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Legislative Hearing Officer

310 City Hall

15 West Kellogg Blvd.

Saint Paul, MN 55102

Re: license #20180004316

I am a neighbor of this business and welcome the opportunity to voice complaints against this business from myself and other neighbors. Our complaint is not against the transfer of ownership of this business, but rather against business practices of the current owners which we fear will continue under new ownership.

License condition #1 states that "the hours of operation of the car wash are limited to no more than from 8:00 a.m. to 8:00 p.m." That would be reasonable, if the operators enforced those limits on the use of the car wash. However, the current owners do not enforce those time limits. Neighbors can attest to customers using the car wash as early as 7:00 a.m. and as late as 10:00 p.m. There does not appear to be any method in place to prevent customers from using the car wash before 8:00 a.m. and after 8:00 p.m. The entrance to the car wash is not blocked, the doors to the car wash do not close, and the machine collecting the fees/codes to the car wash is not disabled during the "off" hours. We, as neighbors of this business, do not have faith that the new owners will be able to enforce the time limits that this license dictates.

License condition #2 states that "access to the car wash from the alley is prohibited. The car wash can only be accessed via the drive lane (immediately south of the building and located entirely on this property). The licensee shall take appropriate actions to ensure alley access does not occur." Neighbors can attest to the fact that virtually all cars that access the car wash enter through the alley. The gate immediately behind the car wash, which would prevent access from the alley, is never closed. It is always open. The garbage dumpsters for the facility are located just outside the entrance to the car wash, and I believe access to that area is always available to ensure the garbage can be collected. The business owner could choose to relocate the dumpsters so that the gate could be closed, but they have never done so. This is another case where we as neighbors have no faith that the new owner will actually keep the gate closed, as the license dictates.

Instead, we are wondering why a car wash is allowed to exist in this residential neighborhood in such close proximity to our homes. The MN Pollution Control Agency states "For residential locations (NAC 1) the limits are L10 = 65 dBA and L50 = 60 dBA during the daytime (7:00 a.m. – 10:00 p.m.). They are also based on the sound level in decibels (dBA) over ten percent (L10), or six minutes, and fifty percent (L50), or thirty minutes, of an hour." 60 dBA is described as the volume of normal speech at 1m, while 65 dBA approaches the level of a vacuum cleaner at 3m. The car wash emits noise levels far above these thresholds, more akin to over 90 dBA (a gas lawnmower). Although at slow times, perhaps only a few cars go through the wash within an hour, so the L10 threshold may not be met. But at busy times, there is no way to regulate the cars going through the wash in order to keep the noise below the L50

threshold. We question why a noise pollution assessment was not done before installing a car wash at this location. And although Maryland Avenue may be zoned for business, on no other part of Maryland Avenue East does a business of the size of the Mobil gas station exist in such close proximity to residential housing. All other businesses on Maryland Avenue East are situated on major intersections with traffic lights, which Duluth Street is decidedly not.

In summary, we ask the licensing authority the following:

1. Can a noise pollution assessment be required before continuing use of the car wash at the business named in this license?
2. How does the licensing authority propose to enforce license conditions 1 & 2? How would enforcement occur if no existing means of doing so are currently in place?
3. What can we do as neighbors to get our complaints against this business heard? We have complained numerous times to the current owner regarding many issues over the years: customers dumping trash on our lawns, the cooked food establishment within the gas station leaving their kitchen door open all summer, the owners refusal to keep the dumpster lids closed so that their trash does not scatter through the alley and our back yards on a windy day, loitering and obvious drug dealing occurring in the store's parking lot, customers driving on the lawn of 1186 Duluth St. when exiting the store parking lot, customers using the car vacuum onsite as early as 6:00 a.m. and as late as midnight, and customers shooting off fireworks in their parking lot. We have complained to the police, the Department of Agriculture (who oversees prepared food businesses in gas stations) and to Mobil headquarters. Nothing has been done regarding any of our concerns.

I am grateful to finally have an opportunity to express the neighbor's frustrations with this business. I sincerely hope that the issues raised will be taken seriously and that some action in favor of the neighbors, and not the business, will finally occur.

Thank you for your time.

Elena Guevara

Glenn Brown

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