



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, July 9, 2019

1:00 PM

Council Chambers

1. Call to Order

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

Absent: 1 - Councilmember Andy Pico

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Larry Selmann from the Colorado Springs Police Department.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Skorman requested item 11.D. be moved before Citizen Discussion. Consensus of Council agreed to this change 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.A. [CPC ZC 18-00134](#)

Ordinance No. 19-44 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](#)

[Signed Ordinance 19-44](#)

This Ordinance was finally passed on the Consent Calendar.

4A.B. [CPC ZC
18-00180](#)

Ordinance No. 19-45 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](#)

[Signed Ordinance 19-45](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [CPC PUZ
19-00020](#)

Ordinance No. 19-46 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](#)
[Signed Ordinance 19-46](#)

This Ordinance was afinally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [19-373](#) City Council Regular Meeting Minutes June 25, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [6-25-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [19-366](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [070919 Boards and Commissions.pdf](#)

This Item was approved on the Consent Calendar.

4B.C. [19-362](#) The City Clerk reports that on June 11, 2019 there was filed with her a petition for the annexation of T5 Addition No 1 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) .

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [annexation petition](#)
[T5 legal desc.pdf](#)
[Vicinity Map](#)

This Item was approved on the Consent Calendar.

4B.D. [19-363](#) The City Clerk reports that on June 11, 2019 there was filed with her a petition for the annexation of Sorpresa East Addition No. 1 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) .

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Sorpresa East Petition](#)
[Sorpresa East Annex Legal](#)
[Vicinity Map Sorpresa Annex](#)

This Item was approved on the Consent Calendar.

4B.E. [19-364](#)

The City Clerk reports that on June 24, 2019 there was filed with her a petition for the annexation of Tutt Boulevard Addition No 1 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) .

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [Tutt Boulevard Add No.1 Petition for Annexation](#)
[Tutt-annex-legal](#)
[Tutt Boulevard Annexation_Vicinity Map.jpg](#)

This Item was approved on the Consent Calendar.

4B.F. [19-332](#)

A resolution authorizing the submission of Passenger Facility Charge (PFC) Application #23 to the Federal Aviation Administration increasing the total PFC funds to be collected for capital improvements at the Colorado Springs Airport

Presenter:

Greg Phillips, Director of Aviation

Attachments: [PFC 23 Resolution - Application](#)
[Exhibit A Project Descriptions](#)
[Table 1 Plan of Finance](#)
[AAC Letter of Support PFC 23.pdf](#)
[Final PFC #23 City Council Budget Presentation.pptx](#)
[Signed Resolution 57-19](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G.** [19-333](#) A resolution to authorize the Colorado Springs Airport to submit an application, and to accept and execute a loan with the Colorado Department of Transportation State Infrastructure Bank - Aviation Division in an amount not to exceed \$7,500,000 to fund Passenger Facility Charge (PFC) projects at the Colorado Springs Airport

Presenter:
Greg Phillips, Director of Aviation

Attachments: [2019 SIB Resolution](#)
[AAC Letter of Support PFC 23.pdf](#)
[Signed Resolution 58-19](#)

This Resolution was adopted on the Consent Calendar.

- 4B.H.** [19-351](#) A resolution authorizing the acquisition of properties pursuant to the Federal Emergency Management Agency's Hazard Mitigation Grant Program.

Presenter:
Gordon Brenner, City Office of Emergency Management Recovery Coordinator
Darlene Kennedy, City Real Estate Services Manager
Jennifer Vance, City Finance Grants Program Manager

Attachments: [Resolution for Acquisition 2013-2015 FEMA Landslides 2090610](#)
[4750 Broadmoor Bluffs Dr - Exhibit A](#)
[Signed Resolution 59-19](#)

This Resolution was adopted on the Consent Calendar.

- 4B.I.** [19-330](#) An Ordinance amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$25,000 for the Flying W Ranch project as 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 Addl Project-Flying W Ranch](#)
[Exhibit A 2019 LART Projects](#)

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

- 4B.J.** [19-329](#) 2020 Audit Plan Approval

Presenter:

Denny L. Nester, City Auditor, Office of the City Auditor

Attachments: [2020 Audit Plan Final.pdf](#)
[2020 Audit Plan Presentation](#)

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, Murray, Knight, Skorman, Strand, and Williams

Absent: 1 - Pico

5. Recognitions

5.A. [19-354](#) A proclamation recognizing Leadership Pikes Peak Week of Leadership

Presenter:
City Council Member, Yolanda Avila

Attachments: [LPP- Week of Leadership - 2019 - FINAL](#)

Hillary Reed, Executive Director, Leadership Pikes Peak, gave a brief history of Leadership Pikes Peak and its impact on the community.

Councilmember Avila, an alumni of Leadership Pikes Peak, introduced several other alumni members from Leadership Pikes Peak and read a proclamation recognizing Leadership Pikes Peak Week of Leadership.

6. Citizen Discussion

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

Citizen Gerald Miller spoke about corruption and the crime in his neighborhood.

Citizen Steve Merkel spoke against un-reusable plastic bags and requested gun shop owners be required to lock up their guns at night.

Citizen Theresa Nielsen spoke about PlanCOS and the adverse health effects of 5G technology.

Citizen Ross Klinger, Peacock Ranch, spoke in favor of item 4B.E.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

10.A. [CPC PUZ 18-00131](#)

Ordinance No. 19-47 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](#)
[Signed Ordinance 19-47](#)

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance approving 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 finally passed. The motion passed by a vote of 6-2-1-0

Aye: 6 - Avila, Gaebler, Geislinger, Murray, Skorman, and Strand

No: 2 - Knight, and Williams

Absent: 1 - Pico

11. New Business

11.A. [19-210](#)

A resolution making certain legislative findings and approving the Urban Renewal Plan for the True North Commons Urban Renewal Area.

Presenter:

Peter Wysocki, Director Planning and Community Development
Jariah Walker, CSURA Executive Director
Bob Cope, Economic Development Officer

Attachments: [Urban Renewal Plan Resolution True North](#)
[Exhibit A - True North Urban Renewal Plan 6.19.19](#)
[item 5.2 12.7.18 true north commons impact report](#)
[True North Commons Conditions Survey](#)
[062419 - True North Commons - City Council Work Session](#)
[Staff Report USAFA](#)
[Signed Resolution 61-19](#)

Bob Cope, Economic Development Officer, presented the Resolution making certain legislative findings and approving the Urban Renewal Plan for the True North Commons Urban Renewal Area and the Resolution approving a cooperation agreement with the Colorado Springs Urban Renewal Authority (URA) authorizing the URA to use annual sales tax increments generated within True North Commons Urban Renewal Area for a period of up to 25 years for qualifying public improvements.

Jariah Walker, URA Executive Director, identified the potential contributors for the project and stated the URA is very proud of this project. Councilmember Avila asked where the funding for the URA comes from. Mr. Walker explained the allocations come from the developments and projects themselves and district taxes through Tax Incremental Financing (TIF).

Dan Schneff, Managing Member, Blue and Silver Development Partners, LLC, CEO and Chairman of the Board, Matrix Design Group, Inc. who provided an overview of the land use summary, the initial phase of the concept development plan, the Business Improvement District (BID) development costs, the financing structure, the public finance plan, and the project schedule.

Councilmember Knight asked if the design will be reduced to 27,300 square feet if all the funding is not met. Mr. Schneff stated that particular provision was taken from the Air Force request for quotation (RFQ).

Councilmember Murray asked if the demolition cost at the end of the lease is included in a reserve fund in the lease. Mr. Schneff confirmed it has been approved as part of the lease.

Mr. Cope identified the results of the fiscal impact analysis and the regional economic impacts.

Councilmember Williams asked if the City receives any sales tax from the current USAFA Visitor's Center gift shop. Mr. Cope stated it does not, but will collect at this new location.

Councilmember Knight asked how many new out-of-state visitors there will be related to the USAFA Visitors Center. Carlos Cruz-Gonzalez, USAFA Director of Logistics, Engineering, and Force Protection, stated the visitor count for the USAFA Visitor's Center ranged from 353,000 in 2016 to 358,000 in 2018.

Councilmember Murray asked how the project went from \$20.5 million to \$58 million. Mr. Cope identified the change in building design, building costs, and inflation which has occurred since the project application in 2012.

General Michael Gould, United States Air Force Academy Endowment (USAFA), gave a background of the USAFA Visitor's Center, the effects of 9/11 on visitor attendance and this enhanced use-lease agreement.

Councilmember Murray asked how much the USAFA Endowment would be funding the project. General Gould stated the USAFA Superintendent has not asked the USAFA Endowment to raise private proceeds for this project. Mr. Schneff stated the endowment cannot support the project until after the lease has been signed or they could risk losing their 501(c)(3) status.

Citizens Dirk Draper, President and Chief Executive Officer, Colorado Springs Chamber and EDC, and Doug Price, President, Chief Executive Officer, Visit Colorado Springs, and Corky Van Kessel spoke in favor of the proposed project.

Citizens Jim Lockhart, Conservation Chair, Pikes Peak Group of the Sierra Club, Fran Silva-Blaney, Cathy Erzak, and Valerie Fix spoke in opposition of the proposed project.

Councilmember Geislinger stated he is very close to voting no because in his interpretation of blight, this area is not what the URA was designed for. He stated he will be voting for it because it is a good project, and because of the commitment from the administration to establish a task force to

define the rules and standards for what URA can be used for in the City. Jeff Greene, Chief of Staff, stated the City can define and enhance the URA process and criteria, but cannot undermine what state statutes dictate. Mayor Suthers stated the current criteria in state statutes for blight in urban renewal is a barrier to development, but there can be a discussion about the City's philosophy regarding blight.

President Skorman stated the public purpose for this project and the potential to grow the City economically is tremendous.

Councilmember Murray stated this is abuse of the URA process and the money should not be spent on this project.

Councilmember Gaebler stated based on interpretation of state statutes and the inspiration of this project, she will be supporting this item.

Councilmember Knight stated after strictly reading the rules and language of state statutes, he does not see where this area meets the definition of blight or menace for this project, and cannot vote for this item with integrity.

Councilmember Williams stated this property meets three factors of state statutes which is sufficient for a URA designation and believes it would be detrimental to the community to not move forward with this visitor's center.

Councilmember Avila stated they should not have to question the spirit of the law regarding blight and menace and there are other areas of the City that should be focused on for urban renewal.

President Pro Tem Strand stated this area can be improved on and will be supporting this item.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Resolution making certain legislative findings and approving the Urban Renewal Plan for the True North Commons Urban Renewal Area be adopted. The motion passed by a vote of 5-3-1-0

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

No: 3 - Avila, Murray, and Knight

Absent: 1 - Pico

11.B. [19-335](#)

A resolution approving a Cooperation Agreement between the City of Colorado Springs and the Colorado Spring Urban Renewal Authority

authorizing the Colorado Springs Urban Renewal Authority to use annual sales tax increments generated within True North Commons Urban Renewal Area for a period of up to 25 years for qualifying public improvements.

Presenter:

Peter Wysocki, Director Planning and Community Development
Jariah Walker, CSURA Executive Director
Bob Cope, Economic Development Officer

Attachments: [Cooperation Agreement Resolution True North \(6.19.2019\)](#)
[Exhibit A - True North Cooperation Agreement](#)
[True North Cooperation Agreement -revised 6-19-19](#)

Councilmember Knight stated this agreement is equal to every other URA agreement City Council has recently approved and there will not be any general fund tax dollars going toward the construction of this project.

Motion by Councilmember Knight, seconded by Councilmember Gaebler, that the Resolution approving a Cooperation Agreement between the City of Colorado Springs and the Colorado Spring Urban Renewal Authority authorizing the Colorado Springs Urban Renewal Authority to use annual sales tax increments generated within True North Commons Urban Renewal Area for a period of up to 25 years for qualifying public improvements. be adopted. The motion passed by a vote of 7-1-1-0

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

No: 1 - Murray

Absent: 1 - Pico

- 11.C. [19-365](#)** An ordinance amending Section 1704 (Short Term Rental Units) of Part 17 (Short Term Rental Unit) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of City Code of the City of Colorado Springs 2001, as amended, pertaining to remittance of tax and short term rental unit permit review criteria.

(Legislative)

Presenter:

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

Attachments: [STR Ord Amend-Sales Tax](#)
[FIGURE 1 Ordinance 18-122](#)
[Staff Presentation STR Ord Amend-Sales Tax](#)

Morgan Hester, Principal Planner, Planning and Community Development,

presented the Ordinance amending City Code pertaining to short term rental units and the remittance of sales tax prior to the issuance of a permit.

Citizen Doug Schultz, President, Old North End, stated AirBnB rentals should not be exempt from having to obtain a sales tax license and STR owners should be required to keep documentation of a guest register. Ben Bolinger, Senior Attorney, City Attorney's Office, stated STRs that solely use AirBnB, do not have an individual sales tax license because they use AirBnB's sales tax license.

Citizen Ed Sawyer spoke about the need for enforcement of violations.

President Pro Tem Strand asked for additional information regarding what would indebtedness to the City include. Mr. Bollinger stated the applicant would be responsible to reimburse the City for any sales tax or any other indebtedness which is owed to the City before a permit may be issued.

Councilmember Gaebler asked if a person will be fined if they have been operating and have not obtained a permit. Mr. Bollinger stated there would not be an automatic fine because it is a progressive process.

Motion by Councilmember Geislinger, seconded by Councilmember Murray, that the Ordinance amending Section 1704 (Short Term Rental Unit Permit Review Criteria) of Part 17 (Short Term Rental Unit) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to remittance of tax and short term rental unit permit review criteria be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

- 11.D.** [19-353](#) A Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 5, 2019, and providing the effective date of this resolution.

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Nov2019ElectionCoordinatedRES-2019-06-24.docx](#)
[Signed Resolution 60-19](#)

Sarah B. Johnson, City Clerk, presented the Resolution declaring the intention for the City to participate in a Coordinated Election with El Paso

County to be held on Tuesday, November 5, 2019. She stated this Resolution is a place holder which is due to the El Paso County Clerk by July 26, 2019.

John Roy, International Association of Fire Fighters Local 5, requested consideration for a replacement of an aerial fire truck for the November 5, 2019 election in regards to the retention of excess Taxpayers Bill of Rights (TABOR) funds for

Ted Collas, Fire Chief, Colorado Springs Fire Department, gave a brief overview of the Fire Department's aerial fleet and stated he will be requesting the fleet requirements for the Fire Department through the budget process. He identified the type of trucks that have currently been ordered.

Councilmember Murray asked how long the order would take to be fulfilled. Chief Collas stated it takes approximately three hundred days for an aerial truck to be built and delivered.

Councilmember Williams requested a report on how long fire trucks have been out-of-service over the past few years. Chief Collas stated they will provide that information.

Councilmember Strand asked if fire trucks could be borrowed from surrounding Fire Department jurisdictions. Chief Collas confirmed they have mutual aid contracts in place for that purpose.

Mayor John Suthers stated Police and Fire Department fleet are too important to rely on the outcome of a TABOR retention voter question. He stated fleet replacements should be through the budget process and they are working towards putting light non-emergent vehicles in the general fund budget to free up funds for major apparatus acquisitions.

Councilmember Murray stated putting this issue on the ballot is an opportunity to accelerate the situation by using TABOR funds for public safety.

Councilmember Knight stated he also agrees that funds should allocated through the budget because it is more definitive and asked for the request for proposal (RFP) for the truck go out prior to the 2020 budget review

process. Councilmember Knight requested a list of the Fire Department's trucks as well as the age and retention of each of them.

Councilmember Williams stated it is dangerous to put critical infrastructure on the ballot because if citizens vote against it, there will be a public outcry if it is purchased anyway.

Councilmember Geislinger asked if an aerial truck in addition to the RFP which was completed last year is needed. John Roy confirmed it is due to the age of the aerial truck fleet.

Councilmember Geislinger asked Mayor Suthers if park infrastructure is still a priority to him in regards to a proposed TABOR retention ballot item. Mayor Suthers stated public safety comes first, but the general fund budget for parks has still not recovered to where it was before the recession ten years ago.

Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the Resolution declaring the intention of the City of Colorado Springs, Colorado, to hold a Special Municipal Election and to participate in a Coordinated Election to be held on Tuesday, November 5, 2019, and providing the effective date of this Resolution be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

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.

Wynetta Massey, City Attorney, stated the City received an objection from the opposing party stating they wanted a closing statement at the previous hearing. She gave an overview of City Council rules and procedures regarding the order for the appeal hearing which does not include a closing statement from the opposition.

Ms. Massey asked Councilmember Murray if he had reviewed the previous hearing. Councilmember Murray confirmed he had.

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development, gave an overview of the four conditions requested by City Council and stated the applicant has agreed to them. He stated the four conditions include the installation of adequate bicycle racks, signage on the entrance of each business door indicating that customers should refrain

from parking in the Edelweiss Restaurant parking lots, an agreement for evening use of thirteen parking stalls on the adjacent property, and if the uses within the property intensifies parking requirements, it would have to be reviewed through the City's Planning Department.

Andrea Barlow, Principal, N.E.S. Inc., representing the applicant, stated the applicant has agreed with the proposed conditions requested by City Council.

Councilmember Knight asked what the consequence would be if the thirteen additional parking spaces became no longer available. Mr. Tefertiller stated the Planning Department would notify the property owner that they were no longer in compliance and work with Code Enforcement to remedy the issue.

Councilmember Knight asked why there is a request for a variance since there is an agreement for thirteen additional parking spaces. Mr. Tefertiller stated it is due to those parking stalls only being available after 6:00 PM and City Code also requires a formal easement for alternative parking provisions.

Councilmember Murray said forty-four parking stalls should be the minimum number of stalls required.

Councilmember Avila stated it was her understanding that City Council's decision should not be based on the private agreement for additional stalls. Mr. Tefertiller stated the applicant has acquired parking relief to meet the conditions at the request of City Council. Jeff Greene, Chief of Staff, stated if the conditions change, the applicant will have the responsibility to ensure compliance.

Councilmember Knight stated he does not believe the conditions are clear and concise and will lead to confusion and the requirement should remain at forty-four stalls.

Motion by Councilmember Knight, seconded by Councilmember Pico, to deny the appeal and uphold the City Planning Commission's decision to deny Staff's administrative approval, allowing 37 parking stalls where 44 stalls are required. The motion failed by a vote of 3-4-1-1

Aye: 3 - Avila, Murray, and Knight

No: 4 - Gaebler, Geislinger, Strand, and Williams

Absent: 1 - Pico

Recused: 1 - Skorman

Motion by Councilmember Williams, seconded by Councilmember Gaebler, to uphold the appeal, thereby overturning the City Planning Commission's decision and reinstating 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 with the following conditions of approval 1. There is an existing agreement, which has been ongoing since 1999, that allows the evening use of thirteen (13) spaces at 1649/1701 South Tejon Street by the Applicant for the benefit of tenants of 1645 and 1647 South Tejon Street. In the event this agreement is terminated, the Applicant will present an alternative parking solution for the seven (7) space shortfall allowed by this non-use variance, to the satisfaction of the Director of Planning and Development. 2. This parking variance is issued on the basis that the uses on the property are a commercial center at 1645 South Tejon Street and a light manufacturing use at 1647 South Tejon Street. In the event of a proposed change to these uses that may intensify parking requirements, including intensified daytime use, the Applicant will request an administrative determination as to whether the parking requirements of the proposed uses fall within the parameters of this non-use parking variance. 3. The Applicant will install a sign at the entrance of each business indicating that customers should refrain from parking in the Edelweiss Restaurant parking lots. 4. Adequate bicycle racks will be installed on the premises as shown on the revised site plan. The motion passed by a vote of 4-3-1-1

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

No: 3 - Avila, Murray, and Knight

Absent: 1 - Pico

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