



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Pam Foley

SUBJECT: BASCOM ANDOIL CAR WASH

DATE: August 24, 2020

Approved:

Date: 08/24/2020

RECOMMENDATION

1. Accept the recommendation of staff to deny the appeal of the Planning Commission's approval of the Conditional Use Permit Amendment No. CPA16-035-01 for the Bascom Andoil Carwash Amendment Project.
2. Approve the conditional use permit amendment, to amend the previously approved permit File No. CP16-035-01, as recommended by the Planning Commission with the following conditions:
 - a. Developer agrees to construct City standard driveway, curb, gutter, bulb outs, and sidewalk along the north side of Woodard Road, east of Starview Drive for approximately 100 feet.
 - b. Developer agrees to provide a voluntary contribution of \$15,000 towards enhanced pedestrian improvements at Woodard Road and Starview Drive.
 - c. Operation of the carwash will be between the hours of 8:00am – 8:30pm.

ANALYSIS

Our office has listened to numerous neighbors, parents, interested citizens, and the developer. Though this may be a relatively small project for the City of San Jose, the neighborhood finds it to be very important. We will continue to keep our virtual doors open to anybody that wants to be heard. Concerns about this project have primarily been raised about pedestrian safety, noise, and traffic.

After working with internal city stakeholders and the developer to add improvements to the area, I support this project and approve the Conditional Use Permit (CUP) Amendment. This project along with the additional enhancements aims to significantly improve the condition of the site and it addresses concerns about pedestrian safety, noise, and traffic.

This development will serve as a benefit to the neighborhood. With the additional conditions, the project will provide traffic and pedestrian safety enhancements which would not otherwise occur without the participation of the applicant.

The parcel in question is currently zoned as Commercial Neighborhood District. The San José Municipal Code defines Commercial Neighborhood District as, "a district intended

to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development.”

My concern about this project has always been around pedestrian safety.

Because Farnham Elementary School is within walking distance, and students and their guardians walk by the site when school is in session, I feel compelled to particularly focus on and address pedestrian safety in the conditions of the final permit.

I appreciate the extensive and comprehensive work by staff as evidenced by their detailed report. While a similar project was considered previously, it leaves no doubt: This is a new and vastly improved project and the improvements are the primary reason as to why the CUP should be approved. The applicant’s request for a CUP addresses the shortfalls of the previous plan from 2016. Detailed below are the positive modifications made in the CUP and by this office:

- **Pedestrian Safety:**

The success of any development project is the safety of those who frequent the area. Through my many conversations with residents and the property owner, traffic and pedestrian safety was paramount and a common denominator among all parties. The agreed upon conditions to the CUP will provide a safer route to school. It is due to these enhancements, the project has received the endorsement of Cambrian School District Superintendent, Dr. Carrie Andrews.

- The installation of a sidewalk provides a safe and defines pathway for the children. The new sidewalk will connect the existing walkway on the east side of the parking lot to the newly enhanced crosswalk at Starview Drive.
- Construction of a driveway, curb, gutter, bulb outs, and sidewalk along the north side of Woodard Road, east of Starview Drive for approximately 100 feet. The installation of the driveway will provide a physical entry exit point, separating the school parking lot from the pathway of the school children walking along the sidewalk. The bulb outs pinch the vehicular access and calms traffic entering the roadway from the parking lot. The narrowing of the roadway reduces the distance and time the children are in the crosswalk.
- The Developer agrees to provide a voluntary contribution of \$15,000 towards enhanced pedestrian improvements at Woodard Road and Starview Drive. The improvements would include flashing beacons for the crosswalk to warn vehicular traffic of pedestrian presence in the roadway.

Without the development these improvements to Farnham Elementary and the existing crosswalk will not occur.

- **Noise Mitigation:**

The much-improved design of the development addresses the concern of noise; utilizing three masonry walls to enhance the visual appearance and to mitigate noise from entering the adjacent neighborhood. In fact, staff reports a reduction in noise from the four-lane Bascom Avenue, and with the addition of the neighborhood car wash, the noise is well below the allowable maximum decibel levels. These walls will not only reduce noise, but will provide privacy to the residential area, and reduce traffic entering Woodard Road.

- **Traffic:**

This small independent gas station serves those residents who live in the area and parents of kids attending the area schools. The addition of a self-serve automated car wash is unlikely to noticeably increase the traffic volumes or patterns in or around this intersection. Most of those who utilize the car wash will purchase it as an “add-on” to their gasoline purchase, and independent traffic study supports this statement.

The applicant’s request for a CUP Amendment checks all of the boxes while adhering to our land use guiding principles. The Developer does not request any exemptions, while adhering to the General Plan 2040, which identifies this parcel as “Neighborhood/Community Commercial (NCC). The proposed use supports commercial activity that serve the communities in neighboring areas, such as neighborhood serving retail and services. NCC uses typically have a strong connection to and provide services and amenities for the nearby community.” I feel the approved convenience store along with the proposed car wash will provide a benefit and upgrade to a currently underutilized site.