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RE: Car Wash on Telegraph Canyon Road

I was flipping channels the other night and came across the broadcast of the November 27th City Council agenda item about the proposed car wash. That development creates a dilemma/quandary for the developer, the city's planning department, and your city council. I offer my comments in the spirit of finding a successful compromise for all parties (including the city). My observations are as follows:

1. John Moot is a very savvy attorney. It is best to give him as much time as he needs in order to support a legal conclusion that his client's property rights have received due process. Another delay of 3-4 months is better than a couple years of litigation over the efficacy of competing traffic reports.
2. I've dealt with CalTrans on a dozen projects. They epitomize bureaucratic lethargy. It is highly unlikely that CalTrans will respond to comments in writing by the end of January (the next hearing date on this agenda item). More importantly, I am certain that CalTrans will say, "*It is not our responsibility to referee between two traffic reports*". You will most likely get to the January hearing and have no more clarity on the traffic issues than you have now. It is just "kicking the can down the road". I've found that a good way to break this deadlock of dueling traffic engineers is to bring in a neutral third-part as an arbiter. I recommend that the car wash developer and owner of the ARCO station each have their traffic engineers agree upon the selection of a neutral third-party traffic engineer to conduct an independent full traffic study. The parties would share the cost of the independent traffic study and agree to abide by those findings.
3. The testimony of Mrs. Wilson, the elderly adjacent neighbor, was very compelling. Her comments pulled at my heart strings. The noise from the car wash will definitely have a negative impact on her quality of life. The developer's contention that the noise from the vacuums and car wash tunnel is within acceptable levels, does not take into consideration one important factor. That is blasting music from cars waiting to enter the wash tunnel and cars in the dry-off area. I took my truck to Soapy Joe's on Bonita Road recently. It was a hot day. The car behind me waiting in line had its windows open. The car owner had installed several "boom box" speakers in the car, which were blaring out vulgar rap music at over 100 decibels. The music was so loud, it made my truck vibrate. After I came out of the wash tunnel and parked my truck to wipe down, the same car with the

loud vulgar rap music parked next to me. I politely asked the driver to turn the volume down. His response was, "F--- You, old man". Rather than becoming confrontational, I left without wiping down my truck.

The unfortunate reality is that Mrs. Wilson will be subject to the same noise pollution from rude customers of the proposed new car wash. Many years ago, I bought an old home for my 90-year-old grandma to be close to my family. The backyard of the house was adjacent to the playground at Rosebank Elementary School (my alma mater). When she first moved in, she was upset by the screaming of children on the playground. It worried her that the screaming meant something was wrong with the children, when they were just playing. The remedy was simple:

- I replaced all of the old windows in the house with double-pane glass.
- I put new insulation in all of the walls.
- I installed noise attenuation board on the interior side of each wall.
- I installed air conditioning, so that on hot days she didn't have to open the windows, which would have let the noise in.

All of this noise attenuation retrofit took less than a week and cost less than \$10,000.

My recommendation is that someone from the city planning department contact the car wash developer and John Moot to propose retaining a third-party traffic consultant, as described herein. As an indication of good faith, the developer should offer to pay for the noise attenuation retrofit of Mrs. Wilson's home.

As you know, I am pro-business and support quality new development. I've been involved in the development of over 6,000 residential units and 1.5 million square feet of commercial buildings. These developments have provided homes for families, new jobs, and needed services (shopping, medical care, etc.). In the entitlement process for almost every project, I needed to compromise. In my opinion, this car wash project is a good example of the developer needing to both compromise and provide a solution to Mrs. Wilson's concerns.

Respectfully,



Jeff Phair