



## PLANNING COMMISSION STAFF REPORT

<b>File No.</b>	<b>CP16-035</b>
<b>Applicant</b>	<b>Andarys Enterprise, Inc.</b>
<b>Location</b>	<b>Southeasterly corner of South Bascom Avenue and Woodard Road</b>
<b>Existing Zoning</b>	<b>CN Commercial Neighborhood</b>
<b>Council District</b>	<b>9</b>
<b>Historic Resource</b>	<b>No</b>
<b>Annexation Date</b>	<b>March 29, 1957</b>
<b>CEQA</b>	<b>Exempt per CEQA Guidelines 15302 Replacement or Reconstruction and 15332 In-Fill Development Projects</b>

### APPLICATION SUMMARY:

A Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276 square foot gas station minimart with incidental service and repair and the construction of a new 5,754 square foot convenience store and fully automated car wash with extended early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.) on a 0.81 gross-acre site located in the CN Commercial Neighborhood Zoning District at the southeasterly corner of South Bascom Avenue and Woodard Road (3702 South Bascom Avenue)

### RECOMMENDATION:

Staff recommends that the Planning Commission **approve** the Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276 square foot gas station minimart with incidental service and repair and the construction of a new 5,754 square foot convenience store and fully automated car wash with extended early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.) on a 0.81 gross-acre site based upon the facts and findings in this staff report and the attached draft Resolution.

### PROJECT DATA

GENERAL PLAN CONSISTENCY	
<b>General Plan Designation</b>	<b>Neighborhood/Community Commercial</b> <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>
<b>Consistent Policies</b>	<b>LU-4.1, LU-5.1</b>
<b>Inconsistent Policies</b>	<b>None</b>

<b>SURROUNDING USES</b>			
	<b>General Plan Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Mixed Use Neighborhood	R-M(PD) Planned Development	Multifamily Residential
<b>South</b>	Neighborhood/Community Commercial	CP Commercial Pedestrian	Commercial retail
<b>East</b>	Residential Neighborhood	R-M Multifamily Residence	Multifamily Residential
<b>West</b>	N/A (City of Campbell)	N/A (City of Campbell)	Commercial Office
<b>RELATED APPROVALS</b>			
<b>Date</b>	<b>Action</b>		
<b>03/29/57</b>	Site annexed into the City of San Jose		
<b>05/09/63</b>	Building Permit to allow the construction of a Service Station.		
<b>06/08/70</b>	Building Permit to allow the construction of a Service Station Canopy.		
<b>10/13/85</b>	Conditional Use Permit (File No. CP84—077) to allow the remodeling of an existing service station.		
<b>06/16/89</b>	Permit Adjustment (File No. AD89-182) to allow the removal of five existing signs and installation of one 32 square foot ID/price sign.		
<b>04/04/95</b>	Permit Adjustment (File No. AD95-167) to allow the replacement of gasoline product dispensers.		
<b>08/22/00</b>	Permit Adjustment (File No. AD00-973) to replace existing free-standing ID/price sign with one of equal or less size and replace dispenser-pump topper panels (size equal to existing).		
<b>08/08/09</b>	Permit Adjustment (File No. AD09-534) to allow a proposed EVR System upgrade with VR-204 cylinder using carbon canister and associated improvements by Veeder-Root installed at an existing gasoline service station attached to the roof top as shown on the attached planset only. The proposed system shall be located at the rear of the property.		
<b>10/29/13</b>	Zoning Permit (File No. C13-031) Conforming Conventional Rezoning from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on a 0.73 gross acre site.		
<b>06/05/16</b>	Permit Adjustment (File No. AD16-398) to allow the replacement of a gas station canopy in the same location as the existing.		
<b>08/03/16</b>	Sign Permit Adjustment (File No. AD16-900) to allow the replacement of an existing free-standing sign, measuring 120 inches (width) by 70 inches (height) with an 18 inch base, along the intersection of Woodard Road and South Bascom Avenue, to be located at a minimum distance of 72 inches from the nearest sign corner along South Bascom Avenue, for a gas station development (AndOil) on a 0.73 gross acre site within the CN Commercial Neighborhood Zoning District.		

## **PROJECT DESCRIPTION**

On July 18, 2016, the applicant filed a Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276 square foot gas station minimart with incidental service and repair for the construction of a 5,754 square foot convenience store and car wash, the off-sale of alcohol (beer and wine only), and late night use (24 hour operation) on a 0.81 gross-acre site. There is no change to the location of the existing fuel pumps and the existing canopy and canopy signage were replaced under separate permits (File No. AD16-398 and File No. AD16-900) prior to submittal of this application.

The proposal would replace the existing 1963 service station building which contains a small convenience store and incidental repair services. The proposed project design includes a two-story building with a 2,834 square foot convenience store and a 1,840 square foot fully-automated car wash with stacking for up to five cars on the ground floor, and 1,080 square feet of private office space on the second floor, and a relocated trash enclosure. Approximately 40 feet (fits roughly two vehicles) is provided at each fuel dispenser on each side to allow for adequate vehicle stacking at the gas dispensers. The drive-through car wash is designed such that the vehicles entering and exiting the car wash tunnel will have the minimum five car stacking space and will not obstruct on-site circulation.

The project includes closure of one existing driveway on Woodard Road at the northwest corner of the site. The redeveloped site will have access from two existing driveways on South Bascom Avenue, one of which shares an access agreement with the parcel to the south of the project site, and one existing driveway on Woodard Road, located at the northeast corner to the site. The existing 25 foot private ingress/egress access easement at the rear of the site will be maintained so as to provide access to the rear of the two properties directly to the south of the project site. A total of 21 parking stalls, including one ADA accessible space, and two bicycle parking spaces are proposed.

#### *Planning Division Recommended Changes*

The original application proposed 24-hour operation for the gas station and convenience store; however, based on Planning's review of the project and community input (community meeting on May 8, 2017), the request is for a one hour early morning extension from 5:00 a.m. to 6:00 a.m. Furthermore, the project scope has been amended to eliminate the off-sale of alcohol and the carwash will operate between the hours of 7:00 a.m. and 9:00 p.m. Per the request of Planning staff, A seven foot masonry sound wall will be installed along the eastern property boundary to adequately buffer the gas station operations from the adjacent residential neighborhood

#### **Site Location:**

The subject 0.81 gross-acre site is located at the southeast corner of the intersection of South Bascom Avenue and Woodard Road and is currently occupied by a service station building that includes a small convenience store with incidental repair services (See Figure 1). The property is bounded by multi-family residential to the north across Woodard Road, a liquor store and strip mall to the south, multi-family residential properties to the east, and a commercial strip mall to the west across South Bascom Road, located in the City of Campbell. Farnham Elementary School is located northeasterly of the site on Woodard Road. The site also includes a 25 foot private ingress/egress access easement at the rear of the site extending from Woodard Road to the adjacent commercial properties south of the project site.



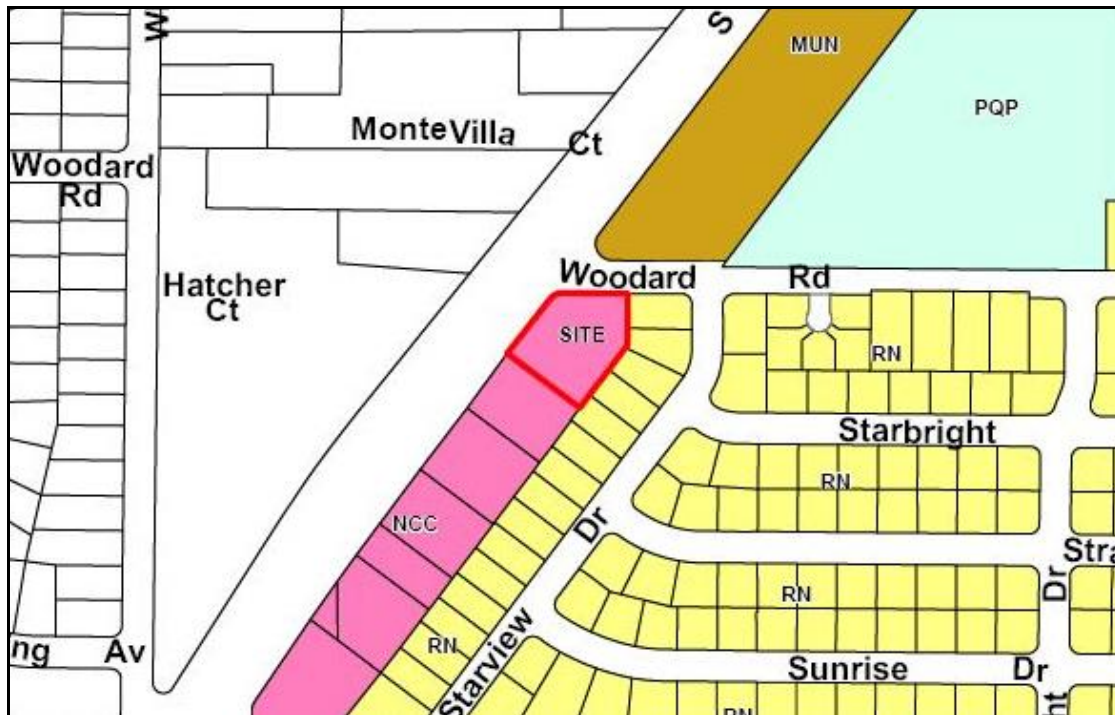
**Figure 1: Project Site**

## ANALYSIS

The proposed Conditional Use Permit is analyzed with respect to conformance with the following: 1) Envision San José 2040 General Plan; 2) City Council Policy 6-10: Criteria for the Review of Drive-Through Uses; 3) City Council Policy 6-27: Evaluation of 24-Hour Uses; 4) Zoning Ordinance; 5) Commercial Design Guidelines; and 6) California Environmental Quality Act (CEQA).

### Envision San José 2040 General Plan Conformance

The subject property is designated Neighborhood/Community Commercial on the Envision 2040 General Plan Land Use/Transportation Diagram (See Figure 2).



**Figure 2: General Plan Land Use/Transportation Diagram**

Properties with this designation support a broad range of commercial activity, including commercial uses that serve the communities in the neighboring area. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection. The proposed service station, general retail sales, and carwash are consistent with the Neighborhood/Community Commercial land use designation in that the commercial uses are supported uses within this designation. Furthermore, the gas station has served this neighborhood since 1963 and would be expanded to include enhanced auto services and food sales to customers.

South Bascom Avenue is designated as a City Connector Street in the Envision San José 2040 General Plan. City Connector Streets prioritize automobiles, bicycles, pedestrians and trucks equally, and typically have four to six traffic lanes that accommodate moderate to high volumes of traffic. Pedestrians are accommodated with existing sidewalks and the South Bascom Avenue corridor is served by the Santa Clara Valley Transportation Authority (VTA) routes 49 and 61. South Bascom Avenue does not have bike lanes; however, VTA has plans to transform this right-of-way to accommodate multimodal traffic under its Complete Streets Program. The site's location adjacent to a City Connector Street and proximity to residential properties will provide convenient access to pedestrians, bicyclists, and motorists, alike.

The proposal is consistent with the following General Plan goals and policies with respect to commercial uses:

1. Land Use Policy LU-4.1- Commercial: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.

*Analysis: Approval of the CUP and Site Development Permit would allow further intensification of the commercial area along South Bascom Avenue. The existing gas station and fuel pumps and the proposed convenience store and car wash would continue to serve the residences, businesses, and visitors in the surrounding neighborhood and consolidate services and amenities in one location. Redevelopment of the site will enhance the economic vitality of the site and retain jobs in the area.*

2. Land Use Policy LU-5.1 - Neighborhood Serving Commercial: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

*Analysis: The existing service station is surrounded by a mix of commercial, office, and residential uses. The expansion and revitalization of the gas station site to include a fully-automated car wash and enhanced retail services would allow one-stop shopping and reduced vehicle miles traveled. The site will provide retail products at a corner site in a neighborhood with both pedestrian and vehicular traffic.*

### Zoning Ordinance Conformance

This site is zoned CN Commercial Neighborhood which conforms to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation Neighborhood/Community Commercial (See Figure 3).

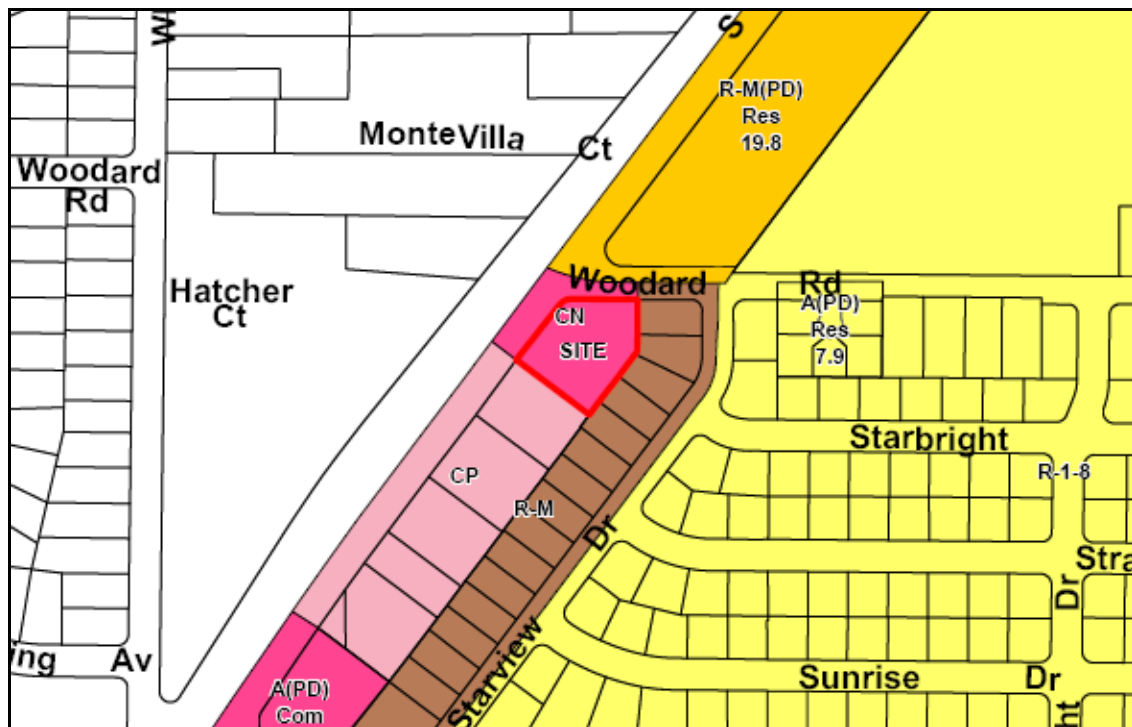


Figure 3: Zoning District Designation

Under the Zoning Ordinance Section 20.40.100, gas stations and drive-through uses require a Conditional Use Permit in the CN Commercial Neighborhood Zoning District. Additionally, Section 20.40.500 requires a Conditional Use Permit for any use that proposes to be open between the hours of 12:00 midnight and 6:00 a.m. (24-hour use) in any commercial district. This Conditional Use Permit also covers demolition of the existing minimart and service station building. As discussed above, replacement of the fueling canopy and canopy signage was addressed under separate permits (File No. AD16-398 and File No. AD16-900). Staff considered the previously approved canopy improvements during the review of the project.

### Development Standards

Pursuant to Section 20.40.200 of the Zoning Ordinance, development in the CN Commercial Neighborhood Zoning District is subject to the following development standards:

Commercial Neighborhood (CN) Development Standards		
	Required	Proposed
Minimum Lot Size	6,000 sf	31,855
Setbacks	Required, Feet	Proposed
Front	10	52.2
Side, corner	12.5	15.5
Side Interior	None	24.5
Rear	None	31.2
Maximum Height	50	28.5

The project is consistent with these standards as the project meets the required front, side, and rear setbacks of the CN Zoning District, as outlined above. The overall height of the two-story convenience store is approximately 28.5 feet in height which is in conformance with the maximum 50 feet height requirement.

### Parking

Pursuant to Section 20.90.060 of the Zoning Ordinance, the proposed project (convenience store, gas station with car wash) would require the following vehicular parking:

Parking Requirements			
Use	Ratio	Required	Total
Gas station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	1 employee= 1 space Air/water service = 1 space Information Stop= 1 space	3 spaces
Retail	1 per 200 square feet of floor area	For 2,409 net square feet (2,834 gross square feet x 0.85) of retail space	12 spaces
Office	1 per 250 square feet of floor area	For 920 net square feet (1,082 gross square feet x 0.85) of office space	4 spaces
<b>Total Required</b>			<b>19 spaces</b>

A total of 19 parking spaces are required to adequately serve the proposed uses on the site. The project is proposing a total of 21 parking stalls, including one ADA space and eight fuel pump spaces, which satisfy the above parking requirements.

### *Bicycle Parking*

Required bicycle parking is one space per 10 full-time employees for the gas station and one space per 3,000 square feet of floor area, equaling two spaces total. The project proposes a minimum of two spaces.

### *Noise Compliance*

A noise study was prepared by Mei Wu Acoustics (dated December 20, 2016 and attached hereto) which analyzed the potential impacts of the project on adjacent residential properties. The results of the noise study were evaluated against the Noise Element of the City of San José General Plan, which utilizes the Day-Night Level (Ldn) 24-hour noise descriptor, and against the City's Zoning Ordinance, which utilizes the instantaneous dBA noise descriptor.

Noise standards established in the General Plan serve as the City's noise thresholds for determining significant impacts under CEQA. Specifically, the report used the definition provided by the General Plan Goal EC-1.2 that noise impact of new land developments on residential land uses is considered significant if the proposed project would cause the day-night average noise level (Ldn) at noise sensitive receptors to increase by three (3) dBA Ldn or more where noise levels would equal or exceed the "Normally Acceptable" level.

Pursuant to Section 20.40.600 of the Zoning Ordinance, uses of the CN Zoning District that are adjacent to a property used or zoned for residential purposes shall not exceed 55 dBA at the property line except with the approval of a Conditional Use Permit. Uses of the CN Zoning District that are adjacent to a property used or zoned for commercial purposes shall not exceed 60 dBA at the property line. Per Section 20.40.600.B.2 of the Zoning Ordinance, these thresholds can exceed the decibel levels required upon issuance of a use permit.

Per the 2040 General Plan, the project site falls under the 75-70 dBA Ldn contour along the boundary with the residential area representing the beginning of the 70-65 dBA Ldn contour. This means that noise levels at the site due to existing sources (traffic) are already in excess of the Zoning Ordinance performance standards, as described above.

The following noise levels were predicted at the eastern property boundary of the project:

Receiver	Distance to Property Line [ft]	Noise Level at Receiver no Barriers [dBA]	Noise Level at Receiver with Barriers [dBA]	L <sub>dn</sub> at Receiver with Barriers [dBA L <sub>dn</sub> ]	Existing Noise Level [dBA L <sub>dn</sub> ]
Residential (1)	60	62	55	70.5	70.0
Residential (2)	50	57	52	70.5	
Residential (3)	50	69	57	70.6	
Commercial (4)	70	65	53	70.5	

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 (Ldn). The project will implement the following noise reduction measures to minimize the noise impact of the new development:

- An 18-foot long, 10-foot high sound barrier will be constructed at the exit of the car wash which will block noise at the eastern property line for the northernmost residences.
- A trash enclosure will be constructed to conceal the dumpster onsite. This enclosure will be 8-feet tall and made of concrete masonry units (CMU). The enclosure will be 16'-6" in length and positioned such that it will block noise for the residential properties to the southeast.

- An 11-foot long, 10-foot high barrier will be constructed at the entrance of the car wash which blocks noise at the eastern property line for residential buildings located to the south of the site.

Taking into consideration the noise barriers that would be built at the entrance and exit of the car wash, the noise study determined that the most that the Ldn would increase at the project site is 0.6 dBA Ldn. This increase is less than the 3 dBA Ldn increase specified in the San Jose General Plan Goal EC-1.2.

Since the completion of the noise study, staff has requested the incorporation of a 7-foot high masonry wall at the eastern property boundary to further mitigate noise generated by on-site activities and increase security and separation between adjacent residential properties.

With implementation of all measures specified above, the noise impact of the proposed project would be less than significant.

### *Transportation*

A Public Works Department Memorandum (dated December 16, 2016 and attached) stated the department completed an in-house traffic analysis for the project and concluded that the project is in conformance with the City's Transportation Level of Service (LOS) Policy (Council Policy 5-3) and will not reduce the level of service for the existing South Bascom Avenue and Woodard Avenue intersection. It was estimated that the proposed project would generate 33 net new Peak Hour Trips (PHT). The City performed a LOS analysis at the South Bascom Avenue and Woodard Road intersection which indicated that the existing LOS/delay of B-18.5 would increase to B-18.7 with project traffic. Since the grade of this intersection would not change and delays would only increase by 0.2, there will be no negative traffic impacts associated with the proposed project. Furthermore, pursuant to Council Policy 6-10, sufficient space is provided for car wash stacking.

### **Commercial Design Guidelines**

The City's Commercial Design Guidelines establish design objectives for service stations related to site organization and building design. Per the Commercial Design Guidelines, all structures on the site including kiosks, car wash building, gas pump columns, etc. should be architecturally consistent with the main structure. Furthermore, buildings should be compatible with the character of the existing neighborhood, by complimenting the building forms, architectural styles, and landscape patterns of neighboring development. The structures to the north and west of the subject site are two-story multifamily residential. Consistent with the Guidelines, the proposed architecture of the gas station reflects these surrounding uses through compatible massing and building height, and a pitched roof form. The proposed architecture and materials are of high quality and will complement the overall aesthetics of the neighborhood through the use of a similar roof form, stucco, and stone veneer. As discussed above, the fueling canopy and canopy signage was replaced under a separate permit (File no. AD16-398 and File no. AD16-900) prior to submittal of the Conditional Use Permit. The architecture of the convenience store, car wash, and trash enclosure build upon the materials and colors of the canopy. Pursuant to the suggestions in the Guidelines, approximately 40 feet (fits roughly two vehicles) is provided at each dispenser on each side to allow for adequate vehicle stacking at the gas dispensers. The drive-through car wash is designed such that the vehicles entering and exiting the car wash tunnel will have the minimum five car stacking space and will not obstruct on-site circulation. In addition to serving as noise mitigation measures for the residential properties that directly abut the property to the east, a sound barrier and CMU trash enclosure at the car wash entrance and a sound barrier at the car wash exit will block the line of sight of the proposed car wash from these residences.



### **Council Policy 6-10: Criteria for the Review of Drive-Through Uses**

City Council Policy 6-10 entitled “Criteria for the Review of Drive-Through Uses” was adopted by the City Council in 1990 to provide guidelines for the development of establishments with drive-through facilities to help assure compatibility with surrounding land uses and avoid potential problems associated with such operations.

1. Traffic: Consistent with the Council Policy and the Public Works Department memorandum dated December 16, 2016, as discussed above, the primary ingress to the proposed drive-through car wash is from South Bascom Avenue, a six-lane City Connector Street. The site layout is designed to ensure that overflow stacking does not affect the ingress and egress of the site and impede the traffic on South Bascom Avenue and Woodard Avenue. 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. The proposed convenience store with drive-through car wash significantly upgrades the subject site by allowing improved circulation and access by vehicles and pedestrians.
2. Noise: As noted above under Zoning Ordinance Compliance, the proposed use includes measures to comply with noise requirements of the General Plan and this policy.
3. Hours of Operation: The drive-through car wash will operate from 7:00 a.m. to 9:00 p.m., with no late night use, consistent with this policy.
4. Urban Design: The proposed project will be visually attractive and compatible in terms of mass, scale, and building colors and materials with the adjacent commercial and residential development. The drive-through car wash will be located behind the convenience store and will be less visible from the street.
5. Lighting: The new lighting fixtures are appropriately shielded to shine down per the City’s Outdoor Lighting on Private Development Council Policy 4-3 and per Section 20.120.200 (Lighting) of the Zoning Ordinance. Pursuant to the City’s drive-through policy, the maximum foot-candles at the residential property line for drive-through projects should not exceed 0.1 fc. The photometric plan prepared for the project indicates that illumination levels at the north and east property lines do not exceed 0.1 fc which is consistent with this policy.
6. Location: The Council Drive-through Policy states that drive-through uses shall be located 200 feet or more from immediately adjacent or directly opposite residential uses. Pursuant to this policy, self-service car washes which are proposed in conjunction with existing gasoline service stations may be exempted from location criteria, provided the traffic criteria of the policy is satisfied. As discussed above, a traffic analysis concluded that the project is in conformance with the City’s Transportation Level of Service Policy (Council Policy 5-3) and will not reduce the level of service for the existing South Bascom Avenue and Woodard Avenue intersection. The proposed drive through is located 25 feet from the eastern property boundary and is further separated by a 7-foot masonry wall.

Based on the above analysis, the proposed car wash use would be consistent with the intent of the Drive-Through Council Policy and will improve the function and appearance of the site. Although the drive-through use is within 200 feet of a residential use, sufficient measures in regards to site design and sound attenuation walls would limit impact to the adjacent parcels, as discussed above.

### **City Council Policy 6-27: Evaluation of 24-Hour Uses**

On November 30, 1984, the City Council approved an amendment to the Zoning Ordinance that required all commercial uses operating between the hours of 12:00 midnight and 6:00 a.m. to be subject to a Conditional Use Permit. This ordinance change was established to ensure compatibility of late night and early morning uses with surrounding land uses. The policy acknowledges that while there is a general public need for some late night services, there are potentially significant problems with such uses including proximity to residential uses and noise. This policy is intended to provide guidelines for the appropriate development of establishments that operate during these late night hours, while avoiding the problems associated with such operations. To do that, the policy evaluates each using applicable guidelines outlined below:

1. Area Use Compatibility: The proposed convenience store and car wash would replace an existing convenience store and repair station that is operated in conjunction with the gasoline service station. While the current convenience store and gasoline service station do not have late night hours (between midnight and 6:00 a.m.), the one hour extension between 5:00 a.m. and 6:00 a.m. would provide a convenience to people with late night or early morning work shifts and would not be detrimental to nearby residential uses. The San Jose Police Department issued a Police Memorandum (dated June 9, 2017 and attached) that was neutral to the early morning use request.
2. Use Separation: Generally, 24-hour uses should not be located within 300 feet (measured from the building entrance and “Designated Parking Area” and/or “Outdoor Use Area” to the residential property line) from any property that is residentially zoned, planned, or in use. The nearest residential property is located within 300 feet of the proposed 24-hour use; however, a two-story convenience store, office, car wash, and 7-foot tall masonry wall create a noise mitigating and visual buffer between the residential properties to the east of the site. The residential uses to the north of the site are also within 300 feet of the proposed use but are separated by Woodard Road. The policy also states that buildings with drive-through facilities shall be located with a minimum separation of 500 feet from any other structure containing a drive-through facility. There are no drive-through uses in the immediate vicinity of the site.
3. Outdoor Activities: Outdoor activity would be limited to the pump stations which are located closest to South Bascom Avenue away from residential properties. There would be no amplified sound at the site.
4. Noise: As noted above under Zoning Ordinance Compliance, the proposed use includes measures to comply with noise requirements of the General Plan. The proposed hours of operation for the car wash are 7 a.m. to 9:00 p.m. which are consistent with this policy.
5. Lighting: The proposed lighting fixtures are appropriately shielded to comply with the City’s Outdoor Lighting on Private Development Council Policy 4-3 and a photometric plan indicated that illumination levels at the north and east property lines would not exceed 0.1 fc. Policy 6-27 does not have specific illumination level requirements; however, the measured 0.1 fc at the property line complies with the lighting requirements of the drive-through policy 6-10.
6. Cleaning and Maintenance: Consistent with the Policy, the project applicant shall comply with the approved Mitigation Management Plan/Operations Plan which includes trash and graffiti removal, site security and safety measures, loitering and panhandling restrictions, and mandatory employee training.

Policy 6-27 also includes specific guidelines for gasoline service stations. Gasoline service stations are a type of outdoor retail operation which have difficulty meeting all of the requirements listed in the General Guidelines. Specifically, there is generally a reduced frequency of use; the outside customer areas are intensely lighted, much more so than parking lot areas; there are very few, if any, parking spaces for prolonged stay on-site; service is rendered quickly at the fueling stations, customers are discouraged from loitering and blocking service areas; and very little is available on-site which may result in litter problems. For this reason, it is appropriate to look at alternative means to meet the intent of the guidelines without unduly restricting service station uses because the sale of gasoline may be necessary for the safe transport of people during the late night and early morning hours.

1. Gasoline service stations shall not provide automotive repair service between the hours of 10:00 p.m. and 7:00 a.m.
2. Gasoline service stations shall not provide car wash service between the hours of 10:00 p.m. and 7:00 a.m.
3. Restroom facilities shall remain open and available during business hours. Measures to assure surveillance and security will be required

The parking areas will be well lit and loitering will not be tolerated as outlined in the Mitigation Management Plan/Operations Plan. Furthermore, this project does not include automotive repair and the car wash would not operate between the hours of 9:00 p.m. and 7:00 a.m. The restroom facilities, to be located inside the proposed convenience store, would be available and open during business hours and security and safety of the patrons maintained in accordance with the aforementioned Plan.

### **Conditional Use Permit Findings**

Chapter 20.100 of Title 20 of the San José Municipal Code establishes required findings for issuance of a Conditional Use Permit, which findings are made for the Project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and other Permit Findings discussed above, and subject to the conditions set forth in this Permit.

1. The Conditional Use Permit, as approved, is consistent with and will further the policies of the general plan, applicable specific plans and area development policies; and

*Analysis: As described in detail above and in the staff memorandum, the proposed project is consistent with the General Plan designation and policies in that it proposes a neighborhood serving use that creates a more complete neighborhood. The proposed car wash is a neighborhood amenity that provides a service to the local community and visitors to the area, and enhanced retail services provides one-stop shopping which would minimize vehicle trips.*

2. The Conditional Use Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and

*Analysis: As described in detail above and in the staff memorandum, the proposed project is consistent with the provisions of the Zoning Ordinance in that the project frontages are consistent with required setbacks, maximum allowed height, and vehicular and bicycle parking requirements, as discussed above. The project meets the required noise standards pursuant to Section 20.40.600 of the Zoning Ordinance with the proposed mitigation measures, as specified in the noise study and detailed above, which would comply with San Jose General Plan Goal EC-1.2. The noise impact of the proposed project would be less than significant.*

3. The Conditional Use Permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: As described in detail above and in the staff memorandum, the proposed project meets the requirements of the San Jose Commercial Design Guidelines. Furthermore, the proposed project conforms to City Council Policy 6-10: Criteria for the Review of Drive-Through Uses in regards to traffic, noise, hours of operation, design, and lighting. While the proposed car wash is located within 200 feet of residentially used, zoned, or General Planned properties, self-service car washes which are proposed in conjunction with existing gasoline service stations may be exempted from location criteria, provided the traffic criteria of the policy is satisfied. As described above, the Public Works Department concluded that the project is in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) and will not reduce the level of service for the existing South Bascom Avenue and Woodard Avenue intersection. The proposed project conforms to City Council Policy 6-27: Evaluation of 24-Hour Uses in regards to compatibility, noise, lighting, and maintenance, however, does not meet use separation requirements which state that 24-hour uses should not be located within 300 feet from any property residentially zoned, planned, or used. Counterbalancing justifications justify this inconsistency in that the proposed two-story convenience store, office, car wash, and 7-foot tall masonry wall create a buffer between the residential properties to the east of the site. The residential uses to the north of the site are separated by Woodard Road. Furthermore, the request for early morning operation would result in a one hour extension between the hours of 5:00 a.m. and 6:00 a.m. All lighting fixtures are appropriately shielded pursuant to City Council Policy 4-3: Outdoor Lighting on Private Developments, and will not have adverse effect on adjacent residential properties.*

4. The proposed use at the location requested will not:
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area;
  - b. or Impair the utility or value of property of other persons located in the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and

*Analysis: As described in detail above and in the staff memorandum, the proposed use is located in an area with a mix of commercial and residential uses. Due to the variety of current uses in the area, the proposed gas station convenience store and car wash would add to the range of commercial uses consistent with the Neighborhood/Community Commercial General Plan land use designation and Commercial Zoning Districts. The noise analysis conducted for the project determined that the operation of the project would not result in a detrimental increase in noise because. Therefore, the proposed use will not adversely impact the surrounding residential neighborhood.*

5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

*Analysis: The project site is 0.81 gross acre and has been used as a gas station since 1963. The proposal will replace the existing gas station minimart and incidental repair services with a modern and more easily accessible facility. This structure is not on the City's Historic resources Inventory nor qualifies as a contributing structure. Fueling bays provide 40 feet for vehicle stacking and are in conformance with Section 16.D.6 of the City's Commercial*

*Design Guidelines. Furthermore, the automated car wash provides space for five car vehicle stacking, as required per the City Council Policy 6-10, Criteria for the Review of Drive-Through Uses. The proposed site plan includes the elimination of an existing driveway on Woodard Road closest to South Bascom Avenue which will increase vehicle and pedestrian safety at this intersection and provide for better traffic circulation on the site. The project site is of adequate size and shape to meet the parking requirements of Title 20 and provide significant landscaping upgrades to the site, including fully landscaped setback areas. The site can also accommodate the installation of a 7-foot tall masonry wall along the eastern property boundary between the project site and the adjacent multi-family residential units.*

6. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
  - b. By other public or private service facilities as are required.

*Analysis: The subject site is adequately served by South Bascom Avenue and Woodard Road, which are six-lane and two-lane roads, respectively. Bascom Avenue is also identified by the City's DOT as a connector street. VTA bus stops for Routes 49 and 61 are located within 300 feet of the project site along Bascom Avenue. The site is within a developed area that is currently served by all necessary private and public facilities.*

7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The project is exempt from environmental review under CEQA exemption Sections 15302 Replacement of Reconstruction and 15332 In-fill Development Projects, as evaluated above. There are no other unacceptable negative effects on adjacent parcels outside of those items identified for the exemption.*

### **Site Development Permit Findings**

Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.

1. The site development permit, as approved, is consistent with and will further the policies of the General Plan and applicable specific plans and area development policies.

*Analysis: See discussion above related to General Plan conformance incorporated fully herein by this reference.*

2. The site development permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project.

*Analysis: See discussion above related to zoning conformance incorporated fully herein by this reference.*

3. The site development permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

*Analysis: See discussion above related to Council Policies incorporated fully herein by this reference.*

4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

*Analysis: The convenience store, car wash and fuel island canopy appropriately relate to each other in that the front of the store faces the fuel island canopy, facilitating efficient customer access between these two areas. The convenience store, car wash and trash enclosure structures are aesthetically harmonious in that they utilize similar colors and materials as the previously approved fuel canopy upgrades (File No. AD16-398).*

5. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

*Analysis: The building and site are oriented toward South Bascom Avenue, minimizing its commercial presence toward the multifamily residences across Woodard Avenue and directly abutting the site to the east. The maximum height of the two-story building is 28.5 feet, which is taller than the surrounding two-story multifamily residences; however, the two-story portion of the convenience store is located away from the residential properties, thus reducing the perceived height and massing. The painted stucco, metal, and stone veneer exterior of the building and canopy are compatible with the surrounding neighborhood aesthetic. Furthermore, the roof form is consistent with adjacent residential styles in addition to an existing two-story office building located at 3880 South Bascom Avenue.*

6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties, as discussed under Environmental Review. The proposed project is exempt per CEQA section 15302 (Replacement or Reconstruction) and 15332 (In-fill Development Projects) as the proposed project is consistent with the General Plan designation; the project occurs within city limits and is no more than five acres and substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is adequately served by all required utilities and public services.*

7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

*Analysis: The project will include new landscaping along South Bascom Avenue and Woodard Road, which will significantly upgrade the appearance of the existing site. Furthermore, landscape will be located at the entrance and exits of the car wash and along the proposed masonry wall at the rear of the site to minimize the visibility of these structures. Building mechanical systems and refuse containers will be stored within a block wall enclosure.*

8. Traffic access, pedestrian access and parking are adequate.

*Analysis: Access to the site is facilitated via existing driveways on South Bascom Avenue, one of which shares an access agreement with the parcel to the south of the project site, and one existing driveway on Woodard Road, located at the northeast corner to the site. A second driveway on Woodard Road closest to the intersection (northwest corner of the site) would be closed to improve vehicle and pedestrian safety as well as improve traffic circulation on the site. Access to the project site from these roadways as well as traffic generated by the proposed uses have been reviewed by the Department of Transportation and determined to be adequate. There is ample pedestrian access to the site via surrounding public sidewalks, which are connected to pedestrian walkways on the property. The parking is sufficient to on site for the gas station, convenience store, and private office use, as detailed in the Zoning Ordinance Compliance section of this report.*

### **Demolition Permit Evaluation Criteria**

Under the provisions of Section 20.80.460 of the San José Municipal Code, prior to the issuance of any development permit, which allows for the demolition, removal or relocation of a building, the following shall be considered to determine whether the benefits of permitting the demolition, removal or relocation outweigh the impacts of the demolition, removal or relocation:

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;
3. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood;
4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
6. Rehabilitation or reuse of the existing building would not be feasible; and
7. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

*The project includes the demolition of the existing 1,276 square foot minimart and incidental repair building and replacement with a new 5,754 square foot convenience store and fully automated car wash. The existing structure was constructed in 1963 (Building Permit dated May 9, 1963), and has continued to operate as a gas station since. This structure is not listed on the City's Historic Resources Inventory. Construction of a new convenience store and car wash that will increase the aesthetic value of the site and furthers the intent of the General Plan Land Use/Transportation Diagram designation of Neighborhood/Community Commercial.*

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Under the provisions of Section 15302 (Replacement or Reconstruction) and 15332 (In-fill Development Projects) of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

### 15302. Replacement or Reconstruction

The proposed project consists of demolition of an existing gas station service building and reconstruction of a convenience store and a mechanical car wash in the same location. The proposed convenience store and car wash are complementary uses for a gas station. Therefore, the proposed project fits the Class 2 category for replacement or reconstruction of existing structure and facilities where the new structure would be located on the same site as the structure replaced and would have substantially the same purpose and capacity as the structure replaced.

### 15332. In-fill Development Projects

1. *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

As discussed in detail above, the project site is designated as Neighborhood/Community Commercial in the City's General Plan. This designation allows commercial uses that serve communities such as neighborhood serving retail and services. The site currently houses a gas station and a service station. The convenience store and car wash proposed under this project provides a neighborhood serving retail and services function, and thus conforms to the Neighborhood/Community Commercial land use designation.

The site is zoned CN, Neighborhood Commercial. Residential properties are located adjacent to the east and south of the project site. Therefore, a conditional use permit is required to ensure that the proposed project would conform to the General Regulations and the Performance Standards required for this zoning district. The proposed project will include project components such as noise barriers to ensure compliance with the applicable general plan designation, policies, and zoning code designation and regulations, and limit impacts to neighboring residences.

2. *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The project site is located on a 0.81 acre site within City limits. The site is a corner lot with South Bascom Avenue to the west and Woodard Road to the north. Residential lots are located adjacent to the site on the east, and commercial uses are located to the south. The opposite side of South Bascom Avenue is in an unincorporated area of the City that is also densely developed with commercial and residential uses.

3. *The project site has no value as habitat for endangered, rare, or threatened species.*

Los Gatos Creek is approximately 2,000 feet northwest of the project site. The area between the creek and the site is densely developed. The project site is classified as urban-suburban land cover within the Santa Clara Valley Habitat Conservation Plan area, and does not identify habitat for endangered, rare, or threatened species.

4. *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

**Traffic:** Vehicular access to the site would be provided by three existing driveways: one full access driveway and one limited access driveway on South Bascom Avenue and one full access driveway on Woodard Road. The proposed project is estimated to generate 33 net new PM peak hour trips. The City performed a level of service (LOS) analysis at the South Bascom Avenue and Woodard Road intersection. The analysis indicated that the existing LOS/delay of B-18.5 would increase to B-18.7 with project traffic. This increase would not have a significant impact on the intersection. Thus, the proposed project meets the City's Council Policy 5-3. The traffic impact of the proposed project would be less than significant.



**Noise:** To determine noise impacts to the adjacent residential properties from the addition of the mechanical car wash, the noise study prepared for the proposed project used the definition provided by the General Plan Goal EC-1.2 that noise impact of new land developments on residential land uses is considered significant if the proposed project would cause the day-night average noise level (Ldn) at noise sensitive receptors to increase by three (3) dBA Ldn or more where noise levels would equal or exceed the “Normally Acceptable” level.

The project site is located in the 70 dBA Ldn noise contour. This implies that noise levels at the site due to existing sources (such as traffic noise) are already in excess of the zoning code.

The applicant has incorporated the following measures into the project:

- Construction of an 11-foot long, 10-foot high barrier at the entrance of the car wash.
- Construction of an 18-foot long, 10-foot high barrier at the exit of the car wash.
- Construction of a 7-foot high masonry wall at the eastern property boundary to further mitigate noise generated by on-site activities and increase security and separation between adjacent residential properties.

Taking into consideration the noise barriers that would be built at the entrance and exit of the car wash, and the noise barrier along the eastern property boundary adjacent to the residential area, the noise study determined that the most that the Ldn would increase at the project site is 0.6 dBA Ldn. This increase is less than the 3 dBA Ldn increase specified in the San Jose General Plan Goal EC-1.2. With implementation of all measures specified in the noise study, the noise impact of the proposed project would be less than significant.

**Air Quality:** The Bay Area Air Quality Management District (BAAQMD), in their 2010 California Environmental Quality Act Air Quality Guidelines (2011 Update), established operational GHG screening criteria for GHG emissions based on land use type and project size using default emission assumptions in the URBEMIS GHG emission model. Projects smaller than the applicable screening criteria for the subject land use would not exceed the 1,100 metric tons of carbon dioxide equivalent per year (CO<sub>2</sub>e/yr) GHG threshold of significance, and therefore, would be considered to have a less than significant impact for GHG emissions.

The proposed project would construct a new building which includes a 2,834 square foot convenience store with a 1,082 square-foot owner office on the second floor, and a 1,858 square-foot mechanical car wash. The BAAQMD operational screening threshold for criteria pollutants related to a convenience store with gas pumps is 4,000 square feet. The convenience store and owner office results in a total of 3,916 square feet, which is below this threshold. The screening criteria, however, does not include a category for a convenience store with gas pumps and a car wash. As this project is smaller than the screening level, the proposed project is considered to not have a significant impact to GHG emissions.

Consistent with the City's General Plan policies MS-10.1 and MS-13.2, the proposed project would be developed in conformance with all basic BAAQMD Best Management Practices (BMPs) and dust control measures during all phases of construction on the project site to reduce dust-fall emissions. The air quality impact of the proposed project would be less than significant.

**Water Quality:** The Department of Public Works has determined that the proposed project must comply with the City's Post-Construction Urban Runoff Management Policy (Council Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. These measures shall be included in the Stormwater Control Plan for the proposed project. Adherence to these measures would ensure that the proposed project conforms to City Policy. Therefore the water quality impact of the proposed project would be less than significant.

5. *The site can be adequately served by all required utilities and public services.*

The proposed project is located in an urbanized area with adequate sewer, water, and electric power service. No new utilities would be needed to serve the proposed project. The demand for fire and police protection would not change from existing levels.

### **Building Demolition**

The proposed project includes the demolition of the existing 1,276 square foot minimart and incidental repair building. This structure was constructed in 1963 (Building Permit dated May 9, 1963), with the fuel canopy subsequently constructed in 1970 (Building Permit dated June 8, 1970). The site has continued to operate as a gas station since. This structure is not listed on the City's Historic Resources Inventory nor qualifies as a contributing structure.

A Statement of Exemption (dated January 17, 2017 and attached) for the Bascom ANDoil Replacement and Car Wash Addition has been prepared for the project.

## **PUBLIC HEARING NOTIFICATION**

To inform the public of the proposed project, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

A community meeting was held for the proposed project on May 8, 2017, for the subject project. There were approximately 25 community members in attendance in addition to District 9 Councilmember Rocha and District 9 Chief of Staff Peter Hamilton. Public comments received through the open forum period of the agenda were primarily in opposition of the project's request for the off-sale of alcohol and 24-hour operation. Major concerns raised related to the overconcentration of alcohol sales within close range to the project site and the potential effects of a 24-hour use on neighboring residential properties given recent incidents with vagrants and drug use in the area. Attendees also inquired about potential traffic implications as a result of the proposed uses and whether the in-house traffic study sufficiently analyzed current traffic issues in this area. Farnham Elementary School is located northeasterly of the site on Woodard Road, and there is concern that the addition of a carwash may interfere with school traffic and reduce pedestrian safety. Lastly, residents requested that the applicant revise the carwash hours (7:00 a.m. to 10:00 p.m.) to respond more sensitively to adjacent residential uses.

As a result of Planning's review of the project and public comments submitted through the City's public outreach process, the project scope has been amended to eliminate the off-sale of alcohol and 24-hour operation has been reduced to an early morning one hour extension from 5:00 a.m. and 6:00 a.m. Moreover, the hours of the carwash will operate between the hours of 7:00 a.m. and 9:00 p.m. In order to preserve the safety and livability of the existing residences and maintain adequate separation between these uses, and per the request of Planning staff, a seven foot

masonry wall will be installed along the eastern property boundary. Public Works revisited their in-house traffic study which confirmed that the proposed uses will not reduce the level of service for the existing South Bascom Avenue and Woodard Avenue intersection.

Public comments received in writing at the meeting expressed opposition to the project as well. Staff has also received public comment by phone which expressed opposition to the project. Written public comments received to date have been attached to this report.

**Project Manager:** Elia Sorice

**Approved by:**  , Planning Official for Rosalynn Hughey, Interim Planning Director

**Date:**  
8/1/17

**Attachments:**

- Exhibit A: Draft Resolution
- Exhibit B: Plan Set
- Exhibit C: Noise Report, Mei Wu Acoustics, December 20, 2016
- Exhibit D: Public Works Traffic Study, December 16, 2016
- Exhibit E: Police Memorandum, June 9, 2017
- Exhibit F: Mitigation Management Plan
- Exhibit G: Statement of Exemption, January 17, 2017
- Exhibit H: Public Communications

<b>Owner:</b>	<b>Applicant:</b>
Andarys Enterprise 3702 Bascom Avenue San Jose, CA 95124	Andarys Enterprise 3702 Bascom Avenue San Jose, CA 95124

## RESOLUTION NO.

A Resolution of the Planning Commission of the City of San José approving, subject to conditions, a Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276 square foot gas station minimart with incidental service and repair and the construction of a new 5,754 square foot convenience store and fully automated car wash with extended early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.) on a 0.81 gross-acre site located at the southeasterly corner of South Bascom Avenue and Woodard Road (3702 South Bascom Avenue).

### FILE NO. CP16-035

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on July 18, 2016, an application (File No. **CP16-035**) was filed by the applicant, Andarys Enterprise, Inc., with the City of San José for a Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276 square foot gas station minimart with incidental service and repair, and the construction of a new 5,774-square foot convenience store and fully automated car wash with extended early morning use for the convenience store and gas station only (one hour extension between 5:00 a.m. and 6:00 a.m.) on a 0.81-gross acre site, on that certain real property situated in the CN Commercial Neighborhood Zoning District and located at the southeasterly corner of South Bascom Avenue and Woodard Road (3702 South Bascom Avenue, San José, which real property is sometimes referred to herein as the “subject property”); and

WHEREAS, the subject property is all that real property more particularly described in Exhibit "A," entitled “Legal Description,” which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, the Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the City’s Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a plan for the subject property entitled, “Bascom AND oil Replacement and Car Wash Addition” dated June 27, 2017, said plan is on file in the Department of Planning, Building and Code Enforcement and is

available for inspection by anyone interested herein, and said plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said public hearing before the Planning Commission was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission; and

WHEREAS, this Planning Commission has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the project applicant, City staff, and other interested parties;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE THAT:

After considering evidence presented at the public hearing, the Planning Commission finds that the following are the relevant facts and findings regarding this proposed project:

1. **Site Description and Surrounding Uses.** The subject 0.81 gross-acre site is located at the southeast corner of the intersection of South Bascom Avenue and Woodard Road and is currently occupied by a 1,276 square foot gas service station building that includes a small convenience store with incidental repair services, four fuel pumps and canopy, and a trash enclosure. The service station was constructed in 1963 and the fuel canopy was constructed in 1970. The property is bounded by multi-family residential to the north across Woodard Road, a liquor store and strip mall to the south, multi-family residential properties to the east, and a commercial strip mall to the west across South Bascom Road, located in the City of Campbell. The site also includes a 25 foot private ingress/egress access easement at the rear of the site extending from Woodard Road to the adjacent commercial properties south of the project site.
2. **Project Description.** On July 18, 2016, a Conditional Use Permit and Site Development Permit application was filed to allow the demolition of an existing 1,276 square foot gas station minimart with incidental service and repair for the construction of a new 5,754 square foot convenience store and car wash, and extended early morning use (5:00 a.m. to 6:00 a.m. for the gas station and convenience store only) on a 0.81 gross-acre site. There is no change to the location of the existing fuel pumps and the existing canopy and canopy signage were replaced under separate permits (File No. AD16-398 and File No. AD16-900) prior to submittal of this application.

The proposed project design includes a two-story building with a 2,834 square foot convenience store and a 1,840 square foot fully-automated car wash with stacking for up to five cars on the ground floor, and 1,080 square feet of private office space on the second floor, and a relocated trash enclosure. Approximately 40 feet (fits roughly two vehicles) is provided at each fuel dispenser on each side to allow for adequate vehicle stacking at the gas dispensers. The drive-through car wash is designed such that the vehicles entering and exiting the car wash tunnel will have the minimum five car stacking space and will not obstruct on-site circulation.

The project also includes all of the following:

- The existing driveway on Woodard Road located at the northwest corner of the site will be closed.

- The redeveloped site will have access from two existing driveways on South Bascom Avenue, one of which shares a private ingress/egress access easement with the parcel to the south of the project site, and one existing driveway on Woodard Road, located at the northeast corner to the site.
  - The existing 25 foot private ingress/egress access easement at the rear of the site will be maintained so as to provide access to the rear of the two properties directly to the south of the project site.
  - A total of 21 parking stalls, including one Americans with Disabilities Act (ADA) accessible space and eight fueling bay spaces, and two bicycle parking spaces are proposed. A total of 1 employee will be onsite during operating hours.
  - The proposed hours of operation for the gas station and convenience store are from 5:00 a.m. to 12:00 a.m. with operation of the car wash between the hours of 7:00 a.m. and 9:00 p.m.
  - A seven foot masonry sound wall will be installed along the eastern property boundary to adequately buffer the gas station operations from the adjacent residential neighborhood.
3. **General Plan Conformance.** The subject property is designated Neighborhood/Community Commercial on the Envision 2040 General Plan Land Use/Transportation Diagram. Properties with this designation support a broad range of commercial activity, including commercial uses that serve the communities in the neighboring area. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection. The proposed service station, general retail sales, and carwash are consistent with the Neighborhood/Community Commercial land use designation in that the commercial uses are supported uses within this designation. Furthermore, the gas station has served this neighborhood since 1963 and will be expanded to include enhanced auto services and food sales to customers.

South Bascom Avenue is designated as a City Connector Street in the Envision San José 2040 General Plan. City Connector Streets prioritize automobiles, bicycles, pedestrians and trucks equally, and typically have four to six traffic lanes that accommodate moderate to high volumes of traffic. Pedestrians are accommodated with existing sidewalks and the South Bascom Avenue corridor is served by the Santa Clara Valley Transportation Authority (VTA) routes 49 and 61. South Bascom Avenue does not have bike lanes; however, VTA has plans to transform this right-of-way to accommodate multimodal traffic under its Complete Streets Program. The site's location adjacent to a City Connector Street and proximity to residential properties will provide convenient access to pedestrians, bicyclists, and motorists, alike.

The proposal is consistent with the following General Plan goals and policies with respect to commercial uses:

Land Use Policy LU-4.1- Commercial: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.

*Analysis: Approval of the CUP and Site Development Permit would allow further intensification of the commercial area along South Bascom Avenue. The existing gas station and fuel pumps and the proposed convenience store and car wash would continue to serve the residences, businesses, and visitors in the surrounding neighborhood and consolidate services and amenities in one location. Redevelopment of the site will enhance the economic vitality of the site and retain jobs in the area.*

Land Use Policy LU-5.1 - Neighborhood Serving Commercial: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

*Analysis: The existing service station is surrounded by a mix of commercial, office, and residential uses. The expansion and revitalization of the gas station site to include a fully-automated car wash and enhanced retail services would allow one-stop shopping and reduced vehicle miles traveled. The site will provide retail products at a corner site in a neighborhood with both pedestrian and vehicular traffic.*

#### 4. **Zoning Ordinance Compliance.**

This site is zoned CN Commercial Neighborhood which conforms to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation Neighborhood/Community Commercial. Under the Zoning Ordinance Section 20.40.100, gas stations and drive-through uses require a Conditional Use Permit in the CN Commercial Neighborhood Zoning District. Additionally, Section 20.40.500 requires a Conditional Use Permit for any use that proposes to be open between the hours of 12:00 midnight and 6:00 a.m. (24-hour use) in any commercial district. This Conditional Use Permit also covers demolition of the existing minimart and service station building. As discussed above, replacement of the fueling canopy and canopy signage was addressed under separate permits (File No. AD16-398 and File No. AD16-900). Staff considered the previously approved canopy improvements during the review of the project.

- a. **Setbacks.** Pursuant to Section 20.40.200 of the Zoning Ordinance, development in the CN Zoning District is subject to the following development standards:

Commercial Neighborhood (CN) Development Standards		
	Required	Proposed
Minimum Lot Size	6,000 sf	31,855
Setbacks	Required, Feet	Proposed
Front	10	52.2
Side, corner	12.5	15.5
Side Interior	None	24.5
Rear	None	31.2

The project is consistent with these standards as the project meets the required front, side, and rear setbacks of the CN Zoning District, as outlined above.

- b. **Height.** Pursuant to the Zoning Ordinance, the CN Commercial Neighborhood Zoning District has a maximum height for buildings and structures of 50 feet. The proposed project has a height of 28.5 feet and meets this height requirement.
- c. **Parking.** Pursuant to Section 20.90.060 of the Zoning Ordinance, the proposed project (convenience store, gas station with car wash) would require the following vehicular parking:

Parking Requirements			
Use	Ratio	Required Parking for Proposed Project	Total Required
Gas station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	1 employee= 1 space Air/water service = 1 space Information Stop= 1 space	3 spaces
Retail	1 per 200 square feet of floor area	For 2,409 net square feet (2,834 gross square feet x 0.85) of retail space	12 spaces
Office	1 per 250 square feet of floor area	For 920 net square feet (1,082 gross square feet x 0.85) of office space	4 spaces
Car Wash	No additional parking required when in conjunction with any use	None	0
<b>Total Required</b>			<b>19 spaces</b>

The project is proposing a total of 21 parking stalls, including one ADA space and eight fuel pump spaces, which satisfy the above parking requirements.

- d. **Bicycle Parking:** Required bicycle parking is one space per 10 full-time employees for the gas station and 1 per 3,000 square feet of floor area, equaling two spaces total. The project proposes a minimum of two spaces.
- e. **Noise Compliance.** A noise study was prepared by Mei Wu Acoustics (dated December 20, 2016 and attached hereto) which analyzed the potential impacts of the project on adjacent residential properties. The results of the noise study were evaluated against the Noise Element of the City of San José General Plan, which utilizes the Day-Night Level (Ldn) 24-hour noise descriptor, and against the City’s Zoning Ordinance, which utilizes the instantaneous dBA noise descriptor.

Noise standards established in the General Plan serve as the City's noise thresholds for determining significant impacts under CEQA. Specifically, the report used the definition provided by the General Plan Goal EC-1.2 that noise impact of new land developments on residential land uses is considered significant if the proposed project would cause the day-night average noise level (Ldn) at noise sensitive receptors to increase by three (3) dBA Ldn or more where noise levels would equal or exceed the “Normally Acceptable” level.

Pursuant to Section 20.40.600 of the Zoning Ordinance, uses of the CN Zoning District that are adjacent to a property used or zoned for residential purposes shall not exceed 55 dBA at the property line except with the approval of a Conditional Use Permit. Uses of the CN Zoning District that are adjacent to a property used or zoned for commercial purposes shall not exceed 60 dBA at the property line. Per Section 20.40.600.B.2 of the Zoning Ordinance, these thresholds can exceed the decibel levels required upon issuance of a use permit.



Per the 2040 General Plan, the project site falls under the 75-70 dBA Ldn contour along the boundary with the residential area representing the beginning of the 70-65 dBA Ldn contour. This means that noise levels at the site due to existing sources (traffic) are already in excess of the Zoning Ordinance performance standards, as described above.

The following noise levels were predicted at the eastern property boundary of the project:

Receiver	Distance to Property Line [ft]	Noise Level at Receiver no Barriers [dBA]	Noise Level at Receiver with Barriers [dBA]	L <sub>dn</sub> at Receiver with Barriers [dBA L <sub>dn</sub> ]	Existing Noise Level [dBA L <sub>dn</sub> ]
Residential (1)	60	62	55	70.5	70.0
Residential (2)	50	57	52	70.5	
Residential (3)	50	69	57	70.6	
Commercial (4)	70	65	53	70.5	

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 (L<sub>dn</sub>). The project will implement the following noise reduction measures to minimize the noise impact of the new development:

- An 18-foot long, 10-foot high sound barrier will be constructed at the exit of the car wash which will block noise at the eastern property line for the northernmost residences.
- A trash enclosure will be constructed to conceal the dumpster onsite. This enclosure will be 8-feet tall and made of concrete masonry units (CMU). The enclosure will be 16'-6" in length and positioned such that it will block noise for the residential properties to the southeast.
- An 11-foot long, 10-foot high barrier will be constructed at the entrance of the car wash which blocks noise at the eastern property line for residential buildings located to the south of the site.

Taking into consideration the noise barriers that would be built at the entrance and exit of the car wash, the noise study determined that the most that the L<sub>dn</sub> would increase at the project site is 0.6 dBA L<sub>dn</sub>. This increase is less than the 3 dBA L<sub>dn</sub> increase specified in the San Jose General Plan Goal EC-1.2.

Since the completion of the noise study, staff has requested the incorporation of a 7-foot high masonry wall at the eastern property boundary to further mitigate noise generated by on-site activities and increase security and separation between adjacent residential properties.

With implementation of all measures specified above, the noise impact of the proposed project would be less than significant.

- f. **Transportation.** A Public Works Department Memorandum (dated December 16, 2016 and attached) stated the department completed an in-house traffic analysis for the project and concluded that the project is in conformance with the City's Transportation Level of Service (LOS) Policy (Council Policy 5-3) and will not reduce the level of service for the existing South Bascom Avenue and Woodard Avenue intersection. It was estimated that the proposed project would generate 33 net new Peak Hour Trips (PHT). The City performed a LOS analysis at the South Bascom Avenue and Woodard Road intersection which indicated that the existing LOS/delay of B-18.5 would increase to B-18.7 with project traffic. Since

the grade of this intersection would not change and delays would only increase by 0.2, there will be no negative traffic impacts associated with the proposed project. Furthermore, pursuant to Council Policy 6-10, sufficient space is provided for car wash stacking.

5. **Commercial Design Guidelines Conformance.** The City's Commercial Design Guidelines establish design objectives for service stations related to site organization and building design. Per the Commercial Design Guidelines, all structures on the site including kiosks, car wash building, gas pump columns, etc. should be architecturally consistent with the main structure. Furthermore, buildings should be compatible with the character of the existing neighborhood, by complimenting the building forms, architectural styles, and landscape patterns of neighboring development. The structures to the north and west of the subject site are two-story multifamily residential. Consistent with the Guidelines, the proposed architecture of the gas station reflects these surrounding uses through compatible massing and building height, and a pitched roof form. The proposed architecture and materials are of high quality and will complement the overall aesthetics of the neighborhood through the use of a similar roof form, stucco, and stone veneer. As discussed above, the fueling canopy and canopy signage was replaced under a separate permit (File no. AD16-398 and File no. AD16-900) prior to submittal of the Conditional Use Permit. The architecture of the convenience store, car wash, and trash enclosure build upon the materials and colors of the canopy. Pursuant to the suggestions in the Guidelines, approximately 40 feet (fits roughly two vehicles) is provided at each dispenser on each side to allow for adequate vehicle stacking at the gas dispensers. The drive-through car wash is designed such that the vehicles entering and exiting the car wash tunnel will have the minimum five car stacking space and will not obstruct on-site circulation. In addition to serving as noise mitigation measures for the residential properties that directly abut the property to the east, a sound barrier and CMU trash enclosure at the car wash entrance and a sound barrier at the car wash exit will block the line of sight of the proposed car wash from these residences.
6. **Council Policy 6-10: Criteria for the Review of Drive-Through Uses:** City Council Policy 6-10 entitled "Criteria for the Review of Drive-Through Uses" was adopted by the City Council in 1990 to provide guidelines for the development of establishments with drive-through facilities to help assure compatibility with surrounding land uses and avoid potential problems associated with such operations.
  - a. **Traffic:** Consistent with the Council Policy and the Public Works Department memorandum dated December 16, 2016, as discussed above, the primary ingress to the proposed drive-through car wash is from South Bascom Avenue, a six-lane City Connector Street. The site layout is designed to ensure that overflow stacking does not affect the ingress and egress of the site and impede the traffic on South Bascom Avenue and Woodard Avenue. 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. The proposed convenience store with drive-through car wash significantly upgrades the subject site by allowing improved circulation and access by vehicles and pedestrians.
  - b. **Noise:** As noted above under Zoning Ordinance Compliance, the proposed use includes measures to comply with noise requirements of the General Plan and this policy.
  - c. **Hours of Operation:** The drive-through car wash will operate from 7:00 a.m. to 9:00 p.m., with no late night use, consistent with this policy.

- d. Urban Design: The proposed project will be visually attractive and compatible in terms of mass, scale, and building colors and materials with the adjacent commercial and residential development. The drive-through car wash will be located behind the convenience store and will be less visible from the street.
- e. Lighting: The new lighting fixtures are appropriately shielded to shine down per the City's Outdoor Lighting on Private Development Council Policy 4-3 and per Section 20.120.200 (Lighting) of the Zoning Ordinance. Pursuant to the City's drive-through policy, the maximum foot-candles at the residential property line for drive-through projects should not exceed 0.1 fc. The photometric plan prepared for the project indicates that illumination levels at the north and east property lines do not exceed 0.1 fc which is consistent with this policy.
- f. Location: The Council Drive-through Policy states that drive-through uses shall be located 200 feet or more from immediately adjacent or directly opposite residential uses. Pursuant to this policy, self-service car washes which are proposed in conjunction with existing gasoline service stations may be exempted from location criteria, provided the traffic criteria of the policy is satisfied. As discussed above, a traffic analysis concluded that the project is in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) and will not reduce the level of service for the existing South Bascom Avenue and Woodard Avenue intersection. The proposed drive through is located 25 feet from the eastern property boundary and is further separated by a 7-foot masonry wall.

Based on the above analysis, the proposed car wash use would be consistent with the intent of the Drive-Through Council Policy and will improve the function and appearance of the site. Although the drive-through use is within 200 feet of a residential use, sufficient measures in regards to site design and sound attenuation walls would limit impact to the adjacent parcels, as discussed above.

#### 7. **City Council Policy 6-27: Evaluation of 24-Hour Uses:**

On November 30, 1984, the City Council approved an amendment to the Zoning Ordinance that required all commercial uses operating between the hours of 12:00 midnight and 6:00 a.m. to be subject to a Conditional Use Permit. This ordinance change was established to ensure compatibility of late night and early morning uses with surrounding land uses. The policy acknowledges that while there is a general public need for some late night services, there are potentially significant problems with such uses including proximity to residential uses and noise. This policy is intended to provide guidelines for the appropriate development of establishments that operate during these late night hours, while avoiding the problems associated with such operations. To do that, the policy evaluates each using applicable guidelines outlined below:

- a. Area Use Compatibility: The proposed convenience store and car wash would replace an existing convenience store and repair station that is operated in conjunction with the gasoline service station. While the current convenience store and gasoline service station do not have late night hours (between midnight and 6:00 a.m.), the one hour extension between 5:00 a.m. and 6:00 a.m. would provide a convenience to people with late night or early morning work shifts and would not be detrimental to nearby residential uses. The San Jose Police Department issued a Police Memorandum (dated June 9, 2017 and attached) that was neutral to the early morning use request.

- b. Use Separation: Generally, 24-hour uses should not be located within 300 feet (measured from the building entrance and “Designated Parking Area” and/or “Outdoor Use Area” to the residential property line) from any property that is residentially zoned, planned, or in use. The nearest residential property is located within 300 feet of the proposed 24-hour use; however, a two-story convenience store, office, car wash, and 7-foot tall masonry wall create a noise mitigating and visual buffer between the residential properties to the east of the site. The residential uses to the north of the site are also within 300 feet of the proposed use but are separated by Woodard Road. The policy also states that buildings with drive-through facilities shall be located with a minimum separation of 500 feet from any other structure containing a drive-through facility. There are no drive-through uses in the immediate vicinity of the site.
- c. Outdoor Activities: Outdoor activity would be limited to the pump stations which are located closest to South Bascom Avenue away from residential properties. There would be no amplified sound at the site.
- d. Noise: As noted above under Zoning Ordinance Compliance, the proposed use includes measures to comply with noise requirements of the General Plan. The proposed hours of operation for the car wash are 7 a.m. to 9:00 p.m. which are consistent with this policy.
- e. Lighting: The proposed lighting fixtures are appropriately shielded to comply with the City’s Outdoor Lighting on Private Development Council Policy 4-3 and a photometric plan indicated that illumination levels at the north and east property lines would not exceed 0.1 fc. Policy 6-27 does not have specific illumination level requirements; however, the measured 0.1 fc at the property line complies with the lighting requirements of the drive-through policy 6-10.
- f. Cleaning and Maintenance: Consistent with the Policy, the project applicant shall comply with the approved Mitigation Management Plan/Operations Plan which includes trash and graffiti removal, site security and safety measures, loitering and panhandling restrictions, and mandatory employee training.

Policy 6-27 also includes specific guidelines for gasoline service stations. Gasoline service stations are a type of outdoor retail operation which have difficulty meeting all of the requirements listed in the General Guidelines. Specifically, there is generally a reduced frequency of use; the outside customer areas are intensely lighted, much more so than parking lot areas; there are very few, if any, parking spaces for prolonged stay on-site; service is rendered quickly at the fueling stations, customers are discouraged from loitering and blocking service areas; and very little is available on-site which may result in litter problems. For this reason, it is appropriate to look at alternative means to meet the intent of the guidelines without unduly restricting service station uses because the sale of gasoline may be necessary for the safe transport of people during the late night and early morning hours.

- Gasoline service stations shall not provide automotive repair service between the hours of 10:00 p.m. and 7:00 a.m.
- Gasoline service stations shall not provide car wash service between the hours of 10:00 p.m. and 7:00 a.m.
- Restroom facilities shall remain open and available during business hours. Measures to assure surveillance and security will be required

The parking areas will be well lit and loitering will not be tolerated as outlined in the Mitigation Management Plan/Operations Plan. Furthermore, this project does not include automotive repair and the car wash would not operate between the hours of 9:00 p.m. and 7:00 a.m. The restroom facilities, to be located inside the proposed convenience store, would be available and open during business hours and security and safety of the patrons maintained in accordance with the aforementioned Plan.

8. **Environmental Review.** Under the provisions of Section 15302 (Replacement or Reconstruction) and 15332 (In-fill Development Projects) of the State Guidelines for Implementation of the California Environmental Quality Act, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

**15302. Replacement or Reconstruction**

The proposed project consists of demolition of an existing gas station service building and reconstruction of a convenience store and a mechanical car wash in the same location. The proposed convenience store and car wash are complementary uses for a gas station. Therefore, the proposed project fits the Class 2 category for replacement or reconstruction of existing structure and facilities where the new structure would be located on the same site as the structure replaced and would have substantially the same purpose and capacity as the structure replaced.

**15332. In-fill Development Projects**

- a. *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

As discussed in detail above, the project site is designated as Neighborhood/Community Commercial in the City's General Plan. This designation allows commercial uses that serve communities such as neighborhood serving retail and services. The site currently houses a gas station and a service station. The convenience store and car wash proposed under this project provides a neighborhood serving retail and services function, and thus conforms to the Neighborhood/Community Commercial land use designation.

The site is zoned CN, Neighborhood Commercial. Residential properties are located adjacent to the east and south of the project site. Therefore, a conditional use permit is required to ensure that the proposed project would conform to the General Regulations and the Performance Standards required for this zoning district. The proposed project will include project components such as noise barriers to ensure compliance with the applicable general plan designation, policies, and zoning code designation and regulations, and limit impacts to neighboring residences.

- b. *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The project site is located on a 0.81 acre site within City limits. The site is a corner lot with South Bascom Avenue to the west and Woodard Road to the north. Residential lots are located adjacent to the site on the east, and commercial uses are located to the south. The opposite side of South Bascom Avenue is in an unincorporated area of the City that is also densely developed with commercial and residential uses.

- c. *The project site has no value as habitat for endangered, rare, or threatened species.*

Los Gatos Creek is approximately 2,000 feet northwest of the project site. The area between the creek and the site is densely developed. The project site is classified as urban-suburban land cover within the Santa Clara Valley Habitat Conservation Plan area, and does not identify habitat for endangered, rare, or threatened species.

- d. *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

**Traffic:** Vehicular access to the site would be provided by three existing driveways: one full access driveway and one limited access driveway on South Bascom Avenue and one full access driveway on Woodard Road. The proposed project is estimated to generate 33 net new PM peak hour trips. The City performed a level of service (LOS) analysis at the South Bascom Avenue and Woodard Road intersection. The analysis indicated that the existing LOS/delay of B-18.5 would increase to B-18.7 with project traffic. This increase would not have a significant impact on the intersection. Thus, the proposed project meets the City's Council Policy 5-3. The traffic impact of the proposed project would be less than significant.

**Noise:** To determine noise impacts to the adjacent residential properties from the addition of the mechanical car wash, the noise study prepared for the proposed project used the definition provided by the General Plan Goal EC-1.2 that noise impact of new land developments on residential land uses is considered significant if the proposed project would cause the day-night average noise level (Ldn) at noise sensitive receptors to increase by three (3) dBA Ldn or more where noise levels would equal or exceed the "Normally Acceptable" level.

The project site is located in the 70 dBA Ldn noise contour. This implies that noise levels at the site due to existing sources (such as traffic noise) are already in excess of the zoning code.

The applicant has incorporated the following measures into the project:

- Construction of an 11-foot long, 10-foot high barrier at the entrance of the car wash.
- Construction of an 18-foot long, 10-foot high barrier at the exit of the car wash.
- Construction of a 7-foot high masonry wall at the eastern property boundary to further mitigate noise generated by on-site activities and increase security and separation between adjacent residential properties.

Taking into consideration the noise barriers that would be built at the entrance and exit of the car wash, and the noise barrier along the eastern property boundary adjacent to the residential area, the noise study determined that the most that the Ldn would increase at the project site is 0.6 dBA Ldn. This increase is less than the 3 dBA Ldn increase specified in the San Jose General Plan Goal EC-1.2. With implementation of all measures specified in the noise study, the noise impact of the proposed project would be less than significant.

**Air Quality:** The Bay Area Air Quality Management District (BAAQMD), in their 2010 California Environmental Quality Act Air Quality Guidelines (2011 Update), established operational GHG screening criteria for GHG emissions based on land use type and project size using default emission assumptions in the URBEMIS GHG emission model. Projects smaller than the applicable screening criteria for the subject land use would not exceed the 1,100 metric tons of carbon dioxide equivalent per year (CO<sub>2</sub>e/yr) GHG threshold of

significance, and therefore, would be considered to have a less than significant impact for GHG emissions.

The proposed project would construct a new building which includes a 2,834 square foot convenience store with a 1,082 square-foot owner office on the second floor, and a 1,858 square-foot mechanical car wash. The BAAQMD operational screening threshold for criteria pollutants related to a convenience store with gas pumps is 4,000 square feet. The convenience store and owner office results in a total of 3,916 square feet, which is below this threshold. The screening criteria, however, does not include a category for a convenience store with gas pumps and a car wash. As this project is smaller than the screening level, the proposed project is considered to not have a significant impact to GHG emissions.

Consistent with the City's General Plan policies MS-10.1 and MS-13.2, the proposed project would be developed in conformance with all basic BAAQMD Best Management Practices (BMPs) and dust control measures during all phases of construction on the project site to reduce dust-fall emissions. The air quality impact of the proposed project would be less than significant.

**Water Quality:** The Department of Public Works has determined that the proposed project must comply with the City's Post-Construction Urban Runoff Management Policy (Council Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. These measures shall be included in the Stormwater Control Plan for the proposed project. Adherence to these measures would ensure that the proposed project conforms to City Policy. Therefore the water quality impact of the proposed project would be less than significant.

- e. *The site can be adequately served by all required utilities and public services.*

The proposed project is located in an urbanized area with adequate sewer, water, and electric power service. No new utilities would be needed to serve the proposed project. The demand for fire and police protection would not change from existing levels.

### **Building Demolition**

The proposed project includes the demolition of the existing 1,276 square foot minimart and incidental repair building. This structure was constructed in 1963 (Building Permit dated May 9, 1963), with the fuel canopy subsequently constructed in 1970 (Building Permit dated June 8, 1970). The site has continued to operate as a gas station since. This structure is not listed on the City's Historic Resources Inventory nor qualifies as a contributing structure.

A Statement of Exemption (dated January 17, 2017 and attached) for the Bascom ANDoIl Replacement and Car Wash Addition has been prepared for the project.

9. **Conditional Use Permit Findings.** Chapter 20.100 of Title 20 of the San José Municipal Code establishes required findings for issuance of a Conditional Use Permit, which findings are made for the Project based on the above-stated findings related to General Plan, Zoning and CEQA conformance and other Permit Findings discussed above, and subject to the conditions set forth in this Permit.

- a. The Conditional Use Permit, as approved, is consistent with and will further the policies of the general plan, applicable specific plans and area development policies; and

*Analysis: As described in detail above and in the staff memorandum, the proposed project is consistent with the General Plan designation and policies in that it proposes a neighborhood serving use that creates a more complete neighborhood. The proposed car wash is a neighborhood amenity that provides a service to the local community and visitors to the area, and enhanced retail services provides one-stop shopping which would minimize vehicle trips.*

- b. The Conditional Use Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and

*Analysis: As described in detail above and in the staff memorandum, the proposed project is consistent with the provisions of the Zoning Ordinance in that the project frontages are consistent with required setbacks, maximum allowed height, and vehicular and bicycle parking requirements, as discussed above. The project meets the required noise standards pursuant to Section 20.40.600 of the Zoning Ordinance with the proposed mitigation measures, as specified in the noise study and detailed above, which would comply with San Jose General Plan Goal EC-1.2. The noise impact of the proposed project would be less than significant.*

- c. The Conditional Use Permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: As described in detail above and in the staff memorandum, the proposed project meets the requirements of the San Jose Commercial Design Guidelines. Furthermore, the proposed project conforms to City Council Policy 6-10: Criteria for the Review of Drive-Through Uses in regards to traffic, noise, hours of operation, design, and lighting. While the proposed car wash is located within 200 feet of residentially used, zoned, or General Planned properties, self-service car washes which are proposed in conjunction with existing gasoline service stations may be exempted from location criteria, provided the traffic criteria of the policy is satisfied. As described above, the Public Works Department concluded that the project is in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) and will not reduce the level of service for the existing South Bascom Avenue and Woodard Avenue intersection. The proposed project conforms to City Council Policy 6-27: Evaluation of 24-Hour Uses in regards to compatibility, noise, lighting, and maintenance, however, does not meet use separation requirements which state that 24-hour uses should not be located within 300 feet from any property residentially zoned, planned, or used. Counterbalancing justifications justify this inconsistency in that the proposed two-story convenience store, office, car wash, and 7-foot tall masonry wall create a buffer between the residential properties to the east of the site. The residential uses to the north of the site are separated by Woodard Road. Furthermore, the request for early morning operation would result in a one hour extension between the hours of 5:00 a.m. and 6:00 a.m. All lighting fixtures are appropriately shielded pursuant to City Council Policy 4-3: Outdoor Lighting on Private Developments, and will not have adverse effect on adjacent residential properties.*



- d. The proposed use at the location requested will not:
- i. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area;
  - ii. or Impair the utility or value of property of other persons located in the vicinity of the site; or
  - iii. Be detrimental to public health, safety or general welfare; and

*Analysis: As described in detail above and in the staff memorandum, the proposed use is located in an area with a mix of commercial and residential uses. Due to the variety of current uses in the area, the proposed gas station convenience store and car wash would add to the range of commercial uses consistent with the Neighborhood/Community Commercial General Plan land use designation and Commercial Zoning Districts. The noise analysis conducted for the project determined that the operation of the project would not result in a detrimental increase in noise because. Therefore, the proposed use will not adversely impact the surrounding residential neighborhood.*

- e. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

*Analysis: The project site is 0.81 gross acre and has been used as a gas station since 1963. The proposal will replace the existing gas station minimart and incidental repair services with a modern and more easily accessible facility. This structure is not on the City's Historic resources Inventory nor qualifies as a contributing structure. Fueling bays provide 40 feet for vehicle stacking and are in conformance with Section 16.D.6 of the City's Commercial Design Guidelines. Furthermore, the automated car wash provides space for five car vehicle stacking, as required per the City Council Policy 6-10, Criteria for the Review of Drive-Through Uses. The proposed site plan includes the elimination of an existing driveway on Woodard Road closest to South Bascom Avenue which will increase vehicle and pedestrian safety at this intersection and provide for better traffic circulation on the site. The project site is of adequate size and shape to meet the parking requirements of Title 20 and provide significant landscaping upgrades to the site, including fully landscaped setback areas. The site can also accommodate the installation of a 7-foot tall masonry wall along the eastern property boundary between the project site and the adjacent multi-family residential units.*

- f. The proposed site is adequately served:
- i. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
  - ii. By other public or private service facilities as are required.

*Analysis: The subject site is adequately served by South Bascom Avenue and Woodard Road, which are six-lane and two-lane roads, respectively. Bascom Avenue is also identified by the City's DOT as a connector street. VTA bus stops for Routes 49 and 61 are located within 300 feet of the project site along Bascom Avenue. The site is within a developed area that is currently served by all necessary private and public facilities.*

- g. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The project is exempt from environmental review under CEQA exemption Sections 15302 Replacement of Reconstruction and 15332 In-fill Development Projects, as evaluated above. There are no other unacceptable negative effects on adjacent parcels outside of those items identified for the exemption.*

**10. Site Development Permit Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.

- a. The site development permit, as approved, is consistent with and will further the policies of the General Plan and applicable specific plans and area development policies.

*Analysis: See discussion above related to General Plan conformance incorporated fully herein by this reference.*

- b. The site development permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project.

*Analysis: See discussion above related to zoning conformance incorporated fully herein by this reference.*

- c. The site development permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.

*Analysis: See discussion above related to Council Policies incorporated fully herein by this reference.*

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

*Analysis: The convenience store, car wash and fuel island canopy appropriately relate to each other in that the front of the store faces the fuel island canopy, facilitating efficient customer access between these two areas. The convenience store, car wash and trash enclosure structures are aesthetically harmonious in that they utilize similar colors and materials as the previously approved fuel canopy upgrades (File No. AD16-398).*

- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

*Analysis: The building and site are oriented toward South Bascom Avenue, minimizing its commercial presence toward the multifamily residences across Woodard Avenue and directly abutting the site to the east. The maximum height of the two-story building is 28.5 feet, which is taller than the surrounding two-story multifamily residences; however, the two-story portion of the convenience store is located away from the residential properties, thus reducing the perceived height and massing. The painted stucco, metal, and stone veneer exterior of the building and canopy are compatible with the surrounding neighborhood aesthetic. Furthermore, the roof form is consistent with adjacent residential styles in addition to an existing two-story office building located at 3880 South Bascom Avenue.*

- f. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

*Analysis: The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties, as discussed under Environmental Review. The proposed project is exempt per CEQA section 15302 (Replacement or Reconstruction) and 15332 (In-fill Development Projects) as the proposed project is consistent with the General Plan designation; the project occurs within city limits and is no more than five acres and substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is adequately served by all required utilities and public services.*

- g. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

*Analysis: The project will include new landscaping along South Bascom Avenue and Woodard Road, which will significantly upgrade the appearance of the existing site. Furthermore, landscape will be located at the entrance and exits of the car wash and along the proposed masonry wall at the rear of the site to minimize the visibility of these structures. Building mechanical systems and refuse containers will be stored within a block wall enclosure.*

- h. Traffic access, pedestrian access and parking are adequate.

*Analysis: Access to the site is facilitated via existing driveways on South Bascom Avenue, one of which shares an access agreement with the parcel to the south of the project site, and one existing driveway on Woodard Road, located at the northeast corner to the site. A second driveway on Woodard Road closest to the intersection (northwest corner of the site) would be closed to improve vehicle and pedestrian safety as well as improve traffic circulation on the site. Access to the project site from these roadways as well as traffic generated by the proposed uses have been reviewed by the Department of Transportation and determined to be adequate. There is ample pedestrian access to the site via surrounding public sidewalks, which are connected to pedestrian walkways on the property. The parking is sufficient to on site for the gas station, convenience store, and private office use, as detailed in the Zoning Ordinance Compliance section of this report.*

11. **Demolition Permit Evaluation Criteria.** Under the provisions of Section 20.80.460 of the San José Municipal Code, prior to the issuance of any development permit, which allows for the demolition, removal or relocation of a building, the following shall be considered to determine whether the benefits of permitting the demolition, removal or relocation outweigh the impacts of the demolition, removal or relocation:

- a. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
- b. The failure to approve the permit would jeopardize public health, safety or welfare;

- c. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood;
- d. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
- e. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
- f. Rehabilitation or reuse of the existing building would not be feasible; and
- g. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

*The project includes the demolition of the existing 1,276 square foot minimart and incidental repair building and replacement with a new 5,754 square foot convenience store and fully automated car wash. The existing structure was constructed in 1963 (Building Permit dated May 9, 1963), and has continued to operate as a gas station since. This structure is not listed on the City's Historic Resources Inventory. Construction of a new convenience store and car wash that will increase the aesthetic value of the site and furthers the intent of the General Plan Land Use/Transportation Diagram designation of Neighborhood/Community Commercial.*

In accordance with the findings set forth above, a Conditional Use Permit and Site Development to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. This Planning Commission expressly declares that it would not have approved this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

#### **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the permittee fail to file a timely and valid appeal of this Conditional Use Permit and Site Development Permit within the applicable appeal period, such inaction by the permittee shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Conditional Use Permit and Site Development Permit by the permittee; and
  - b. Agreement by the permittee to be bound by, to comply with, and to do all things required of or by the permittee pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** This Conditional Use Permit and Site Development Permit shall automatically expire two years from and after the date of issuance hereof by the Planning Commission, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit in accordance with Title 20 of the San José Municipal Code. The Permit Adjustment must be approved prior to the expiration of this Permit.

3. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the permittee for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
4. **Conformance to Plans.** The development of the site shall conform to the approved Conditional Use Permit plans entitled, “Bascom ANDoil Replacement and Car Wash Addition” dated Received June 27, 2017, on file with the Department of Planning, Building and Code Enforcement, as may be amended and approved by the Director of Planning, Building, and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24). The plans are referred to herein as the “approved plans” or the “Approved Plan Set.”
5. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
6. **Use Authorization.** This Conditional Use Permit and Site Development Permit authorize the demolition of an existing 1,276 square-foot service station minimart with incidental retail and vehicle service, and the construction of a new 5,774-square foot convenience store, office, relocated trash enclosure, and car. Hours of operation for the gas station and convenience store shall be limited to 5:00 a.m. to 12:00 a.m., which requires a late night use to allow operation to begin at 5:00 a.m. The car wash hours shall be limited to 7:00 a.m to 9:00 p.m.
7. **Mitigation Management Plan.** Consistent with the City Council Policy 6-27, the permittee shall comply with the approved Mitigation Management Plan/Operations Plan which includes trash and graffiti removal, site security and safety measures, loitering and panhandling restrictions, and mandatory employee training. Failure to adhere to this plan shall result in revocation of early morning operation between the hours of 5:00 a.m. to 6:00 p.m.
8. **Design Condition.** Prior to issuance of any building permit, the Permittee shall obtain a Permit Adjustment approved by the Planning Department for the following design changes:
  - a. A 7-foot high masonry wall shall be installed along the east property boundary between the project site and adjacent residential properties, not six feet as indicated on the current plan set.
  - b. Additional landscape planters shall be added along the masonry wall at east property boundary. Planters shall be 1 foot by 3 feet in size and spaced at 10-foot intervals.

- c. The landscape planter adjacent to the automated car wash exit shall include two crape myrtles to minimize the appearance of the sound wall.
  - d. The landscape planters adjacent to South Bascom Avenue and Woodard Road shall include two crape myrtles in addition to any street trees required per the Department of Public Works.
  - e. Stone veneer applied to base of building and at entries shall be designed to include a finish band to facilitate transition between stone and stucco.
9. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws, regulations and required permits. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined below.
10. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
11. **Building and Property Maintenance.** The permittee shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
12. **Generators.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
13. **Window Glazing.** Unless otherwise indicated on the approved plan, all windows shall consist of a transparent glass.
14. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set. No outdoor storage is allowed in common areas.
15. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance. Nor shall the use adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area or be detrimental to public health, safety or general welfare. Any such nuisance shall be abated immediately upon notice by the City.
16. **Loitering Prohibited.** Loitering on the premises shall be prohibited.
17. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
18. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris:
- a. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage and shall include daily damp washing of all exterior walls and sidewalks along the project's frontage.
  - b. The permittee shall clean the public right-of-way immediately adjacent to the subject site before 8:00 a.m. each day.
  - c. Mechanical equipment used for outside maintenance, including blowers and street sweepers may not be used between 10:00 p.m. and 6:00 a.m. daily.

19. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
20. **Amplified Sound.** Amplified sound is not allowed between the hours of 10:00 p.m. and 7:00 a.m., daily.
21. **Outdoor Uses.** There shall be no outdoor uses except those explicitly approved herein (gas station fueling, air/water service station).
22. **Sign Approval.** No signs are approved with this Permit. All proposed signs shall be subject to approval by the Director of Planning.
23. **Colors and Materials.** All building colors and materials are to be as specified on the Approved Plan Set.
24. **Street Cleaning and Dust Control.** During construction, the permittee shall sweep and wash down the public streets each working day. In any on-site area visible to the public from the public right-of-way, the site shall be clean of debris, rubbish and trash at least once a week. The permittee shall implement effective dust control measures to prevent dust and other airborne matter from leaving the construction site.
25. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Interior construction that is not audible at the adjacent property lines is permitted on Saturday and Sunday between 9:00 a.m. and 6:00 p.m.
26. **Landscaping.** Planting and irrigation shall be provided, as indicated, on the Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material shall be removed and replaced by the property owner. Irrigation shall be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient landscape Standards for New and Rehabilitated Landscaping. Any phasing of the project resulting in undeveloped areas for more than six months shall be temporarily landscaped in order to provide dust and erosion control. This temporary landscaping shall consist of mulch and drought-resistant plants and ground cover.
27. **Recycling.** It is required that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San José to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. Additional information may be found at <http://www.sjrecycles.org/construction-demolition/cddd.asp> or by contacting the Commercial Solid Waste Program at (408) 535-8550.
28. **Lighting.** All proposed lighting shall conform to the City of San José's Outdoor Lighting Policy and be installed as indicated on the final Approved Plan Set.
29. **Irrigation Standards.** The permittee shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that shall conform to the Zonal Irrigation Plan in the Approved Plan Set. The design of the system shall be approved and stamped by a California Registered Landscape Architect.

30. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
31. **Building Division Clearance for Issuing Permits.** Prior to the issuance of any Building permit, the following requirements shall be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This Permit file number, CP16-035 shall be printed on all construction plans submitted to the Building Division.
  - b. *Americans with Disabilities Act.* The permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
  - c. *Emergency Address Card.* The permittee shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
  - d. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.
32. **Public Works Clearance** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the permittee will be required to have satisfied all of the following Public Works conditions. The permittee is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
- a. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
  - b. **Grading/Geology:**
    - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
    - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4-foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.



- iii. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
- c. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
  - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed for conformance with City Policy 6-29.
  - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- d. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- e. **Flood: Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- f. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to Department of Public Works clearance.
- g. **Street Improvements:**
  - i. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
  - ii. Remove the western most driveway on Woodard Road; replace with city standard curb, gutter, and sidewalk.
  - iii. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- h. **Electrical:**
  - i. Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
  - ii. Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
- i. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut outs behind the curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.

33. **Revocation, Suspension, Modification.** This Conditional Use Permit and Site Development Permit may be revoked, suspended or modified by the Planning Commission, or the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Conditional Use Permit or Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby **approved**.

**APPROVED** and issued this **9<sup>th</sup> day of August, 2017**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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NICK PHAM  
Chairperson

ATTEST:

---

ROSALYNN HUGHEY,  
Interim Director of Planning, Building & Code Enforcement  
Planning Commission Secretary

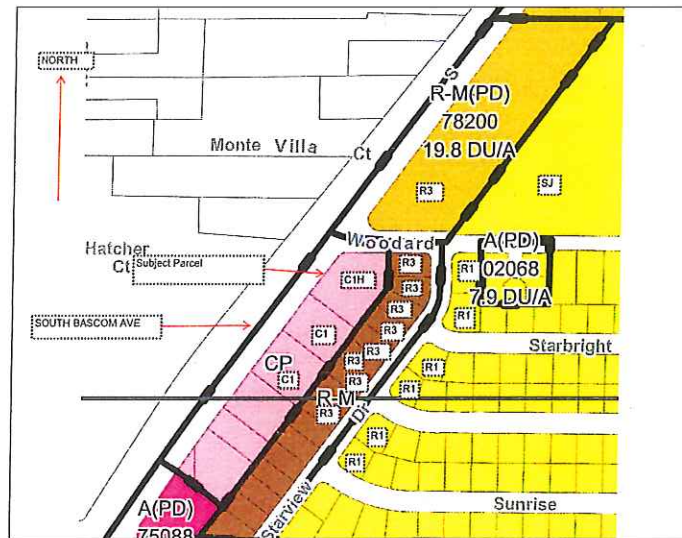
***NOTICE TO PARTIES***

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*

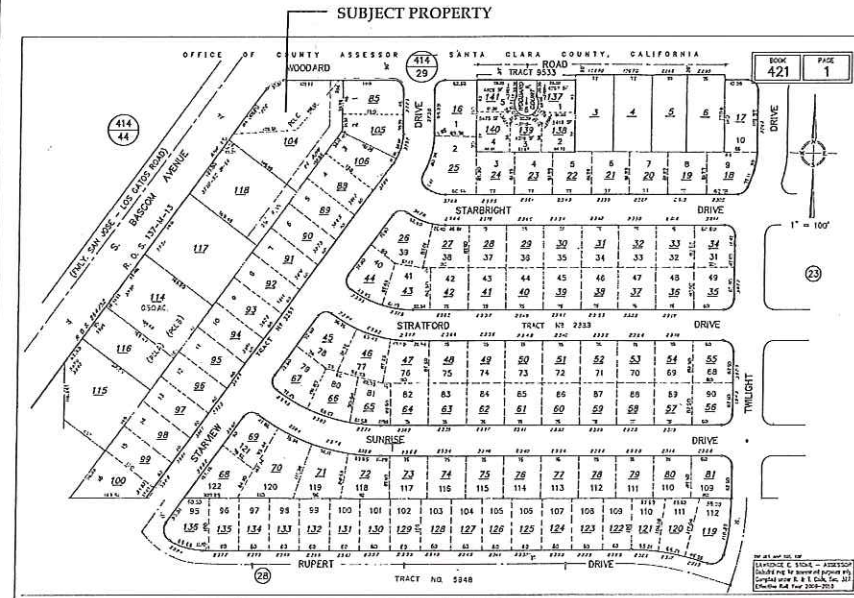
# BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION



## LAND USE MAP



## TRACK MAP



## PROJECT PROPOSED USE

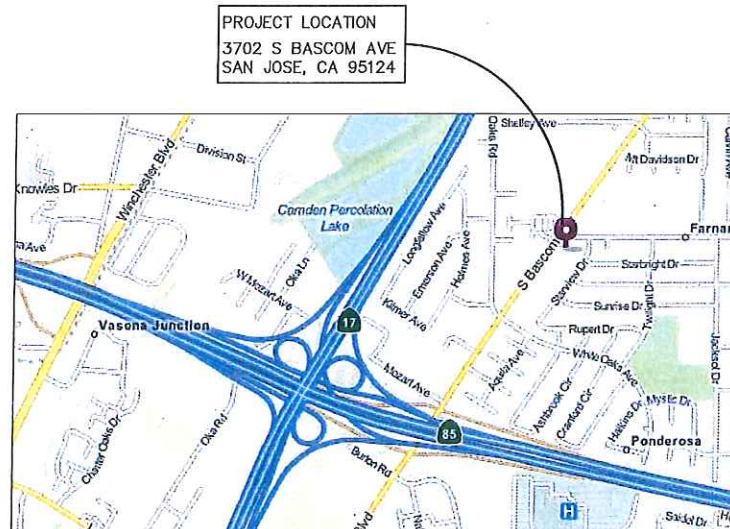
DEMO EXISTING GAS STATION/C-MINI-MART WITH INCIDENTAL SERVICE & REPAIR. REPLACE WITH CONVENIENCE MARKET AND CAR WASH ON THE FIRST FLOOR, AND AN OWNER OFFICE ON THE SECOND FLOOR. SIGNAGE WILL BE PROPOSED UNDER A SEPARATE PERMIT. REPLACED CANOPY PER PERMIT #16-118202.

5:00 AM - 12:00 AM CONVENIENCE MARKET AND GAS  
7:00 AM TO 9:00 PM CAR WASH

## PROJECT DATA

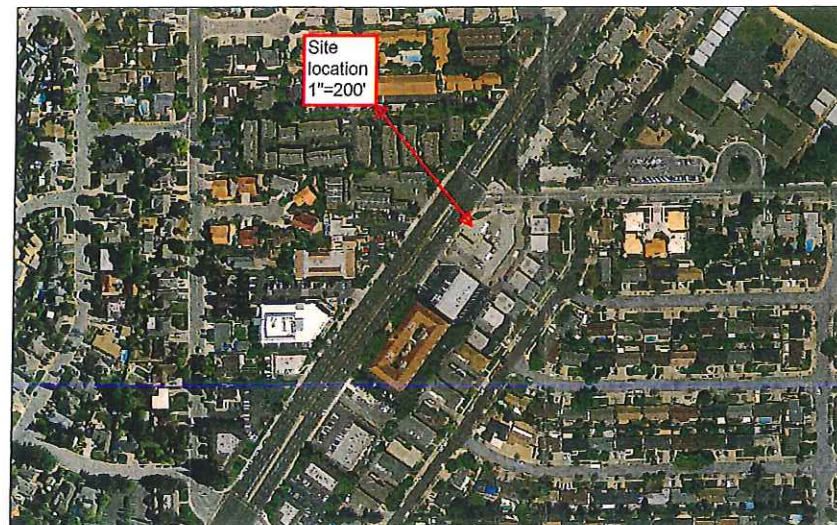
PROPERTY OWNER: ANDARYS ENTERPRISES INC.  
 JOB LOCATION: 3702 S. BASCOM AVE., SAN JOSE, CA 95124  
 APN: 421-01-104  
 ZONING: CN  
 OCCUPANCY COMBINED: M  
 FIRE SPRINKLER: NO  
 CURRENT CODE: 2013 CBC, CMC, CEC, CPC, CFC, CA TITLE 24  
 SITE AREA: 31,855 SF  
 (E) GAS STATION: 1,276 SF  
 (E) COVERED CANOPY: 1,948 SF (REPLACEMENT CANOPY TO THE EXISTING 900 SQ. FT. UNDER CONSTRUCTION BY A SEPARATE PERMIT).  
 (N) C-MARKET: 2,834 SF (FIRST FLOOR)  
 (N) OWNER OFFICE: 1,082 SF (SECOND FLOOR)  
 (N) CAR WASH: 1,858 SF  
 TOTAL BUILDING AREA: 5,774 SF  
 (N) TRASH ENCLOSURE: 132 SF  
 FLOOR AREA RATIO: .09  
 LOT COVERAGE RATIO: .20  
 PARKING REQUIREMENT: 10 STANDARD  
 1 HANDICAP  
 8 AT FUELING BAYS  
 19 SPACES REQUIRED (21 SPACES PROVIDED)  
 1 BICYCLE RACK (2 BICYCLE CAPACITY)  
 ADA TOILET FIXTURE COUNT:  
 MEN: 1 ACCESSIBLE  
 WOMEN: 1 ACCESSIBLE

## VICINITY MAP



VICINITY MAP  
NOT TO SCALE

## LOCATION MAP



LOCATION MAP  
NOT TO SCALE

## FIRE CODE ANALYSIS

	OCCUP. GROUP	SEPARATE BLDG. ON THE SAME LOT	DISTANCE TO IMMAGINARY PROPERTY LINE (FT)	FIRE SPRINKLER TYPE	CONST.	FIRE RATED STRUCTURE	UNPROTECTED EXT. WALL OPENINGS
CONVENIENCE MARKET	M(1)	YES(2)	10	YES	5A(2)	1 HR(4)	45%(6)
GAS CANOPY	M(1)	YES(2)	5	NO(3)	2B(2)	NO(5)	N/A(5)

NOTES:  
 (1) CBC SECTION 309.1  
 (2) CBC TABLE 503, AGGREGATE AREA OF 2 BUILDINGS <9,000 SF. INDIVIDUAL BUILDING HEIGHT <40 FT.  
 (3) TWO DETACHED BUILDINGS EACH LESS THAN 6,200 SF.  
 (4) CBC TABLE 601.  
 (5) OPEN STRUCTURE NO WALLS.  
 (6) CBC TABLE 705.8

## DRAWINGS INDEX

- A0.0 COVER SHEET AND GENERAL NOTES
- A1.0 EXISTING SITE PLAN
- A1.1 PROPOSED SITE PLAN
- A2.0 BUILDING FLOOR PLANS
- A3.0 EXTERIOR ELEVATIONS
- A3.01 CANOPY'S EXTERIOR ELEVATIONS (FROM BUILDING PERMIT #16-118202)
- A4.0 TRASH ENCLOSURE PLAN AND ELEVATIONS
- L1.0 LANDSCAPE PLAN
- C1 GRADING PLAN
- C2 STORM WATER CONTROL PLAN
- C3 PAVEMENT PLAN
- SITE PHOTOMETRICS
- SITE SURVEY

REVISIONS	DATE	DESCRIPTION
Planning's Comments	05-26-17	
Planning's Comments	04-19-17	
Planning's Comments	04-7-17	
Planning's Comments	02-13-17	
Planning's Comments	12-21-16	
Planning's Comments	11-8-16	
Planning's Comments	8-22-16	

03	Planning Submittal	2-17-17
02	Planning Submittal	9-21-16
01	Planning Submittal	6-13-16

## BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION

OWNER: ANDARYS ENTERPRISE, INC.  
 3702 S BASCOM AVE  
 SAN JOSE, CA 95124

Sheet Title  
COVER SHEET

Applicant: ANDARYS ENTERPRISE, INC.  
 Applicant Contact: Antoine Andary  
 (408) 608-8203  
 Scale: As Noted

Drawing Number

**A0.0**

Sheet Of



Planning's Comments	05-26-17
Planning's Comments	04-19-17
Planning's Comments	04-7-17
Planning's Comments	02-13-17
Planning's Comments	12-21-16
Planning's Comments	11-8-16
Planning's Comments	8-22-16

REVISIONS	
03	Planning Submittal 2-17-17
02	Planning Submittal 9-21-16
01	Planning Submittal 6-13-16

**BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION**

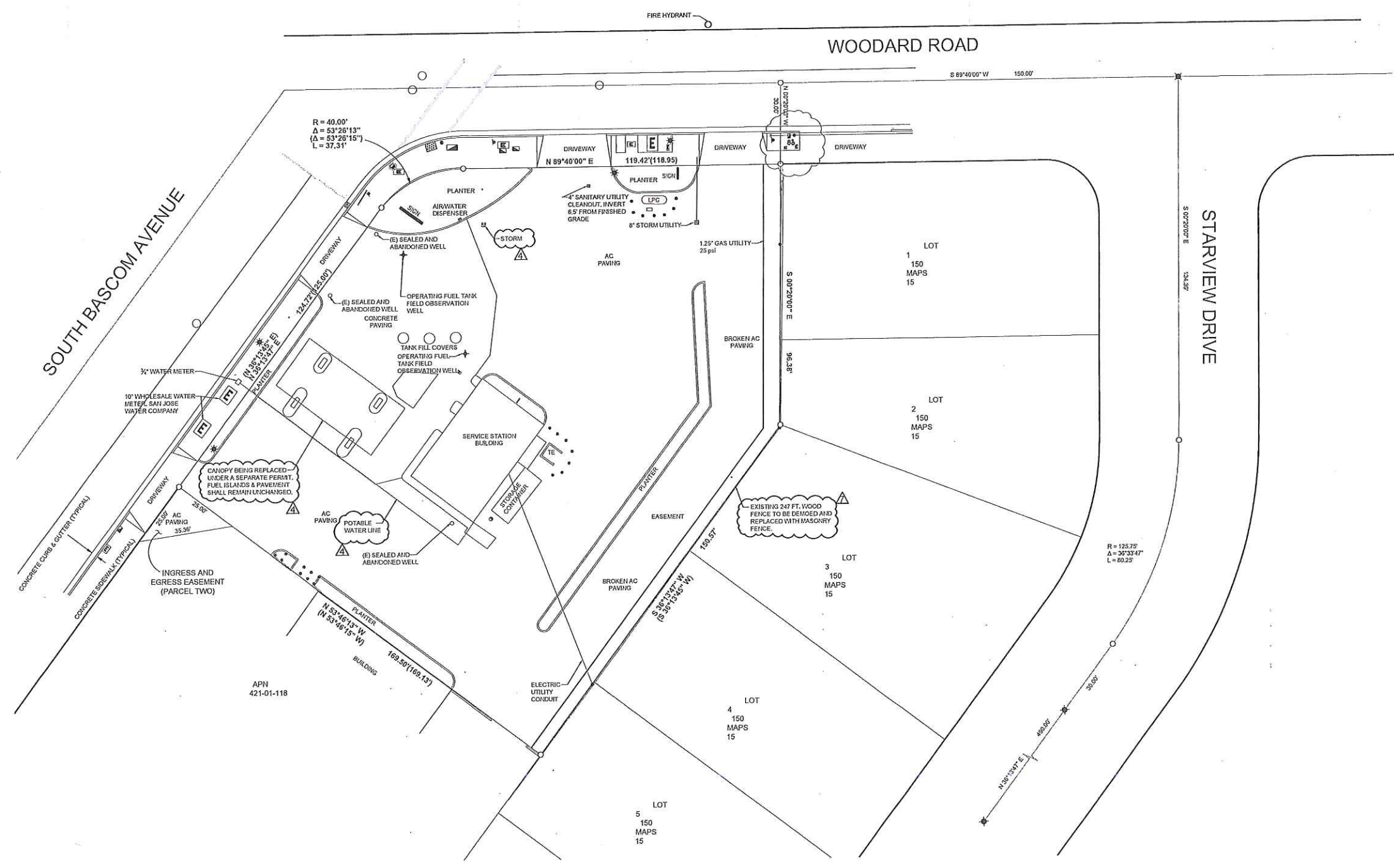
OWNER: ANDARYS ENTERPRISE, INC.  
3702 S BASCOM AVE  
SAN JOSE, CA 95124

Sheet Title  
**EXISTING SITE PLAN**

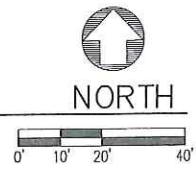
Applicant: ANDARYS ENTERPRISE, INC.  
Applicant Contact: Antoine Andary  
(408) 608-8203  
Scale: As Noted

Drawing Number  
**A1.0**

Sheet Of



**1** EXISTING SITE PLAN  
SCALE: 1"=20'-0"





**PROJECT INFORMATION TABLE:**

- a. Assessor's Parcel Number: 421-01-104
- b. Statement of tables
  1. Total acres of subject property (0.73 net, 0.81 gross)
  2. Total existing and proposed gross square footage of floor space (3,234 SQ. FT. Existing, 5,774 SQ. FT. New)
- c. Parking Calculations:
  1. Gas or charge station: 1 per employee, plus 1 per air and water pump service area, plus 1 space for info stop.
    - Bicycle: 1 per 10 full-time employees
  2. Retail: 1 per 200 square feet of floor area (85% of gross floor area)
    - Bicycle: 1 per 3,000 square feet
  3. Office: 1 per 250 square feet of floor area (85% of gross floor area)
- d. Temporary trailer per Section 20.20.1700 of the zoning ordinance.

**PARKING STALL CALCULATIONS:**

$0.85(2834)/200 + 0.85(1082)/250 = 16 + 1 \text{ employee/shift} + 1 \text{ air \& water} + 1 \text{ info stop} = 19 \text{ stalls, and 1 bicycle rack}$

**TRASH ENCLOSURE CALCULATIONS:**

GENERATION & DISPOSAL RATE:  
 $(3.12 \text{ LB}/100\text{SF}/\text{DAY}) \times (365 \text{ DAY}/\text{YEAR}) \times (2,700 \text{ SF}/100) \times (1 / 84 \text{ LB}/\text{CY}) \times (1 / 53 \text{ WK}/\text{Y}) = 7 \text{ CY}/\text{WK}$

USE 3 CY RECYCLE BIN  
 3 CY TRASH BIN  
 1.5 CY FOOD TRASH BIN

\* CALRECYCLE, COMMERCIAL SECTOR ESTIMATED SOLID WASTE GENERATION & DISPOSAL RATE FOR FOOD STORES.

REVISIONS	DATE
Planning's Comments	05-26-17
Planning's Comments	04-19-17
Planning's Comments	04-7-17
Planning's Comments	02-13-17
Planning's Comments	12-21-16
Planning's Comments	11-8-16
Planning's Comments	8-22-16

SUBMITTALS	DATE
03 Planning Submittal	2-17-17
02 Planning Submittal	9-21-16
01 Planning Submittal	6-13-16

**BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION**

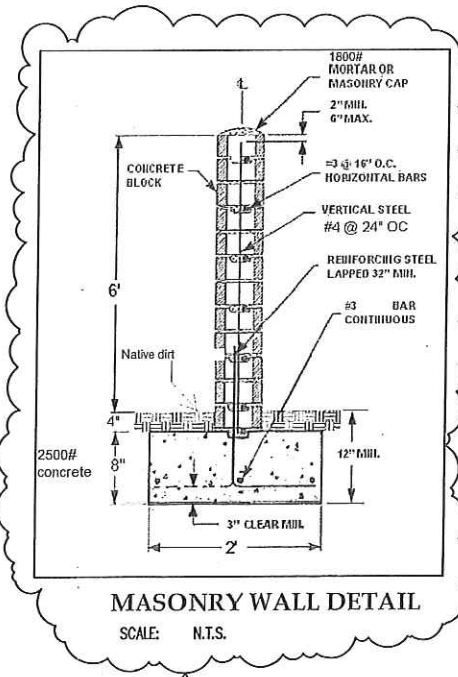
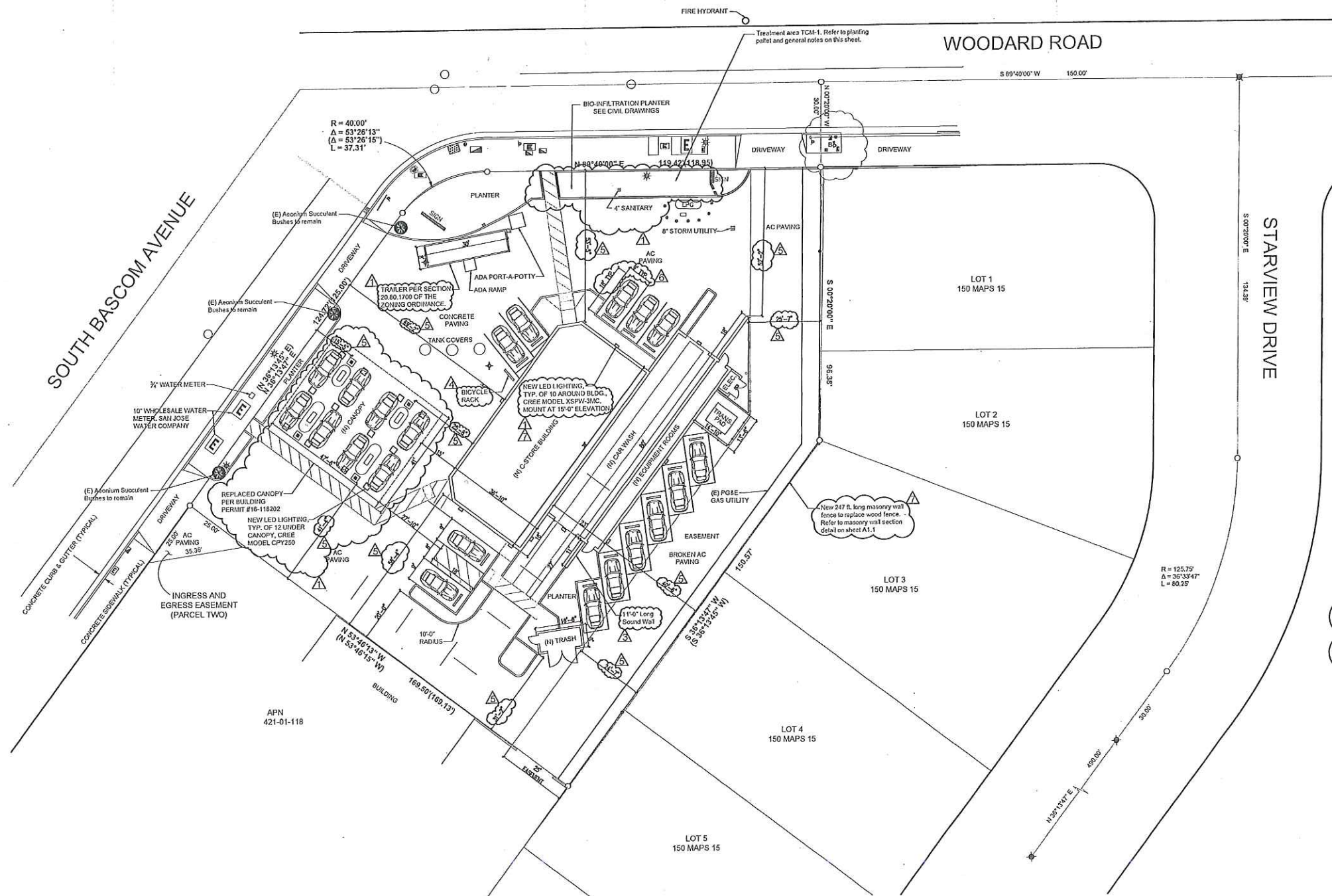
OWNER: ANDARYS ENTERPRISE, INC.  
 3702 S BASCOM AVE  
 SAN JOSE, CA 95124

Sheet Title  
**PROPOSED SITE PLAN**

Applicant: ANDARYS ENTERPRISE, INC.  
 Applicant Contact: Antoine Andary  
 (408) 608-8203  
 Scale: As Noted

Drawing Number  
**A1.1**

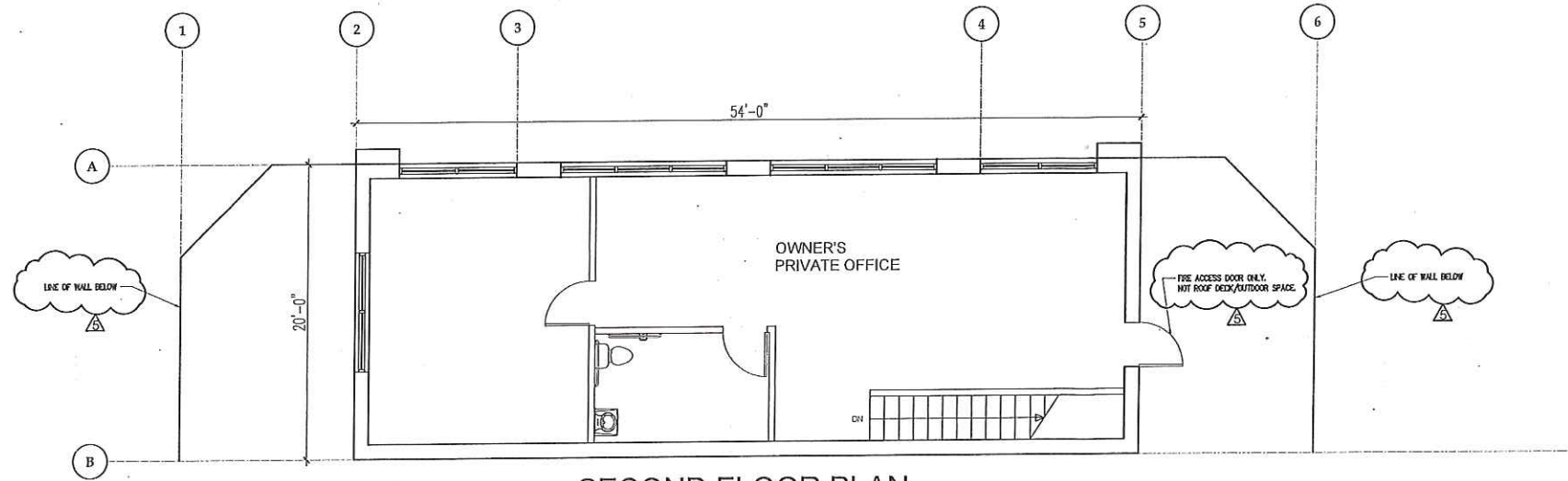
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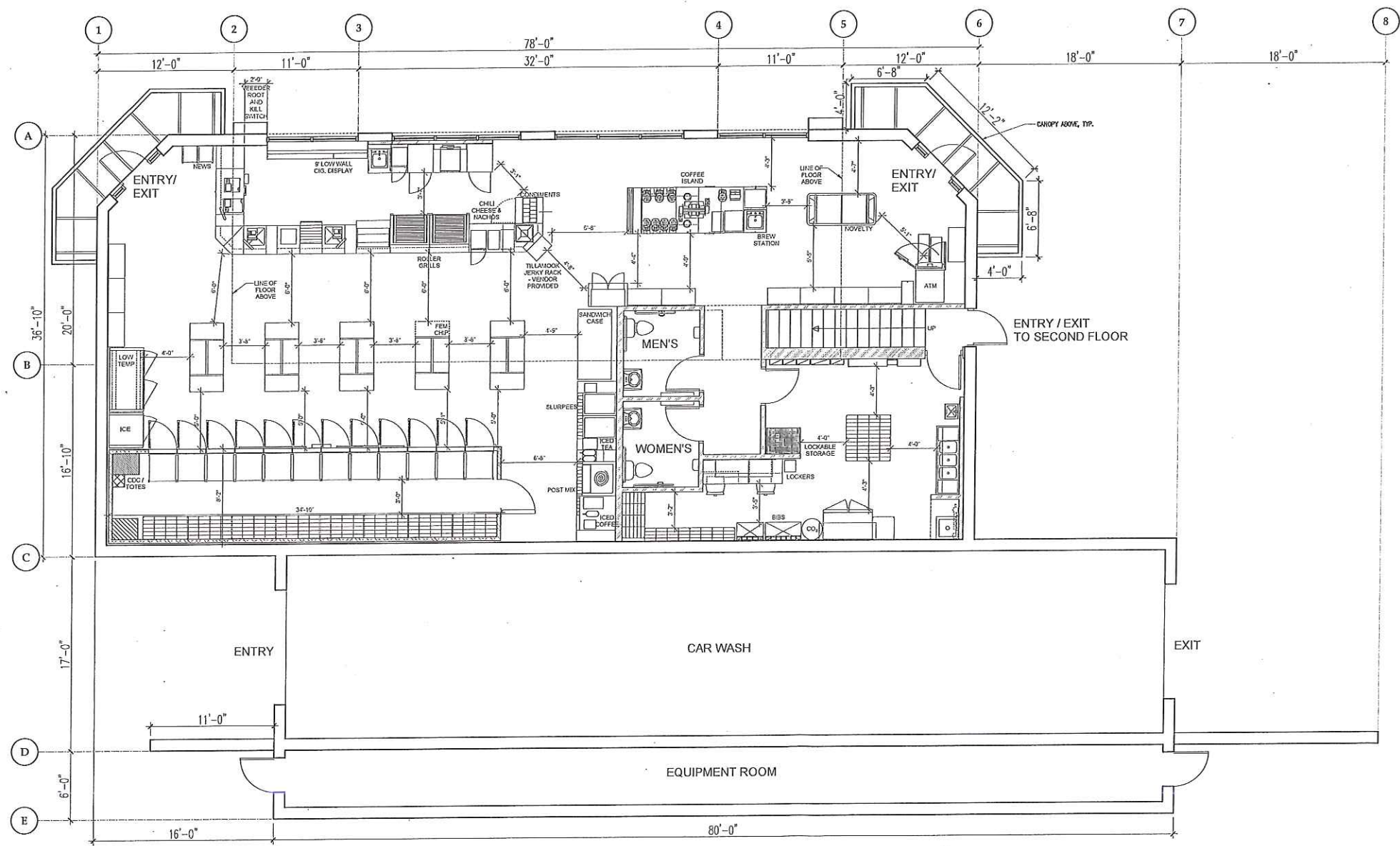


**FLOOR PLAN CALCULATIONS:**

a. Total new retail gross floor area: 3,916 SQ. FT.  
 b. Total new car wash gross floor area: 1,858 SQ. FT.  
 c. Total leasable new retail gross floor area (85%): 3,329 SQ. FT.  
 d. Total leasable new car wash floor area (85%): 1,579 SQ. FT.



**SECOND FLOOR PLAN**  
1,082 SF - OWNER'S OFFICE



**FIRST FLOOR PLAN**  
2,834 SF - C-STORE  
1,858 SF - CAR WASH

REVISIONS	
△	Planning's Comments 05-26-17
△	Planning's Comments 04-19-17
△	Planning's Comments 04-7-17
△	Planning's Comments 02-13-17
△	Planning's Comments 12-21-16
△	Planning's Comments 11-8-16
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02	Planning Submittal	9-21-16
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**BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION**

OWNER: ANDARYS ENTERPRISE, INC.  
3702 S BASCOM AVE  
SAN JOSE, CA 95124

Sheet Title  
**FLOOR PLANS**

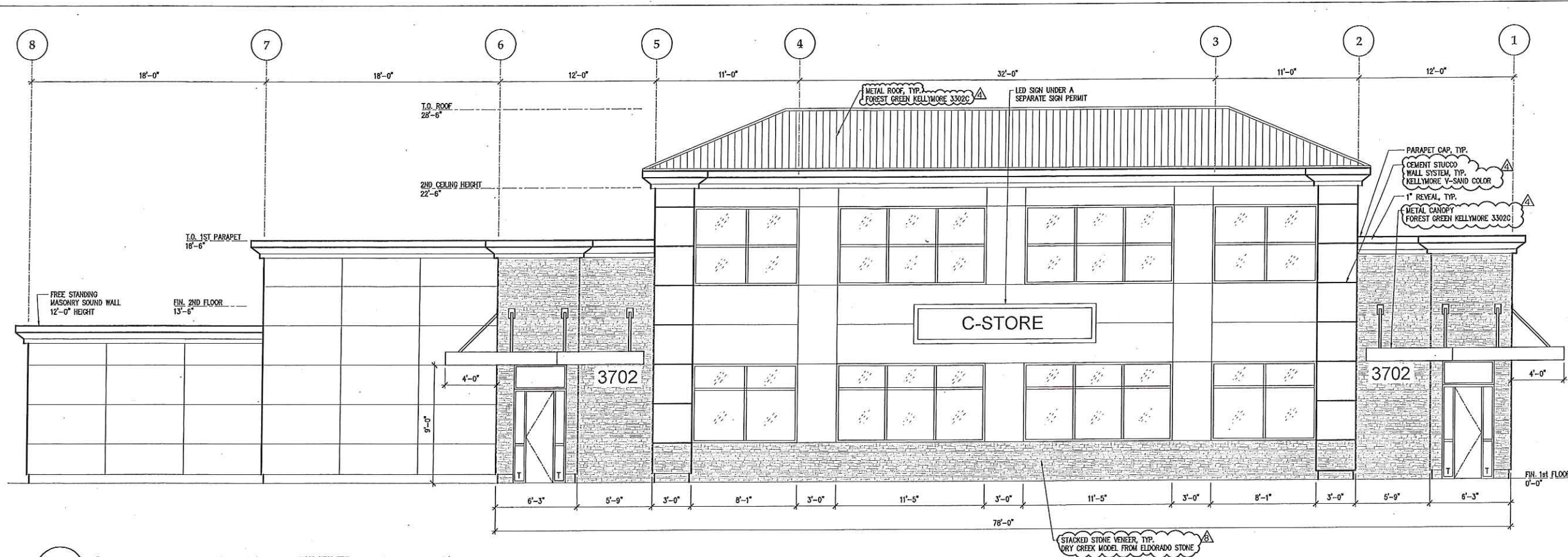
Applicant: ANDARYS ENTERPRISE, INC.  
Applicant Contact: Antoine Andary  
(408) 608-8203  
Scale: As Noted

Drawing Number  
**A2.0**

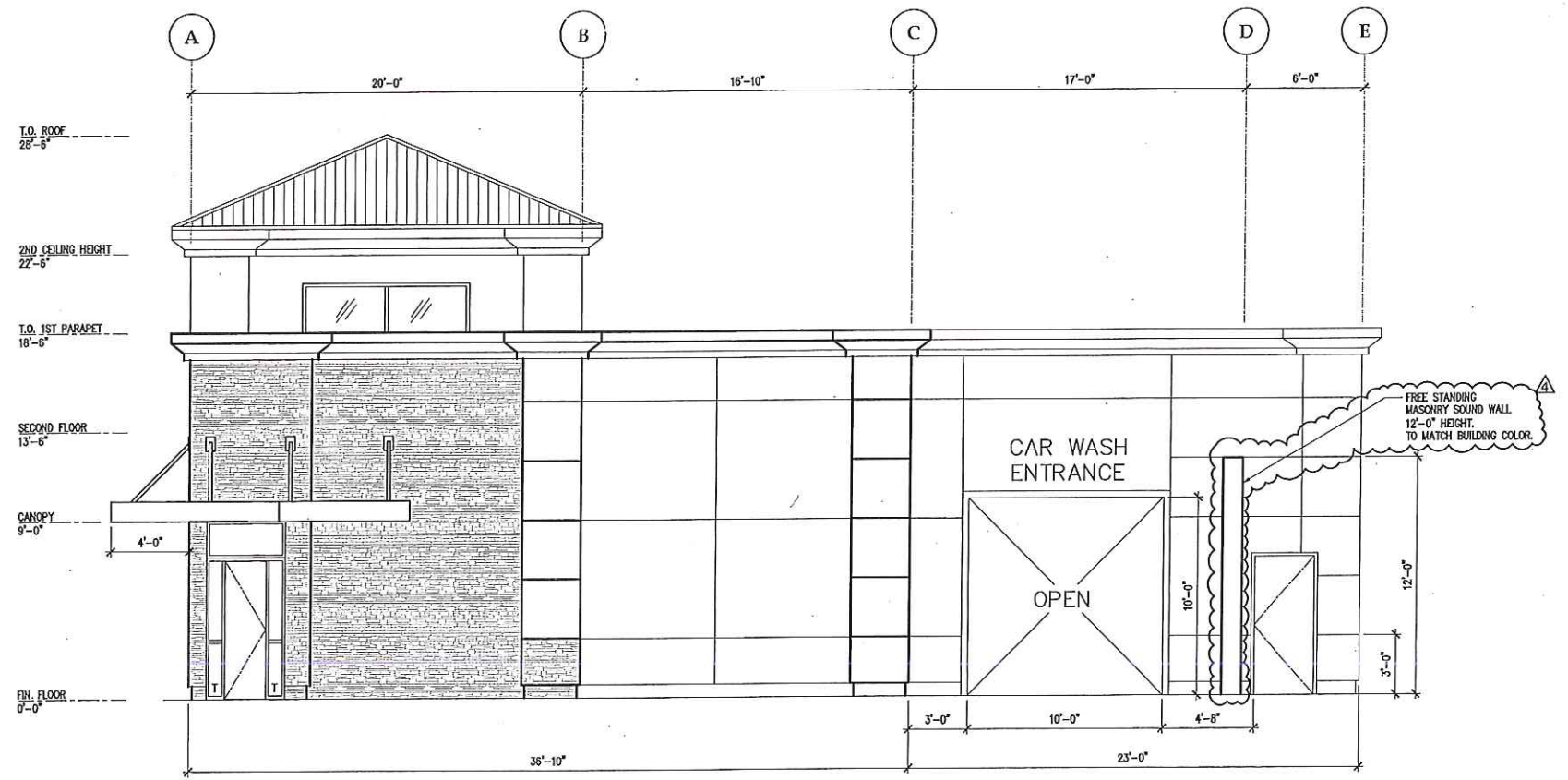
Sheet 01

**1 FLOOR PLANS**  
SCALE: 3/16"=1'-0"





1 NORTH ELEVATION (SOUTH ELEVATION SIM.)  
SCALE: 1/4"=1'-0"



2 WEST ELEVATION (EAST ELEVATION SIM.)  
SCALE: 1/4"=1'-0"

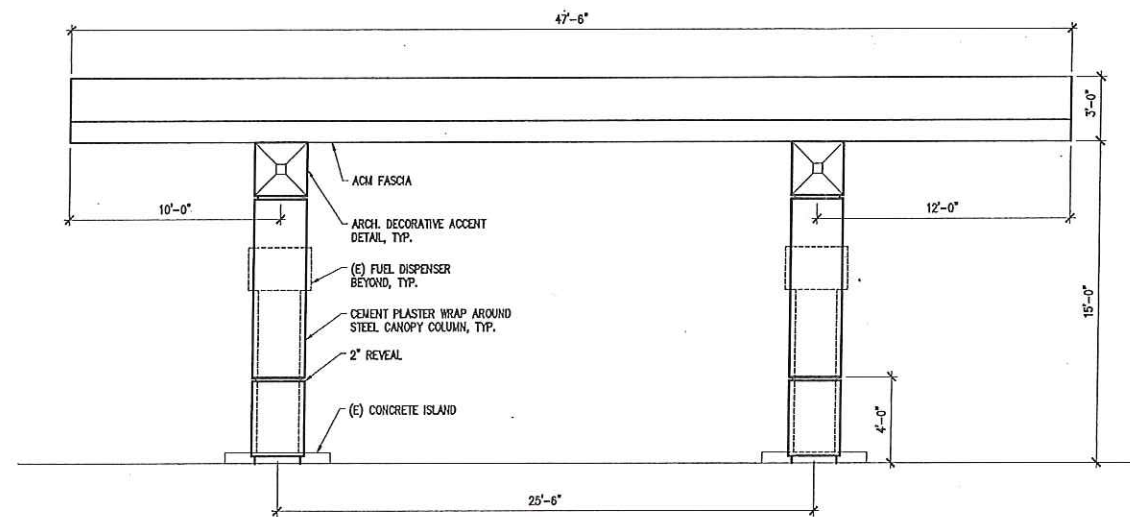
Planning's Comments	07-24-17
Planning's Comments	05-26-17
Planning's Comments	04-19-17
Planning's Comments	04-7-17
Planning's Comments	02-13-17
Planning's Comments	12-21-16
Planning's Comments	11-8-16
Planning's Comments	8-22-16

REVISIONS	
03	Planning Submittal 2-17-17
02	Planning Submittal 9-21-16
01	Planning Submittal 6-13-16

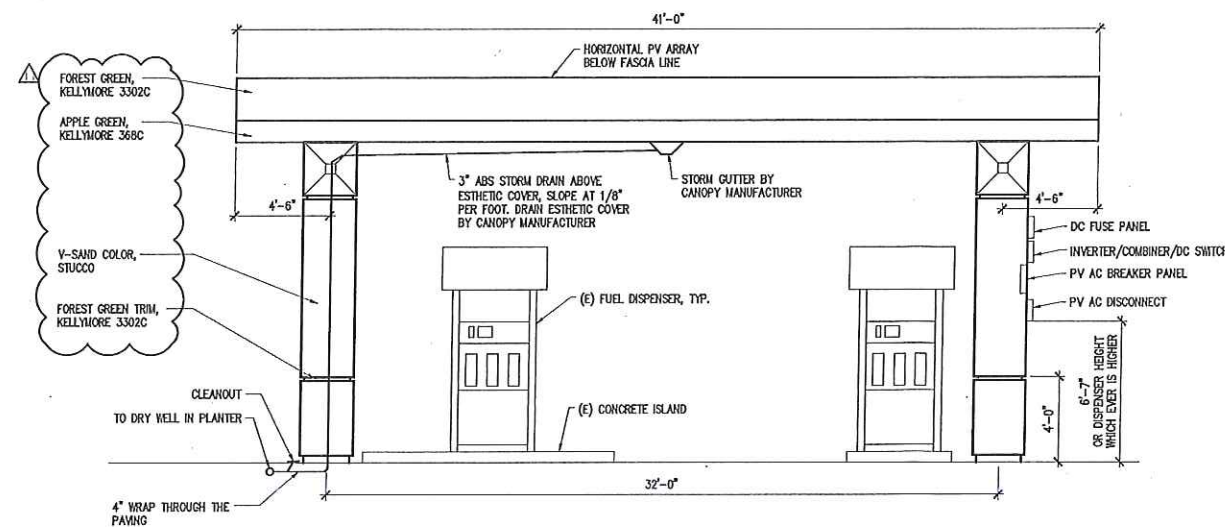
**BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION**

OWNER: ANDARYS ENTERPRISE, INC.  
3702 S BASCOM AVE  
SAN JOSE, CA 95124

Sheet Title	EXTERIOR ELEVATIONS
Applicant: ANDARYS ENTERPRISE, INC.	Applicant Contact: Antoine Andary
	(408) 608-8203
Scale:	As Noted
Drawing Number	A3.0
Sheet	Of



SOUTH ELEVATION (OPP. SIM.)



EAST ELEVATION (OPP. SIM.)

△	Planning's Comments	02-13-17
△	Planning's Comments	12-21-16
△	Planning's Comments	11-8-16
△	Planning's Comments	8-22-16

REVISIONS

03	Planning Submittal	2-17-17
02	Planning Submittal	9-21-16
01	Planning Submittal	6-13-16

SUBMITTALS

**BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION**

OWNER: ANDARYS ENTERPRISE, INC.  
3702 S BASCOM AVE  
SAN JOSE, CA 95124

Sheet Title  
**CANOPY ELEVATIONS  
EXISTING STRUCTURE**

Applicant: ANDARYS ENTERPRISE, INC.  
Applicant Contact: Antoine Andary  
(408) 608-8203  
Scale: As Noted

Drawing Number

**A3.01**

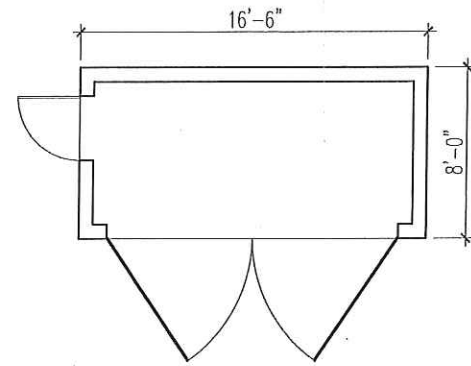
Sheet Of

1

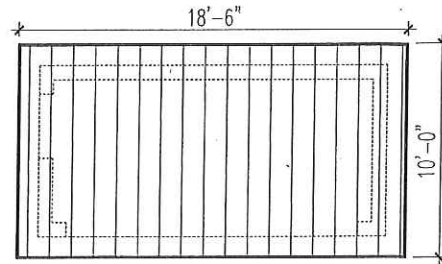
**CANOPY EXTERIOR ELEVATIONS (EXISTING STRUCTURE)**

SCALE: 1/4"=1'-0"





FLOOR PLAN



ROOF PLAN

△	Planning's Comments	02-13-17
△	Planning's Comments	12-21-16
△	Planning's Comments	11-8-16
△	Planning's Comments	8-22-16
REVISIONS		

03	Planning Submittal	2-17-17
02	Planning Submittal	9-21-16
01	Planning Submittal	6-13-16
SUBMITTALS		

**BASCOM AND OIL REPLACEMENT  
AND CAR WASH ADDITION**

**OWNER: ANDARYS ENTERPRISE, INC.**  
3702 S BASCOM AVE  
SAN JOSE, CA 95124

Sheet Title  
**TRASH ENCLOSURE  
FLOOR PLAN AND EXTERIOR  
ELEVATIONS**

Applicant: ANDARYS ENTERPRISE, INC.  
Applicant Contact: Antoinette Andary  
(408) 608-8203  
Scale: As Noted

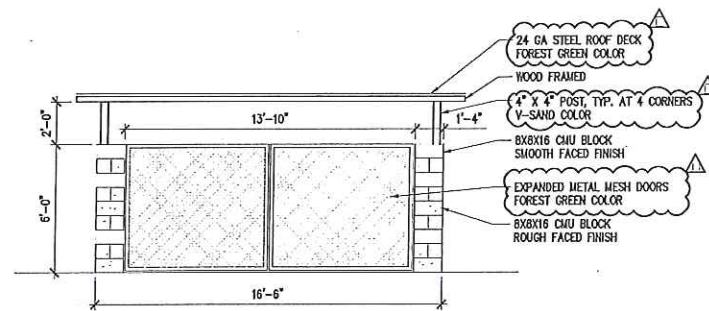
Drawing Number

**A4.0**

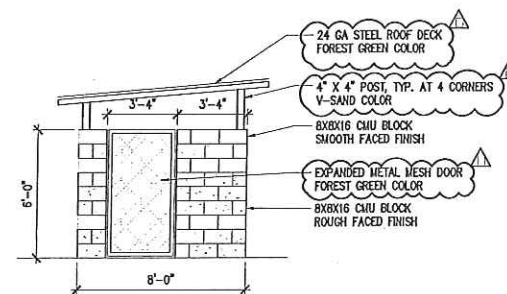
Sheet Of

**1 TRASH ENCLOSURE**

SCALE: 1/4"=1'-0"



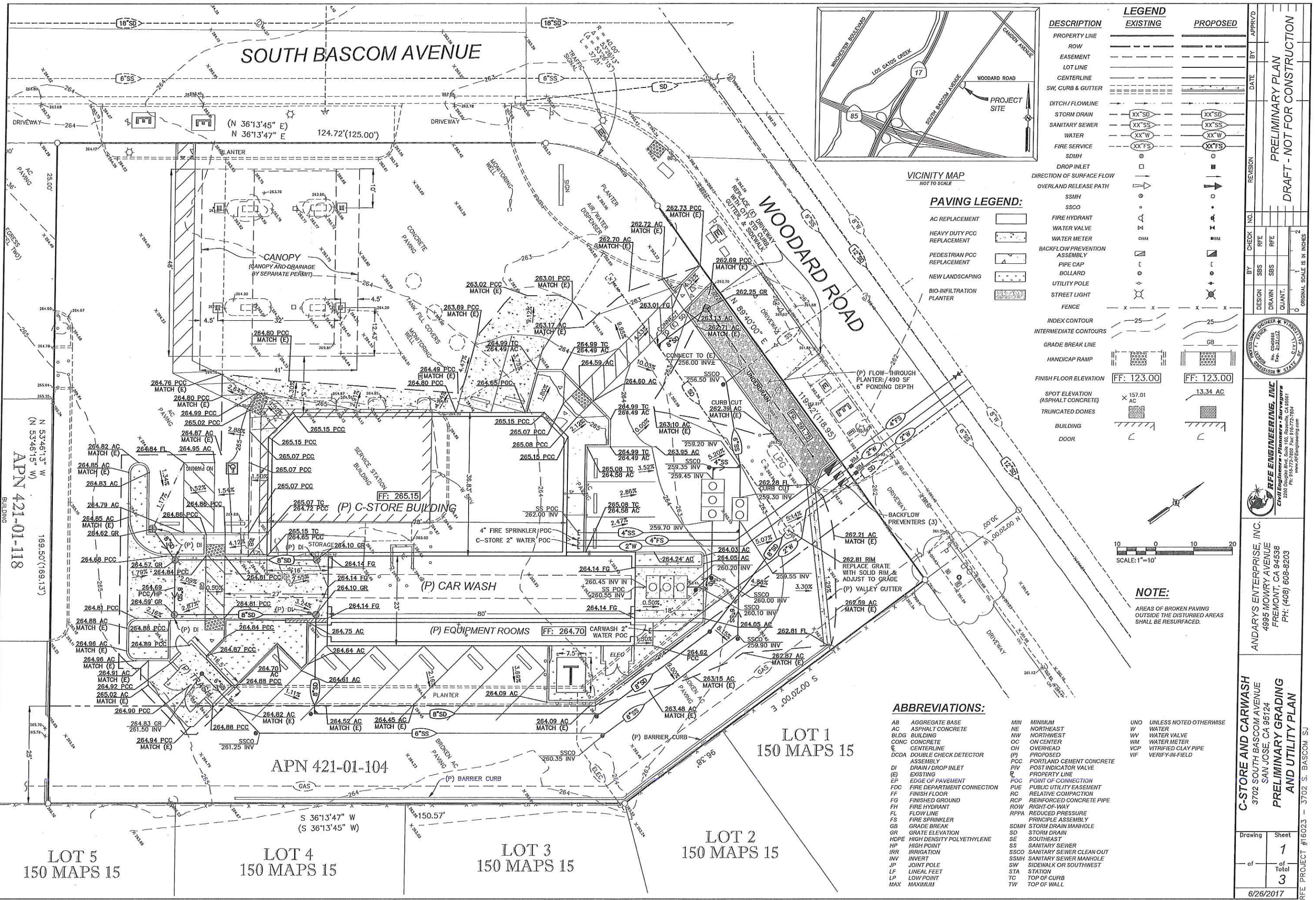
SOUTH



WEST

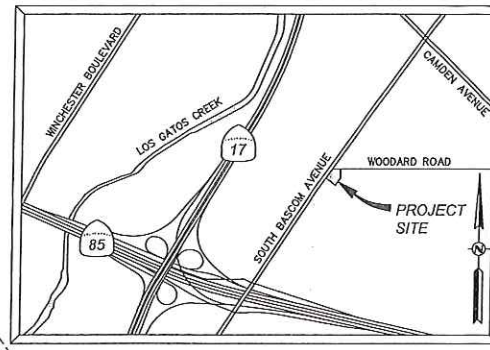
**2 EXTERIOR ELEVATIONS**

SCALE: 1/4"=1'-0"



**SOUTH BASCOM AVENUE**

**WOODARD ROAD**



**LEGEND**

DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---
ROW	---	---
EASEMENT	---	---
LOT LINE	---	---
CENTERLINE	---	---
SW, CURB & GUTTER	---	---
DITCH / FLOWLINE	---	---
STORM DRAIN	XX"SD	XX"SD
SANITARY SEWER	XX"SS	XX"SS
WATER	XX"W	XX"W
FIRE SERVICE	XX"FS	XX"FS
SDMH	○	○
DROP INLET	□	□
DIRECTION OF SURFACE FLOW	→	→
OVERLAND RELEASE PATH	→	→
SSMH	○	○
SSCO	○	○
FIRE HYDRANT	○	○
WATER VALVE	○	○
WATER METER	○	○
BACKFLOW PREVENTION ASSEMBLY	○	○
PIPE CAP	○	○
BOLLARD	○	○
UTILITY POLE	○	○
STREET LIGHT	○	○
FENCE	---	---
INDEX CONTOUR	25	25
INTERMEDIATE CONTOURS	---	---
GRADE BREAK LINE	---	---
HANDICAP RAMP	---	---
FINISH FLOOR ELEVATION	FF: 123.00	FF: 123.00
SPOT ELEVATION (ASPHALT CONCRETE)	X 157.01 AC	13.34 AC
TRUNCATED DOMES	---	---
BUILDING	---	---
DOOR	---	---

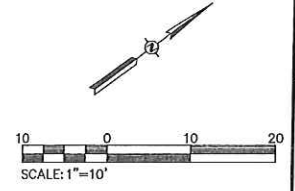
**PAVING LEGEND:**

AC REPLACEMENT	---
HEAVY DUTY PCC REPLACEMENT	---
PEDESTRIAN PCC REPLACEMENT	---
NEW LANDSCAPING	---
BIO-INFILTRATION PLANTER	---

**ABBREVIATIONS:**

AB	AGGREGATE BASE	MIN	MINIMUM	UNO	UNLESS NOTED OTHERWISE
AC	ASPHALT CONCRETE	NE	NORTHEAST	W	WATER
BLDG	BUILDING	NW	NORTHWEST	WV	WATER VALVE
CONC	CONCRETE	OC	ON CENTER	WM	WATER METER
CL	CENTERLINE	OH	OVERHEAD	VCP	VERIFIED CLAY PIPE
DCDA	DOUBLE CHECK DETECTOR	(P)	PROPOSED	VIF	VERIFY-IN-FIELD
DI	DRAIN / DROP INLET	PCC	PORTLAND CEMENT CONCRETE		
(E)	EXISTING	PVI	POST INDICATOR VALVE		
EP	EDGE OF PAVEMENT	PL	PROPERTY LINE		
FDC	FIRE DEPARTMENT CONNECTION	POC	POINT OF CONNECTION		
FF	FINISH FLOOR	PUE	PUBLIC UTILITY EASEMENT		
FG	FINISHED GROUND	RC	RELATIVE COMPACTION		
FH	FIRE HYDRANT	RCP	REINFORCED CONCRETE PIPE		
FL	FLOWLINE	ROW	RIGHT-OF-WAY		
FS	FIRE SPRINKLER	RPPA	REDUCED PRESSURE PRINCIPLE ASSEMBLY		
GB	GRADE BREAK	SDMH	STORM DRAIN MANHOLE		
GR	GRATE ELEVATION	SD	STORM DRAIN		
HDPE	HIGH DENSITY POLYETHYLENE	SE	SOUTHEAST		
HP	HIGH POINT	SS	SANITARY SEWER		
IRR	IRRIGATION	SSCO	SANITARY SEWER CLEAN OUT		
INV	INVERT	SSMH	SANITARY SEWER MANHOLE		
LF	LINEAL FEET	SW	SIDEWALK OR SOUTHWEST		
LP	LOW POINT	STA	STATION		
MAX	MAXIMUM	TC	TOP OF CURB		
		TW	TOP OF WALL		

**NOTE:**  
AREAS OF BROKEN PAVING OUTSIDE THE DISTURBED AREAS SHALL BE RESURFACED.



APN 421-01-118

APN 421-01-104

LOT 1  
150 MAPS 15

LOT 5  
150 MAPS 15

LOT 4  
150 MAPS 15

LOT 3  
150 MAPS 15

LOT 2  
150 MAPS 15

**PRELIMINARY PLAN  
DRAFT - NOT FOR CONSTRUCTION**

DATE: \_\_\_\_\_ BY: APPROVD

REVISION: \_\_\_\_\_

CHECK NO. \_\_\_\_\_

DESIGN: \_\_\_\_\_ DRAWN: \_\_\_\_\_ QUANT: \_\_\_\_\_

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

SCALE: ORIGINAL SCALE IS IN INCHES 2

**ANDARYS ENTERPRISE, INC.**  
4995 MOWRY AVENUE  
FREMONT, CA 94538  
PH: (408) 608-8203

**RFE ENGINEERING, INC.**  
Civil Engineer - Planner - Surveyor  
2880 Douglas Blvd, Suite 160, Roseville, CA 95661  
PH: (916) 772-7804  
www.rfe-engineering.com

**C-STORE AND CARWASH**  
3702 S. BASCOM AVENUE  
SAN JOSE, CA 95124

**PRELIMINARY GRADING  
AND UTILITY PLAN**

Drawing # \_\_\_\_\_ of \_\_\_\_\_ Total # \_\_\_\_\_

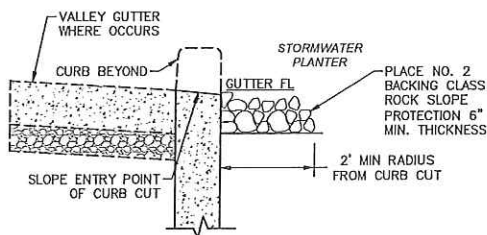
Sheet 1 of 3

6/26/2017

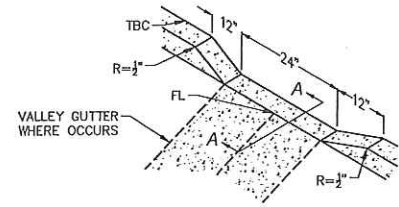
No.	Maintenance Task	Frequency
1	Remove obstructions, weeds, debris and trash from bioretention area and its inlets and outlets; and dispose of properly.	Quarterly, or as needed after storm events
2	Inspect bioretention area for standing water. If standing water does not drain within 2-3 days, till and replace the surface bioretention soil with the approved soil mix and replant.	Quarterly, or as needed after storm events
3	Check underdrains for clogging. Use the cleanout riser to clean any clogged underdrains.	Quarterly, or as needed after storm events
4	Maintain the irrigation system and ensure that plants are receiving the correct amount of water (if applicable).	Quarterly
5	Ensure that the vegetation is healthy and dense enough to provide filtering and protect soils from erosion. Prune and weed the bioretention area. Remove and/or replace any dead plants.	Annually, before the wet season begins
6	Use compost and other natural soil amendments and fertilizers instead of synthetic fertilizers, especially if the system uses an underdrain.	Annually, before the wet season begins
7	Check that mulch is at appropriate depth (2-3 inches per soil specifications) and replenish as necessary before wet season begins. It is recommended that 2"-3" of arbor mulch be reapplied every year.	Annually, before the wet season begins
8	Inspect the energy dissipation at the inlet to ensure it is functioning adequately, and that there is no scour of the surface mulch. Remove accumulated sediment.	Annually, before the wet season begins
9	Inspect overflow pipe to ensure that it can safely convey excess flows to a storm drain. Repair or replace damaged piping.	Annually, before the wet season begins
10	Replace bioretention soil and mulch, if needed. Check for standing water, structural failure and clogged overflows. Remove trash and debris. Replace dead plants.	Annually at the end of the rainy season, and/or after large storm events
11	Inspect bioretention area using the inspection checklist.	Annually, before the wet season begins

Responsible party for BMP maintenance: Andarys Enterprise, Inc.

ITEM	DESCRIPTION
SOIL TYPE	MEDIUM DENSE, SANDY GRAVELS WITH VARIABLE SILT AND CLAY (GC & GM)
100-YR FLOOD ELEVATION	UNKNOWN. NOT MAPPED BY FEMA
DEPTH TO GROUNDWATER	GREATER THAN 50 FT
RECEIVING WATER	CITY OF SAN JOSE STORM DRAIN



SECTION A-A



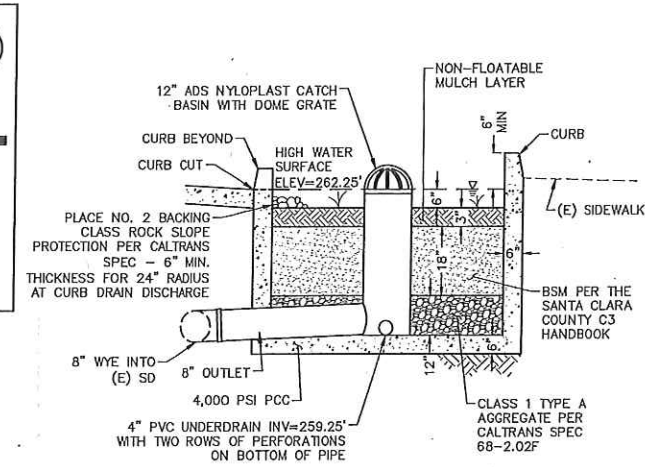
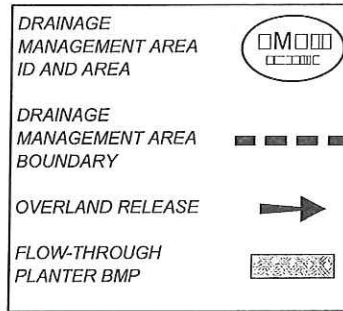
2' CURB CUT  
NOT TO SCALE

**SOURCE CONTROL MEASURES**

- MARK ON-SITE INLETS WITH THE WORDS "NO DUMPING! FLOWS TO BAY" OR EQUIVALENT.
- PLUMB INTERIOR FLOOR DRAINS TO SANITARY SEWER (OR PROHIBIT).
- RETAIN EXISTING VEGETATION AS PRACTICABLE.
- LANDSCAPING:
  - SELECT DIVERSE SPECIES APPROPRIATE TO THE SITE. INCLUDE PLANTS THAT ARE PEST- AND/OR DISEASE-RESISTANT, DROUGHT-TOLERANT, AND/OR ATTRACT BENEFICIAL INSECTS.
  - MINIMIZE USE OF PESTICIDES AND QUICK-RELEASE FERTILIZERS.
  - USE EFFICIENT IRRIGATION SYSTEM, DESIGN TO MINIMIZE RUNOFF.
- REFUSE AREAS:
  - PROVIDE A ROOFED AND ENCLOSED AREA FOR DUMPSTERS, RECYCLING CONTAINERS, ETC., DESIGNED TO PREVENT STORMWATER RUN-ON AND RUNOFF.
  - CONNECT ANY DRAINS IN OR BENEATH DUMPSTERS, COMPACTORS, AND TALLOW BIN AREAS SERVING FOOD SERVICE FACILITIES TO THE SANITARY SEWER.
- FUELING AREAS:
  - FUELING AREAS SHALL HAVE IMPERMEABLE SURFACE THAT IS A) MINIMALLY GRADED TO PREVENT PONDING AND B) SEPARATED FROM THE REST OF THE SITE BY A GRADE BREAK.
  - CANOPY SHALL EXTEND AT LEAST 10 FT. IN EACH DIRECTION FROM EACH PUMP AND DRAIN AWAY FROM FUELING AREA.
- MISCELLANEOUS DRAIN OR WASH WATER:
  - DRAIN CONDENSATE OF AIR CONDITIONING UNITS TO LANDSCAPING. LARGE AIR CONDITIONING UNITS MAY CONNECT TO THE SANITARY SEWER.
  - ROOF DRAINS FROM EQUIPMENT DRAIN TO LANDSCAPED AREA WHERE PRACTICABLE.
  - DRAIN BOILER DRAIN LINES, ROOF TOP EQUIPMENT, ALL WASH WATER TO SANITARY SEWER.

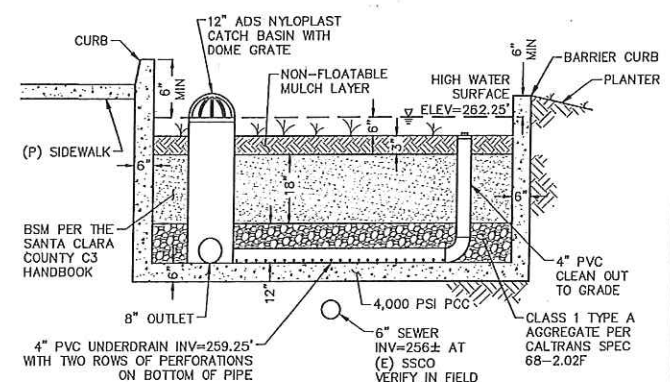
Project Phase Number:	NA	Total Site (acres):	0.73
Total Site Existing Impervious Surfaces (square feet):	29,079	Total Area of Site Disturbed (acres):	0.35
	Existing Condition of Site Area Disturbed (square feet)	Proposed Condition of Site Area Disturbed (square feet)	
Impervious Surfaces		Replaced	New
Roof Areas	1,299	4,583	109
Parking	0	2,084	319
Sidewalks, Patios, Driveways, etc.	12,993	6,636	427
Streets (public)	0	0	0
Streets (private)	0	0	0
<b>Total Impervious Surfaces:</b>	<b>14,292</b>	<b>13,303</b>	<b>855</b>
Pervious Surfaces			
Landscaped Areas	1,168	313	989
Pervious Paving	0	0	0
Other Pervious Surfaces (green roof, etc.)	0	0	0
<b>Total Pervious Surfaces:</b>	<b>1,168</b>	<b>313</b>	<b>989</b>
<b>Total Proposed Replaced + New Impervious Surfaces (square feet):</b>		<b>14,158</b>	
<b>Total Proposed Replaced + New Pervious Surfaces (square feet):</b>		<b>1,302</b>	
<b>Percent of Replacement of Impervious Area in redevelopment projects:</b>		<b>48.69%</b>	

**LEGEND**



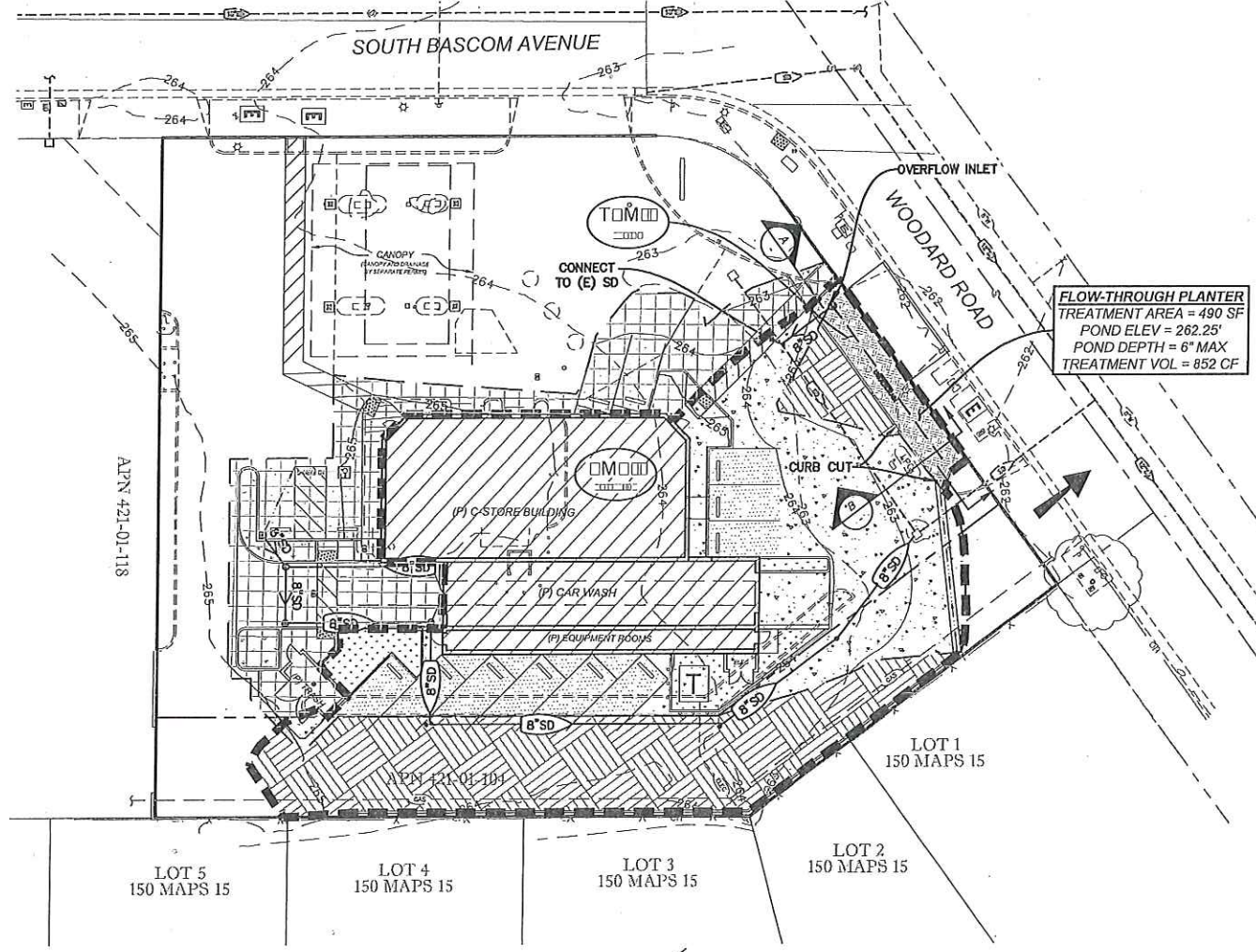
NOTE:  
1. SEE LANDSCAPE PLANS FOR VEGETATION.  
2. PLANTING SURFACE SHALL BE LEVEL ACROSS PLANTER.  
3. SEE PLAN FOR LOCATIONS OF UNDERDRAIN PIPE AND OVERFLOW DRAIN

SECTION B  
FLOW-THROUGH PLANTER SECTION B  
NOT TO SCALE



NOTE:  
1. SEE LANDSCAPE PLANS FOR VEGETATION.  
2. PLANTING SURFACE SHALL BE LEVEL ACROSS PLANTER.  
3. SEE PLAN FOR LOCATIONS OF UNDERDRAIN PIPE AND OVERFLOW DRAIN

SECTION A  
FLOW-THROUGH PLANTER SECTION A  
NOT TO SCALE



FLOW-THROUGH PLANTER  
TREATMENT AREA = 490 SF  
POND ELEV = 262.25'  
POND DEPTH = 6" MAX  
TREATMENT VOL = 852 CF

**Worksheet for Calculating the Combination Flow and Volume Method**

<b>1.0 Project Information</b>		
Project Name:	3702 S. Bascom	The calculations presented here are based on the combination flow and volume sizing method provided in the Countywide Program's C3 Technical Guidance. The steps presented below are explained in Section 5.1 of the Guidance.
Site Address or APN:	421-01-104	
MAP <sub>15A</sub> :	20	
MAP <sub>15B</sub> :	13.9	
Correction factor:	1.44 = MAP <sub>15A</sub> / MAP <sub>15B</sub>	
<b>2.0 Calculate Percentage of Impervious Surface for Drainage Management Area (DMA)</b>		
Name of DMA:	DMA-1	
Type of Surface	Area (Sq. Ft.)	
Impervious surface	14,237	
Pervious surface	1,035	
Total DMA Area (square feet)	15,282	
% Impervious Area	93.16%	
<b>3.0 Calculate Unit Basin Storage Volume in Inches</b>		
Average Slope for DMA	1%	
Unit basin storage volume	0.58	- From Figure B-2 in Appendix B
Adjusted Unit Basin Storage Vol	0.83	= (Unit Basin Storage Volume) x (Correction Factor)
BMP Design Volume (cubic feet)	1063	= (Adjusted Unit Storage Vol) x (DMA Area)
<b>4.0 Calculate the Duration of the Rain Event</b>		
Rainfall Intensity (in/hr)	0.2	- Per CASQA and C3 Chapter 5
Rainfall Duration (hours)	4.17	= (Adjusted Unit Storage Vol) / (Rainfall Intensity)
<b>7.0 Optimize Size of Treatment Measure</b>		
Treatment Area (sf)	490	- Final Flow-Through Planter Surface Area
Treated Runoff Volume (cf)	852	= (Treatment Area) x (5 in/hr infiltration) x (1ft/12in) x (Rainfall Duration)
Ponding Runoff Volume (cf)	211	= (BMP Design Vol) - (Treated Runoff Vol)
Ponding Depth (in)	5.16	= (Ponding Runoff) / (3% of DMA) -> Should be < 12"

PARKING	SIDEWALKS, DRIVEWAYS, PATIOS, ETC.	CONVENTIONAL LANDSCAPING	TOTAL
0	0	0	0

EXISTING IMPERVIOUS TO REMAIN	PARKING	SIDEWALKS, DRIVEWAYS, PATIOS, ETC.	CONVENTIONAL ROOF	CONVENTIONAL LANDSCAPING	STORMWATER PLANTER (TCM-1)	TOTAL
0	0	0	0	0	0	0



Know what's below.  
Call before you dig.  
or (800) 227-2600

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

REVISION: \_\_\_\_\_

CHECK NO. \_\_\_\_\_

DESIGN: \_\_\_\_\_

DRAWN: \_\_\_\_\_

QUANT: \_\_\_\_\_

ORIGINAL SCALE IS IN INCHES

SCALE: 1" = 20'

811

Know what's below.  
Call before you dig.  
or (800) 227-2600

ANDARYS ENTERPRISE, INC.  
4885 MOWRY AVENUE  
FREMONT, CA 94538  
PH: (408) 608-8203

C-STORE AND CARWASH  
3702 SOUTH BASCOM AVENUE  
SAN JOSE, CA 95124  
PRELIMINARY STORMWATER CONTROL PLAN







DRAFT - NOT FOR CONSTRUCTION

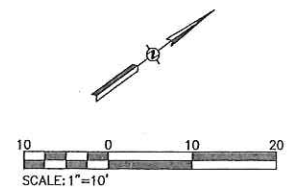
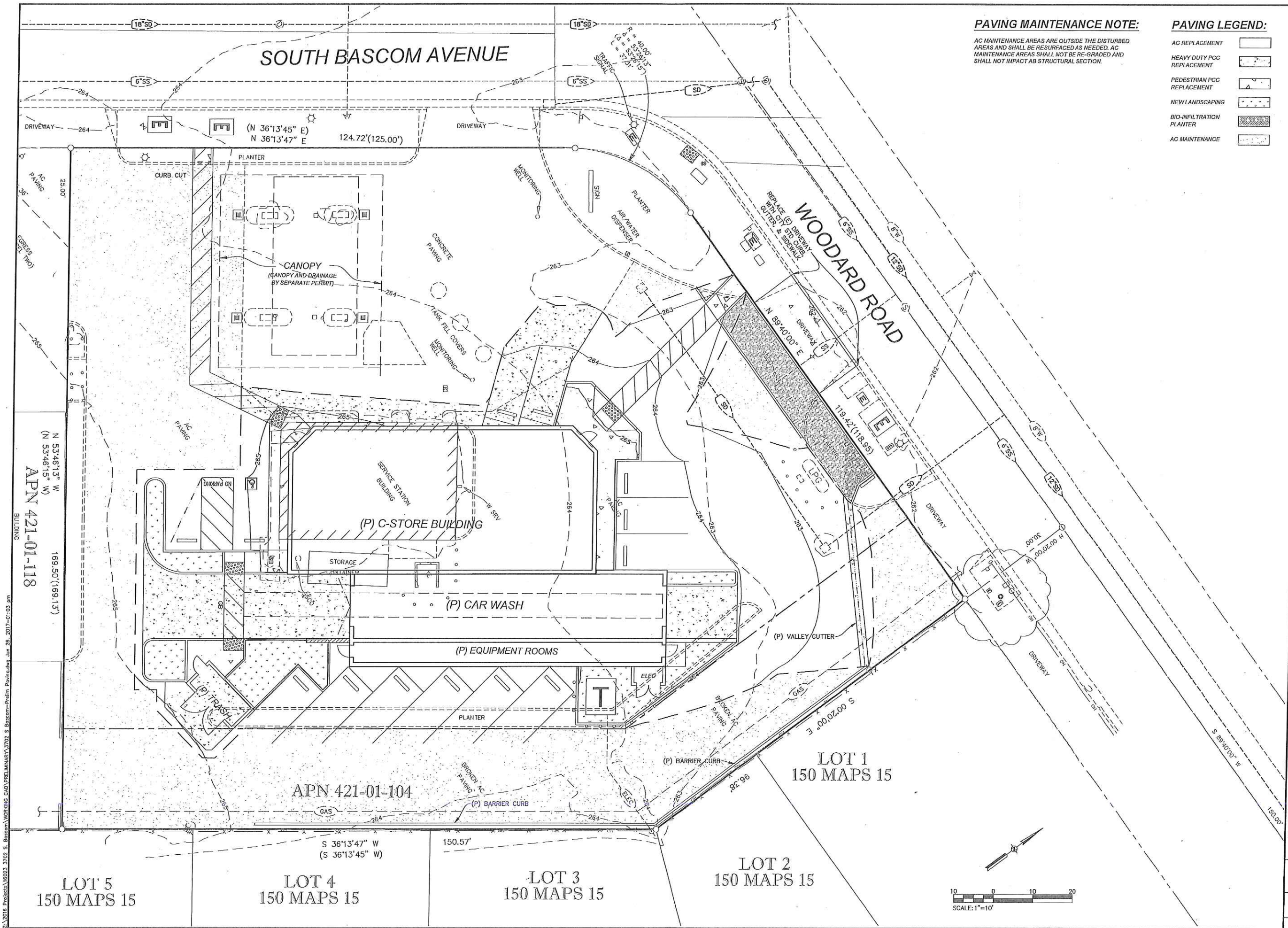
6/26/2017

**PAVING MAINTENANCE NOTE:**

AC MAINTENANCE AREAS ARE OUTSIDE THE DISTURBED AREAS AND SHALL BE RESURFACED AS NEEDED. AC MAINTENANCE AREAS SHALL NOT BE RE-GRADED AND SHALL NOT IMPACT AB STRUCTURAL SECTION.

**PAVING LEGEND:**

- AC REPLACEMENT 
- HEAVY DUTY PCC REPLACEMENT 
- PEDESTRIAN PCC REPLACEMENT 
- NEW LANDSCAPING 
- BIO-INFILTRATION PLANTER 
- AC MAINTENANCE 



	REVISION	DATE	BY	APPRVD
BY	CHECK NO.			
DESIGN	SBS	RFE		
DRAWN	SBS	RFE		
QUANT.				
ORIGINAL SCALE IS IN INCHES				
				
<b>ANDARYS ENTERPRISE, INC.</b> 4995 MOWRY AVENUE FREMONT, CA 94538 PH: (408) 808-8203				
<b>C-STORE AND CARWASH</b> 3702 SOUTH BASCOM AVENUE SAN JOSE, CA 95124 <b>PRELIMINARY PAVING PLAN</b>				
Drawing	Sheet			
of	3			
	of Total			
	3			
6/26/2017				
RFE PROJECT #18023 - 3702 S. BASCOM SJ				

2. 2018 Projects\16093 3702 S. Bascom\WORKING CAD\PRELIMINARY\3702 S. Bascom-Paving.dwg Jun 26 2:17:10 PM 2017

N 53°46'13" W  
 (N 53°46'15" W)  
**APN 421-01-118**  
 BUILDING  
 169.50'(169.13')

APN 421-01-104

LOT 1  
150 MAPS 15

LOT 2  
150 MAPS 15

LOT 3  
150 MAPS 15

LOT 4  
150 MAPS 15

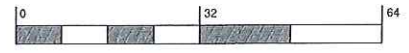
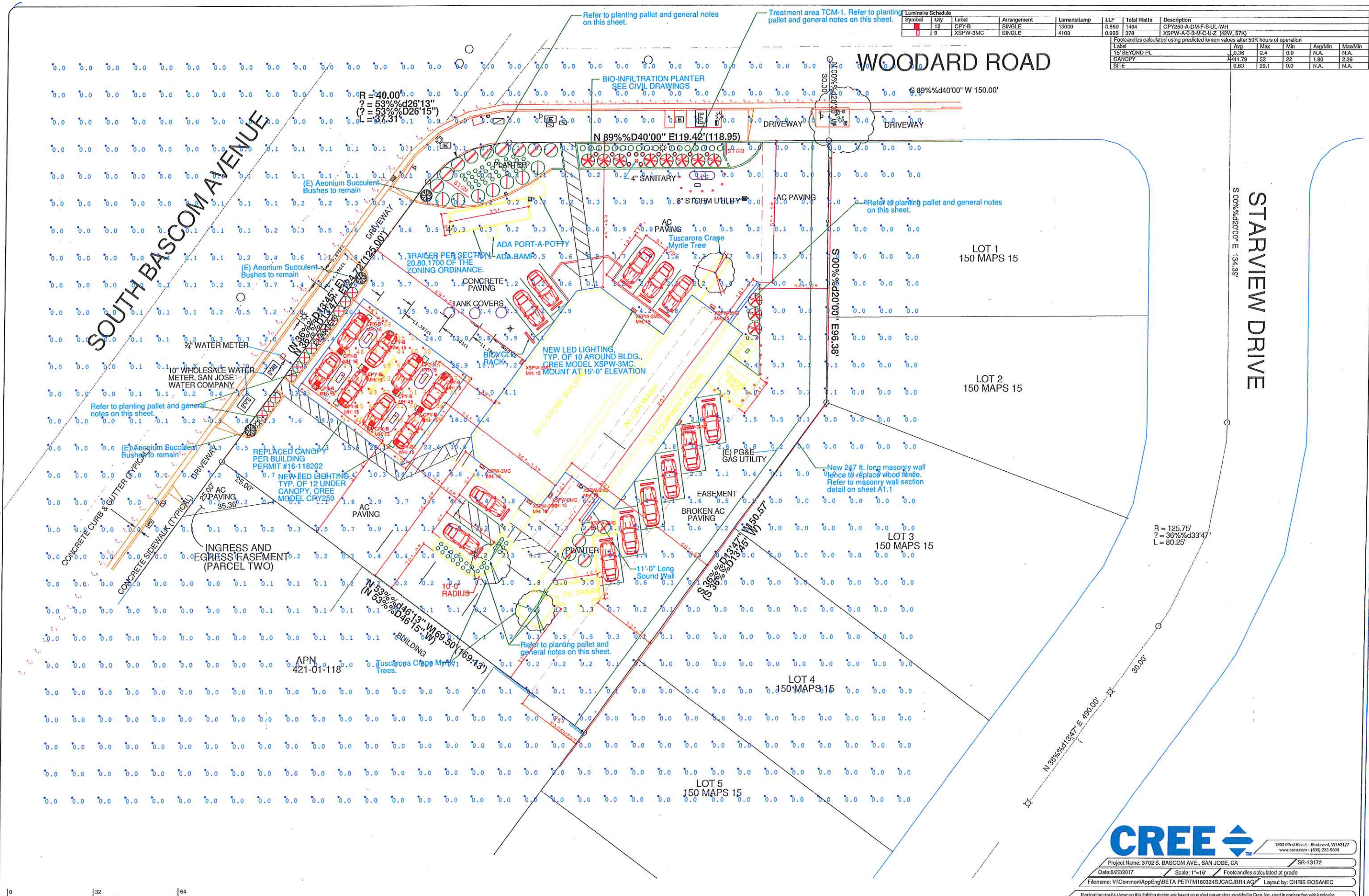
LOT 5  
150 MAPS 15



Symbol	Qty	Label	Arrangement	Lumens/Lamp	LLF	Total Watts	Description
12	CPY-B	SINGLE	13000	0.850	1464	CPY250-A-DM-F-BUL-WH	
9	XSPW-3MC	SINGLE	4109	0.990	1378	XSPW-A-0-3-M-C-U-Z (42W, 57K)	

Label	Avg	Max	Min	Avg/Min	Max/Min
15' BEYOND PL	0.36	2.4	0.0	N.A.	N.A.
CANOPY	1.79	52	22	1.90	2.36
SITE	0.83	29.1	0.0	N.A.	N.A.



**CREE**

1200 50th Street - Shafter, WI 53177  
www.cree.com • (800) 255-6900

Project Name: 3702 S. BASCOM AVE., SAN JOSE, CA SR-13172  
Date: 6/22/2017 Scale: 1"=16' Footcandles calculated at grade  
Filename: V:\Common\Eng\BETA PET\TM1603245JACAC\BRA\AQ\ Layout by: CHRIS BOSANEC

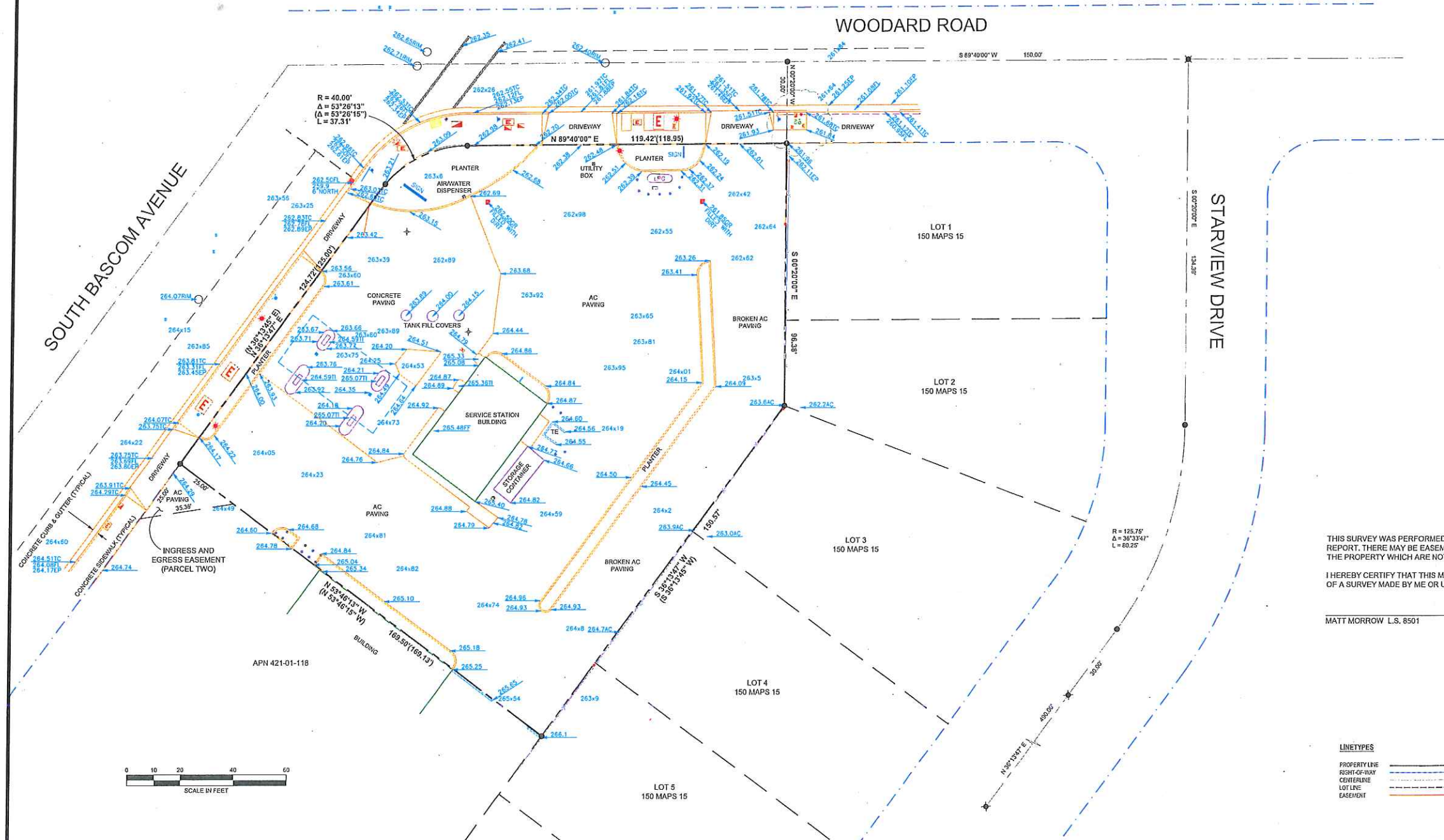
Illumination results shown on this lighting design are based on project parameters provided to Cree, Inc. used in conjunction with luminaire test procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results. The customer is responsible for verifying dimensional accuracy along with compliance with any applicable electrical, lighting, or energy code.

**LEGEND**

- FOUND MONUMENT
- DIMENSION POINT- NOTHING FOUND OR SET
- DRAIN MANHOLE
- DRAIN INLET
- SEWER MANHOLE
- SEWER CLEAN OUT
- FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- WATER VALVE
- WATER BOX OR METER
- WATER VALVE ASSEMBLY
- WATER MANHOLE
- ELECTRIC BOX OR VAULT
- PULL BOX
- TRANSFORMER
- UTILITY POLE
- LIGHT
- TRAFFIC SIGNAL
- ELECTRIC MANHOLE
- TELEPHONE BOX
- TELEPHONE MANHOLE
- TELEVISION BOX
- TELEVISION MANHOLE
- GAS VALVE
- GAS METER
- SIGN
- HANDICAP PARKING OR RAMP

**ABBREVIATIONS**

- VOL\_VOLUME
- BOOK\_BOOK
- PG\_PAGE
- OR\_OFFICIAL RECORDS
- TE\_TRASH ENCLOSURE
- DI\_DRAIN INLET
- FL\_FLOWLINE
- EP\_EDGE OF PAVING
- TC\_TOP OF CURB
- FS\_FINISH SURFACE
- TI\_TOP ISLAND
- AC ASPHALTIC CONCRETE
- ( ) RECORD PER LEGAL DESCRIPTION



NO.	DATE	REVISION
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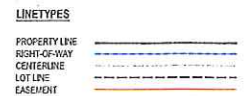
**BENCHMARK:**  
 NGS BENCHMARK HS3271.  
 ELEVATION 237.63 FEET (NAVD 88 DATUM)

**BASIS OF BEARINGS:**  
 THE MONUMENTED CENTERLINE OF STARVIEW DRIVE, PER PLAT OF TRACT NUMBER 3257, FILED FOR RECORD IN BOOK 150 OF MAPS, PAGE 15, SANTA CLARA COUNTY RECORDS.

DATE: AUGUST, 2015  
 SCALE: 1"=20'  
 SHEET 1 OF 1  
 DRAWING NO.: 0217-001  
 DRAWN BY: P. Wecker

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES AFFECTING THE PROPERTY WHICH ARE NOT SHOWN HEREON.  
 I HEREBY CERTIFY THAT THIS MAP OR PLAT IS A CORRECT REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECTION IN JULY, 2015.

MATT MORROW L.S. 8501



**BOUNDARY & TOPOGRAPHIC SURVEY**  
 Prepared for:  
**ANDARYS ENTERPRISE, INC.**  
**PROJECT**  
 3702 South Bascom Avenue  
 City of San Jose  
 County of Santa Clara  
 State of California



1255 Starboard Drive  
 West Sacramento - CA - 95691  
 Phone: 916-372-8124  
 Fax: 916-372-8538  
 Email: adamz@morrowssurveying.com  
 www.morrowssurveying.com



# Mei Wu Acoustics

Experts in acoustics, noise and vibration

---

**To:** Tony Andary, Andarys Enterprise, Inc aandary@sbcglobal.net  
**From:** William Rosentel Mei Wu Acoustics william@mei-wu.com  
Joshua Marcley, Mei Wu Acoustics josh@mei-wu.com  
Mei Wu, Mei Wu Acoustics meiwu@mei-wu.com  
**Date:** December 20, 2016  
**Subject:** Bascom Valero Car Wash Noise Study  
MWA Project – 15059

---

Mei Wu Acoustics is providing acoustical consulting services for the proposed expansion of the Bascom Valero located at 3702 S Bascom Ave, San Jose, CA. The project requires an environmental noise study to show compliance with applicable San Jose City codes and regulations. The following report details the results of this environmental noise study.

## 1. Applicable Noise Codes and Standards

### 1.1. City of San Jose General Plan

San Jose General Plan, Chapter 3, Goal EC-1 Community Noise Levels and Land Use Compatibility, contains details of the acceptable limits of noise hazards. For this project the applicable noise policies are paraphrased as follows:

***EC-1.1** Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:*

#### ***Exterior Noise Levels***

*The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:*

- *For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.*



- For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

**Table EC-1: Land Use Compatibility Guidelines for Community Noise in San José**

LAND USE CATEGORY	EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS (DBA))					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care <sup>1</sup>						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters						

<sup>1</sup>Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

**Normally Acceptable:**

- Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

**Conditionally Acceptable:**

- Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

**Unacceptable:**

- New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

- EC-1.2** Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or
  - Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

- EC-1.3** Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

## 1.2. City of San Jose Zoning Code

The Bascom Valero Car Wash is zoned in a Commercial Neighborhood (CN) District and is subject to the following paraphrased section of the San Jose Zoning Code:

### **20.40.600 Performance Standards**

*B. ...the following specific standards shall apply in the Commercial Zoning Districts:*

#### **2. Noise**

*The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-105 at any property line, except upon issuance and in compliance with a Conditional Use Permit as provided in Chapter 20.100.*

<b>Table 20-105 Noise Standards</b>	
	<b>Maximum Noise Level in Decibels at the Property Line</b>
Commercial use adjacent to a property used or zoned for residential purposes	55
Commercial use adjacent to a property used or zoned for commercial or other non-residential purposes	60

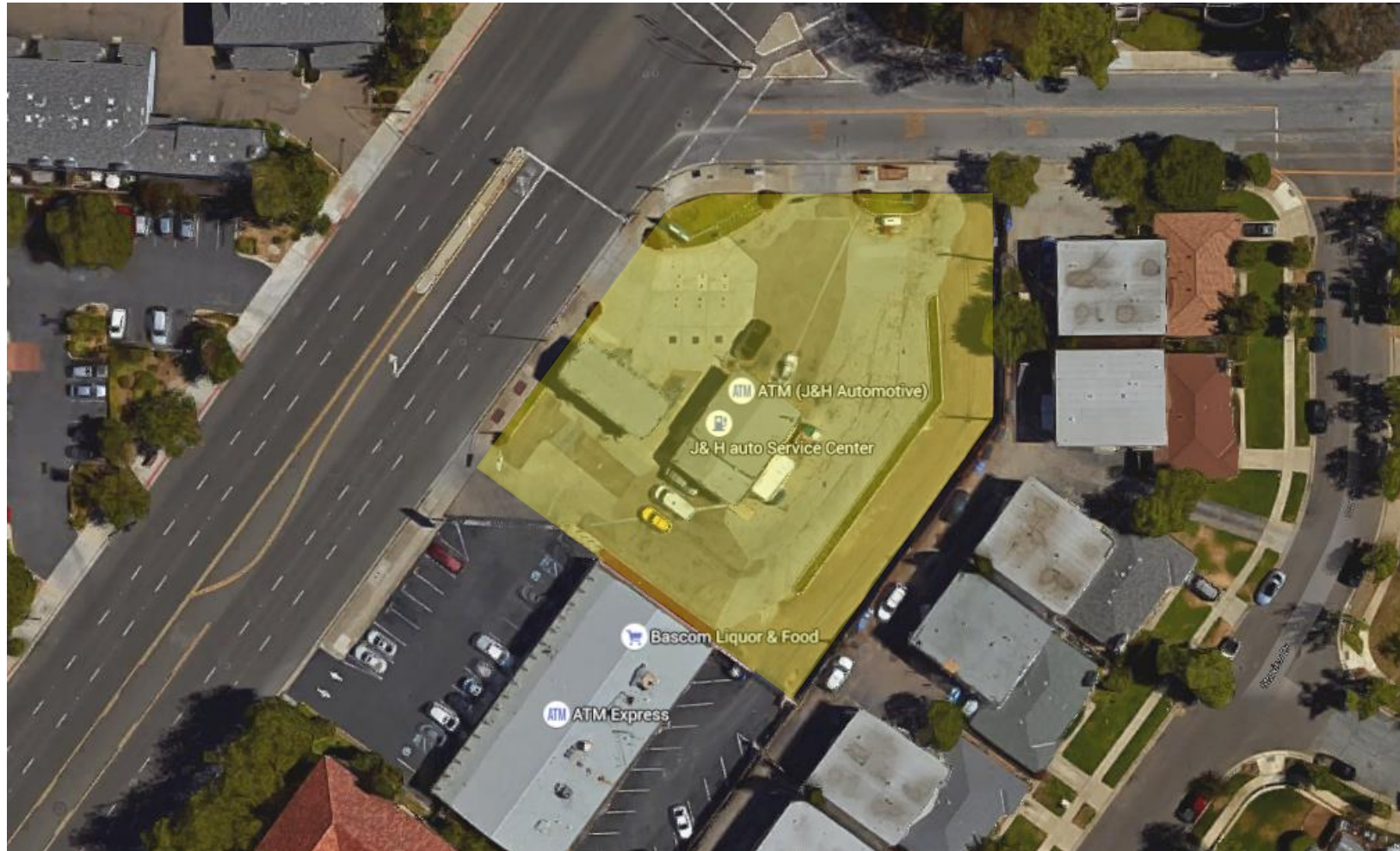
## 2. Acoustic Terminology

Definitions for acoustic terminology that may be found throughout this report are as follows:

Term	Description
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.
Frequency, HZ	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dB	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter deemphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this report are A-weighted, unless reported otherwise.
L <sub>1</sub> , L <sub>10</sub> , L <sub>50</sub> , L <sub>90</sub>	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Equivalent Noise Level, L <sub>eq</sub>	The average A-weighted noise level during the measurement period
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.
Day/Night Noise Level, L <sub>dn</sub>	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
L <sub>max</sub> , L <sub>min</sub>	The maximum and minimum A-weighted noise level during the measurement period.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location. This is usually taken to be the lowest hourly L <sub>90</sub> recorded during a 24-hour measurement period.

### 3. Project Description

The existing Valero station and garage will be demolished to provide for a new store, office and car wash. The project site (indicated in yellow in Figure 1) is at the corner of S Bascom Ave and Woodard Rd. On the remaining property lines are commercial (to the south) and two-level residential (to the east).



**Figure 1:** Aerial image of the project site (from Google Maps)

The carwash will be located in the rear of the main building, between the store and the residential property line.

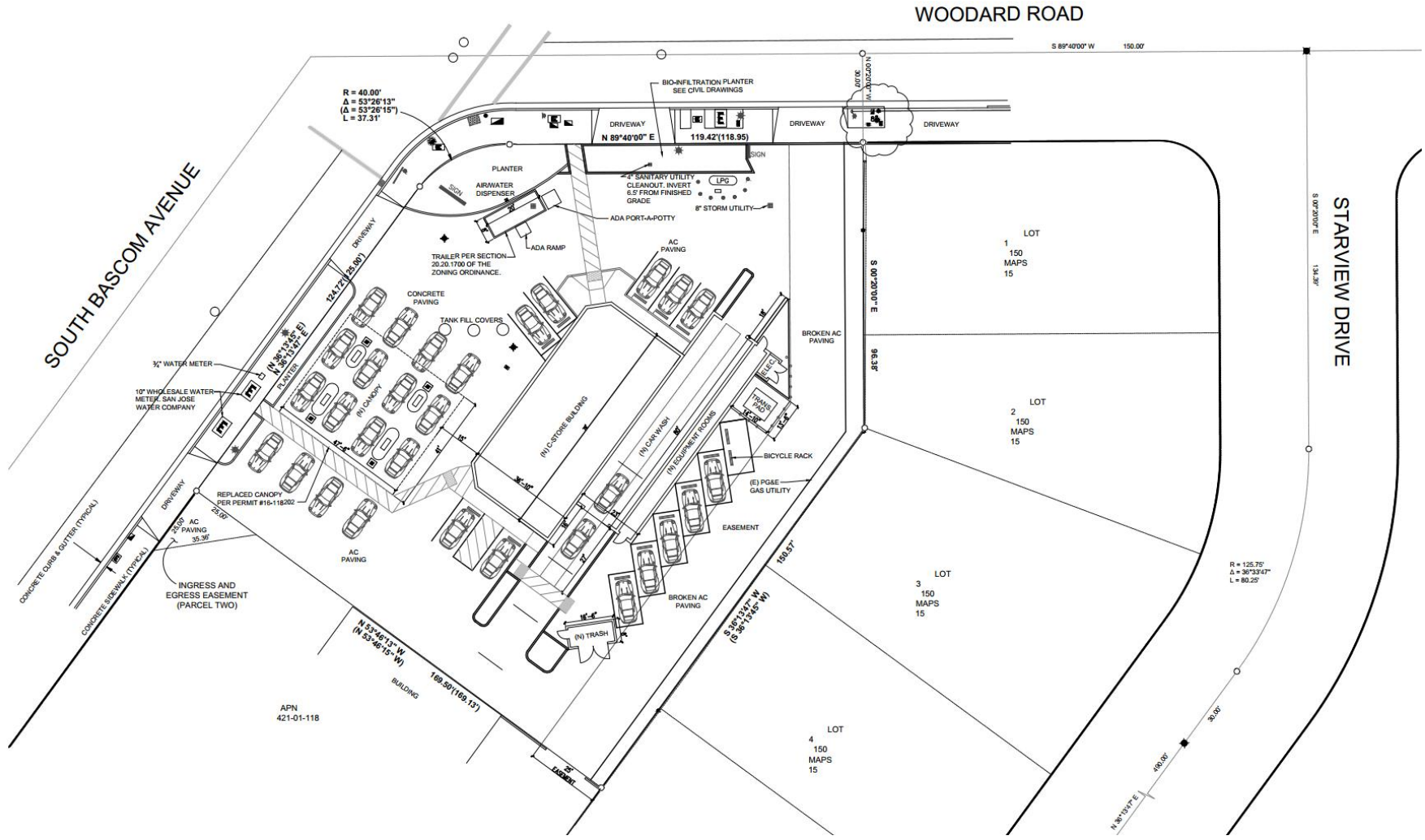


Figure 2: Project site plan

#### 4. Existing Noise Levels

According to the San Jose General Plan, the project site falls under the 75-70 dBA  $L_{dn}$  contour with the boundary with the residential representing the beginning of the 70-65 dBA  $L_{dn}$  contour. Therefore, the noise levels at the residential and commercial property lines are assumed to be 70 dBA  $L_{dn}$ .

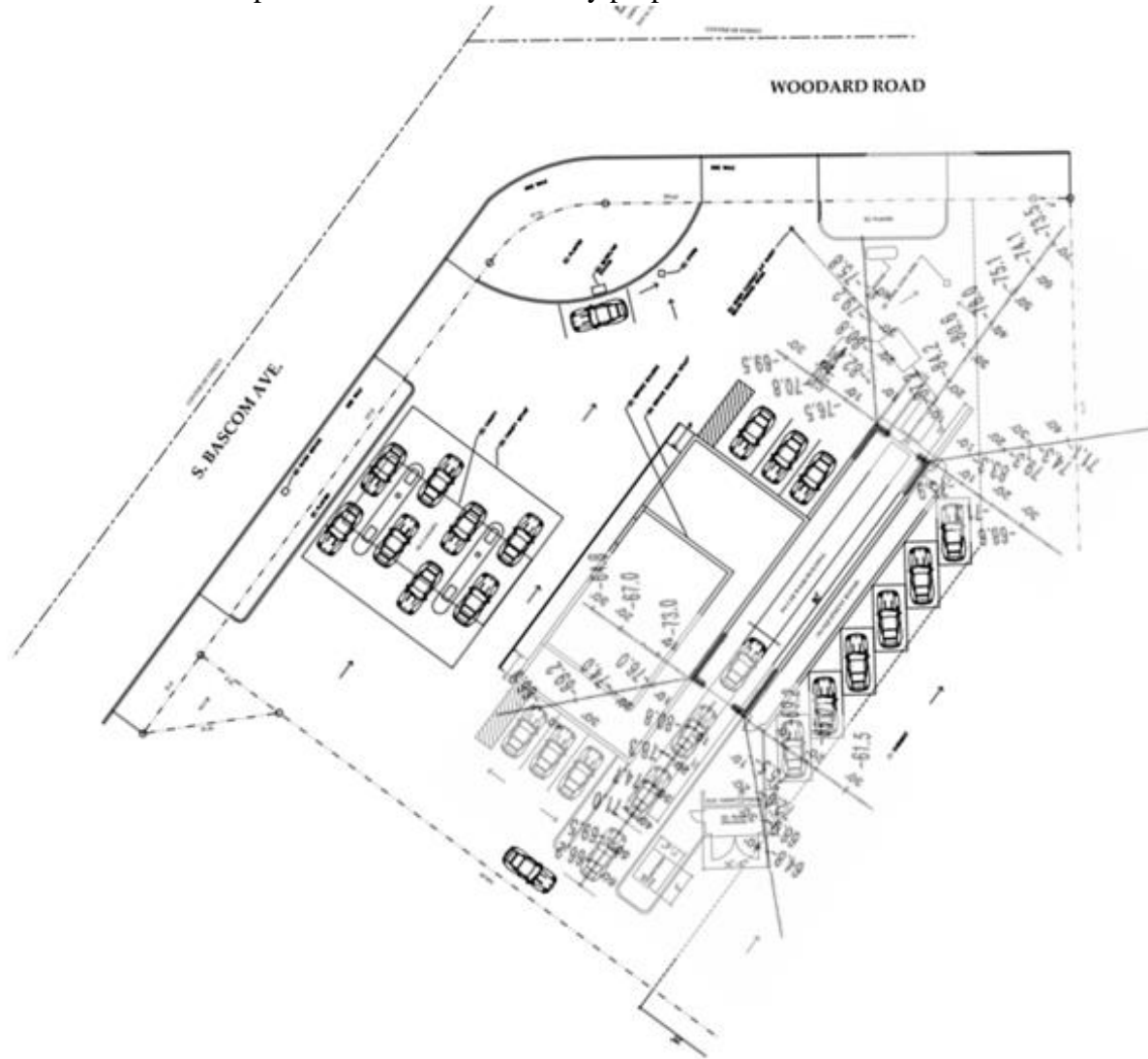
Figure 3 shows an overlay of the San Jose General Plan existing condition noise contours on the street map of the area.



**Figure 3:** Overlay of the existing noise contour on the street map of the area (from Google Maps)

## 5. Noise Level Prediction

MWA has performed many noise studies for carwashes in the neighboring cities and counties. The following sound data comes from these studies and is considered to be representative of the currently proposed car wash.



**Figure 4:** Predicted noise from the proposed car wash

Estimated carwash noise levels from the manufacturer (which is superimposed over the site plan in Figure 4) is provided in Figure 5 and included in Table 1. The data are the predicted noise levels as a function of distance from the entrance and exit of the car wash, not including any barrier attenuation effects. Predicted noise levels are lower for directions oblique to the entrance and exit of the car wash.

Side of Car Wash	Distance [ft]	Noise Level [dBA]	Noise Level at 45° [dBA]	Noise Level at 90° [dBA]
Entrance	20	78.3	72.0	65.0
	40	71.0	64.8	-
	60	66.2	-	-
Exit	20	84.2	79.3	68.6
	40	78.0	71.1	-
	60	74.1	-	-

Table 1: Predicted noise levels around car wash

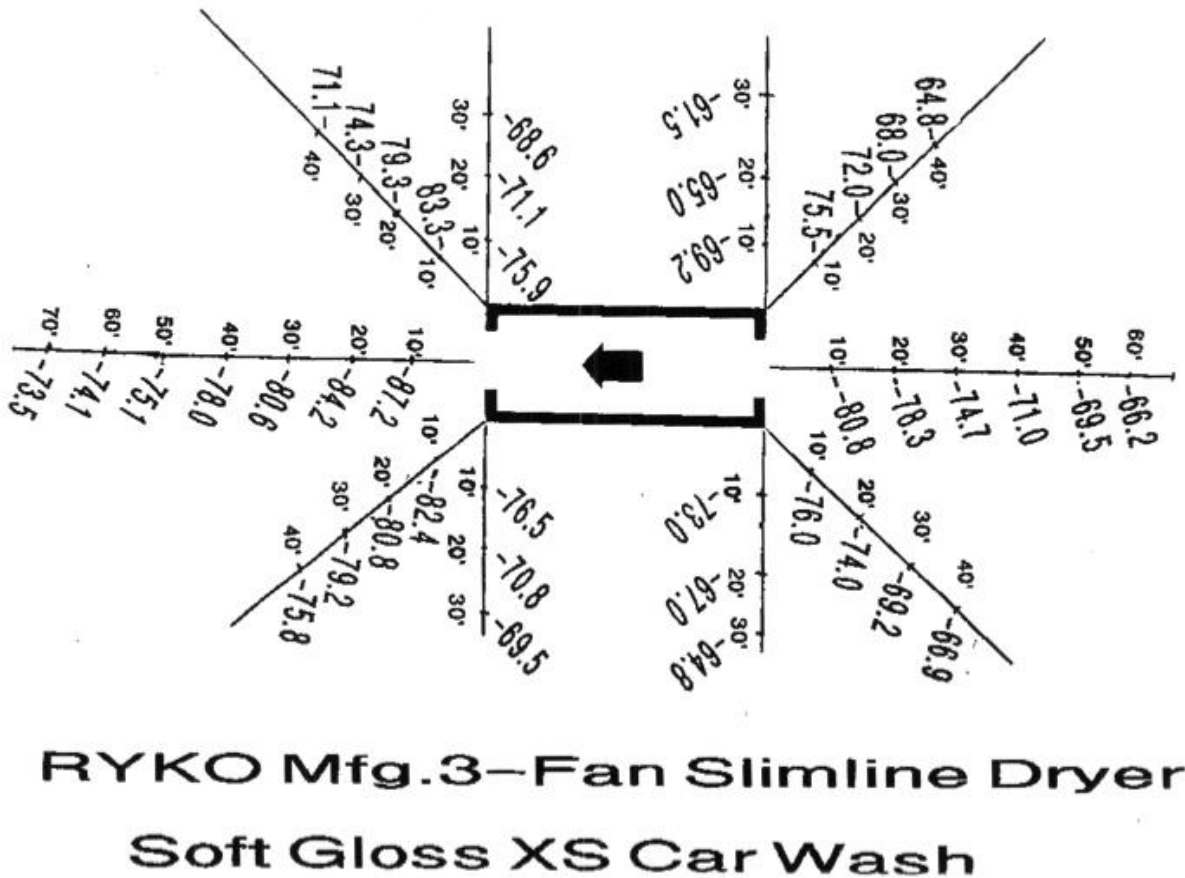


Figure 5: Manufacturer estimated carwash noise levels

The nearest point on the property line from the car wash entrance to each of the two residential properties are approximately 50 ft and 60 ft away, and the distance to the commercial property line is 70 ft. These distances are greater than the noise data available (in Table 1), however at these distances noise is attenuated at a rate of 6 dB for every doubling of distance, allowing noise levels



at the receivers to be calculated. Equation 1 provides a method for estimating sound pressure level (SPL) as a function of distance. The sound power level (PWL) of the carwash may be calculated from the sound pressure level distribution over distance, where Q is a directionality factor, and r is the distance from the source to location of interest.

$$SPL = PWL - 10 * \log \left( \frac{Q}{4\pi r^2} \right) \quad \text{Eqn. 1}$$

The San Jose General Plan Goal EC-1.2 states that noise impact of new land developments on residential land uses is considered significant if the project would cause the day-night average noise level ( $L_{dn}$ ) at noise sensitive receptors to increase by three (3) dBA  $L_{dn}$  or more where noise levels would equal or exceed the “Normally Acceptable” level.

The day night average noise level ( $L_{dn}$ ) is a single number metric defined as the 24-hour average noise level with a 10 dB penalty added to noise occurring at night (10PM-7AM). The current  $L_{dn}$  of the project site is 70 dBA. To calculate the  $L_{dn}$  with the addition of this project, we assume the carwash will be operating continuously during daytime hours (7AM-10PM). The  $L_{dn}$  may be calculated with equation 2 when there is a total of n sources, where  $dB_n$  is the sound pressure level of the n'th source at the location of interest.

$$L_{dn} = 10 * \log \left( \sum_1^n 10^{\frac{dB_n}{10}} \right) - 10 * \log(n) \quad \text{Eqn. 2}$$

Sound pressure levels at the property planes have been calculated and are provided in Table 2. The table includes the sound pressure level at the nearest location on the property line adjacent to a receiver. We have also calculated the resulting  $L_{dn}$  considering the existing level of 70 dBA  $L_{dn}$  as one source, and the noise levels due to the carwash as another.

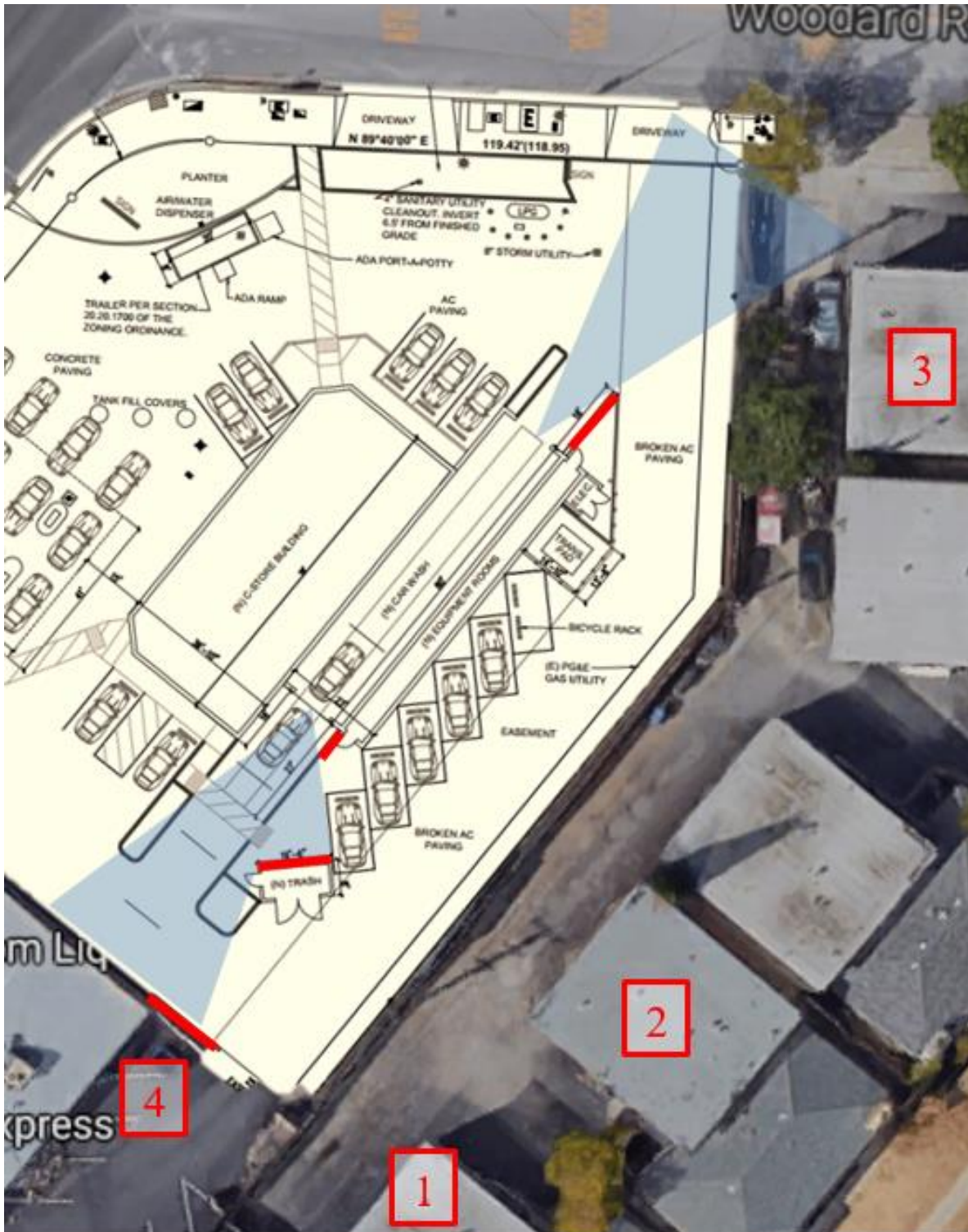
Receiver	Distance to Property Line [ft]	Noise Level at Receiver no Barriers [dBA]	Noise Level at Receiver with Barriers [dBA]	$L_{dn}$ at Receiver with Barriers [dBA $L_{dn}$ ]	Existing Noise Level [dBA $L_{dn}$ ]
Residential (1)	60	62	55	70.5	70.0
Residential (2)	50	57	52	70.5	
Residential (3)	50	69	57	70.6	
Commercial (4)	70	65	53	70.5	

**Table 2:** Predicted noise levels at sensitive receptors

Table 2 shows that the noise levels at the property planes will be above the levels allowed by the zoning code, but that they will not significantly increase the existing day-night average noise levels ( $L_{dn}$ ). Goal EC-1.2 requires limiting noise generation and the use of noise attenuation measure such as acoustical enclosure and sound barriers, where feasible. Therefore, this project will implement the following noise reduction measures to minimize the noise impact of the new development.

## 6. Noise Reduction Measures

Sound barriers will be utilized to reduce the noise levels at the property planes. A graphical representation barrier locations is indicated in Figure 6.

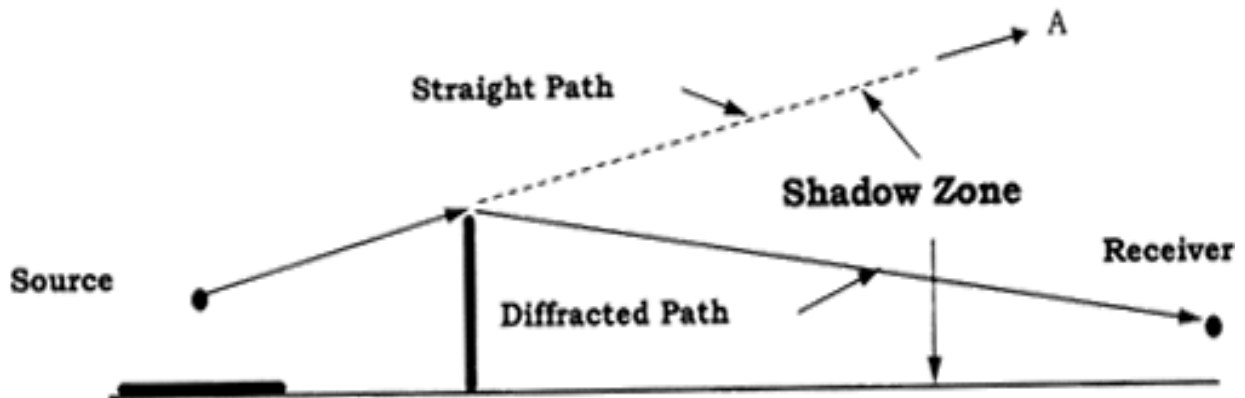


**Figure 6:** Site plan with existing and planned barriers as red lines.

The insertion loss of a barrier is the difference in sound pressure level at a receiver when a barrier is inserted between the noise source and the receiver. To provide insertion loss, barriers must be monolithic (without any major holes or gaps) and constructed of a material with at least 2 lbs/sqft surface density. Materials meeting this requirement include ½-inch thick wood, ½-inch outdoor plywood, 16 gauge steel sheet, and any masonry units.

These material conditions ensure that the transmission loss of sound penetrating through the barrier will be greater than insertion loss provided by the barrier. For a sound barrier to be effective, we also assume that the acoustic permittivity of the ground is much greater than that of the barrier. This ensures that acoustic energy which migrates underneath the barrier and reemits on the other side need not be considered.

Even when effective sound barriers are inserted in between a sound source and sensitive receiver, noise is not completely eliminated. A portion of the sound energy that passes near the edge of the barrier is diffracted and propagates towards the receiver on the other side of the barrier (see Figure 7).



**Figure 7:** Geometric relationship of barriers to sources and receivers.

The area between the straight (non-diffracted) path and the ground is referred to as the shadow zone. When the receiver is located in the shadow zone, the diffracted path may intercept the receiver location. The difference in the sound pressure level of the diffracted path and the straight path is called the insertion loss of the barrier.

The insertion loss of the barrier is proportional to the geometric relations of the source, barrier, and receiver. The total path length of the diffracted sound wave is found as the shortest distance of a broken line that goes from the source to the edge of the barrier (labelled distance A) and then to the receiver (labelled distance B). The difference between the total path length of the diffracted sound wave and the horizontal distance between the source and receiver (labelled distance d) is used to calculate a dimensionless term called the Fresnel number, found by equation 3 below. The Fresnel number also depends on the frequency (or wavelength,  $\lambda$ ) of the sound wave being diffracted.

$$N = \pm \left( \frac{2}{\lambda} \right) (A + B - d) \quad \text{Eqn. 3}$$

Directivity factors in the direction from the source to the barrier edge and in the direction from the source to the receiver may be considered by introducing extra terms into the calculation for insertion loss. In the case where the total path length of the directed path is significantly (at least an order of magnitude) different from the horizontal separation of the source and receiver, an extra term may be included in the calculation for insertion loss. Where these factors are not included, the insertion loss of a barrier for a given path at a given frequency may be estimated by equation 4<sup>1</sup>, where N is the appropriate Fresnel number.

$$IL = 20 * \log \left( \frac{\sqrt{2\pi N}}{\tanh \sqrt{2\pi N}} \right) + 5 \quad \text{Eqn. 4}$$

The project plans the construction of an 18 ft long, 10 ft high barrier at the exit of the carwash, blocking the eastern property line (barriers are indicated by red lines in Figure 6). This barrier completely blocks line of sight from the car wash exit to the northernmost residential building (as show in Figure 6). Therefore, a receiver standing at the property line between the carwash and the residential building (labelled ‘3’ in Figure 6) will fall in the shadow zone of the proposed barrier. The geometric relationships between the dimensions of the barrier and the locations of the sound source and receiver satisfy the requirements as descried in this section to provide insertion loss for receivers at the residential building.

A trash enclosure will be constructed to conceal the dumpster onsite. This enclosure will be 8 feet tall and made of concrete masonry units (CMU). The enclosure will be 16’ 6” in length and positioned such that it breaks the line of sight from the carwash entrance to one of the residential properties to the southeast. This barrier will provide insertion loss for receivers at the residential property labelled ‘1’ in Figure 6.

The project also plans the construction of an 11 ft long, 10 ft high barrier at the entrance of the carwash, blocking the eastern property line. The combination of this barrier and the trash enclosure completely blocks line of sight from the car wash entrance to the southern residential buildings. The addition of this barrier provides insertion loss for receivers at the residential property labelled ‘2’ in Figure 6.

There is an existing CMU barrier that blocks the line of sight between the carwash entrance and the commercial property to the south. We assume the height of this barrier to be 6 feet. This existing barrier will provide insertion loss for receivers at the commercial property line.

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<sup>1</sup> This equation is an alternative method for calculating insertion loss, based on the work of Kurze and Anderson in 1971. The expression is an approximation to the curve developed by Maekawa in 1968. Source “Engineering Noise Control, Theory and Practice” by David A. Bies and Colin H. Hansen 3<sup>rd</sup>. Edition, copyright 2003.

## 7. Conclusion

According to the San Jose Zoning Code, the maximum allowable noise levels at the property lines of residential properties is 55 dBA. However, the project site is located in the 70 dBA  $L_{dn}$  noise contour (see Section 4 of this report). This implies that noise levels due to existing sources (such as traffic noise) are already in excess of the zoning code.

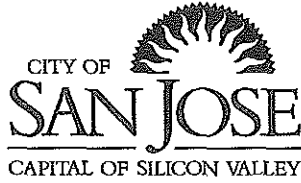
To determine noise impact to the residential properties, we use the definition provided by the San Jose General Plan Goal EC-1.2 that noise impact of new land developments on residential land uses is considered significant if the project would cause the day-night average noise level ( $L_{dn}$ ) at noise sensitive receptors to increase by three (3) dBA  $L_{dn}$  or more where noise levels would equal or exceed the “Normally Acceptable” level.

Based on the results of calculations in Section 5, including the noise reduction measures of Section 6, we find that the most that the  $L_{dn}$  at the project site would increase is by 0.6 dBA  $L_{dn}$ . This increase is much less than the 3 dBA  $L_{dn}$  increase specified in the San Jose General Plan Goal EC-1.2, therefore the noise impact of the proposed project is less than significant.

This concludes our environmental noise impact study for the Bascom Ave Valero Car Wash project. Please contact Mei Wu Acoustics if you have any questions or comments.

\* \* \*

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# Memorandum

**TO:** Rebecca Bustos

**FROM:** Joe Provenzano  
Public Works

**SUBJECT:** SEE BELOW

**DATE:** 12/16/16

Approved

VT

Date

12/16/16

**SUBJECT:** CP16-035 Bascom Gas Station  
PW NO. 3-06081 (CP16-035)

We have completed the in-house traffic analysis for the subject project. The project is proposing to install a 1,858 sqft automated car wash facility and expand the convenience market to 2,834 sqft with an added second floor office unit of 1,082 sqft on a 0.81 gross acre site. The project is located at the southeasterly corner of S. Bascom Ave and Woodard Rd and is projected to generate 33 net new PM peak hour trips.

## ACCESS

Vehicular access to the site will be provided via three existing driveways, one full access and one limited (right-in/right-out) access driveways on S. Bascom Ave and one full access driveway on Woodard Rd.

## ANALYSIS

This project is estimated to generate 33 net new PM Peak Hour Trips (PHT). A Level of Service (LOS) Analysis was studied at the S. Bascom Ave and Woodard Rd intersection. The results of the analysis are:

Intersection	Peak Hour	Existing LOS/Delays(s)	Background LOS/Delays(s)	Background + Project LOS/Delays(s)
S. Bascom Ave & Woodard Rd	PM	B- 18.5	B- 18.5	B- 18.7

The analysis indicates that project traffic will not have a significant impact on the studied intersection. Therefore, the proposed project meets the City's LOS Policy.

## RECOMMENDATION

We conclude that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3). Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

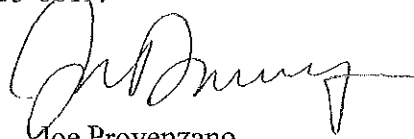
Planning and Building

12/16/16

**Subject: Traffic Analysis for CP16-035**

Page 2

Please contact me at [Joe.Provenzano@sanjoseca.gov](mailto:Joe.Provenzano@sanjoseca.gov) or (408) 535-8466 if you have any questions. You may also reach the Acting Senior Engineer overseeing the project, Vivian Tom, at [Vivian.Tom@sanjoseca.gov](mailto:Vivian.Tom@sanjoseca.gov) or (408) 535-6819.

A handwritten signature in black ink, appearing to read "Joe Provenzano", with a long horizontal flourish extending to the right.

Joe Provenzano  
Project Engineer  
Development Services Division



# Memorandum

**TO:** Elia Sorice  
Planning Department

**FROM:** Acting Lt. Todd Trayer #3301  
San Jose Police Vice Unit

**SUBJECT:** APN: 42101104  
PD16-035

**DATE:** June 9, 2017

---

Approved

Date

---

I have received your request for input regarding 3702 Bascom Ave., APN:42101104 for a Conditional Use Permit to allow the demolition of an existing 1,276 square foot gas station convenience store and the construction of a 5,754 square foot convenience store and carwash, the off-sale of beer and wine only, and late night use (24-hour operation) on a 0.81 gross-acre site located at the southeasterly corner of S. Bascom Ave and Woodard Rd. (District 9 / Census track 5027.02 ).

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control shall deny an ABC Application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4(a)(2). A location can be unduly concentrated because of its criminal statistics and/or its proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of San Jose Planning Department or the Planning Commission are the delegated authorities to grant these exceptions.

This location is in San Jose Police Beat T1. The reported crime statistics as defined by B&P Section 23958.4(c) **are UNDER** the 20% crime index but the location **is not currently** considered unduly concentrated per B&P Section 23958.4 (a)(1) and B&P Section 23958.4 (a)(2).

### Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
T1 (2016)	145	42	187	No
City Average	319	122	441	

Department of Alcohol Beverage Control (ABC) records indicate APN:42101104 is in census tract 5027.02. Pursuant to B&P Section 23958.4 (a)(2), the ratio of on-sale retail licenses to population in census tract 5027.02 **does not exceed** the ratio of on-sale retail licenses and licenses to population in the county in which the applicant premises are located.



## Authorized and Current ABC Licenses in Census Tract 5027.02

Census Tract	Authorized ABC Licenses as of August 2015		Current ABC Licenses as of July 2016		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off - Sale	On - Sale	Off - Sale
5027.02	10	4	6	4	NO	NO

The San Jose Police Department is **neutral** to this plan. Looking at the overall concentration numbers in detail show that adding this proposed off-sale venue would **increase** the concentration level to 5 off-sale. That being said, the crime rate is currently **under** the 20% threshold that the San Jose Police Department weighs for these types of applications.

Please feel free to contact me at 408-277-4322 if you have any questions.

~s~ Acting Lt. Todd Trayer #3301

Acting Lt. Todd Trayer #3301  
Special Investigations/Vice

# **Mitigation Management Plan**

**3702 S. Bascom Avenue, San Jose, CA 95124**

## **Crime Deterrence Program**

As part of our commitment to our employees and to the community we serve, we will put in place comprehensive robbery deterrence programs consistent with the best industry practices.

The program will be research based, and will be regularly updated as ongoing research provides additional methods of combating crime in the convenience store environment. Our crime deterrence program will center around three components: store-personnel training, visibility into and out of the store, and effective cash control. Additionally, we will install sophisticated digital video surveillance systems in our store.

## **Training**

Our employees will participate in a multi-media training program and will be supplied with comprehensive resource materials on crime deterrence and violence avoidance.

The program will include information on security procedures, proper store maintenance, violence avoidance and recommended behaviors for managing a robbery or other potentially violent encounter.

The training will emphasize the high value we place on the safety of store personnel and customers and our no-resistance policy toward robbery. We believe the safety of store personnel and customers is more important than protecting property during a robbery. Store personnel will also be instructed in techniques for responding to negative situations in a way that helps de-escalate the situation and reduce the likelihood of additional violence.

## **Lighting**

Research indicates that criminals don't like stores that are brightly lit, with store sales associates and cash registers clearly visible from the street. Our cash register will be placed in the front of the store. Windows in front of the sales area will provide police and others a direct view of the inside. It is referred to as the fishbowl effect, where employees are on display for any passersby to see. Our location will offer bright interior and exterior (under canopy) lighting. The store will be brightly lit at night and store employees will have a clear view of the store front.

## **Timed-Access Cash Safe**

Research also shows that keeping less than \$50 in the cash register deters 80 percent of potential robberies. Most criminals believe the "risk" is greater than the "take" of a small amount of money.

Our employees will be instructed to keep no more than \$50 (\$30 at night) in the cash register. Signs will notify would-be robbers that less than \$30 is kept in the cash register after dark and that the store employees cannot open the safe. The store is equipped with a 500-pound Timed-Access Cash Controller in order to maintain a minimal amount of money in the cash register while still serving the customer.

One section of the timed-access safe contains a locked drop-safe where large bills and checks are deposited by store personnel. Another section dispenses change (coins or bills) at predetermined time intervals.

### **Video Surveillance System**

The store will be equipped with state-of-the-art video camera systems and alarms. This system include, closed-circuit video camera with audio capabilities, a high-resolution color monitor mounted in clear view of the customer and another monitor in the back room. The alarm system includes fixed and remote activator devices.

Facts:

- ▶ When this proposed mitigation plan was implemented by a leading grocery store chain, robbery rate decreased by 78 percent.
- ▶ The average loss-per-robbery incident was also reduced to \$37.

### **Tobacco Training Program**

Our employees will be required to complete Tobacco awareness training prior at the beginning of their employment. Training will instruct store personnel in the appropriate techniques for selling age-restricted products, such as tobacco products, lottery tickets etc. The training emphasizes the sale prevention of age-restricted products (especially tobacco) to minors and prepare store personnel to deal with the increased risk of confrontation when refusing to make a sale.

The program informs customers that store personnel will request valid identification of anyone who appears to be under 27 years of age. The training program instructs store personnel how to safely and legally sell age-restricted products, and when to refuse a sale.

The training emphasizes three aspects of the sale:

- ▶ **The Law:** Training addresses the laws governing the sale of tobacco products, and lottery tickets.
- ▶ **Recognizing Behaviors:** Training teaches store personnel to observe customer behavior to determine whether they can be sold restricted products because of age and how to recognize many forms of age identification.
- ▶ **Refusing a Sale:** Training covers techniques for refusing an illegal sale, while reducing the potential for conflict with the customer.

The training instructs employees in the power of observation to help detect potential problem sales. Actors in the training video demonstrate the clues that may point to an illegal attempt to purchase, such as nervousness, or clumsiness due to nervousness.

Employees are instructed to greet each customer by the time the customer has taken two steps inside the door. Employees are instructed to:

1. Use a firm, formal, polite language.
2. Refrain from picking or placing the restricted product on the counter and step back from the counter while maintaining eye contact.
3. State the law and/or store policy.
4. Turn slightly away, without turning back.

The training uses Video and/or computer based training exercises to illustrate techniques used by underage customers to appear older in order to make illegal purchases.

### **Store Signage:**

The store will post signs to alert customers that attendant will ask for identification when a customer looks under the age of 27. In-store signage reminds employees to check for valid age identification.

### **Litter Control Program**

Our proposal is for a new pleasing exterior appearance that's litter free. We will implement a litter control plan that will include the following.

1. Two trash receptacles for customer use located on either side of the front doors as well as numerous other receptacles inside for customer use.
2. Garbage pickup will occur at least 1 time per week.
3. Litter pick up will occur at least once daily in all areas surrounding the store including sidewalks, landscaped areas, etc.

### **Loitering Control Program**

Our training program will focus on loitering control. While in attendance, We will discourage loitering in or around our facility and will take the following steps to discourage and prevent loitering at this location:

1. Parking lot will be well lit, on all sides of the building.
2. We will cooperate with local law enforcement in the pursuing of formal trespassing warrants when necessary.

### **Landscape Maintenance**

The store operator will be responsible for the maintenance of the landscaped areas on this site. It is our intent to have a landscape plan in place that will keep the site looking aesthetically pleasing so as to contribute to the continued enhancement of the area.

### **Conclusion**

We are an existing retailer at this proposed location, and we are committed to continuing to be a good neighbor to the residents and business owners in the community we serve. We feel that we have adequately addressed the requirements put forward by the city. We are looking forward to remaining a part of the community we serve for many years to come.

**STATEMENT OF EXEMPTION**

**FILE NO.** CP16-035

**LOCATION OF PROPERTY** 3702 S. Bascom Avenue, San Jose

**PROJECT DESCRIPTION** Conditional Use Permit to allow demolition of the existing service station building, and construction of a new 5,774 square foot building with a convenience market and car wash on the first floor and an owner office on the second floor.

**CERTIFICATION**

Under the provisions of Sections 15302 and 15332 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA; Public Resources Code 21000–21189) as stated below, this proposed project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

**15302. Replacement of Reconstruction**

Class 2 consists of replacement or reconstruction of existing structure and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

**15332. In-fill Development Projects**

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

## ANALYSIS

The proposed project requires a Conditional Use Permit to demolish the existing 1,276 square-foot service station building (that includes a small convenience store) and replace it with a new 5,774 square-foot building that would house a larger convenience store and car wash on the first floor, and an owner office on the second floor. The new convenience store would include sale of alcohol on a 0.81 acre site. The gas pumps canopy would be replaced under a separate permit and is not considered part of this proposed project. There would be no change to the location of the gas pumps. The project site is located at the southeast corner of the intersection of South Bascom Avenue and Woodard Road. Drawings A1.0 and A1.1 included below show the existing and proposed site layouts.

### 15302. Replacement or Reconstruction

The proposed project consists of demolition of an existing gas station service building and reconstruction of a convenience store and a mechanical car wash in the same location. The proposed convenience store and car wash are complementary uses for a gas station. Therefore, the proposed project fits the Class 2 category for replacement or reconstruction of existing structure and facilities where the new structure would be located on the same site as the structure replaced and would have substantially the same purpose and capacity as the structure replaced.

### 15332. In-fill Development Projects

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

The project site is designated as Neighborhood/Community Commercial in the City's General Plan. This designation allows commercial uses that serve communities such as neighborhood serving retail and services. The site currently houses a gas station and a service station. The convenience store and car wash proposed under this project provides a neighborhood serving retail and services function, and thus conforms to the Neighborhood/Community Commercial land use designation.

The site is zoned CN, Neighborhood Commercial. Residential properties are located adjacent to the east and south of the project site. Therefore, a conditional use permit is required to ensure that the proposed project would conform to the General Regulations and the Performance Standards required for this zoning district. The proposed project will include project components such as noise barriers to ensure compliance with the applicable general plan designation, policies, and zoning code designation and regulations, and limit impacts to neighboring residences.

- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The project site is located on a 0.81 acre site within City limits. The site is a corner lot with South Bascom Avenue to the west and Woodard Road to the north. Residential lots are located adjacent to the site on the east, and commercial uses are located to the south. The opposite side of South Bascom Avenue is in an unincorporated area of the City that is also densely developed with commercial and residential uses.

- (c) *The project site has no value as habitat for endangered, rare, or threatened species.*

Los Gatos Creek is approximately 2,000 ft northwest of the project site. The area between the creek and the site is densely developed. The project site is classified as urban-suburban land cover within the Santa Clara Valley Habitat Conservation Plan area, and does not identify habitat for endangered, rare, or threatened species.

- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

**Traffic:** Vehicular access to the site would be provided by three existing driveways: one full access driveway and one limited access driveway on S. Bascom Avenue and one full access driveway on Woodard Road. The proposed project is estimated to generate 33 net new PM peak hour trips. The City performed a level of service (LOS) analysis at the S. Bascom Avenue and Woodard Road intersection. The analysis indicated that the existing LOS/delay of B-18.5 would increase to B-18.7 with project traffic. This increase would not have a significant impact on the intersection. Thus, the proposed project meets the City's Council Policy 5-3. The traffic impact of the proposed project would be less than significant.

**Noise:** To determine noise impacts to the adjacent residential properties from the addition of the mechanical car wash, the noise study prepared for the proposed project used the definition provided by the General Plan Goal EC-1.2 that noise impact of new land developments on residential land uses is considered significant if the proposed project would cause the day-night average noise level (Ldn) at noise sensitive receptors to increase by three (3) dBA Ldn or more where noise levels would equal or exceed the "Normally Acceptable" level.

The project site is located in the 70 dBA Ldn noise contour. This implies that noise levels at the site due to existing sources (such as traffic noise) are already in excess of the zoning code.

The applicant shall incorporate the following measures into the project:

- construction of an 11 ft long, 10 ft high barrier at the entrance of the car wash
- construction of an 18 ft long, 10 ft high barrier at the exit of the car wash

Taking into consideration the noise barriers that would be built at the entrance and exit of the car wash, the noise study determined that the most that the Ldn would increase at the project site is 0.6 dBA Ldn. This increase is much less than the 3 dBA Ldn increase specified in the San Jose General Plan Goal EC-1.2. With implementation of all measures specified in the noise study, the noise impact of the proposed project would be less than significant.

**Air Quality:** The Bay Area Air Quality Management District (BAAQMD), in their 2010 California Environmental Quality Act Air Quality Guidelines (2011 Update), established operational GHG screening criteria for GHG emissions based on land use type and project size using default emission assumptions in the URBEMIS GHG emission model. Projects smaller than the applicable screening criteria for the subject land use would not exceed the 1,100 metric tons of carbon dioxide equivalent per year (CO<sub>2</sub>e/yr) GHG threshold of significance, and therefore, would be considered to have a less than significant impact for GHG emissions.

The proposed project would construct a new building which includes a 2,834 square-foot convenience store with a 1,082 square-foot owner office on the second floor, and a 1,858 square-foot mechanical car wash. The BAAQMD operational screening threshold for criteria pollutants related to a convenience store with gas pumps is 4,000 square feet. The convenience store and owner office results in a total of 3,916 square feet, which is below this threshold. The screening criteria, however, does not include a category for a convenience store with gas pumps and a car wash. As this project is smaller than the screening level, the proposed project is considered to not have a significant impact to GHG emissions.

Consistent with the City's General Plan policies MS-10.1 and MS-13.2, the proposed project would be developed in conformance with all basic BAAQMD Best Management Practices (BMPs) and dust control measures during all phases of construction on the project site to reduce dust-fall emissions. The air quality impact of the proposed project would be less than significant.

**Water Quality:** The Department of Public Works has determined that the proposed project must comply with the City's Post-Construction Urban Runoff Management Policy (Council Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. These measures shall be included in the Stormwater Control Plan for the proposed project. Adherence to these measures would ensure that the proposed project conforms to City Policy. Therefore the water quality impact of the proposed project would be less than significant.

- (e) *The site can be adequately served by all required utilities and public services.*

The proposed project is located in an urbanized area with adequate sewer, water, and electric power service. No new utilities would be needed to serve the proposed project. The demand for fire and police protection would not change from existing levels.

Based on the above analysis, the proposed project would not result in a significant environmental impact and qualifies for an exemption to further review under Section 15332 of the CEQA Guidelines.

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the project's applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) **Location:** Section 15300.2(a) does not apply to the Class Categories 1 and 2 of exemptions. Even so, the proposed project would not impact an environmental resource of hazardous or critical concern.
- (b) **Cumulative Impact:** The proposed project proposes to demolish an existing gas station service center building and construct a new convenience store and car wash. Construction of the proposed project would have temporary impacts on the environment. Operation of the proposed project would have a less than significant impact on traffic, noise, and air quality. The proposed project's contribution to the cumulative impact on the environment would be less than significant.
- (c) **Significant Effect.** The proposed project would not result in any significant effects on the environment due to unusual circumstances. The project site does not have any unusual circumstances that would negatively impact the environment.
- (d) **Scenic Highways.** The proposed project is not located in the vicinity of a designated scenic highway. The proposed project would not result in damage to scenic resources within a highway officially designated as a state scenic highway.



- (e) **Hazardous Waste Sites.** The proposed project is not located on any hazardous waste sites included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) **Historical Resources.** There are no historical resources located on the project site. The proposed project would not cause a substantial adverse change in the significance of a historical resource.

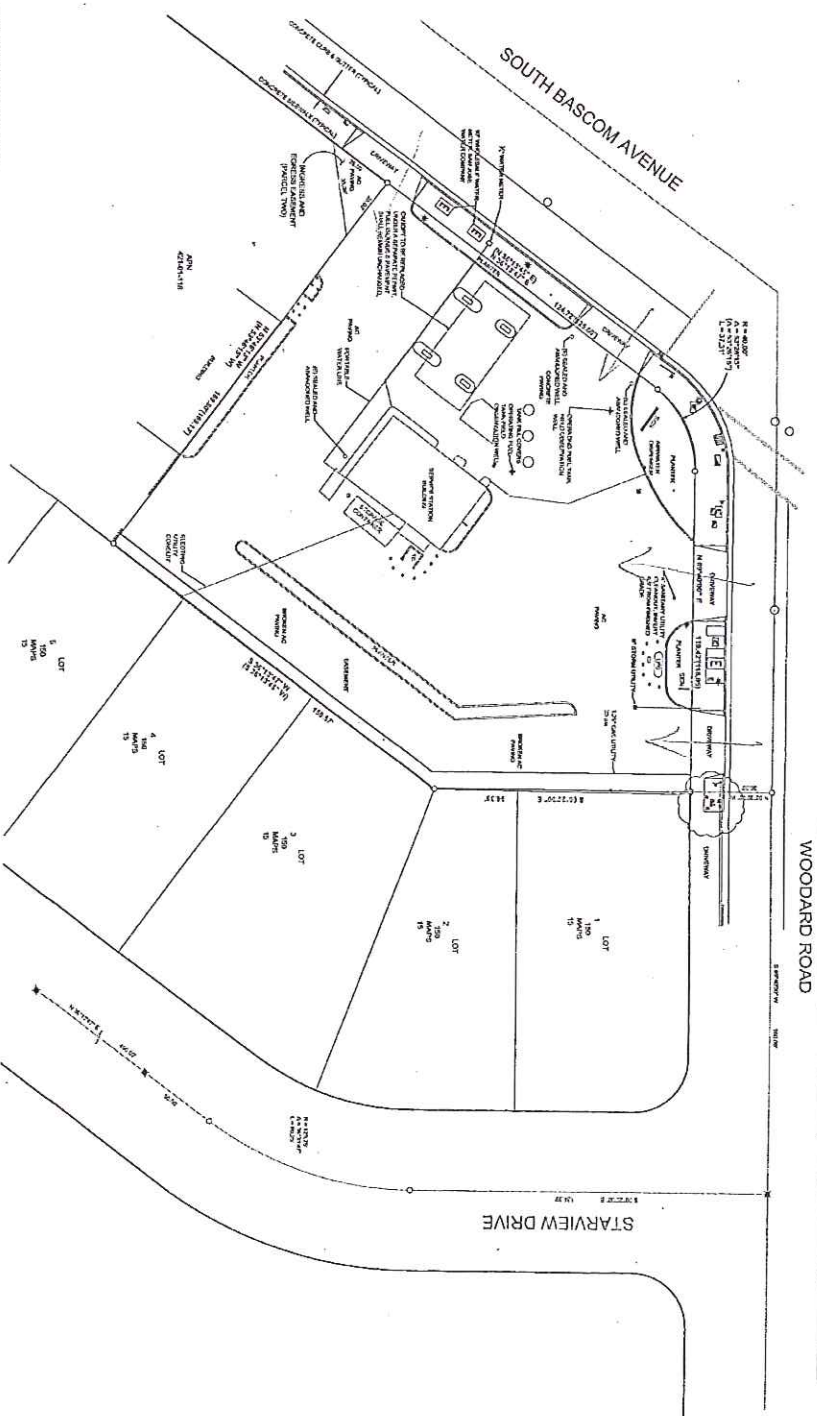
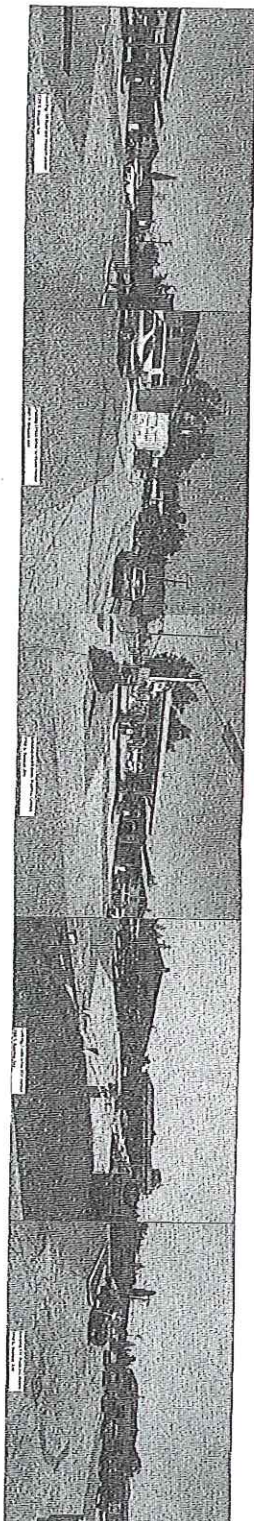
Harry Freitas, Director  
Planning, Building and Code Enforcement

Date: 1/17/2017

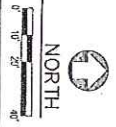
Meenaxi R. P.  
Deputy

Project Manager: Reema Mahamood



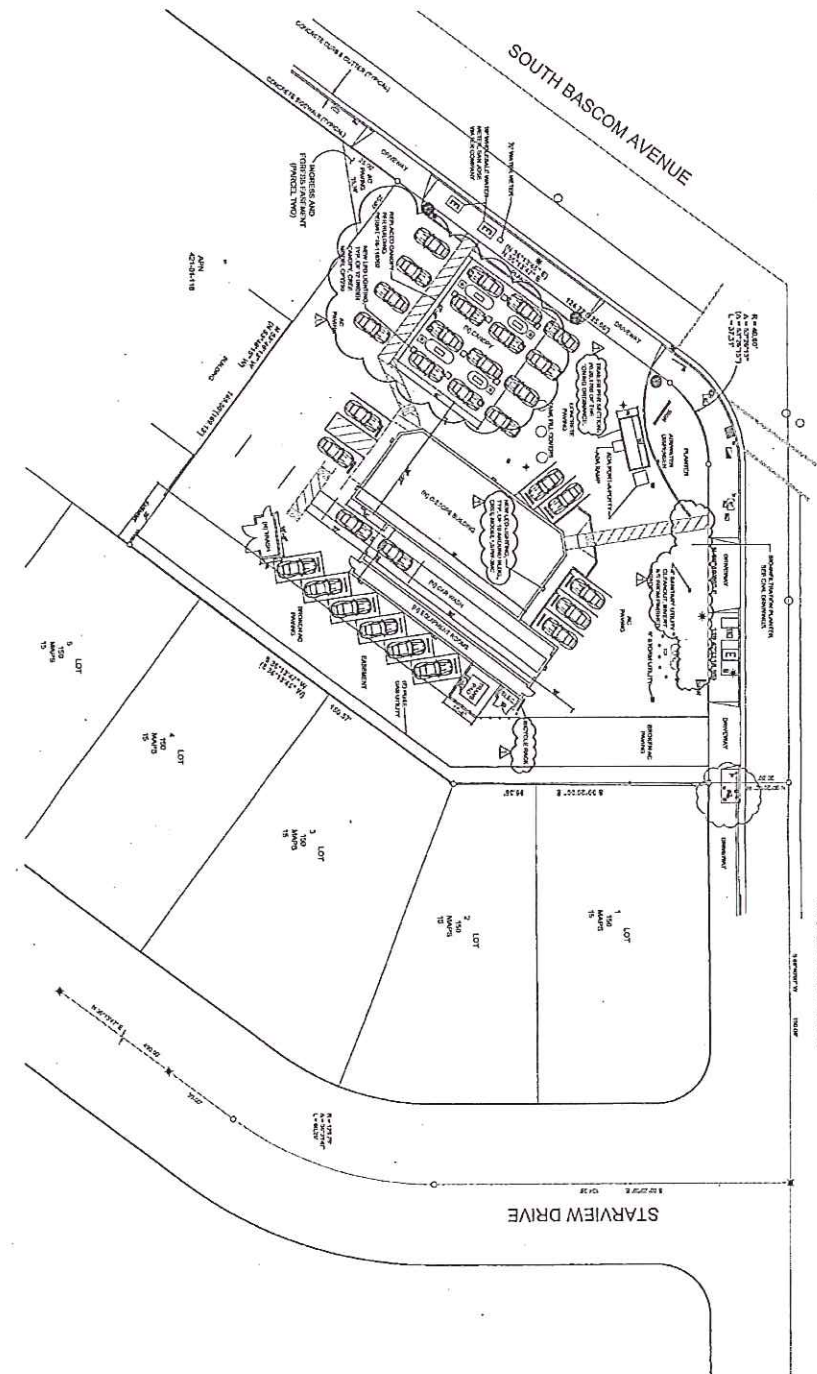


1 EXISTING SITE PLAN  
SCALE: 1"=25'-0"



<p><b>BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION</b></p> <p>OWNER: ANDARYS ENTERPRISE, INC. 3702 S BASCOM AVE SAN JOSE, CA 95124</p>		<p>2016.10.0 4:20:58:48 -07'00"</p>
<p>Project Title: EXISTING SITE PLAN</p> <p>Client: ANDARYS ENTERPRISE, INC. 3702 S BASCOM AVE SAN JOSE, CA 95124</p> <p>Scale: AS SHOWN</p> <p>Drawing Number: A1.0</p>		

1  
PROPOSED SITE PLAN  
SCALE: 1"=50'-0"



**PROJECT INFORMATION TABLE**

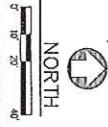
1. Applicant: Andarys Enterprise, Inc.
2. Project Name: Bascom and Oil Replacement and Car Wash Addition
3. Project Location: 3702 S Bascom Ave, San Jose, CA 95124
4. Project Description: Replacement of existing building and addition of new building, parking stalls, and car wash.
5. Project Status: Pre-Construction

**PARKING STALL CALCULATIONS:**

Net of 100' x 100' = 10,000 sq ft  
 Net of 100' x 100' = 10,000 sq ft  
 Net of 100' x 100' = 10,000 sq ft

**TRASH ENCLOSURE CALCULATIONS:**

OPERATIONAL & RESIDENTIAL UNIT  
 0.125 TONS/UNIT/24 HRS  
 100 UNITS = 12.5 TONS/24 HRS  
 1.0 TON/24 HRS  
 1.0 TON/24 HRS  
 1.0 TON/24 HRS  
 1.0 TON/24 HRS



Draw Title: PROPOSED SITE PLAN  
 Project: BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION  
 Owner: ANDARYS ENTERPRISE, INC.  
 3702 S BASCOM AVE  
 SAN JOSE, CA 95124

**BASCOM AND OIL REPLACEMENT AND CAR WASH ADDITION**

OWNER: ANDARYS ENTERPRISE, INC.  
 3702 S BASCOM AVE  
 SAN JOSE, CA 95124

NO.	DESCRIPTION	DATE
01	Preparation of Plans	04/15/16
02	Final Design	04/15/16
03	Construction	04/15/16
04	Final Inspection	04/15/16

Drawn By: [Signature]  
 Checked By: [Signature]  
 Date: 2016.10.0

2016.10.0  
 4:20:58.25  
 -07'00"

## Sorice, Elia

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**From:** Walsh, Susan  
**Sent:** Thursday, July 27, 2017 11:18 AM  
**To:** Sorice, Elia  
**Subject:** RE: CP16-035 3702 S. Bascom Avenue Demolition

Since the building was originally built as a gas station in 1963 and has remained in that use, and the photos of the building do not exhibit any historic architectural qualities, we will not require that a historic evaluation be prepared.

Thanks,  
Susan

### Susan Blair Walsh

Supervisor Environmental Team  
Historic Preservation Officer  
City of San Jose Planning, Building  
and Code Enforcement Department  
200 East Santa Clara Street, Room 300  
San Jose, CA 95113  
[Susan.walsh@sanjoseca.gov](mailto:Susan.walsh@sanjoseca.gov)  
<http://www.sanjoseca.gov/index.aspx?nid=1725>

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**From:** Sorice, Elia  
**Sent:** Thursday, July 27, 2017 7:52 AM  
**To:** Walsh, Susan <[Susan.Walsh@sanjoseca.gov](mailto:Susan.Walsh@sanjoseca.gov)>  
**Subject:** CP16-035 3702 S. Bascom Avenue Demolition

Hello Susan,

I am working on a Conditional Use Permit CP16-035 for the construction of a new 5,754 square foot convenience store and fully automated car wash on the site of an existing gas station, located at 3702 S. Bascom Avenue (intersection of S. Bascom and Woodard). There is no change to the location of the existing fuel pumps or underground tanks and the canopy and canopy signage were replaced under separate permits (File No. AD16-398 and File No. AD16-900) submitted prior to this application.

As part of the proposal, the applicant is requesting to demolish the existing 1,276 square foot gas station minimart building that also houses incidental repairs. This building was constructed in 1963, with the fuel canopy constructed in 1970, and has continued to operate as a gas station since. This structure is not listed on the City's Historic Resources Inventory, and as discussed yesterday, does not have strong architectural qualities that make this a contributing structure. Photos of the subject structure are below.



The project was found to be exempt under Section 15302 (Replacement or Reconstruction) and 15332 (In-fill Development Projects) of the CEQ Guidelines, and an exemption was prepared for the project, dated January 17, 2017. This document is attached, for your review. The project is scheduled for the August 9, 2017 Planning Commission Hearing.

Please let me know if you have any questions or require additional information.

Thank you,

Elia Sorice

Elia Sorice | Planner II  
City of San Jose | Planning Division | PBCE  
200 E. Santa Clara Street, San Jose, CA 95113  
[elia.sorice@sanjoseca.gov](mailto:elia.sorice@sanjoseca.gov) | (408) 535-7829

## Sorice, Elia

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**From:** lisarabello@aol.com  
**Sent:** Monday, May 01, 2017 8:38 AM  
**To:** Sorice, Elia  
**Subject:** Re: File # CP16-035 - 3702 South Bascom Avenue

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Elia-

Thank you for the plans, we will be preparing a letter, will forward upon completion.

A couple of initial questions:

Does the easement that runs behind property remain the same? Want to make sure this remains, we do utilize this for ingress and egress from our property located at 3880 S. Bascom Ave.,

Is the applicant required to make any repairs to this easement? It is in need of asphalt repairs and resurfacing.

Thank you,  
Lisa Rabello  
Property Manager  
Sequoia Management Company, Inc.  
3880 S. Bascom Ave., #205  
San Jose, CA 95124  
408-559-9227 Office

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

From: Sorice, Elia <Elia.Sorice@sanjoseca.gov>  
To: lisarabello <lisarabello@aol.com>  
Sent: Thu, Apr 27, 2017 4:43 pm  
Subject: RE: File # CP16-035 - 3702 South Bascom Avenue

Hello Lisa,

Thank you for your email. I'm not sure if the applicant has already followed up to your email, but attached is a copy of the most current submittal.

Please let me know if you have any questions about the project.

Thank you,

Elia Sorice

Elia Sorice | Planner II  
City of San Jose | Planning Division | PBCE  
200 E. Santa Clara Street, San Jose, CA 95113  
[elia.sorice@sanjoseca.gov](mailto:elia.sorice@sanjoseca.gov) | (408) 535-7829

**From:** [lisarabello@aol.com](mailto:lisarabello@aol.com) [<mailto:lisarabello@aol.com>]

**Sent:** Tuesday, April 25, 2017 12:02 PM

**To:** [aandary@sbcglobal.net](mailto:aandary@sbcglobal.net)

**Cc:** Sorice, Elia <[Elia.Sorice@sanjoseca.gov](mailto:Elia.Sorice@sanjoseca.gov)>

**Subject:** File # CP16-035 - 3702 South Bascom Avenue

I represent the owner of the property located at 3880 S. Bascom Ave. we are requesting a copy of the plan for the proposed project. Please email if that is an option, if not, please send to the address below.

Appreciate your prompt response to our request.

Thank you,  
Lisa Rabello  
Property Manager  
Sequoia Management Company, Inc.  
3880 S. Bascom Ave., #205  
San Jose, CA 95124  
408-559-9227 Office



## Sorice, Elia

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**From:** Son Nguyen <trungson@gmail.com>  
**Sent:** Wednesday, May 03, 2017 5:16 PM  
**To:** Sorice, Elia  
**Subject:** Re: Project CP16-035 Bascom

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Elia,

Thanks for the details. We really appreciate it.

Can I send our feedback/concerns on this project to you or do I have to contact someone else? Anyway:

As residents in the back of that property (multi-family buildings on Starview Dr), some of our initial concerns are:

- Noise and dust during construction (how long, what is the timeline of construction?)
- Noise concern: 24-hr convenient store with parking and traffic going in/out on the back of the new building that faces multi-family high-density residential area
- Noise from car wash machine (can 12ft sound wall block sound for 2nd floor residents? can the sound wall be higher?)
- Alcohol/beer/wine sale near elementary school (Farnham)

If there are more, I'll be sure to send them in.

Thanks  
Son

On Thu, Apr 27, 2017 at 4:54 PM, Sorice, Elia <Elia.Sorice@sanjoseca.gov> wrote:

> Hello Son,

>

> Thank you for your email. The property will still function as a gas station with a new convenience store and automated carwash. The owner will also have a private office on the second floor of this new building. As part of the proposal, the applicant has requested to sell alcohol (beer and wine) in addition to other fresh and packaged foods, and operate 24-hours.

>

> Attached is a copy of the plan set for your reference. Please let me know if you have any questions.

>

> Although you cannot attend the community meeting, there are still ways to participate in the City's review process. Upon completion of all City requirements, the project will be heard at a public Planning Commission hearing. Notices will be mailed to the neighbors announcing the hearing date and location.

>

> Thank you,

>

> Elia Sorice

>

> Elia Sorice | Planner II

> City of San Jose | Planning Division | PBCE

> 200 E. Santa Clara Street, San Jose, CA 95113

> elia.sorice@sanjoseca.gov | (408) 535-7829

>

>

> -----Original Message-----

> From: Son Nguyen [mailto:trungson@gmail.com]

> Sent: Wednesday, April 26, 2017 7:33 AM

> To: Sorice, Elia <Elia.Sorice@sanjoseca.gov>

> Subject: Project CP16-035 Bascom

>

> Hi,

>

> I cannot make it to the upcoming community meeting. Do you have more information about this project? (will it still be a gas station? where is the proposed building? is it automated car wash or manual stations?

> etc.)

>

> Thanks

## Sorice, Elia

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**From:** John Taylor <sawwerks@hotmail.com>  
**Sent:** Saturday, April 29, 2017 3:11 AM  
**To:** Sorice, Elia  
**Subject:** PROPOSED CONVENIENCE STORE AND CAR WASH FILE NO. CP16-035

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

my name is john taylor at 3845 starview dr #2 on the other side of the fence behind the gas station and perrys store. AND I AM AGAINST THE DESTRUCTION OF THE GAS STATION AND REPAIR SHOP TO PUT IN A CARWASH AND FOOD N BEER&WINE STORE THATS OPEN 24-7 TAKING UP THE WHOLE PROPERTY FROM THE BACK FENCE ALL THE WAY TO PERRYS STORE BLOCKING HIS ACCESS AND THE OTHER SHOPS LAUNDRY MAT BARBER SHOP THERAPY PLACE THEY ALL PARK BACK THER THEIR DUMPSTER IS BACK THER!!!! WUT ARE THEY GONNA DO???? ARE THEY GONNA PAY TO TEARDOWN THEIR BUILDING AND MOVE IT BACK TO THE FENCE SO THEY CAN PARK UP FRONT MOVE THIER DUMPSTER HAVE ROOM FOR DELIVERY TRUCKS AND SO ON???????... I GUESS THE NEW OWNERS OF THE GAS STATION HAVE LOTS OF MONEY AND ARE SURE THEY CAN MAKE THIS HAPPEN!!!! THEY ALREADY HAVE A FOOD MART SIGN UP....AS IF THEY DONT MAKE ENUFF MONEY SELLING GAS THEY WANT COMPETE AND PUT THE SMALL STORE OWNERS OUT IF BIZZ... IF THAT ISNT ENUFF I WOULD ASSUME ALL THE APPARTMENTS BEHIND THE GAS STATION WILL BE LOOKING AT THE BACKSIDE OF A FUCKING WALL ALONG WITH THE ADDED TRAFIC NOISE AND THE WITH THE SCHOOL ACROSS THE STREET WOODARD IS A VERY BUSY STREET BEING TWO LANES????? AND BEING A 24-7 STORE THE HOMELESS CROWD WILL INCREASE AND THE POLICE ACTIVITY IN THIS AREA WONT????? I LIVED HERE SINCE 2006 YOU CANT LEAVE ANYTHING WORTH ANYTHING OUTSIDE THE HOMELESS PEOPLE ARE OUT WEN MOST PEOPLE ARE SLEEPING AND NOW THEY HAVE BOLT CUTTERS A BIKE FROM MY CAR PORT A MONTH AGO TWO MOTORCYLES FROM THE CARPORT ACROSS FROM ME THEY STEAL FOR MONEY A 24 7 STORE WILL BE BAD NEWS FOR THIS AREA... SO CARWASH AND AND FOOD MART. THANK YOU JOHNT.

## Sorice, Elia

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**From:** YFLee <yflee89@yahoo.com>  
**Sent:** Saturday, April 29, 2017 12:44 AM  
**To:** Sorice, Elia  
**Subject:** Proposed Project: File No. CP16-035 (Bascom Andoil Replacement & Car Wash Addition)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To: Mr. Elia Sorice  
Project Manager, San Jose Planning Division

I received a letter about the Proposed Project: File No. CP16-035 (Bascom Andoil Replacement & Car Wash Addition)-3702 South Bascom Avenue. I am troubled by a negative feeling of building a car wash business (24-hour operation) at the busy street intersection and near many residents. It will cause more traffic and noise. I don't think building a car wash business at that location is a good idea!

YF Lee

## Sorice, Elia

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**From:** steve belochi <sbelochi@gmail.com>  
**Sent:** Sunday, April 30, 2017 9:30 AM  
**To:** Sorice, Elia  
**Cc:** kendra@firesidepm.com; INA Belochi  
**Subject:** File No. CP16-035

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Greetings Elia,  
Planning Division  
San Jose, Ca.

Reference: **Project of Bascom Andoil Replacement & car wash addition.**

Over many years the owners of the properties on Star View drive suffered continuous expenses repairing the fence between those properties and the present businesses on the proposed project site. The illegal foot traffic of the neighborhood residents to access these businesses by climbing the fence not only damage over & over the fences of the 5 properties but also affected the safety of the tenants in addition to the noise and trash.

My input, if the planning commission happens to accept the project, is for the new project to erect a solid wall between our Star View properties and the proposed project.

This will isolate the business side from the residential side and to encourage the owners not to use the court system to seek remedy.

A response would be very welcomed.

Respectfully,

**Steve Belochi,**

**Property 3845 Star View Dr., San Jose**

## Sorice, Elia

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**From:** Matthew Cucuzza <matthew.cucuzza@gmail.com>  
**Sent:** Friday, May 05, 2017 7:56 PM  
**To:** Sorice, Elia  
**Subject:** 3702 South Bascom Development Proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Elia,

I received the notice in the mail about the proposed development at 3702 Bascom Ave and wanted to provide some comments. I live near the site across Bascom Ave in the Bascom Square complex.

I personally welcome the development and was quite excited to hear the news. As many in this neighborhood live in multi-unit complexes without dedicated driveways, it would be a big convenience to have a local place to get a quick car wash. There aren't many options, and this is certainly a car-centric area so they get dirty. Also, given the recent focus on saving water and the potential harms of allowing car soaps to flow into the Bay, we need more dedicated car washes that reclaim water.

There does need to be appropriate handling of the potential lines of cars, but there should be plenty of room on that property to accommodate that.

This development will refresh the block and provide a nice convenience for the neighborhood with minimal quality of life reduction.

Regards,

Matt Cucuzza  
3669 S Bascom Ave

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Matthew Cucuzza  
+1 (408) 807-7300

## Sorice, Elia

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**From:** Urwashi Singh <urwashi.singh01@gmail.com>  
**Sent:** Saturday, May 06, 2017 5:29 PM  
**To:** Sorice, Elia  
**Subject:** Unfruitful Outcomes of the Bascom Andoil Replacement Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Sorice,

I wanted to persuade you against the building of the 24 hour convenience store and car wash in South Bascom for multiple reasons. Firstly, there will be an increased amount of criminal activities, as all hours of the night will be open for robbers and thieves. Not to mention the arising of drug and alcohol addicts coming around the Bascom Neighborhood. This will cause unsettlement among the residents of the area, and make it insecure. Furthermore, it is quite needless to place a convenience store right next to another convenience store, that more likely than not sells the same items and supplies as the new one would. Also, there are at least 4 others within this specific area, so adding another one is sort of useless in my opinion. Thank you for taking the time to read my statements on this matter.

Urwashi Singh

## Sorice, Elia

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**From:** Upashna Singh <upashna.k.singh@gmail.com>  
**Sent:** Saturday, May 06, 2017 5:08 PM  
**To:** Sorice, Elia  
**Subject:** Disapproval of the 24/7 convenience store project on S. Bascom ave.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Salutations,

I'd like to approach you with a concern I have. This is regarding the making of the car wash and the 24/7 convenience store project. I believe this idea is ineffective due to various reasons. For instance, right next to the project site is a convenience store that already sells the necessities that any customer would want, which includes beer, wine, liquor, soda, medicine, food etc. Also, in the Bascom area, the crime rate would increase due to the 24 hour operation. Currently, most liquor stores (5+), that are already within walking distance of each other, close around 12 a.m and even so, there are multiple counts of robbery and theft. With the new 24 hour store, it opens up more opportunities of theft and robberies around the neighborhood. (Which scares me.) Furthermore, this project would cause more harm to the neighborhood, as I would imagine more traffic and unsafe citizens at all hours.

Thank you for taking your time to read this email. Hopefully you reconsider into opposing this project as it is unsuitable for our neighborhood.

Sincerely,

Upashna Singh



## Sorice, Elia

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**From:** uma singh <uma.singh00@hotmail.com>  
**Sent:** Saturday, May 06, 2017 4:28 PM  
**To:** Sorice, Elia  
**Subject:** Opposing the Bascom Andoil Replacement and Car Wash Addition Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon Ms. Sorice;

I am writing in regards of the tearing down of the Bascom Andoil gas station, and replacing it with a 24 hour convenience store and car wash. In my opinion, the decision to do so will be inadequate. For example, there is already a liquor store immediately next to this facility-who already sells beer, wine, juice, etc. that would be found in this store, making it redundant to have another one-, as well as 2-3 others within a half-mile radius. Additionally, with the 24-hour opening, there will be an increase in traffic, noise, and disruptions at night in the Bascom Neighborhood, including rowdy drivers and homeless and alcoholic people roaming around at all hours, causing this area to be unsafe and chaotic. Speaking of unsafe, there have already been multiple robbery and theft finding in this area. With another store, these crime rates will rapidly rise. Please here me out, and take my thoughts under consideration when making the final decision to host or oppose this building project.

Uma Nandani

(510)378-9333

## Sorice, Elia

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**From:** Rama Sharma <ramasharma35@sbcglobal.net>  
**Sent:** Sunday, May 07, 2017 7:30 PM  
**To:** Sorice, Elia  
**Subject:** Opposition of the Bascom Andoil Replacement Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Evening Ms. Sorice;

I am composing this email to express my disapproval to the demolition of the Bascom Andoil and the construction of a new 24 hour convenience store and car wash, due to the many casualties it will cause. For example, it will attract more unsafe individual to linger around the area at all hours of the day and night, putting our homes at risk.

Also, there will be an increase of traffic in our neighborhood, making it harder for those who live in the area to get to and from their houses, especially considering the elementary school nearby, which already causes traffic during drop off and pick up times.

Lastly, I wanted to highlight the point that there is a liquor store right next to this gas station, so building a convenience store right besides another would be pointless. I really don't think it is necessary to do so.

I want to thank you for taking the time to read this email on my concerns for this new project, in which I find will not bring much success to our neighborhood.

Thank you,

Rama Sharma

## Sorice, Elia

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**From:** Kristine Jackson <kristinejackson9@gmail.com>  
**Sent:** Sunday, May 07, 2017 6:09 PM  
**To:** Sorice, Elia  
**Subject:** Proposed Convenience Store and Car Wash at 3702 Bascom Avenue

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,

My name is Kristine Jackson, and I live with my family at 3845 Starview Dr. #4. I am sending this email to voice my opinion and express my concern over the proposed 24-hour car wash/convenience store located at 3702 Bascom Ave. My place of residence is located directly behind the suggested site.

The diagram included with the public notice shows that the convenience store/car wash would come all the way up to our fence by our apartment. The level of noise at this location is already excessive and obnoxious, with the businesses behind us being the main culprits. A store open 24 hours means constant bright lights shining in our bedrooms all night, and with people coming and going 24/7, I am worried that the already noisy home I live in will become unbearable.

Two elementary schools, Farnham and St. Francis Cabrini, are located right down the street from the site. During school hours the traffic going up and down Woodard Ave. clogs up and requires crossing guards to get children across the street, making driving up and down nearly impossible. With the addition of a new convenience store/car wash I feel this would bring in more traffic congestion to Woodard Ave. A higher volume of cars driving up and down the street means an increased risk for accidents, and with two schools full of children so close by, why do we need this in our neighborhood?

My final concern addresses the impact of the local small businesses located at the site. The proposal did not mention the continuation of the auto repair center located at Andoil Gas, which has been the neighborhood auto repair center for many years. The food and liquor store next to the gas station has been the local favorite convenience store for twenty-plus years, as well. The proposed 24-hour convenience store/car wash will jeopardize their family businesses. I support small businesses, and am not in favor of this proposal at all. We do not need this in our neighborhood.

Sincerely,

Kristine Jackson, Justin Jackson, and Patricia Ott

## Sorice, Elia

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**From:** Tina Khan <tikhan@prodigy.net>  
**Sent:** Tuesday, May 09, 2017 11:16 AM  
**To:** aandary; Sorice, Elia  
**Subject:** Re: Convenience Store and Car Wash

Hi Antoine,

I am sure you have not looked at the car accidents, there have been many.

Going into that parking lot, running the red light that is right in front of the gas station.

many cars have been hit in front of the gas station and the store.

So adding more traffic to this corner will not help.

I am not sure where you think your proposal will reduce traffic, maybe going through the gas station. You want more traffic, people and cars and remove two exits from the gas station off Woodard? leaving the traffic to exit onto Bascom with more drivers that run that light.

Regards,  
Tina

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**From:** aandary <aandary@sbcglobal.net>  
**To:** Tina Khan <tikhan@prodigy.net>; "Elia.sorice@sanjoseca.gov" <Elia.sorice@sanjoseca.gov>  
**Sent:** Tuesday, May 9, 2017 10:59 AM  
**Subject:** Re: Convenience Store and Car Wash

Hi Tina,

Thank you for your interest in our proposal.

I'd like to take this opportunity to address your concerns.

**Car accidents:** The car accident record does not support any correlation to our establishment.

Accidents are not frequent at this intersection, and the majority of accidents are caused by regular Bascom traffic.

Furthermore this proposal closes our drive entry on Woodard so as to discourage Woodard's use by our site traffic.

The remaining vehicle access to Woodard supports an easement that serves the 2 properties South of our site and cannot be closed.

**Noise:** The proposed conveyor driven automatic car wash does not lend it self to the loud music problem. The activity is brief & the car keeps moving. Automatic carwashes are not known to produce loud music activity.

Furthermore the noise study performed for this proposal shows Bascom Ave as the predominant noise source. The proposed bldg and sound walls will serve as a noise buffer and represent an improvement over current conditions.

**Short cuts:** Short cuts that may take place from time to time under Current conditions are less likely under our proposal.

Our proposal reduces access to woodard by 50%, and site development renders short cutting difficult & not worth it for the would be offenders.

Hope that helps.

Thank you for giving me the opportunity to address your concerns.

Antoine Andary  
3702 S. Basom Ave.

San Jose, CA 95124

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Tina Khan <tikhan@prodigy.net>

Date: 5/8/17 6:17 PM (GMT-08:00)

To: Elia.sorice@sanjoseca.gov, aandary@sbcglobal.net

Subject: Convenience Store and Car Wash

Hi Elia and Antoine,

I am not able to attend this meeting tonight. I don't have a car, I was planning on going.

I would vote no on this issue.

We have too many car accidents on this street as it is. Very busy street, next to a school and apartments.

It is noise now when cars play there radio loud. We have a car wash down the street been there for years. We have stores down the street also for years very convenient.

Cars don't stop today, they run the lights, they drive through the gas station to get the store that is there already.. Has anyone looked into these issues? Across the street is a children hospital.

Not a good location for a Convenience store and a noise car wash.

Regards,  
Neighbor

## Sorice, Elia

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**From:** narinder kaur <narinder.sgill@yahoo.com>  
**Sent:** Monday, May 08, 2017 4:51 PM  
**To:** Sorice, Elia  
**Subject:** File No. CP16-035 (Bascom Andoil Replacement & Car Wash Addition) Objection

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Elia Sorice,

As a member of the community, I object to the proposed project File No. CP16-035 (Bascom Andoil Replacement & Car Wash Addition).

We already have a convenience store located on South Bascom Avenue, Bascom Liquor & Food, but the addition of a 24-hour convenience store with a car wash will increase problems for the individuals in the nearby neighborhoods. It will bring in homelessness and loitering to the area increasing issues such as panhandling, theft, noise and vandalism.

I am very concerned about the various crimes associated with the 24- hour convenience store that will rise and bring in the kind of people we do not want around our families and neighborhoods. The nearby homes would be subjected to car wash noise, sounds of car doors slamming and horns, people with their radios on full blast, and glaring lights at night.

These issues and crimes are not a matter of if they will happen as to how much and how frequently they will occur. I urge the City of San Jose board and members to understand the increase in problems to the neighborhoods and residents nearby if this proposed project goes into effect. I am certain the voice of Bascom residents and neighbors will be heard and the right decision will be made.

Best Regards,  
Narinder Kaur

## Sorice, Elia

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**From:** Karanvir Sandhu <karanvirsandhu888@gmail.com>  
**Sent:** Monday, May 08, 2017 3:28 PM  
**To:** Sorice, Elia  
**Subject:** File No. CP16-035 (Bascom Andoil Replacement & Car Wash Addition)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Elia Sorice,

I object to the proposed project File No. CP16-035 (Bascom Andoil Replacement & Car Wash Addition).

The increased traffic and changed traffic pattern will render Woodard Road and South Bascom Avenue unfriendly or unsafe for local residents, either walking or driving with the addition of a car wash.

The addition of a 24-hour convenient store is unnecessary as there is already a convenient store located on South Bascom Avenue, Bascom Liquor & Food that has all the amenities needed for the nearby residents. The proposed project of yet another convenient store in the same block that is open 24 hours will elicit unsafe activity, crime, loitering, smoking, and spending more time for unwanted and noisy individuals to hang out in a municipal parking lot at night.

This proposed project to me just doesn't measure up. I hope the City of San Jose community members agree and make the right choice.

Best Regards,  
Karanvir Sandhu

## Sorice, Elia

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**From:** Ashleen Sandhu <ashleen.sandhu23@gmail.com>  
**Sent:** Monday, May 08, 2017 3:03 PM  
**To:** Sorice, Elia  
**Subject:** Objection to Proposed Project File No. CP16-035 (Bascom Andoil Replacement & Car Wash Addition)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

I oppose to the proposed project of constructing a 24-hour convenience store and a car wash. There will be additional traffic due to the development of the car wash and exacerbate the existing congestion and making it dangerous for the children and parents near the Farnham Elementary School during peak hours, which is of great concern.

The 24-hour convenience store at the proposed location will not only draw heavy traffic near Woodard Road and South Bascom Avenue it will cause unwanted congregations, violence, and crime therefore threatening the safety of nearby residents and children.

I trust the Board, City of San Jose council and members will consider all the detriments this request will cause to the residents.

Best Regards,

Ashleen Sandhu



## Sorice, Elia

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**From:** Teresa <teresa.lanz@yahoo.com>  
**Sent:** Monday, May 08, 2017 8:48 PM  
**To:** Sorice, Elia  
**Subject:** Re: Proposed Project File No. CP16-035

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Comments from Community Meeting on May 8, 2017, regarding proposed project No. CP16-035.

I appreciate Mr. Andary's efforts to improve his business, and the City's effort to investigate the impact of the proposed development. However, from what I heard of the impact studies, the studies focused on the potential impact on the site itself, and not as much on the surrounding neighborhood. I would like to echo the concerns of the other residents who live immediately adjacent to the site.

-24-hour operation. This is a residential neighborhood with virtually no buffer between the commercial businesses and the residences on Starbright Dr. and Woodard Rd. Any late-night or 24-hour business will have a detrimental effect on the ability of residents to quietly enjoy their own property. There are other 24-hour businesses on Camden Ave that can serve any late-night needs without increasing any noise, traffic, or security concerns of Cambrian Park residents.

-Competition. There are existing businesses in the neighborhood who offer the same goods. There is a convenience store immediately adjacent to the proposed site; a long-standing minority-owned business should not have to suffer financial loss from a competitor next door. There are two liquor stores on the same block; a 24-hour 7-Eleven two blocks up the street, and less than a mile away is a Bev Mo. Camden Ave offers a variety of fast food restaurants and gas stations. Again, these existing businesses already fulfill the community's needs and the City Planning department should consider that more competition is not always better.

-Security. Mr. Andary addressed the security of his employees, but offered no concrete plans to handle the persistent troublemakers who frequent his property. Over the past couple years, residents have noticed an increase in vagrants who suffer from severe mental illness and/or substance abuse problems who loiter on that site. Residents have witnessed drug deals, some in broad daylight. I have personally witnessed several alarming altercations - vagrants verbally abusing residents, damaging resident's property, and physically assaulting each other. Mr. Andary made vague promises of discouraging such behavior in the future, but did not offer any proof of having addressed such incidents since he has owned the property. I suggest that he be required to include exterior security cameras covering the entire property, as well as a dedicated security guard to patrol the property after dark.

-Traffic Safety. Mr. Andary stated that traffic from the gas station would exit onto Bascom Ave. This is laughable. At least half of the traffic entering and exiting his property do so from Woodard Rd. The angle and proximity of the Woodard driveways has been the cause of accidents and countless near-misses. Just this morning, while walking on the Woodard sidewalk, I was nearly hit by a minivan at one of these driveways. If Mr. Andary closed these driveways and forced all his customers to exit onto Bascom, it would greatly reduce the potential for accidents. Or he could close the carwash during hours of peak traffic on Woodard, such as the pick up and drop-off hours for the school. Mr. Andary quoted a study that the Bascom/Woodard intersection "is not failing." Is that really the standard the City of San Jose wants to hold for its communities? "Not failing"? This particular intersection straddles the line between San Jose and Campbell, and neither wants to take ownership of it. The traffic lightpoles there are covered in four different colors, most of them rust, and in my 14 years here, they have never been painted. It took a violent accident that demolished a pole for one to be replaced. Mr. Andary speaks of wanting to improve the site; perhaps equal consideration should be given to improving the neighborhood at the same time.

-Noise. The impact study suggested that there would be no significant increase in noise \*on the site.\* However, given the carwash's immediate proximity to residential units, the residents would certainly notice an increase in noise that would severely impact their quiet enjoyment of their property. Mr. Andary could mitigate this impact by increasing the height and depth of the sound wall between the carwash and the residences. As a gesture of goodwill, he could even subsidize the cost of new double-paned windows for the units facing the gas station. At the very least, he could restrict the hours of operation for the car wash to "working hours", for example from 10am to 7pm.

-Re-zoning. You said the area was rezoned in 2013. Can you confirm that notice of this rezoning was sent to San Jose Greens residents? I am pretty thorough about keeping a copy of all official correspondence, and I have no record of such a notice. I overheard several other neighborhood residents saying that they had not received such a notice either.

Thank you for organizing and overseeing this meeting. It was very informative. I hope the City's decision-making process will incorporate the concerns and suggestions of residents.

Sincerely,  
Teresa Lanz

On Thursday, April 27, 2017 5:17 PM, "Sorice, Elia" <Elia.Sorice@sanjoseca.gov> wrote:

Hello Teresa,

Thank you for your email and your comments regarding project no. CP16-035 at 3702 S. Bascom Avenue. The City understands your concerns about traffic and the potential impacts of the proposed uses on the surrounding neighborhood and has been working to address these and others during the development review process. Since this project is still under review, we welcome you to attend the community meeting that will be held on May 8 at the Camden Community Center. The meeting will include an overview of the City's development review process, a presentation of the project, and an open forum. This will be a good opportunity to participate in the Planning process as well as express your concerns.

To clarify, beer and wine will be sold between 6:00 a.m. and 12:00 a.m. and not 24-hours.

Please let me know if you have any questions.

Kind regards,

Elia Sorice

Elia Sorice | Planner II  
City of San Jose | Planning Division| PBCE  
200 E. Santa Clara Street, San Jose, CA 95113  
elia.sorice@sanjoseca.gov | (408) 535-7829

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**From:** Teresa [mailto:teresa.lanz@yahoo.com]  
**Sent:** Wednesday, April 26, 2017 11:23 AM  
**To:** Sorice, Elia <Elia.Sorice@sanjoseca.gov>  
**Subject:** Proposed Project File No. CP16-035

Dear Elia,

I received notice of a proposed project at 3702 South Bascom Avenue.

I am a resident of the San Jose Greens apartment building directly facing the gas station, and I have lived here for 14 years. I strongly oppose the proposed project.

1) Crowded streets. Woodard Road is a popular street connecting Bascom and Union Ave. Two elementary schools on the same street make for a lot of traffic. Many students use the back lot of the gas station as a shortcut, or their parents use it as a pick-up point. In the past 14 years I have witnessed numerous car accidents at the Bascom and Starbright intersections. Adding a carwash to this location will only increase the congestion and risk of accidents.

2) Liquor permit. There are already two liquor stores on the same block of Bascom, between Woodard and White Oaks. There is also a BevMo and a 24-hour 7-Eleven within one mile of this location. There is no need for additional liquor sales in this area. There is especially no need for 24-hour liquor sales. This is a residential neighborhood, and late-night liquor sales tend to attract a rowdy crowd. There have already been several incidents at this gas station involving belligerent vagrants under the influence. I witnessed one woman trespass on the apartments immediately adjacent to the gas station. When a resident politely asked her to not sit on his car, she berated him at the top of her voice for ten minutes. Another time, I witnessed a frightening altercation between a young man and a young woman at the gas station. She was screaming and crying and begging him not to leave her, and after swearing at her repeatedly, he ended by throwing her to the ground. Both of these women are recognized in the neighborhood; I heard a rumor that the young woman gave birth in the laundromat next to the gas station. Clearly there is already enough craziness at this corner. We don't need it 24 hours a day.

Please let me know if there is anything I can do to discourage this unnecessary development.

Thank you very much,  
Teresa Lanz  
2405 Woodard Rd #202  
San Jose, CA 95124

## Sorice, Elia

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**From:** Hamilton, Peter  
**Sent:** Thursday, May 11, 2017 5:22 PM  
**To:** Christian Hemingway; pachyderm426@juno.com  
**Cc:** bearkats1@juno.com; Rocha, Donald; zbakouros@gmail.com; Sorice, Elia  
**Subject:** RE: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Christian,

Thanks for sharing your detailed comments on the proposed gas station project. Per your request that this email be distributed to the Planning Commission and City Council, I'm copying Elia Sorice in our Planning Department on this email. Elia, can you include the below email in the record for this project?

Thanks!

Peter

### Peter Hamilton

Office of Councilmember Donald Rocha  
City of San José, District 9  
200 East Santa Clara Street, 18<sup>th</sup> Floor  
San Jose, CA 95113  
408.535.4972 (vm) | [peter.hamilton@sanjoseca.gov](mailto:peter.hamilton@sanjoseca.gov)

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**From:** Christian Hemingway [mailto:ChristianHemingway@msn.com]  
**Sent:** Tuesday, May 09, 2017 2:09 AM  
**To:** pachyderm426@juno.com; Hamilton, Peter <peter.hamilton@sanjoseca.gov>  
**Cc:** bearkats1@juno.com; Rocha, Donald <Donald.Rocha@sanjoseca.gov>; zbakouros@gmail.com; Goings, Shirley <shirley.goings@sanjoseca.gov>  
**Subject:** Re: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.

Council Member Rocha,

We are writing you today in opposition to the proposed Car Wash/24 hr. Convenience Store proposal from Andoil.

Reasons we do not support the Proposed Car Wash/24hr Convenience Store at Bascom and Woodard:

- **Currently there are 4 convenience stores between White Oaks and Camden;** 3 sell beer, wine and other spirits. This is not counting the Lucky's and CVS at Camden and Union, and the BevMo at the same intersection on the opposite corner.
- **There are several Car Wash establishments in the area:** Lark Ave Car Wash and the self-car wash on Winchester across from the Dairy Queen, to name a few.

- The 7/11 and Bascom Liquors both sell a wide range of products, from chips, to donuts, to juices/Soda/milk/sports drinks, Paper/pens/other office products, Cat/Dog food, and more. Although they also sell alcohol, these two stores fall under the definition of Convenience Stores.
- **Bascom Liquors is a small Minority owned business.** Putting a big chain convenience store nearby will put this small business out of business, and instead of having the current situation where the Bascom Liquors closes at 1pm, the proposed Andoil Convenience store will be open and sell alcohol 24/7.
- **There is an elementary school 1 block from this corner.** We do not need another establishment selling alcohol, especially 24/7, with kids so close.
- **Increased Traffic.** In the last 2 years or so, we have seen at least **2 major accidents** at the intersection of Woodard and Bascom Avenue, as well as areas close to the intersection, including one where a motorist sped through the intersection, took out the traffic light in the median island, went through Andoil's parking lot and the lot of the strip mall next door, and crashed into the wall of the parking garage, catching fire. Reports say the driver had been drinking.
- **Decreased property values.** The apartments adjacent to this property will be looking at the back of a car wash, and noise impacts from the proposed 24 hour use will be heard by these residents. This impact will make it increasingly difficult to get quality tenants to rent these apartments.

I ask that you forward this email on to the Planning Commission and the Mayor and Council. Please keep me informed as to the date of the Planning Commission meeting on this issue.

Thank you for your time.

Respectfully,

**Christian Hemingway**

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**From:** pachyderm426@juno.com <pachyderm426@juno.com>

**Sent:** Tuesday, May 9, 2017 12:31 AM

**To:** peter.hamilton@sanjoseca.gov

**Cc:** bearkats1@juno.com; Donald.Rocha@sanjoseca.gov; zbakouros@gmail.com; Pachyderm426@juno.com; christianhemingway@msn.com; shirley.goings@sanjoseca.gov

**Subject:** RE: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.

Dear Mr. Hamilton,

I want to start off by thanking your office and City Staff for the great job you're doing on this. I would really appreciate it if you could keep us informed about the Planning Commission Meeting because I'm really angry about this project.

I've lived in the 4-plex right behind this gas station for 19 years, and I've put up with a lot. Their gas delivery truck pulling in late at night, their propane tank hissing and stinking up the place. The property owner letting homeless people living in RVs park on his property, the drug dealing going on in his parking lot, and a bunch of other illegal activity.

Just a few months ago, the guy got robbed! He neglected to mention that in the meeting tonight, but rambled on about all the security measures he plans to take. I call BS! NONE of the other businesses in that strip mall have

ever been robbed since I've been here, and Bascom Liqueurs offers everything we need. They keep the place clean, and run off loiters.

Bascom Liqueurs is a small family, minority owned business that will be run out of business if Trump Towers and this ridiculous car wash is built. And Mr. Neighborhood Friendly's retort that he has a right to be a competitor didn't show me that he cared one bit about anyone but himself.

Living right next to a car wash is NOT my idea of "neighborhood friendly." There's nothing "neighborhood friendly," about this. The facts show that 24 hour businesses like what he wants to build are more likely to be robbed than any other business and with two nearby freeway escape paths, criminals will just love the convenience of that, but I won't!

I work swing shift and sleep during the day. According to the owner of this proposed project, he'll be running that car wash from 7:00am-10:pm. That's just ridiculous! No one wants to rent an apartment with a car wash right outside their bedroom window. Take a ride out here and look at every apartment complex on Starview Drive. Everyone of our bedroom windows face his property. I'm sure my neighbors won't want to hear his car wash running either.

Secondly, the noise from the car wash and the increased traffic will be a nightmare! The traffic is already bad enough as it is. We have parents parking IN our driveway, and blocking the curb to pick their kids up and drop them off at Farnham School. Once this project goes through, if it does, these parents are going to park anywhere and everywhere they can!

And by the way, when this clown tore down his gas pumps and the canopy, construction started at the illegal hour of 5:00am and went on all day! Just exactly what hours is Mr. Neighborhood Friendly going to tear down and rebuild this project, and what is Code Enforcement or SJPD going to do to ensure that he complies with "excessive noise" laws THIS TIME, and just how long will this rebuild take?

And what's with that sketch of the Trump Tower with the pillars and "cute little house" on top? That doesn't reflect our neighborhood, unless I live in DC, I don't want to see a monstrosity like that outside my apartment! It will truly decrease people's property values, and make it tough for my landlord to rent their apartments out.

We live near a school and kids run past our complex, past his gas station and across the street every day. Can you imagine that with Trump Towers and a car wash, and a huge increase in traffic?

And just exactly what is going to happen if his car wash water pipes bust, leak, or interfere with our water supply? Is my poor landlord stuck footing the bill for that? I didn't hear that any type of study is or will be done on this vital issue in tonight's meeting.

In closing, let me request that you submit this email to your Planning Commission, the Mayor, and City Council, because none of your studies accurately depict what I live with and see everyday.

Again, thank you for allowing to speak my mind about this.

Sincerely,  
Carl Schroeder

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

From: "Hamilton, Peter" <peter.hamilton@sanjoseca.gov>

To: "barkats1@juno.com" <barkats1@juno.com>, "Rocha, Donald" <Donald.Rocha@sanjoseca.gov>

Cc: "zbakouros@gmail.com" <zbakouros@gmail.com>, "Pachyderm426@juno.com" <Pachyderm426@juno.com>, "christianhemingway@msn.com" <christianhemingway@msn.com>, "Goings, Shirley" <shirley.goings@sanjoseca.gov>  
Subject: RE: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.  
Date: Mon, 8 May 2017 22:32:51 +0000

Hello Kathleen,

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The next step after the community meeting is for the project to go before the Planning Commission. When I spoke with planning staff last week, they indicated that it might be possible for the project to get to Planning Commission in June, but it's more likely that it would be agenda'd after the July recess. I'll be happy to update you if they have a firmer timeline at the community meeting this evening.

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Thanks!

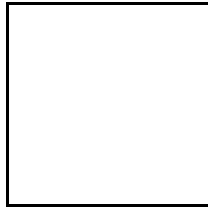
Peter

### **Peter Hamilton**

Office of Councilmember Donald Rocha  
City of San Jose, District 9  
200 East Santa Clara Street, 18<sup>th</sup> Floor  
San Jose, CA 95113  
408.535.4972 (vm) | [peter.hamilton@sanjoseca.gov](mailto:peter.hamilton@sanjoseca.gov)

**From:** bearkats1@juno.com [mailto:bearkats1@juno.com]  
**Sent:** Monday, May 08, 2017 3:00 PM  
**To:** Rocha, Donald <Donald.Rocha@sanjoseca.gov>

Cc: zbakouros@gmail.com; Pachyderm426@juno.com; christianhemingway@msn.com; Goings, Shirley <shirley.goings@sanjoseca.gov>; Hamilton, Peter <peter.hamilton@sanjoseca.gov>  
Subject: Re: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.



Thank you Fearless Leader!

Kathleen

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To: "[bearkats1@juno.com](mailto:bearkats1@juno.com)" <[bearkats1@juno.com](mailto:bearkats1@juno.com)>  
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Subject: Re: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.  
Date: Mon, 8 May 2017 00:48:12 +0000

Thank you for the note and for your comments. Peter in my office will get back to you as to the project and next steps. Have a good week and I'll see you soon.

Sent from my iPhone

On May 7, 2017, at 4:39 PM, "[bearkats1@juno.com](mailto:bearkats1@juno.com)" <[bearkats1@juno.com](mailto:bearkats1@juno.com)> wrote:

Dear Council Member Rocha,

**Please note: My landlord, my roommate, and my fiancÃfÂ© are copied on this email, as we all oppose the proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.**



Our 4-Plex is directly behind the Andoil Gas Station. We live at 3725 Starview Drive. The noise and traffic from this business and Farnham School already causes a lot of problems for us. If this project is approved, people will use the curb in front of this complex and our driveway to park and walk over to the Convenience store, and parents dropping off and picking up their children from Farnham School will park on this property and in front of the complex even more than they do now, because the parking spots behind the gas station will be full of their customers.

More importantly, since ALL rental units located on Starview Drive have their bedroom windows facing this gas station, the noise of the car wash will cause a serious problem for my roommate, who works nights and sleeps during the day, and since this business will be open 24 hours a day, it will also disturb all residents directly behind the proposed site.

**If this project is approved, we believe it will decrease our landlord's, and other property owners chances of renting out apartments given the noise, the traffic, and will most certainly decrease their property value.**

Further, this proposed project will attract more homeless people, and alcoholics. (There is a Landry Mat in the small strip mall next to our house, which already attracts homeless persons, and alcoholics who drink in there.)

Just down the street on S. Bascom Ave. and Camden, there is a new huge Convenience Store/Gas Station that has a large homeless population living under the bill board sign and beside the store. They also sit outside asking for money. There are also a lot of drug users and alcoholics begging for money, or drinking outside this business.

To that end, please be advised that:

- Currently there are 4 convenience stores between White Oaks and Camden; 3 sell beer, wine and other spirits. This is not counting the Lucky's and CVS at Camden and Union, and the BevMo at the same intersection on the opposite corner.
- The 7/11 and Bascom Liquors both sell a wide range of products, from chips, to donuts, to juices/Soda/milk/sports drinks, Paper/pens/other office products, Cat/Dog food, and more. Although they also sell alcohol, these two stores fall under the definition of Convenience Stores.
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- **There is an elementary school 1 block from this corner. We do not need another establishment selling alcohol, especially 24/7, with kids so close.**

- And finally, we are concerned about the increase in crime that this store will cause. As you know our SJPd is understaffed, and overworked. If something were to happen, it would put a further strain on our already overtaxed Police Department.

In closing, we would like to ask that you join us in opposing this proposed project for all the reasons we've given above.

Thank you for your kind consideration of our request.

With kindest regards,

Kathleen Flynn

Angela Bakouros (Our Landlord)

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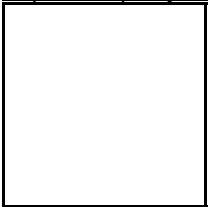
"An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." by the beloved Reverend Dr. Martin Luther King, Jr.

---

### **3 Life-Shortening Foods You Should Avoid**

3 Harmful Foods

<http://thirdpartyoffers.juno.com/TGL3132/5911709c7ccfb709c3285st02vuc>



## Sorice, Elia

---

**From:** Hamilton, Peter  
**Sent:** Thursday, May 11, 2017 5:19 PM  
**To:** pachyderm426@juno.com  
**Cc:** bearkats1@juno.com; Rocha, Donald; zbakouros@gmail.com; christianhemingway@msn.com; Sorice, Elia  
**Subject:** RE: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Mr. Schroeder,

Thanks for getting in touch to share your concerns about the project. It was really helpful to get an opportunity to hear from the neighborhood at the meeting on Monday. If you have any additional questions or feedback for our office on this project, please feel free to contact me any time at this email address or by phone at 535-4972.

Also, I'm copying Elia Sorice, the planner responsible for processing this project, on this email. Elia, Mr. Schroeder requests in his below email that this email be submitted to the Planning Commission and City Council. I think the best way to accomplish that would be to ensure that the email is included in the record for the project. Would it be possible for you to include it in the record?

Thanks!

Peter

### Peter Hamilton

Office of Councilmember Donald Rocha  
City of San José, District 9  
200 East Santa Clara Street, 18<sup>th</sup> Floor  
San Jose, CA 95113  
408.535.4972 (vm) | [peter.hamilton@sanjoseca.gov](mailto:peter.hamilton@sanjoseca.gov)

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**Peter Hamilton**

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**Subject:** Re: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.

Thank you Fearless Leader! 😊

Kathleen

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To: "[bearkats1@juno.com](mailto:bearkats1@juno.com)" <[bearkats1@juno.com](mailto:bearkats1@juno.com)>  
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## Sorice, Elia

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**Sent:** Friday, May 12, 2017 5:10 PM  
**To:** bearkats1@juno.com; Sorice, Elia  
**Cc:** Rocha, Donald; zbakouros@gmail.com; Pachyderm426@juno.com; christianhemingway@msn.com; Goings, Shirley  
**Subject:** RE: The proposed Car Wash/24hr Convenience Store located at 3702 S. Ba scom Ave. in San Jose.

Elia, can you also include the below string in the record?

Kathleen, in answer to your bolded question, it is possible for residents to display pictures during public comment. During planning commission meetings there's an audio/visual staff who sits next to the bottom of the steps in the Council Chambers. If you bring a memory stick loaded with a power point presentation and give them the presentation before the meeting begins, they're usually able to load up the presentation during your public comment time. I'll probably be in attendance for this planning commission meeting so if you need any help I can probably assist, but most of the time it's pretty straight forward.

### Peter Hamilton

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Dear Mr. Hamilton,

Thank you for getting back to me. I attended and spoke at the community meeting your office held Monday evening. You all did an outstanding job! Thank you all for your hard work on this. It is deeply appreciated.

Having said that, I too would appreciate it if you would include this email, and my original email to Council Member Rocha expressing my opposition to this project to the Planning Commission, the Mayor, and the Council, along with Christian Hemingway's, and Carl Schroeder's emails to be entered into the record. (My original email is below on this email thread.)

After attending said meeting, and seeing the plans, hours of operation, the sheer size of this project, how close the car wash will be to our 4-Plex, I am even more concerned than I was before.

Further, after researching crime statistics on 24 hour convenience stores being robbed at a higher rate, and looking at how much traffic this new project will bring to our streets and neighborhood, as well as, the impact this will have on the children walking to and from Farnham School, I am even more opposed to this project.

In closing, just let me just say this, while I understand that studies that the City conducts on projects like these tries to accurately predict the impact to our community, they do not take into account what we actually see, and live with everyday.

Nor do they take into account the decrease in property values for both property, and businesses owners. As well as, making it more difficult for landlords to rent out their units next to a loud car wash, and a 24 hour convenience store that sells alcohol until the early hours of the morning.

**On another note: If we take some pictures, and scan them to our computer, can you help us get them shown at the Planning Commission on the big screen? If not, to whom do we go to for assistance with this?**

Again, thank you for all your help on this, and have a wonderful weekend.

With kindest regards,

Kathleen Flynn

"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: "Hamilton, Peter" <[peter.hamilton@sanjoseca.gov](mailto:peter.hamilton@sanjoseca.gov)>

To: "[barkats1@juno.com](mailto:barkats1@juno.com)" <[barkats1@juno.com](mailto:barkats1@juno.com)>, "Rocha, Donald" <[Donald.Rocha@sanjoseca.gov](mailto:Donald.Rocha@sanjoseca.gov)>

Cc: "[zbakouros@gmail.com](mailto:zbakouros@gmail.com)" <[zbakouros@gmail.com](mailto:zbakouros@gmail.com)>, "[Pachyderm426@juno.com](mailto:Pachyderm426@juno.com)"

<[Pachyderm426@juno.com](mailto:Pachyderm426@juno.com)>, "[christianhemingway@msn.com](mailto:christianhemingway@msn.com)" <[christianhemingway@msn.com](mailto:christianhemingway@msn.com)>, "Goings, Shirley" <[shirley.goings@sanjoseca.gov](mailto:shirley.goings@sanjoseca.gov)>

Subject: RE: The proposed Car Wash/24hr Convenience Store located at 3702 S. Ba scom Ave. in San Jose.

Date: Mon, 8 May 2017 22:32:51 +0000

Hello Kathleen,

Thanks for getting in touch on this. As you may know, there will be a community meeting on this project this evening at 6:30 at the Camden Community Center. The applicant, planning staff, and our office will all be in attendance.

The next step after the community meeting is for the project to go before the Planning Commission. When I spoke with planning staff last week, they indicated that it might be possible for the project to get to Planning Commission in June, but itâ€™s more likely that it would be agendized after the July recess. Iâ€™ll be happy to update you if they have a firmer timeline at the community meeting this evening.

Planning Commission would be the last stop for this project unless itâ€™s appealed. If itâ€™s appealed it would go before the City Council.

I hope this info is useful. If you have any other questions I would be happy to track them down for you. I'll also be at the community meeting this evening if you are planning to attend and would like to chat further.

Thanks!

Peter

### Peter Hamilton

Office of Councilmember Donald Rocha  
City of San José, District 9  
200 East Santa Clara Street, 18<sup>th</sup> Floor  
San Jose, CA 95113  
408.535.4972 (vm) | [peter.hamilton@sanjoseca.gov](mailto:peter.hamilton@sanjoseca.gov)

**From:** [bearkats1@juno.com](mailto:bearkats1@juno.com) [<mailto:bearkats1@juno.com>]  
**Sent:** Monday, May 08, 2017 3:00 PM  
**To:** Rocha, Donald <[Donald.Rocha@sanjoseca.gov](mailto:Donald.Rocha@sanjoseca.gov)>  
**Cc:** [zbakouros@gmail.com](mailto:zbakouros@gmail.com); [Pachyderm426@juno.com](mailto:Pachyderm426@juno.com); [christianhemingway@msn.com](mailto:christianhemingway@msn.com); Goings, Shirley <[shirley.goings@sanjoseca.gov](mailto:shirley.goings@sanjoseca.gov)>; Hamilton, Peter <[peter.hamilton@sanjoseca.gov](mailto:peter.hamilton@sanjoseca.gov)>  
**Subject:** Re: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.

Thank you Fearless Leader! 😊

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: "Rocha, Donald" <[Donald.Rocha@sanjoseca.gov](mailto:Donald.Rocha@sanjoseca.gov)>  
To: "[bearkats1@juno.com](mailto:bearkats1@juno.com)" <[bearkats1@juno.com](mailto:bearkats1@juno.com)>  
Cc: "[zbakouros@gmail.com](mailto:zbakouros@gmail.com)" <[zbakouros@gmail.com](mailto:zbakouros@gmail.com)>, "[Pachyderm426@juno.com](mailto:Pachyderm426@juno.com)" <[Pachyderm426@juno.com](mailto:Pachyderm426@juno.com)>, "[christianhemingway@msn.com](mailto:christianhemingway@msn.com)" <[christianhemingway@msn.com](mailto:christianhemingway@msn.com)>, "Goings, Shirley" <[shirley.goings@sanjoseca.gov](mailto:shirley.goings@sanjoseca.gov)>, "Hamilton, Peter" <[peter.hamilton@sanjoseca.gov](mailto:peter.hamilton@sanjoseca.gov)>

Subject: Re: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.  
Date: Mon, 8 May 2017 00:48:12 +0000

Thank you for the note and for your comments. Peter in my office will get back to you as to the project and next steps. Have a good week and I'll see you soon.

Sent from my iPhone

On May 7, 2017, at 4:39 PM, "[bearkats1@juno.com](mailto:bearkats1@juno.com)" <[bearkats1@juno.com](mailto:bearkats1@juno.com)> wrote:

Dear Council Member Rocha,

**Please note: My landlord, my roommate, and my fiancÃ© are copied on this email, as we all oppose the proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.**

Our 4-Plex is directly behind the Andoil Gas Station. We live at 3725 Starview Drive. The noise and traffic from this business and Farnham School already causes a lot of problems for us. If this project is approved, people will use the curb in front of this complex and our driveway to park and walk over to the Convenience store, and parents dropping off and picking up their children from Farnham School will park on this property and in front of the complex even more than they do now, because the parking spots behind the gas station will be full of their customers.

More importantly, since ALL rental units located on Starview Drive have their bedroom windows facing this gas station, the noise of the car wash will cause a serious problem for my roommate, who works nights and sleeps during the day, and since this business will be open 24 hours a day, it will also disturb all residents directly behind the proposed site.

**If this project is approved, we believe it will decrease our landlord's, and other property owners chances of renting out apartments given the noise, the traffic, and will most certainly decrease their property value.**

Further, this proposed project will attract more homeless people, and alcoholics. (There is a Landry Mat in the small strip mall next to our house, which already attracts homeless persons, and alcoholics who drink in there.)

Just down the street on S. Bascom Ave. and Camden, there is a new huge Convenience Store/Gas Station that has a large homeless population living under the bill board sign and beside

the store. They also sit outside asking for money. There are also a lot of drug users and alcoholics begging for money, or drinking outside this business.

To that end, please be advised that:

- Currently there are 4 convenience stores between White Oaks and Camden; 3 sell beer, wine and other spirits. This is not counting the Lucky 7's and CVS at Camden and Union, and the BevMo at the same intersection on the opposite corner.
- The 7/11 and Bascom Liquors both sell a wide range of products, from chips, to donuts, to juices/Soda/milk/sports drinks, Paper/pens/other office products, Cat/Dog food, and more. Although they also sell alcohol, these two stores fall under the definition of Convenience Stores.
- Bascom Liquors is a small family owned business that is very diligent about making sure there are no loiters in front of their store. Putting a big chain convenience store right next door will put this small business out of business, and instead of having the current situation where the Bascom Liquors closes at 1pm, the proposed Andoil Convenience store will be open and sell alcohol 24/7.
- **There is an elementary school 1 block from this corner. We do not need another establishment selling alcohol, especially 24/7, with kids so close.**
- And finally, we are concerned about the increase in crime that this store will cause. As you know our SJPD is understaffed, and overworked. If something were to happen, it would put a further strain on our already overtaxed Police Department.

In closing, we would like to ask that you join us in opposing this proposed project for all the reasons we've given above.

Thank you for your kind consideration of our request.

With kindest regards,

Kathleen Flynn

Angela Bakouros (Our Landlord)

Carl Schroeder

Christian Hemingway

"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.

## Sorice, Elia

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**From:** Guilherme Chapiewski <guilherme.chapiewski@gmail.com>  
**Sent:** Wednesday, May 31, 2017 7:00 AM  
**To:** Sorice, Elia  
**Cc:** aandary@sbcglobal.net  
**Subject:** Re: Input for Project CP16-035

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for sending, Elia.

I'm in favor of revitalizing that complex. My only observation would be that you guys use equipment that does not cause noise disturbance, especially early in the morning on weekends.

Thank you,  
-gc

On Thu, May 11, 2017 at 9:04 AM Sorice, Elia <[Elia.Sorice@sanjoseca.gov](mailto:Elia.Sorice@sanjoseca.gov)> wrote:

Hello Guilherme,

Thank you for your email and interest in project CP16-035 at 3702 S. Bascom Avenue.

This proposal is for a Conditional Use Permit to allow the demolition of the existing minimart and service station building at the Andoil gas station for the construction of a new convenience store with a private office above, fully automated car wash, the off-sale of beer and wine, and 24 hour operation. Attached are a few pages from the plan set that will illustrate the proposed changes on the site. For your reference, the various components of the project will have the following operating hours:

- 24 hours: gas station/convenience store
- 6 am to 12 am: sale of beer and wine
- 7 am to 10 pm: car wash

The project is still in the development review process and the decision to approve or deny the project will take place at a public hearing by Planning Commission. Similar to the community meeting, neighbors will be notified when the public hearing date has been set.

Any comments or input you have can be directed to me and will be added to the public record for the project.

Thank you,

Elia Sorice

Elia Sorice | Planner II

City of San Jose | Planning Division | PBCE

200 E. Santa Clara Street, San Jose, CA 95113

[elia.sorice@sanjoseca.gov](mailto:elia.sorice@sanjoseca.gov) | (408) 535-7829

**From:** Guilherme Chapiewski [mailto:[guilherme.chapiewski@gmail.com](mailto:guilherme.chapiewski@gmail.com)]

**Sent:** Thursday, May 11, 2017 7:29 AM

**To:** [aandary@sbcglobal.net](mailto:aandary@sbcglobal.net); Sorice, Elia <[Elia.Sorice@sanjoseca.gov](mailto:Elia.Sorice@sanjoseca.gov)>

**Subject:** Input for Project CP16-035

Hi Elia and Antoine,

I'm Guilherme Chapiewski (GC) from Woodard Ct 95124 and unfortunately was not able to attend the community meeting to hear about and provide input for Project CP16-035 (3702 South Bascom Ave). Would you be able to kindly send some information that I can review and provide some thoughts?

Thank you,

-gc

The following  
items were  
received after  
packets were  
distributed.



## Sorice, Elia

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**From:** alexandria canales <alexandriacanales\_24@hotmail.com>  
**Sent:** Monday, August 07, 2017 7:17 PM  
**To:** Sorice, Elia  
**Subject:** CP16-035

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Rina Shah,

To whom ever it may concern, I am writing this email on behalf of my apartment complex that resides directly behind the gas station on Woodard and S Bascom that has plans to turn into a car wash/mini mart. I'm not able to make the meeting on the 9th and was highly encouraged to email you. The following are my reasons why this project should not be followed through with and how inconvenient it will make it for neighbors;

1. The construction is NOT neighbor friendly whatsoever. We do not want to be woken up, nor bothered by loud construction. Which I for one, will not tolerate. This is a tight community with lots of children and people who would rather not put up with that sort of thing.
2. The amount of traffic that this would bring would not only be dangerous on this corner but it would be extremely inconvenient for the people that live here, we don't want to deal with random people in our area and tons of car wash traffic. Especially during school hours. Plenty of children walk to and from the elementary school near by and god forbid a child get hit by someone coming in or out of your car wash. Put it on a corner of a business street, not a street that has apartments and homes surrounding the area. No one wants this.
3. This would put a family owned business at risk and that's not fair. We have two convenient stores very close near by, why do we need a third one?
4. The loud noises from the car wash, simple.. we do not want this. I don't want this to ruin the simplicity of spending the day at home by being interrupted by a loud car wash. There's a car wash right up the street on Lark. On a busy corner where car washes belong. Not by where people live.
5. My apartment is directly RIGHT BEHIND where this car wash would be going, I would be directly effected by this.

I hope that you can take into consideration not only your pros of proceeding with this project but the CONS and how negatively it will effect an entire neighborhood right behind you.

If you have any further questions, please let me know. You can contact me through email or on my call at 4089151384.

Thank you,  
Alexandria Canales

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## Sorice, Elia

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**From:** Son Nguyen <trungson@gmail.com>  
**Sent:** Monday, August 07, 2017 3:52 PM  
**To:** Sorice, Elia  
**Subject:** Re: CP16-035 3702 S. Bascom Avenue Planning Commission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for the update. I am glad to hear about the positive changes. I have a question:

Is seven feet the max possible height for the sound wall? Can it be raise higher?

As residents of a building in the back, we are quite concerned about the increase in traffic going through the back area and also the noise from the car wash machine every time there is a car going through it.

Sincerely,  
Son

On Aug 4, 2017 11:41 PM, "Sorice, Elia" <[Elia.Sorice@sanjoseca.gov](mailto:Elia.Sorice@sanjoseca.gov)> wrote:

Hello Neighbors,

I am writing to inform you that project file no. CP16-035 for a new convenience store and car wash at 3702 S. Bascom Avenue will be heard at the Planning Commission on Wednesday, August 9. The public hearing will begin at 6:30 p.m. in the City Council Chambers at City Hall, 200 East Santa Clara Street, San Jose CA, 95113. A public hearing notice was mailed the week of July 24.

Based on Planning's review of the project and input heard at the community meeting in May, the following changes have been made:

- The project scope has been amended to eliminate the off-sale of alcohol.
- The applicant is no longer requesting 24-hour operation for the convenience store/gas station. This has been reduced to a one-hour extension from 5:00 a.m. to 6:00 a.m.
- The proposed hours of operation for the carwash will be from 7:00 a.m. to 9:00 p.m., not 7:00 a.m. to 10:00 p.m. as permitted by the City's policies.
- A seven foot masonry sound wall will be installed along the eastern property boundary (rear of building) to adequately buffer the gas station operations from the adjacent residential neighborhood.

As discussed at the community meeting, public outreach and participation is an important component of the City's development review process, and we appreciate your interest in this project. Should you have any questions, please do not hesitate to contact me.

Thank you,

Elia Sorice

Elia Sorice | Planner II

City of San Jose | Planning Division| PBCE

200 E. Santa Clara Street, San Jose, CA 95113

[elia.sorice@sanjoseca.gov](mailto:elia.sorice@sanjoseca.gov) | (408) 535-7829

## Sorice, Elia

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**From:** Christian Hemingway <ChristianHemingway@msn.com>  
**Sent:** Tuesday, August 08, 2017 12:53 AM  
**To:** Sorice, Elia; Hamilton, Peter  
**Cc:** bearkats1@juno.com; Rocha, Donald; zbakouros@gmail.com; pachyderm426@juno.com  
**Subject:** Re: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Sorice and Mr. Hamilton,

Thank you for keeping us up to date on the status of the project. I had the opportunity to read the Staff Report. I was disheartened to find City Staff was supporting the project given the community's objection to it in the meeting in May of this year, and have some follow up questions I would like to ask:

- 1) You mention in the staff report that the water used by the new Gas station and Car Wash (Andoil) will use the existing water and sewer lines, the same ones used by the residential neighborhood. What is the capacity of these existing structures? How much demand for service do the existing neighborhood and the existing gas station use? Finally, how much will this demand increase with an 8 pump gas station (an increase of 4 pumps), a 2,834 square foot convenience store, and a Car Wash operating from 7am - 9pm put on these structures? Who will be responsible for repairs should these new uses cause damage to the sewer and water lines, or residential units attached to them?
- The chemicals used by Car Washes have an odor that residences next to it will be able to smell. What chemicals will be used at this site? How will Andoil mitigate the odor from these chemicals?
- 2) Noise impacts from the site - City Staff proposes that the Car Wash be allowed to operate from 7am - 9pm. Given that all of the 4-plexes on Starview drive face Andoil, as do their bedroom windows, the noise to the second floor of these apartment complexes will not be blocked by the proposed soundwall or other proposed mitigations. How does City Staff propose to mitigate this impact?
  - A follow up to question #2: You mention that the noise impacts discovered by the City's noise consultant indicated the impacts would be greater than those allowed under City policy, but that City Staff feels these impacts would be minimized by the soundwall and other mitigations. **7am car wash noises from this site (that will exceed the City's noise impact standards) will come way too early for those residents who work nights.**
- Does City Staff have any information on how this project will impact property values, especially for those right in back of Andoil?
- This project will be a reduction in existing services to the neighborhood. The current gas station has a garage and automobile mechanic onsite, that services many of the cars in this neighborhood. Getting rid of the garage will reduce the services provided to this area.
- Adding a convenience store will not increase services to this neighborhood, as Bascom Liquors and Food has served this neighborhood for at least 20 years that I can remember, and probably more, and is right next door to the Andoil. Also, within a short distance from Andoil is a 7-11, Lucky's, CVS, the Dollar Store, and another gas station mini-mart. Bascom Liquors and Food sell everything from food to school/office supplies to Tylenol, and they know many of the residents in this neighborhood on a first name basis.

- **Bascom Liquors and Food is a small Minority Owned Business.** Allowing a big chain gas station/convenience store to locate right next door to this minority owned business will put Bascom Liquors and Food out of business.
- The staff report did not fully represent the concerns expressed by residents at the community meeting. Community members who attended the meeting were overwhelmingly opposed to the project, and expressed not only the concerns documented in the staff report, but also asked about impacts to our water system, especially what would happen if there was damage to this system, who would pay for it, and what would happen if waste water from this site infected the water going to the surrounding community?

Again, thank you for your time. I appreciate all you are doing to provide answers to our community on this project.

I look forward to hearing from you.

Respectfully,

Christian Hemingway  
(408) 497-6352

## Christian Hemingway

---

**From:** Sorice, Elia <Elia.Sorice@sanjoseca.gov>  
**Sent:** Friday, May 12, 2017 4:24 PM  
**To:** Hamilton, Peter; Christian Hemingway  
**Cc:** bearkats1@juno.com; Rocha, Donald; zbakouros@gmail.com; pachyderm426@juno.com  
**Subject:** RE: The proposed Car Wash/24hr Convenience Store located at 3702 S. Bascom Ave. in San Jose.

Hello Peter,

Thank you for your email. I will add Christian's email to the public comments for the project.

Christian, if you have any questions or concerns about the project or the planning process, please feel free to contact me via email or at 408-535-7829.

Kind regards,

Elia Sorice

Elia Sorice | Planner II  
City of San Jose | Planning Division | PBCE  
200 E. Santa Clara Street, San Jose, CA 95113  
elia.sorice@sanjoseca.gov | (408) 535-7829

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**From:** Hamilton, Peter  
**Sent:** Thursday, May 11, 2017 5:22 PM  
**To:** Christian Hemingway <ChristianHemingway@msn.com>; pachyderm426@juno.com

## Sorice, Elia

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**From:** kathy6030@aol.com  
**Sent:** Wednesday, August 09, 2017 2:02 PM  
**To:** Sorice, Elia  
**Subject:** File No CP16-035

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I just left you a phone message about this matter but then realized I hadn't given you the file number. I attended the last meeting but am not able to make the one this evening. I did turn in a comments sheet at the last meeting.

I am still very opposed to the carwash and to the convenience/liquor store being open 24 hours. This venue is surrounded on 3 sides by housing. The noise factor is unacceptable. Nor is there a need for another convenience store or liquor store - there are already 2 others in the same block. Furthermore, the convenience store being open 24 hours is also an unacceptable noise factor - car doors, voices, etc.

I am also very concerned about the added traffic for the carwash. I know there are few "recorded" accidents, but I and my neighbors have seen many near accidents, both for cars and pedestrians.

The newest letter from you has a comment about "early morning use (one hour extension between 5:00 am and 6:00 am)" that has me confused. Is this for the convenience store instead of being open 24 hours? Is it (heaven forbid) for the car wash? Is it for construction (again, unacceptable)?

I feel that the community is not being listened to. I hope to hear back from you soon. You can reach me best through my cell phone, 408-409-0726.

Thank you

Kathy Merlino  
3757 Starview Dr #1  
San Jose CA 95124

## Sorice, Elia

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**From:** Lance Roepe <lance3548@gmail.com>  
**Sent:** Tuesday, August 08, 2017 10:47 PM  
**To:** Sorice, Elia  
**Subject:** Bascom and Woodard development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Elia: I live at The San Jose Greens on Woodard across from the Andoil gas station. I have driven on that property. It currently is an eyesore with broken, potholed pavement, which the current owner ought to be made to pay to clean up. For a 24 hour car wash and large convenience store on that property is unnecessary and will be disruptive to nearby residents who value their currently quiet, uncongested neighborhood. Perry Singh and his brother have operated a respectable convenience store selling beer, wine and liquor. They have been in business many years and are valued in this community. To put them out of business for an oversized complex operating 24 hours a day is not appropriate and will be harmful to the community with a constant noise problem to residents living in the apartments that abut the rear of this property. It will increase crime rates, and traffic congestion near Farnham School directly across Woodard Road. We urge you and the Joint Planning Division to rethink the proposal and turn it down, Thank you. Lance Roepe, The San Jose Greens

## Sorice, Elia

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**From:** Teresa <teresa.lanz@yahoo.com>  
**Sent:** Tuesday, August 08, 2017 8:18 PM  
**To:** Sorice, Elia  
**Subject:** Re: CP16-035 3702 S. Bascom Avenue Planning Commission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Elia,

I will not be able to attend the meeting because of my work schedule, so please allow me to submit my opinion.

I am thrilled that project has been reduced to eliminate the off-sale of alcohol, and that the store will not be open 24 hours. This will make a huge difference to the nearby residents. The masonry wall also sounds like an excellent peace offering.

If I understand correctly, the applicant wishes to extend his business to open at 5am instead of 6am? I would like to protest this extension. 5am is too early for sleeping residents... and too late for residents to fall back asleep if they are awoken by business customers. 6am is the earliest reasonable compromise between residency and commerce.

I would also like to protest the carwash being open as late as 9pm. I understand this time frame is well within the city guidelines, but this neighborhood is residential and has two schools on the same street. Cars leaving the carwash at night present a hazard to pedestrians of all ages, and the noise may make it difficult for schoolchildren with early bedtimes.

My major concern with both the carwash and the gas station, which has not been addressed by the applicant, is the driveway situation. Currently the gas station has two driveways onto Bascom and two driveways onto Woodard. The Woodard driveways have always been a serious hazard to pedestrians, myself included. Customers leaving the gas station via Woodard make a short, ill-advised left turn onto Woodard immediately next to the stoplight. This means they often block traffic, or block drivers' views of other cars turning in or out of the gas station. Some drivers also chose to drive across both lanes of Woodard Road in order to avoid the wait at the intersection and head north on Bascom. Again, a serious hazard to pedestrians and other drivers. I recommend that one or both of the driveways on Woodard be blocked entirely, or be constructed in such a way that drivers has no choice but to turn right, and right only, onto Woodard.

While the city is examining this intersection, I would like to call the city's attention to the ill repair of the traffic light poles at the Bascom / Woodard intersection. They have been neglected and deteriorating for the past 15 years, and probably longer. The poles show at least four different distinct colors of paint and rust. Some good-hearted soul made the effort to paint the poles a bright green for about five feet up from the ground, but it only highlights how miserable they look. No other intersection in the area looks this disreputable. If the applicant is sincerely concerned about the appearance and attractiveness of the property, perhaps he would be willing to make a contribution towards the city's cost of replacing, or at least repainting, the poles?

Please keep me informed of the progress of this project. Thank you very much for your conscientiousness.

Sincerely,  
Teresa Lanz  
2405 Woodard Rd #202  
San Jose, CA 95124

On Friday, August 4, 2017 2:41 PM, "Sorice, Elia" <Elia.Sorice@sanjoseca.gov> wrote:

Hello Neighbors,



I am writing to inform you that project file no. CP16-035 for a new convenience store and car wash at 3702 S. Bascom Avenue will be heard at the Planning Commission on Wednesday, August 9. The public hearing will begin at 6:30 p.m. in the City Council Chambers at City Hall, 200 East Santa Clara Street, San Jose CA, 95113. A public hearing notice was mailed the week of July 24.

Based on Planning's review of the project and input heard at the community meeting in May, the following changes have been made:

- The project scope has been amended to eliminate the off-sale of alcohol.
- The applicant is no longer requesting 24-hour operation for the convenience store/gas station. This has been reduced to a one-hour extension from 5:00 a.m. to 6:00 a.m.
- The proposed hours of operation for the carwash will be from 7:00 a.m. to 9:00 p.m., not 7:00 a.m. to 10:00 p.m. as permitted by the City's policies.
- A seven foot masonry sound wall will be installed along the eastern property boundary (rear of building) to adequately buffer the gas station operations from the adjacent residential neighborhood.

As discussed at the community meeting, public outreach and participation is an important component of the City's development review process, and we appreciate your interest in this project. Should you have any questions, please do not hesitate to contact me.

Thank you,

Elia Sorice

Elia Sorice | Planner II  
City of San Jose | Planning Division| PBCE  
200 E. Santa Clara Street, San Jose, CA 95113  
elia.sorice@sanjoseca.gov | (408) 535-7829