

Planning Commission Minutes
Regular Meeting
September 23, 2008
Martinez, CA

CALL TO ORDER/ROLL CALL

Chair Frank Kluber called the meeting to order at 7:00 p.m., with all members present except Commissioners Avila and Burt, who arrived after roll call; and Commissioners Korbmacher and Hughes, who were excused. Chair Kluber asked that the meeting begin with a moment of silence in memory of Carole Schroder, Sergeant Paul Starzyk, and Catalina Torres.

AGENDA CHANGES

None.

Staff gave a brief overview of the new microphone system.

Commissioner Avila entered and was seated.

PUBLIC COMMENT

None.

CONSENT ITEMS

1. *Minutes of July 22, 2008, meeting.*

Chair Kluber indicated he would recuse himself from the part of the minutes where he was not in attendance.

On motion by Donna Allen, seconded by Michael Marchiano, Alternate, the Commission present voted to approve Minutes of July 22, 2008, meeting, by the following vote: Yes: Frank Kluber, Donna Allen, Lynette Busby, Anamarie Avila Farias, and Michael Marchiano, Alternate, Absent: Harriett Burt, Mark Hughes, Fred Korbmacher..

REGULAR ITEMS

2. *Chevron Gas Station UP #07-04, VAR #07-01, DR #07-07 Study session to discuss and receive public input on an application for conditional use permit to allow attended car wash business, with replacement of existing service station building (containing small convenience market area and auto service areas), with new structure containing (approximate) 1,250 sq. ft. convenience market and car wash tunnel; and addition of new vacuum trellis and enclosures, on approximate 23,000 sq. ft. site. Existing gasoline sales business and canopy will remain. Exceptions to normally required 15 ft. minimum side and rear yards are also requested. This project is located at 6606 Alhambra Avenue. Applicant: Ebi Baraghoush, Ebiwash Inc (CS)*

Senior Planner Corey Simon presented the staff report, explaining the use permit requirement and purpose. He also reviewed the site map, surrounding uses, circulation issues,

noise impacts, sound study, potential building/business size, variance possibility, storm drain easement location, setbacks. He offered to answer questions from the Commission.

Chair Kluber expressed appreciation for the thorough report. He asked about the list of gas stations with car washes within a radius of the site. Mr. Simon said it was put together by a neighbor. Chair Kluber noted another one at 1170 Muir Road that also has a small lot. Mr. Simon acknowledged it was in the same zoning district as well.

Commissioner Busby asked about the rescheduling of the meeting and whether adequate noticing was done. She asked whether the comments were received before or after the meeting was rescheduled. Mr. Simon said most were received after the rescheduling.

Commissioner Allen asked if the use was originally approved by a land use permit. Mr. Simon said it was likely, but thus far no documentation has been found. Commissioner Allen asked, and Mr. Simon confirmed there was no way to know if sound restrictions were imposed at that time, but it was unlikely. Commissioner Allen asked if the noise level is exceeded, could it be from a source other than the gas station. Mr. Simon acknowledged there is existing noise in the neighborhood - Alhambra Ave traffic, deliveries to Virginia Hills Center.

Commissioner Allen said she would like to know more about the noise level origins if the application comes back to the Commission. She also asked for clarification on the sound study terminology, which Mr. Simon provided. Commissioner Allen said she would like a clearer picture of the City's requirements.

Chair Kluber asked about the right-of-way restrictions. Mr. Simon said the City engineering department would prefer nothing on the right-of-way but it could be negotiated.

Chair Kluber opened the public hearing.

EBI BARAGHOUSH, applicant, commented on his ownership of the station, acknowledging he was aware of the storm drain easement when he bought the property, but he didn't realize that the whole gas station was on it. He also indicated that an effective remodel of the existing building needs to go beyond the easement. He commented on cost issues, noting he was proposing the smallest possible mini-mart and car wash. He commented on issues raised by the neighbors - is a car wash really needed (he views it as a community service, and it meets City noise standards) He also shared pictures of other car washes with insufficient sound buffering that are near residential uses, but seemingly have no complaints. He reiterated his need for a car wash to help pay for the remodel. He also questioned whether some of those who have expressed dissatisfaction will really be affected by the use.

(Commissioner Burt entered and was seated during his presentation.)

Commissioner Allen asked the overall maximum height of the building. Mr. Simon said it was about 23 feet, primarily due to the parapet.

Commissioner Allen asked where customers will wait while their cars are being washed. Mr. Baraghoush showed the area on the site map.

Commissioner Allen asked if he had any intent to sell beer and wine, and Mr. Baraghoush said he did not.

Commissioner Marchiano asked if the restrooms would be available for the public. Mr. Baraghoush said yes, even for non-customers.

Commissioner Burt asked the purpose of the photos he showed. Mr. Baraghoush said more than 7 or 8 were in Concord Walnut Creek with little buffer, and no neighbor complaints. He also noted that his will have a much more substantial setback from the residential neighbors.

Commissioner Busby asked, and Mr. Baraghoush confirmed that only one of those shown was owned by him. Commissioner Burt asked how he would know whether others have received complaints.

Commissioner Burt also asked whether the residential uses were present before the carwashes. Mr. Baraghoush said at least one came after the residential units.

Commissioner Burt commented on decibel levels, and she asked whether he had a decibel report for his other station. Mr. Baraghoush said no, Concord did not require one.

Chair Kluber said the photos were helpful, but it would have been more helpful to a drawing of the site and location of the proximity to the residential; his site is likely smaller. Mr. Baraghoush said Clayton Carwash is actually smaller than the Martinez site.

Chair Kluber asked what is involved with a full-service carwash, and Mr. Baraghoush explained. Chair Kluber asked if it will be a detail facility, and Mr. Baraghoush said no. Chair Kluber asked more questions about the proposed operation and parking, to which Mr. Baraghoush and the architect responded.

Commissioner Busby asked if the applicant needed approval from Chevron to have the carwash. Mr. Baraghoush said yes, and he has talked with them. Commissioner Busby asked whether the car repair service will continue onsite. Mr. Baraghoush said it will no longer be there after the remodel.

Chair Kluber asked about propane sales, and Mr. Baraghoush said there will be space onsite for propane sales.

Chair Kluber clarified this is a study session only, with no decision to be made tonight.

WALTER ROOK noted there are two noise sources - the vacuum and blowers from the carwash itself. He asked if the noise study takes both into account. He also asked whether the line of trees at the rear of the property will be eliminated. Mr. Simon showed on the site map those that may have to be removed. Mr. Rook asked about the traffic impact from gas trucks; he indicated the applicant has said it would be during an off-peak time.

SUSAN HILL noted she had submitted a letter; she expressed concern about preserving the community, noting that Alhambra is not like Clayton Road. She added that the business should add to and enhance the neighborhood rather than detracting. She was also concerned about the small parking lot and pedestrian safety.

STANLEY SIZELER agreed with Ms. Hill that Alhambra is nothing like Clayton Road. He commented on noise, the need for a 15' commercial setback, sufficient carwashes in the area already, increasing volume of traffic, air pollution from idling engines, and lowered real estate values.

ROLLAND SHERMAN, 29-year resident, expressed concern about losing peace and quiet. He noted a letter was sent to the Commission regarding setbacks, trees, and noise, and included a petition from the neighborhood. He questioned whether another carwash is really needed, and he expressed concern about parking, especially for employees, traffic flow and safety, and property value impacts. He requested that the best available technology be used, if the project is approved, to reduce noise.

RUSSELL ERICKSON expressed concern about light and noise impacts and traffic safety.

DAVID BOWDISH agreed with previous speakers regarding concern about noise impacts, and he discussed results of a sound study he commissioned. He submitted the letter and sound study to the Commission.

Commissioner Burt asked about the train noise he mentioned and confirmed it was from the trellis by Highway 4. She agreed another independent sound study was needed.

JOE AGUIRRE agreed with earlier speakers regarding noise, traffic, noise, pedestrian safety, and the appearance of the sound wall.

DIANA GONZALES, Burger King Representative, confirmed bedroom community. Mentioned letter from property owner. Although the expansion would bring more business to Burger King, they are still opposed.

Rebuttal

Mr. Baraghoush responded to comments, noting sound buffering on the air blower, no changes proposed to Alhambra Avenue landscaping, there is more existing noise from Safeway delivery trucks, improvements proposed for the entrance to the shopping center, most employees won't be bringing a car to work, property values will not decrease (in fact, developers are often now required to provide amenities).

MUTHANA IBRAHIM, architect, discussed the sound study conclusions that show the noise will be below the limits imposed by the City. He also noted that the building coverage for this project is below those of standard size. He explained that the setback variance is needed because of the easement across the property.

Commissioner Marchiano asked about the db level on the property lines by the residential properties, which the applicant discussed.

Mr. Bowdish reiterated that his sound study report was more valid.

CLAUDIA FARIAS noted her concern about impacts on children playing in the backyard, noting that the noise from the Safeway delivery trucks is infrequent. She was also concerned about the negative effect on property value detriment, pedestrian safety, and peace and quiet.

PETE MARAJANO noted Mr. Baraghoush has requested an alcohol license for his other business in the past. He was concerned that he might ask for one for this location in the future.

MARK SENZERBACHS echoed his neighbors' concerns with noise in such a peaceful neighborhood.

Seeing no further speakers, Chair Kluber closed the public hearing.

Commissioner Avila thanked the applicant for the presentation and expressed understanding for his desire to expand his business and improve the site. She discussed noise impacts in her home from a sound wall "echo". She felt the expansion is not justified; she would rather see the neighborhood preserved.

Commissioner Allen also acknowledged the owner's desire to improve and expand, but as Chair Kluber noted, the site does not have adequate space for the proposed operation. She questioned the need for a mini-mart with other facilities already in the neighborhood, but acknowledged the carwash is causing most of the problem. She was concerned about the adequacy of the parking and noise impacts. She also indicated she would like to see a more extensive CEQA process and noise studies that go further out. She would be interested in learning about the mitigation process for the Shell carwash further up Alhambra. She acknowledged the difficulty with the easement as justification for the variance, but she would not want any landscaping removed to accommodate the remodel.

Commissioner Burt was concerned about the noise information, and she agreed a full CEQA process is needed. On the other hand, she acknowledged that infill projects often do add noise. She was concerned about setback variance and ingress/egress issues also. She would've appreciated more context for the photos he provided. At this point she did not see the grounds to support the variance or the carwash use.

Commissioner Allen added that she would like to see the current noise levels and causes presented in a form that lay-people can understand.

Commissioner Busby expressed concern about parking; and she agreed with Commissioner Allen about needing the noise reports on a layman's level. She acknowledged that the owner has every right to pursue the project further, but additional noise study and traffic improvements are needed. She also questioned whether the carwashes he showed are near ownership or rental properties.

Commissioner Marchiano indicated that the biggest question for him is the compactness of the site - the lack of parking, number of people onsite, and congestion. The noise level concern might be mitigatable. He was in favor of carwashes in the neighborhoods because it is an environmentally friendly convenience.

Chair Kluber said he lived behind a carwash for 10 years, beginning with old technology and through the expansion process. He noted that the real noise issue is the vacuum cleaners, which must be soundproofed. He also commented on boom boxes sometimes used by employees, as well as interactions among them, and any loudspeaker system. He does not believe the expansion will reduce property values, however. He agreed with Commissioner Marchiano about the water conservation and ecological benefit. He commended Mr. Ibrahim for his plan and the maximization of the lot, but he noted it is important to be a good neighbor also. He was in favor of the project, but not as presented - the design needs to be scaled back.

Commissioner Busby clarified that not all carwashes operate the way Chair Kluber described - some are good neighbors.

Commissioner Burt said she was on Council when the Shell carwash went in, and Shell did much to mitigate problems for the neighbors. However, she acknowledged it was a very different design and different location; and was not a full-service carwash. She agreed management makes the difference in employee behavior/noise.

Commissioner Allen asked whether there would be new copies made if the project goes forward. Staff said yes.

COMMISSION ITEMS

None.

STAFF ITEMS

None.

COMMUNICATIONS

None.

The meeting was adjourned at 9:25 p.m., to the next regularly scheduled meeting, October 13, 2008, at 7:00 p.m.

Respectfully submitted,

Approved by the Planning Commission

Chairperson

Transcribed by, Mary Hougey

Frank Kluber