



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct a Public Hearing and Consider Adopting a Resolution Denying the Appeal and Upholding the Planning Commission's Denial of 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 on a .46 Acre Site Located at 554 South Main Street
Category:	Public Hearings-Community Development
Meeting Date:	4/20/2021
Staff Contact:	Rozalynne Thompson, Senior Planner, 408-586-3278
<u>Recommendation:</u>	At the appellant's request, move to continue the public hearing to the regular City Council meeting of May 4, 2021.

Background:

On September 18, 2018, Joel Chapin, on behalf of the property owner Ramesh Sood, submitted an application to demolish the existing, 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 on a .46-acre site located at 554 South Main Street (the "Project"). The application includes the following three entitlement requests for the proposed Project:

1. Site Development Permit SD18-0010: To allow demolition of the existing manually-operated car wash and the development of a fully automatic 3,189 square-foot car wash with canopy; and
2. Conditional Use Permit Amendment UA18-0020: To allow replacement and significant intensification of a use with an existing CUP (Use Permit No.78), which requires an amendment of the existing use permit

On March 10, 2021, the Planning Commission held a public hearing on the proposed Project. Prior to and during the public hearing, staff received 28 letters in support of the Project. No oral comment was received during the public hearing. The Planning Commission voted with 4 Aye's and 2 No's (Commissioners Albana and Belong) and one abstention (Commissioner Tao) to deny the project on several bases. First, the Planning Commission concluded that the Project would be inconsistent with General Plan policy 2-a-I-3, which states that a project should "[e]ncourage economic pursuits which will strengthen and promote development through stability and balance", because the Project does not strengthen or promote a mixed-use character for the neighborhood as more specifically expressed in the Midtown Specific Plan (MSP). Further, the Planning Commission determined that the Project was inconsistent with several of the MSP goals and policies, including Land Use Goal 1 (Encourage a compatible mixture of residential, retail, office, service-oriented commercial and industrial uses within the Midtown Area), Community Design Goal 1 (Create an attractive district that is uniquely "Milpitas"), Community Design Goal 2 (Establish a pedestrian-oriented, mixed-use district that is focused along Main Street), and Land Use Policy 3.15 (Allow existing legally established service businesses to remain within the area as conforming uses).

The owner of the property, Ramesh Sood, filed an appeal of the Planning Commission decision on March 19, 2021.

Analysis:

For the City Council's consideration, the Project's conformance with the General Plan, Midtown Specific Plan, and Zoning Code are analyzed in this Section as well as the applicable findings for the Site Development Permit and Conditional Use Permit Amendment.

General Plan Consistency

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 1:

Table 1: General Plan Consistency

Policy	Consistency Finding
2.a-I-2 <i>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.
2.a-I-3: <i>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 Midtown Specific Plan. The proposed car wash would be a single, automobile-oriented use on this site. The proposed car wash may not be compatible with future mixed-use residential and retail uses on neighboring properties, as envisioned in the Midtown Specific Plan, due to noise and traffic conflicts.
2.a-I-30: <i>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 does not meet the required 8 to 15-foot maximum front building setback from back of sidewalk. The proposed site plan shows a 37-foot setback from back of sidewalk to the front of the building to accommodate the circulation of vehicles exiting the carwash tunnel at the front of the site. The intent of placing buildings closer to the sidewalk is to promote pedestrian comfort and activity and encourage a walkable retail-oriented streetscape. Thus, this type of proposed setback would violate the existing MSP.

Midtown Specific Plan (MSP) Consistency

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.

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, and the MSP as a whole, as further explained below.

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. Table 2 outlines the Project's consistency with the applicable goals, policies, and development standards of the MSP.

Table 2: Midtown Specific Plan Policy Consistency

Specific Plan Goals and Policies	Consistency Finding
<p>Land Use Goal 1: <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 compatibility required by 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 and further, would violate an existing setback requirement in order to establish this compatibility in violation of the MSP.</p>
<p>Community Design Goal 1: <i>Create an attractive district that is uniquely “Milpitas.”</i></p>	<p>Inconsistent. In accordance with the specific language of Community Design Goal 1 in 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 (See Community Design Goal 2 below), 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>Community Design Goal 2: 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>Community Design Goal 4: <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 site in the short-term, the building setback exception and driveways will not further the long-term vision and character for Main Street as a mixed-use, pedestrian-oriented corridor under the MSP.</p>
<p>Land Use Policy 3.10: <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. Although the site is designated “Mixed Use” in the MSP and the Zoning Code and is an allowed use subject to a Conditional Use Permit, the</p>

Specific Plan Goals and Policies	Consistency Finding
	Project cannot meet the findings for a Conditional Use Permit in Subsection XI-10-57.04(F)(1) of the Zoning Code, as explained in the “Findings” section of this staff report. Further, the applicant requests an exception to the maximum front yard setback requirement in the MSP, and those findings cannot be met as explained in the “Findings” section of this staff report. \
<p>Land Use Policy 3.15: <i>Allow existing legally established service businesses to remain within the area as conforming uses.</i></p>	<p>Inconsistent. The proposal for a new automatic car wash would greatly expand an existing legally established use and therefore would be inconsistent with this policy. 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 consistent with this policy.</p>
<p>Policy 5.3: <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>

Zoning Code Consistency

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 operating as a legal conforming use.

As noted below, the proposed project would be inconsistent with the front setback requirements. Beyond the front setback issue, the Project is consistent with the other applicable development standards in the City of Milpitas Zoning Code, as demonstrated in Table 3:

Table 3:
Summary of MXD Development Standards in the Midtown Specific Plan and the Zoning Code

Standards	MXD Requirements	Proposed	Complies
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
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

Noise

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 square feet 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 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 for Site Development Permit and Conditional Use Permit Amendment

A finding is a statement of fact relating to the information that the City Council 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. The proposed expanded auto-oriented automatic 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. The Project is not consistent with the Midtown Specific Plan as noted in Table 2 above. 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 upon review of a use permit, in accordance with the requirements of the Zoning Code. However, as noted below, staff does not believe the findings for an exception can be met.

- 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. Further, staff is not aware of any public benefit that will be provided by the Project.

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 meet the setback requirement 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.

Policy Alternatives:

Alternative 1: Approve the appeal and overturn the Planning Commission's decision to deny the applications for a Site Development Permit and Conditional Use Permit Amendment for the Project.

Pros: Approval of the project would prompt immediate redevelopment of the site. The proposed Project would replace an existing, outmoded manual coin-operated car wash with a new, automated facility.

Cons: A different mixed-use project consistent with the vision of the MSP could not be proposed at this site in accordance with the General Plan land use designation of Mixed Use and the corresponding Mixed Use Zoning District.

Reason not recommended:

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 amenable 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.

Fiscal Impact:

If approved, the applicant will pay all development fees to the City and the Project is also expected to generate additional revenue to the City through increased property taxes and sale taxes. If denied, it is anticipated that the City's property taxes and sales taxes generated by the manual car wash would remain the same.

California Environmental Quality Act:

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.

Alternatively, pursuant to Section 21080(b)(5) of the Public Resources Code, CEQA is inapplicable if the Project is denied.

Recommendation:

At the appellant’s request, move to continue the public hearing to the regular City Council meeting of May 4, 2021.

Attachments:

Attachment A: City Council Resolution to Deny Appeal and Uphold Planning Commission’s Decision to Deny 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

Attachment B: Notice of Appeal

Attachment C: Planning Commission Staff report (dated March 10, 2021)

Attachment D: Planning Commission Meeting Minutes for March 10, 2021

Attachment E: Conditional Use Permit No.78

Attachment F: Project Plans

Attachment G: Noise Impact Study prepared by MD Acoustics LLC, dated July 10, 2019

Attachment H: Traffic Study Memo by Hexagon Transportation Consultants dated December 6, 2019

Attachment I: Milpitas Police Department Memo

Attachment J: Public Comments (received prior to and during the Planning Commission Public Hearing on March 10, 2021)

Attachment K: Request to change for Public Hearing Date