



MILPITAS PLANNING COMMISSION STAFF REPORT

March 10, 2021

APPLICATION:

P-SD18-0010 and P-UA18-0020 – A request for a Site Development Permit and Conditional Use Permit Amendment to demolish an existing manual coin-operated car wash and construct a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area (for vacuums) in the Mixed-Use (MXD) Zoning District and a Conditional Use Permit Amendment to allow an exception to the maximum front setback of 15 feet from back of sidewalk pursuant to the Midtown Specific Plan. The exception would allow a front setback of 37 feet, 7 inches.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 19-034 denying Site Development Permit No. P-SD18-0010 and Conditional Use Permit Amendment No. P-UA18-0020.

LOCATION:

Address/ APN: 554 South Main Street (APN: 086-25-012)

PEOPLE:

Project Applicant: Joel Chapin, Noor Associates, Inc.
Property Owner: Ramesh and Promilia Sood
Project Planner: Rozalynne Thompson, Senior Planner

LAND USE:

General Plan Designation: Mixed Use (MXD)
Zoning District: Mixed Use (MXD)
Specific Plan: Midtown Specific Plan
Site Area: 0.46 acres

ENVIRONMENTAL:

Categorically Exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(c) (Construction of Small Structures).

EXECUTIVE SUMMARY

The applicant requests a Site Development Permit and Conditional Use Permit Amendment to demolish an existing manual coin-operated car wash and construct a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area (for vacuums) and an increased front setback of 37 feet, 7 inches in the Mixed-Use (MXD) Zoning District. The subject site is also located in the Midtown Specific Plan Area.

The project would replace an existing, outmoded manual coin-operated car wash with a new, automated facility. An auto-oriented use at this location is inconsistent with the vision, goals, and most of the policies of the City of Milpitas General Plan and Midtown Specific Plan (MSP). Furthermore, the project is inconsistent with the Milpitas General Plan because it does not promote a pedestrian-oriented, mixed-use character in the neighborhood as expressed in the MSP. Moreover, the project is inconsistent with the MSP because an auto-oriented use at this location conflicts with the vision for Main Street as a pedestrian-oriented, mixed-use neighborhood, and a key policy objective of the MSP is to promote uses that would distinguish Main Street from other commercial areas in the City. Additionally, while a new, automated car wash would significantly upgrade the site, it could become a deterrent to future mixed-use developments on adjoining or nearby properties and thus further impede the larger goals of the MSP. The auto-oriented car wash use at this location is incompatible with the long-term vision for Main Street.

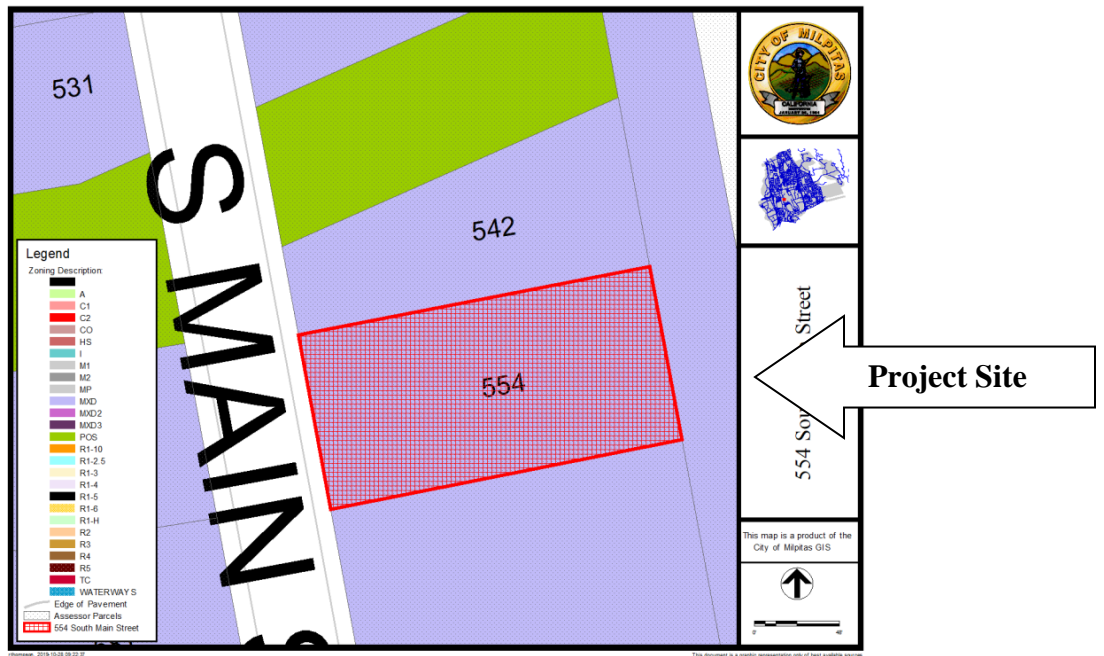
The project is also inconsistent with the Milpitas Zoning Code because it does not meet the front setback standard, which is intended to situate buildings closer to the sidewalk to promote pedestrian activity and create a cohesive street frontage along the Main Street corridor. A front building setback of 37 feet, 7 inches is proposed where a maximum setback of 15 feet is specified in the MSP. While an exception to the front setback can be granted through approval of a Conditional Use Permit, the project is unable to meet the findings for this exception because the proposed site design compromises the pedestrian-oriented vision and policies adopted for this area. Moreover, while granting a deviation from the front setback maximum would allow the project to enhance on-site circulation and reduce automobile queuing along Main Street, it would also increase the likelihood of pedestrian-vehicular conflicts along the sidewalk. Allowing a building setback of 37 feet, 7 inches along with two driveway aprons along the property frontage does not achieve this goal because it is contrary to the envisioned street character and makes the frontage less safe and desirable to pedestrians.

In conclusion, the project is inconsistent with the General Plan, MSP, and the Zoning Code, and staff recommends that the Planning Commission open and close the public hearing and adopt Resolution No. 19-034 denying Site Development Permit No. P-SD18-0010 and Conditional Use Permit Amendment No. P-UA18-0020.

Map 1
Project Location



Map 2
Zoning Map



BACKGROUND

History

The site is currently developed with a manual coin-operated car wash that was constructed in 1967. On November 25, 1964, the Planning Commission approved Use Permit No. 78 and Site Plan Approval to construct the manual carwash on a then-vacant parcel. The approved 2,131-square foot car wash consisted of four, A-framed manual bays, with the second and third manual bays adjoined by a roof structure to create a pedestrian walkway. As part of the approval, most of the site was paved with asphalt, and the remaining space dedicated to landscaped areas along the western and eastern property lines. Additional site improvements included twelve parking spaces along the northern and eastern property lines and two driveways from Main Street. The existing car wash structure and on-site improvements were completed in 1967.

On March 6, 1980, the Planning Commission approved an “S” Zone application to allow architectural remodeling of the west façade of the existing coin-operated car wash. Upper fascias were introduced on the front facades of the wash bays and wood shingles were installed throughout the car wash structure, including the roof, upper fascia, and pedestrian walkway. The “S” Zone application also consisted of a new three-foot high fence along the southern and eastern property line.

Over time, four self-service vacuum stalls have been added to the rear of the wash bays, and a 250-square foot storage container has been installed in the northeast corner of the site.

PROJECT DESCRIPTION

OVERVIEW

The applicant requests a Site Development Permit and Conditional Use Permit Amendment to demolish the existing, outmoded manual coin-operated car wash and replace it with a new, fully automatic 3,189-square foot car wash with an additional 2,301-square foot canopy area in the Mixed-Use (MXD) Zoning District. The car wash is proposed to operate 24 hours a day, seven days a week and will be staffed by one employee. The proposed canopy areas cover eight parking stalls that serve as vacuum stations. The project also encompasses landscaping and lighting throughout the property, a sound wall along the northern property line, and a vehicular queuing area of approximately 127 feet in length. Although the existing manual coin-operated car wash is allowed to operate as a legal conforming use under the Milpitas Midtown Specific Plan (MSP), the proposed new automatic car wash and site improvements would be a significant change to the site and an expansion of the existing use that requires an amendment of the existing Conditional Use Permit pursuant to current zoning standards and the Midtown Specific Plan.

LOCATION AND CONTEXT

The site is located on Main Street, south of Corning Avenue and north of East and West Curtis Avenue. The project site is 0.46 acres, rectangle-shaped, and developed with an existing 2,131-square foot car wash situated near the western boundary of the parcel. The site has a General Plan designation of Mixed Use (MXD), is located in the MSP area, and is zoned Mixed Use (MXD). Surrounding land uses include commercial buildings to the north and west, a vacant parcel to the south, and a self-storage use to the

east. Vicinity and location maps of the subject site location are included on the previous pages. Table 1 below provides a summary of surrounding land uses.

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	Mixed Use (MXD)	Mixed Use (MXD)	Car Wash
North	Mixed Use (MXD)	Mixed Use (MXD)	Vacant Commercial Building
South	Mixed Use (MXD)	Mixed Use (MXD)	Vacant
East	Mixed Use (MXD)	Mixed Use (MXD)	Multi-Tenant Commercial Building
West	Mixed Use (MXD)	Mixed Use (MXD)	Central Self-Storage

PROJECT ANALYSIS

This section will evaluate the proposed car wash's (referred to as "the Project") conformance with the Milpitas General Plan, MSP, and Zoning Code from the perspective of balancing the MSP's long-term vision for the plan area as a mixed-use, pedestrian oriented setting versus allowing an existing legally conforming, auto-oriented use to be replaced with a more intensified upgrade. The policy implications of allowing the reconstruction of the car wash are most critical for evaluation of the development application and the requested amendment of the Conditional Use Permit (CUP), which is a discretionary decision by the Planning Commission. If the findings for the CUP cannot be met, staff cannot recommend approval of the accompanying Site Development Permit (SDP). Therefore, while the zoning standards and design guidelines that are pertinent to the SDP are analyzed in this staff report, the primary focus of the Planning Commission should be on the amendment to the CUP and the extent the project conforms with the Land Use and Community Design goals and policies in the Midtown Specific Plan.

GENERAL PLAN

The General Plan designation for the Project site is Mixed Use. This designation provides for commercial offices, retail and services, high density residential, and public and quasi-public uses. The Project is required to maintain consistency with the General Plan by fostering beautification and continuing to provide a commercial service to the community. As proposed, the Project is only partially in conformance with the policies and standards in the City's General Plan policies, as set forth in Table 2:

Table 2: General Plan Consistency

Policy	Consistency Finding
<i>2.a-I-2 Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.</i>	Consistent: The Project's scope consists of replacing an existing, outmoded manual coin-operated car wash with a new, 3,189-square foot automated car wash, which is considered in-fill development. The development is within the urban fabric and will not increase the expansion of any urban services into outlying areas.
<i>2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	Inconsistent. Although the Project replaces an existing, outmoded manual coin-operated car wash with a new, economically viable, automated facility, it does not strengthen or promote a mixed-use character for the neighborhood as more specifically expressed in the MSP.
<i>2.a-I-30: Require development in the Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan.</i>	Partially Consistent. While the building design and site improvements for the proposed car wash conform to the design guidelines and requirements as stipulated by the MSP, the Project exceeds the required maximum front building setback standard. The intent of placing buildings closer to the sidewalk is to promote pedestrian comfort and activity and encourage a walkable retail-oriented streetscape.

MIDTOWN SPECIFIC PLAN (MSP)

Table 3 summarizes the Project's consistency with applicable MSP Mixed Use goals and policies. A more detailed policy analysis follows this table:

Table 3: Midtown Specific Plan Policy Consistency

Specific Plan Goals and Policies	Consistency Finding
<p><i>Land Use Goal 1:</i> <i>Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area.</i></p>	<p>Inconsistent. The proposed automatic car wash use attempts to address this policy by locating vehicular queuing onsite rather than on Main Street, screening vacuums and other equipment from the right-of-way, and introducing landscaping to provide additional screening from the right-of-way, but the more significant issue is that an auto-oriented use at this site is inconsistent with the larger vision for the area as a cohesive pedestrian-oriented, mixed-use neighborhood under the MSP.</p>
<p><i>Community Design Goal 1:</i> <i>Create an attractive district that is uniquely “Milpitas.”</i></p>	<p>Inconsistent. In accordance with the MSP, Main Street is intended to be developed in a unique manner that distinguishes it from other commercial areas in the City. The MSP envisions Main Street as a traditional pedestrian-oriented downtown, and an auto-oriented use, such as a car wash, does not support that vision. Moreover, auto-oriented uses are found in commercial areas throughout the City and, therefore, will not further the goal to create a unique Main Street character that would distinguish it from other areas in the City.</p>
<p><i>Community Design Goal 2:</i> Establish a pedestrian-oriented, mixed-use district that is focused along Main Street.</p>	<p>Inconsistent. The Project maintains the existing, automobile-oriented use, a car wash, which is contrary to the vision of the area as a pedestrian-oriented, mixed-use area under the MSP.</p>
<p><i>Community Design Goal 4:</i> <i>Improve the character of streets within the Midtown Area.</i></p>	<p>Partially Consistent. While the proposed new car wash would significantly upgrade the existing facilities and improve the character of the street in the short-term, the building setback exception and driveways will not further the long-term vision for Main Street as a mixed-use, pedestrian-oriented corridor under the MSP.</p>

Specific Plan Goals and Policies	Consistency Finding
<p><i>Land Use Policy 3.10:</i> <i>Designate parcels along the Main Street and Abel Street mixed-use and allow a mixture of retail, office, housing, service, and public/quasi-public uses in this area</i></p>	<p>Inconsistent. The proposed car wash would not be consistent with the mixture of uses envisioned along Main Street in the MSP. While a car wash can be considered a “service” use, service uses in a “Main Street” or downtown setting are typically complementary uses located within buildings that support retail stores, restaurants, offices, and housing. A car wash does not complement the desired land mix along Main Street.</p>
<p><i>Land Use Policy 3.15:</i> <i>Allow existing legally established service businesses to remain within the area as conforming uses.</i></p>	<p>Inconsistent. While allowing the development of a new automatic new car wash might provide immediate economic benefits to the area, the longer-term community vision for redevelopment of Main Street as a pedestrian-oriented, mixed-use area would be greatly compromised. In addition, an auto-oriented use, such as a car wash, could deter future mixed-use developments from being developed in the area. The proposed Project is an expansion and intensification of an existing use that requires an approval of an amendment of an existing CUP, which is a discretionary action. Denial of the CUP would not affect the ability of the existing car wash to continue as a legal conforming use.</p>
<p><i>Policy 5.3:</i> <i>Promote high-quality private development that contributes to the visual identity and environmental quality of the Midtown Area through the application of the Development Standards and Design Guidelines.</i></p>	<p>Partially consistent. While the proposed new building and site design are consistent with most development standards and guidelines for the Midtown area, it would require an exception for the front yard building setback. In addition, the nature of the use as an automobile-oriented business would not further the desired visual identity of Midtown as a pedestrian-oriented area.</p>

The Project is located in the MSP area. This area is generally bounded by the Union Pacific Railroad lines east and north, Abel Street and Elmwood Rehabilitation Center to the west, and the city limits to the south. The area is surrounded by residential neighborhoods to the north; a mix of high and very high density residential, commercial, and industrial uses to the east; and the Pines residential neighborhood to the south. The existing land use pattern is comprised of a mix of service commercial, public and quasi-public, transportation-related, residential, industrial, and professional office uses.

The MSP is the primary policy document for evaluating the proposed development application and CUP. As adopted in 2002 and updated in 2010, the MSP establishes a vision and outlines the goals and policies regarding existing and future land uses, development standards and regulations, and design guidelines to direct and promote future in the growth, development, and reinvestment in the City's historic commercial core. More recently, the City Council held a study session on November 12, 2019, and supported a staff proposal to continue to update and reassess the vision for the Midtown area as well as the adjacent Calaveras gateway corridor from I-880 to the Midtown area. During this study session, the City Councilmembers affirmed their desire to enhance this core area as a character-defining mixed-use area and economic development opportunity for the City. Based on Council direction, the update to the MSP will be commence this year. As part of the public engagement activities for the MSP update, the City has contracted with the Better Block organization to plan a temporary economic development installation on Main Street to help community leaders and residents envision possible new development and pedestrian activity along the Main Street corridor.

The existing manual coin-operated car wash predates the adoption of the MSP and, as a legally established business, is considered a "legal conforming use" according to Policy 3.10 in the MSP. The MSP anticipates that existing uses will be allowed to remain while the area transforms and transitions to preferred uses that would support the vision for the area. While the proposed Project would maintain the existing manual coin-operated car wash, the new automated car wash would completely replace the current facility and redevelop the entire site. This would be a significant expansion of the existing use that is inconsistent with the MSP vision for Main Street.

The "Vision Statement" on page 1-4 of the MSP states:

The Milpitas Midtown Specific Plan presents a framework for growth, development and reinvestment in the city's industrial and commercial core for the next 20 years. A transition of the area into an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/ bicycle linkages is envisioned. A pedestrian-oriented and easily accessible mixed-use district is planned along Main Street – this area is intended to serve as a gathering place for the community as a whole.

To achieve this vision, the MSP contains implementation strategies, policies, development standards and regulations, and design guidelines to guide all future development in the area.

The Project's consistency with the applicable goals, policies, and development standards is analyzed below.

Midtown Specific Plan Goals

Land Use

1. Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area.

The MSP anticipates that land within the area will be developed or redeveloped over a twenty-year period and envisions a vibrant, mixed-use area with housing, retail, office, and open spaces. The first goal encourages a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area. While a car wash may be considered a service-oriented commercial use, and the MSP recognizes that such uses are expected to remain in the area for a time, the proposed expansion of the existing car wash use may deter future residential and retail uses from locating in the area and compromise the overall vision for Main Street. In this way, the proposed use does not encourage compatibility between new uses and industrial and service-oriented uses.

The proposed car wash attempts to achieve the aim of this policy by locating the vehicular queuing onsite rather than on Main Street, screening vacuums and other equipment from the right-of-way, and introducing landscaping to provide additional screening from the right-of-way. While these site improvements are positive, they do not override the conclusion that the use is inconsistent with the Vision Statement in the MSP.

Therefore, the proposed replacement of the existing car wash with a new facility is inconsistent with Land Use Goal 1 and would be incompatible with the mixture of uses that is envisioned and preferred along this portion of Main Street.

Community Design

1. Create an attractive district that is uniquely “Milpitas.”

The MSP aims to create the “heart” of the community, a centralized location where the residents and visitors can gather in an attractive setting. Given that the area is highly visible, the MSP also encourages high-quality development, improved streetscapes, and a more diverse mix of land uses in the Midtown Area to greatly improve the image and livability of Milpitas. Finally, the MSP encourages retaining the architectural and landscape elements that contribute to the identity and sense of history while introducing new structures and activities that can provide a visually interesting mix of old and new in the Midtown Area.

Currently, the site is developed with an A-frame manual coin-operated car wash with minimal landscaping and entirely paved with asphalt. The existing use has been in operation at this site for 56 years. Although the proposed Project would significantly upgrade the existing car wash facility, under this MSP policy, Main Street is intended to be unique from other commercial areas with an emphasis on creating a vibrant pedestrian-oriented district. An auto-oriented use, such as a car wash, is found throughout commercial areas in the City and, therefore, does not further distinguish Main Street from other areas in the City. Thus, the proposed Project is inconsistent with Community Design Goal 1.

2. Establish a pedestrian-oriented, mixed-use district that is focused along Main Street.

This goal encourages the design of new development along Main and Abel Streets to be accessible and attractive to pedestrians. To achieve this goal, the MSP promotes development and streetscape improvements that will enhance the pedestrian environment and connectivity throughout the Midtown Area.

As the proposed car wash is sited along Main Street, the site and architectural design of the Project must be consistent with this goal. While the Project attempts to meet this goal by minimizing pedestrian-vehicle conflict by containing automobile queuing within the site, introducing landscaping, and incorporating design features, the car wash remains a highly automobile-oriented use. Further, the Project retains two driveways to access the site that measure a total of 48 feet, 9 inches (47 percent of the lot frontage), which does not achieve a continuous pedestrian setting, but increases potential vehicular/pedestrian conflicts. Although the building is setback 37 feet, 7 inches, this distance does not promote a pedestrian-oriented focus, consistent building façade, or retail activity along Main Street. Thus, the proposed Project is inconsistent with Community Design Goal 2.

3. *Improve the character of streets within the Midtown Area.*

The MSP states that the goal of improving the character of the streets with the Midtown area can be achieved by enhancing the streetscaping with landscaping and amenities for pedestrians and bicyclists. As mentioned above, the proposed Project retains two driveways to access the site that comprise 47 percent of the frontage of the lot, and the proposed building is set back 37 feet, 7 inches, which exceeds the maximum setback of 15 feet. The proposed Project does not achieve a continuous pedestrian setting, promote a pedestrian-oriented focus along Main Street, or reduce potential vehicular/pedestrian conflicts. Therefore, the proposed Project is inconsistent with Community Design Goal 4.

Policies

Mixed-Use Policies

1. *Policy 3.10: Designate parcels along the Main Street and Abel Street corridor (as shown in Figure 3.1) mixed-use and allow a mixture of retail, office, housing, service, and public/quasi-public uses in this area.*

The MSP designates the project site as “Mixed-Use.” This designation promotes compatible and complementary retail, office, housing, service, and public/quasi-public uses in the mixed-use district. The goal further states that businesses legally established in the area can remain as legal conforming uses while limits are placed on proposed new service commercial and public/quasi-public uses to provide spatial separation to ensure that they do not dominate the area. This policy is implemented in the Zoning Code under Table XI-10-6.02-1 “Mixed Zone Uses”, which conditionally permits vehicle service uses, such as car washes, and Subsection XI-10-6.02-1(A)(1), which requires new auto service uses to be at least 1,000 feet from an existing auto service use.

While not explicitly excluded, an auto-oriented use, such as a car wash, is not contemplated within the meaning of “service” uses in Mixed-Use Policy 3.10 of the MSP. Service uses in a downtown or pedestrian setting are typically businesses located within a building that support and are integrated with retail, restaurant, office and residential uses. When located at the ground level, storefront facades are common. The “Vision Statement” on page 1-4 of the MSP envisions a pedestrian-oriented area, which supports this interpretation of Policy 3.10. Hence, the proposed Project is inconsistent with the language of Policy 3.10 and the “Vision Statement” of the MSP.

2. *Policy 3.15: Allow existing legally established service businesses to remain within the area as conforming uses.*

The MSP allows established service businesses, such as vehicle repair, towing companies and mini-storage, to remain in the Mixed-Use District as legally conforming uses. The Plan further prohibits the location of new commercial service uses within a 1,000- foot radius of an existing commercial service use. This standard is applicable only to new uses and not existing uses. The Plan also states that it is not the intent to force existing businesses out of the area, but to allow existing commercial service uses to remain until the property owner is interested in pursuing a new use. It is understood that transforming an area to preferred uses can be incremental and will require a transition period depending on market and economic conditions. Meanwhile, property owners or tenants would be allowed to maintain their existing uses with repairs as needed. Repairs to an existing use typically do not trigger a planning application, but the proposed Project is a substantial alteration and intensification of an existing use that requires an amendment of the existing CUP.

As stated above, the existing manual coin-operated car wash has been operating continuously since 1964. Conditional Use Permit No. 78 for the car wash was granted in 1964 and is still active on the site. However, approving the replacement of the existing car wash with a completely new facility would add permanency to a use that conflicts with the “Vision Statement” on page 1-4 of the Midtown Specific Plan. While improving the car wash may provide immediate economic development benefits to the site, the vision for Main Street as a pedestrian-oriented, mixed-use area would be compromised, and future mixed-use developments may be deterred from locating next to an auto-oriented use. Therefore, the proposed Project is inconsistent with Mixed-Use Policy 3.15.

Community Design Policies

1. *Policy 5.3: Promote high-quality private development that contributes to the visual identity and environmental quality of the Midtown Area through the application of the Development Standards and Design Guidelines.*

The MSP includes a separate Development Standards and Design Guidelines Chapter (Section 8.0) to provide direction to new development and more specific requirements to implement the policies of the MSP.

While the design of the proposed Project considerably enhances the outdated appearance of the site, a car wash use is not consistent with the vision of the MSP. Although the proposed Project would be immediately upgrade the visual appearance of the property, it would add permanency to a use that is

inconsistent with the long-term vision and goals and policies of the MSP. This could also inhibit development on adjacent parcels as the car wash operations could impact the feasibility or desirability of establishing uses on neighboring parcels that would be more in conformance with the vision, goals, and policies in the MSP.

The Project's consistency with applicable design guidelines is further evaluated below.

Midtown Specific Plan Design Guidelines

The MSP ensures that new development (including new buildings, remodels and additions) is of high-quality, and reinforces the public realm (city streets, sidewalks, parks and pedestrian and bicycle paths). The Plan encourages the use of attractive, compatible façade improvements and the use of appropriate building materials for remodeling and minor expansions to existing buildings. The Project's consistency with the MSP's Design Guidelines related to building design, parking, landscaping, and building materials is analyzed below:

1. Building Design

Building facades should include street-facing entries, windows, special corner treatment and other articulation.

Buildings should maintain a strong relationship to the street with primary building entrances oriented toward the street. Building mass should be parallel or on axis with adjacent streets.

Buildings should be well articulated by changes in roof heights and vertical planes to reduce the appearance of bulk and create interesting building silhouettes.

The applicant states that the operations of the car wash require visual control of the loading area of the wash bay and queueing area. As a result, the office is located at the entrance to the wash bay, which is also the loading area of the Project. This loading area is at the rear of the building consistent with Section 8.0 (A)(5)(a) of the MSP. A pair of storefront doors is proposed at the front of the building to serve as a public entrance facing the street. The building exterior features CMU wainscoting, canopies, windows, offset planes, varied parapet heights, and both CMU and plaster finishes to provide visual interest and articulation. The building is perpendicular to the axis of the street due to the narrow width of the lot, which prohibits the wash bay and associated queuing from being parallel to the street.

In no case should any facade consist of a blank wall.

None of the elevations include a blank wall. The Northern elevation has pilasters and green screens to break of exterior façade of wash bay, while the east, west, and south elevations feature canopies, awnings, and varied roof heights for additional articulation.

All building facades should have a well-defined base consisting of, but not limited to: thicker walls; richly textured materials (i.e. tile or masonry treatments); and a recognizable "top"

consisting of, but not limited to: cornice treatments; roof overhangs with brackets; stepped parapets; richly textured materials (i.e. tile or masonry treatments); and/ or differently-colored materials.

Building entries should be emphasized with special architectural and landscape treatment. In order to create visual interest on the other sides of buildings, secondary entrances should be treated in a similar manner.

All materials used should be of high-quality and properly installed.

The building features CMU wainscoting, canopies, windows, offset planes, varied parapet heights, and both CMU and plaster finishes. A consistent wainscot extends the full perimeter of the building. Canopy columns bases are CMU to match the wainscot. The public entry of the building has clear glazing, functional doors, and an extensive canopy.

2. Parking

Off-street parking facilities should have limited visibility (primarily entrances) from street and accessways.

Parking areas should be convenient and not detract from the pedestrian nature of the Area.

Parking areas within the Mixed-Use Districts should be designed in such a way to provide for a comfortable pedestrian experience.

Off-street parking for the Project is situated in the middle to rear of the site rather than along the street and is located primarily under the building canopy (vacuum area). The proposed site plan includes a dedicated pedestrian walkway from the street to the office entrance and the site improvements would include landscaping and a metal screen on the street-facing façade to limit visibility of the parking and vacuum area from the street from the street.

3. Landscaping

Surface parking areas should be well landscaped with trees planted in a regular configuration.

In surface parking lots, trees should be installed at a ratio of one tree per three parking stalls for the perimeter of the parking lot, and one tree per six spaces for the interior of the parking lot.

All perimeter setback areas should be landscaped. A screening shrub hedge (up to 6 feet high) should be planted along the property line between parcels.

Broadleaf, deciduous trees should be used in parking lots to provide adequate shade in summer but allow sunlight to penetrate through in winter.

Trees should be set into a tree grate or, landscaped median that is a minimum of 4 feet- wide (internal dimensions) and well protected by tree guards or other mechanisms.

The proposed Project will provide substantially more landscaping than the existing condition of the site. Trees and planters are proposed along Main Street and the northern property line. The proposed landscaping along the east, west, and north property lines include a mix of 15-gallon Chinese Pistache and Chinese Huckleberry trees. Accent plants, shrubs, and bark groundcover are proposed along the internal drive aisle and the site's eastern, western, and northern boundaries while new shade trees will be near the vehicle entrance to the site and car wash exit areas. Due to the nature of the vehicular wash and potential maintenance issues associated with leaves/needles interfering with wash equipment, trees have been located away from the wash bay and vehicular traffic.

No street trees, however, are proposed in tree grates along the front sidewalk.

All landscape areas should be protected with planter curbs a minimum of 6-inches high.

All landscape planters are protected with curbs six inches in height.

The use of permeable paving or alternative materials to reduce surface runoff is strongly encouraged as a surface material for parking stalls.

The applicant has indicated that permeable paving is provided at the exit of the vehicular wash bay, and a large canopy over the vacuum stalls recaptures rainwater and site bioswales reduce surface run off into the storm drains.

4. Building Materials

All exterior walls of a building should be articulated with a consistent style and materials.

The building design features CMU wainscoting, canopies, windows, offset planes, varied parapet heights, and both CMU and plaster finishes. A consistent wainscot extends the full perimeter of the building. Canopy columns bases are CMU to match the wainscot.

Materials selected should convey a sense of durability and permanence over any sort of architectural theme. Woodboard siding, wood shingles, tile, stucco, and/or masonry should be used. Scored plywood, such as T-III, vinyl, and aluminum siding are not allowed. If other simulated materials are used, they should be of a quality, color, and application that demonstrate a convincing realism.

Material Changes should not occur at external corners, but may occur at interior corners as a return at least 6 feet from the external corners or other logical terminations.

Roof materials should complement the materials and colors of the facades and provide texture or relief.

The primary exterior finish, whether wood or stucco, should be used on all facades of a unit or building, false-fronts are not allowed (i.e., if the front facade is primarily wood, the other facades should be wood, not stucco).

The materials of the facade will be comprised of split faced CMU walls and plaster, either grouted or precision cut, which would convey a sense of permanence. No material changes occur at outside corners of the building. The roof of the building is flat and comprised of the same materials and in the color palette of the building façade. The exterior colors will be in an earth tone palette, which complements buildings in the surrounding area.

ZONING CONFORMANCE

The Zoning designation for the project site is Mixed Use. Table XI-10-6.02-1 of the Zoning Code allows vehicle services uses in the MXD zoning district, subject to approval of Conditional Use Permit (CUP). Further, Subsection XI-10-6.02-1(A)(1) of the Zoning Code includes car washes as “auto service uses”, which are permitted in MXD zoning districts in accordance with Subsection XI-10-6.02-1(A) as long as they are not located within 1,000 feet of another use, subject to a Conditional Use Permit. Any expansion of a conditionally-permitted use requires an amendment of the existing CUP pursuant to Subsection XI-10-57.04 “Conditional Use Permits and Minor Conditional Use Permits.”

Given that the Planning Commission granted Use Permit No. 78 in 1964 to operate a manual coin-operated car wash and it has operated continuously at the site, Use Permit No. 78 is still active at the site. The nearest auto services use, Joe’s Tune Up and Auto Services Center, is 0.2 miles or 1,056 feet from the project site. The existing car wash is a conforming use with respect to its location. Because the proposed Project entails replacement and significant intensification of a use with an existing CUP, an amendment of Use Permit No. 78 as well as a Site Development Permit (SDP) are required. Action on the proposed CUP or SDP does not affect the ability of the existing car wash to continue to operate as a legal conforming use.

Except for the front setback, the Project is consistent with the other applicable development standards in the City of Milpitas Zoning Code, as demonstrated in Table 4:

Table 4:
Summary of MXD Development Standards in the Midtown Specific Plan and the Zoning Code

Standards	MXD Requirements	Proposed	Compl ies
Front Setback (min)	8 to 15 ft. max.	37 ft., 7 inches	No
Side Yard Setback (min)	10 ft.	10 ft.	Yes
Rear (min)	10 ft.	68 ft.	Yes
Building Height (Maximum)	Principal building: 3 stories/45 ft.	1 story / 22 ft.	Yes

Standards	MXD Requirements	Proposed	Compl ies
Parking	1 per 200 sq. ft of building area and reservoir space outside building area equal to two (2) times the maximum capacity of the facility	1,342 sq. ft building area/200 sq. ft = 7 spaces/Number of spaces provided = 10 Maximum capacity of building = 2 cars/Reservoir spaces provided = 13 spaces	Yes

Parking

Car wash uses require one space per 200 square feet of building and queuing space equal to twice the maximum capacity of the facility per Table 53.09-1 of the Zoning Code. Approximately 1,342 square feet of the proposed 3,189-square foot building will be occupied by an office, storage, and utility area, so the Project requires seven parking spaces. The remaining 1,847 square feet would be dedicated to the automated car wash, which has a maximum capacity of two cars, and requires an additional four reservoir spaces. Thus, the total number of parking spaces required by the car wash is 11 parking spaces. The Project proposes ten parking spaces, with seven (7) of the spaces also serving a vacuuming station. An additional thirteen (13) parking spaces are proposed to serve as reservoir spaces for the car wash. Therefore, the Project complies with the parking requirements of the Zoning Code.

Site and Architectural Design

The proposed architecture focuses on establishing a clear design based on building symmetry by using straight lines via flat roofing, windows, awnings, score lines, and transition of materials and paint color on the elevations. The building utilizes a flat roof design and varies in height from 12 feet at the canopy to 22 feet at the top of the parapet to provide variation in roofline and massing. The building utilizes a combination of stucco cladding with score lines, decorative CMU block wainscoting carried around the entire building along the base and columns, and a trellis with plantings on the north side of the building. Awnings to match the roof color are provided to break up long expanses of north and south building facades. The proposed design is compatible with surrounding buildings by using earth tone colors and stucco used on nearby buildings.

The proposed landscaping along the east, west, and north property lines include a mix of 15-gallon Chinese Pistache and Chinese Huckleberry trees. Accent plants, shrubs, and bark groundcover are proposed along the internal drive aisle and the site's eastern, western, and northern boundaries while new shade trees will be near the vehicle entrance to the site and car wash exit areas. Landscaping and decorative panels are proposed along the front façade of the building to partially screen the vacuum area from the street.

Noise Assessment

Implementing Policy 6-I-2 of the Noise Element of the Milpitas General Plan requires an acoustical analysis for projects with “conditionally acceptable” or “normally unacceptable” exterior noise exposure areas. The proposed Project will demolish the existing coin-operated car wash and replace it with a fully automated car wash that is 1,034 greater in size. The site of the proposed Project is located within a 65

decibel (dB) contour, and a noise study was required to assess potential impacts from the car wash expansion.

The Noise Element of the General Plan identifies the City's noise standards while Chapter 213 "Noise Abatement" of the Milpitas Municipal Code (MMC) implements and enforces those standards. The car wash currently operates 24-hours a day, seven days a week. Therefore, the car wash is subject to the noise maximum of 65 decibels during those hours. MD Acoustics, LLC prepared a "Noise Impact Study" dated July 10, 2019. The noise study concluded that noise from the expanded and relocated car wash would result in "project only" operational noise levels between 42 to 59 dB at the property line of the site. The noise study identified the car wash dryers and vacuum equipment as the main sources of noise. "Project plus ambient" noise levels are projected to range between 67.1 to 67.7 dB at property line of the site.

Implementation Policy 6-I-7 requires that projects avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive. The closest residential receptor is an apartment complex located .1 mile or 528 feet northwest of the project site. The ambient noise level is 55 dB at the property line. The study concluded that the total combined noise levels of the existing ambient noise level and the anticipated project noise level is 56 dB, which is less than maximum exposure increase of 58 dB. Further, the Project proposes six-foot CMU wall at the property lines, which would provide additional sound attenuation.

Traffic

A traffic analysis was prepared by BKF Engineers on May 3, 2019 (Attachment D) to assess vehicle trip generation and external and internal traffic circulation. The proposed car wash would be accessed from South Main Street, which is considered a north-south local collector street. The analysis concluded that the Project is anticipated to generate 29 new A.M. peak hour trips and 20 P.M. peak hour trips based on the trip generation rates listed in the ITE Trip Generation Manual, 9th Edition, for Self-Service Car Wash (Land Use 947) and Automated Car Wash (Land Use 948).

With respect to vehicle queuing, the facility is designed to accommodate a single queuing lane to enter the car wash building. The queuing lane has a total stacking capacity of 10 vehicles before the pay stations and approximately 2 more vehicles between the pay stations and entry to the car wash facility. Based on the proposed size of the Project, the operational characteristics, and observations from other similar car washes, the queueing area which accommodates approximately 14 vehicles is adequate.

FINDINGS

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04(F)(1))

- 1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

Staff cannot recommend this finding. The aim of the MSP is to transition the area from the existing land use pattern to a pedestrian-oriented, mixed-use district with housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets, and pedestrian and bicycle linkages. Continuing an auto-oriented use such as a car wash may deter future mixed-use residential and retail development in the area and is not compatible with an active pedestrian-oriented neighborhood along Main Street as envisioned by the Midtown Specific Plan. Also, the Project retains two driveways, which coupled with the 127-foot queuing aisle on the site, would accommodate more vehicles on the site and increase the risk of pedestrian-vehicular conflicts. Therefore, the proposed car wash would be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the area.

2. *The proposed use is consistent with the Milpitas General Plan.*

Staff cannot recommend this finding. The General Plan designation for the Project site is Mixed Use. This designation provides for commercial offices, retail and services, high density residential, and public and quasi-public uses. Although the Project fosters beautification of the area and continues to provide a commercial service to the community, it does not conform to all the adopted design guidelines and requirements contained in the General Plan and MSP as shown in Tables 2 and 3 above.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance*

As indicated in Table 3 above, the proposed car wash meets most of the development standards in the Mixed-Use Zoning District and the Midtown Specific Plan for height requirements and landscaping. However, it does not meet the requirements for front setback. As discussed in this staff report, approval of the front setback exception would be inconsistent with the goals, policies and design objectives in the MSP. Specifically, the proposed car wash is not entirely consistent with the concept of a mixed-use neighborhood and may deter future residential and retail uses from locating in the area.

4. *The proposed use is consistent with the Midtown Specific Plan.*

Staff cannot recommend this finding. Given that the intent of the requirements of the MSP is to transition the area from the existing land use pattern to a pedestrian-oriented, mixed-use district with housing, shopping, employment, entertainment, and cultural and recreational activities organized within a system of landscaped boulevards, streets, and pedestrian and bicycle linkages, an automobile-oriented use, such as a car wash, is inherently contrary to the intent of the Plan. The Project retains two driveways, which coupled with the 127-foot queuing aisle on the site, would accommodate more vehicles on the site and increase the risk of pedestrian-vehicular conflicts. Moreover, the Project proposes a setback of 37 feet, 7 inches, which does not promote comfort or active retail along the street. Therefore, the proposed Project does not conform with the intent of the requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines.

Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of the Zoning Code.

- a) *The deviation from the Midtown Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping, and site planning integrity of the proposed development.*

As stated above, car washes generally are automobile-oriented uses that typically feature large queuing and parking areas. With a setback of 37 feet, 7 inches and two driveways, the Project does not recognize the pedestrian-oriented vision for the area and the importance of designing the car wash in a manner that accommodates both pedestrians and automobile traffic. Further, the Project proposes to locate a 127-foot queuing aisle on the Project site rather than on Main Street and retains two driveways, which would increase vehicular traffic on site and increase the risk of pedestrian-vehicular conflict. Additionally, the Project proposes a setback of 37 feet, 7 inches and is visible from the right-of-way, which does not contribute to a pedestrian-oriented environment. Therefore, the Project does not meet the design intent identified within the Specific Plan.

- b) *The deviation from the Midtown Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Design Standard.*

Although granting a deviation from the maximum front setback would allow better on-site circulation and reduce queuing along Main Street, it would accommodate increased vehicular traffic on the site. Coupled with two driveways and the increased volume of vehicular traffic crossing the sidewalk to access the site, the Project could increase the likelihood of pedestrian-vehicular conflicts. In addition, the intent of the maximum setback of 15 feet required by the MSP is to enhance pedestrian safety and encourage retail activity. Allowing the setback of 37 feet, 7 inches does not achieve that goal because it makes the frontage less desirable to pedestrians. Therefore, granting the deviation from the maximum setback of 15 feet does not contribute a public benefit to the community.

Site Development Permit (Section XI-10-57.03(F)(1))

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

While the proposed architecture, site design, and landscaping is consistent with existing developments, it is not consistent with the community design goals for Main Street. Although the proposed Project would immediately upgrade the visual appearance of the property, it would add permanency to a use that is inconsistent with the long-term vision and goals and policies of the MSP. Moreover, it may inhibit development on adjacent parcels as the car wash operations could impact the feasibility or desirability of establishing uses on neighboring parcels that would be more in conformance with the vision, goals, and policies in the MSP.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

Staff cannot recommend this finding. As discussed above, the Project is incompatible and inconsistent with the surrounding uses and does not conform with the intent of the MXD Zoning District.

3. *The project is consistent with the Milpitas General Plan.*

Staff cannot recommend this finding. As discussed above, the Project is not compatible or consistent with the surrounding uses and does not conform with the intent of the General Plan Designation.

4. *The proposed use is consistent with the Midtown Specific Plan.*

As discussed above, staff cannot recommend this finding because the Project does not conform to the specific requirements of the MSP, including the Development Standards and Design Guidelines. Additionally, the findings for an exception to the setback standard cannot be made. The proposed car wash is an auto-oriented use that does not support the pedestrian-oriented vision for the area or community design policies in the MSP and does not enhance pedestrian safety or promote a retail setting.

ENVIRONMENTAL REVIEW

The Project is exempt from further environmental review under CEQA pursuant to State CEQA Guidelines Section 15303(c) (New Construction or Conversion of Small Structures). Section 15303(c) consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This exemption applies to up to four stores, motels, offices, restaurants, or similar structures located in an urbanized area as defined by CEQA Guidelines Section 15387 and not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of hazardous substances where all public services and facilities are available and the surrounding area is not environmentally sensitive. With a population of 80,430 and a population density of 5,922 persons per square mile, the City of Milpitas is an “urbanized area” under Section 15387, which is a “central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. Moreover, the proposed car wash is 3,189 square feet and is located in the Mixed-Use Zoning District, which allows car washes subject to a Conditional Use Permit. According to the project application, only soaps, detergents, and water-based cleansers will be used at the site; no hazardous substances will be used for car wash operations. All public services are available and the area surrounding the site is not environmentally sensitive. None of the exceptions under CEQA Guidelines Section 15300.2 apply to the Project. Therefore, the exemption under CEQA Guidelines Section 15303(c) applies.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. As of the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on February 26, 2021.

CONCLUSION

The proposed Project would replace an existing, outmoded manual coin-operated car wash with a new, automated facility. As an intensely auto-oriented use, the Project is inconsistent with the vision, goals, and policies of the City of Milpitas General Plan and MSP. Furthermore, although the Project would allow the continuing operation of an existing use, it does not promote the development of a mixed-use, pedestrian-oriented neighborhood along Main Street as expressed in the MSP. Moreover, the Project is inconsistent with the MSP because the use does not further distinguish Main Street from other areas in the City, and could deter future developments, such as mixed-use developments, from locating next to the site due to the negative impacts associated with a car wash use.

The proposed Project would also require approval of a significant deviation from the maximum front setback in the MSP and Milpitas Zoning Code (front setback of 37 feet, 7 inches is proposed where a maximum setback of 15 feet is allowed). While a front setback exception may be granted through a Conditional Use Permit, staff is unable to make the findings for this deviation because the Project does not further the pedestrian-oriented vision for the area. Granting the exception would allow the Project to accommodate vehicle circulation on the site and reduce queuing along Main Street, but it would increase

the likelihood of pedestrian-vehicular conflicts along the street frontage. In addition, the purpose of the maximum 15-foot front setback is to enhance pedestrian comfort and safety, encourage retail activity and create a consistent street frontage. Allowing the proposed setback would contradict this purpose by making the frontage less amendable to pedestrian activity. Because the Project is inconsistent with the General Plan, Midtown Specific Plan, and the Zoning Code and the required findings for approval cannot be made, staff recommends denial of the CUP and SDP.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution No. 19-034 denying Site Development Permit No. P-SD18-0010 and Conditional Use Permit Amendment No. P-UP18-0020.

ATTACHMENTS

- A: Resolution No. 19-034
- B: Conditional Use Permit No.78
- C: Project Plans
- D: Noise Impact Study prepared by MD Acoustics LLC, dated July 10, 2019
- E: Traffic Study prepared by BKF Engineers, dated May 3, 2019
- F: Milpitas Police Department Memo