

Gleam Carwash, BRUN & Neighbors

Working draft

Please note: The GNA is not yet fully crafted and no one from either side has agreed on any points at this time. We have agreed to continue the discussion process. As noted in the meeting, the neighborhood business and residents' representatives are responsible to bring the information presented at this meeting back to a wider group of people and serve as representatives and channels of communication. No specific agreements or promises should be represented as final at this point.

The Carwash Taskforce met for the second time on Wednesday, January 13, 2016 to continue addressing questions and concerns regarding the impact upon the neighborhood. At our first meeting a significant amount of information was shared by Gleam. At this meeting we primarily tried to address three issues: 1) the enforceability and usefulness of a Good Neighbor Agreement (GNA) within this specific context, 2) Queuing, ingress and egress along Wolff and Xavier, and 3) Gleam employee parking.

Good Neighbor Agreement

1. Has a wide range of applications from re-zonings to liquor licenses. In this instance, the carwash is a use by right so the enforcement component of the GNA cannot rely upon the City for more traditional methods of enforcement.
2. If a GNA is written as a contract, there may be legal options for enforceability. However, it takes money to have the parties attorneys review a GNA; it also takes money to enforce a GNA through the legal system and this is not a desired result for any of the parties involved. GNAs crafted in this manner can include transferability to new owners should the business be sold in the future and/or be recorded with the deed of sale with the county. Clauses can be added to address new issues as they arise through a good faith effort in the future. Additionally, components can be added to ensure compliance through periodic meetings or check-ins between the parties.
3. GNAs are filed with the Council office, which provides knowledge to the City and may provide more scrutiny from the City in specific areas outlined in the GNA. They may also be used by City Council, Permit Office or Traffic Enforcement as a point of reference.
4. However, the Taskforce discussed that in this instance a GNA may be just an opportunity to express the good will and intent of all parties and that they will act in good faith to keep the promises and expectations outlined in this specific GNA.
5. Mike Beasley, an officer and board member of Berkeley-Regis United Neighbors (BRUN) explained that the BRUN board was watching this process carefully and hoping to use this approach to a GNA in other places within their neighborhood where neighbors and businesses were involved but not necessarily in a licensing or re-zoning context.
6. We agreed to work diligently to ensure the GNA is complete, that it expresses the intent of all the parties and is as enforceable as possible.
7. BRUN will need to be a signatory to the GNA, as will Gleam. We discussed the possibility that individual neighbors might be signatories to a GNA.
8. There is no specific requirement as to who signs a GNA agreement. Generally, the Registered Neighborhood Association (RNO which is BRUN) is a signatory, along with the business (GLEAM) and individual neighbors as appropriate.

City Actions List

1. Charbonneau met with traffic engineers Hersey and Schmitz, who assured him that they will evaluate and address any appropriate traffic and pedestrian changes to the light at 38th and Wolff as requested.
2. Charbonneau discussed queuing on public streets, specifically with Hersey and Schmitz. It is not illegal to briefly queue on a public street. However, if queuing creates a safety issue, the traffic department will work with the business owners to resolve the problem so the concern over safety is addressed.
3. The traffic engineers suggested that signage at the business egress for both Wolff and Xavier may help resolve the issue at busy times.

Employee Parking

1. Gleam will require their employees to park on avenues, not streets, as avenues go east and west and typically do not have houses or driveways facing them.
2. Gleam will not have more than four or five employees per block.
3. Adherence to the parking regime will be a condition of employment for Gleam employees and is fully enforceable within Gleam's progressive discipline policy.
4. Gleam will look into some type of identifier for the employee car so neighbors will know the car is associated with the carwash and not be concerned about stranger's presence in the neighborhood.
5. However, at this time Gleam will not be actively monitoring where employees park and will ask the neighbors to inform them of any abuses.
6. Gleam also plans to make bus passes available for their employees.

Queuing on Normal Days

1. Cars exiting the carwash option will exit onto Wolff and be allowed to turn left or right.
2. Cars exiting the detailing option will exit onto Xavier and will be signed as left turn only, keeping traffic out of the neighborhood.

Queuing on Busy Days (defined as when there are only 1-2 empty queuing spots on the Gleam lot).

Gleam explained that they will opt to queue cars up West 38th and not on Wolff. Terry's business is at the corner of Wolff and 38th, with the entrance on west 38th. Terry expressed concern about cars blocking his entrance and we agreed that further discussion needed to take place in a search for an alternative solution.

1. Entering and exiting the carwash on Wolff
 - a. Entering by coming south on Wolff will be discouraged by temporary signage. This should eliminate the queuing along Wolff north of the carwash. The primary and encouraged entrance will be from 38th.
 - b. Temporary signage (no left turn into the neighborhood) will be placed at the carwash exit allowing right turns only onto Wolff and out onto 38th.
 - c. If signage does not control the queuing, an employee or off-duty police officer will be used. (There was discussion about the logistics of hiring an off-duty officer, which we'll follow-up on later.)
 - d. We also discussed the use of "semi-permanent" cones to help manage traffic.
2. Exiting onto Xavier. On busy days left or right turns will be allowed. This will move traffic quicker and avoid queuing.
3. Questions and concerns
 - a. There is a concern about traffic queuing along 38th and impacting customer's ability to access Terry's business. We will continue to look for solutions to this issue and discuss it further.

- b. We will also discuss the option of “local traffic only” for Wolff and Xavier Streets.

Construction updates have been posted weekly at - <http://gleaminfo.weebly.com/> If appropriate, Gleam will post updates more frequently.

Also, to be discussed at another Taskforce meeting

- Landscaping and what will be provided.
- Currently a six-foot fence is planned for Gleam’s north lot line. There was discussion about a higher fence and then some disagreement about whether the adjoining neighbors or others impacted would want a higher fence. We will revisit the topic of a higher fence.