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**Memorandum**

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: June 24, 2019

SUBJECT: A request for the review of a Development Plan, pursuant to Section 12-6I-11, Development Plan Required, Vail Town Code, for a new housing development located at 3700 North Frontage Road East/Lot 1, East Vail Workforce Housing Subdivision ("Booth Heights Neighborhood"), and setting forth details in regard thereto. (PEC19-0018)

Applicant: Triumph Development  
Property Owner: Vail Corporation  
Planner: Chris Neubecker

**I. SUMMARY**

Triumph Development has submitted an application for the development of the East Vail "Booth Heights Neighborhood", located at 3700 N. Frontage Road East, near the East Vail I-70 Interchange (Exit 180). The Development Plan proposes the construction of 73 residential units, including 61 units of deed-restricted employee housing units (EHUs), (42 EHUs in 3 multi-family apartment buildings, and 19 EHUs in townhomes), plus 12 unrestricted townhomes.

A separate application for a Conditional Use Permit to allow for 30% of the Gross Residential Floor Area (GRFA) on this site to be constructed as Dwelling Units (not employee housing units) has also been submitted. *(Please see the staff memo on PEC19-0019 for more information.)*

This 5.4 acre parcel of land is located within the Housing (H) zone district. Within the Housing (H) zone district, development standards including Lot Area and Site Dimensions, Building Height, and Density Control (including Gross Residential Floor Area) are determined by the Planning and Environmental Commission as part of their review of the Development Plan.

**II. DESCRIPTION OF REQUEST**

The applicant, Triumph Development, proposes to develop the Booth Heights Neighborhood, located at 3700 N. Frontage Road East, near the East Vail I-70

Interchange (Exit 180). The Development Plan proposes the construction of 73 residential units, including 61 employee housing units (EHUs):

- 42 multi-family deed-restricted employee housing units (EHUs)
- 19 deed-restricted employee housing unit townhomes (EHUs)
- 12 unrestricted townhomes

Triumph Development is currently under contract to purchase the property from the Vail Corporation. Upon sale of the property, Triumph will develop the site and lease the 3 multi-family buildings (42 units) to Vail Resorts for their employees. The remainder of the site will be full ownership, for sale townhomes.

A Development Plan approval is required, pursuant to Section 12-6I-11, Development Plan Required, Vail Town Code, to guide and direct development within the Housing (H) district. Once adopted, an approved Development Plan, along with any applicable land use regulations contained in the Town's Zoning Regulations, becomes the principal governing document for land use and dimensional requirements and limitations on the property. The Development Plan shall remain in effect for the life of the development, and may be amended from time to time, as deemed appropriate, as part of an established development review process.

The Housing (H) zone districts allows up to 30% of the GRFA of the development to be constructed as Dwelling Units (not employee housing units) to help finance the development of employee housing on the property. The applicant has proposed to construct 12 unrestricted townhomes to help subsidize the creation of the 61 employee housing units.

### Multi-Family Building

Multi-family EHUs are proposed to be 2 bedrooms each, with 830 square feet of floor area. Multi-family buildings include:

- 42 two-bedroom units, each with its own kitchen, living area and bathroom
- In-building laundry facilities
- A common gathering room
- Ground floor enclosed storage space
- Dark-sky outdoor lighting fixtures
- Surface parking (45 spaces)
- Fiber-cement siding and stucco
- 30-year asphalt shingle roofing

### Townhomes

New townhomes proposed range in size from approximately 1,300 square feet for the two-bedroom townhomes (10 units), to 2,170 square feet for the largest three-bedroom (21 units) townhomes.

- Deed-restricted (EHUs) townhomes include (10) 2-bedroom units, and (9) 3-bedroom units.
- The unrestricted townhomes include 12 3-bedroom units.

The new townhomes include:

- Off street parking with all townhomes having a one-car garage;
  - 28 townhomes: 2 parking spaces in front of the garage (3 spaces total)
  - 3 townhomes: 1 parking space in front of the garage (2 spaces total)
- Mountain-modern architecture with a combination of cedar siding and fiber cement siding (both horizontal lap and vertical board and batten), and stucco.
- Private outdoor space at the rear of units
- No decks facing the adjacent USFA land
- 30-year asphalt shingle roofing

Common area features of the neighborhood include:

- Shared outdoor common area, including picnic tables, gas grills, a gas fire pit and a ½ court basketball area
- Pedestrian access to the free bus route, including one existing bus stop, and one new bus stop and shelter

Along with the proposed development, the applicant is proposing a Wildlife Mitigation Plan, and has submitted an Environmental Impact Report (EIR). The property is also located within a High Severity Rockfall hazard zone, and a Rockfall berm is proposed to be constructed to mitigate the rockfall risks.

Key elements of the proposed Wildlife Mitigation Plan, as recommended by the applicant's wildlife biologist, include:

- Construction phasing to avoid the most disruptive construction outdoors during winter range period (November 15 – April 15).
- Clustering of the development to reduce the footprint of the buildings and surface parking
- No sizeable internal parks to minimize development footprint
- Wildlife habitat enhancement on the 17.9 acre Tract A, Natural Area Preservation parcel
- Construction of a wildlife fence north of the proposed rockfall berm to prevent wildlife entering the site, but also providing wildlife escape ramps. The fence will also act as a barrier to discourage humans from accessing the wildlife habitat
- Prohibition on construction of trails
- Prohibition on dogs in the multi-family building, and requiring small enclosed fenced areas for townhome owners with dogs
- Prohibition on operation of drones
- Resident education on the wildlife in the vicinity, and best management practices to reduce impacts to wildlife
- Penalties for non-compliance with neighborhood covenant restrictions

### **III. REVIEW SCHEDULE**

The review of the Booth Heights Neighborhood Development Plan is anticipated to take several meetings with the Planning and Environmental Commission (PEC). In anticipation of this thorough review, staff and the applicant have proposed the following review schedule with the PEC:

#### **Meeting #1 – June 24, 2019**

- Site Visit
- Timeline / Review Schedule
- General Introduction and the Development Review Process
- Site Plan and Architecture
- Overview of Development Standards
- Parking, Transportation and Circulation
- Conditional Use Permit for Market Rate Units

#### **Meeting #2 – July 8, 2019**

- Environmental Impact Report
- Wildlife Mitigation
- Rockfall Mitigation
- Landscaping

#### **Meeting #3 – Date TDB**

- Plan revisions since meeting #2
- Subdivision Plan
- Phasing Plan
- Implementation of Developer Commitments

### **IV. BACKGROUND**

- On November 5, 1974 the subject property was annexed into the Town of Vail, via Ordinance No. 20, Series of 1974. This annexation included most of east Vail, and the Katsos Ranch area.
- On December 2, 1974, the western and southern portion of the 23.3 acre property (including the adjacent 17.915 acre Tract A) was zoned as Two-Family Residential (R) District, via Ordinance No. 26, Series of 1974.
- In 1976, the Town of Vail created a map called “Current Conditions – A Component of the Comprehensive Plan / An Inventory of Comprehensive Planning Decisions from 1968-1976”, which indicated that the entire property was zoned Two-Family Residential (R).

- The 1981 Official Zoning Map shows the property zoned Two-Family Residential (R) District.
- On March 1, 1994, the Town of Vail adopted the 1994 Comprehensive Open Lands Plan, via Resolution No. 6, Series of 1994. The Open Lands Plan identified this site as Parcel 36, and mistakenly indicated that the parcel was owned by the Colorado Department of Transportation (CDOT). The Plan recommended that the Town of Vail acquire Parcel 35 (an adjacent parcel owned by the U.S. Forest Service) in order to trade Parcel 35 to CDOT in exchange for Parcel 36.
- On February 26, 2001, the Town Council adopted the Official Land Use Map, a component of the Town of Vail Land Use Plan, via Resolution 1, Series of 2001. The Land Use Map identified this parcel of land for open space use. This designation may have been assigned because the parcel of land was believed at the time to be owned by CDOT, and was not known to be privately owned.
- In 2016, as part of the update to the Comprehensive Open Lands Plan, the Town of Vail identified this parcel as likely being owned by Vail Resorts (Vail Corporation), but needing ownership confirmation. A title report has confirmed that the property is owned by the Vail Corporation. The 2018 update to the Open Lands Plan states:

*Action Item #23*

*Purpose - Protect environmentally sensitive land from development and or mitigate development impacts on environmentally sensitive land.*

*Action – Acquire parcel if not developed by the land owner. If a development application is submitted and approved, work with the land owner to establish a conservation easement on the approximate 17 acres of Natural Area Preservation property, and further mitigate for wildlife and other environmentally sensitive issues on the approximate 5 acres of developable property.*

*Other Information – If the land owner were to decide not to develop this land at their sole discretion, the Town should take steps to acquire the property or work with the land owner to protect the land from development. This approximately 23 acre parcel is within bighorn sheep range and should be evaluated for habitat and rockfall hazards. The parcel had been incorrectly identified as unplatted open space in the 1994 Open Lands Plan. During the process of updating this plan, the land owner was confirmed, and applied for and received approval for subdivision and rezoning of the parcel to approximately 17 acres Natural Area Preservation and approximately 5 acres Housing.*

*'94 Action Plan – This parcel was Action Item #2 from the '94 Plan.*

- On September 11, 2017 the Planning and Environmental Commission held a public hearing on an application to rezone this property from Two-Family Residential (R) to Housing (H), and voted 6-0 to recommend approval to the Vail Town Council for this zone district boundary amendment.
- On October 3, 2017 the Vail Town Council adopted Ordinance 13, Series of 2017, which formally rezoned this property from Two-Family Residential (H) to Housing (H) zone.

## **V. ROLES OF REVIEWING BODIES:**

**PEC:** The Planning and Environmental Commission (PEC) is responsible for the review of a Development Plan pursuant to Section 12-6-11, Development Plan Required, Vail Town Code. The PEC is also responsible for the review of the proposed Conditional Use (Dwelling Units, not Employee Housing Units) in the Housing (H) zone district. The PEC may approve the application as submitted, approve the application with conditions or modifications, or deny the application.

**DRB:** The Development Plan and any subsequent amendments thereto shall require the approval of the Design Review Board (DRB) in accordance with the applicable provisions of Chapter 11, Vail Town Code, prior to the commencement of site preparation. DRB has no review authority over a Conditional Use Permit.

**Town Council:** The Town Council has no responsibility for the review or approval of a Development Plan or Conditional Use Permit, unless such application is appealed or called up by the Town Council. If the application is not appealed or called up, the decision of the PEC, or the DRB, will stand.

**Staff:** Town staff facilitates the application review process. Staff reviews the submitted application materials for completeness and general compliance with the appropriate requirements of the Town Code. Staff also provides the PEC a memorandum containing a description and background of the application, an evaluation of the application in regard to the criteria and findings outlined by the Vail Town Code, and a recommendation of approval, approval with modifications, or denial.

## **VI. APPLICABLE PLANNING DOCUMENTS**

*Vail 20/20 Focus on the Future – Strategic Action Plan (in part)* - The Vail 20/20 Strategic Action Plan is a visioning document that begins with a set of values that outline what is truly important to the community. The plan outlines goals for land use

and development, parks and recreation, environment, housing, transportation, economy, community and public safety topics, including specific vision statements, long-term goals, and actions and strategies to achieve those goals.

## *LAND USE AND DEVELOPMENT*

*Goal #2: Land Use and development decisions will address environmental sustainability as a priority of the community.*

- *Educate developers and applicants on how to incorporate environmental sustainability into projects.*
- *Promote alternative transportation through planning efforts that will reduce Vail's carbon impact.*

*Goal #4: Provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.*

- *Address the zoning regulations to provide more incentives for developers to build employee housing units.*
- *Use employee housing fund for buy-downs and other programs that will increase the number of employees living within the town.*

## *ENVIRONMENTAL SUSTAINABILITY*

*Goal #2: Energy Management in Buildings and Transportation: Reduce the town's 2007 baseline green house gas emissions.*

- *Support employee housing initiatives in order to reduce trips into Vail.*

## *HOUSING*

*Goal: The Town of Vail recognizes the need for housing as infrastructure that promotes community, reduces transit needs and keeps more employees living in the town, and will provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.*

- *Conduct inventory of all sites with development potential and pursue opportunities for acquiring undeveloped or underdeveloped properties.*
- *Update the Vail Land Use Plan and identify more areas for employee housing.*

- *Research parking requirements for employee housing and consider reducing requirements for employee housing developments.*
- *Expand the number of employee beds in the Town of Vail*

## **ECONOMY**

*Goal #3: Maintain a town-wide workforce in which at least 30 percent of people who work in Vail also live in Vail.*

- *Support the local economy by working with the business community to address future workforce housing needs as they relate to business in Vail.*

*Vail Land Use Plan (in part)* – The Land Use Plan is not intended to be regulatory in nature but is intended to provide a general framework to guide decision making. One specific measure used to implement the recommendations of the Land Use Plan includes amendments to the Official Zoning Map. Other measures include changes to ordinances and regulations or policies adopted by the Town.

## ***Chapter II - Land Use Plan Goals / Policies (in part)***

### **1. General Growth/Development**

*1.1 Vail should continue to grow in a controlled environment, maintaining a balance between residential, commercial and recreational uses to serve both the visitor and the permanent resident.*

*1.3 The quality of development should be maintained and upgraded whenever possible.*

*1.6 Development proposals on the hillsides should be evaluated on a case by case basis. Limited development may be permitted for some low intensity uses in areas that are not highly visible from the Valley floor. New projects should be carefully controlled and developed with sensitivity to the environment.*

*1.7. New subdivisions should not be permitted in high geologic hazard areas.*

*1.12 Vail should accommodate most of the additional growth in existing developed areas (infill areas).*

### **5. Residential**

*5.1. Additional residential growth should continue to occur primarily in existing, platted areas and as appropriate in new areas where high hazards do not exist.*



5.3. *Affordable employee housing should be made available through private efforts, assisted by limited incentives, provided by the Town of Vail, with appropriate restrictions.*

5.4. *Residential growth should keep pace with the market place demands for a full range of housing types.*

5.5. *The existing employee housing base should be preserved and upgraded. Additional employee housing needs should be accommodated at varied sites throughout the community.*

*Vail Housing 2027: "A Strategic Plan for Maintaining and Sustaining Community through to the Creation and Support of Resident Housing in Vail"*

**Mission**

*Maintaining and Sustaining Community*

*"We create, provide, and retain high quality, affordable, and diverse housing opportunities for Vail residents to support a sustainable year round economy and build a vibrant, inclusive and resilient community. We do this through acquiring deed restrictions on homes so that our residents have a place to live in Vail."*

**Policy Statement**

*Resident Housing as Infrastructure*

*"We acknowledge that the acquisition of deed restrictions on homes for Vail residents is critical to maintaining community. Therefore, we ensure an adequate supply and availability of homes for residents and recognize housing as infrastructure in the Town of Vail; a community support system not unlike roads, bridges, water and sewer systems, fire, police, and other services of the municipal government."*

**Ten Year Goal**

*"The Town of Vail will acquire 1,000 additional resident housing unit deed restrictions by the year 2027."*

*2009 Environmental Sustainability Strategic Plan* – The purpose of this plan is to define a strategy that consists of measurable goals, objectives, and actions that will help the Town coordinate efforts to achieve the environmental vision of the community.

*Goal #3: Ensure that the natural environment, specifically air and water quality, water quantity, land use and habitat are maintained to current or improved levels of biological health.*

*Goal #6 – Transportation – Reduce the environmental impact of transportation by supporting efforts within the Eagle Valley to decrease total Vehicle Miles Traveled (VMT) by commuters and guests by 20% by 2020.*

*Vail Transportation Master Plan 2009*

*Shoulder widening along existing/future 2-lane sections of Frontage Road should occur to bring the Frontage Road up to current CDOT safety standards and provide for a shared bicycle lane.*

*Open Lands Plan Update 2018*

*Action Item #23*

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*Other Information – If the land owner were to decide not to develop this land at their sole discretion, the Town should take steps to acquire the property or work with the land owner to protect the land from development. This approximately 23 acre parcel is within bighorn sheep range and should be evaluated for habitat and rockfall hazards. The parcel had been incorrectly identified as unplatted open space in the 1994 Open Lands Plan. During the process of updating this plan, the land owner was confirmed, and applied for and received approval for subdivision and rezoning of the parcel to approximately 17 acres Natural Area Preservation and approximately 5 acres Housing.*

*'94 Action Plan – This parcel was Action Item #2 from the '94 Plan.*

*Title 12, Zoning Regulations, Vail Town Code (in part)*

**12-6I-1: PURPOSE:**

*The housing district is intended to provide adequate sites for employee housing which, because of the nature and characteristics of employee housing, cannot be adequately regulated by the development standards prescribed for other residential zone districts. It is necessary in this zone district to provide development standards specifically prescribed for each development proposal or*

*project to achieve the purposes prescribed in section 12-1-2 of this title and to provide for the public welfare. Certain nonresidential uses are allowed as conditional uses, which are intended to be incidental and secondary to the residential uses of the district. The housing district is intended to ensure that employee housing permitted in the zone district is appropriately located and designed to meet the needs of residents of Vail, to harmonize with surrounding uses, and to ensure adequate light, air, open spaces, and other amenities appropriate to the allowed types of uses. (Ord. 29(2005) § 23: Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

#### **12-6I-2: PERMITTED USES:**

*The following uses shall be permitted in the H district:*

*Employee housing units, as further regulated by chapter 13 of this title.*

#### **12-6I-3: CONDITIONAL USES:**

*The following conditional uses shall be permitted in the H district, subject to issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:*

*Dwelling units (not employee housing units) subject to the following criteria to be evaluated by the planning and environmental commission:*

*A. Dwelling units are created solely for the purpose of subsidizing employee housing on the property, and*

*B. Dwelling units are not the primary use of the property. The GRFA for dwelling units shall not exceed thirty percent (30%) of the total GRFA constructed on the property, and*

*C. Dwelling units are only created in conjunction with employee housing, and*

*D. Dwelling units are compatible with the proposed uses and buildings on the site and are compatible with buildings and uses on adjacent properties.*

#### **12-6I-4: ACCESSORY USES:**

*The following accessory uses shall be permitted in the H district:*

*Home occupations, subject to issuance of a home occupation permit in accordance with the provisions of section 12-14-12 of this title.*

*Minor arcades.*

*Private greenhouses, toolsheds, playhouses, attached garages or carports, swimming pools, or recreation facilities customarily incidental to permitted residential uses.*

*Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof. (Ord. 29(2005) § 23: Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

#### **12-6I-5: SETBACKS:**

*The setbacks in this district shall be twenty feet (20') from the perimeter of the zone district. At the discretion of the planning and environmental commission, variations to the setback standards may be approved during the review of a Development Plan subject to the applicant demonstrating compliance with the following criteria:*

*A. Proposed building setbacks provide necessary separation between buildings and riparian areas, geologically sensitive areas and other environmentally sensitive areas.*

*B. Proposed building setbacks will provide adequate availability of light, air and open space.*

*C. Proposed building setbacks will provide a compatible relationship with buildings and uses on adjacent properties.*

*D. Proposed building setbacks will result in creative design solutions or other public benefits that could not otherwise be achieved by conformance with prescribed setback standards.*

*Variations to the twenty foot (20') setback shall not be allowed on property lines adjacent to HR, SFR, R, PS, and RC zoned properties, unless a variance is approved by the planning and environmental commission pursuant to chapter 17 of this title. (Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

#### **12-6I-6: SITE COVERAGE:**

*Site coverage shall not exceed fifty five percent (55%) of the total site area. At the discretion of the planning and environmental commission, site coverage may be increased if seventy five percent (75%) of the required parking spaces are underground or enclosed, thus reducing the impacts of surface paving provided within a development, and that the minimum landscape area requirement is met. (Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

#### **12-6I-7: LANDSCAPING AND SITE DEVELOPMENT:**

*At least thirty percent (30%) of the total site area shall be landscaped. The minimum width and length of any area qualifying as landscaping shall be fifteen feet (15') with a minimum area not less than three hundred (300) square feet. (Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

**12-6I-8: PARKING AND LOADING:**

*Off street parking shall be provided in accordance with chapter 10 of this title. No parking or loading area shall be located within any required setback area. At the discretion of the planning and environmental commission, variations to the parking standards outlined in chapter 10 of this title may be approved during the review of a Development Plan subject to a parking management plan. The parking management plan shall be approved by the planning and environmental commission and shall provide for a reduction in the parking requirements based on a demonstrated need for fewer parking spaces than chapter 10 of this title would require. For example, a demonstrated need for a reduction in the required parking could include:*

*A. Proximity or availability of alternative modes of transportation including, but not limited to, public transit or shuttle services.*

*B. A limitation placed in the deed restrictions limiting the number of cars for each unit.*

*C. A demonstrated permanent program including, but not limited to, rideshare programs, carshare programs, shuttle service, or staggered work shifts. (Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

**12-6I-9: LOCATION OF BUSINESS ACTIVITY:**

*A. Limitation; Exception: All conditional uses in section 12-6I-3 of this article shall be operated and conducted entirely within a building, except for permitted loading areas and such activities as may be specifically authorized to be unenclosed by a conditional use permit and the outdoor display of goods.*

**12-6I-10: OTHER DEVELOPMENT STANDARDS:**

*A. Prescribed By Planning And Environmental Commission: In the H district, development standards in each of the following categories shall be as proposed by the applicant, as prescribed by the planning and environmental commission, and as adopted on the approved development plan:*

*1. Lot area and site dimensions.*

*2. Building height.*

*3. Density control (including gross residential floor area). (Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

#### **12-6I-11: DEVELOPMENT PLAN REQUIRED:**

*A. Compatibility With Intent: To ensure the unified development, the protection of the natural environment, the compatibility with the surrounding area and to assure that development in the housing district will meet the intent of the zone district, an approved Development Plan shall be required.*

*B. Plan Process And Procedures: The proposed Development Plan shall be in accordance with section 12-6I-12 of this article and shall be submitted by the developer to the administrator, who shall refer it to the planning and environmental commission, which shall consider the plan at a regularly scheduled meeting.*

*C. Hearing: The public hearing before the planning and environmental commission shall be held in accordance with section 12-3-6 of this title. The planning and environmental commission may approve the application as submitted, approve the application with conditions or modifications, or deny the application. The decision of the planning and environmental commission may be appealed to the town council in accordance with section 12-3-3 of this title.*

*D. Plan As Guide: The approved Development Plan shall be used as the principal guide for all development within the housing district.*

*E. Amendment Process: Amendments to the approved Development Plan will be considered in accordance with the provisions of section 12-9A-10 of this title.*

*F. Design Review Board Approval Required: The Development Plan and any subsequent amendments thereto shall require the approval of the design review board in accordance with the applicable provisions of chapter 11 of this title prior to the commencement of site preparation. (Ord. 29(2005) § 23: Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

#### **12-6I-12: DEVELOPMENT PLAN CONTENTS:**

*The administrator shall establish the submittal requirements for a Development Plan application. A complete list of the submittal requirements shall be maintained by the administrator and filed in the department of community development. Certain submittal requirements may be waived and/or modified by the administrator and/or the reviewing body if it is demonstrated by the applicant that the information and materials required are not relevant to the proposed development or applicable to the planning documents that comprise the Vail comprehensive plan. The administrator and/or the reviewing body may require the submission of additional plans, drawings, specifications, samples and other*

*materials if deemed necessary to properly evaluate the proposal. (Ord. 29(2005) § 23: Ord. 5(2003) § 3: Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

**12-6I-13: DEVELOPMENT STANDARDS/CRITERIA FOR EVALUATION:**

*The following criteria shall be used as the principal means for evaluating a proposed development plan. It shall be the burden of the applicant to demonstrate that the proposed Development Plan complies with all applicable design criteria.*

*A. Building design with respect to architecture, character, scale, massing and orientation is compatible with the site, adjacent properties and the surrounding neighborhood.*

*B. Buildings, improvements, uses and activities are designed and located to produce a functional Development Plan responsive to the site, the surrounding neighborhood and uses, and the community as a whole.*

*C. Open space and landscaping are both functional and aesthetic, are designed to preserve and enhance the natural features of the site, maximize opportunities for access and use by the public, provide adequate buffering between the proposed uses and surrounding properties, and, when possible, are integrated with existing open space and recreation areas.*

*D. A pedestrian and vehicular circulation system is designed to provide safe, efficient and aesthetically pleasing circulation to the site and throughout the development.*

*E. Environmental impacts resulting from the proposal have been identified in the project's environmental impact report, if not waived, and all necessary mitigating measures are implemented as a part of the proposed development plan.*

*F. Compliance with the Vail comprehensive plan and other applicable plans. (Ord. 29(2005) § 23: Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

**VII. ZONING ANALYSIS**

Address:	3700 N. Frontage Road E.
Legal Description:	Lot 1, East Vail Workforce Housing Subdivision
Lot Area:	5.397 acres / (235,093 sq. ft.)
Zoning:	Housing District
Land Use Designation:	Open Space

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>
Lot Size	Prescribed by PEC	5.397 acres or 235,036 sq. ft.
Buildable Area	Prescribed by PEC	3.65 acres or 158,836 sq. ft.
Minimum Setbacks	20' feet from perimeter of the zone district	All structures 20' from the perimeter of the zone district
Buildable Area	Prescribed by PEC	158,836 (67% of site)
Maximum Height	Prescribed by PEC	Multi-family: 51.9' Townhomes: 43'
Maximum Dwelling units/acre	Prescribed by PEC	73 units (20 du/buildable acre)
GRFA	Prescribed by PEC	Up to 79,000 sq. ft.
Site coverage maximum	129,270 sq. ft. or 55%	38,478 sq. ft. or 16.4%
Minimum Landscaping	70,511 sq. ft. or 30%	125,694 sq. ft. or 53.5%
Snow Storage	17,385 30%	21,225 sq. ft. or 36.6%
Required Parking	146 spaces total 84 spaces (Multi-family) 62 spaces (Townhomes)	139 spaces total 45 spaces (Multi-family) 94 spaces (Townhomes)

\*Please see Section VIII below for an analysis and discussion of these development standards.

## **VIII. SURROUNDING LAND USES AND ZONING**

	<u>Land Use</u>	<u>Zoning</u>
North:	USFS	None
South:	I-70	None
East:	Open Space	Natural Area Preservation
West:	Open Space	Natural Area Preservation

## **IXI. ANALYSIS OF PRESCRIBED STANDARDS AND PARKING PROGRAM**

The Housing (H) District requires that the applicant propose and the PEC prescribe the development standards in the following categories upon review of the applicant's proposal:

1. Lot area and site dimensions.



2. Building height.

3. Density control (including gross residential floor area).

In addition to the prescribed standards, the Housing (H) District also allows flexibility and PEC discretion in other standards, namely setbacks, site coverage and parking, when certain criteria are met. The Booth Heights Neighborhood Development Plan does not propose to deviate from the setback and site coverage standards, but does propose a parking program with fewer parking spaces than required by code. Approval of these prescribed standards and the parking program are achieved through review and approval of the development plan.

Lot Area and Site Dimensions

The Booth Heights Neighborhood Development Plan proposes a minimum lot area of 5.397 acres (235,036 sq. ft.). This is the size of the existing property.

Following are the required lot areas for other multiple family zone districts:

	<b>Low Density Multiple Family (LDMF)</b>	<b>Medium Density Multiple Family (MDMF)</b>	<b>High Density Multiple Family</b>	<b>Booth Heights (Proposed)</b>
Min. Lot Area	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	235,036 sq. ft.
Min. Frontage	30 feet	30 feet	30 feet	1,207 feet
Size and shape	80' x 80'	80' x 80'	80' x 80'	

Staff Analysis- Staff finds the proposed lot area and site dimensions to be consistent with the intent of the Housing (H) district, namely to provide an appropriately located and designed development that is harmonious with the surrounding uses. This is an existing lot, which was rezoned to Housing (H) and subdivided in anticipation of future development.

Building Height

The maximum allowable building height with the Booth Heights Neighborhood shall be as demonstrated on the approved development plan, which is proposed at 51.9' for the multi-family building, and 43' for the townhomes.

Following are the allowed building heights for other multiple family zone districts:

	<b>Low Density Multiple Family (LDMF)</b>	<b>Medium Density Multiple Family (MDMF)</b>	<b>High Density Multiple Family</b>	<b>Booth Heights (Proposed)</b>
Maximum Height	38 feet	38 feet	48 feet	51.9 feet

Staff Analysis- The Booth Heights Neighborhood development's proposed maximum overall building height of 51.9' is due to the existing topography and the desire to minimize the development footprint. The property is bordered by US Forest Service land to the north, and open space to the east. The proposed building height will have no negative impacts to any nearby residential properties; however the location of the buildings on an elevated site may make the buildings appear taller when viewed from I-70 or the Frontage Road.

The limited building footprint and additional height is proposed to limit development on the steeper portions of the site to the north, and to allow space uphill of the development for installation of the rockfall berm.

#### Density Control

Dwelling Units per Acre- A total density of 20 dwelling units are proposed per acre of buildable area is proposed for the Project.

Gross Residential Floor Area- A total of up to 79,000 square feet of Gross Residential Floor Area (GRFA) is proposed for the Project. Allowing a small amount of GRFA above the current development proposal of 77,327 square feet will provide some built-in flexibility for currently unforeseen expansion needs.

Following are the allowed density and GRFA for other multiple family zone districts:

	<b>Low Density Multiple Family (LDMF)</b>	<b>Medium Density Multiple Family (MDMF)</b>	<b>High Density Multiple Family</b>	<b>Booth Heights (Proposed)</b>
Density*	9 Dwelling Units per acre	18 Dwelling Units per acre	25 Dwelling units per acre	20 Dwelling units per acre
GRFA*	44 sq. ft. per 100 sq. ft. of buildable site area	56 sq. ft. per 100 sq. ft. of buildable site area	76 sq. ft. per 100 sq. ft. of buildable site area	49.7 sq. ft. per 100 sq. ft. of buildable site area

\* Based on buildable site area

Staff Analysis- The density of 73 dwelling units (20 du/ buildable acre) is proposed in response to the critical need for deed-restricted employee housing and the limited

buildable area of the site due to steep slopes. The proposed GRFA maximum of 79,000 square feet equals 49.7 square feet of gross residential floor area (GRFA) permitted for each one hundred (100) square feet of buildable site area. In addition to the 61 deed-restricted employee housing units, the applicant proposes to construct 12 unrestricted townhomes, which is allowed in the Housing (H) zone district for the purpose of subsidizing employee housing on the property, with approval of a Conditional Use Permit..

Considering the open space that surrounds the property, and the hillside to the rear of the building, the proposed development will not appear overly dense. The proposed density and GRFA to are comparable to other multiple family zone districts.

### Parking Program

The Vail Town Code requires two (2) off street parking spaces for each multi-family dwelling whose GRFA is more than 500 square feet but less than 2,000 square feet. All of the units contained within Booth Heights Neighborhood fall within these size parameters.

The code required parking is as follows:

Use Type	Count	Parking Rate	Parking Required	Parking Proposed
<b>Multi-Family</b>				
500 – 2,000 sq. ft.	42	2 per unit	84 spaces	45
<b>Townhomes</b>				
500 – 2,000 sq. ft.	31	2 per unit	62 spaces	94
<b>TOTAL</b>			<b>146 spaces</b>	<b>139 spaces</b>

The proposed development includes 139 parking spaces. Of these spaces, 45 surface parking spaces are proposed for the 42 deed-restricted EHUs in the multi-family building. For the townhomes (including the deed-restricted EHU townhomes), there are 94 parking spaces proposed and 62 spaces required.

Attached for review is a Parking Analysis letter from McDowell Engineering, LLC, a transportation engineering consultant, discussing the anticipated parking demand for the proposed development (Attachment H). In the letter, the consultants compare the parking demand at similar employee housing developments in Vail, Timber Ridge and Lions Ridge Apartments. The applicant believes that the proposed parking will be sufficient for the multi-family building based on a number of factors, including:

- Actual parking demand history at the similar properties, namely Timber Ridge and Lions Ridge Apartments. These properties are parked at a rate of 1.18 spaces per unit, with an observed parking usage ranging from 0.73 to 1.06 spaces per unit. (See Parking Analysis letter from McDowell Engineering, LLC, dated May 21, 2019)

- Nearby transit options, including 2 bus stops immediately in front of this property, each served by the Town of Vail Blue Route (East Vail Route)
- Proximity to grocery store in East Vail (10 minute walk to Simms Market)
- On-site bicycle storage
- Residential leases limiting the number of vehicles per unit

Section 12-6I-8, Vail Town Code, allows the PEC to approve a parking plan with reduced parking in the Housing (H) district when the applicant can demonstrate that fewer parking spaces will be needed. Please see the discussion on parking management in the Applicant Narrative (Attachment B) for additional detail.

*12-6I-8: PARKING AND LOADING: (in part)*

*At the discretion of the planning and environmental commission, variations to the parking standards outlined in chapter 10 of this title may be approved during the review of a Development Plan subject to a parking management plan. The parking management plan shall be approved by the planning and environmental commission and shall provide for a reduction in the parking requirements based on a demonstrated need for fewer parking spaces than chapter 10 of this title would require. For example, a demonstrated need for a reduction in the required parking could include:*

*A. Proximity or availability of alternative modes of transportation including, but not limited to, public transit or shuttle services.*

*B. A limitation placed in the deed restrictions limiting the number of cars for each unit.*

*C. A demonstrated permanent program including, but not limited to, rideshare programs, carshare programs, shuttle service, or staggered work shifts. (Ord. 19(2001) § 2: Ord. 3(2001) § 2)*

A reduction in the parking requirement for employee housing developments is specifically listed in the Vail 20/20 Focus on the Future – Strategic Action Plan as a strategy for supporting the development of workforce housing.

- *Research parking requirements for employee housing and consider reducing requirements for employee housing developments.*

Staff Analysis- The applicant proposes 139 parking spaces, including 45 spaces for the multi-family building, and 94 spaces for the townhomes (in a mixture of garage and surface spaces)

The applicant has indicated in their narrative their justification for the reduced parking. This justification includes the location of the property with walking access to the grocery

store in East Vail (9 minutes), access to the Town of Vail free bus system, and low parking demand at similar employee housing properties. The applicant will also be able to give leasing preference to tenants that do not own a vehicle.

The Community Development Department has concerns with the reduced parking, especially considering that no sidewalk is proposed along the front of the development, thus reducing the safe walking options to the locations indicated by the applicant in their proposal. There are also no sidewalks along Bighorn Road in east Vail, nor along the Frontage Road to the west of this development, until Katsos Ranch Road. While the location of the development is along one bus route, current bus service to this property provides only direct connections to Vail Village or East Vail; residents desiring to shop in West Vail, for example, will need to transfer to another bus at the Vail Transportation Center.

Staff finds that the proposed parking management plan and alternative transportation options will help to address some of the transportation needs of the residents, especially if vehicle ownership is considered as part of the tenant screening process to reduce parking demand. However, adequate sidewalks along the front of the development, and new sidewalks connecting to East Vail or to the existing sidewalk at the Vail Mountain School, would help increase the safety and desirability of walking to and from the proposed development.

The proposed parking management plan will help to reduce the demand for on-site parking; also, alternative transportation options, including walking, transit, and bicycles, will help to address many of the transportation needs of occupants. One of the most significant aspects of the proposal will be the ability to limit parking permits through the leasing process, which will allow the management to select tenants with fewer vehicles, or without any vehicle. However, there are limited options for getting to basic services, such as grocery shopping in West Vail.

- Has the applicant demonstrated to the satisfaction of the PEC that the transportation needs of the Booth Heights Neighborhood residents can be met by alternative modes of transportation other than privately owned vehicles?
- Is the proposed parking sufficient to meet the parking demands for the proposed development of 73 new residential units, and in particular for the 42 unit multiple family building?
- Should a sidewalk be required to connect this development to other existing sidewalks along N. Frontage Road?
- What additional information, if any, is needed by the PEC to make a determination on the proposed parking management plan?

## **X. REVIEW CRITERIA**

According to Section 12-6I-13, Development Standards/Criteria for Evaluation, of the Zoning Regulations of the Town of Vail, the following criteria shall be used as the principal means for evaluating a proposed development plan. It shall be the burden of

the applicant to demonstrate that the proposed Development Plan complies with all applicable design criteria.

**A. Building design with respect to architecture, character, scale, massing and orientation is compatible with the site, adjacent properties and the surrounding neighborhood.**

The proposed architecture uses mountain modern design, with a mixture of exterior building materials, including wood siding, fiber-cement siding, metal panels, and stucco. Sloped roofs are proposed on all buildings with a shallow (3:12) pitch. Buildings are designed to reduce cut and fill slopes on the site, where possible, but some retaining walls are still required. Buildings will step up the hillside, and the building foundations act as retaining walls in many cases. Building design and materials are modern, and do not blend into the development site as much as shorter buildings will only natural materials. The massing of the buildings on the south side of the site, facing N. Frontage Road, may appear to loom over the street, partly due to the proposed height, but also due to the placement at the edge of the hillside.

The proposed development requires several retaining walls due to the slope of the site. As proposed, some of the retaining walls along the south side of the proposed buildings do not meet the maximum height of 3' in the front setback. The height of these walls will need to be reduced, or a variance will be required.

The project site is detached from other nearby residential developments, and the proposed buildings will have no impacts on nearby development.

**B. Buildings, improvements, uses and activities are designed and located to produce a functional Development Plan responsive to the site, the surrounding neighborhood and uses, and the community as a whole.**

The proposed Development Plan includes three multi-family buildings at the west end of the site, which will include 42 units of deed-restricted employee housing (EHUs). This building will be master-leased to Vail Resorts. On the eastern portion of the site, eight (8) townhouse buildings are proposed which will include 31 townhome units; 12 of the townhomes will be unrestricted Dwelling Units (not EHUs), and 19 townhomes will be deed-restricted EHUs.

The proposed buildings, improvements, uses and activities have been designed and located on the site to be functional and responsive to the site, surrounding neighborhood and the community as a whole. The site plan is designed to balance the needs for employee housing while also seeking to minimize the impacts on the natural environment, including the bighorn sheep habitat to the north and west of the site. Balancing these two community priorities is delicate and complex, but the applicant has provided a plan that seeks to address both issues.

According to the Official Zoning Map of the Town of Vail, the Booth Heights Neighborhood development site is designated Housing (H) district. The proposed use of the site, whereby 70% of the Gross Residential Floor Area (GRFA), and 83% of the units are deed-restricted employee housing is dedicated to deed restricted housing, is consistent with the intended use of the site and the development objectives of the Town of Vail. The residential buildings are functionally designed and the site plan is effectively laid out to optimize the use of the site. Improvements to common areas and functional outdoor parks would improve livability for residents of the development, but these are discouraged by the applicant's wildlife consultant in order to limit the development footprint and to limit impacts on wildlife. Improvement to the snow storage areas is also needed at the east end of the site to ensure functional snow removal.

**C. Open space and landscaping are both functional and aesthetic, are designed to preserve and enhance the natural features of the site, maximize opportunities for access and use by the public, provide adequate buffering between the proposed uses and surrounding properties, and, when possible, are integrated with existing open space and recreation areas.**

These issues will be discussed at the next meeting, currently planned for July 8, 2019.

**D. A pedestrian and vehicular circulation system is designed to provide safe, efficient and aesthetically pleasing circulation to the site and throughout the development.**

These issues will be discussed at the next meeting, currently planned for July 8, 2019.

**E. Environmental impacts resulting from the proposal have been identified in the project's environmental impact report, if not waived, and all necessary mitigating measures are implemented as a part of the proposed development plan.**

These issues will be discussed at the next meeting, currently planned for July 8, 2019.

**F. Compliance with the Vail comprehensive plan and other applicable plans.**

The Booth Heights Neighborhood Development Plan is in compliance with many aspects of the Vail Comprehensive Plan and advances the employee housing goals objectives of the Town. The development of employee housing units is supported by the Vail Housing 2027 Strategic Plan, the Town of Vail Economic Development Plan, and the Environmental Strategic Plan, and furthers the actions/strategies outlined with the Vail 20/20 Strategic Plan.

The proposed private development of 61 deed restricted EHUs will help advance the Town's goals of obtaining 1,000 new employee housing deed restrictions over the next 10 years. By developing more EHUs within Town, total vehicle miles traveled from workers commuting into Vail can be reduced, helping to reduce the Town's green house gas emissions. This development will upgrade the existing employee

housing base. Also, this infill project will allow the community to grow in a controlled environment in an existing developed area.

By developing this site, several acres of habitat for bighorn sheep, elk, black bear, and other big game species will be permanently eliminated. Environmental sustainability is one of the top priorities for the community. More discussion on the wildlife impacts of the proposed development will be discussed during the next meeting on this application, currently scheduled for July 8, 2019.

## **XI. STAFF RECOMMENDATION**

The Community Development Department request that the PEC provide input on the elements of the plan discussed so far, and any additional information or changes that may be needed to make a decision.

We recommend that the Planning and Environmental Commission **table** this item to the meeting of July 8, 2019.

*“The Planning and Environmental Commission tables this request for the review of a Development Plan, pursuant to Section 12-6I-11, Development Plan Required, Vail Town Code, for a new housing development located at 3700 North Frontage Road East/Lot 1, East Vail Workforce Housing Subdivision (“Booth Heights Neighborhood”), to the meeting of July 8, 2019 (PEC19-0018)*

## **XII. ATTACHMENTS**

- A. Vicinity Map
- B. Booth Heights Neighborhood Applicant Narrative, dated May 28, 2019
- C. Booth Heights Neighborhood – Architectural Plans, dated June 24, 2019
- D. Landscaping Plans, dated 05/21/2019
- E. Civil Plans, date 05/28/2019
- F. *Omitted*
- G. Survey
- H. Parking Analysis
- I. Environmental Impact Report
- J. Wildlife Mitigation Plan
- K. Wetland Delineation Report
- L. Geologic Hazards Analysis
- M. Geologic Hazards Memo
- N. Rockfall Hazard Study
- O. Traffic Impact Study
- P. Site Photos
- Q. Public Comment received as of 4:30 PM, June 20, 2019