

NOTICE OF PERMIT APPEAL

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	CP16-035		
PROJECT LOCATION	RECEIPT #	AMOUNT	DATE
CP16-035		\$500	8/16/17
	BY	[Signature]	
TO BE COMPLETED BY PERSON FILING APPEAL			
PLEASE REFER TO PERMIT APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE. THIS FORM MUST BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.			
THE UNDERSIGNED RESPECTFULLY REQUESTS AN APPEAL FOR THE PROPERTY WHICH IS LOCATED AT:			
3702 S. Bascom Ave. San Jose, Ca. 95124			
REASON(S) FOR APPEAL (For additional comments, please attach a separate sheet.):			
PLEASE SEE attached sheet.			
PERSON FILING APPEAL			
NAME	DAYTIME TELEPHONE		
Kathleen B. Flynn	(408) 369-8475		
ADDRESS	CITY	STATE	ZIP CODE
3725 Star-view Dr. Apt #4	San Jose	Ca.	95124
SIGNATURE	DATE		
Kathleen B. Flynn	8/15/17		
RELATIONSHIP TO SUBJECT SITE (e.g., adjacent property owner, property owner within one thousand (1,000) feet)			
Tenant of adjacent property.			
CONTACT PERSON (IF DIFFERENT FROM PERSON FILING APPEAL)			
NAME			
N/A			
ADDRESS			
CITY			
STATE			
ZIP CODE			
DAYTIME TELEPHONE	FAX NUMBER	E-MAIL ADDRESS	
()	()		
PROPERTY OWNER			
NAME			DATE
N/A			
ADDRESS			
CITY			
STATE			
ZIP CODE			

Please submit this application IN PERSON to the Development Services Center, 1ST FLOOR, City Hall. Appointments are not required but may be accommodated by calling (408) 535-3555 or by visiting the Planning Division's website: <http://www.sanjoseca.gov/index.aspx?nid=3839>. For Assistance, call (408) 535-5680.

8-15-17

Kathleen Flynn
3725 Starview Drive Apt. #4
San Jose, Ca. 95124
1-408-369-8475
Tenant of adjacent property

Re: Reasons for appealing the proposed carwash at Andoil Gas Station located at 3702 S. Bascom Ave. San Jose, Ca. 95124

- 1.) The proposed carwash will be both a public and private nuisance. Starview Drive has approximately 16, 4-plex rental properties whose bedroom and living room windows face Andoil's property. Tenants work different hours, and many have multiple jobs.

The 4-6 month construction of this project, the long hours of operation of the car wash, their extended hours of operation, and the increased noise and traffic will be a huge nuisance for all of us.

I live in the 4-plex directly behind Andoil Gas Station in an upstairs apartment. **My two bedroom windows will be just 60 feet away from the proposed car wash. This is in direct violation of: The Council Drive through Policy which states that drive through uses shall be located 200 feet or more from immediately adjacent or directly opposite residential uses.**

Further, I am disabled with multiple health problems and am on Chemo therapy. My roommate has severe asthma and works until 1:00am. The odors from the carwash coupled with the current propane tank odors, noise, increased traffic, and hours of operation from said car wash, along with the 4-6 month construction for the site will cause both my roommate and I the inability to sleep.

Also, the odors and dust from both the construction, and carwash, along with the exhaust fumes from numerous cars coming in and out of the car wash/ 25 parking spaces will cause us both increased health problems.

This car wash will be running from 7am-9pm, 7 days a week and will interfere with both our "Right of Quiet Enjoyment" of our home, and my neighbor's rights to "Quiet Enjoyment."

Please be advised that Council Member Rocha held a community meeting in May 2017. Approximately 25-30 residents attended. Not one person approved of this carwash. Further, all the residents and businesses owners who attended the City's Planning Commission Meeting held 8-9-17, opposed this carwash as well.

It should be noted that a petition signed by neighborhood residents and business owners opposing this carwash was given to the Planning Department to give to the Planning Commission for review, but I heard no mention of that petition at that meeting.

Also, we already have three existing carwashes within a half a mile of our residence. None of them are in a residential area. There are also two carwashes within a mile of our neighborhood in Campbell. One is a Pacific Car Wash which is in a mixed use area, and the other one is not. **None of these carwashes run as early or as late as the one proposed by Andoil.**

In an effort to resolve these issues and meet the owners of Andoil halfway, I met with the owners of Andoil, Mr. And Mrs. Andary, and asked them if they would reduce their carwash hours. They said they would think about it.

Also, I sent them the attached email asking them to consider having a hand carwash like Pacific Car Wash because it would be less of a nuisance, and would provide jobs. Please see their response.

- 2.) The noise study conducted by Mei Wu Acoustics is skewed. They only did a study from property line to property line and did not take into account the affects of noise from the carwash on upstairs units or two story homes which are well above the "7 foot buffer wall."

In staff's report: They say, "The above table shows that the noise levels at the nearest residential property boundary will be above the levels allowed by the Zoning Ordinance, but that they will not significantly increase the existing day night average noise levels." **Again, this does not take into account that noise travels up, and the noise study was conducted on ground level from property line to property line.**

We already have a lot of noise from the traffic on S. Bascom Ave. and Woodard. When you add the noise of parents dropping off and picking children up from school, it is even worse.

- 3.) Traffic study. Staff's report is misleading when it says that, "The existing driveway on Woodard Road, located at the northwest corner of the site, will be closed, improving pedestrian circulation on and around the site."

There are two existing driveways on Woodard Road approximately 5 feet apart on Andoil's property. The second driveway which will be left open will actually make traffic worse as drivers will use Woodard as a U-Turn to get back on S. Bascom, and will make it much more difficult for pedestrians (especially children walking to and from Farnham school) to get to existing businesses next to the Andoil Gas Station.

I also believe that cars leaving either the convenience store or the carwash will exit at the Woodard Ave. driveway. (I've lived here 19 years and see this all the time.)

Further, parents dropping off and picking children up from school already park on private property, block driveways, park on red curbs on Starview Drive/Woodard Ave. This will

only get worse when Andoil blocks off the driveway behind my 4-plex. Parents have been using this area to park for years, and now they will be forced to go onto our street to find parking.

- 4.) Property values of homeowners and a landlord's ability to rent units with an automated car wash directly behind their buildings.

Andoil's property has already been robbed twice, and their parking lot is currently a haven for drug deals and drug addicts, as well as the homeless. (The owner of Andoil, Sam Andary, and I discussed this issue on 8-5-17, and he acknowledged that he is aware of this type of activity on his property.) This 7 foot "buffer wall," will give these folks a better place to hide their activities from the public eye.

Any security cameras Andoil puts out back or on the sides of his business will probably be destroyed by these criminals. It is a proven statistic that convenience stores are robbed more than any other business.

Further, potential homebuyers and renters will not relish the idea of living in an already noisy, congested location complete with an automated carwash running from 7am-9pm, 7 days a week, or near a convenience store .

Further, we all have deep concerns about Police and Fire having full access to this site. Please note in Staff's report that the San Jose Police Department remained neutral on this new proposed project.

- 5.) Access to adjacent businesses for pedestrians will be impeded by this new project.

Currently, we can walk to the nearby Liquor and Food Mart, the laundry mat, and the Sports Medicine facility beside it. Once this project goes through, it will impede access to these businesses due to the 4-6 month construction and the increased traffic this new project will bring into this strip mall.

From: bearkats1@juno.com <bearkats1@juno.com>
| [Block Sender](#)

To: vickisam2001@yahoo.com

Subject: Re: Hi Vicki and Sam. It is Kathleen
ect

Date: Sun, Aug 13, 2017 04:36 PM

[\[Print\]](#)

Thank you both for agreeing to at least look into it. I will be going by this car wash in Campbell tomorrow to see its operation myself. By the way, it is in a residential zone.

Have a great weekend, and thank you both for reaching out to me, and for meeting with me last night.

God bless,
Kathleen

"An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." by the beloved Reverend Dr. Martin Luther King, Jr.

----- Original Message -----

From: Vicki <vickisam2001@yahoo.com>
To: "bearkats1@juno.com" <bearkats1@juno.com>
Subject: Re: Hi Vicki and Sam. It is Kathleen
Date: Sun, 13 Aug 2017 15:53:27 -0700

Hi Kathleen,

We really appreciate your effort to solutions. The car wash your are talking about is considered a full blown car wash and not consistent with the zoning ordinance. None the less we will look into it as we are always open to suggestions that will make everyone happy.

Thank you,
Vicki and Sam

Sent from my iPhone

On Aug 13, 2017, at 4:59 AM, "bearkats1@juno.com" <bearkats1@juno.com> wrote:

Hi Vicki and Sam,

I was talking to Carl tonight and he had an excellent suggestion! He suggested you do something like Pacific Car Wash in Campbell! Cars are washed, dried, vacuumed, and detailed by hand!!!

Check out their link: <http://carwashpacific.com/services.htm>.

No blowers, none of the problems an automatic car wash has. You could follow this model! It won't have the noise, odors, cheaper for you to construct, will give jobs to people, and more importantly, you will make more money doing this!

You can have a little classy waiting area with drinks, snacks, jewelry, Vicki and I love jewelry, 😊, and/or, people can go into your convenience store, buy drinks/snacks and wait for their cars to be done! A win/win for both the car wash and your store!

What do you think?

Kathleen

"An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." by the beloved Reverend Dr. Martin Luther King, Jr.