

Members:

My name is Steven Glaser. I live at 2263 N. 71st Street and directly abut the southern property line of the proposed laundromat.

Before addressing the specifics of my objection to the Conditional Use Permit, I have a simple question for each of you.

If you were looking to purchase a home and found two properties that were essentially the same except for the fact that one was located next to a 24-hour laundromat and one wasn't, which home would you choose, assuming the price and terms were the same?

I posit that if you chose the one without a 24-hour laundromat, you have acknowledged the negative impact resulting from the extended hours requested by applicant and, as a result, are obligated to deny the application as it fails to meet the requirements of the overlay district with respect to extended hours.

Per the overlay district, applicant must show two things: (1) that the extended hours are reasonable and customary and (2) that the extended hours will not have a negative impact on surrounding properties. I do not believe that they have done so.

I would like to address statements made in favor of the application at the Jan 27 Common Council meeting, along with applicant's "Response to Concerns".

- Applicant indicated that 24-hour operations are standard yet provided no supporting evidence for the statement. The overlay requires that the extended hours must be "customary". The term "customary" is commonly understood to mean "usual", which, in turn, contemplates a frequency of considerably more than 50%. Applicant has not provided evidence showing that a majority of laundromats in the area are 24-hour operations, much less being "customary". As a result, applicant fails to meet the requirements imposed by the overlay district and this failure, by itself, mandates a denial of the application.
- Applicant stated that extended hours were necessary for the viability of the business. The viability of the business is not relevant to a determination of whether applicant meets the requirements of the overlay district and, therefore, should not be considered.

That being said, has applicant provided any evidence with respect to its assertion? If the operation is not viable without extended hours, why did applicant purchase the property and invest substantial funds into improvements that are exclusive to use as laundromat? The facility might be more profitable if it has extended hours, but if it wasn't viable without those hours, I don't think that the applicant would invest the money they already have. Would a bank finance the project?

- Applicant stated that the meeting the needs of patrons for access to the laundromat during extended hours is a benefit to community. Again, thought that may be true, benefits to the community are not relevant to the requirements of the overlay for extended hours.
- In any event, there are no tangible benefits to neighbors of the business. The assertion that property values will increase for surrounding properties has no supporting

evidence. Applicant's summary statement about increases in property values near a laundromat merely show correlation; they do not show causation.

In addition, applicant's statement that neighbors will be safer is contrary to the findings of the Wauwatosa Police Department.

As a result, the burdens of extended hours are borne exclusively by neighboring properties without any benefit to those properties.

The overlay district codifies the fact that the interests of the patrons and the business are subordinate to the interest of the surrounding properties

- Applicant suggests that concerns regarding the negative impact of noise are unfounded and not based in empirical data, but the applicant provides no evidence or data regarding the address actual noise levels that will be generated by the operations nor show that the noise during extended hours will not have a negative impact on the surrounding properties.

Applicant has the burden to show that the noise generated during extended hours will not have a negative impact on the surrounding properties – neighboring properties do not have any obligation to establish the level of noise that will be present.

- Two primary types of noise concerns exist; those within applicant's control and those outside of their control.

- Within their control

- Applicant provided no data regarding the anticipated sound levels
- Applicant provided no information regarding the location of mechanical or exhaust systems that would generate noise from the roof or the orientation of vents/fans towards front or back
- Applicant provided no information regarding proposed noise abatement measures – baffles, dampers, barriers, etc.
- Applicant challenged assertion regarding inverse square law of reduction of noise stating that inverse-square law calculations presume an unobstructed point source in open space but applicant does not provide any information regarding the obstructions, fencing, adjacent structures and directional venting that will be in place at the facility to mitigate the noise.
 - There is direct, unobstructed line of sight from my windows to essentially the entire roof of the laundromat – so there likely is an unobstructed point source if located on the roof without mitigation measures
 - Applicant provided no info on actual noise level
 - Applicant referred to measurement of sound at the property boundary – but, again, no details as to what the sound level would be at the property boundary as no details on location of source of noise or any mitigating factors
 - Applicant did not address the much closer proximity to residences than any of their other 24-hour operations – by a factor of 6 times and more, which, regardless of the inverse square law, results in a substantial reduction in the level of noise

- Applicant indicates that operational noise will not be constant as system will not have continuous operation
 - This does not change the fact that the noise, though not constant, will be present and no info provided as to the expected level
 - Assumes that intermittent noise is better than constant noise, which is not always the case – a tornado siren is intermittent, but that doesn't mean it isn't a problem, especially at 3 am than at 5pm – and tornado siren isn't a nightly event
 - Did not address expected duration of the intermittent noise events
- Outside of their control
 - Traffic noise – car engines, doors and trunks opening and closing
 - Noise associated with delivery of supplies
 - Speaking/shouting of patrons
 - Parking in rear of building directly abuts my home

Applicant appears to indicate that patrons will not be the source of any noise because they are there to do laundry and will be inside while doing so. Although I hope and expect that this is the rule, but even if it is, there are exceptions to every rule – and those exceptions will have a negative impact, especially if occurring at 3 am. Applicant also fails to consider or address the fact that a noise level and the duration of that noise acceptable and reasonable during normal business hours would not be reasonable during the extended hours, including “intermittent” noise

- It is important to note that the overlay district does not require that the negative impact be “substantial” or “serious” – rather it says that the extended hours must not have a negative impact, without qualification or limitation.

Ultimately, this boils down to the simple question I asked above. If any of you were looking to purchase a home and you found two properties that were essentially the same except for the fact that one was located next to a 24-hour laundromat, which home would you choose to purchase, assuming the price and terms were the same?

Though I hope that you will recommend that the CUP be denied, in the event you recommend approval of the CUP, I urge you to apply additional conditions to the issuance of the CUP, including:

- Requiring that applicant take all actions to minimize noise level and duration, including, without limitation, orienting noise generation towards North Avenue, utilizing other noise barriers, damping or mitigation processes, noise monitoring that creates alert that is sent to the operator as well as the Tosa Planning Department or other Tosa enforcement body
- Requiring of on-site attendant with ability to address noise issues in real time
- Prohibiting deliveries of supplies, maintenance of property and equipment during extended hours

- Prohibiting outside seating or other amenities that would encourage or allow patrons to be outside while using the facility
- Require that the CUP be reviewed and renewed annually (or more frequently following the receipt of multiple bona fide noise complaints) by the Plan Commission to ensure that compliance continues
- Provide that the CUP will not run with the land and that the CUP will automatically expire upon any change in ownership of the property, the sale of the laundromat business, a change in the operator of the business or a change in the ownership of the operator
- Provide that the CUP will terminate in the event of any violation of Municipal Code provisions regarding noise by operator

Thank you for your consideration.