



APPEAL APPLICATION FORM

Appeal the decision of the:

- Zoning Administrator
- Planning Commission

STAFF USE ONLY

Date Received: 1/18/18

Fee: \$250.00

Receipt #: 000549-0010

Case #: _____

Application Information

Name of Appellant: Rod Bishart Phone: [REDACTED]

Address: [REDACTED]

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.

[REDACTED] Signature of Appellant Date: 1/18/2018

DO NOT WRITE IN THIS SPACE

The above matter has been scheduled for public hearing before the: City Council On 1/1/18

Development Services Department City Clerk

EXHIBIT A

January 8, 2018

Chula Vista Planning Commission
276 4th 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 Hillcrest 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 Hillcrest 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 of Hillcrest 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 Benn, 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 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. 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 Hillcrest 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 Hillcrest 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 Hillcrest 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 Hillcrest 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
Raed Bisharat



Google Maps 897 Halecrest Dr

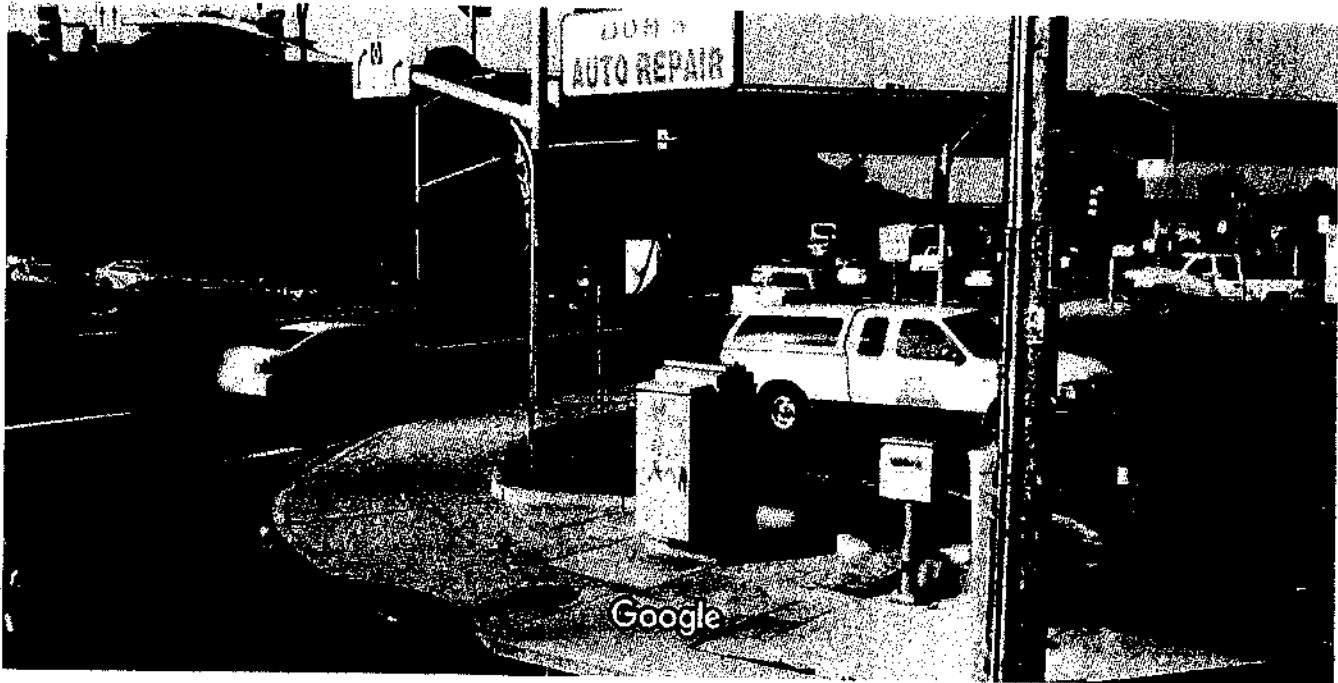


Image capture: Jan 2015 © 2018 Google

Chula Vista, California



Street View - Jan 2015



May 2015

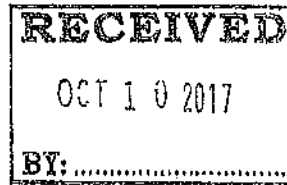


DEPARTMENT OF TRANSPORTATION

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.



October 3, 2017

11-SD-805

PM 6.06

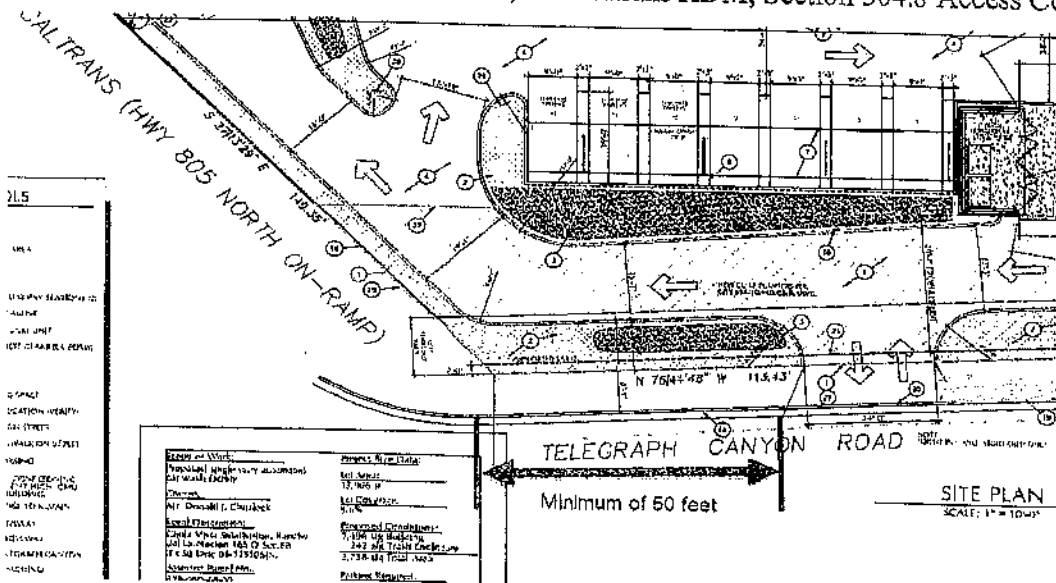
STP Wash 'N' Go Automated Car Wash Facility

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.

Sincerely,

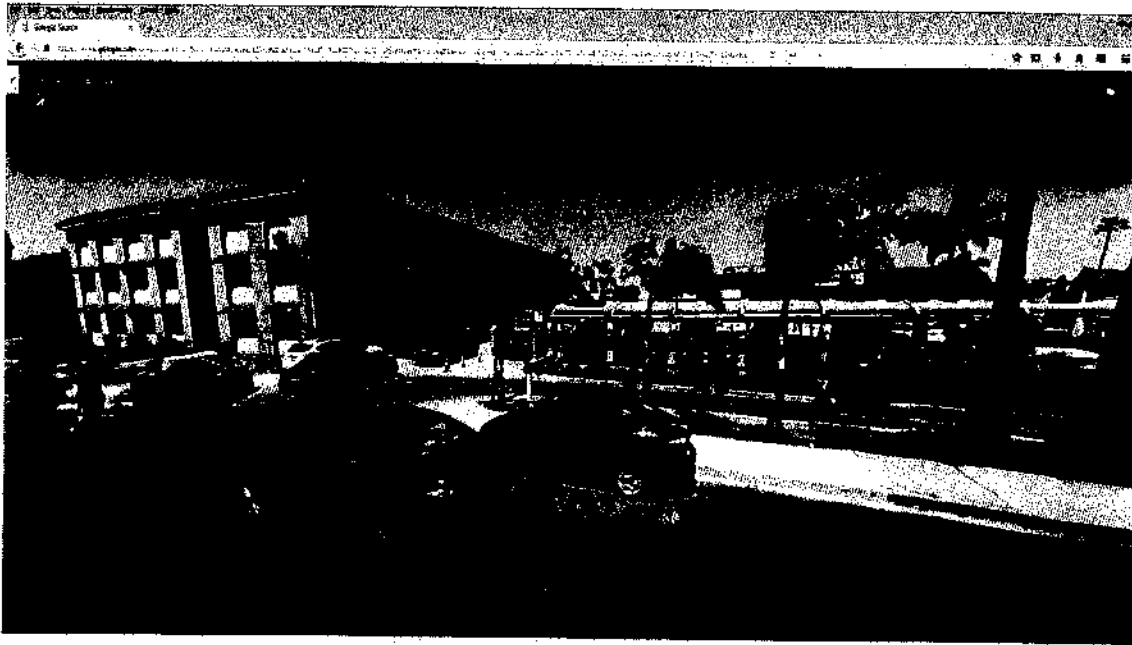
A solid black rectangular redaction box covering the signature of Keri Robinson.

KERI ROBINSON, Acting Branch Chief
Development Review Branch

EXHIBIT B

Appellant also supports Mrs. Judith Wilson's and the adjacent residents' position that there is inadequate noise control from the site, and that the findings required for both a CEQA exemption and the CUP cannot be made without appropriate and effective noise mitigation. That is, there can be no finding that the health and welfare of the adjacent residences are unharmed by the proposed project, as there will be environmental effects that will burden them. To claim that the ambient sound is loud, or that the hour-long average noise level is not raised dramatically enough to violate the noise ordinance ignores the simple reality that they will hear the noise. And they will hear it on a daily, constant level. That is not "no impact", but an "ignored impact."

A wall at the base of the hill will only protect against the noise that is created immediately adjacent to the wall. It will not protect from the noise that otherwise travels up the slope from the remainder of the project into the residential neighborhood. The only way to protect against the impacts from that noise would be to meaningfully protect against that noise reaching the homes. Such protection would require either a block wall along the property line that is as tall as the hillside (probably 20 feet), or a block wall at the top of the hill (on the residences' property) that is tall enough to send any escaping sound over the roof of the house (likely a 4-5' tall block wall). This would provide sound protection similar to what the applicant provides to his hotel neighbor at his Rosecrans facility, which is bordered by a 30+ ft wall, shielding the noise from the facility. The applicant uses this facility as an example for the impact that it would have on the surrounding community. A picture of Applicant's facility showing the sound wall and traffic issues is attached to Exhibit B.



Disclosure Statement

Pursuant to Council Policy 101-01, prior to any action upon matters that will require discretionary action by the Council, Planning Commission and all other official bodies of the City, a statement of disclosure of certain ownership or financial interests, payments, or campaign contributions for a City of Chula Vista election must be filed. The following information must be disclosed:

1. List the names of all persons having a financial interest in the property that is the subject of the application or the contract, e.g., owner, applicant, contractor, subcontractor, material supplier.

None

2. If any person* identified pursuant to (1) above is a corporation or partnership, list the names of all individuals with a \$2000 investment in the business (corporation/partnership) entity.

None

3. If any person* identified pursuant to (1) above is a non-profit organization or trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

None

4. Please identify every person, including any agents, employees, consultants, or independent contractors you have assigned to represent you before the City in this matter.

None

5. Has any person* associated with this contract had any financial dealings with an official** of the City of Chula Vista as it relates to this contract within the past 12 months. Yes ___ No

If Yes, briefly describe the nature of the financial interest the official** may have in this contract.

6. Have you made a contribution of more than \$250 within the past twelve (12) months to a current member of the Chula Vista City Council? No Yes ___ If yes, which Council member?

7. Have you provided more than \$340 (or an item of equivalent value) to an official** of the City of Chula Vista in the past twelve (12) months? (This includes being a source of income, money to retire a legal debt, gift, loan, etc.)
Yes ___ No

If Yes, which official** and what was the nature of item provided?

Date: 1/19/2018


Signature of Contractor/Applicant

Reed Bisharat

Print or type name of Contractor/Applicant

- * Person is defined as: any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, any other county, city, municipality, district, or other political subdivision, -or any other group or combination acting as a unit.
- ** Official includes, but is not limited to: Mayor, Council member, Chula Vista Redevelopment Corporation member, Planning Commissioner, member of a board, commission, or committee of the City, employee, or staff members.

September 8, 2006