

**Excerpt from the  
ZONING BOARD OF ADJUSTMENT MEETING  
Community Planning & Economic Development (CPED)**  
250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385  
(612) 673-3153 Phone  
(612) 673-2526 Fax

---

The following actions were taken by the Zoning Board of Adjustment on June 11, 2015.

Board Members: Sean Cahill, Anja Drescher, John Finlayson, Eric Johannessen, Dan Ogiba, Matt Perry, Dick Sandberg, Jacob Saufley, Ami Thompson

Board members absent: Sean Cahill and Jacob Saufley

Committee Clerk: Fatimat Porter 612.673.3153

---

#### **ITEM SUMMARY**

##### **Description:**

##### **Item #4- 1300 Quincy Street Northeast (BZZ# 7169, Ward 1) (Janelle Widmeier)**

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Duende Dance Studio for the property located at 1300 Quincy Street Northeast (the main entrance is addressed as 1230 Quincy Street Northeast):

##### **A. Variance to reduce the minimum parking requirement.**

Action: The Zoning Board of Adjustment adopted staff findings and **approved** the application for a variance to reduce the minimum parking requirement from 46 spaces to 0 spaces, based on the amendments to findings 2 and 3:

1. This is a reasonable use given its proximity to transit corridors.
2. The availability of the public parking spaces.
3. The addition of the bike spaces.
4. It's an area that is transitioning away from industrial uses to more commercial and residential uses.

And, subject to the following conditions:

1. At least 11 bicycle parking spaces shall be provided that comply with the standards of section 541.280 of the zoning code.

**Absent:** Cahill, Saufley

**Aye:** Drescher, Finlayson, Johannessen, Sandberg, Thompson

**Nay:** Ogiba

**Motion passed**

## **TRANSCRIPTION**

### **Staff Widmeier presented the report.**

**Chair Perry:** Ms. Widmeier, I usually don't do this, but I need to interrupt you on your arithmetic here. You're going through this elaborate arithmetic based on a speculation of what may happen. Why is staff doing that? I mean, if a dance studio is in there and the parking requirements, I'm sorry, the square footage assumes that a certain number of people would be using that space, why isn't staff making the argument based on that rather than based on a particular business plan is at a particular moment. I'm not following that.

**Staff Widmeier:** We're saying that the code is assuming that there is going to be a higher capacity of persons.

**Chair Perry:** Not the ninety; it can be higher.

**Staff Widmeier:** It can be higher. And the applicant has said that based on their use for the dance studio; people don't take up that much space. They can't have a capacity that high and have a dance studio.

**Chair Perry:** Is our code wrong?

**Staff Widmeier:** That's what a variance can be used for; is to look at the actual use being proposed is evaluated if the code is accurate. And in this case we're saying the code is asking for much more parking than is needed.

**Chair Perry:** Ok, sorry for the interruption. I did want to try and understand why, I read this in the staff report, and you're saying it now; and I just was not following why we're hearing numbers that were not what the code is actually, has been constructed for off-street parking requirements. Thanks for your clarification.

### **Staff Widmeier continued to present the staff report.**

**Chair Perry:** Thank you for your presentation. Ms. Thompson

**Board Member Thompson:** Could you tell me, will this variance does this tie only to the dance studio as a use or does it stay with the property?

**Staff Widmeier:** It stays with the property. But if a use with a higher parking requirement would go in there; they would need to come back and obtain a variance or provide or seek off street parking elsewhere too.

**Board Member Thompson:** Wait, I'm confused. So if we give them a variance to zero spots. Like yes, you need spots. That stays with the property but a different use comes in and they would have to seek a renewal of that variance?

**Staff Widmeier:** Only a use with a higher parking requirement; there's not a whole lot in the code that would have a higher parking requirement, but a reception hall would be one example.

**Board Member Thompson:** I see. Ok. So then my question is. A lot of your findings are tied directly to this being a dance studio. So it seems like the findings are more attached to the use than they are to the location. And so I'm kind of struggling with that if we think about that this variance will stay with the location as long as the use has the same or less parking requirements.

**Staff Widmeier:** That's true, that is definitely part of the analysis; is the actual use of the property versus just the straight code requirement.

**Chair Perry:** Other questions? Mr. Sandberg.

**Board Member Sandberg:** Thank you Mr. Chair. What, would this property have any use at all without a parking variance?

**Staff Widmeier:** As I mentioned, it does have grandfather rights for four spaces, so that can be somewhat limiting. It mainly has to remain a one tenant building. If they were to divide it into two spaces it would trigger a need for a parking variance. So there is, you can say that, many proposals would trigger the need for a variance. If other off-site parking couldn't be found, or off-street, excuse me.

**Chair Perry:** Sure, Mr. Sandberg.

**Board Member Sandberg:** So, you're referring one of the findings to the spaces at Architectural Antiques. Are those owned by Architectural Antiques or are those just public spaces that happen to be in front of them?

**Staff Widmeier:** Some are fully on their property but as with many other properties in this area, some of the parking extends into the public right-away and is not fully on their property. So, it's a mix.

**Board Member Sandberg:** Could they be reserved for this dance studio use, like rent, leased from Architectural Antiques or so that there would definitely be available for this particular use?

**Staff Widmeier:** The spaces that are fully on Architectural Antiques property, those could

be leased, and we could recognize those as counting as parking towards the dance studio's parking requirement. But any part of the parking space that extends into the public right-of-way the City wouldn't recognize those spaces as being off-street parking to fulfill the requirement. Even though as I mentioned.....

**Board Member Sandberg:** So, how many faux spots are there in front of Architectural Antiques?

**Staff Widmeier:** Um, I think I'm going to ask the applicant. Maybe they can clarify, but I think they would be these eight spaces. Without having a better plan, I can't confirm.

**Chair Perry:** And, so I want to follow up on Mr. Sandberg's question about this Architectural Antiques. What is the relationship between the dance studio and Architectural Antiques with regards to having those spots reserved? Is there some sort of contractual arrangement in place?

**Staff Widmeier:** From my last conversation with the applicant, there is not a written contract in place; it was a verbal discussion. So they can expand on that further what that entailed. We wouldn't exactly say that it's binding at this point and we could ask them to secure a lease.

**Chair Perry:** So maybe what we'll do is wait for the applicant to speak to that and have you address the broader question later on. I have a question about the capacity study that you're looking at. We read through a lot of materials that was given to us from business owners, I don't know if they were all business owners, but other business owners that said that you give this variance, there's already very challenging parking going on here and you basically going to chew up whatever parking is left if there's any at all. And I'm just wondering what the City does when it is, what does it do in preparation in determining whether the street has the capacity to absorb 46 more cars? Did you do a parking study?

**Staff Widmeier:** A parking study has not been done.

**Chair Perry:** Because every time their running a bike lane through an area to talk about getting rid of parking from one side of the street or another, they do parking studies. This seems like this would be right for doing a parking study of some sort. The City does not do that?

**Staff Widmeier:** Right, that would be an analysis of on-street parking though. I don't believe parking studies have been done associated with installing a bike lane looks at the parking requirements for these uses adjacent to the street. We have, I looked back at records for what's been allowed as far as parking reductions from Broadway to 15<sup>th</sup> where Indeed Brewery is and there was only one parking variance granted. And that was specific to the reception hall that is located in the building where Indeed is located. And, I have their

numbers written down; there was 162 to 110 space reduction, so 50 something spaces. And that's the only variance. We haven't looked at each building and determined whether or not the uses that have gone in there are needing more parking along here, because they haven't come to us first to check and see if they actually have met their parking requirements or if they are sufficiently grandfathered in or not. That's a whole study that has not been undertaken nor is it very, I can't think of any situation where we have done that. It's more of a case by case.

**Chair Perry:** Ok, what is this property zoned?

**Staff Widmeier:** This property is zoned I1 and it has the industrial living overlay district.

**Chair Perry:** So when you said, Mr. Sandberg asked the question about what businesses could go in. It seems to me, lots of businesses could go in there. And there already have been businesses that were in there prior with no variances required. Especially with the types of things that you looked at, like bicycle parking and other things like that; and the grandfathered rights that they already have to some parking. So other businesses could go in there.

**Staff Widmeier:** There are options for other businesses. It's not as permissive as; say commercial districts, because we are still in an industrial district. So, obviously for industrial, any light industrial, it's pretty much going to be allowed here but when we get to commercial uses, which is, where this area is trending along Quincy, that's still rather limited. More of these uses that you've seen go in here.

**Chair Perry:** I guess my point is; there are businesses that could go in there. It just turns out that the one business that's trying to go in there happens to be at the very highest end of our parking requirements types of businesses for the amount of parking that is required for them.

**Staff Widmeier:** Yes, this is a use that does come along with a higher parking requirement.

**Chair Perry:** In fact, if not the highest, the second highest parking requirement.

**Staff Widmeier:** Right.

**Chair Perry:** Yeah, ok. Mr. Sandberg. I'm sorry I asked all those questions. I usually let board members other than myself talk and ask questions. Mr. Sandberg.

**Board Member Sandberg:** Thanks Mr. Chair. Ms. Widmeier, could you elaborate a little bit on the finding of uniqueness of this property requiring a variance compared to its neighbors who maybe have been required to conform to some parking requirements, or having

spaces. Why this property is unique compared to some of the others. Or have all the others also had parking variances if their use exceeds what's grandfathered in.

**Staff Widmeier:** In the records that I found there was only that one parking variance that I found associated with the reception hall, sorry I forget the address. For that variance, they did a combination of providing parking, a parking lease, and the variance reduction. And I know another consideration of that application and the parking review was valet parking. Which isn't allowed for the reception hall but it was a consideration with the variance. But as far as any of these properties along Quincy in this area, there's no record of any parking variances or shared parking agreements that I could find. So, much of it I believe is grandfathered parking but like I said, there, we don't have records that show if any other analysis has been done. Usually what happens when someone comes in to do something to the building and they require a building permit is when that analysis gets done. But if they didn't need a building permit, there's a good chance that we have not seen them at all and we haven't had a chance to look at that. Usually people don't ask unless they have to come to us. So, does that address your question? Or questions?

**Board Member Sandberg:** I think so.

**Chair Perry:** Are there any questions of Ms. Widmeier? Ms. Thompson.

**Board Member Thompson:** Thank you for your time and answering all these questions. So I'm looking at finding number three. Everything in finding number three is attached to the dance studio. From what I read in the response from the neighbors, their concerns seem to focus heavily on number three, not altering the essential character or be injurious to their use or enjoyment of the property in the vicinity. Do you have anything to add to your findings for number three that are not directly related to this being a dance studio? So that we can think about this variance not attached to the use, but attached to the location and the potential future uses.

**Staff Widmeier:** Possibly one consideration would be just the reuse of the property. You know there are options for other uses to go in there. The reuse of the building is somewhat limited. And it's possible that another proposal or many other proposals would trigger a variance. That's one thing. I can't think of anything else not specific to the dance studio. I guess one thing to say about this; this area in general is changing. So this is, these other uses, although they may have a lower parking requirement, I'll mention Indeed Brewery, they only have a parking requirement of probably four or five spaces. But obviously, they attract a lot more people to their business than another use that only has a parking requirement of four spaces. So, just the uses on this street in general are attracting more people, it's been a very successful transition from going from industrial to more commercial type uses here. So that's something that could be considered. And I do remember another part of your question. You're asking about finding number one, the reasons for, and again going back to it's an existing building. It has not on-site parking and there's no on-site

parking that can be provided. That's on some of the considerations for the practical difficulty.

**Chair Perry:** Yes Mr. Sandberg.

**Board Member Sandberg:** I noticed in one of the photographs that there is a garage door in the back of the building. Is it possible to use any portion of the building as indoor parking to satisfy some of the requirements?

**Staff Widmeier:** We didn't look at that, but let me, so everyone can see it. Here's the rear of the building with the garage door that was mentioned, and here goes the floor plan. That may help, I guess I don't have the answer, but it may help at least to know what it looks like. There's the existing floor plan. The applicant could address that later. They do have a larger open space here, and of course this is included in your packets. And the proposed layout is to have a larger studio space in that area. So, I am seeing an issue here. There is an existing wall right here and that dimension between here and here is only 34 feet. The required spaces and drive aisles it would pretty much take up the whole room. You could only park vehicles this way. So that would be a challenge. And the site again is about 5500 square feet. So you couldn't fit a lot in there without taking up the whole building.

**Chair Perry:** Alright. Yes Mr. Sandberg.

**Board Member Sandberg:** I think this is the last question. But, is the proximity to I think Broadway Avenue and Central Avenue as transit corridors something that could be considered as alleviation of parking requirements for businesses in this area; commercial types of business that are coming into this area?

**Staff Widmeier:** All proximity to transit is certainly something that could be taken into consideration. Central would be over here just off the map. And then Broadway of course is very much right off the map. I'm trying to think, I don't think there is very much transit on Broadway, or not as much as on Central. But that's certainly something that can be taken into consideration.

**Chair Perry:** Ok, and Ms. Thompson, did you get all your questions answered because we kind of segwayed back into Mr. Sandberg's questions.

**Board Member Thompson:** I think so. I'd just like to note that it's for findings two and three it's primarily focused on the use. But Members Sandberg's comment actually helped me answer that. Thank you.

**Chair Perry:** Ok, thanks. Any other questions of staff? I see none. Thank you very much for answering all of our questions. I suspect we're going to have more questions. I just have this feeling that we're going to have more questions for you before we're done here. Is the

applicant present? Yes sir. Sir, if you could give your name and address for the record please, I would appreciate it.

**Byron Johnson (6633 Nicollet Ave):** I want to just address your questions first about the parking spaces. Um, the slide that was shown, and does show only public parking spaces or spaces that have the property line run directly through the middle of the space. Half the vehicle is on the property, half is in the public way. But, what we're able to see there, in addition to the 21 parking spaces that are in front of Architectural Antiques, which again does close at five o'clock and would not overlap with our operating hours, are 22 on-street parking spaces which run on the west side of Quincy Street all the way down to Broadway, which in the four weeks, five weeks that I've been over there are completely vacant 99% of the time. And although we can't call that a parking study, we've been over there, we've done the due diligence of seeing if those spaces are in use. And that side of Broadway is completely empty. And those are 22 spaces. And the ones that are perpendicular to the property are 18 more spaces starting at the north side of the property were proposing to the south. All the way until those parallel parking spaces begin. Which actually brings us to a total of 61 spaces that are there, that are available, that if we're allowed to again, within the variance, count those spaces, there is a multitude of space. Especially in the evening after the other businesses have concluded their day. Your question about transit stops. There are three bus stops within a five minute walking distance. There's one on Central and I believe its 15<sup>th</sup>. There's also one on Broadway and Monroe and then there's one on Broadway and Central. I don't know the numbers of the bus lines but there are bus stops at those locations as well. We did outline our hours of operation in the plan as well. Something that appears to be coming to my attention is that, the use would be attached to the building. I'm not applying for any other uses other than dance studio. So I'm not certain how that affects our application, but, that is the use. We were a previous company. We were located in a residential area in south Minneapolis. Due to some unfortunate circumstances the business had to close and we're essentially relocating under new management. So, we actually have ten years of tenure in the business. So, the numbers that I'm giving you are not numbers that are made up but they're based on ten years of continuous service in the city. As far as what class attendance would be and like regular use would be during out peak hours of operation. And just to address any concerns that were, I saw the information that was provided by the neighbors. I mean it's really hard to, as I am not a neighbor yet, to establish any relationship with them. But, I've done my best to let them know what we plan to do and how we plan to fit into the neighborhood and actually be an addition to the neighborhood and not a hindrance to what they're doing now. I understand that amongst themselves had some sort of conflicts. But we, you know, we intend to occupy the space that's not being occupied right now. And if you look at the map, we're less than a third the size of almost all the other properties on this space. It's a small footprint. And it's going to be a quiet, consistent use. And something that actually adds to the neighborhood and not takes away. Which means concerns about noise or crime or increased litter or things like that, really aren't an issue. And then obviously the

recommendation of the addition of the bike spaces is something that we're absolutely prepared to do.

**Chair Perry:** Very good. Any questions of the applicant Mr. Johnson? Just to explain the use to you. The use, you're applying for a use that's your business, our business is, and we have to look beyond you being there. You might not be there at some point in the future and we have to look, the variance goes with the land, not with your business. That's what the comment was about that. So you don't have to do anything more, that's for our discussion purposes.

**Byron Johnson:** Ok. I might just add, you if we are, allowed to use those spaces, again, we'll be above what they were asking for the maximum capacity as well as above what we actually would be needing for that operation and I'm certain if, as she said, there aren't many business that could come in there that would require more, so they would also below that as well.

**Chair Perry:** Alright. Any questions, as I said of Mr. Johnson? I see none. Thanks for your testimony. Is there anyone else that would like to speak in favor of this application? Yes sir. You could come up and give your name and address for the record.

**David Bergman (167 Island Ave E):** I'm the owner of the building at 1230 Quincy Street. I've owned the building for 13 years, the same length of time as the other four building owners. The building originally was, there're four buildings attached, originally it was a foundry. And its last modern use, my particular section of the building, was used as the James Page Brewery. It was one of the City's first micro-breweries. And James Page was immediately in there prior to the building being sold by the last owner and sub-divided into four separate parcels and sold out to four separate individuals. The building is zoned industrial but I bought the building specifically because of the arts district overlay. And at the time that I bought the building, I was told permitted uses are things like restaurants, schools, bars, studios. We have the list of what's approved in the area. And I understand that each of those was to be approved individually as most things are, conditional use permits and things like that. However, it was one of the primary reasons for purchasing the building. For the last 13 years, I've used it for my own construction business. Not to get too far aside but I've had two shoulder surgeries in the last year. I had to sell my business; I can no longer function in the trades. I've had numerous possibilities for the building. You might know about an application that was submitted to Zoning Board for a micro-distillery. That was in the last six months. I negotiated for sale of the building. We had completed all negotiation, signed purchase agreements, loans were arranged, and I was set to sell the building with the approval of the City. Zoning had already granted approval to the micro-distillery that was going to go in there. Unfortunately they were shut down by the Bureau of Alcohol, Tobacco, and Firearms because of the residential of the northeast arts district overlay. So by allowing residential usage in an industrial zone, it precluded and canceled and forced me to stop the sale of my building. I'm approved for a micro-brewery; I was told was considered a

factory. Its 5,000 square feet; it needs five parking spaces. It's got 50 feet of frontage. I've gone to Zoning before and asked about that. They said you don't even need a variance you're all set to go, you want to put a brewery in. It's not what I want to put in. We have enough alcohol in Northeast. I tried to find a decent tenant that would fit and enhance the neighborhood. I've been approached by the owner of the Free House he finally settled in the Warehouse District because the landlord there was willing to do more concessions.

**Chair Perry:** Mr. Bergman, is it Mr. Bergman?

**David Bergman:** Yes.

**Chair Perry:** How, I'd like you to speak to the variances.

**David Bergman:** I'm trying to get to that.

**Chair Perry:** You have a story background with the property and your own business, which I'm sure, is very interesting. But it's not really pertinent to the variances as far as I could tell. So if you could focus on the variance.

**David Bergman:** I guess I'm getting to the, why we're here in the first place trying to get a variance to put a good tenant into the building. And I guess I'm questioning how a brewery like Indeed can open up and have literally hundreds of people there parking from one end to the other and that's not a problem. But putting a dance studio in that might require some parking requires a variance.

**Chair Perry:** So you heard me at, during another portion of another public hearing say, that we are not policy makers. That's the city code, that's the city policy. If you have a dispute with that, we're not the body to have that dispute with. That should be something that you bring to your council member and ask...And challenge them as to why there seems to be a lack of consistency from your perspective. So if you could focus on the variances, why this property should be granted a variance of 46 spaces to zero spaces. What's the practical difficulty, why is it a reasonable use, why isn't it injurious to other property owners.

**David Bergman:** The primary reason that I think we're here for the variance is because none of the buildings on Quincy Street provide off-street parking, yet all of them have functional businesses. I'd like to put this up. This is the parking in front of the boxing gym, which is directly, oh, the first building directly north of me. This is Quincy Street Studios building. And what you'll notice is a sign here, and here. Here and here, seven actually in front of this building saying no parking, private parking, Cedar Towing, reserved parking, others will be towed. When in fact, this is City property; they've claimed City parking spaces as their own. Here is the boxing gym...

**Chair Perry:** Sir, now Mr. Bergman, you're talking about enforcement issues, which again, we are not the body to discuss enforcement issues with.

**David Bergman:** I guess I'm not sure what I'm supposed to talk about other than here's a tenant who is operating without a variance because they never came to bother to get one.

**Chair Perry:** Well, that's an enforcement that is an enforcement issue. So, I would recommend you to talk to your council member or call 311 and say, the signage up there is not appropriate, you do not feel it's appropriate. We're not that body, we're not enforcement. If you look at the staff report, the staff report has identified, we have legal findings that we must find for. There are practical difficulties, whether they exist. IS there something unique about the property that creates practical difficulties? Is the property being used in a reasonable manner that's consistent with the ordinance? And is it in the character of the neighborhood and not injurious to other property owners. Those are the three things you can speak to. These other things, you certainly can speak to them, but they are not germane to this body. I'd ask you to confine your comments to those findings.

**David Bergman:** Ok. I guess with regards to the on-street parking. There seems to be plenty of on-street parking from one end of the buildings all the way up the street, if they were not claimed as individual spots by other business, illegally, there'd be plenty of on-street parking available for this business as well as all the others. And in fact, these pictures were taken today showing all these spots empty because there're signs in front of them. There were cars parked on the street today. Indeed is under construction and their lots off limits. So all of their tenants are on the street, the tenants in the building on either side of me are parked on the street. Although they're not parked anywhere in the neighborhood because it's being exacerbated by the lack of availability of what is technically public parking that would be available to my proposed tenant. I think the hardship is that none of the building on the street has off-street parking. There is one building that has a lot. That's the gym and their off-street parking is probably, it's almost 100 feet by 100 feet deep so a 1,000 foot lot. It's behind this private fence that says no admission, no parking. So I don't know if they're counting there lot as part of the parking. But not only are they not using their lot, their claiming public parking spaces as their own and they're off limit to potential users of my building. I see a case of the neighbors saying, we got mine, I've got ours, we don't want you to have yours. We got here first, therefore, we object to your parking.

**Chair Perry:** So, unless you have something else, to talk to these three findings of fact, I'm going ask you to wrap it up.

**David Bergman:** Ok. I guess I would say the only other thing is not harmful to the neighborhood. And I would say that having dancers at the end of the night is less disruptive to a neighborhood than people who have just been watching fights for two hours, there's a lot of testosterone. It's not just a gym, but they also handle boxing matches. And when people leave the breweries which there are now going to be one at either end of the street,

they don't often go directly home to find a urinal. And they do drive to the drink, drive to drink. No one's going to drive to drink in this building. Thank you for your time.

**Chair Perry:** Thank you for your testimony Mr. Bergman. Is there anyone else who would like to speak in favor of this application? Is there anyone who would like to speak against this application? And if you'd give your name and address for the record.

**Jake Steen (8300 Norman Center Drive):** Good evening Chair Perry, members of the board. I represent Earl Kendall the owner of 1310 Quincy St NE, the property immediately adjacent and north of the applicant's proposed studio. My client has operated his property as a photography studio for approximately 13 years. There is also a live, work unit, a legal residential unit on the first floor that shares a common wall with the proposed studio. As you've heard, parking on Quincy Street has historically been very difficult. It's created a lot of conflict in the past; it's created a long standing issue. The recent success of the businesses along the street has further aggravated these issues. And approval of this variances would again, further exacerbate the problem. The applicant's proposal is for a social dance studio with an approximate capacity of 230 people. The applicant has provided no evidence of actual off-street parking for the potential customers and no effort to actually comply with the parking requirement whether through leases or other mitigative steps. Simply put, the applicant has not demonstrated the required findings that must be made under law to approve the variance. As you've touched on, there are no circumstances that are unique to the property that would warrant a variance for practical difficulties here. While there are certainly difficult parking situations, that's not a unique situation to this property. It is simply a condition of the neighborhood. This is not unique and all other properties are limited to on-street parking. The property owner himself said that nobody has off-street parking with very limited exception. With respect to the second finding, the applicant's proposal is just simply not a reasonable use of the property without attempting to accommodate the off-street parking needs of its customers. The business activity in the neighborhood has changed over the years and it is not a nine to five office district. It is a vibrant district and there are active peak demand periods throughout the nights and evenings and on the weekends. And the proposed use will conflict with the peak demand period times. So it will create an issue and further exacerbate the parking. Moreover, the variance will conflict with the spirit and intent of the ordinance. As many of you may know, in 2009 the City did a comprehensive overhaul of the City's parking ordinance. And they looked at every single off-street parking requirement in the City. And for the most part, those parking requirements were dramatically reduced and in often times actually eliminated for many uses. However, as you've touched on in your discussion, there were a number of uses that retained a very high parking requirement. And this is one of the highest. And the reason is, because staff and the City determined that this type of use will create a significant peak demand period. And it has created in the past. A performing visual martial arts studio has created conflicts in the neighborhood and does drive a significant amount of customer parking. Granting the variance will be injurious to the other properties; the use and enjoyment of other buildings in the vicinity. And it will be to the detriment and

the welfare of adjacent property owners, tenants, and customers. You've received a number of letters and correspondence from neighbors and business owners about the livability issues associated with these parking issues. This variance will allow the operation of a very intense use that again is just going to further aggravate these parking issues in the neighborhood, without making any mitigative steps. This is not just a commercial and industrial area. This is also a residential area. As I mentioned the nearest residential unit is inches away from this dance studio. The entire western portion of this block is mostly single family homes. And the applicant by not forcing, or by not accommodating any of these off-street parking requirements, is really going to force their customers further into the neighborhood, which again, will create further conflict and disruption with the neighborhood. So we really encourage you, I want to encourage you to think about not just the short term affects, but the long term impacts of approving this variance. We all hope that every business in the city is going to be successful. But, we often see when businesses become successful, it creates issues and if this applicant does succeed in attracting business and attracting customers, as you mentioned, it is not going to be limited to the 60 to 90 persons that it's maxed on. It could fill the entire capacity, almost 230 people, not just every other Friday but every night and every weekend. And that will just create more conflict. And there will be no limitation, you can't take it back. Moreover, again, this parking is not tied to this use. It's not tied to the applicants business model, proposed hours of operation. It's not even tied to the current zoning district. If this street gets rezoned to an intense commercial district, this 46 or 42 space parking variance will continue to run with the land. And if the applicant happens to go away for any reason, there are some significant uses that could occupy this space. It could be turned into a number of different spaces by simply closing off the small dance studio, dance ball room or small room, on the floor plan; you could by my math accommodate yet another reception meeting hall, with providing zero parking whatsoever.

**Chair Perry:** Mr. Steen, could you wrap it up?

**Jake Steen:** Sure. Lastly, I just want to leave with you, this can't be undone. So I would strongly encourage you and respectfully request that you deny the application.

**Chair Perry:** Thanks very much for coming down and giving testimony. Anyone else like to speak against this application? And the previous speaker covered a lot of ground so if they've already covered the ground, just say you agree with the point being made. I'd like to cover new ground.

**Charlie Nestor (2424 Kennedy St NE):** Good evening, I'm with Hillcrest Development. We are the owner of, and the largest parking operator in the neighborhood if you will, for lack of a better word. We acquired the school district headquarters last September. And we own the two blocks of parking right here. We also own the real estate, we own Uncle Frankie's across the street as well. Uh, years ago I redeveloped this parcel as well, into a creative industrial. So we're very versed in how important parking is. We're very well versed in the

condition of the streets. We've worked with all of the neighbors sometimes because we do have most of the parking. We have resolved most of those issues. We have I think right now, I think, seven different parking license agreements with various (?) folks. But we have four to five hundred people starting to come into the building starting next week. So with all due respect to the applicant, being there for the last four to five weeks, we've been under intense construction since October of last year. We've spent millions of dollars upgrading out parking, storm water, and the building facilities. And we do meet all code requirements; we've invested in the property. And what will happen, what happens now is, we have now become the enforcer of our parking to protect out rights. I would..

**Chair Perry:** Mr. Nestor, I'm going to, just as I did with Mr. Bergman, I'm going to ask you to speak to the variance findings.

**Charlie Nestor:** We find that it would be injurious to our tenants. At such points that our tenants would not be able to park in their allocated parking lot off-street, because that's what happens right now. During off hours in the evening or on the weekends, it's a very active neighborhood. And it will become more active because of the nature of the businesses there. We will now have to monitor and tow and ticket our parking lots because there's more pressure. It may not necessarily be the dance studio but by the dance studio coming into the neighborhood and absorbing more of the parking stalls off-street which we don't count as ours. It will push others. So it's a domino effect if you will. What I'd ask and we've requested numerous times with staff and council and, we have a great relationship with all of them, we'd like to believe, is that a parking plan needs to be put in place before more, more things are jammed in here. One last point, along Jackson Street, as an example, I know that Councilmember Reich is working to make these streets into a conservation district. As part of that, what we did, when we did our renovation work is, on this side of the street, where those stalls became problematic; we ended up doing a curb, a drive up curb. It made parking that was valid and safe. And that is certainly something that can be done along Quincy Street and I would urge before any variances, that a stronger parking plan and a public works plan be put in place.

**Chair Perry:** You're talking to the right person; you're talking to your council member about it, so that's the right person to talk about that. Thanks for your testimony. Is there anyone else like to give testimony against this application? I want to emphasize, please speak to the variance itself. It sounds now, that I've heard a couple of three different speakers, that there are some tensions that have developed between property owners and I don't want to hear about that. I want to hear about the variance request and the findings of fact please. Your name and address sir.

**Dennis Hoff (8801 Crescent Court):** I'm the managing partner of Quincy Street LLC that owns the building directly across from the building that their asking the variance on. Our problem is, there's always been a parking problem, and we've only been there about four years. We operate an industrial company that transports large machinery, very, very

valuable sometimes in hundreds of thousands of dollars in value. And I see an issue. We're running sometimes till seven, eight, nine o'clock at night. I just think with the lack of parking that I've seen around there, it's going to be a problem for my business. We have twenty employees; they're relatively high paid people. I think if you're looking at these variances and you start driving out employers, you're going to have fewer jobs here. I haven't heard anything about jobs being created by this dance studio. I know that has nothing to do with the variance but I'm just saying, there is not enough parking in that neighborhood. We have talked with people in the neighborhood; we've had a relationship with them. Some of them actually rent spaces from us. I've never heard about anybody from the dance studio coming over and talking to us about renting any spaces. I think it would be a detriment to our business. We run a lot of times into the early evening with large trucks and I think if you get a parking problem where people start parking parallel in front of our driveway which is directly across the street from this studio. We can't afford to have someone with \$150,000 machine sitting in a truck that they can't make the turns. That's our complaint and our reason for not thinking this should be granted.

**Chair Perry:** Thanks for your testimony Mr. Hoff. Is there anyone else that would like to speak against this? Same caveat please. Name and address.

**Selena Salfen (1310 Quincy St NE):** I will keep it very brief because you all have my letter. I would just like to agree with the three gentlemen who spoke before me. I am the person that shares, I have a living space, and I share a wall with the proposed dance studio, and I run a photography business out of there so it would be detrimental to me. And that's all.

**Chair Perry:** Thanks for coming down and giving testimony. Is there anyone else that would like to speak against this application? Name and address for the record please.

**Lisa Bauch (4728 Upton Ave S):** I own and operate Uppercut Boxing Gym. And I would like to just state that I do agree with the three gentlemen and everyone. I disagree with them moving in at this point and it would be really tough to keep business going at this point. Thank you.

**Chair Perry:** Thanks for coming down and giving testimony. Is there anyone else that would like to speak against this application? I see someone else.

**Valerie Carlson (3144 Chowen Ave S):** I'm the owner of Spark Letterpress; we're the business directly to the north, so we share a building with the proposed tenant. I just wanted to state that my biggest concern that a lot of this that we're discussing today is based on speculation and it really concerns me as somebody that needs the parking spots in front of their business and their talking about, well we maybe need this many spots but we're really not sure. It just seems to me that it should be based on worst case scenario and not best case scenario. And showing pictures of what could be early morning, yeah, there are maybe not as many people there in early morning. But my business has hours of nine to

six. But we also put on workshops in the evenings, on the weekends, so I could see this being very problematic for my business. And I am just a little concerned because a small business owner I wish you would have like at least come to talk to me and say hey, what you are doing with your business because this is what I'm thinking about doing. And so the lack of communication and knowing like how much it could change the neighborhood just very much concerns me. So, that's it.

**Chair Perry:** Thank you very much for coming down and giving testimony. Is there anyone else that would like to speak against this application? Going once, going twice. Let's close the public hearing. Board comment. We got a lot of written testimony, which I know you've all looked through. We've heard a lot of testimony today on this matter so, let's jump into it. Ms. Thompson.

**Board Member Thompson:** Yes, thank you. I actually support staff recommendation but not all of their findings. I hear the challenges from the neighborhood but I think that's just part of this transition from industrial to commercial that's going on. So I agree with staff's findings for number one. I think that's really good. Two and three are solely focused on things that are related to this being a dance studio. I would like the findings relate to things like the proximity to the major transit corridor, this transition from industrial to commercial, the availability of public spaces and keeping the requirement for the additional bike parking. I guess what I'm saying is I would, if we decide to approve this variance, I'd like to see the findings based on things I just listed as opposed to being based on the specific use.

**Chair Perry:** Alright, thank you Ms. Thompson. And we may in fact explore that, but I'd like to ask a question of staff. You made the comment about transition; I want to explore that a little bit further. You talked about the area is in transition, zoning wise? And if it's zoning wise, who's initiating that. It's not the City.

**Staff Widmeier:** Zoning wise, that is part of it.

**Chair Perry:** Who's initiating it?

**Staff Widmeier:** The industrial living overlay district had to be added to these properties. And that was done, I don't know the exact year, but at some point by the City. But, our comprehensive plan does identify this area as an area where we don't need to retain for industrial anymore. We have a separate classification for that, a designation in the comp plan for those industrial areas. So this is under the transitional industrial area in the comp plan. So we are; we have anticipated that this is an area where we do want to see a transition from industrial to a mix of use, being commercial or residential. So that is part of what the City policy supports and why we do have the industrial living overlay district there.

**Chair Perry:** So does that mean that these industrial zoned parcels are going to be rezoned to commercial?

**Staff Widmeier:** Not necessarily. The City made the determination at some point just to leave it industrial and that's pretty typical for these areas that have been industrial historically and now are starting to transition. And that is because we don't necessarily feel the need to push them out, these existing industrial uses. We can accommodate both, the industrial that has existed there and these new uses that are coming in. At least that's the idea behind it.

**Chair Perry:** Ok. Thanks. Further board comment? Mr. Ogiba.

**Board Member Ogiba:** Thank you Chair Perry. I disagree with staff's findings, specifically in relation to number three. The statement, the proposed variance will not alter the essential character, locality or be injurious to the use or enjoyment to other properties in the vicinity. We've heard from quite a few folks that are in that area, in that vicinity, and are of the belief that this will be injurious to them. If anything we can find factual here is that there's a parking issue of some sort here. There's no question of practical difficulty exist, there's no parking available for this building. I'm sure that the use would be great, I'm sure that they'd be a fabulous tenant but we may be trying to jam too many things into too small of a space here right now. And what's there is there and adding to that is just going to exacerbate what's an existing problem. So, I simply can't find for number three because I believe that granting this variance and adding to this will be injurious to the adjacent uses.

**Chair Perry:** Thanks for your comments Mr. Ogiba. Other board comments? Mr. Sandberg.

**Board Member Sandberg:** Thanks Mr. Chair. I like the idea of this use in this area. I think that the fact that this use probably would occur in an off peak time is beneficial to the area. It would get people on the street that would not otherwise be there and not doing something that is certainly not injurious to the area. When I look at an overview, satellite view of the blocks surrounding this I see quite a bit of surface area devoted to off-street parking already. It would be nice if that could be utilized more fully than it seems to be now. It seems like a lot of it is reserved and prohibited from use. But rather than creating that by using City ordinance's I think that kind of use of space should be done on an economic bases, based on supply and demand. Consequently I support staff findings for the idea of getting this business in place. And I think some of the descriptions of findings of fact could be elaborated on to support it better, but in general I would like to see this project happen.

**Chair Perry:** Thanks for the comments Mr. Sandberg. Other board comments? Mr. Finlayson.

**Board Member Finlayson:** Really this could go two ways. We grant the variance and it gets a use that it probably wouldn't otherwise have. The grandfather spaces are nominal. This area was built prior to heavy use of automobiles. The City creates a zoning code and times change, uses change, behavior changes, and now we have this intense automotive use. And

the other thing we can do is not grant it. And if we don't grant the variance, then it suggests two things. One, they try to obtain parking and parking can be obtained maybe by agreement. But maybe parking is not all that available that would be agreeable to the users of this particular location. Another method is very popular is to buy an adjacent property, tear it down and create a surface parking lot. I don't think anyone thinks that's a pretty good idea, it's terrible. So, if uses come and go, and people, prospective tenants of this property come and go, and the parking bar is set a low level, then it reduces the rents for the property, reduced rents, reduce the incentive to modernize or maintain the building. And buildings like this can get pushed into decline. So, where I'm going with this is that I think the City's logic is that it is better to grant the variance and create an occupied building, rents are being paid, buildings being maintained, and we see quite a few areas in the city that are exactly like this. I mean where the building was built right to the lot line, or so close to it there's in affect no place for off-street parking. So, I look at staff's reasoning on this, the variance would run with the land, the current use, the statements are not germane. What I think is more germane is the location, the fact that there really is a dearth of off-street parking for most people. And frankly I think it just needs to be done. The staff's insistence on more bicycle racks, fine; the fact that's it's on bus lines that play into my thinking so I'm in support of granting the variance. Thank you.

**Chair Perry:** thanks for those comments Mr. Finlayson. Other board comments? Mr. Johannessen.

**Board Member Johannessen:** Thank you Chair Perry. I'm agreeing with staff findings also. I'm in agreement with Board Member Finlayson. There are plenty other areas in the city that have very similar situations. We've heard it many times. I live by a dance studio in my neighborhood, it has like ten spots. But the streets are packed. And yes, there are people after hours. There're people mingling. There're people looking at other businesses in the neighborhood and I feel it's a, sadly, it is a natural progression for this neighborhood. A revitalization of this area that many of those people will reap the benefit from. And so I'm in favor of staff findings.

**Chair Perry:** Thanks for those comments MR. Johannessen. Any other board comments? Ms. Thompson.

**Board Member Thompson:** I'd like to move staff findings with a couple of edits to finding two and three. I'd like to edit them to include that for number two, this is a reasonable use given its proximity to transit corridors, the availability of public spaces, the addition of bike spaces, and its transition from industrial to more commercial and residential use. And I'd like to use those same findings for number three as to why that would not alter the essential character of the locality or be injurious to the to the use or enjoyment of the property.

**Chair Perry:** Is there a second for that motion?

**Board Member Finlayson:** Second.

**Chair Perry:** There's a motion before us to adopt staff findings as amended. And there is a second for the motion. Is there any further discussion on the motion? I see none; will the clerk please call the roll?

**Absent:** Cahill, Saufley

**Aye:** Drescher, Finlayson, Johannessen, Sandberg, Thompson

**Nay:** Ogiba

**Motion passed**