



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes City Council

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Tuesday, June 25, 2019

1:00 PM

Council Chambers

1. Call to Order

Present: 8 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

Excused: 1 - Councilmember Bill Murray

Councilmember Pico arrived at approximately 1:08 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Victoria Heim from Crossroads Ministry.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated the applicant has requested item 11.A., an ordinance excluding certain property from the Interquest North Business Improvement District, to be withdrawn from the June 25, 2019 City Council meeting agenda. See item 11.A. for additional information.

Ms. Johnson stated a Proclamation honoring Juneteenth will be added to the June 25, 2019 City Council meeting agenda under Recognitions.

Citizen Deborah Stout-Meininger requested items 4A.A and 4B.G be removed from the Consent Calendar.

Citizen Donald Holliday requested item 4B.J. be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the agenda.

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

4A. Second Presentation:

- 4A.B. [19-272](#)** Ordinance No. 19-43 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$125,000 for projects and events recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer

Laurel Prud'homme, Chair, LART Citizen Advisory Committee

Attachments: [Ordinance for LART 2019 Additional Events](#)

[09-11-18 LART Resolution Exhibit A 2019 - CAC recommendations REVISIED 8-29-18](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [19-346](#)** City Council Regular Meeting Minutes June 11, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [6-11-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

- 4B.B. [19-350](#)** Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: [062519 Boards and Commissions.pdf](#)

This Item was approved on the Consent Calendar.

- 4B.C. [19-324](#)** The City Clerk reports that on May 20, 2019 there was filed with her a petition for the annexation of Dickerson Addition Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and

recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Attachments: [DICKERSON ADDITION PETITION](#)
[DICKERSON ADDITION VICINITY MAP](#)

This Item was approved on the Consent Calendar.

- 4B.D.** [CPC ZC 18-00134](#) An ordinance amending the zoning map for the City of Colorado Springs from C5/R5/HS (Intermediate Business and Multi-family Residential with Hillside Overlay) to C5 (Intermediate Business) located at 3005 & 3009 West Colorado Avenue consisting of 1.25 acres.

(Quasi-Judicial)

Related Files: CPC DP 18-00135, AR NV 19-00232

Presenter:
Lonna Thelen, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC_ORD_EntCreditUnion](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone changee depiction](#)
[Vicinity Map.pdf](#)

This Ordinance was approved on first reading on the Consent Calendar.

- 4B.E.** [CPC DP 18-00135](#) Ent Credit Union Development Plan illustrating a 5,280 square foot financial Institution on 1.25 acres.

(Quasi-Judicial)

Related Files: CPC ZC 18-00134, AR NV 19-00232

Presenter:
Lonna Thelen, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [FIGURE 1 - Development Plan](#)
[7.5.502.E Development Plan Review](#)

This Item was approved on the Consent Calendar.

- 4B.F.** [AR NV 19-00232](#) Ent Credit Union nonuse variance allowing an 11.5 foot retaining wall in the rear yard setback where a 6 foot retaining wall is allowed per City Code.

(Quasi-Judicial)

Related Files: CPC ZC 18-00134, CPC DP 18-00135

Presenter:

Lonna Thelen, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [FIGURE 1 - Development Plan.pdf](#)

[7.5.802.B Nonuse Variance](#)

This Item was approved on the Consent Calendar.

4B.H. [CPC PUP
19-00021](#)

A PUD concept plan for the Farm Filing 7 project illustrating a single-family detached residential development at 2-3.49 dwelling units per acre and access off Ridgeline Drive, located south of Ridgeline Drive and north of Black Squirrel Creek.

(QUASI-JUDICIAL)

Related File: CPC PUZ 19-00020

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [FIGURE 2 - PUD Concept Plan](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

4B.I. [CPC PUZ
18-00131](#)

An ordinance amending the zoning map of the City of Colorado Springs relating to 25,000 square feet of land located on the north side of E. Boulder St. between N. Weber St. and N. Wahsatch Ave from R4 (Multi-Family Residential) to PUD (Planned Unit Development: Multi-Family Residential, - 37 dwelling units per acre, and a 40-foot maximum building height).

(QUASI-JUDICIAL)

Related File: CPC PUD 18-00132

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Attachments: [ZC_ORD_326EBoulderSt](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Rezone](#)
[Vicinity Map - 326 E Boulder Apartments](#)
[326 E Boulder Council Presentation 062519](#)
[326 E Boulder CPC Report](#)
[Figure 1 - Development Plan](#)
[Figure 2 - Project Statement](#)
[Figure 3 - Zoning Map](#)
[Figure 4 - Stakeholder Comments](#)
[Figure 5 - Response to Stakeholders](#)
[Figure 6 - PlanCOS Vision Map](#)
[Figure 7 - Parking Demand Table](#)
[Figure 8 - Historic Aerials Regarding Parking Demand](#)
[7.5.603.B Findings - ZC](#)
[326 E Boulder CPC Presentation 041819](#)
[Draft 326 E Boulder Apt minutes](#)

This Ordinance was approved on first reading on the Consent Calendar.

- 4B.K.** [CPC ZC 18-00180](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to .93 acres located at the southwest corner of North Cascade avenue and Buchanan Street, changing the zoning from PUD (Planned Unit Development) to C-6/CR (General Business with Conditions of Record).

(QUASI-JUDICIAL)

Related File: CPC DP 18-00181

Presenter:

Morgan Hester, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC_ORD_NovakBusinessPark](#)
[Exhibit A](#)
[Exhibit B](#)
[Vicinity Map](#)

This Ordinance was approved on first reading on the Consent Calendar.

- 4B.L.** [CPC DP 18-00181](#) The Novak Business Park Development Plan for construction of a 14,400 square foot office and warehouse development located at the southwest corner of North Cascade Avenue and Buchanan Street.

(QUASI-JUDICIAL)

Related File: CPC ZC 18-00180

Presenter:

Mike Schultz, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Attachments: [Figure 3 - Novak Business Park DP](#)
[7.5.502.E Development Plan Review](#)

This Item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

Excused: 1 - Murray

5. Recognitions

5.A. [19-296](#) A Resolution Designating July as National Park and Recreation Month

Presenter:

Karen Palus - Parks, Recreation and Cultural Services Director

Attachments: [062519 - 2019 Park and Rec Month Resolution](#)

Kim King, Manager, Parks Administration Manager, Parks, Recreation and Cultural Services, presented the Resolution designating July as National Park and Recreation Month, gave recognition for the day campers from Meadows Park Community Center who were in attendance, and gave an overview of the history of National Park and Recreation Month.

Jack Glavan, Manager, Pikes Peak - America's Mountain, provided an update on the construction of the Pikes Peak - America's Mountain Summit Complex project.

Councilmember Gaebler read the Resolution Designating July as National Park and Recreation Month.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Resolution designating July as National Park and Recreation Month be

adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

Absent: 1 - Murray

5.B. A Proclamation Honoring Juneteenth

Councilmember Geislinger read a Proclamation honoring Juneteenth.

Debbie Vitulli and Bill Thomas, Pikes Peak Justice and Peace Commission expressed appreciation for the Proclamation.

6. Citizen Discussion

Citizens Debbie Vitulli and Bill Thomas, Pikes Peak Justice and Peace Commission, introduced a new street paper named The Springs Echo which is designed to be distributed to and to assist people experiencing homelessness.

Citizen Brian House spoke about the RV parking ban and being ticketed for parking his RV in front of his house.

Citizen Deborah Stout-Meininger spoke about illegal immigrants and voting.

Citizen Charles Barber spoke regarding solving problems with three dimensions.

Citizen Gerald Miller spoke about the crime in his neighborhood.

Citizen Carl Strow spoke about the land swap and the cost of the needed repairs on the Barr Trail.

Citizen Tim Hoiles spoke regarding urban renewal projects, special districts, and attorney fees.

Citizen Matt Spain, owner of Mateos, discussed the benefits of food trucks within the City.

Citizen Jaymen Johnson read an excerpt from a Marvin Gaye poem.

Citizen Lawrence Joseph Martinez requested an Ordinance be created to

prevent intimidation.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

- 4A.A.** [19-263](#) Ordinance No. 19-42 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$38,470 for street and stormwater repairs and improvements in the North Dublin Filing No. 1

Presenter:

Charae McDaniel, Chief Financial Officer

Travis Easton, P.E., Public Works Director

Attachments: [Ordinance-Supplemental Approp for Assurance -Dublin North Filing No. 1](#)

Citizen Deborah Stout-Meiningner asked if the source of funding for the supplemental appropriation was from the 2C fund. Councilmember Pico stated it is not, it is funds from the developer's financial assurance escrow funds to complete the needed projects.

Councilmember Williams asked if the funds are calculated into the Tax Payer Bill of Rights (TABOR). Charae McDaniel, Chief Financial Officer, stated they are not.

Motion by Councilmember Knight, seconded by Councilmember Pico, that the Ordinance approving the supplemental appropriation to the General Fund in the amount of \$38,470 for a transfer of financial assurance out of escrow held for Dublin Filing No. 1, into the General Fund was finally passed. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

Absent: 1 - Murray

- 4B.G.** [CPC PUZ 19-00020](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 29.9 acres located south of Ridgeline Drive and north of Black Squirrel Creek, changing the zoning from A/cr/PUD (Agricultural with Conditions of Record and Planned Unit Development) to PUD (Planned Unit Development: Single-Family Residential, 2-3.49 dwelling units per acre, and a 35-foot maximum building height limit).

(QUASI-JUDICIAL)

Related File: CPC PUP 19-00021

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [ZC ORD FarmFiling7](#)
[Exhibit A - Legal Description](#)
[Exhibit B - PUD Zone Change Exhibit](#)
[Vicinity Map](#)

Citizen Deborah Stout-Meininger stated the zone change to Planned Unit Development (PUD) causes additional impervious surface and wants to know if the City has conducted a full spectrum flood and stormwater study. Daniel Sexton, Senior Planner, Planning and Community Development, stated the preliminary drainage reports are in compliance with the City's stormwater criteria and manual, and the full spectrum channel improvements have been accounted for within this project with no exceptions associated with them.

Citizen Jaymen Johnson asked if this will be a new special district. Mr. Sexton stated this area is already included in the Allison Valley Metropolitan District.

Citizens Bruce Ballenger and Don Wersima, homeowners in The Farm, expressed their concerns regarding the designated wetlands area and requested a postponement until City Council has reviewed the development plan. Mr. Sexton stated the U.S. Army Corps of Engineers has approved the adequacy of mitigation for the detention pond and for a zone change request, a developer has the option to either submit a concept plan or a development plan and this developer chose to submit a concept plan.

President Pro Tem Strand asked what the impact of a postponement would be. Cody Humphrey, Director of Planning, La Plata Communities, representing the applicant, stated a delay will have an impact on the schedules agreed upon with the builders and they anticipate the development plan will be submitted in approximately four weeks.

Councilmember Geislinger asked what authority the City has regarding the wetlands. Mr. Sexton stated the City reviews the stormwater and grading requirements, but the mitigation would be under Federal jurisdiction due to

the improvements of the Black Squirrel Creek channel and the habitat of the Preble's meadows jumping mouse.

Councilmember Knight stated the concerns presented by these residents relate to the development plan which will be submitted at a later time and requested staff notify these residents by email as soon as the City receives the development plan. Mr. Sexton stated they will notify them.

Mr. Ballenger stated the neighbors are only asking for clarification regarding the development plans regarding the wetland area and would not like any grading to be done prior to review of the development plan.

Councilmember Williams asked if any grading will occur prior to the development plan being approved. Mr. Humphrey stated it does generally begin prior to the approval of development plan.

Mr. Humphrey presented an overview of the master plan for The Farm Filing 7, the park and open space plan, and stated there were no significant changes being proposed that would change the initial plan for the development. He stated the surface water pond has created some challenges which they need to address.

Kyle Campbell, Classic Consultant Engineers and Surveyors, spoke about the habitat conservation plan for the area and the Preble's meadows jumping mouse mitigation plan.

Councilmember Knight asked if there will be runoff issues onto the United States Air Force Academy (USAFA). Mr. Campbell stated a water detention pond has been constructed according to City drainage requirements and there is also a phased improvement plan in place with the USAFA.

Councilmember Geislinger asked if the applicant would be willing to agree to not begin grading until after the development plan has been approved. Mr. Humphrey stated a majority of the site is currently being used as a fill site with the exception of the pond, but he would like to speak with his clients before answering that question. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated any grading plan restrictions would fall under the authority of the City Engineer and would not be enforceable by City Council.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Ordinance changing the zoning for 29.9 acres from ((A/cr/PUD) Agricultural with Conditions of Record and Planned Unit Development to (PUD) Planned Unit Development: Single-Family Residential, 2-3.49 dwelling units per acre, and a 35-foot maximum building height limit, based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B) and the development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

Absent: 1 - Murray

- 4B.I.** [CPC PUZ 18-00131](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 25,000 square feet of land located on the north side of E. Boulder St. between N. Weber St. and N. Wahsatch Ave from R4 (Multi-Family Residential) to PUD (Planned Unit Development: Multi-Family Residential, - 37 dwelling units per acre, and a 40-foot maximum building height).

(QUASI-JUDICIAL)

Related File: CPC PUD 18-00132

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Attachments: [ZC_ORD_326EBoulderSt](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Rezone](#)
[Vicinity Map - 326 E Boulder Apartments](#)
[326 E Boulder Council Presentation 062519](#)
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[7.5.603.B Findings - ZC](#)
[326 E Boulder CPC Presentation 041819](#)
[Draft 326 E Boulder Apt minutes](#)

President Skorman requested item 4B.I. be reconsidered for public discussion based on its association with item 4B.J.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, to reconsider a zone change pertaining to 25,000 square feet of land located on the north side of E. Boulder St. between N. Weber St. and N. Wahsatch Ave., changing the zoning from R4 (Multi-Family Residential) to PUD (Planned Unit Development - 37 dwelling units per acre of multi-family residential use, 40' maximum building height). (QUASI-JUDICIAL). The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

Excused: 1 - Murray

Citizens Kim Benore and Donald Holliday spoke regarding the parking problems at the proposed apartment complex located at Boulder Street and Weber Street.

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development, provided a brief background of the site, the proposal, the application details, stakeholder input, and the parking.

Councilmember Knight and Councilmember Williams stated they have concerns regarding the developer providing only seven off-street parking stalls for the residents compared to the number of dwelling units.

John Olson, Altitude Land Consultants, and Mark Tremmel, Tremmel Design Group, representing the applicant, gave an overview of the proposed apartment complex named Lisa's Way, the site location, rezone boundary, planned development area, density study, and site plan. Mr. Olson stated the proposed plan is in alignment with the Experience Downtown Master Plan and PlanCOS.

Citizens Robert Binpinyack, Donald Holliday, Stephanie Cardwell, and Alexander Fix, spoke in opposition of the project.

Councilmember Knight asked if the proposed project could be built in an R4 multi-family residential zone. Mr. Tefertiller stated it could not because it does not meet a number of provisions required by R4 multi-family residential zone.

Councilmember Gaebler stated infill development projects are difficult in very urban environments, with parking, noise, and traffic issues, but are very important to the community.

Councilmember Pico stated this project will increase the already existing parking problems and will not be supporting it.

Councilmember Williams stated the criteria for parking has not been met and will not be supporting it.

Councilmember Geislinger stated the population of the City is continuing to grow and depending on the neighborhood people choose to live in, parking may be an issue. He stated he will be supporting this project.

Councilmember Knight stated living downtown forces people to have to own cars because there are not enough amenities within a reasonable distance and will not be supporting this item.

Councilmember Avila stated the City is very auto-centric, but the housing is needed.

President Skorman stated downtown parking is a huge issue the City needs to address and he will be supporting this project.

Motion by Councilmember Gaebler, seconded by Councilmember Geislinger that

the proposed PUD zone (37 dwelling units per acre of multi-family residential use, 40' maximum building height) for the 326 E. Boulder Apartments project, based upon the finding that the request complies with the zone change review criteria in City Code Section 7.5.603.B be approved. The motion passed by a vote of 5-3-1-0

Aye: 5 - Avila, Gaebler, Geislinger, Skorman, and Strand

No: 3 - Knight, Pico, and Williams

Excused: 1 - Murray

4B.J. [CPC PUD
18-00132](#)

A PUD Development Plan illustrating a new 16 unit apartment building and associated improvements on the eastern 15,000 square foot portion of the site which is located on the north side of E. Boulder St. between N. Weber St. and N. Wahsatch Ave.

(QUASI-JUDICIAL)

Related File: CPC PUZ 18-00131

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Attachments: [Figure 1 - Development Plan](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 4B.I.

Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the proposed PUD development plan for the 326 E. Boulder Apartments project, based upon the finding that the request complies with the review criteria in City Code Sections 7.5.502.E, and 7.3.606 subject to compliance with the following technical and/or informational plan modifications: Technical and Informational Modifications to the Master Plan Amendment: 1. Finalize and gain acceptance of the project's Drainage Letter be approved. The motion passed by a vote of 5-3-1-0

Aye: 5 - Avila, Gaebler, Geislinger, Skorman, and Strand

No: 3 - Knight, Pico, and Williams

Absent: 1 - Murray

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [19-286](#) An ordinance excluding certain property from the Interquest North Business Improvement District.

(Quasi-judicial)

Presenter:

Carl Schueler, Manager, Comprehensive Planning

Attachments: [InterquestNorthBIDExclusionORD-2019-05-22](#)
[Exhibit A INBID Petition for Exclusion of Property](#)
[Exhibit B INBID Notice of Exclusion 2019](#)
[Attachment 1 INBID Exclusion Transmittal Letter](#)
[Attachment 2 PUDmap Scheels](#)
[Attachment 3 IQN analysis](#)
[Attachment 4- June 6, 2019 Letter to Colo Springs Council-INBID Exclusion-6June2019](#)
[Attachment 5- June 17, 2019 email RE Scheels Interquest BID exclusion](#)
[Attachment 6- Certificate of Mailing Notice of Exclusion - INBID 2019](#)
[Power-Point- Interquest North BID 2019 Exclusion](#)

Sarah B. Johnson, City Clerk, stated the applicant has requested this item to be withdrawn from the June 25, 2019 City Council meeting agenda.

Tim Leonard, President, Deepwater Point Company, representing two of the property owners (Burger King and Cheddars) included in the proposed exclusion, stated they are in favor of having this item withdrawn from City Council's agenda. He stated the reason for the item being withdrawn is due to additional financial analysis is needed in regards to excluding commercial property from a commercial district.

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that the Ordinance excluding certain property from the boundaries of the Interquest North Business Improvement District be withdrawn from the June 25, 2019 City Council meeting agenda. The motion passed by a vote of 7-0-2-0

Aye: 7 - Avila, Gaebler, Geislinger, Knight, Skorman, Strand, and Williams

Absent: 2 - Murray, and Pico

- 11.B. [18-0230](#) A Resolution approving the City Council's 2020 strategic plan pursuant to City Charter §3-10(C) to provide for the future of the City and for the Mayor's consideration in the development of the 2020 municipal administrative budget

Presenter:

Council President Jill Gaebler, Chair, City Council Strategic Planning Committee

Attachments: [061019 Resolution Council 2020 Strategic Plan](#)
[Final Exhibit A Council Strategic Plan Draft 6-19-19](#)

Carly Hoff, Legislative Analyst, City Council, presented the Resolution approving the City Council's 2020 strategic plan.

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Gaebler, that the Resolution approving the City Council's 2020 strategic plan pursuant to City Charter §3-10(C) to provide for the future of the City and for the Mayor's consideration in the development of the 2020 municipal administrative budget be adopted. The motion passed by a vote of 8-0-1-0

Aye: 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

Absent: 1 - Murray

12. Public Hearing

12.A. [ARR](#)
[19-00141](#)

An appeal of Planning Commission's action to approve an appeal and overturn the administrative approval of a non-use variance to allow 37 parking stalls where 44 are required by Code at 1645 and 1647 S. Tejon St.

(QUASI-JUDICIAL)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning & Community Development

Attachments: [1645 S Tejon Appeal - NES CPC appeal form](#)
[1645 S Tejon Appeal - NES Statement](#)
[CPC Staff Report_ 1645 S Tejon Appeal](#)
[FIGURE 1 - 1645 S Tejon Commercial Center Site Plan APPROVED 041219](#)
[FIGURE 2 - 1645 S Tejon Commercial Center Revised Project Statement](#)
[FIGURE 5 - Edelweiss Restaurant Appeal Statement](#)
[FIGURE 7 - Zoning Exhibit](#)
[FIGURE 8 - Stakeholder Comments](#)
[FIGURE 9 - 1997 ROD for Parking Variance](#)
[FIGURE 10 - Blue Star Building Approval Letter 041219](#)
[FIGURE 11 - 1645 S Tejon Record of Decision Parking 041219](#)
[CPC Appellant 2 Edelweiss AdditionalInfo](#)
[CPC Appellant 2 Parking Power Point \(Edelweiss\)](#)
[CPC Appellant 2 Edelweiss ClosingStatement](#)
[1645STejonSt_Correspondence](#)
[EmmaLouSkiffington_email](#)
[MarkScofield_email](#)
[Ivywild News blast 1645 S. Tejon](#)
[7.5.802 Nonuse Variance](#)
[7.5.906 \(B\) Planning Commission Appeal](#)
[Draft 1645 S Tejon St minutes](#)

President Skorman recused himself due to a conflict of interest with the applicant.

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development, presented a map of the site location for 1645 and 1647 S. Tejon St, the site information, and pictures of the property. He gave a brief background of the site and the applications. Mr. Tefertiller gave an overview of the stakeholder notice process, the stakeholder input and the details of the application, approval, and appeal. He identified the Planning Commission's decision, City Council options, and staff recommendations. Mr. Tefertiller spoke about the number of ADA parking stalls required, Fire Marshall occupancy limits, and stated the three separate tenant uses could change in the future.

Councilmember Geislinger asked if the size of the structure is what determines the number of parking stalls rather than the number of tenants. Mr. Tefertiller confirmed the number of parking stalls required is factored by

the use and size of the building.

Councilmember Williams asked what the five percent parking reduction identified in the parking summary is based on. Mr. Tefertiller stated it is due to the proximity to the Tejon Street bike lanes.

Andrea Barlow, Principal, N.E.S. Inc., representing the appellant, presented a map of the site, the site plan, a background of the property, and the area zoning. She identified the factors of how the site meets the non-use variance criteria and the aspects of compliance with PlanCOS and the Ivywild Urban Renewal Authority (URA). Ms. Barlow provided an overview of the impact of parking in the area.

Councilmember Geislinger asked what the basis was for the Planning Commission's denial of the non-use variance. Ms. Barlow stated the Planning Commission discussion and vote lacked clarity regarding the basis for the decision.

Councilmember Williams asked if the appellant would be willing to post a "no parking on the neighbor's property" notice on the three proposed business doors. Ms. Barlow stated he will post the notice.

Bob Cope, Manager, Economic Development spoke on behalf of Jariah Walker, Urban Renewal Authority (URA) Board, in support of the proposed non-use variance request.

Norman Moss, representing Edelweiss Restaurant, in opposition of the proposed non-use variance request, gave an overview of the commercial center classification and requirements, how there is no need for a non-use parking variance, and he identified the site plan.

Dieter Schnakenberg, representing Edelweiss Restaurant, in opposition of the proposed non-use variance request, gave an overview of previous parking variances granted in the area, the parking stalls the Edelweiss Restaurant has added over the years, and an alternative parking option for the applicant.

Citizens Michael Fix, Alexander Fix, Marybeth Tryba with the Ivywild Improvement Society, and Carolyn Rogers, spoke in opposition of the proposed non-use variance request.

Ms. Barlow stated there will be twenty-five to thirty parking spaces needed for the small music venue based on an occupancy of approximately 100-120 people and the correct standard to use would be for commercial center because of the mix of three separate uses of the building. She spoke about the changing characteristics and demographics of the area.

Councilmember Geislinger asked if the appellant would be amenable to putting conditions on the record that if there was an expansion of the music venue, it would have to come before City Council. Ms. Barlow stated the building needs to be three separate tenant spaces so it could not be combined into one single music venue.

Councilmember Williams asked if variance could be tied legally to the parking spaces included in a private agreement. Mr. Smith stated the City does not have authority or jurisdiction over a private agreement and the condition may be unenforceable.

Councilmember Geislinger asked if restrictions for future uses could be added as a condition of approval. Mr. Tefertiller stated they could as long as they are clear, concise and enforceable over time.

Councilmember Geislinger asked what the basis for the Planning Commission's decision was. Mr. Tefertiller stated it was his understanding that the Planning Commission was not uncomfortable with the commercial center definition and it was more about the conflict with the adjacent uses, and the overall parking supply and demand in the neighborhood.

Councilmember Pico asked if in order for it to be classified as a commercial center, all three spaces needed to be relatively the same size. Mr. Tefertiller stated the definition does not state there is a minimum size or a percentage of the building.

Councilmember Williams recommended the conditions of approval include no parking at Edelweiss signage on the door of each business, an examination on whether the addition of a bike rack is possible, administrative review if a business with a higher parking requirement leases one of the spaces, and an agreement for nine additional parking spots within a three block area. Mr. Smith stated the City may not have the ability to enforce a private parking agreement or know its validity at any

given time.

Councilmember Knight stated he believes the applicant added a third unit strictly so they could qualify for this particular section of City Code, they qualified for an additional five percent relief due to the nearby bike lane, and the variance would adversely impact the surrounding area so he will not be supporting the appeal.

Motion by Councilmember Knight, seconded by Councilmember Pico to deny the appeal, and uphold the Planning Commission's decision to deny Staff's administrative approval, allowing 37 parking stalls where 44 stalls are required, based upon the findings that the applicant has satisfied the appeal criteria of City Code Sections 7.5.906(A)(4) and 7.5.906(B) and that the application complies with the non-use variance review criteria in City Code Section 7.5.802. There was no vote.

Councilmember Knight made a motion to deny the appeal, seconded by Councilmember Pico. The motion was not voted upon because a superseding motion by Councilmember Williams, seconded by Councilmember Gaebler, to postpone the item to the July 9, 2019 City Council meeting took precedence.

Councilmember Williams stated he believes the specific conditions of record he identified earlier should be made prior to City Council voting on this item.

Councilmember Avila and Councilmember Pico stated the item should go back before the Planning Commission for review.

Councilmember Knight stated even with the conditions of record added, there will still be an impact to the neighbors. Councilmember Knight stated the requirement for the nine additional parking spaces will address the impact on the neighbors.

Motion by Councilmember Williams, seconded by Councilmember Gaebler, to postpone the item to the July 9, 2019 City Council meeting. The motion passed by a vote of 4-3-1-1

Aye: 4 - Gaebler, Geislinger, Strand, and Williams

No: 3 - Avila, Knight, and Pico

Absent: 1 - Murray

Recused: 1 - Skorman

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk