

Quintana
N. San Marino Avenue
Pasadena, CA

City of Pasadena Board of Zoning Appeals

Dear Pasadena Board of Zoning Appeals,

As owners of a residential property on San Marino Avenue and neighbors to the proposed Car Wash at 2030 E. Colorado, we must go on record that such a business will adversely impact our residential lives, on both San Marino and Berkeley Avenues and the Route 66 area of Mid-Central Pasadena neighborhood in general. It will be detrimental to the neighborhood and is not compatible with existing and future uses. The application for a Conditional Use Permit (CUP), therefore, **must be rejected**.

We are concerned to that the City's consideration of environmental impacts related to the proposed Express Car Wash development are not thoroughly or accurately considered. We argue that the California Environmental Quality Act (CEQA) determination was incorrectly made.

We are concerned that the City's six findings that the proposed project's compatibility with a CUP were not thorough or accurate. The findings fail to consider the special purposes of the zoning code and district and the impacts that the operation would have on the neighborhood.

The description of the business is very similar to the Fast5Xpress Car Wash located at 2400 E. Colorado Boulevard and the traffic generated by the business is a constant significantly negative impact. We expect that by the City of Pasadena allowing two express car wash business within less than a mile will encourage competition and lower prices that will attract more business and actual trip generation will be higher than estimated by the project.

INVALID CEQA CATEGORICAL EXEMPTION

Compliance with the CEQA was not adequately analyzed or disclosed in the City of Pasadena Staff Report. The proposed project does not qualify for a Categorical Exemption under Section 15303 of CEQA as stated in the City report.

1. The City report and public notices reference §15303(e), which is applicable to accessory structures and not the construction of a new 3,490 square-foot (sf) building and remodel of 2,580 sf building as proposed.
2. The City report references partial language from a different subset (§15303(c)) of Section 15303, which was not cited in the recommended Board Action, as an applicable exemption for the proposed project. The language of the staff report is:
"the construction and location of limited numbers of new, small facilities, or structures. In urbanized areas, the exemption applies to up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary services and facilities are available and the surrounding area is not environmentally sensitive."

3. Had Categorical Exemption §15303(c) been cited in recommended City Board action for the proposed project, the full language of the exemption states that the limit is 2500 sf for up to four **such** buildings not exceeding 10,000 sf. This would not be applicable to construction of a new 3,490 sf building.

Excerpt from 2019 CEQA Guidelines:

15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

Class 3 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. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084, Public Resources Code

Further, reliance on a CEQA Categorical Exemption requires that all other environmental impacts are below the significance threshold. Community members have already voiced concerns about vehicular traffic and noise. In addition, we raise the concerns about other alternative transportation (pedestrian, etc.) and aesthetics. In response to prior community concerns, the City imposed other requirements on the development and operation of the proposed project. The City's reliance on signage restricting traffic movement and requiring the property owner to provide an attendant to direct traffic indicates mitigation for an impact, as does the restriction of operation hours. As established through CEQA case-law, mitigation of impacts cannot be used in combination with a Categorical Exemption.

The City report states and the site layout shows that **both** egress and ingress traffic will be routed through the southern-most entrance on S. San Marino Avenue. S. San Marino Avenue is a residential street that exists between two major thoroughfares: Colorado Boulevard and Del Mar Avenue.

The City report states that the proposed project will increase pedestrian safety. There is no evidence to support this statement or to demonstrate that it will not significantly impact pedestrian traffic on S. San Marino Avenue or through the neighborhood.

As referenced in this letter, the appropriate traffic methodology was not used and there is no evidence that there will not be a significant impact to transportation. Appropriate vehicular traffic data is required to properly analyze both air quality and noise impacts.

The proposed project includes vacuum stations and vehicle queuing and associated exhaust that will be adjacent to sensitive receptors. There is no evidence provided in the staff report analysis to demonstrate that there will not be a noise or air quality impacts.

There is no evidence to support that the proposed carwash building fronting Colorado Boulevard will not negatively impact the viewscape as further detailed below.

FINDINGS TO APPROVE A CONDITIONAL USE PERMIT

The City report states that six findings must be made to determine if it would be detrimental or injurious to the neighborhood and compatibility of the operation with existing and future uses. The City report has the findings listed in Attachment A. The findings do not accurately consider specifics of the neighborhood including adjacent land use, impacts of the changed use, impacts of operation, or planning efforts.

Regarding items No. 2 through No. 6 as taken from the City's report below:

2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.*
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*
5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.*
6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.*

We ask that the City thoroughly consider the site specific impacts as stated through the letter to show evidence that the proposed project will not have a detrimental impact as noted above. We ask that the City consider the compatibility with existing and future uses as noted below. As-is, we do not agree that five of the six findings to support the CUP are thorough or accurate.

COMPATIBILITY WITH EXISTING AND FUTURE USES

We attended a number of planning meetings and even attended a walking/field evaluation of the corridor in our area of residence to discuss and provide input regarding the future developments. The discussion focused and encouraged Car Dealers (which are passive) and small business developments. There was never discussion of a Car Wash or business that would attract more traffic.

We want more Complete Street treatments and business that will encourage more pedestrian traffic such as sit down and fast-food restaurants, local markets, so we don't have to drive everywhere instead of encouraging more Car-centric development.

COMPLIANCE WITH EAST COLORADO SPECIFIC PLAN ZONING

Excerpt from City of Pasadena Zoning Code:

17.31.020 - Purposes of ECSP Zoning Districts



The purpose of the ECSP zoning districts is to implement the East Colorado Specific Plan by balancing and optimizing economic development, historic preservation, and the maintenance of local community culture, and to:

- A. Promote a vibrant mix of land uses, a unified streetscape, and a series of distinctive "places" along the Boulevard.
- B. Improve the appearance, function, and urban ambiance of East Colorado Boulevard.
- C. Identify areas of East Colorado Boulevard, which are appropriate locations for developing mixed-use and housing projects, and areas where commercial development should be concentrated.
- D. Retain the eclectic mix of uses and protect the vitality of small, independent businesses. Uphold Colorado Boulevard as a location for specialty and niche retail businesses.
- E. Beautify the streetscape through installation of street trees, street and median landscaping to soften the urban edge, and a consistent selection of urban furnishings.
- F. Create a pedestrian-friendly environment that balances the needs of pedestrians and vehicular traffic, recognizing the heavy local and regional use of Colorado Boulevard.
- G. Protect historic resources and honor the past of Colorado Boulevard and its surrounding communities through subarea identification and remembrance of Colorado Boulevard as Route 66.
- H. Effectively plan for the utilization of the light rail stations at Allen Avenue and Sierra Madre Villa at the 210 Freeway through the establishment of special development standards in these light rail "nodes".

The City report recommends that the Director of Planning & Community Development waive compliance with ECSP CG-4 Zoning District requirements for a building storefront on Colorado Boulevard since the site would not serve pedestrians. However, the City report fails to consider the purposes of the ECSP Zoning Districts, which include improving the appearance and function of East Colorado Boulevard's ambiance; beautifying the streetscape; creating a pedestrian-friendly environment; and promoting a unified streetscape of distinctive places.

The site layout shows no design considerations were incorporated to support any of the purposes of the ECSP Zoning District and that the City failed to consider compliance with the recommendation to approve the site's CUP. The new building that will be constructed will create the dominant view when facing south from N. San Marino Avenue and will negatively impact the streetscape along Colorado Boulevard. The existing view of the site consists of an A-frame building that, while presently vacant and in need of maintenance, retains period architecture consistent with area historic resources. We are not opposed to a new building, but there are no renderings included in the City's report to consider the impact of a carwash building on the viewscape. The City report discusses the integration of a 10-foot perimeter landscaping along the side and rear of the property, but nothing regarding integration of the northern and dominant street view. This, again, is inconsistent with the purpose of the ECSP Zoning District.

REFERENCE TO THE INSTITUTE OF TRANSPORTATION ENGINEERS -TRIP GENERATION MANUAL AND REQUIRED ADDITIONAL ENGINEERING AND CEQA CONSIDERATIONS

The reference to the ITE Trip Generation Manual does not apply to the proposed business. Page 7 of the Staff Report says the following:

“The Department of Transportation identified a traffic study was not needed for the proposed project. Using the Institute of Transportation Engineers Trip Generation rate for car wash, the project is not expected to generate more than 300 daily trips, and a project that generates less than 300 daily trips is exempt from requiring a traffic study.”

A typical car wash will have a higher service fee (\$25-\$20) will not generate as much volume and is the type of business being referenced in the ITE Trip Generation manual. The Express Car Wash business being proposed here is very similar to the Fast5Xpress Car Wash located at 2400 E. Colorado Boulevard with a service fee of (\$7-\$12) and will generate much more volume per hour. The fact that the proposed development includes 30 vacuum stations for an express car wash service automatically begs the question of how many vehicles will be expected to be serviced per hour. The business will be able to serve unlimited number of cars and their constraint will be how long a car spends at the vacuum stations. Due to this fact, Fast5Xpress Car Wash down the street limits vacuuming to 5 minutes maximum during peak hours. Using the 5-minute threshold, the facility can service up to 360 vehicles per hour.

A more appropriate reference to estimate future trip generation and expected queue lengths would be to conduct a study of current traffic volumes for the Fast5Xpress Car Wash (weekday and weekend volumes) and other similar developments in the area, and use them as reference for the current development.

Following are the major areas of impact under CEQA for the proposed development that should be evaluated, although there may be others.

Transportation/Traffic impacts:

- Queues during peak hours will spill onto the adjacent streets, including the residential streets. The 10 spaces for queuing within the property will not be sufficient to accommodate demand. Any queuing extending into the street should be considered an impact. We expect the queuing will be similar to the ones at the Fast5Xpress Car Wash and the IN-and-Out drive-thru on Walnut Street near Craig Avenue. Both of those developments have created conditions that are unsafe for motorists, bikes, and pedestrians using the public right of way. We expect this proposal to be a similar negative impact that the City has not properly evaluated. The City has no method to address field conditions that may end up being worse than expected during planning such we suspect is the case for the Fast5Xpress Car Wash down the street. Once it is built and operating, the constituents will be left to deal with the impacts with the business not being held accountable for the negative conditions they have created for their neighbors.
- Queuing of vehicles spilling onto residential streets including Berkeley Avenue and San Marino Avenue. We have seen that even if defined in the Conditions of Development, many times the developer will not enforce and users will not follow the conditions. The residents are left to deal with the pain of the day-to-day impacts. Again, we reference here the In-and-Out development on Walnut Street just west of Craig Avenue for which the regular queues block the pedestrian sidewalk, public parking areas, and extreme impact to adjacent businesses.
- A “No right turn” sign on the exit driveway on San Marino Avenue to mitigate a foreseen impact will not prevent users from making the right turn. A percent of the traffic exiting the driveway should be expected will turn right and will impact the residents. A better alternative is to have all driveways enter and exit on Colorado Boulevard.

Air Quality impacts:

- Idling and length of queues by motor vehicles waiting to access the business during peak hours spilling into residential areas, mechanical equipment continuously running during the daily operations of the business.

Noise impacts:

- Vacuums, idling cars, other sounds generated by the business.

Aesthetic impacts:

- Placement of the building structure 10-feet back from the right of way along Colorado Boulevard will have a visual impact. The Environmental document should discuss and include renderings of how visual and aesthetic impacts will be addressed.

Construction impacts:

- Construction noise and dust generated by the construction of the development.
- Construction routes – require construction traffic to not use San Marino Avenue and Berkeley Avenue, or any other local streets, for construction access routes. When the Volvo dealer was developing the property on the north side, their semitrucks with debris material were coming up San Marino Avenue and no City representative, including the inspector, did anything to prevent this until we complained. The requirement should include a method of enforcement and penalty. Also, all trucks carrying debris material must be covered to avoid any debris from flying into the air, especially materials that may contain Asbestos and Lead which could impact the health of all especially sensitive members of our community including children.

As Professional Registered Civil and Traffic Engineers, we disagree with the proposal to have the entrance and exit driveways for the proposed business facing San Marino Avenue. If the development expects to contain all their queuing within the property (which the traffic statement from the City above implies, but we argue is inaccurate), there should be no concerns with traffic spilling onto Colorado Boulevard or impacting pedestrians. Traffic generated by the business should enter and exit onto the Major Highway (Colorado Boulevard) and not a Local Street (San Marino Avenue).

And lastly, the Staff Report calls the adjacent development “Multi-family Residential” and “Commercial”. Many of the properties north and South of Colorado Boulevard are “Single Family” Residential homes, including ours. The single-family homes abide by Single Family R-6 requirements. This fact is misstated in the Staff Report.

Google Maps shows that the adjacent development for the Fast5Xpress Car Wash is also different than that for the proposed project. For that site the traffic enters and exits on Colorado Boulevard and although the queuing is a constant problem, it does not impact adjacent single family residential development. This proposed project will impact the quality of life for the residents.

CONCLUSION

We believe there is lacking evidence to support the CEQA finding and the CUP findings, and the CUP **must be rejected**.

We do support the property owner's effort to develop a business at the vacant site. We ask that any business development and especially, as in this case, any exemptions to the existing zoning be thoroughly vetted, considerate of neighbors, and be in the best interest for the long-term improvement and vitality of the neighborhood.

We would like to be notified of future nearby development, as we only heard of this project verbally from a nearby property owner.

Sincerely,

Alma and Daniel Quintana

Daniel, P.E., P.T.O.E., T.E.

Alma, M.B.A., P.E