



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember
Donald Rocha

SUBJECT: BASCOM CAR WASH

DATE: December 12, 2017

Approved

Don Rocha

Date

12-12-17

PH

RECOMMENDATION

Approve the Conditional Use Permit and Site Development Permit as proposed, with the following amendments:

1. Decline to approve a car wash on the site
2. Require that the 7-foot wall along the rear property line be reduced to a height of no more than 3 feet for the first 6 feet back from the Woodard frontage, to ensure adequate visibility of pedestrians walking along the south side of Woodard Rd.
3. Direct staff to ensure that the existing access easement along the rear of the site maintains an acceptable width.

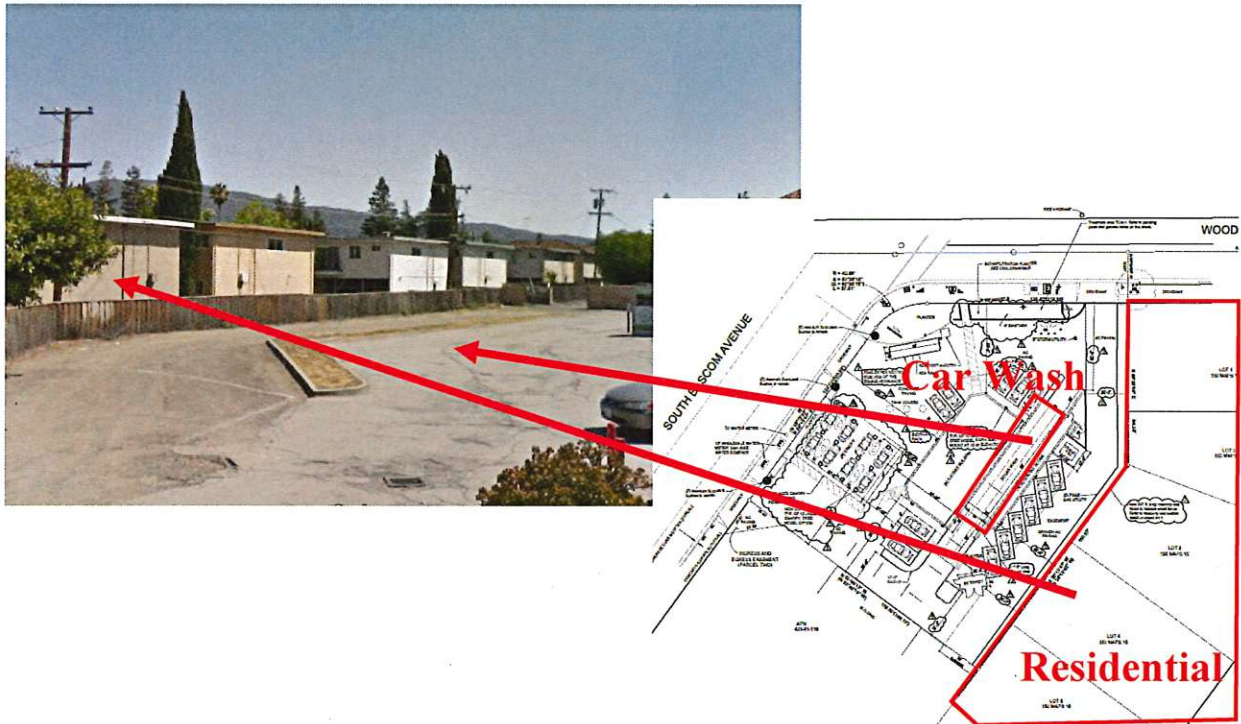
ANALYSIS

This project proposes to demolish the convenience store and vehicle service building at an existing gas station and allow the construction of a new 5,754 square foot convenience store building, permit early morning operation beginning at 5:00 am for the convenience store and gas station, and allow an automated car wash on the site. I can support everything proposed in the permit except for the car wash.

The proposed car wash would be located within 25 feet of a residential property line and would be overlooked by two-story apartment buildings. The City's Drive-Through Policy (Council Policy 6-10) establishes that "drive-through uses shall be located 200 feet or more from immediately adjacent or directly opposite residentially used, zoned, or General Planned properties." The policy also specifies that "self-service car washes which are proposed in conjunction with existing gasoline service stations may be exempted from this locational criterion." Given that this project proposes a self-service car wash in conjunction with a gas station, it "may" be exempted from the 200 ft. setback.

"May," is not the same as "shall." We as a Council still need to exercise our judgement in deciding whether it is acceptable to approve a car wash within 25 feet of a residential property line. This project has been a tough one for me. On one hand we all want to support small business owners in revitalizing our neighborhood retail, but on the other

hand we need to maintain a reasonable quality of life for our residents even as we allow properties to redevelop. Anyone who visits the subject will see that second story bedroom windows directly overlook the proposed car wash location, creating a legitimate quality of life concern. The below diagram illustrates the relationship between uses. A full site plan is attached



In making these decisions, It's important to me to look back on past land use projects that I've dealt with and ensure that my approach is consistent. I have supported one car wash in the past that was closer than 200 feet to a residential property line, but in that instance the Car wash was 85 feet from the nearest property line and over 100 feet from the nearest residential façade, which happened to be a one story house. In this instance the car wash is 25 feet from the property line and 47 feet from the nearest residential façade, which as I mentioned is two story and overlooks the site. In addition to noise from the car wash itself, residents will have to experience cars queuing to get into the car wash. I'm not convinced that we can make the required CUP finding that this project will not impair the peace and welfare of persons residing in the surrounding area.

I appreciate that the applicant has provided an additional noise report, and that the report shows that the highest noise level generated by the project at the residential property line would be 55 DBA, right at upper limit allowed in the Municipal Code. As was the case last time this came to Council, however, the appellant's noise consultant has questioned the findings in the applicant's noise report. Given the proximity of the car wash to residential and the increasingly serious measures being proposed to deal with the noise—including a very tall 12-foot masonry wall—it seems to me that we may be trying to fit this use into a place where it does not belong.

As I mentioned, I appreciate that the City has a legitimate interest in supporting small business and renewal of neighborhood retail sites. As such, the Council may disagree with my opinion that the car wash should be denied. If that happens, I would offer the

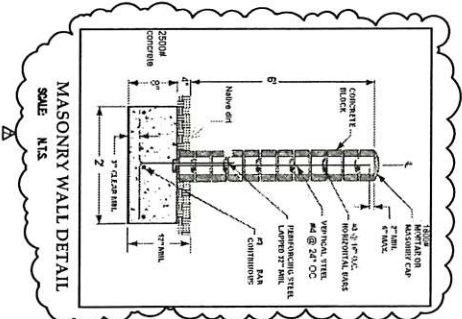
I'd like to close by thanking the community for their advocacy on this issue. From the first community meeting on this issue, residents of the adjoining apartments were very clear about their interest in maintaining their quality of life. I greatly appreciate the residents standing up for their neighborhood.

- b. Statement of subject property (R. 7.1, O. 3.2, 3.3)
- c. Total assessed and proposed gross square footage of floor space (2,324 SQ. FT. Existing, 5,774 SQ. FT. New)
- d. Total existing and proposed gross square footage of floor space (2,324 SQ. FT. Existing, 5,774 SQ. FT. New)
- e. Public Comments
- f. Other comments: If you are applying for a new use, please fill in the following:
 1. City or other jurisdiction's zoning map (please attach a map of your property)
 2. Historic district (if any) (please attach a map of your property)
 3. Other: 1 per 2,000 square feet of floor area (2% of gross floor area)
 4. Other: 1 per 250 square feet of floor area (8% of gross floor area)
- g. Temporary marker per Section 21.23.1790 of the zoning ordinance.

$$0.85(230)/200 + 0.59(1082)/250 = 16 + 1 \text{ empty room} + 1 \text{ air \& water} + 1 \text{ info stop} = 19 \text{ stalls, and 1 bicycle rack}$$

DATA SOURCES: U.S. (246 DATA YEARS), U.K. (14 DATA YEARS), U.S. (153 WAGS) = 7 CY/WR
 USE: 3 CY RECYCLE & INC
 3 CY TRASH INC
 15 CY FOOD TRASH INC

* CALCULATED COMMERCIAL SECTOR ESTIMATED SOLID WASTE GENERATION & DISPOSAL RATE FOR FOOD STORES.



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

A1.1

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

[illegible]