

February 5, 2019

VIA ELECTRONIC EMAIL

Mr. Jonathan Spence, Planner
Town of Vail Community Development Department
75 South Frontage Road, West
Vail, CO 81657

In re: Appeal of DRB17-0390 Decision to Approve Application

To Whom It May Concern,

This appeal originates from the January 16, 2019 DRB approval regarding application DRB17-0390 by Gattopardo Bianco for Unit 15 in 100 East Meadow Drive. We have previously brought forward our objections to the proposed project that have, unfortunately, gone unaddressed by either the PEC or the DRB, and we wish to now appeal the decision of the DRB so that our concerns on the matter are heard. Specifically, we have five arguments for appeal, as follows:

1. Failure to review comments prior to vote. As was admitted on camera by the DRB, members of the committee had not read our comments prior to voting. We find this somewhat incredulous, as the comments were submitted in advance of the meeting scheduled two weeks earlier on January 2. Thus, the comments were in the possession of the DRB long before the vote on the 16th. We believe it is appropriate for committees considering matters before it to hear and weigh issues that are voiced. We have been advised by Jonathan Spence, the planner, that several of our concerns are “operational” and are, therefore, not appropriate to be considered by the DRB (or PEC). While we disagree, no discussion of those issues has been proposed. We believe that physical alterations to buildings can have significant impacts on the adjacent properties and surrounding community and should be carefully reviewed and considered.

2. Pedestrian access is further choked, not widened, at this already narrow point. It was our understanding that the application before the DRB was limited to considering whether the Town would lease/license community property to the owner of Unit 15 in order to construct an elevated, outdoor dining deck or patio. The application for this elevated deck proposed would appear to eliminate as much as 16’ of the current sidewalk (some of which is GCE of Phase I and other portions from the Town of Vail). What is of a particular safety concern is the fact that this will remove pedestrian access from an already narrow stretch of East Meadow Drive. Contradictorily, staff’s determination is that it will widen the street (by 3’). Even though the sidewalk (from 6.5’ to 16’) is lost. It makes no sense to remove pedestrian access at a narrow point in order to provide elevated patio seating. East Meadow Drive is already canyon-like and dangerous in this and other stretches (we

are aware of 2015 incident in which an adolescent was struck by a Town of Vail bus in a similarly narrow location along East Meadow Drive). We reiterate that this project is just a few short steps from the Vail Road bus stop on East Meadow Drive, where two very wide, on-coming buses frequently meet. And, along this same stretch of East Meadow Drive, we also regularly observe delivery trucks, personal vehicles and vendor vehicles going through with pedestrians. This includes distracted people talking on their phones, unattended and playing children, individuals in wheelchairs and on crutches, bicyclists, skateboarders and other personal recreational transportation devices. In short, this is a very busy stretch and certainly NOT the place to remove sidewalk access for pedestrian relief.

3. Fundamentally flawed process. When we were initially made aware of this project, it was by the Community Development department. As property owners in an adjacent building, we were advised that this was a “major” amendment to the SDD that governs the Village Inn Plaza Phase I & II building, which Unit 15 is located in. As a result, we understood that there would be public hearings and that we would be able to make our comments and be heard. In subsequent discussions with staff, we then learned that the project had been “parsed” into two smaller applications with one before the PEC and the other before the DRB. We were also then told that this project (with the same scope and scale) was no longer a “major” amendment and now classified, rather, as a “minor” amendment. As such, it could be approved by staff with no public hearings or comments. Putting aside the question of how and why this took place, we entirely object to a “process” that fails to take into account (or avoids even hearing) comments on the impact a proposed project may have on adjacent properties.

While it would appear that the Town principally concerns itself with revenue generation, as this is community property, it makes sense to consider the needs and sensitivities of the community in which it is being proposed. We do not believe that was done in this instance. We are a part of the community, we are in the immediate vicinity and we will be required to bear the burden of the impact of these alterations. Perhaps more so than anyone else. As a result, it is our interests that may be the most impaired. So, in this “process”, who has looked out for them? Who has even cared to inform themselves of and consider them? We are advised that neither the PEC nor the DRB need to. So, it is up to us to advocate for our own interests.

4. Scope and Scale. From what we can see, there will be extensive seating placed outside (from the renderings provided, we count as many as 16 4-tops...seating for 64). Perhaps as much as, or more than, the seating available inside. This will create a new dynamic that needs to be studied, reviewed and evaluated. By the architect's own admission, their design was “aggressive”. So, who evaluates it to determine if it's too aggressive? Was anyone in the adjacent buildings queried?

Noise, odors (cooking & smoke) and altered pedestrian traffic patterns all need to be understood before approvals should be granted. As far as we know, there have been

no such studies completed or submitted, despite our repeated requests. Rather, the PEC and DRB committees have concerned themselves with details such as colors and materials, even discussing the railing type (that they want to see Unit 30, the unit above, which has no pending application we are aware of, match to Unit 15's) instead of the licensing and re-tasking of valuable, rare sidewalk space.

Further, proposed nano doors will now “open up” the interior of the operation to the outside. So all the noise that would now be contained within the unit, will freely come outside. While that’s potentially problematic enough, where will smokers go? Where will their smoke odors travel? Where will cooking odors from a new vent shaft to be located on the Northwest corner of the property go? As mentioned, there is a “canyon-like” environment between our building (Phase V), Phase I, the Sebastian and the Sonnenalp. Also, noise will bounce against our buildings and echo. What plans are there to address these issues? And, might there be UNidentified issues that we have not even thought of, yet?

5. Quality of guest experience. The historical success of Vail has been based on one thing: the experience of guests coming to Vail have to be positive. While it’s important to offer options for dining and entertainment, the failure to balance those with the interests of other guests and residential concerns is potentially harmful. How does Vail balance those interests? And, if a guest’s quiet enjoyment were to be interrupted by a nearby, loud restaurant or late night bar, they would be justifiably upset.

It is for these reasons, that we appeal, seek redress and reconsideration from the DRB’s approval on January 16 of Gattopardo Bianco’s application. We have attached our previous letters for your review, as well.

Sincerely,

Richard Liebhaber
Village Inn Plaza Phase V – Unit 11

John Glenn
Village Inn Plaza Phase V – Unit 12

Konrad Oberlohr
Village Inn Plaza Phase V – Unit 13

Karin Wagner
Village Inn Plaza Phase V – Unit 14

ATTACHMENTS: 10042018 PEC Letter
 12312018 DRB Letter

October 4, 2018

VIA ELECTRONIC MAIL

Mr. Jonathan Spence, Planner
Town of Vail Community Development Department
75 South Frontage Road West
Vail, CO 81657
Tel: (970) 479-2138
Email: jspence@vailgov.com

In re: PEC18-0011 Application to Amend SDD6 @ 100 E Meadow Drive
by Gattopardo Bianco

Dear Mr. Spence,

Thank you for the letter sent on September 20 relating to the above referenced matter. Earlier this year, on April 4, we submitted a letter to you regarding this proposed project. As the matter has again come before the Town's PEC committee for review and approval, we wished to re-affirm our prior comments and submit new ones to you and the Committee for consideration.

We can see that there have been changes made to the current proposal. If we are understanding them correctly, we feel these are, on net, positive, but we do continue to have concerns that we wish to share. While we would suggest that a main entrance might be better located on the Southeastern corner of the establishment, the elimination of an on-grade main entrance at the West side of the property is an improvement.

However, we still have serious concerns about how the proposed alterations may impact the surrounding properties, the quiet enjoyment of their occupants and, potentially, their property values. We are aware of numerous complaints having been made to the VPD about Barrio Social's operations earlier this year relating to late night noise. We have serious concerns that that this nuisance activity will continue unabated. We also observed, on numerous occasions, patrons in the street impeding the bus path on East Meadow Drive in front of Barrio Social, which was unsafe. And, we have health concerns about smoking and nuisance cooking odors that will likely emanate from patrons and the kitchen exhaust.

We also understand that the Town has categorized our concerns as operational and, thus, would not consider them, but we view this application with the PEC, the application pending before the DRB (relating to a concurrently-proposed patio) and

the operations as one. And, when viewed in total, this is a large project, with significant potential to create disruptions and disturbances. We, therefore, don't distinguish between the violations themselves and the approvals that create or exacerbate them. To do so is the equivalent of parsing a project down to thousands of individual applications for single nails or screws and then ignoring the bigger picture. We would think a broader review that encompasses the entire scope of the project to be a more sensible approach.

Accordingly, given these historical violations, potential impacts and articulated concerns, we again request that this project be considered and treated as a major amendment, which solicits public input, further discussion and careful analysis and not as separate applications which can be passed without regard for the overall result. Further, we request that the appropriate parties undertake, produce and share impact studies for consideration regarding pedestrian access, crowding, noise, smoking and cooking odors.

We do plan on appearing at the October 8 hearing and hope we will be given the opportunity to voice our points of view. Thank you for your consideration.

Sincerely,

Richard Liebhaber
Village Inn Plaza Phase V – Unit 11

John Glenn
Village Inn Plaza Phase V – Unit 12

Konrad Oberlohr
Village Inn Plaza Phase V – Unit 13

Karin Wagner
Village Inn Plaza Phase V – Unit 14

December 31, 2018

VIA ELECTRONIC MAIL

Mr. Jonathan Spence, Planner
Town of Vail Community Development Department
75 South Frontage Road West
Vail, CO 81657
Tel: (970) 479-2138
Email: jspence@vailgov.com

In re: DRB17-0390: Gatto Pardo Bianco at 100 East Meadow Drive

Dear Mr. Spence,

We have previously submitted comments in connection with the PEC meeting to amend SDD6 on behalf of this applicant. A copy of those has been attached to accompany this application before the DRB. We also, however, wish to submit our continuing concerns to the DRB as it considers this related application.

Not only do we have concerns about crowds, noises (both external AND internal) and odors that will result, but we also add that this application proposes to further narrow pedestrian access along East Meadow Drive in an already narrow and congested area. As a result, the proposed addition would unnecessarily create health and safety concerns for adjacent properties and pedestrians.

In 2018, during the short operation of a "pop-up" bar, we observed large crowds of Unit 15 patrons in the street obstructing the bus path and flow of traffic. While that ought to be troubling enough, we also observed these patrons talking and yelling loudly and disturbing the peace and quiet enjoyment of the surrounding properties. We are aware that on several occasions, the Vail PD was called to the property to address these complaints.

We also experienced strong smoke odors emanating from these crowds. You may be aware that second-hand smoke is widely considered to be a health risk and contributing factor to cancer and other serious health ailments. Therefore, we would hope the Town would take this as a serious threat to not only our health but also the community's. And, while you have advised us that because you view these as "operational" concerns, and thus told us that they need to be addressed by other enforcement mechanisms, we feel that any physical alterations that might contribute to or exacerbate the problem should be avoided. For example, we believe that if the existing sidewalk is turned into an elevated deck, smokers, who now use the sidewalk area, will migrate around to the open area between our buildings,

putting our health at risk. This will create a nuisance and likely also de-value our properties as a result. And, while we understand that we own properties in a mixed-use environment, we request that the Town and the respective duly-authorized committees charged with reviewing these applications very carefully consider how the changes proposed by this applicant will unduly impact the neighboring properties and community. For example, has anyone studied how cooking odors will migrate if the proposed new chimneys are added?

On-street pedestrian safety also needs to be raised as a concern. Although the proposed new planter is shown to be moved approximately 3' back from the roadside, the plans nevertheless result in a net loss of >3' of pedestrian sidewalk at the narrowest point and eliminate an alternate route around the existing planter. This re-directs pedestrians even closer to traffic, which we believe is not only unnecessary but also less safe and, therefore, unwise. The existing configuration provides a safer passageway for pedestrians, and if we understand the plans correctly, at the Southeastern-most corner of the structure, the alterations will eliminate roughly 16.5' of sidewalk space. As you move West along the property, the existing sidewalk will be reduced by 12.5' at the Western tip of the existing landscaped island. These changes significantly "choke" this already narrow corridor.

Importantly, the proposed alterations are located immediately to the east of the Vail Road bus stop. In this area, the roadway surface varies from 21.5' to 22' wide. There are also 2' gutters lining the road surface. This means that the area is already narrow, and whenever buses navigate along East Meadow Drive, pedestrians can use the existing safe passageway along the side of Unit 15, which would be eliminated by the proposed addition of a patio. Often, two oncoming buses meet at the bus stop or as they arrive or depart. Given their width, there's simply no room to be on the roadway surface.

It is not only Vail's bus transportation system that uses this section of East Meadow Drive, however. There are often pedestrians in wheelchairs or on crutches; distracted walkers, texters and cellphone users; elderly people moving slowly; children darting out into the road; pets doing the same; and bicyclists, skateboarders, segue-riders and many other personal transportation devices coming through this stretch of East Meadow Drive.

On top of this, delivery vehicles are frequently driven through this stretch (and observed regularly parking illegally in order to make deliveries), private vehicles go to and from the Talisman, contractor and other vehicles servicing businesses, and lost or confused drivers sometimes improperly turning onto East Meadow Drive.

And, close proximity to moving vehicles is dangerous. We are aware of the 2013 incident in which a child on a sidewalk was severely injured by a bus on East Meadow Drive in an equally narrow location. That should alone be adequate to serve as a caution to not remove sidewalk area from an already-narrow location at

such a busy, congested stretch of East Meadow Drive. Narrowing it further only presses more pedestrians and vehicles closer together, heightening the potential for more incidents and injuries.

We have made the point that this project ought to be considered a major amendment to the SDD, and we re-assert that belief and urge a process that involves notice and a public hearing. While the original application was split into two smaller applications that went, separately, to the PEC and the DRB, we still believe that this should be viewed as a single project. Accordingly, again, given the scale, scope and potentially damaging impact the overall project has, we respectfully request that the DRB deny or withhold approval of the proposed addition until after first seeking public comment and carefully considering the impact on health and safety of the neighboring properties and pedestrian traffic.

Please provide a copy of this letter and the attachment to the DRB board at your earliest convenience. We hope that we will be given the opportunity to voice our points of view at the January 2 hearing. Thank you for your consideration.

Sincerely,

Richard Liebhaber
Village Inn Plaza Phase V – Unit 11

John Glenn
Village Inn Plaza Phase V – Unit 12

Konrad Oberlohr
Village Inn Plaza Phase V – Unit 13

Karin Wagner
Village Inn Plaza Phase V – Unit 14