

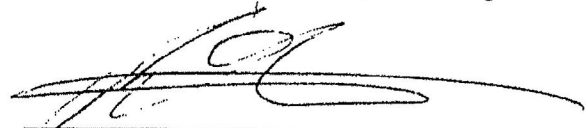
Wash 'N' Go Car Wash Appeal

I, Rod Bisharat, do hereby declare and state:

This Declaration supplements the previous Declaration I provided at the time of the November 27, 2018 Appeal before the City Council.

On January 17, 2019, I spoke with Brad Sorensen at Sonny's The Carwash Factory. Mr. Sorensen advised me that Wash 'N Go Car Wash was a customer of Sonny's and supplied the car wash tunnel and conveyor at the Rosecrans location. Mr. Sorensen advises that for an 80- foot tunnel, the time from start to finish is three minutes with each car, thereafter, one every forty-five seconds. An 80- foot tunnel can accommodate up to four cars in the tunnel at the same time, depending on the length of the vehicles. When the conveyor is operating at its maximum capacity with multiple vehicles in the tunnel, he advises that the cars are approximately 5 feet and 10 seconds apart. The aforementioned information that was told to me by Sonny's was provided to Stephen Fiedler at dBF Associates Inc.

Thank you for your consideration for this information which is to the best of my knowledge truthful and accurate.



Rod Bisharat

3129 Tiger Run Court, Suite 202
Carlsbad, CA 92010
619-609-0712

January 21, 2019

Raed Bisharat
R. T. Bish, Inc.
501 Telegraph Canyon Road
Chula Vista, CA 91910

Re: Chula Vista Wash 'N Go
Noise Analysis Review

Mr. Bisharat:

At your request, dBF Associates, Inc. has reviewed the noise analysis of the proposed Chula Vista Wash 'N Go at 495 Telegraph Canyon Road in Chula Vista, California.

The most recent noise analysis of the subject project is understood to be documented within the Noise Analysis Report (NAR) prepared by HMMH dated August 7, 2017. The following items were noted during the review.

1. The HMMH NAR states, in paragraph 4 on page 9: "Each of the nine dryers were determined to be in use at most 67% of the time, using a 2 car maximum tunnel capacity, 20 second drying time, and one minute total carwash time."

The proposed 80-foot-long car wash tunnel can process one vehicle in three minutes, and the typical distance between vehicles is 5 feet or less [Bisharat 2019]. Assuming a standard vehicle length of 15 feet, vehicles would be less than 10 seconds apart when the car wash is operating at full capacity. Under these conditions, to maximize efficient electricity and equipment use, it is likely that the dryers would be continuously operational rather than cycled off and on.

I observed the blower cycle at the Wash 'N Go Express car wash at 7959 Balboa Avenue in Kearny Mesa on Monday, January 21, 2019. This facility is an automated car wash similar to the proposed project. During the observations, the entrance queue ranged from one to four vehicles. Vehicles were observed exiting the tunnel as fast as every 30 seconds. 13 blowers were installed in the facility. The blowers were observed to be manufactured by Sonny's The CarWash Factory. All of the blowers remained on, at full speed, when the time between vehicle exits was less than one minute. Over a 20-minute observation period, the fans were observed to turn off once, for less than two minutes. Each blower included a damper, which occasionally closed between vehicles; however, no noise level difference was observed. When at full capacity, the blowers would never turn off.

Mr. Raed Bisharat
January 21, 2019
Page 2

I observed the blower cycle at the Soapy Joe's car wash at 740 San Marcos Boulevard on Friday, January 18, 2019. This facility is an automated car wash, similar to the proposed project. During the observations, the entrance queue ranged from three to seven vehicles. Vehicles were observed exiting the tunnel as fast as one per minute. The spacing between vehicles varied; the distance was typically one-half or one full car length, but entrance delays occasionally caused wider gaps. All of the blowers remained on, at full speed, during gaps of one car length or less. When at full capacity, the blowers would never turn off.

As such, the operational assumption of 67% described in paragraph 4 on page 9 of the HMMH NAR is not accurate. If the model is revised to remove this incorrect assumption, the noise levels would increase by roughly 1.7 dBA, and would exceed the noise limits.

2. Project noise levels were not evaluated at the ARCO filling station across Halecrest Drive to the east, at 501 Telegraph Canyon Road. The filling station property is a commercial land use zoned CCD (Central Commercial Design District). The daytime (7:00 a.m. to 10:00 p.m.) noise limit at the west ARCO property line is 65 dBA Leq unless a higher ambient noise level is documented.

The west ARCO property line is approximately 65 feet from the east project property line, and the project car wash exit would be approximately 25 feet west of its east property line. Using standard sound level propagation (6 dBA per doubling of distance), one dryer producing 86 dBA at 5 feet corresponds to approximately 60.9 dBA at 90 feet. Using logarithmic addition, nine dryers producing 60.9 dBA combine to produce approximately 70.4 dBA at the west ARCO property line. This exceeds the allowable level of 65 dBA Leq at this location.

Similarly, project (and ambient) noise levels were not evaluated at the Chase Bank at 503 Telegraph Canyon Road or single-family residential properties along Douglas Street and beyond.

3. The HMMH NAR does not describe the noise modeling technique used to model the tunnel geometry. The appendix shows that the tunnel roof was modeled using a "floating screen," but the north tunnel wall does not appear to have been modeled. The material and sound transmission characteristics of the tunnel are not discussed; certain materials can allow noise to permeate. A noise contour graphic would be effective to illustrate modeling techniques and results.

Mr. Raed Bisharat
January 21, 2019
Page 3

The Chula Vista Wash 'N Go Noise Analysis Report prepared by HMMH dated August 7, 2017 is incomplete, is based on incorrect assumptions, and should be considered invalid in its current form.

Please contact me at 619-609-0712 x101 if you have any questions.

Sincerely,

DBF ASSOCIATES, INC.

Steven Fiedler, INCE
Principal

References

Bisharat, Raed. 2019. Conversation with Brad Sorenson at Sonny's The CarWash Factory. January 17.

Sheree Kansas

Written Communications -
Moot
Item #6 - Received 1-22-19

Subject: FW: Bisharat appeal of Wash-N -Go Carwash
Attachments: 2018 08 17 Request for Public Records.pdf; sharp@sscmlegal.com_20190102_162458.pdf

From: John S. Moot <johnm@sscmlegal.com>
Sent: Monday, January 14, 2019 8:13 AM
To: Mike Diaz <mdiaz@chulavistaca.gov>
Subject: FW: Bisharat appeal of Wash-N -Go Carwash

Warning: This email originated from outside the City of Chula Vista. Do not click on links or open attachments, unless you recognize the sender and are expecting the message.

Councilman Diaz;

I thought I had sent this to you after we spoke but I could not find any record that I did. Did you receive . No one from the City responded or answered any of these questions. This is what was requested in the PRA :

I would like to review any information or environmental document that addresses the issues raised by my appeal, a copy of which is attached to this Exhibit A. Specifically, any traffic study regarding the intersection at Halecrest and Telegraph and the ability to safely exit the site based on current conditions. Communication with Caltrans re exiting the car wash onto the dedicate freeway lane onto 805. Any analysis of the safety of allowing such an exit and any historical evidence regarding the original do not enter signs that were on the site and who asked that they be installed and if any permission was granted to have them removed.

The documents the were not produced include a February 11, 2016 memo to Miguel Tapia from Richard Zumwalt and a February 15, 2016 letter from Mr. Zumwalt to Jorge Gonzalez neither of which were included in response to the Public Records Act request and are attached to this email. The Zumwalt memorandum under item 12 references "a potential traffic hazard from project traffic merging with freeway on ramp traffic merging directly onto Telegraph Canyon road.. " and recommends the driveway access be reviewed and approved by Caltrans and the City Traffic Engineer. Item 13 indicates that "Caltrans review is required" and staff to provide comments once they are available.

This safety issue was raised at the Council hearing but no analysis by the City Engineer or by Caltrans was provided regarding the potential traffic hazard as reflected in the memo nor was Council made aware at the hearing that the previous project manager believed a potential traffic hazard existed . I am concerned that someone with held the attached records and the implications that rises as to why .

John S. Moot
Schwartz Semerdjian Cauley & Moot LLP
Main 619.236-8821
johnm@sscmlegal.com

From: John S. Moot
Sent: Wednesday, January 02, 2019 6:12 PM
To: 'Glen Googins' <GGoogins@chulavistaca.gov>; 'Gary Halbert' <GHalbert@chulavistaca.gov>; 'Kerry Bigelow' <KBigelow@chulavistaca.gov>; 'Kelly Broughton' <kbroughton@chulavistaca.gov>
Subject: RE: Bisharat appeal of Wash-N -Go Carwash

City Attorney Googins, City Manager Halbert, City Clerk Bigelow, and Development Services Director Broughton;

In preparation for the upcoming Council meeting there are several matters I would like to bring your attention. First, I have not received a copy of any correspondence to Caltrans regarding what has been transmitted to them for review and what it is the City has asked Caltrans to comment on. Could someone please provide me a copy of the communication to Caltrans listing what they were provided with and the ask of what the city expects from Caltrans.

There also seems to be an issue with the completeness of the response to the Appellant's Public Records Act request. Judy Walsh recently dropped off some communications she had in her possession provided by City of Chula Vista which would have fallen within the ambit of the request. These include a February 11, 2016 memo to Miguel Tapia from Richard Zumwalt and a February 15, 2016 letter from Mr. Zumwalt to Jorge Gonzalez neither of which were included in response to the Public Records Act request and are attached to this email. The Zumwalt memorandum under item 12 references "a potential traffic hazard from project traffic merging with freeway on ramp traffic merging directly onto Telegraph Canyon road.. " and recommends the driveway access be reviewed and approved by Caltrans and the City Traffic Engineer. Item 13 indicates that "Caltrans review is required" and staff to provide comments once they are available. This safety issue was raised at the Council hearing but no analysis by the City Engineer or by Caltrans was provided regarding the potential traffic hazard. It is not clear to me if such documents analyzing the potential traffic hazard were prepared and so why they were not produced in response to the Public Records Act request or why City Council was not advised at the meeting of the previous recommendation, and that Caltrans review "is required" and /or if the recommendation and requirement were subsequently changed by the new project manager and if so why.

The Zumwalt letter states that in order to recommend approval of the Conditional Use Permit, findings must be made and substantiated in the record that establish, "that the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood of the community"; and that such use will not be detrimental, "to the health, safety and general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity." I do not see where these issues were directly addressed and substantiated in the Planning Commission materials and findings or where there is factually support for such findings based on project specific data. The letter also indicates there are specific enclosures and references memos and checklists that were not included in the public records response. I would like them to be provided as soon as possible.

I am concerned that the materials and response to the issues referenced in the Zumwalt memo and letter have not been provided and why, when the issue of project having been delayed came up, the Council was not informed that the prior Project Manager had passed away or that he did in fact previously raise the potential safety hazards and the requirement for a Caltrans review, neither of which surfaced at the Council hearing despite the Appellant specifically raising these very same issues.

Lastly, after conducting some research on the issue it seems clear that under Municipal Code section 19.14.130 that the decision by the City Council to deny staff recommendation to deny the appeal is in fact final. No motion was made at the Council hearing to set aside the vote for to reconsider the main motion which would have the effect of overruling and canceling the prior action. Under the City Charter a member of the Council would need to make a motion to repeal, cancel, or nullify the previous Council action on the main motion which has not been done. Procedurally, should any councilperson make such a motion a hearing to do so would need to be noticed, and in fact under normal rules of appellate procedure, the appellant should in fact proceed first with the applicant, being the respondent, going next and then appellant be given an opportunity for rebuttal.

Upon receipt and review of this email I would be happy to set up a meeting to discuss these matters in person.

John S. Moot
Schwartz Semerdjian Cauley & Moot LLP
101 West Broadway, Suite 810
San Diego, CA 92101-8229

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Fax 619.236-8827
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From: John S. Moot
Sent: Wednesday, November 14, 2018 5:47 is
To: Kerry Bigelow <KBigelow@chulavistaca.gov>; Tyshar Turner <tturner@chulavistaca.gov>
Subject: FW: Bisharat appeal of Wash-N -Go Carwash

Could either of you please check and see if there are a new records or previously not produced records responsive to this request . I can not seem to get straight answer from Mr. Powers as to if a traffic study has been done and if it has been submitted to Caltrans for their review . There are several categories of documents I have not seen including communications with the applicant and Caltrans , soil testing and results . I am concerned that such documents do in fact exist but were not provided to you or held back . Could you please check on this for me. Thanks.

John S. Moot
Schwartz Semerdjian Cauley & Moot LLP
Main 619.236-8821
johnm@sscmlegal.com

From: John S. Moot
Sent: Tuesday, November 13, 2018 1:01 PM
To: Stan Donn <Sdonn@chulavistaca.gov>; Steve Power <SPower@chulavistaca.gov>; Michael Shirey <MShirey@chulavistaca.gov>; Caroline Young <CYoung@chulavistaca.gov>; Kelly Broughton <kbroughton@chulavistaca.gov>
Cc: Kerry Bigelow <KBigelow@chulavistaca.gov>
Subject: RE: Bisharat appeal of Wash-N -Go Carwash

I just got an email from Caroline Young about resetting the meeting. No one ever got back to me regarding the information I provide over one month ago. The appellant was advised that if he provided information to the City that showed a traffic study was needed the City would see that one was done. We provided information showing a traffic study was needed and offered to meet and discuss the issue but we did not hear back. I hope this has not become a cat and mouse game where we provide information to cooperate with the City and the City uses that information to try and correct the deficiencies without addressing the core issues.

I wrote a letter on March 20th to the City identifying issues with the project. In response the City had Mr. Rivers prepared a report dated May 9, 2009 and rescheduled the hearing . After receiving the new memorandum, a traffic engineer reviewed it and noted several issues with the analysis. In an effort to cooperate I relayed that information back to the City. Rather than responding in any manner or meeting to go over the issues , we again receive notice that the hearing is back on without any explanation as to how the City intends to proceed . Does the City intend to continue to proceed without a traffic study and under an exemption to CEQUA ? Are there any new documents that the Applicant or the City intends to rely on at he is hearing not previously provided pursuant to the attached response to the public records act request.

I am disappointed that the City did not get back to me . Mr. Bisharat and his business are not the only persons who will be affected by impacts of this project . I reviewed the Planning Commission hearing, I noted several members of the public and an adjacent neighbor have concerns about the project as well. These concerns can and should be addressed in an open and transparent manner.

John S. Moot
Schwartz Semerdjian Cauley & Moot LLP
101 West Broadway, Suite 810
San Diego, CA 92101-8229
Main 619.236-8821
Fax 619.236-8827
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From: John S. Moot
Sent: Friday, October 12, 2018 9:36 AM
To: 'Stan Donn' <Sdonn@chulavistaca.gov>; Steve Power <SPower@chulavistaca.gov>; Michael Shirey <MShirey@chulavistaca.gov>; Caroline Young <CYoung@chulavistaca.gov>
Cc: Kelly Broughton <kbroughton@chulavistaca.gov>
Subject: RE: Bisharat appeal of Wash-N -Go Carwash

Thanks. Please keep us posted

John S. Moot
Schwartz Semerdjian Cauley & Moot LLP
Main 619.236-8821
johnm@sscmlegal.com

From: Stan Donn <Sdonn@chulavistaca.gov>
Sent: Thursday, October 11, 2018 4:20 PM
To: John S. Moot <johnm@sscmlegal.com>; Steve Power <SPower@chulavistaca.gov>; Michael Shirey <MShirey@chulavistaca.gov>; Caroline Young <CYoung@chulavistaca.gov>
Cc: Kelly Broughton <kbroughton@chulavistaca.gov>
Subject: RE: Bisharat appeal of Wash-N -Go Carwash

Hello Mr. Moot,

Staff is still reviewing the information you provided last week. As previously indicated to you, we will be in touch upon completion of our review.

At this time the November meeting has been pushed out. We are not certain when the exact date for the rescheduled CC meeting date will be. As before, staff will contact you prior to rescheduling the CC meeting.

Thanks for the follow up.

Stan

Stan Donn, AICP, Project Manager

City of Chula Vista, Development Services Department
276 Fourth Avenue, Chula Vista, CA 91910
Ph (619) 409-5953
Fx (619) 409-5859
Email sdonn@chulavistaca.gov

From: John S. Moot [<mailto:johnm@sscmlegal.com>]
Sent: Wednesday, October 10, 2018 10:32 AM
To: Stan Donn; Steve Power; Michael Shirey; Caroline Young
Cc: Kelly Broughton
Subject: RE: Bisharat appeal of Wash-N -Go Carwash

Stan,
I have not heard back regarding our offer to meet or indeed the date in November for the hearing. The traffic engineer who did our primary analysis and determined a traffic study should be done can be made available, but we need some notice to coordinate date.

John S. Moot
Schwartz Semerdjian Cauley & Moot LLP
Main 619.236-8821
johnm@sscmlegal.com

From: Stan Donn <Sdonn@chulavistaca.gov>
Sent: Thursday, October 04, 2018 11:58 AM
To: John S. Moot <johnm@sscmlegal.com>; Steve Power <SPower@chulavistaca.gov>; Michael Shirey <MShirey@chulavistaca.gov>; Caroline Young <CYoung@chulavistaca.gov>
Cc: Kelly Broughton <kbroughton@chulavistaca.gov>
Subject: RE: Bisharat appeal of Wash-N -Go Carwash

Hello Mr. Moot,

Staff is in receipt of your October 3, 2018 letter concerning the Telegraph Canyon Road Wash N Go Carwash Appeal. Staff is in the process of reviewing the letter and will contact you upon completion of our review.

Thank you,
Stan

Stan Donn, AICP, Project Manager

City of Chula Vista, Development Services Department
276 Fourth Avenue, Chula Vista, CA 91910
Ph (619) 409-5953
Fx (619) 409-5859
Email sdonn@chulavistaca.gov

From: John S. Moot [<mailto:johnm@sscmlegal.com>]
Sent: Wednesday, October 03, 2018 11:12 AM
To: Stan Donn; Steve Power; Michael Shirey; Caroline Young
Subject: Bisharat appeal of Wash-N -Go Carwash

Attached is letter in which we are requesting a meeting to go over the analysis prepared by a traffic engineer retained by Mr. Bisharat. As I indicated previously Mr. Bisharat is scheduled to be out of town on October 23rd but both and the affected neighbor are available for both November dates.

John S. Moot



SCHWARTZ SEMERDJIAN

Attorneys at Law

Schwartz Semerdjian Cauley & Moot LLP

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OFFICE OF THE CITY CLERK CITY OF CHULA VISTA
 REQUEST FOR PUBLIC RECORDS

276 Fourth Avenue, Chula Vista, CA 91910 Phone: (619) 691-5041 Fax: (619) 585-5774

cityclerk@chulavistaca.gov (mailto:cityclerk@chulavistaca.gov)

PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT (GOVERNMENT CODE § 6250 ET. SEQ) YOU WILL BE NOTIFIED
 WITHIN 10-DAYS OF THE STATUS OF YOUR REQUEST.


To expedite your request and to eliminate opportunities for error, please complete this form with as much detail as possible and identify specifically the records you are requesting. Requests should reasonably describe identifiable records prepared, owned, used or retained by the City of Chula Vista. If you need assistance with identifying a specific type of record we would be happy to help (Government Code § 6253.1).

REQUESTOR INFORMATION

Name: *

Rod Bisharat

Date:

8/17/2018 

Company/Organization:

RT Bish Inc.

Email Address: *



Address:

Street Address

501 Telegraph Canyon Road

City

Chula Vista

State / Province / Region

CA

Postal / Zip Code

91910

Phone Number: * for my attorney, Mr. John S. Moot

619.236.8821

Fax Number:

619.236.8827

REQUESTED RECORDS

- Fire Inspection/Incident Records
- Police Records
- Animal Control Records
- Code Enforcement Records
- Planning Records (i.e. Zoning)
- Building Records (i.e. Permits, Inspections)
- Copy of Business License
- Financial Records
- Other (Describe Below)

DESCRIPTION OF RECORDS:

(Please be specific. Add additional pages as necessary.)

See attached Exhibit A re STP Wash 'N' Go Car Wash CUP 15-0023

For multiple records that cover a period of time please indicate:

TIME PERIOD OF RECORD REQUESTED

From: Not applicable

To:

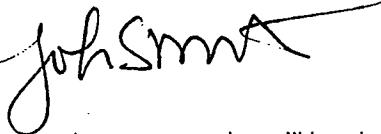
DIRECT COST OF DUPLICATION: \$1.00 FOR THE FIRST PAGE/10¢ FOR EACH ADDITIONAL PAGE

- I wish to inspect the requested records. I do not want copies at this time.
- I wish to receive requested records electronically. (Depending on file size and type of record some records may not be available for electronic delivery.)
- I wish to receive copies of requested records. Please contact me prior to copying if the cost exceeds:
- I wish to receive copies of requested records and I hereby agree to reimburse the City for the direct cost of duplication in accordance with Gov. Code §6253(b).

Attorney for Mr. Bisharat

Signature:

Sign



PRA Exceptions: Requests requiring computer programming will be charged a fee of the full cost including overhead for the time to create such document or program. Requestor will be required to provide a deposit to cover estimated costs, as calculated by City Staff. Requests for these services must be made in writing.

Submit

EXHIBIT A

I would like to review any information or environmental document that addresses the issues raised by my appeal, a copy of which is attached to this Exhibit A. Specifically, any traffic study regarding the intersection at Halecrest and Telegraph and the ability to safely exit the site based on current conditions. Communication with Caltrans re exiting the car wash onto the dedicate freeway lane onto 805. Any analysis of the safety of allowing such an exit and any historical evidence regarding the original do not enter signs that were on the site and who asked that they be installed and if any permission was granted to have them removed. Any proposed redesign to address the noise issues effecting the neighbors directly adjacent to the proposed blowers and any noise study of the actual blower systems to be used. Soil testing locations and results and if any notification given to the County Department of Environmental Health regarding a change in land use of the site as well as any on site capture or discharge system for water on the site of proposed car wash. Lastly, any communications with the car wash applicant regarding the issues identified above. Please let me know when this information is available for our review.



APPEAL APPLICATION FORM

Appeal the decision of the:

- Zoning Administrator
Planning Commission

STAFF USE ONLY
Date Received:
Fee:
Receipt #:
Case #:

Application Information

Name of Appellant Rod Bishart Phone
Address
Business Address 501 Telegraph Canyon Road, Chula Vista, CA 91910
Project Address 495 Telegraph Canyon Road, Chula Vista, CA 91910
Project Description STP Wash "N" Go Car Wash CUP 15-0023

(Example: variance, conditional use permit, design review, etc.)

Please use the space below to provide a response to the decision you are appealing. Attach additional sheets, if necessary. Grounds for an appeal must be based on at least one of the following:

- (1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter was inaccurate;
(2) New Information. New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
(3) Findings Not Supported. The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker.

In order for an appeal to be valid, detailed responses must be included which cite at least one of the above reasons for the appeal along with substantiation of the facts and circumstances on which the claim of the appeal is based. If an appeal is filed within the time limit specified, and determined to be valid, it automatically stays proceedings in the matter until a determination is made by the City Council.

1) Factual error - applicant permitted an exit onto Telegraph Canyon Road. Caltrans/City previously precluded this when new entrance lane onto highway #805 was constructed. Commission accepted closure letter as evidence soil at former gas station not contaminated.
3) Findings NOT supported. No CEQUA analysis done. Project permitted without traffic analysis or traffic study at an impacted intersection at Halcrest and Telegraph Canyon Road. Planning commission failed to address, resolve issues, or make findings regarding issues set forth in attached Exhibits A and B and how handling of on site water would not contribute to off site migration from contaminated soils.

Appeal Form Directions

Pursuant to the Chula Vista Zoning Ordinance Chapter 19.14, an interested party may appeal the decision of the Zoning Administrator, or Planning Commission to the City Council. The appellant must be an interested party. An interested party means a person who was present at a public hearing from which an appeal arose and who had filed a speaker slip with the decision maker at that public hearing, or a person who expressed an interest in the project in writing to that decision maker before the close of the public hearing or a decision on an action from which an appeal may be filed. The appellant must file a complete appeal application form within the specified appeal period (10 business days after the decision has been made), complete the Disclosure Statement, and pay the required fee. Once a valid appeal form is filed, the appeal will be scheduled for a hearing by the City Council within 30 days.

Signature of Appellant Date


DO NOT WRITE IN THIS SPACE

The above matter has been scheduled for public hearing before the: City Council On / /

Development Services Department City Clerk



Development Services Department Memorandum

Date: February 11, 2016
To: Miguel Tapia, Senior Planner
From: Rich Zumwalt, AICP, Associate Planner 
Subject: Planning Comments on Wash 'N Go, CUP-15-0023/DR15-0037:

To complete the review of the project, the Applicant shall provide the following materials, information, or revised plans:

1. The Project requires preparation of a noise study by a City-qualified acoustical consultant addressing potential noise impacts to the adjacent single-family residential and commercial properties to the north, generated by car wash equipment. The study shall also consider the ambient noise from the I-805 Freeway and Telegraph Canyon Road traffic. See the attached list of qualified acoustical consultants.
2. The Project requires preparation of a Phase I Environmental Assessment of the site to determine if previous car repair use and demolition of the existing commercial building would have potential environmental impacts.
3. Clarify that this is a self-serve car wash, or if drivers exit their cars and wait. There is no waiting area or seating provided.
4. Clarify hours of operations and number of employees on duty during peak periods.
5. Widen 1-way internal driveway on west side to 15 feet minimum for 1-way driveway. Ensure that internal driveway intersection is designed to allow vehicles to make a right turn. If fire truck access is required through this driveway, it must meet minimum Fire Department driveway width, turning radius and other fire access requirements.
6. Identify the location and clearly label the vacuums, pay booth, car drying area, car wash equipment location including washer and dryer, and any other facilities or equipment on the site plan or floor plan, as applicable.
7. If the car wash is automated and customers do not exit their vehicles, the required parking should include a minimum of 4 spaces for the office, 1 space per on-duty employee, and one space for each vacuum, if proposed. In lieu of parking for customers, the queuing area should be extended to 100 feet. Vehicle stacking cannot obstruct driveway access and adjacent streets. The plans show 15 parking

- spaces, which should be reduced as much as possible while complying with parking standards.
8. The trash enclosure is undersized. Trash enclosures shall comply with City standard drawing already included on Sheet A-2. Also, see the comments from the Public Works - Recycling/Solid Waste Division for details.
 9. Provide upgraded decorative fences along the westerly property line and a zoning wall (solid masonry wall or stucco fence) along the northerly property line.
 10. Clarify how the car wash water will be recycled.
 11. The site is located at a prominent location, so the architecture and landscaping should be upgraded. Consider adding additional articulation to the long car-wash tunnel wall facing Telegraph Canyon Road, such as, but not limited to, a variable wall plane that includes vertical elements such as pop-outs, inset planters, a roof cornice, and variety of colors and textures. In addition, please provide landscaping at the base of the building to soften the transition from the walkway to the building wall.
 12. There is a potential traffic hazard from project traffic merging with freeway on-ramp traffic directly onto Telegraph Canyon Road. The Land Development Division recommends that the driveway access to Telegraph Canyon Road be reviewed and approved by Caltrans and the City Traffic Engineer.
 13. Because the site is adjacent to the on-ramp to I-805, and the driveway opens onto the freeway on-ramp, Caltrans review is required. As of the date of this letter, Caltrans has not completed their review of the plans. Staff will provide their comments once they are available.



Development Services Department

February 15, 2016

Jorge Gonzalez
[REDACTED]

Dear Jorge,

Subject: Wash 'N Go, CUP-15-0023/DR15-0037; Account # DQ-3107

The Development Services Department has completed the first review of the project referenced above. The application requests approval of a Design Review and Conditional Use Permit to construct a 2,860 sq. ft. automated carwash building with an office and 15 parking spaces. The Project site is located at 495 Telegraph Canyon Road in Chula Vista. The Project site is designated Professional Office/Commercial (CO) by the City's General Plan, and is zoned Central Commercial-Design District (CCD).

The purpose of this letter is to summarize the significant project issues and identify a course of action for the processing of your project. This letter contains detailed review comments from staff representing various disciplines and outside agencies, which are included as attachments to this letter. These agencies include the Planning Division, Building Division, Land Development Division, Landscape Architecture Division, Public Works-Recycling and Solid Waste, and Sweetwater Authority. The Plans are also in the process of being reviewed by Caltrans and the City Traffic Engineer, and staff will forward those comments to you as soon as possible.

If any additional requirements should arise during the subsequent review of your project, we will identify the issue and the reason for the additional requirement. To resolve any outstanding issues, please provide the information that is requested in this Issues letter and attachments. If you choose not to provide the requested additional information or make the requested revisions, processing may continue. However, the project may be recommended for denial if the remaining issues cannot be satisfactorily resolved and the appropriate findings for approval cannot be made.

As your Project Manager, I will coordinate all correspondence, e-mails, phone calls, and meetings directly with the applicant's assigned "Point of Contact". The addressee on this letter has been designated as the Point of Contact for your project. Please notify me if you should decide to change your Point of Contact while I am managing this project.

I. REQUIRED APPROVALS/FINDINGS

The project proposes construction of a 2,860 sq. ft. automated carwash building which requires approval of a Conditional Use Permit and Design Review (DRC) Application, pursuant to Zoning Ordinance requirements. Because the project requires construction of a new building, the Municipal Code requires that the Planning Commission consider the Conditional Use Permit at a public hearing. Because the project proposes less than 20,000 square feet of floor area, processing of an Administrative Design Review Application is permitted. The Municipal Code also requires that the consideration of both permits be consolidated for processing and reviewed by one hearing body for the permit at the highest level, which for this project is the Conditional Use Permit. Therefore, a public hearing before the Planning Commission is required for both permits.

In order to recommend approval of your Design Review permit, certain Design Review findings must be substantiated in the record:

1. *That the proposed development is consistent with the development regulations of the Chula Vista Municipal Code, and other applicable regulatory documents;*
2. *The design features of the proposed development are consistent with, and are a cost effective method of satisfying the City of Chula Vista Design and Landscape Manuals*

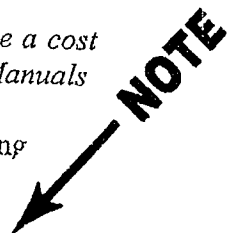
In order to recommend approval of the Conditional Use Permit, the following findings must be made and substantiated in the record:

- A. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;*
- B. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*
- C. *That the proposed use will comply with the regulations and conditions specified in this title for such use;*
- D. *That the granting of this conditional use will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.*

II. SIGNIFICANT PROJECT ISSUES: The significant project issues are summarized below. Resolution of these issues could affect your project.

Key Issues:

Development Services Department/Planning Division Comments:



1. The Project requires preparation of a noise study by a City-qualified acoustical consultant addressing potential noise impacts to the adjacent single-family residential and commercial properties to the north, generated by car wash equipment. The study shall also consider the ambient noise from the I-805 Freeway and Telegraph Canyon Road traffic. See the attached list of qualified acoustical consultants (Attachment 7).
2. The Project also requires preparation of a Phase I Environmental Assessment of the site to determine if previous car repair use and demolition of the existing commercial building would have potential environmental impacts. See the attached list of qualified acoustical consultants (Attachment 8).
3. Submittal of a Preliminary Environmental Review application and fee of \$2,800 is required to process the above technical studies. See the attached application (Attachment 9).
4. See the memo dated February 11, 2016 for other Planning Division comments (Attachment 1).

Land Development Division:

5. The Land Development Division recommends that the driveway opening directly onto Telegraph Canyon Road be reviewed and approved by Caltrans and the City Traffic Engineer prior to project approval, and the plans are in the process of being reviewed. Staff will forward those comments to you as soon as possible. See the attached checklist date 1/5/16 for other Engineering comments. Please contact Associate Engineer Chester Bautista 619-476-5332 if you have any questions.

See the Issues letter Attachments for additional comments and corrections from the Building Division, Landscape Architecture Division, Public Works-Recycling and Solid Waste, and Sweetwater Authority.

III. **TIMELINE:**

Please review this letter and attached memos carefully prior to correcting and resubmitting the revised plans. Upon your review of the Issues letter, you may wish to schedule a meeting with staff and your consultants prior to resubmitting the project. Please contact me if you wish to schedule a meeting with staff. During the meeting, we will also focus on key milestones that must be met in order to facilitate the review of your proposal and to project a potential timeline for a hearing date. If no meeting is required, please submit a letter of response including the requested information. Your next review cycle should take approximately 21-30 days to complete.

In order to continue the timely processing of your project, please submit any requested information and/or materials no later than 90 days from the date of this letter. Please note that CVMC 19.14.700 requires that a development permit application be closed if you

5/14/16
90 days

fail to submit or resubmit requested materials, information, fees, or deposits within 90 calendar days. Once closed, the application, plans and other data submitted for review may be returned to you or destroyed. To reapply, you are required to submit a new development permit application with required submittal materials, and will be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.

If you wish to continue processing this project, any delays in resubmitting projects and/or responding to City staff's inquiries negatively impact this Department's ability to effectively manage workload, which can lead to both higher processing costs and longer timelines for your project.

IV. **PROJECT ACCOUNT STATUS:** Our current accounting system does not provide for real-time information regarding account status, however, our records show that there was a positive balance of \$14,891.00 in your account as of December 31, 2015. Work on the project is on-going and additional charges to the account incurred after the above date will be included on the next statement, which will further reduce the balance. Your attention to keeping the account balance positive is critical to continue processing of the project and is greatly appreciated. You can expect monthly statements with the breakdown of staff charges to your account. Should you have questions about those charges, please feel free to contact me directly.

V. **RESUBMITTALS/NEXT STEPS:**

When you are ready to resubmit, please contact me to schedule an appointment for a re-submittal. Re-submittals may also be done on a walk-in basis, however you may experience a longer than desirable wait time. In either case, please check in at the Development Services Department Counter to be placed on the customer service list. At your appointment, provide the following:

A. Plans and Reports: Provide 4 sets of revised plans. The plans should be folded to an approximate 8 ½ x 11- inch size.

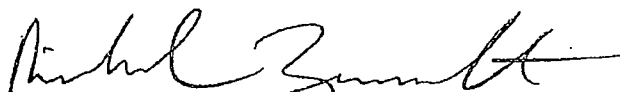
B. Issues response letter: Prepare a cover letter that specifically describes how you have addressed each of the issues identified in this letter and the attached memorandums. You may choose to format the responses in matrix form with the issues identified in the Issues Report and a written response as to how you have addressed the issue. If the issue is addressed on one or more sheets of the plans or the reports, please reference the plan, sheet number, report or page number as appropriate. If it is not feasible to address a particular issue, please indicate the reason. Include a copy of this Issues Letter and your response letter if applicable, with each set of plans.

VI. **STAFF REVIEW TEAM:** Should you require clarification about specific comments from the staff reviewing team, please contact me, or feel free to contact the reviewer directly.

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For modifications to the project scope, submittal requirements or questions regarding any of the above, please contact me prior to resubmittal. I may be reached by telephone at (619) 691-5255 or via e-mail at rzumwalt@ci.chula-vista.ca.us. If I am not available, please contact Senior Planner Miguel Tapia at (619) 691-5291 or by e-mail at mtapia@ci.chula-vista.ca.us

Sincerely,



Richard Zumwalt, AICP, Associate Planner
Development Services Project Manager

Enclosures:

1. Planning Division Memo dated 2/11/16
2. Building Division Memo dated 2/2/16.
3. Land Development Division Checklist dated 1/5/16
4. Landscape Architecture Division memo dated 1/21/16
5. Public Works-Recycling and Solid Waste comments dated 1/13/16
6. Sweetwater Authority Letter dated 12/30/15.
7. Qualified Acoustical Consultant List
8. Qualified Hazardous Materials Consultant List
9. Preliminary Environmental Review Application

cc: Neil Capin, [REDACTED]
Miguel Tapia, Senior Planner