

**Battle Mountain LLC/534 East Lionshead Circle
Elevation**

April 30, 2018, revised June 4 and June 29

I. INTRODUCTION

The purpose of this report is to provide information on Battle Mountain LLC's proposed development of Elevation, a residential condominium at 534 East Lionshead Circle. Information provided herein has been prepared in accordance with procedures prescribed by the Town of Vail development review process.

Elevation is located on a parcel of land (Lot 2A and Tract K as depicted on the proposed Minor Subdivision), that for many decades included a portion of a two-level parking structure located along East Lionshead Circle. This parking structure will be removed in order to facilitate this redevelopment. Elevation includes three levels of underground parking, a six-level residential building and related site and landscape improvements. The adjoining property to the west (Lot 1A as depicted on the proposed Minor Subdivision), is pursuing a similar residential development. While separate projects, these two land owners have been coordinating their design and redevelopment efforts and two of the applications submitted herein pertain to both projects.



Four development applications have been submitted:

- Exterior Alteration application for the proposed condominium building and site improvements,
- Minor Subdivision application to formalize the division of land for the subject parcel and four surrounding parcels,
- Variance application for a rear setback variance, and
- Amendment to the Town's Parking Pay in Lieu map.

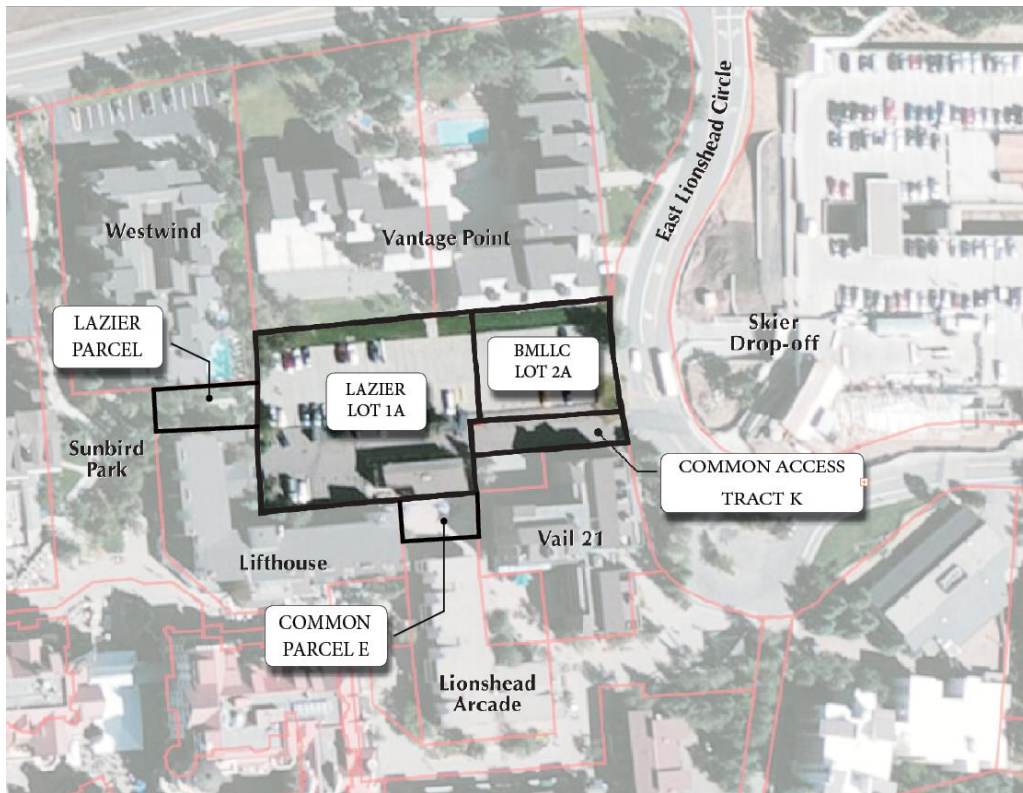
Each of these applications are described in detail below. Information provided in this report is presented in the following sections:

- I. Introduction
- II. Project Overview and Background
- III. Description of Project
- IV. Conformance with Applicable Review Criteria
 1. Exterior Alteration
 2. Minor Subdivision
 3. Variance Request
 4. Amendment to Parking Pay in Lieu
- V. Appendix
 1. Minor Subdivision

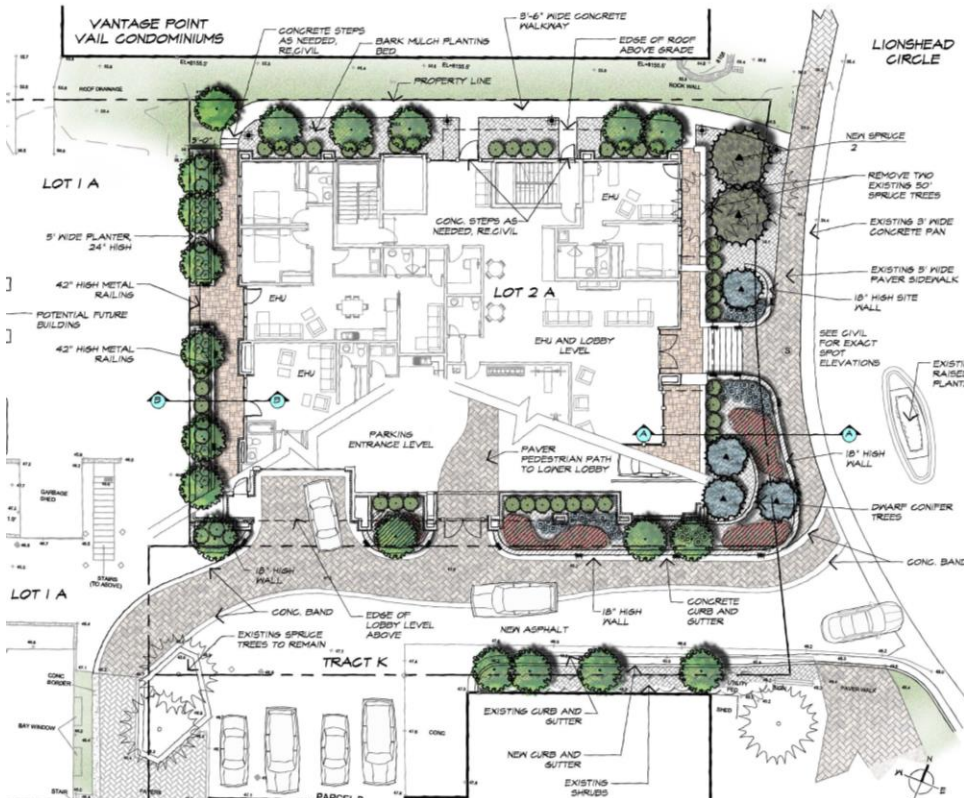
The Exterior Alteration and Variance applications have been submitted on behalf of Battle Mountain LLC (BMLLC). These applications pertain to proposed Lot 2A and Tract K. Applications for a Minor Subdivision and Parking Pay in Lieu Map amendment have been submitted on behalf of both BMLLC and Lazier Lionshead LLC (Bob and Diane Lazier, herein referred to as Lazier), owners of adjoining parcels. The minor subdivision and pay-in-lieu amendment applications pertain to land on which the BMLLC project is located and land on which Lazier's future development will be located.

While the subject property is owned by BMLLC, the development of Elevation will be done by Launch Development Inc. (a BMLLC affiliate), in conjunction with Mountain Meadow Homes.

On the following page is a project vicinity map depicting the properties party these applications and a site plan of Elevation



Project Vicinity Map



Illustrative site plan of BMLLC's proposed development of Elevation

II. PROJECT OVERVIEW and BACKGROUND

Background on Parking Structure and Division of Land

The existing parking structure was developed in the early 1970's and over the years has provided parking for the Lionshead Arcade, Vail 21, Lifthouse Lodge and other individuals. The structure is located on two parcels of land that were described and deeded in the 1970's based on legal descriptions. These parcels were originally part of Lots 1, 2, 3 and Tract F, Block 1 of the Vail Lionshead Subdivision, but this division of land did not go through a formal subdivision process.

The western 2/3rd of the parking structure is owned by Lazier and the eastern 1/3rd is owned by BMLLC. BMLLC and Lazier own equal interests in proposed a common access parcel that provides access to both development parcels (depicted as Tract K on proposed minor subdivision). The proposed Minor Subdivision will formalize the subdivision of the two parcels that currently accommodate the parking structure, the commonly owned access parcel, and two other small, adjoining parcels.

Redevelopment Coordination

BMLLC and Lazier have been coordinating over the past year on the redevelopment of there respective parcels. This collaboration will include the demolition of the top deck of the existing parking structure this spring/summer. Subject to obtaining approvals from the Town, BMLLC intends to initiate construction of their redevelopment in the Spring of 2019. Lazier intends to submit development applications in the near future but has no definitive timeline for their redevelopment.

The BMLLC and Lazier projects will share a common access drive off East Lionshead Circle. This access is proposed in the same location as the drive aisle that serves the existing parking structure. Both projects will include below grade parking and condominium buildings located above the parking. The parking level of the BMLLC project has been designed with a 0' setback on the rear, or west side of the site which will allow for the Lazier project to build to the same 0' setback line. Once constructed, each project will include outdoor spaces above the parking levels of each building.

The sketch on the following page provides a depiction of how the coordinated design of the Elevation and Lazier projects can provide a shared outdoor plaza and a unified site/landscape plan.



Conceptual site/landscape plan of Elevation and the future Lazier project.

Zoning and Surrounding Land Use

The BMLLC project is zoned Lionshead Mixed Use – 1 (LHMU1) and except for the 0' rear setback (for the parking level only), has been designed in compliance with development standards prescribed by the LHMU1 zone district. The two development parcels (Lots 1A and 2A on the proposed minor subdivision) both comply with the minimum lot size as prescribed by LHMU1.

The BMLLC property is bordered by LHMU1 zoned lands on the north, south and west sides. Each of these properties have been developed with residential or mixed-use projects. To the east is the Town of Vail Lionshead Parking Structure.

Site Area

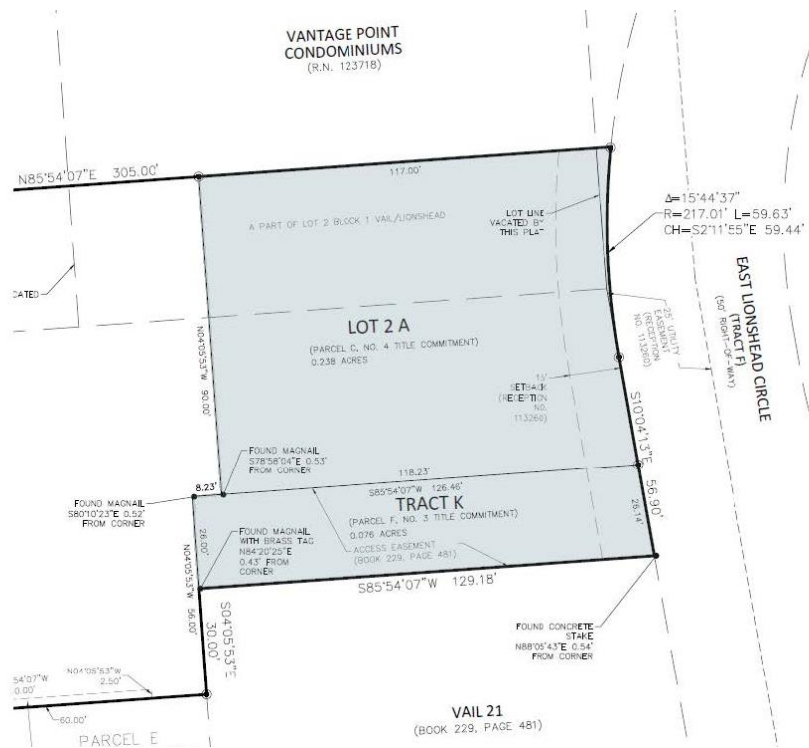
As per the Town Zoning Code, the definition of “lot or site” is:

A parcel of land occupied or intended to be occupied by a use, building, or structure under the provisions of this title and meeting the minimum requirements of this title. A lot or site may consist of a single lot of record, a portion of a lot of record, a combination of lots of record or portions thereof, or a parcel of land described by metes and bounds.

For the purposes of this development application, the “lot or site” for the BMLCC development includes both Lot 2A and Tract K. This results in a total site area of 13,677 square feet (10,367 square feet from Lot A1 and 3,310 square feet from Tract K). This

means all development standards for the project are based on the total site area and boundary of both parcels.

A letter from Lazier that authorizes BM LLC's use of Tract K as part of its "lot or site" has been provided under separate cover. Note that an agreement between BM LLC and Lazier stipulates that BM LLC will limit its Gross Residential Floor Area (GRFA) to what is permitted based on the site area of Lot 2A (10,367sf, or 25,917sf of GRFA).



Shaded area indicates the site area for Elevation.

III. DESCRIPTION OF PROJECT

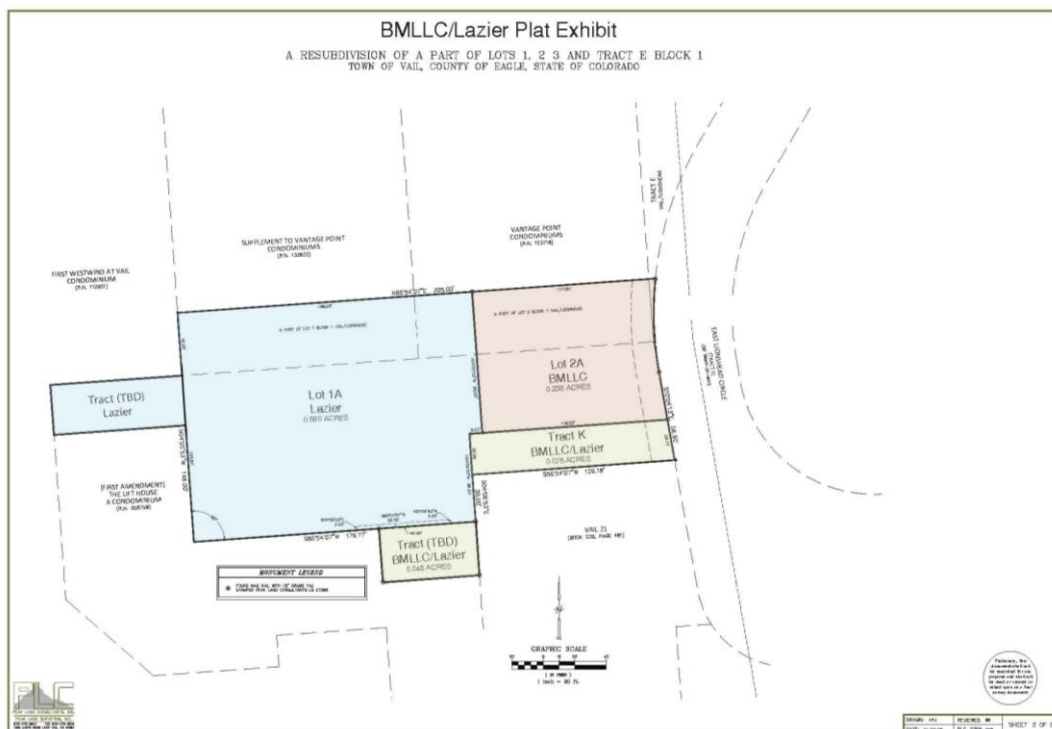
Four development applications have been submitted for this project:

Exterior Alteration

This review process is prescribed by the LHMU1 zone district and applies to any new development that among other things adds dwelling units or more than 1,000 square feet of floor area. The Exterior Alteration review process evaluates the project's compliance with the purpose of the LHMU1 zone district and applicable development standards of the zone district, how the project complies with applicable elements of the Lionshead Redevelopment Master Plan and potential impacts of the project on the surrounding neighborhood.

Minor Subdivision

The subject properties were divided in the early 1970's and have been under separate ownership since that time, but they were not formally subdivided. The Minor Subdivision has been proposed to formalize this division of land and is essentially a housekeeping item. The main considerations in evaluating a minor subdivision is to ensure that the parcels to be created meet minimum lot size standards, have access, will allow for orderly development and that the subdivision complies with the Town's development objectives. Below is a diagram depicting the proposed subdivision.



Rear Setback Variance

As described above, coordination between BMLLC and Lazier has been ongoing for the past year. Upon completion, these two projects will provide a unified design solution. They will, however, be developed on independent timelines. It is expected that BMLLC will be the first to move forward. The uppermost parking level for each project is located at the grade with the common access drive. The western end of Elevation's top parking level is proposed to be at the project property line, or with a 0' side setback. This has been done to allow the design of Lazier's top parking level to be located at its easterly property line, or with a 0' side setback. The benefit of this approach is that it eliminates a 20' separation between parking structures that is otherwise required by setback regulations. The two abutting 0' setback conditions will only occur at the parking level. The adjoining parking structures will allow for development of outdoor space on Lazier's project that will link to Elevation's outdoor space. A rear setback variance is necessary to allow for this solution.

Below is a diagram demonstrating at a conceptual level the final condition with the 0' setback upon completion of Lazier's project.



The elevation above depicts the final 0' setback condition upon completion of Elevation the Lazier project

Amendment to Parking - Pay in Lieu Map

The Town's parking regulations establish Pay in Lieu Parking Zones that identify properties that are required to "pay in lieu" of providing on-site parking. Such properties are identified in Vail Village and Lionshead and in most cases include properties that do not have frontage on a public right of way (like the Lionshead Arcade) or properties that are located along pedestrian streets (like the Wall Street Building in Vail Village) where vehicular traffic is undesirable. Even though they have direct access on a public right-of-way, both the BMLCC and Lazier properties are mapped as pay in lieu properties.

A code amendment is proposed to amend the Parking Pay in Lieu Map to remove these properties from this map designation. A map depicting these parcels is provided on page 12.

Development Program

Below is a description of the main elements of the proposed project. The project's conformance with applicable review criteria for each of the four development applications is found in Section IV. of this report.

Residential Condominiums

Nine residential condominium units with a total of 24,590 square feet of GRFA are proposed.

Employee Housing Units

Three employee housing units (EHU's) comprised of 2,984 square feet are proposed. This exceeds the Inclusionary Housing requirement by 525 square feet.

Lobby/Common Areas and "live beds"

3,290 square feet of interior common area is provided. This includes lobby, sitting room, fitness center and office space on the main level of the building. Owner's storage and ski lockers space is provided on the main parking level.

In keeping with the "live bed" goals of the LHMP, the lobby, sitting room, fitness facility and outdoor patio/hot tub space will provide on-site facilities typically associated with hotels. Short-term rentals of units will be permitted by the project covenants. Owners will be permitted to rent units via AirBNB-type services or will be able to utilize on-site management for short-term rentals. Office space provided on the main level will be staffed throughout the day and will among other things facilitate check-in for short-term guests.

Parking

As outlined in a 1972 letter from the Town of Vail, the existing parking structure was built to provide parking for three adjacent projects. Elevation will replace existing parking and provide for the new parking demand from the proposed development.

The existing structures and surface parking located on Lot A2 and a portion of Tract K (the Launch project) provides 52 parking spaces. Proposed development of nine condominiums and three EHU's requires 17 spaces for a total of 69 spaces. The parking structure will provide a minimum of 69 on-site spaces. Parking will be provided on three below grade levels and six additional spaces at the main entry to the parking structure. A total of 93 parking spaces are depicted on proposed plans. It should be noted that this is a maximum potential parking number. As project design progresses and more is known about structural, mechanical and other design considerations, it is anticipated that less than 93 spaces will be provided. However, under any circumstance a minimum of 69 spaces will be provided in order to meet zoning requirements.

A fully automated parking system is proposed. A fully automated parking garage is a mechanical system designed to minimize area/volume required for parking vehicles. An automated parking garage utilizes mechanics made up of motors, chains, pulleys and pallets to transport vehicles within the parking system rather than the driver doing so. The driver pulls into a loading bay that looks very similar to a garage and parks their car on what is essentially a pallet. The driver then leaves their vehicle and using a nearby kiosk (with a fob or ticket) instructs the system to park the vehicle. The loading bay door then closes and the pallet and vehicle are automatically moved to its designated parking space. When the driver is ready to retrieve their vehicle, they will insert their parking ticket into the kiosk (or use their fob) which would trigger the retrieval of their vehicle. There will be monitors in the lobby that will let the driver know which bay their vehicle will be arriving in. The vehicle will be delivered facing out so that the driver does not have to back up out of the bay; this allows ease of exit as well as expedites the retrieval process.

Six enclosed parking spaces are located next to the parking system loading bay. These spaces provide parking for users who want to park on-site but need time before using the parking system. These spaces will allow condominium owners or short-term renter to check in, unload personal items, etc. before parking.

Site Design

The building's primary pedestrian orientation is to the east with an entry stairs and front door located along East Lionshead Circle. Landscaping along the road is proposed to define spaces and "soften" the building. Pedestrian access is also provided on the south

side of the building. Vehicular access will be via the existing shared access corridor. This corridor will serve two purposes:

- Provide vehicle access to the BMLLC project, to Lazier's future project to the west and to the Lifthouse Lodge and a small surface parking lot adjacent to Vail 21, and
- Improve the existing east/west pedestrian route between East Lionshead Circle and Lionshead. To enhance the pedestrian aspect of this corridor, landscaping on both sides of the drive and a decorative paving pattern to define a pedestrian walkway are proposed.

The lobby or main level of the BMLLC project includes an outdoor space or terrace on the west side of the building. The uppermost parking/car entry level is one floor below this terrace level. Lazier's project will have a similar outdoor space on the east side of its building. The BMLLC terrace is design such that when Lazier's project is constructed, the terraces will "merge" the two projects and create a unified outdoor plaza space. Refer to page 5 for a conceptual depiction of how the design of these two projects is being coordinated.

Development Standards

A summary of development standards as prescribed by the LHMU1 zone district and development standards proposed by this project are provided below.

Gross Residential Floor Area

LHMU1 allows for 250 square feet of GRFA for every 100 square feet of site area. The proposed site area of .314 acres (inclusive of Tract K and Lot 2A) would allow for 34,192 square feet of GRFA. 24,590 square feet of GRFA are proposed.

It should be noted that an agreement with Lazier limits GRFA on Lot A2 to what is allowable based on the area of just Lot A2 (exclusive of Lot K). Lot A2 is .238 acres or 10,367 square feet and allow for 25,917 square feet of GRFA. The 24,590 square feet of proposed GRFA is 1,327 square feet less than what is permitted by the site area of Lot 2A.

Density

LHMU1 allows 35 dwelling units per acre. The .314 acre site allows for 10.99 dwelling units. Nine dwelling units are proposed.

Building Height

Maximum allowable absolute height is 82.5' and maximum average height is 71'. The proposed building has an absolute maximum height of 81.0 and average height of 70.8'.

Setbacks

Setbacks in LHMU1 are 10' on all sides. Proposed setbacks are:

- Front (along East Lionshead Circle) – 10'
- Side – 10' on north, 29' on south
- Rear – 0' (this variance is discussed above and in Chapter 4-Conformance with Applicable Review Criteria)

Site Coverage

LHMU1 allows for 70% site coverage, or 10,941 square feet. Proposed site coverage is 8,020 square feet, or 58.6%

Landscaping

LHMU1 requires 20% of a site to be landscaped, or 2,735 square feet. Proposed landscape area is 2,760 square feet. Note that this landscape area is softscape area only, it does not reflect any decorative hardscape areas (of which up to 20% of the landscape requirement can be).

Parking and Loading

52 spaces currently existing on the site and the proposed development requires 17 new spaces, for a total requirement of 69 spaces. A minimum of 71 on-site spaces will be provided. While plans indicate 93 spaces, it is assumed that as design progresses structural, mechanical and other considerations will reduce the number of spaces that can be achieved. At a minimum 71 on-site spaces will be provided.

There is no commercial development in the project and as such loading needs will be very minimal, limited to move in/move out of the residential units. The loading facility at the Arrabelle was over-sized to provide loading for adjacent properties. If needed, the Arrabelle facility could be utilized.

Diagrams depicting building height, site coverage, setbacks and landscaping are found in the project plan set that has been provided under separate cover.

Employee Housing

Section 12-24-2 Employee Housing Requirements establishes a mitigation rate of 10% of the total new GRFA proposed by a project. 25,917 square feet of GRFA are proposed, resulting in an inclusionary employee housing requirement of 2,459 square feet. The code requires that a minimum of 50% of this requirement be provided on-site.

Employee Housing Mitigation Plan

Three on-site EHU's totaling 2,984 square feet are proposed. This mitigation will provide 100% of required housing on-site and will exceed code requirements by 525 square feet.

Parking – Pay in Lieu Parking Map

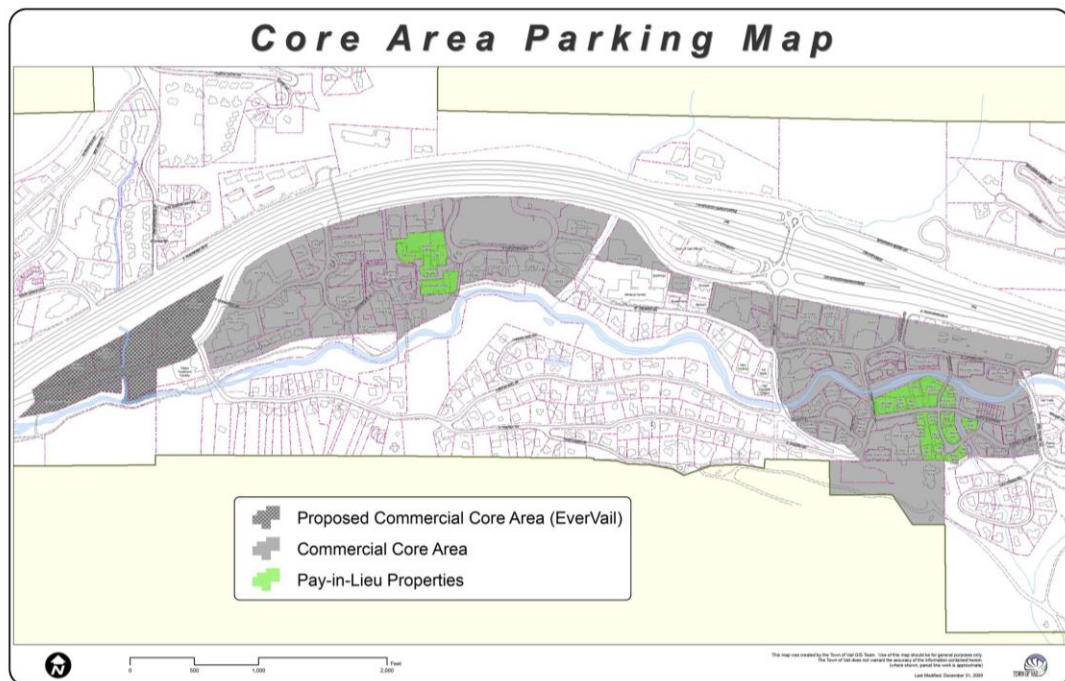
The purpose of this provision in the parking section of the zoning code is for properties that do not have access to a public street or are located where the Town does not want to generate vehicular traffic to pay into a fund for any new parking demand in lieu of providing parking on-site. For unknown reasons, the parcels on which the parking structure is located are included on the Pay in Lieu Parking Map, meaning that by code on-site parking is technically not permitted. For the following reasons, it is assumed that this mapping was done in error:

- The subject properties have legal access to East Lionshead Circle,
- Vehicle access to the site does not directly interfere with established pedestrian corridors,
- Parking was in place on the subject parcels when the map was prepared, and
- The Lionshead Redevelopment Master Plan suggests that with the redevelopment of the subject properties that on-site parking be retained, and a ground rule of the master planning process was that there be no net loss of existing parking in Lionshead.
- Zoning requires that the amount of existing parking not be reduced

The proposed amendment would remove the subject properties from the Parking Pay in Lieu Parking Map and would allow the properties to provide parking on-site. The properties proposed to be removed are depicted on the map below and are the same parcels addressed by the proposed Minor Subdivision.



Amendment to Parking Pay in Lieu Zones



Existing Pay in Lieu Parking Zones

CONFORMANCE WITH APPLICABLE REVIEW CRITERIA

Below is a summary of how the proposed project conforms to applicable review criteria for each of the four development applications.

EXTERIOR ALTERATION

It shall be the burden of the applicant to prove by a preponderance of the evidence before the planning and environmental commission and the design review board that the proposed exterior alteration or new development is:

1. In compliance with the purposes of the Lionshead mixed use 1 district,
Response

The purpose of the LHMU1 district is:

The Lionshead mixed use 1 district is intended to provide sites for a mixture of multiple-family dwellings, lodges, hotels, fractional fee clubs, timeshares, lodge dwelling units, restaurants, offices, skier services, and commercial establishments in a clustered, unified development. Lionshead mixed use 1 district, in accordance with the Lionshead redevelopment master plan, is intended to ensure adequate light, air, open space and other amenities appropriate to the permitted types of buildings and uses and to maintain the desirable qualities of the zone district by establishing appropriate site development standards. This zone district is meant to encourage and provide incentives for redevelopment in accordance with the Lionshead redevelopment master plan.

The proposed project is the initial phase of redevelopment of a distressed property that is identified by the Lionshead Redevelopment Master Plan (the Plan) as a priority for redevelopment. The project is very much consistent with the purpose of the LHMU1 zone district.

2. That the proposal is consistent with applicable elements of the Lionshead Redevelopment Master Plan, and

The Lionshead Redevelopment Master Plan (LRMP) is an extensive and detailed planning document. Below are highlights of how the proposed project is consistent with main elements of the Plan from Chapter 2 – Policy Objectives, Chapter 4 – Overall Study Area Recommendations, Chapter 5 – Detailed Plan Recommendations and Chapter 6 – Site Design Guidelines.

Chapter 2 – Policy Objectives

Of the six broad policy objectives outlined in the Plan, three are applicable to this project:

2.3.1 Renewal and Redevelopment

The project will replace a dilapidated above grade parking structure with below grade parking and a new residential building.

2.3.4 Improved Access and Circulation

An outcome of this project is the removal of a vehicular access point on East Lionshead Circle and significant site/aesthetic enhancement to the east/west pedestrian corridor south of the proposed building.

2.3.5 Improved Infrastructure

The project will restore parking that had been provided in the two-level parking structure.

Chapter 4 – Overall Study Area Recommendations

This chapter of the LRMP addresses broad level considerations that affect Lionshead as a whole. Examples of these include view corridors, Lionshead’s main “hubs”, connection with Gore Creek and the natural environment, connection with Vail Village, public transportation and other considerations. Most of these considerations are not directly relevant to the proposed development. This is likely due to two factors – the limited scope of the proposed redevelopment and the fact that the project is located outside of the Lionshead core area and major pedestrian streets.

One relevant consideration is with respect to how the LHMP addresses the goal for “live beds”. Consistent with the LRMP and as described on page 8, Elevation will include typical hotel facilities such as a lobby, sitting room and fitness facilities. Project covenants will allow for short-term rentals of condominiums and an office with staff to assist with rentals is provided in the lobby.

Chapter 5 – Detailed Plan Recommendations

Chapter 5 examines individual parcels and groups of parcels and identifies important functional relationships and objectives to be considered in redevelopments. Specific considerations from the LRMP relevant to this proposal include:

5.7.5 Lions Pride Building and Parking Deck

The Lions Pride building and the parking deck across the alley are not in primary locations in the retail core but, because they are in very questionable condition (both visually and physically), their redevelopment and compliance with the Master plan should be considered a priority. An opportunity exists to convert the existing alleyway into a true arrival point for these properties and an enhanced pedestrian walkway. The existing parking must be

replaced, most likely underneath a new structure, and could be accessed directly from East Lionshead Circle or from the alley.

The proposed project addresses this objective. Landscaping and decorative pavers are proposed to create a more pleasing pedestrian walkway while also providing for vehicular use.

The LRM specifically identifies this property as not being an appropriate site for retail, nor for a gateway, portal or other urban design features that may be appropriate elsewhere in Lionshead.

Chapter 6 – Site Design Guidelines

This chapter described detailed design elements will lend character and quality to the overall fabric of public spaces and to the desired hierarchy of pedestrian spaces.

The proposed project is not located within the Primary Pedestrian Mall nor the Secondary Pedestrian Mall area. There are no Primary Pedestrian Streets adjacent to the site. As such, many elements of this chapter are not applicable to this site. The existing alley on the south side of the project is a Primary Pedestrian Walk. This corridor will include a decorative walking surface to define pedestrian flow. The height of some landscape walls will allow for seating. As suggested by the LRMP, trash and recycling facilities are located within the building.

Chapter 8 – Architectural Design Guidelines

The LRMP includes an extensive number of architectural guidelines to be addressed in the design of any new project in Lionshead. These guidelines include very general, subjective comments such as “the image for Lionshead should move towards the future – using historical alpine references and Vail Village as antecedents” or “the middle of buildings within Lionshead shall read as “quiet” masses”. The guidelines also include more specific, quantified guidelines such as prescribed stepbacks in wall planes and the dimension of roof overhangs.

Since the LRMP was adopted a handful of new projects have been constructed, among them are the Arrabelle, the Ritz Residences, the Visitor Center and the Lion. These four examples each express their own unique architectural style. While they may vary in their expression, each are in common with respect to how they respond the specific elements of the LRMP architectural guidelines. Below highlight key features of how Elevation responds to some of the major elements of the architectural guidelines:

Building Massing and Form

The building has a prominent and solid “base” defined by the use of stone, columns and building off-sets. The middle portion of the building utilizes two primary materials and is “quiet”. Structural expression at roof eaves anchors the roof to the building. On the north and south elevations dormers extend to the face of the wall below and in doing so integrate the roof with the wall plane.

Wall surface criteria

Wall plans are broken up with use of building stepbacks, changes of materials, secondary roof overhangs and balconies.

Wall materials and colors

Wall materials “play off of” the neighboring Visitor Center and are organized to define the base and middle of the building.

Balconies

Balconies express structure that integrate them to the building. Balconies are designed in response to adjacent wall planes and building materials.

Windows and Doors

Windows are recessed in stone walls and headers are used at appropriate locations. Doors for pedestrian entries utilize wood frames and are high quality and “heavy”.

Detailing

Examples of detail include recessed windows in stone walls, steel c-channel window headers, timber/steel support elements at balconies and secondary roof features, corten as secondary wall material, turnbuckle roof features and ornamental lighting.

- 3. That the proposal does not otherwise have a significant negative effect on the character of the neighborhood, and that the proposal substantially complies with other applicable elements of the Vail comprehensive plan.**

Response

Neighborhood character in terms of the built environment is established by the development standards prescribed by the LHMU1 zone district. These standards were created to implement the goals of the Lionshead Redevelopment Master Plan. The project has been designed to conform to these standards and as such the project will be consistent with the character of the neighborhood. The proposed project will not have significant negative effects on the character of the neighborhood.

The Exterior Alteration review process also obligates projects to address the Mitigation of Development Impacts. Section 12-7H-18 states:

Property owners/developers shall also be responsible for mitigating direct impacts of their development on public infrastructure and in all cases, mitigation shall bear a reasonable relation to the development impacts. Impacts may be determined based on reports prepared by qualified consultants. The extent of mitigation and public amenity improvements shall be balanced with the goals of redevelopment and will be determined by the planning and environmental commission in review of development projects and conditional use permits. Mitigation of impacts may include, but is not limited to, the following: employee housing per the town's current employee housing policy, roadway improvements, pedestrian walkway improvements, streetscape improvements, stream tract/bank improvements, public art improvements, and similar improvements. The intent of this section is to only require mitigation for large scale redevelopment/development projects which produce substantial off-site impacts.

Elevation includes the following improvements to mitigate the impact of the proposed development:

Employee Housing

The square footage of proposed on-site employee housing exceeds the town's codified EHU requirement by 525 square feet. The three proposed EHU's include 2,984 square feet, 21.3% more than what is required by code.

Pedestrian Walkway Improvements

The existing sidewalk along East Lionshead Circle will be replaced with a new, heated walkway, greatly enhancing the pedestrian experience in this area.

Streetscape Improvements

The existing alley that provides site access to Elevation and surrounding properties will be heated and incorporate a paver sidewalk to accommodate pedestrian traffic within this shared vehicle/pedestrian corridor.

The improvements above will more than offset the impacts of this modest development proposal.

MINOR SUBDIVISION

The following are review criteria for a minor subdivision, as outlined in Section 13-3-4, Commission Review of Application; Criteria and Necessary Findings, Vail Town Code:

- 1. The extent to which the proposed subdivision is consistent with all the applicable elements of the adopted goals, objectives and policies outlined in the Vail comprehensive plan and is compatible with the development objectives of the town; and**

Response

The proposed subdivision is consistent with applicable elements of the adopted goals, objectives, and policies outlined in the Vail Comprehensive Plan and is compatible with the development objectives of the town. By way of example, Goal 1.3 of the Vail Land Use Plan states "the quality of development should be maintained and upgraded whenever possible." If approved, the proposed subdivision will facilitate the upgrading and redevelopment of this property.

- 2. The extent to which the proposed subdivision complies with all of the standards of this title, as well as, but not limited to, title 12, "Zoning Regulations," of this code, and other pertinent regulations that the planning and environmental commission deems applicable; and**

Response

The proposed subdivision is in compliance with the standards of Title 12, Zoning Regulations, Vail Town Code, and Title 13, Subdivision Regulations, Vail Town Code. Lots 1A and 2A are both consistent with minimum lot size as prescribed by the LHMU zone district. Track K, the common access parcel is necessary to provide access to East Lionshead Circle. Tracts L and M are platted as tracts.

- 3. The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and**

Response

These parcels were established by legal descriptions and deed and have been in existence for many decades. This subdivision will formalize the status of these parcels and in doing so the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives. The proposed subdivision will not negatively impact the existing relationship among surrounding land uses.

- 5. The extent of the effects on the future development of the surrounding area; and**

Response

Formalizing the subdivision of these parcels that have been in place for many decades will have no effect on the future development of the surrounding area.

- 6. The extent to which the proposed subdivision is located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development; and**

Response

The proposed subdivision will not cause any inefficiency in the delivery of public services and will not require duplication or premature extension of public services and will not result in a leapfrog development pattern because the applicant is proposing a subdivision of existing platted lots already served by public facilities.

- 7. The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines; and**

Response

The proposed subdivision is currently served by appropriately sized utility lines, resulting in no future land disruptions to upgrade undersized lines.

- 7. The extent to which the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole; and**

Response

The proposed subdivision formalizes previous divisions of land and in doing so will provide for the growth of an orderly viable community and serves the best interests of the community as a whole.

- 8. The extent to which the proposed subdivision results in adverse or beneficial impacts on the natural environment, including, but not limited to, water quality, air quality, noise, vegetation, riparian corridors, hillsides and other desirable natural features; and**

Response

The subject property is currently developed with parking facilities. The proposed subdivision will not result in any adverse impacts on the natural environment, including, but not limited to, water quality, air quality, noise, vegetation, riparian corridors, hillsides and other desirable natural features.

- 9. Such other factors and criteria as the commission and/or council deem applicable to the proposed subdivision.**

Response

n/a

VARIANCE

The purpose and need for the rear setback variance is described in detail on page 7 above. Below is response to findings that must be made with respect to this request.

Factors Enumerated: Before acting on a variance application, the planning and environmental commission shall consider the following factors with respect to the requested variance:

1. The relationship of the requested variance to other existing or potential uses and structures in the vicinity.

Response

The level of the building proposed to be within the rear setback is below grade on the east and north sides, and above grade on the west and south. Upon completion of the adjoining Lazier project the only exposed portion of building within the setback area will be on the south and as viewed from the north the building within the setback will not be discernible. As such, the setback encroachment presents no adverse impacts on other existing or potential uses and structures in the vicinity. To the contrary, the proposed 0' will allow for a unified plaza design between Elevation and the adjoining Lazier project is developed.

2. The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of this title without grant of special privilege.

Response

Design of the BMLLC and Lazier projects will create an outdoor plaza space to be created between the two buildings. The 0' setback proposed for the parking level below the outdoor space will allow for the integrated design of this space. The Lazier project will propose the same 0' setback. Literal enforcement of the 10' setback would result in 20' of basically unusable space between the two projects and would prevent the creation of this outdoor space.

While located on two separate parcels that are under separate ownership, the development of Elevation and the future Lazier project essentially represents the phased development of a unified and coordinated project (unified and coordinated via the shared access way, coordination on finished floor elevations, and by the outdoor plaza space between the two buildings). For all intents and purposes, upon project completion the common property line between these two parcels will be indiscernible. Due to current ownership the common property line cannot be eliminated, however, the property line and setback requirements prevent a design solution that would benefit site design and the immediate neighborhood (and would be possible were it not for the existing property line). Variation to the setback requirement is warranted to implement this design solution and in doing so would achieve compatibility and uniformity of treatment amount sites in the vicinity and would attain the objectives of this title without a grant of special privilege.

3. The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities, and public safety.

Response

The proposed setback will have no adverse effect on the considerations listed above.

4. Such other factors and criteria as the commission deems applicable to the proposed variance.

Response

Town development standards in Vail Village and Lionshead allow for and at times encourage 0' setback conditions when the result will allow for a design that provides appropriate and desirable design solutions. The basis for this is that adherence to property line setbacks does not always result in the best design solution and that within reason, quality design that benefits the greater area should take precedent over arbitrary setback standards. The proposed 0' setback will allow for a unified design solution between the BMLLC and Lazier properties and is consistent with other examples where the Town has encouraged 0' setbacks.

CODE AMENDMEN/PAY IN LIEU PARKING ZONE

The purpose and need for the amendment to the pay in lieu parking map is described in detail on pages 7 and 8 above. Below is response to criteria to be considered with respect to this request.

1. *The extent to which the text amendment furthers the general and specific purposes of the zoning regulations;*

Response

The proposed amendment will simply remove four parcels from the Parking – Pay in Lieu Map. Currently the inclusion of these properties on pay in lieu map prevents the redevelopment and replacement of the existing parking structure. This is not consistent with the purposes of the pay in lieu provision of the zoning code. Nor is it consistent with the Town's development objectives. It is assumed that the map was done in error for the following reasons:

- The subject properties have legal access to East Lionshead Circle,
- Vehicle access to the site does not directly interfere with established pedestrian corridors,
- Parking was in place on the subject parcels when the map was prepared,
- The Lionshead Redevelopment Master Plan suggests that with the redevelopment of the subject properties that on-site parking be retained, and a ground rule of the master planning process was that there be no net loss of existing parking in Lionshead. Further, the master plan specifically encourages the redevelopment of this site and states that the "parking must be replaced".

- Section 12-10-3 of the zoning code stipulates that the amount of existing/required parking not be reduced.

This amendment will allow for the development of Elevation consistent with the master plan and zoning requirements.

2. *The extent to which the text amendment would better implement and better achieve the applicable elements of the adopted goals, objectives, and policies outlined in the Vail comprehensive plan and is compatible with the development objectives of the town;*

Response

On-site parking is appropriate on the subject properties. The existing parking structure is unsightly, and the Lionshead Redevelopment Master Plan identifies this property for redevelopment. This amendment will allow for the inclusion of parking as a part of the redevelopment of these parcels.

3. *The extent to which the text amendment demonstrates how conditions have substantially changed since the adoption of the subject regulation and how the existing regulation is no longer appropriate or is inapplicable;*

Response

The Parking Pay in Lieu Map is an appropriate regulation, however the inclusion of these properties on the map is not appropriate.

4. *The extent to which the text amendment provides a harmonious, convenient, workable relationship among land use regulations consistent with municipal development objectives; and*

Response

Removing the subject properties from the map is necessary in order for parking to be main on the site. Removing the subject properties from the map will provide a harmonious, convenient and workable relationship among land use regulations that will be consistent with the town's development objectives.

5. *Such other factors and criteria the planning and environmental commission and/or council deem applicable to the proposed text amendment.*

Response

N/A