

JANUARY 9, 2018

TO: CAROLINE YOUNG  
DEVELOPMENT SERVICES DEPARTMENT  
CITY OF CHULA VISTA.

FROM: JUDITH WILSON

CV. CA 91910

RECEIVED  
JAN - 9 2017

DEVELOPMENT SERVICES DEPARTMENT

JANUARY 09, 2018.

RE: OBJECTION TO CAR WASH PROJECT  
DRC 15-0037 & CUP 15-0023

THE FOLLOWING DOCUMENTS ARE  
BEING SUBMITTED TO BE INCLUDED  
AND REVIEWED BY THE COMMISSIONERS  
AT TOMORROW'S HEARING.

- ① MARCH 15<sup>th</sup>, 2016 LETTER TO R. ZUMWALT  
RE: OBJECTION
- ② MARCH 16<sup>th</sup>, 2016 RESPONSE LETTER FROM  
PATRICIA AGUILAR
- ③ MARCH 23<sup>rd</sup>, 2016 LETTER & PETITION 1-26 (4 PAGE)
- ④ APRIL 12<sup>th</sup>, 2016 LETTER & PETITION 27-39 (3 PAGE)
- ⑤ MAY 3<sup>rd</sup>, 2016 LETTER TO R. ZUMWALT  
RE: NOISE CONCERN.
- ⑥ MAY 3<sup>rd</sup>, 2016 LETTER TO R. ZUMWALT  
RE: \*ACOUSTIC TESTING  
\* 80 YEAR OLD W/  
DISABILITIES  
\* STRESS & ANXIETY.
- ⑦ MARCH 18, 2016. LETTER TO R. ZUMWALT  
RE: OBJECTION
- ⑧ MARCH 17, 2016 RECEIPT OF DELIVERY
- ⑨ MARCH 24, 2016 RECEIPT OF DELIVERY.

\* I, JUDY WILSON,  
RESERVE THE RIGHT TO

INCLUDE EMAIL EXCHANGES BETWEEN  
JULIE WOODWARD,  
T. GRISWOLD & TED CAPIN. DATED  
AROUND BETWEEN JULY 26<sup>th</sup> 2016 -  
JULY 31, 2016. (TO BE SUBMITTED  
AT A LATER TIME IF NECESSARY)

SINCERELY,



JUDITH WILSON.

To: Richard Zumwalt  
Planning Department  
City of Chula Vista

CC: Councilwoman Pat Aguilar

From: Judith Wilson

██████████  
Chula Vista, 91910  
██████████

March 15, 2016

Re: Objection to Wash n Go Project

This letter is to inform you that I, Judith Wilson, object to this project as it will not be neighborhood friendly. It will add to the existing traffic congestion on Telegraph Canyon Rd, the entrance to I-805N; including the underpass, Halecrest Drive, and Hale Street. I am highly concerned with the level of noise this will generate and the DIRECT negative impact on me and my health while at home. I already suffer from a condition which I was born with called Acromesomelia Paroxysmal. This causes me to experience extreme pain. In 1990, I was diagnosed with toxic encephalopathy. I understand that if this project is approved and completed, the impact will be detrimental to my health, living situation, and my quality of life. Another concern is the affect on the value of my property as well as the other homes this area.

This is my request to deny this project.

Sincerely,

Judith Wilson



OFFICE OF THE CITY COUNCIL

PATRICIA AGUILAR  
COUNCILMEMBER

March 16, 2016

Judith Wilson  
[REDACTED]

Chula Vista, CA 91910

Dear Judy,

Thank you for coming to City Hall the other day to let me know about your concerns regarding the proposed car wash project near your home. I completely understand the potential issues this project raises, including noise and traffic in the vicinity.

I have given your phone number to Miguel Tapia in our city's Development Services Department, to whom Mr. Zumwalt reports. You should be hearing from him soon, if you haven't already.

Once the applicant has responded to the "issues" letter from the city, Mr. Tapia should be in touch with you. You should also expect to receive a notice in the mail when the Planning Commission is scheduled to take up this matter.

Also, regarding your phone call, we do have your copy of the project application; it is included with this letter.

Please keep in touch and let me know if there is anything else I can do for you.

Warmest regards,

  
Pat Aguilar

[REDACTED]  
Chula Vista,  
Ca. 91910

3/28/16

Mr. R. Zumwalt,  
City of Chula Vista,  
Development Services Dept.,  
Development Planning Division,  
276 Fourth Avenue,  
Chula Vista, Ca. 91910

ATTENTION: - Wash - ~~at~~ Go CARWASH

Dear Mr. Zumwalt,

I am enclosing a letter to  
you and petitions I have had  
signed.

Many of my neighbours  
were unaware that it was Don's  
Auto Repair Service, where the car  
Wash was to be constructed; They  
thought it was across the street at  
the area gas station, as that <sup>wash</sup> car ~~wash~~  
has been non operational " for many  
years.

all were very upset at the

3/28/16 Delivered To Pat Aguilar ~  
MR. ZUMWALT

thought of the noise from the  
car Wash Machines - Vacuums  
plus the traffic congestion.

Several people who signed  
the Petition Work close by and are  
concerned about the noise - traffic  
congestion, and how it will impact  
their working conditions and also  
the patients at the Dental office.

Please deny the Wash Ni go  
car Wash, as it will be a  
detriment to our neighbourhood.

Thank you in anticipation

Yours sincerely,  


CC Councilwoman: Agcitar

I am opposed To location of a Wash'n Go car wash  
at 495 Telegraph Canyon Rd, LV. (See attached letter to  
Mr. Rich Zumwalt, Development Services Department.)

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

C.V. CA 91910

11. [REDACTED]

C.V. CA 91910

12. [REDACTED]

C.V. CA 91910

13. [REDACTED]

C.V. CA 91910

14.

I am opposed to location of a Wash 'n Go car wash  
at 495 Telegraph Canyon Rd., CV. (see attached letter to  
Mr. Rick Zumwalt, Development Services Department.)

- 14. [REDACTED] [REDACTED] [REDACTED]
- 15. [REDACTED] [REDACTED] [REDACTED] 94903
- 16. [REDACTED] [REDACTED] [REDACTED]
- 17. [REDACTED] [REDACTED] [REDACTED]
- 18. [REDACTED] [REDACTED] [REDACTED]
- 19. [REDACTED] [REDACTED] [REDACTED]
- 20. [REDACTED] [REDACTED] [REDACTED]
- 21. [REDACTED] [REDACTED] CONCERNED ABOUT TRAFFIC CONGESTION
- 22. [REDACTED] [REDACTED] [REDACTED]
- 23. [REDACTED] [REDACTED] [REDACTED]
- 24. [REDACTED] [REDACTED] [REDACTED]
- 25. [REDACTED] [REDACTED] [REDACTED]
- 26. [REDACTED] [REDACTED] [REDACTED]



To: Richard Zumwalt  
Planning Department  
City of Chula Vista

CC: Councilwoman Pat Aguilar

From: Judith Wilson  
[REDACTED]

Chula Vista, 91910  
[REDACTED]

April 12, 2016

Re: Objection to Wash n Go Project

Dear Mr. Zumwalt,

I am enclosing another page of the signed petition (signatures #27-#39.) The people of the community who have signed this petition are very upset at this Wash n Go project. Please be aware that there are children who attend school at Halecrest Elementary, 475 East J Street, Chula Vista, CA 91910, (619)-421-0771. The children who walk to and from school need to cross Halecrest Drive to Hale Street and Floyd Ave to East J Street. Halecrest Drive is already congested with traffic. If this Wash n Go project is approved, it would definitely create even more traffic congestion as well as making it more dangerous for the nearby school children. Another concern is the safety of these children; the unpredictable amount of strangers that would utilize this Wash n Go Project is unnerving.

It is very important to me for this project to be denied. There are many reasons to support the denial of this project as I have stated in this and other letters to you.

Sincerely,

Judith Wilson

I am opposed to location of a Wash'n Go car wash  
at 495 Telegraph Canyon Rd. CV. (See attached letter to  
Mr. Rich Zumwalt, Development Services Department.)

27. [Redacted]

28. [Redacted]

29. [Redacted]

30. [Redacted]

31. [Redacted]

32. [Redacted]

33. [Redacted]

34. [Redacted]

35. [Redacted]

36. [Redacted]

37. [Redacted]

38. [Redacted]

39. [Redacted]

I am opposed to location of a Wash 'n Go car wash  
at 495 Telegraph Canyon Rd., C.V. (See attached letter to  
Mr. Rich Zumwalt, Development Services Department.)

[REDACTED]

May 3, 2016

Richard

Mr. Rich Zumwalt, Associate Planner  
Development Services Department  
City of Chula Vista

276 Fourth Ave.  
91910

re: CUP-15-0023/ER15-0037

Dear Mr. Zumwalt:

I live at [REDACTED] right above the location of the proposed car wash at Telegraph Canyon Road and Halecrest. I am very concerned about the increase in the level of noise expected from the car wash. Therefore I request:

1. That the acoustical consultant take at least one measurement for the ambient noise from my backyard as it is now, and furnish me with a copy of the result.
2. That the acoustical consultant suggest ways in which the noise from a car wash can be reduced. Even a casual look on the internet shows several ways to lower the noise of a car wash. One, Proto-Vest, advertises that it can lower the level by 10 decibels, which I am told is significant.
3. That a condition of project-approval be that when the car wash begins operations, the noise level will be no higher in my backyard than it is now (#1 above).
4. That a condition of approval be that the car wash will cease operations at 6 pm in the winter and 7 pm in the summer.

To: Richard Zumwalt  
Planning Department  
City of Chula Vista

CC: Councilwoman Pat Aguilar

From: Judith Wilson

[REDACTED]

Chula Vista, 91910

[REDACTED]

May 3, 2016

Re: Objection to Wash n Go Project (CUP-15-0023/ER15-0037)

Dear Mr. Zumwalt,

It is very important to me for this project to be denied. There are many reasons to support the denial of this project as I have share with you previously in person and in my letters to you.

A new discovery is that I have learned about a company, Wilson/Thrigh that does acoustic consulting, through a discussion with a friend, Peter Watry. His son is the CEO. They have rules for subway noise and vibrations when it comes to new projects. One rule is that when it is up and running, there must not be any more noise or vibrations on the surface than before it ran. This is related to my objection of this project because I believe that the level of noise and vibrations will NOT stay the same as it is now without a car wash. My concern is the direct negative impact on my health, living situation, and quality of life if this project is approved.

I'm guessing that there are many factors and processes for a project to be approved. If I remember correctly, a consulting firm is to be hired or was hired to measure the existing noise. I request to be informed of the results by mail. Also, can the level of noise and vibrations be measure from my property; specifically my backyard?

I am nearly 80 years old with disabilities. I've lived in my home since October 1973. This development has caused me so much stress and anxiety. I feel that I am at such a disadvantage compared to the resources the developer has access to.

Please consider my reasons and concerns with an empathic heart? Mr. Zumwalt, I'm guessing it is not only up to you to decide whether this is denied. Is it possible for you to share this appropriately with the others who have the ability to deny this project?

Sincerely,

Judith Wilson

3/18/16

Dear Mr. Zumwalt,

The notice letter that a Wash 'n Go car wash is proposed for 495 Telegraph Canyon Road was certainly a surprise. There is already a car wash (closed for lack of use) thirty feet away at the Arco station, 501 Telegraph Canyon Road.

A car wash at the corner of Halecrest Drive and Telegraph Canyon Road would worsen traffic congestion which is already at a very dangerous level. Numerous accidents have occurred (one fatal) as drivers attempt to navigate the combined intersections of the shopping Center, Halecrest Drive, Telegraph Canyon Road/L Street with no less than two separate on-ramps to I-805, and a separate off-ramp. All this within a one-third block radius. (See drawing.)

Another huge concern is the noise that would be generated by a car wash. If you were to take a decibel reading at an existing Wash 'n Go (Imperial Beach or Bonita), we believe you would find the noise equal to jet airplanes taking off. Imagine this noise in the Halecrest area, early in the morning and until late at night, seven days per week.

Plus the health of those in our area would surely be negatively affected by the pollution from excavation toxins and car wash chemicals.

We implore you, Mr. Zumwalt, to deny the application for a Wash 'n Go car wash at 495 Telegraph Canyon Road.

Ms. Judith M. Wilson  
Chula Vista CA 91910

Mr. Richard Zumwalt,

RECEIVED  
MAR 17 2016

DEVELOPMENT SERVICES DEPARTMENT

Development Planning Division  
City of Chula Vista,  
276 Fourth Avenue,  
Chula Vista,  
Ca 91910.



Ms. Judith M. Wilson  
Chula Vista CA 91910

RECEIVED  
2002-2316  
DEVELOPMENT SERVICES DEPARTMENT

MR. R. Zumwalt,  
Development Services Dept.,  
Development Planning Div.  
276 Fourth Ave,  
Chula Vista,  
CA 91910



## Caroline Young

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**From:** Pat Laughlin  
**Sent:** Tuesday, January 09, 2018 9:04 AM  
**To:** Caroline Young  
**Cc:** Kelly Broughton; Tiffany Allen; Michael Shirey; Stan Donn; Scott Donaghe  
**Subject:** Another Car Wash Complaint

FYI

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**From:** Webmaster  
**Sent:** Monday, January 08, 2018 5:16 PM  
**To:** Communications

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### Survey Details

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#### Page 1

#### General Inquiries

**First Name** Lorna  
**Last Name** Hardin  
**Email Address** [REDACTED]  
**Comments**

It is an outrage that the Planning Commission would approve a resolution for building a car wash at the corner of Telegraph Canyon Rd. and Halecrest.. There is already an excessive amount traffic at that corner next to the the 805 freeway. I feel very strongly that this is a bad decision. It is already very difficult for cars to enter the street, turn onto the freeway or get over enough lanes to continue down Telegraph Canyon Rd. The added traffic from a car wash will make this even worse. There is a car wash just up the freeway two exits at Bonita Rd. and E Street. There is no need for another car wash . There is also a car wash in Eastlake. I urge you to reconsider approval of this resolution.

Thank you,  
City of Chula Vista

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**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**

Rod Bisharat, Canyon Arco

Chula Vista Ca, 92019

January 8, 2018

Chula Vista Planning Commission  
276 4<sup>th</sup> Avenue  
Chula Vista, CA 91910

Re STP Wash "N" Go Automated Car Wash Facility 495 Telegraph Canyon Rd.  
DRC 15-0037 and CUP 15-0023

Honorable Members of the Chula Vista Planning Commission:

I am writing this letter to oppose the Design Review and Conditional Use Permits for the automated car wash facility 495 Telegraph Canyon Rd. unless and until the City requires the applicant to perform a traffic study an adequate noise study and an understanding of the contaminated soils on the proposed property. The matter is scheduled for hearing before the Planning Commission on January 10, 2018 under case numbers DRC 15-0037 and CUP 15-0023. The notice for the Conditional Use Permit indicates no environmental analysis of the project has been done, stating there is a categorical exemption under the CEQA Guidelines. I believe, however, that some environmental analysis must be done including a traffic study and noise study. According to the city staff the applicant indicated they may be servicing over 400 cars a day.

The gasoline station I own is located immediately across the street from this project on Halecrest Dr. and Telegraph Canyon Rd. Based on a previous determination by California Department of Transportation (Caltrans), all cars exiting the proposed car wash must do so onto Halecrest Dr. and not Telegraph Canyon Rd. The driveway for the proposed car wash is directly across from a driveway for the gas station at an already impacted intersection on Halecrest Dr. and the freeway entrance onto Highway 805. Several safety hazards likely will occur with significant traffic entering and exiting both the carwash and the gas station directly across the street from each other at an impacted intersection controlling a large volume of traffic going onto the freeway.

After receiving a notice of the Planning Commission's hearing and after contacting and meeting with the project managers Caroline Young, Stan Donn, and traffic engineer Frank Rivera I expressed my concern about traffic safety, noise and soil contamination conflicts. I then reminded Mr. Rivera about the restrictions Caltrans implemented in 2005 on the Telegraph Canyon Rd. driveway as an entry only and not to have any cars exiting on to Telegraph Canyon Rd. (At that time Mr. Rivera was involved with the widening of Telegraph Canyon Rd.). The project manager indicated that they had received a letter from Caltrans (please see attached Caltrans letter) and, as a result, was under the impression that cars exiting the carwash could exit also onto Telegraph Canyon Road. I contacted Keri Robinson at Caltrans since I was aware that this was not the case. Previously, signs had been placed on the property prohibiting exiting onto Telegraph Canyon Rd. (please see attached picture) at the vicinity of the on ramp to freeway 805. I was aware of this prohibition because in 2005 a portion of my property was also taken for the new lane for the entrance on the 805. One of the conditions that applied to the property across the street is that traffic could not exit the property proposed for the carwash onto Telegraph Canyon Rd. because of the traffic impacts at the entrance ramp onto the 805. Mr. Sanchez with Caltrans who works with Mrs. Robinson advises me when I spoke with him on 01/05/2018 that this restriction has not been removed and nowhere in that letter it says it would be removed. Given that all the exiting traffic from the carwash will have to be onto Halecrest Dr., and that this is an already significantly impacted intersection because of the entry and exit to that shopping center adjacent and behind my property and from cars that use Halecrest Dr. to get to and from the freeway, a traffic study is imperative before the project can be approved.

Furthermore, significant noise is generated by the carwash equipment, blowers (dryers), and the free vacuums service being offered as part of the project. All of those equipments are very noisy and are directly adjacent to homes and businesses in the neighborhood. Several of the neighbors who use my gas station have expressed to me

their concern about this noise and the impact on the values of their homes. Without a traffic study to address the potential public safety and traffic issues posed by this project, a noise study to look at the impact of the noise on the homes and businesses in the neighborhood, and to address any contaminated soils because the proposed property was a gas station before 2005 for over 30 years this project should not be approved.

Approving this project without any environmental evaluation is neither appropriate or prudent. City staff needs to and should know the traffic counts at the intersection of Halecrest Dr. and Telegraph Rd., and how cars exiting the proposed car wash will impact the intersection and public safety. I am certain this will cause a back up on Halecrest Dr. and personally observed this when the new market in the shopping center first opened. Frustrated drivers trying to leave the gas station when traffic backed up got stuck at the intersection and began making unsafe turns to avoid being stuck at the intersection. Additional vehicle traffic from the car wash at the driveway directly across the street, some turning left and others right to get on the freeway are certain to be an accident waiting to happen.

Please take the time to do a proper traffic study before considering approval of the project.

Truly Yours,  
Rod Bisharat



CC: Patricia Aguitar

# Google Maps 897 Halecrest Dr



Image capture: Jan 2015 © 2018 Google

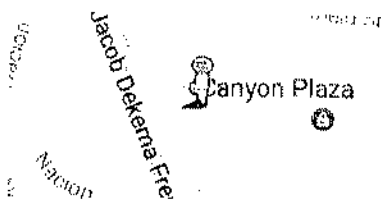
Chula Vista, California

Google, Inc.

Street View - Jan 2015



May 2015



DEPARTMENT OF TRANSPORTATION

DISTRICT 11

4050 TAYLOR STREET, M.S. 240

SAN DIEGO, CA 92110

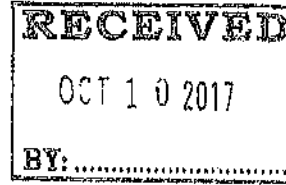
PHONE (619) 688-3193

TTY 711

www.dot.ca.gov



Making Conservation a California Way of Life.



11-SD-805

PM 6.06

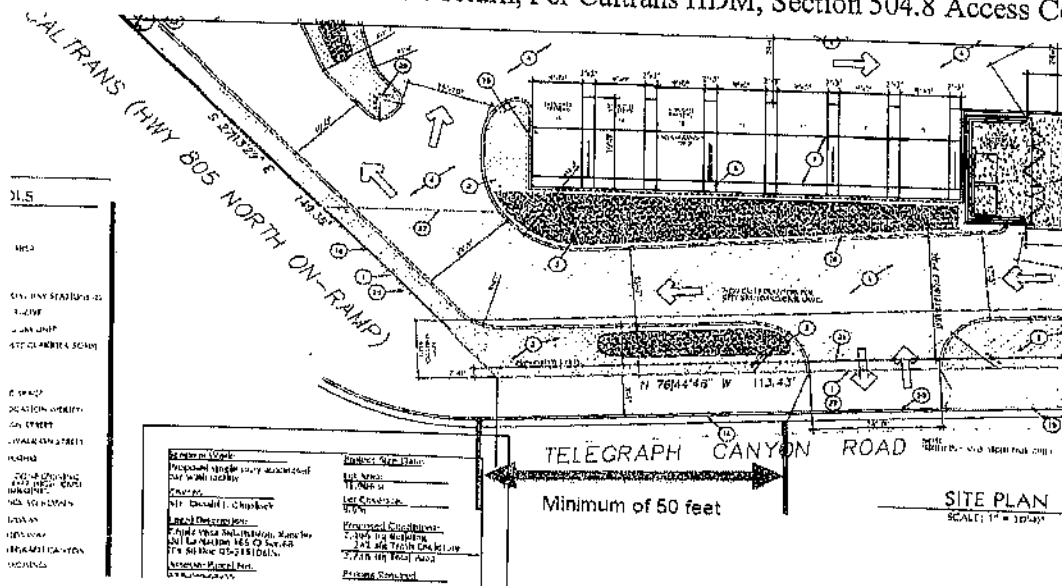
STP Wash 'N' Go Automated Car Wash Facility

Ms. Caroline Young  
City of Chula Vista  
276 4th Ave  
Chula Vista, CA

Dear Ms. Young:

The California Department of Transportation (Caltrans) has reviewed a site plan for the Wash 'N' Go Automated Car Wash Facility, which will be located north of Telegraph Canyon Road and Interstate 805 (I-805). Caltrans has the following comments:

The proposed new driveway location (#20) adjacent to Telegraph Canyon Road shall be at least 50 feet beyond the end of the curb return, Per Caltrans HDM, Section 504.8 Access Control.



Any modification to the existing drainage and increase runoff to or from State facilities will not be allowed or the responsibility of Caltrans.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Ms. Young  
October 3, 2017  
Page 2

Current plans provided to Caltrans dated September 26, 2017, do not show encroachment in to Caltrans right-of-way. Any work performed within Caltrans right-of-way will require discretionary review and approval by Caltrans and an encroachment permit will be required.

If you have any questions, or require further information, please contact Trent Clark at (619) 688-3140 or email at [trent.clark@dot.ca.gov](mailto:trent.clark@dot.ca.gov).

Sincerely,

A solid black rectangular redaction box covering the signature of Keri Robinson.

KERI ROBINSON, Acting Branch Chief  
Development Review Branch



PROCOPIO  
525 B Street  
Suite 2200  
San Diego, CA 92101  
T. 619.238.1900  
F. 619.235.0398

THEODORE J. GRISWOLD  
Partner  
P. (619) 515-3277  
ted.griswold@procopio.com

AUSTIN  
DEL MAR HEIGHTS  
PHOENIX  
SAN DIEGO  
SILICON VALLEY

January 4, 2018

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
VIA E-MAIL (CYOUNG@CHULAVISTACA.GOV)

Caroline Young  
Development Services Project Manager  
Development Services Department  
City of Chula Vista  
276 Fourth Ave.  
Chula Vista, CA 91910

Re: Wash 'N Go Carwash; 495 Telegraph Canyon Road  
Project No. DR15-0037, CUP-15-0023, & PER16-0003  
Inadequate Noise Analysis Report; Erroneous Use of Categorical Exemption; Inability to make findings for CUP

Dear Caroline:

This letter is in response to your letter, dated November 17, 2017, providing Eilar Associates, Inc.'s response, dated October 13, 2017 ("**Response Letter**"), to our October 4, 2017 letter regarding the proposed Final Noise Analysis Report, dated August 7, 2017 ("**Noise Study**") for the above-referenced project ("**Project**"). Although we appreciate the City's response, our concerns regarding the impacts of unevaluated noise sources and the impact the Project may have on the ambient noise levels remain unaddressed. We are also responding to recent notice of intent to adopt a CEQA categorical exemption in support of a conditional use permit for the project. The Noise Report does not support the use of a categorical exemption, or the ability to make all findings required of a CUP.

As you know from the multiple correspondence to date, we represent elderly individuals living immediately next door to the proposed car wash facility. We have stated our concerns that the facility will cause disruptive noise to the adjacent residences, yet these concerns remain unaddressed. This project seeks to have unmitigated and unsupervised noise from cars waiting to enter the car wash immediately adjacent to homes. It is wholly predictable that noise from these cars and the operation will be disruptive to these neighbors, affecting their health and welfare. Until this impact is recognized, addressed and adequate mitigation is provided, consideration of the CUP is premature and subject to challenge.

procopio.com

**Project Noise Report does not address the issue.**

The noise study purports to evaluate a "worst-case" scenario for the Project, but only evaluates one noise source. A "worst-case" scenario that does not take into account all of the noise sources arising from the site such as the vacuums, intercoms, and customer noise (radios, idling cars, loud conversations, horns) ("**Unevaluated Noise Sources**") is wholly inadequate. Such a limited analysis cannot be used as a basis to determine whether the Project will exceed the municipal code requirements or whether the Project may have an impact on the environment or on the health and welfare of surrounding residences. These are separate inquiries.

The applicant's Response Letter simply dismissed the potential impacts of the Unevaluated Noise Sources and offered no evaluation to support the dismissal. While the dryers (which were the sole noise source evaluated) may be the dominant source of noise, they are not the only source. More importantly, the Unevaluated Noise Sources would be immediately adjacent to the residential properties and are of particular concern to such residents. As the Response Letter concedes, the vacuums and intercoms will generate noise and, rather than explain how such noises impact the environment, merely states the noises "are not expected to be significant" or would be of brief duration and would be minimal compared to the dryer noise.

There are several issues with these contentions. First, a mere statement that such noises are not expected to be significant is not sufficient to properly evaluate whether such noise sources alone, or taken together with other noise sources, will have an impact on the environment or meet the municipal code requirements. The decision maker cannot determine to what extent the Unevaluated Noise Sources will be heard in the adjacent residences, and as a result there is no way for Planning Commission to make the required finding for the permit:

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; (CVMC 19.14.080 B.)

*There is no support for making such finding relative to the noise impacts to the adjacent residences.*

Second, the comparison of the intercom noise and other Unevaluated Noise Sources to the dryer noise is irrelevant; the impact of these noise sources on the environment and surrounding homes is the relevant inquiry. This requires measurement of noise levels, proximity to homes, and number of occurrences throughout the day, and if impacts occur, how such impacts can be eliminated or minimized. None of these issues are addressed in the noise study.

Third, the fact that the intercoms would be of brief duration, and, therefore, may not impact the average hourly noise levels, does not mean that such noises will not be disruptive and impact the residential properties. Residential properties immediately adjacent to the carwash will be subject to such disruptive noises regardless of the impact on the hourly average. Moreover, the high number of sporadic and brief noise sources would, in fact, be more disruptive to the neighboring residences.



The Response Letter also incorrectly contends that customer noise is "unpredictable" and "out of control of the carwash operators" which would make modeling of such noises infeasible. However, noise from idling cars, radios, and car horns is both predictable and very common at car washes and this is what makes their impact so significant. This impact is unassessed, and no mitigation is proposed for the impact. The unpredictability of the timing of such noises does not alleviate the requirement to evaluate and mitigate for such foreseeable impacts. To determine the potential impacts, the applicant can use a similarly designed and situated car wash as a reference and create real, objective measurements. In addition, noise from idling cars is not unpredictable, especially in modeling a worst-case scenario with assumptions that the Project will be used at capacity. Car idling is often modeled to determine noise from circulation within a development. Therefore, at a minimum, the Noise Study should include an analysis of noise from idling cars, radios, speakers, etc. and an assessment of this impact on neighboring homes.

In addition, the contention that the noise sources are out of the control of the carwash operators is incorrect. The City could require as a condition of approval that employees be located at the queue line and at the vacuums to police the facility so that customers keep noise volumes down, turn their radios down or refrain from using loud voices and their car horns. Signs can be posted in addition to having onsite employees, but signs alone will do little to prevent such noises. Also, the project is proposing a sound barrier wall near the adjacent commercial property—a sound wall of effective height can also be constructed along the property line bordering the residential properties to limit impacts. Such design of a sound barrier requires an analysis of the noise first, then a determination of the barrier necessary to protect neighboring residences.

Finally, as noted in our previous letters, CEQA Guidelines require the City to evaluate if the Project will have a temporary, permanent or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project. The determination of whether the Project will comply with the City's noise ordinance is a separate inquiry under CEQA and the CUP findings. The City's noise ordinance does not establish the sole threshold for significance under CEQA and does not limit consideration under the CUP findings. Therefore, *a finding that the Project complies with the noise ordinance does not mean that it has no impact on the environment or that the project is not detrimental to the health, safety or general welfare of persons residing or working in the vicinity.* The Noise Study has no evaluation of the increase in ambient noise levels above the current levels. As noted in the Noise Study, the ambient noise levels in the area are very high, increases to these ambient noise levels can be detrimental to the residents located immediately adjacent to the Project.

The Noise Study still contains significant deficiencies that need to be addressed before the City can rely on its findings to determine whether the Project will comply with the City's noise ordinance and whether Project will have an impact on the environment.

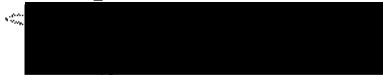


**Use of a Categorical Exemption is Inappropriate for the Permit.**

Any consideration of this project under a CEQA categorical exemption would be without substantial support and erroneous. Moreover, the use of a categorical exemption for in fill property (§ 15332) as noted in the public notice, is wholly inappropriate. This exemption is specifically intended for “environmentally benign infill projects,” and does not apply to a project that would result in any significant offsets relating to traffic, noise or air quality. The City is not able to provide this assurance given the current level of analysis. Moreover, this assurance cannot be assumed in this situation. CEQA guidelines § 15300.2 prohibits the use of a categorical exemption where there “is a reasonable probability that the activity will have a significant effect on the environment due to unusual circumstances.” Here, the location is a busy, unsupervised car wash immediately adjacent to residential homes is just such an unusual circumstance.

We have previously deplored the City and the applicant to take our clients’ concerns and address them in a meaningful manner through multiple correspondence. However, both have failed to do so. Instead, you refer to an inadequate Noise Study, which is a diversion from the project impacts of highest concern. The Noise Study still needs to include the potential impacts of the Unevaluated Noise Sources and any corresponding mitigation measures, and the Noise Study needs to include an analysis of any increases in ambient noise levels in the Project vicinity, including the affected homes. We respectfully request that you either instruct the project applicant to address these needs, or deny the application outright.

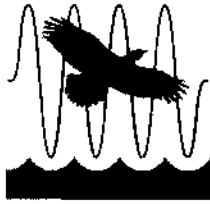
Best regards,



Theodore J. Griswold  
Partner, of  
Procopio, Cory, Hargreaves & Savitch LLP

TJG/pat

cc: Chula Vista Planning Commissioners  
Glen Googins, Esq., Chula Vista City Attorney  
Ms. Judith Wilson



# EILAR ASSOCIATES, INC.

## Acoustical and Environmental Consulting

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January 9, 2018

Job #B60504N5

City of Chula Vista  
Development Services Department  
Attention: Caroline Young  
276 Fourth Avenue  
Chula Vista, California 91910

**Subject: Second Response to Opposition to Wash-N-Go (DR15-0037; CUP15-0023; PER16-0003)**

As requested, Eilar Associates, Inc. has reviewed a supplemental letter from Procopio, dated January 4, 2018, regarding the Wash-N-Go car wash project, to be located at 495 Telegraph Canyon Road. The aforementioned letter from Procopio was prepared in response to the previous letter issued by Eilar Associates, Inc., dated October 13, 2017, which responded to initial concerns from certain nearby residents regarding the complete noise study for the project, prepared by HMMH and dated August 7, 2017. The January 4 letter expressed continued concerns regarding the project and the noise study.

It remains the opinion of the undersigned that, despite the continued concerns raised in the letter from Procopio, the acoustical report prepared by HMMH adequately addressed the major noise sources associated with the car wash site in comparison to the applicable Municipal Code noise limits. Comments following the review of the January 4 letter are listed below.

1. The letter continues to take issue with the fact that the only noise source evaluated within the report is the car wash dryer system, again mentioning the noise impacts that would result from vacuums, intercoms, and customer noise (idling, radios, loud conversations, car horns). The letter states that, without the inclusion of said sources, the analysis "cannot be used as a basis to determine whether the Project will exceed the municipal code requirements or whether the Project may have an impact on the environment or on the health and welfare of surrounding residents." Eilar Associates disagrees with this statement. As previously detailed within the October 13 letter from Eilar Associates, the noise limits of the Municipal Code are given as hourly noise limits. Although other noise sources may be present, the dryer remains the dominant noise source, and therefore the noise source that drives the hourly noise impacts to adjacent properties, with any other sources expected to be numerically insignificant in comparison.

The letter also brings up the question of "whether the Project may have an impact on the environment" and refers to the California Environmental Quality Act (CEQA) in various locations throughout the letter. While the CEQA Environmental Checklist Form contains a list of questions relating to noise impacts to/from project sites for the classification of an impact's significance, the applicable thresholds of significance for a project are set by the

Lead Agency. The first question of the checklist asks if the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies." The noise regulations of the Municipal Code (noise ordinance) have been addressed within the noise study, while the noise limits of the General Plan pertaining to residential properties are more limited to the assessment of transportation noise impacts to sites from surrounding roadways, railways, or airports, and therefore, are not applicable to this site.

Furthermore with regards to CEQA, the letter contends that there has not been an evaluation of the increase in permanent, temporary, or periodic ambient noise levels as a result of car wash operation. While this analysis has not been explicitly defined within the noise analysis, the presence of ambient noise measurements along with projected noise impacts from the car wash property make the determination of impacts to the ambient noise level possible through the application of the principles of decibel addition. An informational supplement has been provided as an attachment to this letter presenting the formula for conducting decibel addition. The noise impact at the property line of 484 Hale Street is shown to be 66.0 dBA in the noise analysis, compared to the lowest measured hourly ambient noise level of 66.9 dBA during anticipated business hours. When these impacts are combined, the resulting combined noise impact is 69.5 dBA. The impact of the project on the ambient noise level can be calculated by subtracting the existing ambient noise level from the combined noise level, and therefore, the contribution to the ambient noise level anticipated from this project is 2.6 dBA. While the City of Chula Vista does not have formally adopted significance determination thresholds, a typically accepted threshold of significance is that an increase of 3 dBA or more would be considered a significant impact, as this increase represents a doubling of sound energy. This project's noise contribution would remain below the 3 dBA threshold at the property line, and would also have a significantly lower noise contribution at the residential structures, where the actual noise-sensitive receivers are more likely to be located. In this location, adjacent to residential structures and uphill from the car wash, noise impacts are projected to be 52.5 dBA. When compared to the lowest measured hourly ambient noise level of 66.9 dBA during anticipated business hours, the combined noise impact would be 67.1 dBA—an increase of 0.2 dBA above the ambient noise level. For these reasons, it is the opinion of the undersigned that the impact to existing ambient noise levels would be considered to be less than significant.

This statement also refers to the impact of the noise on the "health and welfare" of off-site individuals, seemingly drawing from the City of Chula Vista Municipal Code prerequisites for granting a Conditional Use Permit (CVMC 19.14.080B). Due to the fact that there is no quantitative noise limit tied to this statement, it becomes a subjective noise standard that is therefore unenforceable in terms of noise. The noise limits found within Section 19.68 of the Municipal Code therefore are the only guiding factor in the determination of compliance, and based on the lack of other guidelines, it can be inferred that the City therefore considers compliance with these guidelines to be adequate proof that the general "health and welfare" of individuals would be protected if the established noise standards are met.

2. This letter also contends that "the comparison of the intercom noise and other Unevaluated Noise Sources to the dryer noise is irrelevant; the impact of these noise sources on the environment and surrounding homes is the relevant inquiry." The dryer noise and all other noise sources will exist simultaneously, meaning that they all impact the hourly noise level; however, the degree to which they impact the hourly noise level is a highly relevant factor. Both HMMH in their noise assessment and Eilar Associates concur that the dryer on site is

the primary source of noise on site, and would therefore drive the hourly noise impact, which is the metric used in the applicable noise regulations. It is important to note, however, that the fact that a noise source may not affect the hourly noise level does not mean that it is nonexistent or inaudible, but rather, that it would be expected to be that much lower than the dominant noise source that the numerical impact would not increase significantly due to their inclusion.

3. The letter states: "...the fact that the intercoms would be of brief duration, and, therefore, may not impact the average hourly noise levels, does not mean that such noises will not be disruptive and impact the residential properties." The intent of noise regulations, including those formulated in the City of Chula Vista Municipal Code, is to reasonably protect noise-sensitive receivers from excessive noise impacts. It is the decision of those writing the regulations to decide what that entails, considering the subjective nature of noise and the fact that noise impacts that are considered "disruptive" to some individuals may be unobjectionable to others. With this in mind, the only quantifiable and objective noise limits within the Municipal Code are the hourly noise limits that have been addressed by the project noise study. Compliance with these noise limits should not be confused with total inaudibility, nor should it be taken to mean that no individuals could potentially be disturbed by a noise source.
4. The contention from the previous Eilar Associates letter that customer noise would be unpredictable has also been questioned in this response letter; however, it is important to recognize that predictability that a noise source will be present and predictability in terms of noise modeling are not the same. While there will certainly be cars idling on site, as well as the possibility of loud conversations within or around cars, car radios playing, and horns sounding, the high level of variation in these sources is what makes them "unpredictable" from a noise modeling standpoint. Differences in the potential volume of radios/conversations, the number of cars in which these noise sources are present at any given time or within an hour, the locations of cars on site while conversations are taking place/radios are playing, the variation in noise from car horns of different types of vehicles, the locations of cars when the horns are sounded or duration of the horn, the number of horns sounded in an hour, and other such factors make the formulation of a noise model considering all of these sources impractical and likely inaccurate. Additionally, as previously stated, with the dominant and more regular source of noise at the site being the car wash dryer, these intermittent noise sources would not be expected to contribute to the overall hourly noise impact at the site.

The letter goes on to recommend using noise measurements from a "similarly situated car wash as a reference and create real, objective measurements." While similar noise sources would undoubtedly be present, the aforementioned variation in noise sources in not only the hours throughout the day but also what would be expected on a day-to-day basis would make capturing noise measurements that are representative of what would be experienced at the site a difficult task. More importantly, any measurements at a similar facility would likewise be impacted by not only the ambient noise environment, but also the car wash dryer system, which again, would be expected to be the source of noise that would dominant hourly average noise impacts.

5. The letter additionally states the car wash should be required have on-site operators to "police the facility" in an attempt to control customer noise. This is a City decision and will not be addressed by Eilar Associates. The letter further states that the project could

incorporate a taller sound barrier, such as what is proposed adjacent to the commercial property (to the east of the tunnel). As Eilar Associates has reviewed the noise study and continues to feel that the study sufficiently addresses the necessary noise requirements with the currently proposed six-foot high noise barrier to the west of the tunnel, requiring the project to include a sound barrier of increased height at residential properties would again be the decision of City staff.

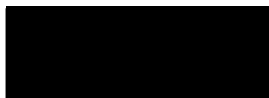
6. The final point of the letter again refers to CEQA and the determination of permanent, temporary, or periodic increases in ambient noise levels. A brief description of anticipated increases has been detailed in Item 1 of this response letter. The letter also states that the comparison of noise impacts to the noise ordinance (Municipal Code) standards is "a separate inquiry" from CEQA and CUP findings. However, as further detailed in Item 1, CEQA refers to Lead Agencies to set appropriate standards, and the CUP prerequisites present a subjective standard that is not quantifiable and therefore unenforceable from a noise perspective.

For the reasons detailed above, it continues to be the opinion of the undersigned that the project noise study sufficiently demonstrates the project's compliance with the applicable noise regulations of the City of Chula Vista.

Please call if you have any questions or require additional information.

Sincerely,

**EILAR ASSOCIATES, INC.**

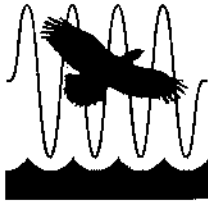


Jonathan Brothers, Principal Acoustical Consultant



Amy Hool, Senior Acoustical Consultant

Attachment: Principles of Decibel Addition



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**Subject: Principles of Decibel Addition**

To determine the combined logarithmic noise level of two known noise source levels, the values are converted to the base values, added together, and then converted back to the final logarithmic value, using the following formula:

$$L_C = 10 \log(10^{L_1/10} + 10^{L_2/10} + 10^{L_N/10})$$

where  $L_C$  = the combined noise level (dB), and  
 $L_N$  = the individual noise sources (dB).

This procedure is also valid when used successively for each added noise source beyond the first two. The reverse procedure can be used to estimate the contribution of one source when the contribution of another concurrent source is known and the combined noise level is known. These methods can be used for  $L_{EQ}$  or other metrics (such as  $L_{DN}$  or  $CNEL$ ), as long as the same metric is used for all components.

Further explanation may be provided upon request.