Jimenez  
Councilmember Lan Diep  
Councilmember Devora "Dev" Davis  
Councilmember Sylvia Arenas  
Councilmember Johnny Khamis  
200 E. Santa Clara Street  
San Jose, CA 95113

**Re: Request for Councilmembers to Visit Site of Proposed Bascom Car Wash  
Located at 3702 Bascom Avenue, San Jose, California  
File No. CP16-035**

Dear Mayor and City Councilmembers:

I am helping Appellant Kathleen Flynn with regard to her appeal of the recommendation by the San Jose Planning Department and Commission's approval of a Conditional Use Permit for the car wash and convenience store proposed by Andarys Enterprise located at 3702 Bascom Avenue, San Jose, California.

The appeal is coming up for hearing again on Tuesday, January 23, 2018, after a second deferral sought by the applicant.

The purpose of this letter is to encourage each City Council member to visit this upcoming week the site during the drop off times of school between 7:30 a.m. and 8:00 a.m. and pick up times of 12:30 – 1:45 p.m. on Wednesdays and 2:00 p.m. – 3:00 p.m. on all other days.

If you visit the site, you will see firsthand the substantial amount of traffic that exists on a normal day without the additional traffic congestion that would be caused by putting a car wash

at that location. The traffic that occurs during the school pick up and drop off times is the same traffic that occurs during other peak times such as rush hour each work day.

I am happy to meet with you at the site at any time on any day of the week to discuss this further with you.

As set forth in the traffic reports submitted by Ms. Flynn as part of her appeal, the additional traffic from a car wash at this site will severely increase the danger in the area from cars leaving the car wash onto Woodard Road. As set forth in the noise reports submitted by Ms. Flynn as part of her appeal, the additional noise from a car wash so close to the existing properties at the rear of the site will violate the noise levels allowed in the General Plan and cannot be mitigated by the proposals of the Planning Department and the applicant. For the reasons set forth in the noise reports, doors at the exit of the car wash will be insufficient to mitigate the noise levels to be tolerable for the residents adjacent to the car wash.

Very truly yours,

Benjamin R. Levinson

cc: Client