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August 23, 2021

Our File Number: 307692.00001

VIA E-MAIL

Chairman Charles Borders & Honorable Commissioners  
Carson City Growth Management Commission  
108 E. Proctor Street  
Carson City, Nevada 89701

RE: Growth Management application for 3390 S. Carson Street (File # GM-2021-0131)

Dear Chairman Borders and Honorable Commissioners:

## I. INTRODUCTION AND BACKGROUND

This office represents Capitol Carwash, LLC, a Nevada limited liability company, the applicant in the above-referenced matter (the “Applicant”). The Applicant is proposing a state-of-the-art car wash facility (“Metro Carwash”) at the property located at 3390 S. Carson Street (the “Property”), which will provide a new option for Carson City residents to wash their vehicles with significantly less water than would be used by home washes and most, if not all, alternatives facilities in Carson City. This letter sets forth the legal and policy rational for approval of the Car Wash’s water usage request. We also take the opportunity in this letter to respond to unfounded and unsupported contentions from a business competitor.

Granting this request will allow for an attractive and state-of-the-art facility to replace an unattractive, vacant, and unsafe property in the redevelopment area of South Carson, which promotes recreation and tourism in the greater vicinity. In order to ensure that the Metro Carwash will not be limited in the number of vehicles that it may serve per day, the Applicant has requested usage of 46,000 gallons per day (“GPD”) of water from the City. The request for 46,000 GPD represents a net benefit to Carson City, as each 35 gallons used per wash at Metro Carwash would be nearly one third to one quarter of the amount used for home washes or at less efficient carwashes.<sup>1</sup> At an approximate water usage of 35 gallons used per vehicle (“GPV”), the request for 46,000 GPD would allow the Metro Carwash to serve approximately 1,314 vehicles per day, which roughly corresponds to 5.8% of the average daily traffic counts for this area of S. Carson Street.<sup>2</sup> The Applicant anticipates that it will reach this level of service after approximately five

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<sup>1</sup> The Southwest Car Wash Association states the average home washer uses 100-130 gallons per vehicle (“GPV”). See Letter from Chuck Space, Executive Director, Southwest Car Wash Association, to Ernie Ionno, attached hereto as Exhibit “A”.

<sup>2</sup> The traffic count is taken from the Nevada Department of Transportation’s (“NDOT”) Traffic Records Information Access (“TRINA”) application for Station No. 0250148, which provides the traffic count for S.

years of operation. As explained in more detail herein, each customer of the Metro Carwash would otherwise use more water washing at home – roughly an additional 65 to 95 GPV washing at home – but for this new, highly efficient facility. Stated plainly, the Metro Carwash will save water resources for Carson City of approximately 31,174,650 to 45,562,950 gallons annually during any year in which Metro Carwash serves an average 1,314 customers per day instead of being washed in a driveway. The Applicant realizes every car washed is not likely to be a driveway conversion, however a 40% home driveway capture rate is being used for conservative modeling, which equals approximately 26 GPV.

Because the Metro Carwash will meet or exceed all required findings of approval for the requested water usage, including state-of-the-art water conservation, and significant benefits to the vicinity, the Applicant requests that the Growth Management Commission approve the Applicant's request for 46,000 GPD, subject to the conditions of approval recommended by staff and the Applicant.

## II. LEGAL ANALYSIS

### a. Legal Framework

Presently, the Growth Management Commission is only required to consider whether the use meets the criteria set forth in Carson City Municipal Code ("CCMC") Section 18.12.070:

- (1) Quantity of water consumed by the use for which the building is constructed compared to the availability of water;
- (2) Ability of the city to deliver water service to the structure;
- (3) Other effects of water usage;
- (4) Ability of the city's sewage disposal system to handle the quantity of wastewater generated, including the composition of the wastewater;
- (5) Ability of the City's sewer system to carry the wastewater for treatment; and
- (6) Other effects of wastewater disposal.<sup>3</sup>

Additionally, the Board of Supervisors recently adopted an ordinance which has not yet gone into effect (Resolution 2021-R-23, referred to herein as the "2022 Ordinance"), but which may provide guidance to the Growth Management Commission prior to the effective date. Pursuant to the 2022 Ordinance, water users will need to demonstrate that the proposed use "utilizes water conservation measures and techniques" and whether "the use will promote health, welfare, safety or quality of life; or create quality jobs; or promote recreation and tourism."

Indeed, the Car Wash will comply with the requirements of CCMC § 18.12.070 and the aspirational framework of the 2022 Ordinance.

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Carson Street between Koontz Lane and Fairview Drive. For 2020, the TRINA application shows approximately 22,700 annual average daily traffic ("AADT").

<sup>3</sup> See Carson City Municipal Code ("CCMC") § 18.12.070(1) (setting forth general criteria for the Growth Management Commission to consider).

**b. *The Car Wash utilizes the most state-of-the-art technologies for water conservation; will assist Carson City in significant conservation of water resources.***

The primary consideration for the Growth Management Commission under the existing CCMC requirements, is whether the proposed use will conserve water. Here, the Applicant is proposing a use that will provide state-of-the-art water conservation technologies, which will allow the City to recapture nearly all used water for adaptive reuse. By utilizing modern car wash equipment, water reclamation systems, and advanced production line control technology, the use will consume approximately 35 gallons per vehicle washed, an amount which is 10 to 15 percent less fresh water than historically realized by the Applicant at its prior sites.<sup>4</sup> Indeed, the more cars that are washed at a professional car wash, results in additional net water savings for City Carson. The Metro Carwash will save roughly 65-95 GPV in excess water usage per vehicle washed at home, none of which would be otherwise recaptured by the City. Moreover, the proposed Metro Carwash is already being acclaimed by the Southwest Car Wash Association (“SCWA”) as “one of the finest examples of modern car wash design, development, municipal collaboration, and how professional carwashes will be built today and into the future.”<sup>5</sup>

Carson City’s Water Conservation Resources indicate that “[w]ashing your car at home can use two to three times more water than a commercial car wash, and water that flows into the street (and into the storm drain) cannot be recovered and reused.”<sup>6</sup> In fact, washing cars at home, or through alternative wash methods such as in-bay automatic washes commonly found at gas stations, utilize upwards of 75-150 gallons of fresh water per vehicle, which is a far greater amount of water consumption per vehicle when compared to the new Metro Carwash. In other jurisdictions, home car washing has been discouraged or outright banned in favor of more efficient professional carwashes.<sup>7</sup> In furtherance of the goal of conserving water, Metro Carwash will encourage local groups who might ordinarily “put on a charity (or fundraising) car wash” to raise funds to instead use the Metro Carwash facilities for fundraising purposes.<sup>8</sup> Stated plainly, the

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<sup>4</sup> The Applicant previously provided this Commission with a letter including statistics demonstrating that the Metro Car Wash sites in Reno and Sparks were retrofitted after acquisition to provide water usage at rates ranging in approximately 40-45 GPV. See Letter from Metro Carwash to Growth Management Commission, dated July 6, 2021. The Carson City Car Wash will be built from scratch, and developed to be the among the most efficient car wash facilities in all of Northern Nevada.

<sup>5</sup> See Exhibit “A”.

<sup>6</sup> <https://www.carson.org/government/departments-q-z/public-works/divisions/water/conservation-tips>.

<sup>7</sup> For example, the Southern Nevada Water Authority only permits 1 home car wash per week. <https://www.snwa.com/importance-of-conservation/restricting-outdoor-water-use/index.html>; see also <https://lasvegassun.com/news/2003/dec/05/home-car-washing-may-screech-to-halt/>. The SCWA Letter also indicates that “[m]ost cities like Carson City promote professional car washing as an effective water saving practice, however most cities actually implement a moratorium and ban home car washing during advanced stages of drought.” Exhibit “A”.

<sup>8</sup> Historically, many schools have put on car washes at their school facilities or in other public places to raise funds. See, e.g., <https://carsonnow.org/story/08/14/2019/car-wash-saturday-chs-benefit-carson-high-girls-and-boys-soccer-program> (Carson High School held carwash in 2019 to benefit soccer program). In order to avoid the loss of water resources that occurs in these types of events, Metro Carwash anticipates it will donate car washes to school activities so that customers may have their vehicles washed in the Metro Carwash facility, but with a significant portion of proceeds going to the designated activity.

more water that is used at Metro Carwash will reflect exponential water savings overall. By investing water resources in professional car washes, Carson City will ultimately be able to better encourage residents to avoid wasteful home washing and conserve more of this precious resource.

At present, South Carson is underserved by car washes, with only one other automated conveyorized user in the vicinity.<sup>9</sup> Based on figures provided in a letter by a lawyer for a competitor seeking to block this development, that competitor indicates that it only captured approximately 11,700 cars in its busiest month in the last six years, which represents 1.7% of AADT for this area. Considering these figures were taken during extreme wash conditions, driven by smoke and ash from nearby fires, and most likely attracting less than 1% on an annual normalized basis, the Applicant believes the area is underserved by professional car washes.<sup>10</sup> Based on the Applicant's five-year projection, Metro Carwash anticipates it will capture consumers in an amount reflecting up to 5.8% of AADT with this modern facility. NDOT's TRINA application estimates approximately 22,700 AADT for this section of S. Carson Street, of which 5.8% corresponds to 1,316 consumers daily. To serve that number of consumers, who would otherwise wash at home and consume roughly 131,600-171,080 gallons of fresh water daily, instead, Metro Carwash utilizing 35 GPV will require only 46,000 GPD. This comports with the 2-3 times water savings that Carson City notes on its own website.<sup>11</sup> Assuming that every car washed at the new Metro Carwash would have used the aforementioned car wash alternatives (home washes or in-bay automatics), we believe that Carson City will actually realize and accrue a net gain of water saved with every car washed at Metro. In fact, city water saved will easily calculate into tens of millions of gallons of water saved annually.

Indeed, the Applicant is a member of the International Carwash Association and participates in its Water Saver program. Strict guidelines must be met before Water Saver certification is received. Additionally, the use will consume 65 to 73 percent less fresh water than

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<sup>9</sup> We note that an attorney/lobbyist submitted a letter to this body on behalf of a business competitor, purporting concern over drought conditions, and submitting that this competitor only utilizes 26 GPV. Letter from Allison MacKenzie, Ltd, dated July 28, 2021 ([Competitor Letter](#)). To the extent that those unsupported contentions are accurate, it is probable that the competitor operates its conveyor at a higher speed, to compensate for being less than half the size and length of the new Metro, which would likely result in a less thorough wash and could discourage repeat business. Moreover, we understand that this competitor provides unlimited monthly car wash memberships at roughly \$9.99 to customers, a practice likely to result in a customer base of users coming through and washing the same cars multiple times over a short period of time. A more fair and accurate analysis would demonstrate their use of water for the same vehicle over a single month. Although the competitor's attorney/lobbyist purports that it "does not wish to discourage healthy and fair competition" and instead is concerned about drought conditions, it is clear that more professional car wash options will provide a net benefit to Carson City's water resources. Indeed additional professional car washes should be encouraged and incorporated as an effective drought management response.

<sup>10</sup> See Competitor Letter. The Competitor Letter states that it only washed 11,700 cars in all of June 2021. Given that TRINA indicates 22,5000 AADT for this area, that number of cars washed represents approximately 1.73% of total daily traffic in year 2020 numbers. The Applicant is seeking water entitlement that would correspond to roughly 5.8% of AADT for this area, which is where the 46,000 GPD number is generated. Again, the more car washes that occur in a professional car wash setting, ultimately save water overall for Carson City.

<sup>11</sup> <https://www.carson.org/government/departments-g-z/public-works/divisions/water/conservation-tips>.

the average home car wash – according to the Southwest Car Wash Association, the home driveway washer consumes approximately 100-130 GPV.<sup>12</sup> Metro Carwash has recognized and captured all the development criteria and technology of the SCWA Water Conservation Program.<sup>13</sup>

Consequently, all of the criteria of CCMC § 18.12.070 are met. First, the quantity of water to be used by the Applicant is actually significantly lower than other uses – home washes or in-bay automatics would utilize significantly more water per vehicle. Additionally, the City's professional engineering staff has indicated in the staff report that the City will not have any issue actually providing the water requested. Accordingly, the Metro Carwash use complies with the existing standards for Growth Management applications and warrants approval.

However, the staff report goes on to note that “[t]he City's water resources are not infinite” and argues that the Growth Management Commission should consider the not-yet-effective provisions of the 2022 Ordinance under the existing law's prong for “other effects of water usage.” Although the 2022 Ordinance cannot legally bind this application, to the extent that it is useful for this body, the Applicant provides further analysis indicating that all future-findings will also be met.

**c. *The Car Wash will meet or exceed the aspirational goals of the 2022 Ordinance by redevelopment of a formerly blighted property on S. Carson Street, reducing overall car wash water usage per vehicle across the City, and by creating roughly 15 new jobs in South Carson.***

The existing condition of the Property is an unattractive, vacant property that will be modernized and will be a unique draw for the area. Upon information and belief, the Property was once a Jeep car dealership, but the most recent former tenant of the Property provided sales of used parts. South Carson is new and exciting as the retail hub of the City, and also where most of the car dealerships are located. We understand that South Carson is also undergoing significant redevelopment, with the addition of roughly 370 new residential units in this area, most with home and self-washing bans,<sup>14</sup> and more coming online in the next several years. As the population continues to rise, and the lawyer for the competitor indicating that its facility is apparently already at record setting capacity, there is presently a desperate need for an additional professional car wash specifically in South Carson.

In terms of providing “health, welfare, safety or quality of life”, the Metro Carwash will take a vacant property in the redevelopment zone and develop it into one of the most efficient and attractive carwashes in all of Northern Nevada. As described above, this carwash will save approximately 26 gallons of water per vehicle washed, resulting in a serious benefit to the welfare and quality of life of this community.

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<sup>12</sup> See Exhibit “A”.

<sup>13</sup> *Id.*

<sup>14</sup> Apartments, condominiums, community living, and similar uses routinely restrict or ban vehicle washing anywhere in the complex.

Prior to the completion of the Carson City I-580 bypass, the average daily traffic count on S. Carson street was over 44,000 cars per day.<sup>15</sup> This same traffic count fell by nearly half upon completion of the bypass in 2017 and has remained flat ever since. Metro Carwash will contribute to the overall health and vitality of the S. Carson Street business corridor because the modern professional car wash is proven to be an excellent and effective retail anchor with its high volume, fast turn business model.

There will be additional benefits in terms of the economic welfare of Carson City, realized from the Applicant's unique and dynamic site plan. The property in its present condition has two separate ingress and egress driveways on S Carson St. The driveway to the north will be closed and the driveway to the south will be designated a one-way entrance only, which will provide a safer condition for S. Carson Street. Upon completion of the service, all customers and cars will be directed to exit onto Curry Street, where reentry to S. Carson Street will be achieved through controlled intersections. The Metro Carwash exit onto Curry Street is also likely to result in increased retail opportunity for businesses on Curry Street.

With respect to safety, it is indisputable that a clean car is a safe car. Windshields and headlights take the brunt of bugs and road grime, but mirrors, tail lights, and turn signals get covered with road film too making it harder to see and be seen by other drivers. This is especially so during winter months because road sand and salt will cover the whole car and it's harder to wash and clean. The need and importance of driving a clean car increases during winter months, but desire and feasibility to wash at home in the driveway decreases during cold conditions. Consequently, the Metro Carwash will contribute to community safety.

The addition of Metro Carwash to South Carson will also result in significant benefits to quality of life. The Applicant has demonstrated that it has a deep love for Carson City and Northern Nevada, and will be an ongoing community partner for the life of Metro Carwash. Unlike national brand carwash companies, nearly all company profits, employee earnings, and local taxes will be retained and redistributed in Carson City and the local economy. Metro Carwash plans to be a community partner – in the past Metro Carwash has donated thousands of carwashes to nurses during National Nurses Week, provides free car washes to veterans, first responders and active service members as a part of Grace for Vets, and provides free car washes to community schools to raise money for school activities. All of this charitable giving will continue in Carson City. Community is important to Metro Carwash, and the Applicant will absolutely give back to Carson City.

Moreover, in much the same way modern appliances and everyday conveniences improve our quality of life, so do professional car washes. Metro Carwash will be fast, efficient, environmentally sound, affordable, and conveniently located for the vast majority of the Carson City motoring public. This new service will allow more time for Carson City residents to shop, relax, and enjoy more of what the Carson Valley has to offer.

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<sup>15</sup> See NDOT TRINA numbers for years 2011 through 2016.

Metro Carwash will provide 12-15 high quality jobs, including high paying professional management and maintenance positions, with an anticipated annual budgeted payroll of approximately \$627,100, which is based on Metro Carwash washing 1,316 vehicles on daily average and using approximately 46,000 GPD. These jobs will include several high-quality first jobs for young -adults, recovery jobs after a setback, and production jobs that will provide the training and experience that larger users, such as a Tesla Gigafactory or similar might seek. Well-paying entry level jobs contribute to the health and well-being of a community's employment and economic system, and Metro Carwash is excited to assist in this endeavor.

Finally, Metro Carwash is an exciting project that will host many car wash operators and association members to tour this impressive facility and modern conservation marvel. Indeed, some consumers will likely be intrigued and compelled to visit and experience the new Metro Carwash, perhaps coming from nearby communities such as Minden, Gardnerville, Dayton, Lake Tahoe, and the greater Reno-Sparks area.

### **III. CONCLUSION**

The Applicant's request for 46,000 GPD is reasonable and common sense, as this use will more efficiently utilize water resources that would otherwise be wasted. Indeed, professional carwashes save as much as 65-95 gallons per vehicle, and the Metro Carwash will be an exciting state-of-the-art facility to be located in Carson City. Metro Carwash will not only conserve and protect the City's precious water resources and thereby contribute to the long-term health and welfare of the community, it will also provide tremendous safety benefits by ensuring clean cars are on the roads; provide community services in the form of charitable carwashes for nurses, veterans, and schools; provide quality jobs; and contribute to the economic health of South Carson. Accordingly, Metro Carwash meets all requirements for approval. Moreover, the request will meet all future goals under the 2022 Ordinance. Consequently, the Applicant requests that the Growth Management Commission approve this application.

Please do not hesitate to contact the undersigned with any questions.

Sincerely,

LEWIS ROCA ROTHGERBER CHRISTIE LLP

*/s/ Michael W. Cabrera*

Garrett D. Gordon, Esq.  
Michael W. Cabrera, Esq.



# EXHIBIT "A"

## **SOUTHWEST CAR WASH ASSOCIATION**

*Dedicated to the Advancement of the Car Wash Industry*

Ernie Ionno  
Carson City Metro Express  
Carson City, Nevada

Ernie

Thank you for sharing the business brief and outline for your new Metro Express Car Wash in Carson City. In my 35 years as Executive Director of the Southwest Car Wash Association, which represents over 1200 members and over 6000 locations of professional car washes, many located in some of the most drought stricken regions in the United States, your proposed carwash is one of the finest examples of modern car wash design, development, municipal collaboration, and how professional carwashes will be built today and into the future.

The Carson City Metro Carwash is an exciting project that is a great example of water conservation, drought management, and the future of professional car washing. You have recognized and captured all of the development criteria and technology of the SCWA Water Conservation Program that SCWA believes is so important in operating, promoting, and demonstrating proper and effective environmental practices. The working partnership that is being created between you and the Carson City is very impressive. With your permission, I would like to share your professional car wash as an outstanding example and template for effective drought management with our association members and their respective municipalities.

The SCWA Water Conservation Program is an effort of SCWA to work closely with communities in providing data and education for our car wash members; public officials and the general public on how the professional car wash saves water and offers an environmentally friendly alternative to the age old problem of "driveway" washing. The SCWA Water Conservation Program began over 20 years ago when the City of San Antonio, Texas came to SCWA during a drought situation and asked for information on car wash operations. The resulting partnership created a program and data that has been used in many other cities and regions over the years to demonstrate the fact that car washes really do not use large amounts of water relative to other businesses in the community. We have worked with cities such as Dallas; Austin; Denver; Houston; Albuquerque; Baton Rouge to name a few. Most cities like Carson City promote professional car washing as an effective water saving practice, however most cities actually implement a moratorium and ban home car washing during advanced stages of drought.

Just a few of the facts we learned in our research:

- The typical express car wash will use only about 35 gallons per wash.
- Driveway washers will use 100-130 gallons of water per car with an open hose.
- Residential water use will average 60-70% of the community water supply - with lawn watering over 50% of the municipal water supply.
- The average professional car wash will use less than .2% of the total municipal water supply and is usually not even in the top 100 water users in a community.
- The professional car wash sends the water used back to the city through the sanitary sewer providing water for other uses such as golf courses.

- The new car wash operations such as yours include reclaim systems – further saving water resources.
- From a business perspective water conservation and efficiency is just good business and economic sense for the car wash owner.

Second to home purchases, automobiles are the biggest personal investment people make and we all understand that people will be washing their cars. As industry professionals, we view professional car washes an effective environmental and water conservation practice, consumer focus groups clearly show that most people view washing their car washing as a fun recreational activity that demonstrates their pride of ownership, driving a clean car feels good. Automobile manufacturers statistics indicate that the average auto owner will wash their vehicles at least every 6 weeks and many will wash once a week. With this in mind, communities want to offer the most efficient, environmentally friendly and water conserving options. This has been proven to be the professional car wash.

Professional car wash operations such as the one you are planning will provide the appropriate alternative for the Carson City community to wash their vehicles while saving our valuable water resources. Another benefit professional car washes bring to a community is our charity car wash program. Many non-profit organizations in a community like to host "charity car washes" to raise funds. This is usually done at a business on parking lot pavement. All this does is push dirty water with metals and hydrocarbons into the storm sewer and on into our lakes, rivers and streams creating an environmental disaster. The Charity Car Wash Program you will provide for the Carson City community will offer the opportunity for recognized charities to have fund raising projects in an environmentally friendly situation while saving many gallons of water. This program also teaches younger people (and some older) proper techniques for washing and maintaining vehicles.

Again we wanted to congratulate you on your project and the partnership you have created with Carson City. We are proud of SCWA members like you who are the hard working business owners that bring such value to their communities. As your project progresses we would like to have the opportunity to plan one of our SCWA Car Wash Tours in Carson City to highlight your car wash. As you know we usually host a large number of car wash owners and operators who enjoy seeing new and successful sites.

Please keep us up to date on your progress.

Sincerely,



Chuck Space  
SCWA Executive Director