

The Edelweiss Restaurant and Landowners of 5 lots within 200 feet of 1645/1647 South Tejon St. are not in favor of the Nonuse Parking Variance approval. The Nonuse Variance does not meet the City/Zoning Code Criteria. In addition, the Site Plan is wrongfully submitted, and City/Zoning Codes are incorrectly applied. Furthermore, the Nonuse Variance Application Requirements are not met when it comes to the criteria for; **No Reasonable Use** and **No Adverse Impact**. For our testimony, we would like to start with the history of the area. Next, we would like to explain the new proposed parking variance. Then we will examine the City/Zoning Codes; defining the City/Zoning Codes and how they are applied specific to this case. Furthermore, we will discuss the Nonuse Parking Variance Application Requirement sections; **No Reasonable Use** and the **No Adverse Impact** to show how the criteria is *not* met. In conclusion, we will prove there is overwhelming evidence that this Nonuse Parking Variance does not qualify for approval.

History of 1645/1647 S. Tejon:

This property was purchased in 1997 by Joseph Coleman and Mike Bristol. One side of the building was Bristol Brewing Company and the other side was Blue Star Restaurant. The property is one land site, buildings are attached/touching, parking is shared, and property is owned under one entity. The property is zoned C5 Commercial and a Nonuse Parking Variance was needed in 1997 for Blue Star and Bristol Brewery (Note; this property before was a auction warehouse that did not need a parking variance). Under the approved 1997 Parking Variance the property needed 65 onsite parking where they had less than half of the required parking; 27 onsite parking spaces. The parking requirement was based on the type of businesses that occupied the property; Restaurant (every 100 sq. ft. of building 1 parking stall is needed) and Warehouse (every 1000 sq. ft. 1 parking stall is needed). As-a-side-note. Bristol showed on the site plan that the warehouse was *only* employee occupied when it came to parking code calculation. However after opening, Bristol had a Bar/tasting room that occupied over 50 customers at a time (the City was informed of this and did nothing). The total building size = 15,629 sq. ft. The 1997 Parking Variance was strictly tied into the Blue Star and Bristol businesses and could **NOT** be carried forward if the businesses changed as stated by Record-of-Decision;

“(1) parking variance is granted to Joseph E. Coleman *only* for the proposed operation of the Blue Star Restaurant-Bristol Brewing Company at 1645 South Tejon Street. In the event that either business ceases to exist at this location, the parking variances shall be null and void.” (Support Document SD P-3). **Blue Star and Bristol is no longer in the buildings.**

The Warehouse side has been occupied by 291 Whiskey Distillery for many years. And the Blue Star side has been occupied by a music venue since last year (SD-4) (as a note; parking code states a music venue requires more parking then a restaurant). **This property is in clear violation of current Parking Variance and therefore the Parking Variance is Null and Void. (SD P-3) Also Ryan/City is well aware of this and has done nothing.**

The Edelweiss did oppose the previous Parking Variance however the City approved it saying there would be No Adverse Impact.

Unfortunately this was not true and we did suffer Severe Adverse Impact on our multiple properties, our business, our business name, and our customers. When Blue Star and Bristol Brewing Company was operating at 1645/1647 S. Tejon, The Edelweiss *spent thousands of dollars every year* in protection its parking because Blue Star and Bristol Brewing customers continuously parked on our properties/parking lots (this was well documented and told to the City over the years). We put up signs, video cameras, and hired parking attendants every week. Even so, every weekend there would still be customers from Blue Star and Bristol who would park on our lots and we would loose parking for our customers. We explained to Blue Star/Bristol customers that they would have to move their cars and many of those people would be confrontational and even threaten us by saying that they would not be customers of the Edelweiss and would tell/criticize the Edelweiss to other people, hurting our business and brand name. Clearly the City's approval of this Parking Variance was a mistake and has caused harmed to our business, business name, customers, properties and has cost us thousands of dollars every year. This case model serves as evidence for denying the new Parking Variance for the exact same property.

History of the Edelweiss and our past Parking Variances over the years for comparison.

The Edelweiss was opened in 1967 and the property was under County. Years later the property was annex into the City and we did not meet City code parking requirements. However we were grandfathered in and no Parking Variance was required. Over the years we expanded the restaurant 3 times. Each time we expanded we went out and purchased land to provide more parking. When we did expand, we now had to apply for a Parking Variance for the *entire* building. In every new expansion, we provided more parking than the new added square footage. For example; if we added 1000 sq. ft. we would be require by City Code to add 10 more parking space. Yet we would add 12 or 13 parking spaces.

However, our total building still fell short of the required total spaces needed and we would have to apply for a Parking Variance. But each time we receive a parking variance our ratio of parking spaces needed and what we had became smaller. **This is an excellent case study on why Parking Variances should be granted.**

Over the years, the Edelweiss has purchased 4 properties, leveled 6 houses, a garage, a relocated another house all for the purpose of adding more parking. FYI; we purchased our last property 3 years ago with no expansion to our restaurant or no new Parking Variance needed. When complete, we will be adding an additional 35 spaces and be in full compliance of the required parking codes. This new parking lot will cost us over \$1 million and we were not even required to do it.

The Current Requested Nonuse Parking Variance for Joseph Coleman:

Joseph Coleman and investors set up a public meeting in January 2019 proposing 2 music venues, a restaurant and bar in the old Blue Star building. Under this proposal, their music venue website revealed that the music venues could hold up to 700 people (SD-5). This did not include the Warehouse Distillery side of the building which has an additional 6846 sq. ft. (requiring extra parking).

At the public meeting, Coleman's Representatives downplayed the website number to around 400 to 500 people.

Calculating the code requirements: The Music Venue Parking Code is classified by; Occupancy divided by 4 = number of parking spaces. This would put the number of required onsite parking between 130 to 200 minimum parking spaces required where there is only 26 onsite parking spaces. Ryan Tefertiller/City was in support of this venue and the new parking variance stating; *that the previous parking variance of 65 was approved and worked.* This is a false statement made by Ryan and is proven and supported by our evidence documented above. The majority of the people at the Ivywild Public meeting were not in favor of the music venue proposal and pointed out that there were multiple parking variances granted to other properties over the years within a 1 block radius causing traffic and parking problems in the neighborhood. Note; the City/Ryan has continued to approve multiple Parking Variance in this area and we now have heavy congested traffic and parking. This has been confirmed by Karen Aspelin from Maxgreen Engineers, she is the person currently doing an impact study for the Ivywild neighborhood. Furthermore, the multiple Parking Variance approvals by the City/Ryan has forced the City to spend hundreds of thousands of dollars (taxpayers' dollars) to change streets into one-way lanes and add public parking:

East Navajo Street has been converted and South Cascade is projected to be converted to one-way streets to provide additional public parking.

If Ryan/City would have enforced the *minimum* parking code requirements and not approved multiple parking variances we would not have the parking and traffic congestion today around South Tejon and the taxpayers would not be paying for parking that private business owners should be providing.

Following the public meeting for the two music venues:

A couple of months went by and we were notified with a letter from the City that a new proposal was submitted where there would be 3 businesses in the old Blue Star building. A music/bar/restaurant venue, a medical marijuana business and a retail shop. By adding 3 businesses to the building, they could qualify as a "Commercial Center" ***changing and minimizing the parking code requirements.*** The change in the parking code would take the square footage of the Blue Star Building and divide it by 250 sq. ft. for every parking space needed. The new Commercial Center Classification no longer looks at the type of businesses to calculate parking requirements. Example; just the one music venue (that is still going in) of 3641 sq. ft. would need 130 parking spaces based on fire code occupancy and Music Venue parking code formula: Fire code for standing room occupancy; 3641 sq. ft. divided by 7 sq. ft. per person = 520 max occupancy. Parking code for music venue formula; 520 occupancy divided by 4 = 130 parking spaces would be needed just for the music venue. Again, this does not include the retail space, the medical marijuana space or the Whiskey Distillery area. Using the "Individual Business Classification" parking codes would require over 140 parking spaces for the Blue Star building whereas the "Commercial Center" classification only requires 35 stalls for the Blue Star building. **Yet the parking impact and demand has not changed.**

The new classification to a “Commercial Center” also allows different types of businesses to go into the building later on without requiring a new Parking Variance. In other words, the Parking Variance is not tied into the type of businesses when calculating parking requirements. Which means, the 2 separate music venues, a bar, and/or restaurant can go in later and no new Parking Variance is needed. However, the Parking impact is the same as stated earlier; where they would need anywhere from 140 to over 200 parking stalls. But the Commercial Center Classification only requires 35 parking spaces.

As a side note, Joseph Coleman with the approval of Ryan/City has also classified the Distillery Warehouse *separately* (not part of the Commercial Center) to minimize the parking requirements *even further* (which we discuss later). As a result, this dishonest manipulation of the code reduces the total required parking to 46 spaces needed. We wanted to point this out to show the multiple code manipulations that are being used to minimize the parking requirements. **And even after all of these dishonest manipulations Joseph Coleman still does not have enough parking and wants a Parking Variance.**

Two examples on how a Commercial Center Classification can have adverse impact with parking and traffic when different businesses go into a building later.

1st. The Ivywild School Building is under a Commercial Center Classification and a Parking Variance. One of the businesses was a bicycle shop on the lower level. During that time this business co-existed with the other businesses in the building because of different peak times, they were not opened in the evening, and the bike shop required minimum parking. Later, the bike shop moved out, and a bar moved in. The new business competed with the other businesses in the building with same hours, peak times, and the bar required much more parking. However, under the Commercial Center Classification, the owners were not required to get a new Parking Variance or provide more parking. As a result with new bar business, it created heavier traffic and inadequate parking in the neighborhood. This was brought up to Ryan in the Ivywild community meeting in January, and Ryan did not have a response.

2nd. The Ivywild School building is under a Parking Variance, and part of that approval was based on shared parking with property they bought/owned across the street (1626 S. Tejon), now known as the MAT Theatre along with two other businesses in the building. Before the MAT Theatre and two other businesses, the building was occupied by a church. When the Parking Variance was approved for the Ivywild School Building it was noted/stated that shared parking can be used as one of the reasons for approving the Parking Variance because the Church parking peak times (Sundays) were different then the peak times of the businesses at the Ivywild School Building. However now the MAT Theater occupies the building and has the same parking peak times as the Ivywild School businesses (weekends and nights). The MAT Theater on busy weekends has gone as far as to rope off and place parking cones on their lot to prevent their parking from being taken by the businesses from Ivywild School building.

Again, the owners were not required to apply for a new Parking Variance or provide more parking due to the business change, and as a result this created heavy traffic and inadequate parking in the neighborhood.

We believe both examples are important to point out because the Commercial Center Classification already gives relief to City parking codes minimizing parking requirements and the City/Ryan knows and understand this. Yet Ryan still approves Nonuse Parking Variances on top of the Commercial Center Classification creating more parking deficiencies. **This is exactly what Joseph Coleman is trying to do with 1645 S. Tejon; establishing a Commercial Center to minimize parking requirements, and then asking for a Parking Variance on top of this.**

The submitted Nonuse Parking Variance application has incorrectly used two types of parking City codes to minimize the parking requirements even further:

What is submitted (reference site map); taking 8,783 sq. ft. (G.S.F) of the building and classifying it as a Commercial Center; 1 parking stall/250 S.F. And 6,346 S.F of the building and classifying it as a Warehouse 1 stall/1000 S.F. Also, under the Warehouse is an additional 500 S.F for the bar/tasting area

The required parking (under this formula) is 46 parking stalls needed if the two separate codes are applied. FYI; there are still only 26 onsite parking spaces for a 15,629 Sq. Ft. building. The City/Ryan Tefertiller has allowed/approved and defended the two parking code classifications. Using these two different parking codes minimizes the parking requirements (one for Warehouse parking calculations and one for Commercial Center calculations with three businesses). We emailed Ryan asking the reasons why the two different parking codes were being applied to one land site. Ryan's justification is the Warehouse is a "Separate" building and cites code 7.2.302C9 for his reason. However, there is *nothing* in the Code that uses the word "Separate" for identifying an individual building for different code usage. Therefore in this case, two types of parking codes cannot be used to establish two different parking requirements.

7.2.302C9 code states; Commercial Centers: A grouping of three (3) or more *attached* commercial, office and/or civic uses developed and maintained under unified control A majority of the establishments in a commercial center share common walls and parking areas. **Freestanding buildings may be included as part of a commercial center.**

Note, 1645/1647 property is one land site, buildings are attached/touching, and owned under one entity. Also, the code points out that a Freestanding building *may* be included as part of a commercial center which solidifies the justifications to *include* the Warehouse as part of the Commercial Center zoning parking code requirements. **This would change the *minimum* required parking to 63.**

The concluding defense for this is Code;

7.2.109 Conflicting Provisions; *Where any provision of this Zoning Code conflicts with any other provision of this City Code, or any other law or ordinance, the more stringent requirement, regulation, restriction, or land use limitation shall apply.*

In other words, if there is *any argument* on which code should be applied (the applicants or ours), then by Code *the more stringent requirement must be used*. Which is classifying the entire building(s)/landsite as a Commercial Center requiring 63 parking stalls. Or another choice is to classify the landsite back to its previous calculations where each individual business is tied into a parking code. In either case the parking requirement would increase to 63 parking spaces or 140 to 200 parking spaces. **The lawful codes are required to be applied and as a result disqualifies the current application and approval of this Nonuse Parking Variance.**

Ryan/City also tries to justify using two types of parking codes by citing code:
7.2.201 Accessory Use; A use which is subordinate to and serves a principal building or principal use; is subordinate in extent or purpose to principal building or a principal use; contributes to the comfort, convenience or necessity or the occupants business or industry in the principal building or principal use served; is located on the same lot the principal building or principal use served.

In other words, Ryan is saying that the 6846 sq. ft. Warehouse building is being used as some type of storage facility for the Commercial Center Building and Businesses. Therefore, Ryan claims the Warehouse parking can use a different parking code (1 parking space for every 1000 sq. ft.). This assertion by Ryan is absolutely false. The Warehouse is an individual separate business not related to any other businesses on the property and is not being used as storage or anything else for the other businesses. The current business on the "Warehouse" side is a micro whiskey distillery that makes, bottles, and wholesale whiskey. The Company also has an area in the warehouse building for customers to come in, purchase, sit, and drink on the premise. The only reason that the word "Warehouse" is used is because the current business in 1647 S. Tejon is categorized under Warehouse Zoning because the business is a micro distillery. However, Ryan is trying to use the word "Warehouse" to identify half of the building as a storage facility (Accessory Use) that is being used by the principal building/businesses (the Commercial Center). This is simply not true and never has been. **The entire building, required by code, needs to be classified as Commercial Center requiring 63 parking stalls or Individual Business Classification requiring over 140 parking stalls.**

The Nonuse Variance application identifies a bar area in the Warehousing building that is within 200 feet of residentially properties and is in violation of Zoning Code 7.3.205.J

1647 South Tejon is currently occupied by a Whiskey Distillery that has a bar area where customers can sit, purchase, and drink on the premise. The Whiskey Distillery is within 200 feet of residential properties on Ramona Ave. which includes one of our residential houses that we own; 23 E. Ramona Ave.

Our residential property is less than 40 feet from the Whiskey Distillery premise. This is in direct violation on Zoning Code 7.3.205.J. Note; Ramona Ave is not a major street and the Whiskey Distillery does not have a restaurant. We also would like to ask/question if a Distillery/manufacture portion is considered a "Liquor Establishment" and is also in violation of zoning code 7.3.205.J

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

J. Liquor Establishment: A liquor sales establishment is allowed in the TND, PBC, C-5 and C-6 Zone Districts and a conditional use within the M-1 and M-2 Zone Districts. **On premises liquor establishments in the specified zone districts shall be located no closer than two hundred feet (200') from any residentially used or zoned property.** The measurement shall be from the property/lot line of the liquor establishment to the property/lot line of the residentially zoned/used property. The distance requirement shall not apply if the residentially zoned property is separated from the property of the establishment by a "major street" as defined in the City's Subdivision Code or if the residentially zoned property is City owned. The distance requirement shall be measured as a straight line from property lot/line to property lot/line. The distance requirements of this subsection shall not apply to an on premises liquor establishment which is also a restaurant if the bar area does not constitute more than thirty five percent (35%) of the floor area.

The counting of the 11 on street parking does not meet City/Zoning Code and Conditions to be credited/counted as off-street parking (private parking), (½ owned by the City in front of former Blue Star/Bristol).

In addition, this public parking may be eliminated/removed by the City because; of the increased traffic on South Tejon, and/or adding of an extended bike lane, and/or the redesign of the 5-way intersection on South Tejon; all of which are in the planning/review stages as we speak and will be finalized at the end of the year.

To count/credit On Street Parking (public parking), Code requires/states;

7.4.204: ALTERNATIVE PARKING OPTIONS:

B. On Street Parking Credit: If the conditions of this subsection B are met, the Manager may count certain on street parking spaces as off-street parking spaces for purposes of the minimum off street parking requirements in section 7.4.203 of this part.

2. On Street Parking Credit Submittal Requirements: Requests for on street parking credit shall be made as part of the project statement for a submitted new or amended development plan. The request for on street parking credit shall provide the following information:

- a. A written project statement detailing the request addressing how the site meets the applicable conditions; and
- b. A parking plan showing the calculations of the required number of parking spaces including the on street parking spaces, dimensions and locations of all onsite parking spaces, including drive aisles and abutting alley width, if applicable, **and an on street parking analysis that describes local on street demand, the potential off site impacts that would result from granting the on street parking credit request, and the overall appropriateness of the request; and**

c. A statement that a formal written parking evaluation would reveal that additional on site parking is not available and/or not feasible.

There are several independent justifications under the Zoning Code why the 11 on street parking *cannot* be counted toward onsite parking:

1st . No Parking analysis has been submitted as required by Zoning Code Section 7.4.204 2.b (listed above).

2nd. On site Parking IS available for purchase or lease. Therefore, on street parking **cannot** be credited/counted; Zoning Code Section 7.4.204.2.c. The City/Ryan Tefertiller and Joseph Coleman were aware of the available parking for sale or lease before Ryan approved the Parking Variance.

Edelweiss's offer (listed below section a.), would give an additional 35 parking spaces that would satisfy their parking requirements and **no parking variance would be needed.**

a. Parking proposal emailed to Ryan Tefertiller and forwarded to Joseph Coleman:

The Edelweiss officially will offer/sell or lease 25 E. Ramona to 1645 S. Tejon owners which would satisfy their parking requirements and no parking variance would be needed. There are 35 parking spots on this lots. This would solve 1645 S. Tejon parking problem now and in the future. This is a turnkey parking lot, that is landscaped with sprinkler systems, leveled lot, fenced, has electrical, parking lights, bricked pavers, stripped, correct widths and exits. Note: it took many years to develop this property into a parking lot to include the removal of 2 houses and a garage. We can sell or lease this parking lot because we purchased/acquired an additional 35 spaces next to the Edelweiss and this is what we would be giving up, therefore it's a wash for us. We would also be open to leasing the entire lot for \$13,000 per month (just under 8% return on Investment) based on provable value of \$2,000,000.00. Lease would include landlord to provide lawn and landscape maintenance, all utilities paid by landlord; lighting, electrical, and water. Condition for lease; Long term lease tied to Parking Code/conditions/requirements for 1645 S. Tejon. Purchase price for 25 E. Ramona parking lot \$2,000,000.00 (Note; this does not include 23 E. Ramona which is a house on a separate lot). We want to make this offer through the City/Ryan and Ryan can forward to the owners of 1645 S. Tejon.

3rd. Other additional onsite Parking is available. Joseph Coleman has two properties within one block of 1645 S. Tejon that can be converted into parking; 1609 S. Cascade Ave, and 1605 S. Cascade Ave. By converting both properties into parking, NO Parking Variance would be required.

4th. Also, The MAT theater property (right across the street from 1645/1647 S. Tejon) is co-owned by Coleman and Bristol and they could expand this parking either by adding a parking garage or removing the building.

5th. As a side note; Joseph Coleman/Mike Bristol also had property right next to 1645/1647 S. Tejon (1629-1631 S. Tejon) for many years and choose to sell this property for profit instead of converting the property into parking.

In consideration, there are many options in solving the parking problem. Furthermore, there are multiple code regulations on why the 11 on street parking **cannot** be credited/counted toward onsite parking.; as cited in City Code Section 7.4.204 2.b. and 2.c.

Additionally, the redevelopment of the South Tejon street could remove the 11 public parking spaces in the near future.

Continuing the subject of the 11 public on street parking:

There are several City Code violations and ADA violations tied into these parking spaces.

The use of Disabled Parking in front of 1645/1647 S. Tejon is incorrect by City Code.

- a. The location of the Disabled Parking on the site map shows (pic1) the *accessible aisle* being occupied/blocked by permanent posts (for business signs) preventing entry/exit from a vehicle and access to the sidewalk.
- b. Additionally there is no curb ramp from the *accessible aisle* to the sidewalk.
- c. Also, the site plan does not show the required one van accessible parking spot, which requires a wider width then the standard handicap width. This is important to point out because it would further reduce parking spaces.

Zoning Code 7.4.205 Accessible Parking Space Requirements for the Disabled. A. Dimensions: The minimum width of an accessible parking space shall be eight feet (8') with an adjacent accessible aisle with a minimum width of five feet (5') The minimum width of a "van accessible" parking space shall be eight feet (8') if served by an adjacent accessible aisle which has a minimum width of eight feet (8') or eleven feet (11') if served by an adjacent accessible aisle which has a minimum width of five feet (5')...Access aisles shall not contain built up curb ramps.

The violation of City Codes; 7.4.204 2.b, 7.4.204 2.c, 7.4.205 and ADA violations, furthermore disqualifies this Nonuse Parking Variance application.

Addressing the Application for a Nonuse Parking Variance:

The Nonuse Parking Variance Application requirements have not been met by Zoning code 7.5.802 B.2 and 7.5.802.B.3; *No Reasonable Use* and the *No Adverse Impact*.

7.5.802 NONUSE VARIANCES

B. Criteria for Granting: The following criteria must be met in order for any nonuse variance to be granted: (Note; all three Criteria has to be met)

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and
2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; and
3. That the granting of the variance will not have an adverse impact upon surrounding properties.

1st. There is reasonable use of the property that would not require a Parking Variance.

Ryan statement in his approval letter:

“Altogether, there are 37 parking stalls are available for the parcel which equates to one stall for every 422 square feet of building space. Review of the City’s required parking ratios reveals very few uses that are permitted in the C5 zone and require less than one stall per 422 square feet of building space.”

a. Ryan’s claim and statement are incorrect:

Using Ryan’s formula and reasoning on “one stall for every 422 sq. ft.”. Yet, this is based on **total** square footage of **both** buildings (Blue Star *and* the Warehouse). However, Ryan has already stated that the Warehouse is a separate building and is classified as a Warehouse (1 stall for every 1000 sq. ft. plus the bar/tasting room). The site plan shows the Warehouse requiring only 10 stalls (with 5% reduction applied). Which leaves the Blue Star side of the building with 27 available parking spaces (37-10). The correct formula would increase the parking ratio to; 1 stall for every 325 sq. ft. for the Blue Star Building (8783 sq. ft. / 27 parking spaces). This would add several categories under C5 zoning code that would not require a Nonuse Parking Variance.

In addition, within these categories there are endless types of businesses that can occupy the building all without having a parking variance. **Therefore, there is reasonable use of the property with many types of occupant options that would complement the community and not require a Parking Variance.**

As an observation; We find it disturbing Ryan’s manipulation and dishonesty, by incorrectly applying the codes in trying to justify his No Reasonable Use argument.

b. Furthermore, Joseph Coleman can obtain additional parking from his 2 properties or adding parking to the MAT theater landsite as we stated earlier. Once more, there would be reasonable use of the property.

2nd. Granting of the variance will have an adverse impact upon surrounding properties and therefore is in direct violation with City/Zoning Code 7.5.802.B.3

Adverse Impact has already been proven on 1645/1647 S. Tejon from the previous Parking Variance.

As stated earlier, the Edelweiss has suffered severe adverse impact on its 5 properties and its business. We cannot emphasize this enough; The Edelweiss continuously spent thousands of dollars every year in protection its parking because Blue Star and Bristol Brewing customers constantly parked on our properties and parking lots. We spent money hiring parking attendants, we lost parking for our customers, and Blue Star customers would be confrontational and threaten to harm our business. **This is the Definition of Adverse Impact.**

Under the No Adverse Impact Zoning Criteria; Ryan's claims are incorrect:

1st. Ryan's Justification; "*...Commercial Center use will allow for multiple tenants with off-setting peak parking demands. Two of the three uses in within the center...have peak parking demands during the day which is when the parking supply in the area is greatest.*"

In Disagreement to Ryan's statement:

the Commercial Center Classification does not recognize the specific types of businesses or specific operating hours, or parking peak times, when it comes to determining Adverse Impact because any business can change within the Commercial Center at any time without having to have a new Parking Variance.

Therefore, types of businesses, operating hours, or parking peak times **cannot** be used to justify No Adverse Impact. Ryan has even confirmed this by stating "*...Parking Relief... that it minimizes the need for a new parking analysis every time a space changes from one tenant to another*".

The case study that proves this is what we pointed out earlier with the bicycle shop that was originally in the Ivywild School Building and later was replaced with a bar. The bar now shares same peak times as the other businesses along with increased parking demands and has had Adverse Impact as confirmed by the Ivywild citizens at the community meeting in January. Yet no new Parking Variance was needed or required.

In other words, under the Commercial Center Classification, any business under C5 zoning, can go in at any time, with any operating hours, and no new Parking Variance is required. We also give the previous example; where Joseph Coleman can put a music venue(s), bar, and restaurant in the Blue Star building later on needing over 140 to 200 parking spaces (by Individual Business Parking code standards) but since it is now classified as a Commercial Center...no new Parking Variance would be required.

This classification does not look at the type of businesses that come and go into the property. Therefore, Ryan cannot identify the type of businesses or off setting peak times as justification for No Adverse Impact.

Furthermore, manipulating the code to minimize parking requirements **does not** change the real-world parking impact.

Clearly there would be severe adverse impact to the surrounding properties.

2nd. Ryan's second incorrect claim; "The site is located along a formal bike route (S. Tejon to Cheyenne Blvd), is less than 1,000 feet from a bus stop serving two different transit routes..." Ryan asserts that this offers additional relief. However, a 5% reduction (reducing the required parking to 44 parking spaces) has already been applied as stated on the site map for Bike/Bus routes per code. Therefore, this claim cannot be reapplied or used for justifying No Adverse Impact.

3rd. Ryan's third incorrect claim; "*Staff finds that the propose commercial center will likely have less impact on neighborhood-wide parking concerns than the restaurant use which existed at 1645 S. Tejon for roughly 20 years and was approved via parking variance HO NV 97-00121.*"

A. Ryan infers that the previous approved Parking Variance for 20 years is a reason for approval of the new parking variance. In fact, this is a clear case study why you wouldn't approve a new Parking Variance: Because the previous parking variance (for the exact same property) had Severe Adverse Impact on the Edelweiss and our 5 lots.

B. Also, Ryan/City *does not know* the impact on the surrounding properties and businesses from the previous restaurant "Blue Star" because no Impact Study has ever been done and Ryan has never investigated this. Therefore, Ryan cannot make any claim or statement on *Impact vs. Less Impact*. We can confirm this because nobody from the City has ever contacted us on what impact Blue Star/Bristol has had on our business and 5 lots over the last 20 years. **However, we can make that statement, we can state for the record; Blue Star/Bristol has had Severe Adverse Impact and the new Commercial Center will have Adverse Impact on us.**

Case in point: If one identifies the current businesses going into this building, they would require over 140 parking spaces by City/Zoning codes when identifying each individual business. But the Commercial Center Classification minimizes the requirements and masks the parking impact and demand.

The new businesses at 1645 S. Tejon would clearly have more parking impact and demand then the previous Blue Star business.

Comparing the previous Blue Star Parking vs. the New Businesses Parking:
Music Venue parking code formula: Fire code for standing room occupancy; 3641 sq. ft. divided by 7 sq. ft. per person = 520 occupancy. Parking code for music venue formula; 520 occupancy divided by 4 = 130 parking spaces would be needed just for the music venue.

Retail Business Parking code formula: Retail side = 3390 sq. ft. (1 stall for every 300 ft.) 3390 divided by 300 = 11 parking spaces needed.

Medical Marijuana Business code formula = MMJ = 1752 sq. ft. (1 stall for every 750 sq. ft). 1752 divided by 750 = 2 parking spaces needed.

Total Parking Spaces Required under Individual Business Code Formula = 143 minimum parking spaces required.

Blue Star restaurant Parking Code formula: restaurant = 8783 sq. ft. (1 stall for Every 100 sq. ft.) 8783 divided by 100 = 88 minimum parking spaces required.

The new occupants would require 143 parking spaces vs. Blue Star's 88 required parking spaces (under the individual Business parking code).

Manipulating the codes to Commercial Center Classification does not change the real-world parking demands and impact to the surrounding properties and businesses.

Furthermore, using the more accurate Parking Codes (Business vs. Business) proves there will be higher parking demands and impact with the new occupants in the Commercial Center and would create even more Adverse Impact on the surrounding properties and businesses. Ryan's claims are contradictory to these facts. **The concluding evidence proves that there would be Adverse Impact to Surrounding Properties and is in violation of code 7.5.802.3**

**SUPPORTING
DOCUMENTS
(SD)**

PARKING SUMMARY

1645 SOUTH TEJON ST.:

COMMERCIAL CENTER:
8783 G.S.F. / 1 STALL/250 S.F. = 35 STALLS

1647 SOUTH TEJON ST.:

WAREHOUSING & DISTRIBUTION:
6,346 G.S.F. / 1 STALL/1000 S.F. = 6 STALLS

BAR (TASTING ROOM):
500 G.S.F. / 1 STALL/100 S.F. = 5 STALLS

46 STALLS REQUIRED

(REDUCTION 5%)

= 44 STALLS

ADMINISTRATIVE RELIEF @ 85%

= 37 STALLS REQUIRED

PARKING STALLS PROVIDED:

= 26 ON-SITE STALLS

11 STREET STALLS

37 TOTAL

**CITY OF COLORADO SPRINGS
RECORD-OF-DECISION FOR A NON-USE VARIANCE**

FILE: HO NV 97-00121

HEARING DATE: JUNE 18, 1997

INFORMATION

Name of Applicant: Lightle and Fennell Architecture on behalf of Joseph E. Coleman
 Address of Premises Involved: 1645 South Tejon Street
 Zone District: C-5 Tax Schedule Number: 64302-01-022
 Request: Approval of a variance to Section 14.1-3-203:A (Table 3.2.1-Nos.18 and 22) of the City Code to allow the provision of twenty-seven (27) off-street parking spaces where sixty-five (65) off-street parking spaces are required to convert an existing warehouse building into a restaurant and micro brewery (The Blue Star-Bristol Brewing Company).

STAFF ANALYSIS

CRITERIA TO GRANT A NON-USE VARIANCE

		CRITERIA MET	CRITERIA NOT MET
1. 14.1-4-902:B.1.	Exceptional or Extraordinary Conditions		X
2. 14.1-4-902:B.2.	No Reasonable Use of Property		X
3. 14.1-4-902:B.3.	No Adverse Impact to Surrounding Property		X

Staff Recommendation: Denial as Submitted (Matz)

PUBLIC HEARING

Applicant Present: Jim Fennell, 619 North Cascade Avenue, Colorado Springs, CO 80903
 Joseph Coleman, 2802 West Colorado Avenue, Colorado Springs, CO 80904
 Property Posted: Yes
 Present in Support: Lisa Teopp, 4290 Broadmoor Bluffs Drive, Colorado Springs, CO 80906
 Present in Opposition: Gary Schnakenberg, 34 East Ramona Avenue, Colorado Springs, CO 80906
 Virginia Dorr, 35 East Ramona Avenue, Colorado Springs, CO 80906
 Ray Dorr, 35 East Ramona Avenue, Colorado Springs, CO 80906
 David Clark, Pastor, 1620 South Tejon Street, Colorado Springs, CO 80906

DECISION OF HEARING OFFICER

CRITERIA TO GRANT A NON-USE VARIANCE

		CRITERIA MET	CRITERIA NOT MET
1. 14.1-4-902:B.1.	Exceptional or Extraordinary Conditions	X	
2. 14.1-4-902:B.2.	No Reasonable Use of Property	X	
3. 14.1-4-902:B.3.	No Adverse Impact to Surrounding Property	X	

The Hearing Officer cites the following findings of fact: Based upon the evidence and testimony presented, the Hearing Officer finds the three (3) criteria are met; therefore, the request is approved with the following condition(s):



- (1) parking variance is granted to Joseph E. Coleman only for the proposed operation of the Blue Star Restaurant-Bristol Brewing Company at 1645 South Tejon Street. In the event that either business ceases to exist at this location, the parking variance shall be null and void,
- (2) transfer of ownership or sale of the property at 1645 South Tejon Street shall terminate the right to said parking variance and invalidate the approved site plan. Future use of the property shall be in accordance with all applicable provisions and regulations of the zone district in which such property is classified at the time of termination,

SD-3

EXHIBIT B

(page 1 of 2)

FIGURE 9

The Side Door

Dieter Home Create 1 13



The Side Door @sidedoormusic

- Home
- Events
- Reviews
- About
- Photos
- Posts
- Community
- Info and Ads

Liked Following Share

Current Music Venue
Occupying Blue Star Building

List of Previous Event

Upcoming Events

JAN 11 The Side Door Presents The River Arkansas...
Fri 8 PM · 195 guests The Side Door Colorado Springs, CO

Get Tickets Interested

Past Events

- Sat DEC 15 Honour Council with Special Guest Briffaut
Sat 9 PM · Jon Severson went The Side Door Colorado Springs, CO
- Fri DEC 14 Spirettes with Bluesbook
Fri 8 PM · 2 friends went The Side Door Colorado Springs, CO
- Tues DEC 11 20 Watt Tombstones, Grant Sabin & Granny T...
Tue 8 PM · 86 guests The Side Door Colorado Springs, CO
- Sat DEC 8 Rob Ickes & Trey Hensley with Jason Eady
Sat 7:30 PM · 56 guests The Side Door Colorado Springs, CO
- Fri DEC 7 Tristan Puig/The Christmas Bride and more ...
Fri 8 PM · 88 guests The Side Door Colorado Springs, CO
- Sat NOV 24 Dear Rabbit Cassette Release with Briffaut
Sat 8 PM · Jon Severson went The Side Door Colorado Springs, CO
- Sat NOV 3 Monsters of Mock 2018
Sat 8 PM · 2 friends went The Side Door Colorado Springs, CO
- Sun OCT 14 Karl Blau and Porfelo at The Side Door
Sun 7:30 PM · 120 guests The Side Door Colorado Springs, CO
- Fri OCT 12 Mipso Live at the Ivywild Gym with Special ...
Fri 8 PM · by The Side Door 1604 S Cascade Ave, Color...
- Fri OCT 12 An Evening with Magician Nate Stanforth at...
Fri 7:30 PM · 232 guests The Side Door Colorado Springs, CO

YOUR PAGES

Edelweiss Restaurant

CONTACTS

- Kevin Smevin
- Lacie Ludwig
- Elizabeth Fowkes A...
- Margaret Hall Robson
- Rachel Stoner Embery
- Jim Jackson
- Andy Oylar
- Tami Orr
- Raphael Loquillo Ara...
- Rico Ocasio
- Megan O'Boyle
- Jonathan Quinsh
- Kevin Wright
- Rachel Turner
- Benjamin Saunders

GROUP CONVERSATIONS

Create New Group

MORE CONTACTS (32)

Alfred Littleman

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SD4

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