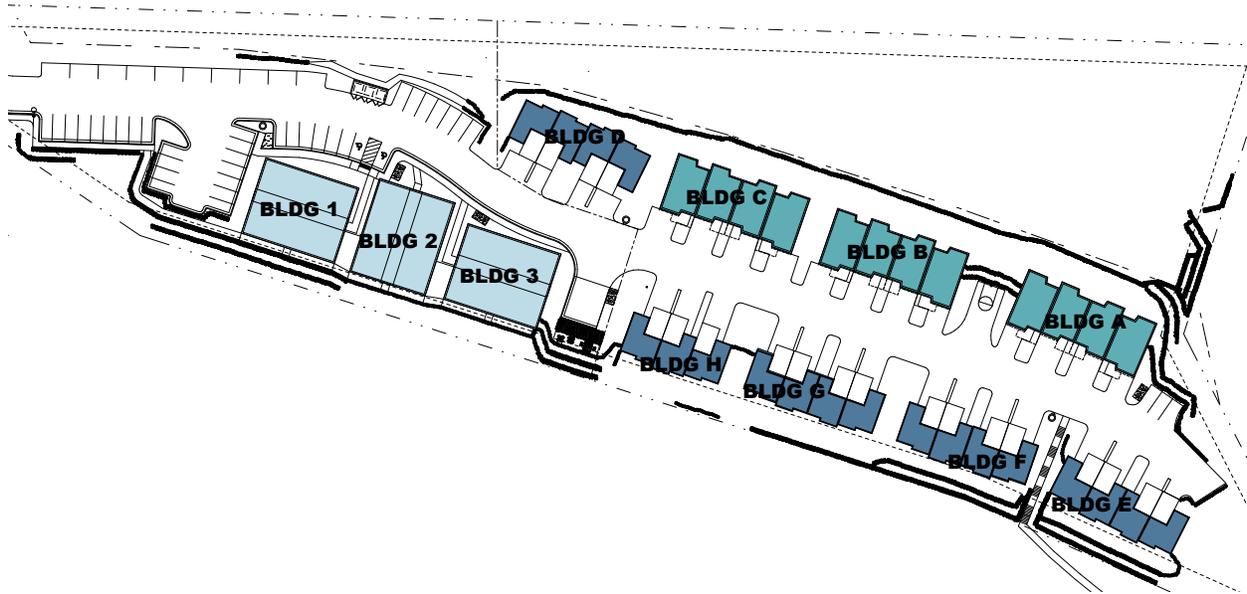


**BOOTH HEIGHTS NEIGHBORHOOD  
AT THE  
EAST VAIL WORKFORCE HOUSING SUBDIVISION  
DEVELOPMENT APPLICATION**



**MAY 28, 2019**

## **Development Team**

### Applicant

Michael O'Connor  
Triumph Development West, LLC  
12 Vail Road – Suite 700  
Vail, CO 81657

### Project Architect

Mike Foster  
Triumph Custom Homes, LLC  
12 Vail Road – Suite 700  
Vail, CO 81657

### Landscape Architect

Sandi Gibson  
Outside L.A.  
Boulder, CO  
Steamboat Springs, CO

### Civil Engineer

Matt Wadey  
Alpine Engineering, Inc.  
34510 Highway 6 – Unit A9  
Edwards, CO. 81632

### Environmental Impact Review

David Johnson  
Western Ecological Resources  
711 Walnut Street  
Boulder, CO. 80302

### Wildlife Consultant

Rick Thompson  
Western Ecosystems, Inc.  
905 West Coach Road  
Boulder, CO. 80302

### Traffic Consultant

Kari McDowell Schroeder  
McDowell Engineering, LLC  
PO Box 4259  
Eagle, CO 81631

### Rockfall & Geotechnical Consultant

Bill Koechlein  
Cesare, Inc.  
7108 South Alton Way – Building B  
Centennial, CO. 80112

## **The Development**

Booth Heights is an exciting new residential development aimed at creating, maintaining and sustaining community in the Town of Vail (“TOV”). The parcel is the *only* undeveloped Housing District parcel in TOV. With 73 new homes, the community will make the most meaningful addition to locals housing in the Town’s recent history.

Triumph Development is under contract to purchase the 23.3 acres East Vail Workforce Housing Subdivision (“EVWHS”) located at 3700 N. Frontage Road from Vail Resorts. This purchase contract includes all water rights required for the development. Recognizing both the need for locals housing and nearby critical wildlife habitat, Vail Resorts rezoned the parcel from 23 acres of Two Family Residential to 5.4 acres of Housing and 17.9 acres of Natural Area Preservation set aside for wildlife, thereby consolidating development onto less than 25% of the overall parcel.

This application proposes to develop the 5.4-acre “Lot 1” of the EVWHS in conjunction with wildlife enhancements and conservation on the 17.9-acre “Tract A”. The latter will be one of the most significant wildlife enhancement projects in the history of the Town on private property.

Booth Heights, in keeping with the purpose of the underlying Housing District, will be a mixture of rental and for-sale homes with more than 70% of the square footage built as Employee Housing Units (“EHUs”) and 30% of the GRFA built as market-rate homes that will generate the financial subsidy needed to develop the neighborhood. To that end, Booth Heights proposes 73 total residences comprised of 42 EHU apartments, 19 EHU townhomes, and 12 market-rate townhomes spread across a total of 11 buildings. The apartments are all 830 square foot two-bedroom homes with surface parking. The townhomes will be a mix of two and three-bedroom homes ranging in size from 1300 square feet to just under 2200 square feet with one car garages, driveways with two outdoor parking spaces in most cases, and private outdoor space at the rear of most units. Each new home will include ample storage, durable long-lasting and fire-resistant building materials such as cementitious siding and stucco, 30-year asphalt shingle roofs, oversized low-e glazing windows, R40+ insulation, energy star appliances, and long-cycle interior finishes. The apartments will have separate ground floor storage for bikes and outdoor equipment that are so prevalent among Vail residents. There will also be an outdoor community picnic and barbeque area and low maintenance and low water landscaping.

This development application includes all all civil drawings, architectural drawings, landscape plan, and consultant’s reports required for approval by the TOV Town Code.

The proposed development plan requires no variances from the development standards prescribed by the Housing Zone District. Building height and density (including GRFA) are prescribed by the Planning and Environmental Commission. The Housing Zone District allows parking to vary from the typical parking requirements with a parking management plan.

## **Existing Conditions**

The Housing parcel is triangular in shape beginning at a point at the west and grows increasingly deeper to the east. The site is more than 1200 feet wide and 380 feet deep at the east side of the property. The site generally slopes from back to front with the natural grade lower and closer to grade of the N. Frontage Road to the west, gaining elevation above the N. Frontage Road as the site moves to the east. The natural grade of the site is less steep and better accommodates development along its southern boundary. The site is the last significant undeveloped Housing parcel in the TOV.

There is a relatively young aspen forest across most of the site, and while this private property is included in Colorado Parks and Wildlife's bighorn sheep and elk winter range area, the aspen forest and proximity to N. Frontage Road severely limits the use of the site by either species according to the consultants' reports included with this application.

All required utilities are nearby in the adjacent right-of-way and the applicant has confirmed that each utility has adequate capacity to serve the development. The development will be required to bring water rights to ERWSD and the applicant has these water rights under contract from Vail Resorts.

Surrounded by TOV property to the west, USFS property to the north, CDOT right-of-way to the south and the applicant's NAP property to the west, there are no contiguous neighbors that will be negatively impacted by the development. The right of way in the front of the property includes a substantial cut slope and setback of between 46 to 90 feet from the property line to the N. Frontage Road pavement.

## **Detailed Zoning Analysis**

The Housing District is intended to provide housing development opportunities in the Town of Vail. Due the nature and varying characteristics of employee housing, a housing-oriented zone district was specifically developed and adopted in the TOV Zoning Regulations. The stated intent of the Housing District is to ensure that employee housing is appropriately located and designed to meet the needs of Vail residents, to harmonize with surrounding uses, and to ensure adequate light, air and open spaces. The district has a limited number of prescribed requirements that are discussed below. The proposed development plan meets or exceeds all of these prescribed requirements. It should be noted that the analysis is based upon the 5.4-acre housing parcel and does not include the 17-acre open space parcel.

## Permitted, Conditional & Accessory Uses

The proposed development program for Booth Heights is outlined in the below table.

<b>Units</b>	<b># Units</b>	<b>Livable SF</b>	<b>Garage SF</b>	<b>Total Livable SF</b>
EHU - Downhill TH A - 2BR	8	1,300	286	10,400
EHU - Downhill TH B - 3BR	7	1,600	286	11,200
EHU - Uphill TH A - 2BR	2	1,300	275	2,600
EHU - Uphill TH B - 3BR	2	2,000	275	4,000
DU - TH B - 3BR	6	1,975	365	11,850
DU - TH A - 3BR	6	2,170	390	13,020
Total For-Sale Townhomes	31			53,070
EHU - Multifamily - 2BR	42	830	-	34,860
Total Development Program	73			87,930
% Livable Square Footage as EHU				71.7%

With more than 70% of the proposed livable square footage and GRFA at Booth Heights intended as EHUs, the primary use proposed for the neighborhood is the Permitted Use intended in the Housing District.

For the market rate Dwelling Units proposed in the neighborhood, the applicant is applying for a Conditional Use Permit from the Planning and Environmental Commission as discussed in the Housing District criteria. These Dwelling Units provide the only meaningful financial return in the development of the neighborhood. They will comprise less than 30% of the total GRFA of the neighborhood and will be built concurrent with the construction of EHUs in the proportion allowed by Code. With similar scale buildings, unit sizes and architecture, the Dwelling Units have been designed to be compatible with the mixed-residential neighborhood that will serve a variety of residents.

The community amenities such as outdoor and indoor public gathering spaces, laundry and storage are Accessory Uses that are “customarily incidental and accessory” to the permitted EHUs as discussed in the Housing District criteria.

### Setbacks

The required setback in the Housing District is twenty feet (20’) from the perimeter of the zone district. All buildings and structures proposed in the plan meet or exceed this setback requirement in all areas.

### Site Coverage

The Housing District allows for a maximum site coverage of 55% of the total site area. The proposed site coverage for Booth Heights is only 38,478 square feet or just 16.4% of the 5.4-acre Housing parcel as shown on the “Site Coverage Plan” sheet of the application.

### Landscaping and Site Development

The Housing District requires at least 30% of the total site area to be landscaped. The proposed plan for Booth Heights includes landscape areas totaling 136,583 square feet or 58.1% of the 5.4-acre Housing parcel.

### Snow Storage

The Parking Standards of the Town Code require a minimum functional area for snow storage equaling at least 30% of the total paved area of the site for unheated drives. The total hardscape area of the proposed development plan equals 57,950 square feet and the plan includes more than 22,550 square feet of usable snow storage, or more than 39% of the total paved area, as shown on the “Snow Storage Diagram” of the application

### Other Development Standards

The development standards of the Housing District for lot area, site dimensions, building height, and density control shall be as proposed by the applicant and approved by the Planning Commission based on the Criteria for Evaluation that are discussed below.

- Lot Area and Site Dimensions – The applicant proposed to develop the 5.4-acre Housing Parcel as demonstrated on the site development plans. After the Development Application is approved, the applicant intends to subdivide the parcel to create one parcel for the multifamily buildings, and one parcel for the townhome community which will be governed by a Home Owner Association and further subdivided into individual parcels for each townhouse (as generally shown on drawing C3.1). These subdivisions will be completed pursuant to the requirements of the Town Code.
- Building Height – The proposed townhome buildings are two-and-a-half stories and the proposed multifamily buildings are three-and-a-half stories, with the half-stories of each building built into the grade of the site. The buildings range in height from 35.5 feet to 51.66 feet. See the “Building Height” sheet of the Application for the calculation of building height for each building.
- Density Control – The proposed density for Booth Heights neighborhood is 73 total units with 42 multifamily homes in three buildings, and 31 townhomes in eight buildings. The total GRFA for the neighborhood is 77,327 square feet as shown on the “Site Plan” sheet in the architectural package. If one considers the EHUs as counting towards density/units per acre (in most zone districts they do not) the overall density of the site is 13.5 units per acre. It would be more in keeping with the Zoning Regulations to exclude the EHUs and therefore the resulting density is 2.22 units per acre.

### Employee Housing Credits

The applicant will utilize Sections 12-23-7 and 12-24-7 of the Vail Town Code “Mitigation Bank” for deed-restricted EHUs constructed on the property. As proposed, the application will generate 63,360 square feet of transferable EHU housing credits in a total of 61 EHU units as shown on the application. The project will not create any Employee Housing Credits on the proposed market rate units.

## Parking Counts, Loading and Parking Management Plan

The Housing District, in recognition of the unique nature and characteristics of the employee housing, allows for a reduction in the parking requirements outlined in Chapter 10 of the Zoning Regulations, at the discretion of the Planning and Environmental Commission pursuant to Section 12-6I-8. This reduction is based on a demonstrated need for fewer parking spaces than required by the Zoning Regulations and is subject to a Parking Management Plan. According to the requirements of the Housing District, two of the demonstrated needs for a reduction in parking may include 1) proximity or availability of alternative modes of transportation including public transit and 2) limitation placed in the deed restrictions limiting the number of cars for each unit.

The applicant understands that the development of the East Vail Workforce Housing Subdivision must be a fully functional project and that the parking provided must be appropriate for its target residents. Given the project's in-town location and proximity to public transit and walkable access to amenities such as outdoor recreation and Sims Market, the design of the project includes a parking count that the applicant believes will adequately meet the needs of residents, while at the same time minimizing the needs for overly generous parking lots that negatively impact the overall site plan and opportunities for open space utilized by wildlife. The wildlife design recommendations also recommend reducing the footprint of parking to reduce impacts to wildlife (see review criteria below).

The parking standards of the Zoning Regulations are a generalist set of standards that prescribe parking by the location and size of development. Parking at locations outside of the Town's Vail and Lionshead Villages fall under a requirement known as Parking Schedule B, which calls for 2 spaces per unit for multifamily units between 500 and 2,000 GRFA feet and 2.5 spaces per unit for multifamily units greater than 2,000 GRFA feet. This standard is applied across the board, regardless of the number of bedrooms, and irrespective of location, proximity to transit or walkability to community services. These parking requirements also do not consider the rapidly changing nature of transit and movement towards public and shared transportation, nor do they recognize TOV's recent efforts to encouraging the use of public transit and minimize the number of parking spaces that need to be constructed in the Town core.

The proposed development plan would generate a parking need as outlined by Parking Schedule B as outlined in the table below. This table also includes the parking totals as proposed by the applicant as represented on the "Parking Diagram" sheet included in the application:

			TOV Code	TOV Code	Parking
Units	Units	GRFA	Pkg / Unit	Parking	Proposed
EHU - Downhill TH A - 2BR	7	1,300	2.0	14.0	
EHU - Downhill TH B - 3BR	8	1,600	2.0	16.0	
EHU - Uphill TH A - 2BR	2	1,300	2.0	4.0	
EHU - Uphill TH B - 3BR	2	2,000	2.0	4.0	
DU - TH B - 3BR	6	1,975	2.0	12.0	
DU - TH A - 3BR	6	2,170	2.5	15.0	
<b>Townhouse Total</b>	<b>31</b>			<b>65.0</b>	<b>94</b>
EHU - Multifamily - 2BR	42	835	2.0	84.0	
<b>Apartment Total</b>	<b>42</b>			<b>84.0</b>	<b>45</b>
<b>Total</b>	<b>73</b>			<b>149.0</b>	<b>139</b>

Overall the parking provided onsite equates to 1.9 parking spaces per unit or a reduction of 10 parking spaces from code. Further detail on the parking reduction is provided below.

In preparing this proposed development plan, the applicant has considered each of the proposed housing types separately. While the for-sale homes have been designed to accommodate the parking needs of permanent residents with adequate resident and guest parking on each home's private property, the parking need for the rental apartment units has been based on the needs of the target residents who will live and work in the Town of Vail with jobs that are accessible by public transportation.

Most for-sale townhomes have three parking spaces on private property owned by the residents with one garage space and two outdoor parking spaces per unit. There are also three additional guest parking spaces at the east end of the development. There is a total of 94 parking spots compared to the TOV code need for 65 parking spaces for the townhome portion of the development.

The parking plan for the rental multifamily units includes 45 parking spaces for the 42 units. This equates to 1.1 parking space per home and allows every household to have a car. It also will ensure that residents are a self-selecting group whose lifestyle meets the Town's goals for using public transit. Also, because the multiple family units will be rental units, the management of the facility has the ability to restrict parking by leases just as TOV currently does in its leases for other Town-owned workforce housing. Management can price parking to help regulate demand versus a condominium where there is less control over parking for individual units. This parking count is supported by the "East Vail Residential Parking Analysis" letter from transportation consultant McDowell Engineering, LLC which includes information on typical parking demands from apartment communities throughout the country, as well as actual parking counts from the Timber Ridge and Lions Ridge community (See Exhibit 1). This analysis indicates that a parking demand for rental multiple family units in Vail is consistent with what is proposed at 1.1 units per unit.

One of the great benefits to building housing at the EVWHS is its proximity to the regular public transit on the North Frontage Road. Not only does the project have immediate adjacency to the existing Falls at Vail bus stop, but also proposes to build a new bus stop. In addition, the apartment buildings will include adequate indoor and outdoor storage for bikes.

To accommodate and control this parking count, the applicant will implement a Parking Management Plan for the multifamily portion of the development that includes the following specific requirements.

- All parking spaces will be numbered and assigned as a dedicated parking space as part of the lease for each unit;
- Management will structure leases such that residents will know who is allowed to have a car onsite.
- Residents allowed to have a car will be required to register their vehicles and parking permits will be required to be prominently displayed in each vehicle;
- Leases will include prohibitions on parking in both assigned parking spaces and guest parking, and will include penalties and towing for violations; and
- The property manager will oversee enforcement and facilitate these parking controls.

The applicant also recognizes that this parking management solution may limit the pool of potential renters to households with only one car whose lives are conducive to Vail public transit, and in-turn the amount of rent that can be charged.

Said simply, the applicant believes and has documented that the proposed parking count strikes a careful balance between the practical needs of its intended residents, especially in light of the changing and decreasing needs for parking that are fast taking hold. Booth Heights is an example of a project that - by virtue of its location, its target demographic, and high quality TOV transit system - can fully function with a reduced parking count.

### **Compliance with the Development Plan Standards and Approval Criteria**

Because of the nature and characteristics of deed-restricted housing that make development difficult under prescribed development standards, the Housing District was created by TOV to provide adequate sites for deed-restricted residential development. To ensure harmonious development that is in keeping with the Town's development objectives, an applicant may propose development standards, as depicted on a Development Plan, for approval by the Town's Planning & Environmental Commission. According to Section 12-6I-13 of the Zoning Regulations, it shall be the burden of the applicant to demonstrate that the proposed development complies with the six Design Criteria discussed below. Given the environmental focus of the development, we have presented these criteria in a customized order to emphasize the role that the Environmental Criteria have played in guiding the proposed plan.

***Design Criteria 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.***

### Applicants Response:

Recognizing the importance of the environmental concerns about the EVWHS, the applicant has commissioned one of the most substantial Environmental Impact Reports ever submitted for a development in TOV. Western Ecological Resource's ("WER") report is included as an attachment to this application (See Exhibit 2). The mitigation plans presented in this application identify all the environmental impacts of the project and the substantial efforts the applicant will undertake to ensure that the development not only protects surrounding wildlife habitat, but also provides one of the most substantial wildlife enhancement projects ever proposed on private property in TOV to create a net increase in quality winter range for wildlife.

### *Design Criteria:*

Prior to Triumph's involvement in the property, Rick Thompson, a biologist with West Ecosystems, Inc. ("WES") was engaged by Vail Resorts to understand the use of the parcel and surrounding properties by wildlife. As part of this engagement, WES prepared a list of design recommendations that would minimize the impact of development on wildlife. These design recommendations have been fundamental in the creation of the proposed plan. A description of these criteria is included in Section 6.0 of the WES's Wildlife Mitigation Plan (See Exhibit 3) and include the following recommendations:

1. Consolidate the development's impacted area at the front of the parcel and maximize the remaining open space. This includes minimizing parking lots and community open spaces.
  - a. Parking lots, building footprints, and community open spaces have been minimized.
2. Place vehicular access at the west of the site.
  - a. The access to the site is located on the west end of the site.
3. Utilize existing vegetation to the rear, west and front of the parcel as a visual buffer between the development and surrounding wildlife.
  - a. The proposed developed areas of the site are all screened by moderately dense aspen forest on USFS property at the rear of the site.
4. Create a physical barrier between human occupied space and the surrounding wildlife.
  - a. The proposed rock fall protection barrier and wildlife fencing at the rear of the site will create this separation.
5. Maintain east-west access across the rear of the property for wildlife.
  - a. The uphill portion of the rock fall berm, including a clear relatively flat area in front of the berm, will provide this path.
6. Maintain grazing access to the right-of-way in front of the parcel that is occasionally used by bighorn sheep.
  - a. The applicant is not proposing to place any substantial retaining walls or building structures on this western end of the property to allow wildlife continued access through the right-of-way.
7. Minimize outdoor recreation spaces visible from the surrounding open space/winter range.
  - a. The proposed central picnic and barbeque area has been kept to the center of the development to minimize external impacts. Units will not have any private outdoor space facing north and west above the ground level that will be visible to

wildlife. Ground level open space will be screened from the surrounding property by a berm and surrounding aspen forests.

8. Create a series of restrictions on residents to minimize their offsite impacts.
  - a. These restrictions are proposed and are discussed in detail in Section 8 of the Wildlife Mitigation Plan and outlined below.

The proposed development plan has taken each of these design guidelines into account and the applicant is committed to making these requirements a component of the approvals for the ongoing protection of the surrounding wildlife.

In addition to these design criteria, the applicant is also proposing one of the most substantial wildlife enhancements on private property ever undertaken in TOV as outlined in Section 8.1 of the WES's Wildlife Mitigation Plan. Before explaining the details of this enhancement plan, please note that although the 23-acre EVWHS is part of the bighorn sheep 1800-acre winter range, the entire parcel is not high-quality winter range for grazing due to a young, encroaching aspen forest that includes living and fallen "jackstrawed" trees that big horn sheep avoid by their nature. As part of this development application, the applicant will clear and enhance 14.6 acres of the NAP parcel to create quality winter range. In addition to this clearing, the applicant will fertilize and cut back the over-mature shrubs that have grown out of the browse range of bighorn sheep to improve the quality and quantity of winter forage. The applicant will also clear and reseed approximately 0.3 acres at the rear of the Housing Parcel for additional forage. In total, 18.2 acres or 78% of the entire EVWHS is being set aside for open space and wildlife, and 14.6 acres of quality winter range will be created on private property that is currently inaccessible and underutilized today. This new land set aside and enhanced for wildlife exceeds the five acres of impacted development area by nearly a 3:1 ratio. The development will commit to keeping this privately-owned property clear of aspens for quality winter range today and into the future.

#### *Ongoing Wildlife Protection Criteria:*

The last component of our plan to protect wildlife is the Wildlife Mitigation Plan that includes various measures that will be put in place 1) during construction (Section 8.2 of the WES's Wildlife Mitigation Plan), and 2) as permanent restrictions placed on the residents of the community (Section 8.3 of the WES's Wildlife Mitigation Plan). The applicant proposes to make these commitments a formalized component of the project's entitlements.

#### *Ongoing Wildlife Protection Criteria - Construction*

During construction, commitments include 1) only performing all significant clearing and mass excavation of the site from April 15<sup>th</sup> through November 30<sup>th</sup>; 2) the construction of a physical barrier – either the permanent wildlife and rock fall barrier, or a substantial impervious construction fence – prior to the bighorn winter range period; and 3) clearing and enhancement to the NAP parcel complete before the first winter of construction to create more, quality winter range prior to the first winter that wildlife will be impacted by development activity.

#### *Ongoing Wildlife Protection Criteria – Permanent Residents*

The permanent restrictions on residents include no community gardens, restrictions on pets, significant restrictions on dogs in the community, combined with educational programs to inform residents of surrounding wildlife habitats and the prohibition of access to these areas. These

restrictions are bolstered by a series of fines, reprimands for employees, and even eviction from the community for violations. The property's manager and Home Owners Association will be tasked with enforcing these fines for violations, as well as work directly with the TOV to police trespassing onto TOV property to the west and the privately-owned NAP parcel to the East. These specific terms are discussed in Section 8 of Rick Thompson's Wildlife Mitigation Plan for the EVWHS.

*Wetlands:*

The final environmental item of note are two small identified wetlands on the development parcel – one an intermittent stream during spring runoff on the western edge of the site, and the other a small collecting area on the eastern edge of the site. Both are small enough in size that there likely will be no remediation required by the Army Corps of Engineers. The Applicant will confirm with the Army Corps that the impacted area is below the threshold for separate mitigation, and if any mitigation is required, it will be done elsewhere on the EVWHS or within a mitigation bank, as required by the Army Corps. The Wetlands Delineation Report by Birch Ecology, LLC is included as an attachment to this report (see Exhibit 4), and is further discussed in the Environmental Impact Report.

This applicant's commitment to wildlife protection is a fundamental driver for many elements of the proposed plan. Each of these wildlife commitments will be incorporated into the Conditions of Approval for the Development Plan.

***Design Criteria 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.***

Applicant's Response:

The applicant has prepared a functional development plan for Booth Heights that balances the physical characteristics of the site, the surrounding open space of wildlife winter range, and TOV's substantial need for housing.

The details of sensitivity to wildlife are discussed above, but from a development plan standpoint, the applicant will enhance and set aside 17.9 acres of NAP for permanent wildlife protection and open space.

All development has been condensed or consolidated onto less than 3.5 acres below the wildlife and rockfall berm to create 0.3 acres of additional open space at the rear of Housing parcel. This development area is the portion of the site with the least amount of natural grade.

Pedestrian and vehicular access onto the site will be from the west to work with natural grade and as recommended by WES's design guidelines. The proposed parking configuration, access to buildings, site amenities, and public transportation will meet ADA requirements, as well as emergency access and staging. The applicant has met with the Vail Fire Department on four

occasions and modified the site plan to account for the Fire Department's requirements. The functional site plan includes adequate parking for the apartment units at slightly more than a 1:1 ratio, as well as one garage space and two driveway parking spaces at most townhome units.

Retaining walls have been kept to a minimum and almost all will be built with boulders that will be gathered onsite. In a few select locations above the parking lot at the trash dumpster for the apartment buildings, an MSE wall that resembles natural stone (similar to those built at Solar Vail and the new West Vail Truck Chain-up) will be built. Each retaining wall is 6 feet in height or less.

A substantial earthen berm has been located at the rear of the development to provide a visual and physical separation between the new development and the surrounding wildlife habitat as well as provide for rockfall mitigation. At the west end of the berm, this barrier will transition to a landscape buffer. This berm and landscaping will be augmented by a wildlife fence that includes jump ramps to allow wildlife to exit the site, and prevent residents from accessing the USFS property at the rear of the parcel. This system, along with signage, is designed to keep residents off the nearby critical wildlife habitat.

As the EVWHS is located in a rockfall hazard risk area as mapped by TOV, this berm will be designed to match the berm that is located above Katsos Ranch Road and Booth Falls Court. The rockfall hazard condition for the Booth Heights development is much less severe than the conditions immediately to the west. According to the Cesare, Inc.'s rockfall studies commissioned by the applicant, the design criteria for the 12-foot berm protecting the neighborhood to the west used a 7-foot rock that would produce 6,800 kilojoules of energy as the basis for design. Due to less severe slopes and further distance from the cliffs above, the studied condition at Booth Heights would only produce a 3,160 kilojoules of energy from a larger 10-foot boulder. Nevertheless, the applicant is proposing to match the 12-foot berm above the entire length of the property where buildings are located. See the details of this study in the Geological Hazard Analysis Report prepared by Cesare, Inc (see Exhibit 5).

All buildings have an efficient and functional layout. The three small apartment buildings, each with 14 two-bedroom units, are sited to work with natural grade and include a garden level apartment with storage, laundry and indoor community space on the basement level. These slightly taller buildings have been located on the lower, western end of the site so that the rooflines are in scale with the rest of the neighborhood. A community outdoor space and barbeque area has been located next to these apartments to give the residents an outdoor place to gather and share a meal.

The townhomes have been located on the eastern end of the site where natural grade lifts the site as much as 50 feet above the frontage road and I-70. The 31 townhomes in eight buildings flank both sides of a cul-de-sac street. No building has more than four units to keep the massing of the buildings at a human scale. All townhomes have adequate parking for the residents and guests with three total parking spaces at the vast majority of units – one in a garage and two in the driveway – as well as adequate room for landscaping islands that are somewhat rare in Vail's townhome communities. These generous building setbacks and front yards with adequate parking will help create an attractive street with a neighborhood's sense of community. Each of

the townhomes will have private outdoor space at grade at the rear of the home. Each townhome will have a private deck on the downhill side of each home (facing away from the surrounding wildlife habitat), embracing the 180 degree up- and down-valley views.

The proposed development plan is a functional development plan that looks to create a meaningful housing neighborhood that will serve a variety of residents – both renters and homeowners. There are no negative impacts to the surrounding neighborhood, not only because there are no contiguous neighbors, but also because the applicant is setting aside more than 78% of the site for open space and use by wildlife. No views of other properties will be blocked, and the views of the Booth Creek cliffs and ridges will not be impacted from public roads.

With substantial open space dedications and wildlife enhancement, a development layout that is responsive to the site and minimizes its impacted area, and a development program that includes a meaningful number of new units, the applicant believes and has documented that Booth Heights is a model for responsible development on private property.

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

Applicants Response:

Due to the unique nature and challenges of building housing in TOV, the Housing District does not include traditional development limitations and offers the applicant the flexibility to develop the proposed combination of housing types. The building layouts are responsive to the site and surrounding topography. The site is not challenged with needing to relate to any immediate neighbors. This said, Booth Heights will be a mix of housing types that are prevalent through East Vail including both walkup multifamily buildings and townhomes.

The conscientious decision to concentrate the density into a small footprint and leave substantial open space leads has driven the proposed density of 13.5 units per acre on the Housing parcel and 3.1 units per acre considering the entire EVWHS. It should be noted that in most zone districts EHUs are not counted towards density and in that case the density of the Housing parcel would be 2.22 units per acre or 0.52 units per acre considering the entire EVWHS parcels. Buildings have been spread throughout the site with generous setbacks and open space to provide a human scale that matches or even improves upon the experience of similar townhome neighborhoods throughout East Vail. Set in the context of the surrounding 600-foot tall Booth Creek cliffs located above the site, the proposed three and four-story buildings are in context with the geography.

Buildings are responsive to natural grade and are built into the hillside with a garden level that daylight onto grade, and the second-floor walking out onto grade at the rear. Consistent with the wildlife design recommendations, the units only have private outdoor space on the ground level and on decks above the ground level that face south.

The architecture is mountain modern including traditional forms characteristic of Vail, combined with clean lines and architecture. This architecture and material pallet honors but improves upon the vast majority of multifamily residential inventory throughout East Vail and is similar to the Chamonix Vail locals housing project recently built in the Town. The primary façades are proposed with a mix of stucco, cementitious siding that resembles natural wood, and wood trim to incorporate the new fire-resistant design recommendations of the fire department, as well as long-term durability. These materials are mixed horizontally and vertically to break up the massing of the buildings, and this variation is complimented with adjustments to the size of windows. Roofs are pitched with asphalt shingles and match other residential development in East Vail. The rooflines of each building step to avoid one continuous roofline.

The multifamily units have been broken up into three different 14-unit buildings to match the scale of the neighboring townhomes. The buildings include varying roof lines and walk-up breezeways that further break the massing of the buildings.

The townhomes are a combination of two- and three-bedroom units to provide a variety of housing with several different price points that were so popular at Chamonix. This mix of units provides opportunities for a variation in the roof lines and in most buildings, especially the front from of buildings that will be most prominently viewed from the N. Frontage Road and I-70.

The scale of all buildings matches or even improves upon the design and architecture of many of the existing development throughout east vail with no more than 4 units per townhome building, and multifamily buildings of a similar scale. No building exceeds the four stories of occupied space established at other residential projects such as the Pitkin Creek Townhomes to the east.

With no contiguous neighbors, the Booth Heights development plan is an opportunity for a rare, locals housing project on the last remaining Housing parcel in TOV. Because of its unique location this meaningful housing project can be built without negatively affecting neighbors. The applicant believes that this type of multifamily housing was contemplated when the development potential of the EVWHS was concentrated onto less than 25% of the overall original parcel at the rezoning. With mountain modern architecture that borrows from Vail's architectural traditions and the material pallet seen throughout East Vail, massing that is spread between eleven buildings, substantial setbacks from the street, as well as an appropriate relationship to the surrounding topography – the Booth Heights plans meets the Housing District requirements for architecture, character, scale, massing and orientation that is compatible with the site and neighborhood.

***Design Criteria 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.***

Applicants Response:

The Proposed site plan has been prepared to preserve and enhancing substantial open space and with mitigation efforts to return it to suitable winter range for wildlife. In total, 18.2 acres or more than 78% of the EVWHS is set aside for open space and wildlife.

While development impacts have been concentrated into a small footprint, the landscape plan for the developed portion of Booth Heights is both functional and aesthetic. The intent of the landscape design is to have more manicured planting beds adjacent to the buildings, in parking landscape islands, and at the central public gathering and picnic area. Away from these areas the landscaping will be more native in nature. All landscaping will include regionally appropriate species selected to minimize the need for watering. This design approach not only integrates well with the surrounding natural areas, but also reduces the use of natural resources such as water. Trees have been located away from structures as recommended by the Fire Department.

Most retaining walls are proposed to be built with native boulders, which will be harvested onsite. In a few select areas, the grading plan requires an MSE wall. Both of these types of walls will be stepped to create opportunities for both formal and informal planting at each level.

An earthen berm has been located along the rear of the site to create a physical and visual buffer between the human space and wildlife. A clear corridor on the north side of this berm will allow for wildlife movement east to west across the site. This physical barrier separating human occupied space from open space will be complimented at the west entry with landscaping and trees, and on the east side of the site with the steep natural grade. The plan includes planting this berm with native grasses and aspen seedlings on the downhill portion of the berm.

The central feature of the landscape plan is an outdoor gathering space for the entire community including barbeques, picnic areas, fire pit, and pergola. The location of this functional, centralized outdoor space was derived from the WES's design guidelines. We are also proposing to find creative ways to utilize the fire department staging and turnaround areas for resident recreation – with a community patio next to the picnic area at one location and a basketball hoop at the other. All site amenities will be fixed to the ground to prevent them from being moved into these fire department staging areas.

The landscaping at each of the townhome units will including planting beds at the front of the townhome buildings between driveways. The rear of each home will include private open space that includes a small patio and plantings. The applicant is also proposing a fence that would be approved as part of the Design Review process that could be building by residents who own a dog to create privately owned outdoor space that would be one of the only areas of the development for the animal to go outside – further protecting the surrounding wildlife habitat.

By design, the project does not propose to connect to the informal trails immediately adjacent to the site to minimize impacts to the surrounding wildlife habitat. Likewise, while the site plan is open and inviting to the residents and public, it is not designed to help the residents and public recreate off-site due to the surrounding wildlife areas.

The combination of significant natural landscaping, limited but attractive manicured landscaped areas, community focused outdoor gathering and recreating areas, and substantial enhanced open space make the Booth Heights landscape plan both aesthetic and functional. Substantial buffering to the rear, east and west of the site will discourage unwanted interaction with the open space and wildlife.

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

Applicant Response:

A safe, efficient and aesthetically pleasing circulation system that integrates and improves the East Vail public transportation system has been designed for the Booth Heights community.

With direct access off the N. Frontage Road and immediate proximity to I-70, Booth Heights will cause minimal impact to East Vail's neighborhood streets. The accompanying Transportation Impact Study by McDowell Engineering, LLC shows the relatively light traffic on the Frontage Road (see Exhibit 6). The development will only generate 290 total trips (145 outgoing and 145 incoming), with only 17 additional peak-hour morning trips and 24 peak-hour evening trips, daily. There is no need for any lane improvements or widening.

The vehicular and main pedestrian site access is from the west so as to work with the natural grade. This location allows a gradually sloping driveway that meets the Town's design standards and provides ADA access to the bus stop. It also is the only spot that natural grade would accommodate a 90-degree driveway entrance at the N. Frontage Road as required by CDOT.

The driveway and parking lot is designed to fully comply with the TOV design standards (i.e. width drainage, site disturbance, turning movements, etc.) including emergency access. Due to the substantial length of the driveway, the drive aisle has been oversized to 26 feet to ensure adequate circulation in the event an emergency vehicle is parked in this drive aisle. There are also three fire truck turnaround and staging areas at the request of the Fire Department.

Proximity to the East Vail Bus Route is one of the most advantageous aspects of the location of EVWHS for locals housing. With direct access to TOV's public transit system, Booth Heights will cater to residents whose lives are Vail-centric. Recognizing this fact, the applicant is proposing to construct a new bus stop at the west end of the site directly adjacent to the proposed driveway.

The proposed design of this new bus stop is a compromise that balances the need for new transit with the desire to maintain wildlife access to the grazing area in front of the site as suggested in the wildlife design recommendation #6 above. TOV Public Works has suggested a desire for new full-movement bus stop that would permit buses to make a 360-degree movement at the stop that would need to be approximately 50 feet deep. This turnaround would allow a dedicated express bus to service the site if TOV determined that this level of service is preferred.

While the applicant understands the operational considerations of Public Works, the wildlife design criteria direct us to preserve wildlife access to and through the right of way in front of the

site. Rather than a substantial bus stop, the applicant is proposing to construct a new bus pull off on both sides of the street at the bus stop that will allow the bus to pull out of the main travel lanes. The bus stop will include a standard TOV bus shelter to serve for those waiting to commute into town, as well as a crosswalk that will allow westbound passengers to safely cross the N. Frontage Road. This stop is similar to almost all the bus stops on the East Vail bus route.

Public Works also recommended a new pedestrian trail through this right-of-way at the front of the site. As there is not a trail or sidewalk to the west for almost a half mile, this trail would only provide connectivity to the Falls at Vail bus stop. While we are not proposing to build this trail for the same wildlife reasons discussed above, instead we are proposing to build landscape steps for resident leaving the site both to the west and to the east.

With the above access and parking configuration, as well as the proposed public transportation improvements, the development plan provides a pedestrian and vehicular circulation system designed to provide safe, efficient and aesthetically pleasing circulation to the site and throughout the development.

### ***Design Criteria F - Compliance with the Vail comprehensive plan and other applicable plans***

The Applicant believes that the proposal is consistent with the following provisions of the Vail 20/20 Strategic Action Plan, Vail Land Use Plan, 2009 Environmental Sustainability Strategic Plan, Vail Housing 2027 Plan, and 2018 Open Lands Plan Update:

#### **Vail 20/20 Focus on the Future – Strategic Action Plan:**

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 then details 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 over the next 5 years to achieve those goals.

#### *LAND USE*

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

- *Work with public and non-profit partners to ensure that environmental issues within the town and region are being addressed.*
- *Educate developers and applicants on how to incorporate environmental sustainability into projects.*

*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 build employee housing units.*

## *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.*

*Goal #3: Ecosystem: Improve the health and diversity of the forest and mountain ecosystem while recognizing the interdependence of the wildland urban interface (WUI) corridor within Vail.*

- *Work with non-profit organizations and the Colorado Department of Wildlife to improve wildlife conditions.*

## *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.*

## *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**

The Land Use Plan is not intended to be regulatory in nature but is intended to provide a general framework to guide decision making. The following goals and objectives support this proposal:

### *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.*

*1.2. The quality of the environment including air, water and other natural resources should be protected as the Town grows.*

*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.*

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

## **5. Residential**

*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 the Creation and Support of Resident Housing in Vail**

*Ten Year Goal: “The Town of Vail will acquire 1,000 additional resident housing unit deed restrictions by the year 2027.”*

*Vision: We envision Vail as a diverse, resilient, inclusive, vibrant and sustainable mountain resort community where year-round residents are afforded the opportunity to live and thrive. We take a holistic approach to maintaining community, with continuous improvement to our social, environmental, and economic well being. We create housing solutions by recognizing and capitalizing on our unique position as North America’s premier international mountain resort community in order to provide the highest quality of service to our guests, attract citizens of excellence and foster their ability to live, work, and play in Vail throughout their lives.*

*Our strategic solutions and actions result in the retention of existing homes, creation of new and diverse housing infrastructure, and collaboration with community partners. For Vail, no problem is insurmountable. With a consistent, community-driven purpose and an entrepreneurial spirit, Vail will lead the industry in innovative housing solutions for the 21st century. The Town is well positioned financially to undertake this significant challenge.*

*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.”*

**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 #2 – Energy Efficiency: Reduce the Town of Vail municipal and community energy use by 20% below 2006 levels by 2020, in order to effectively reduce the Town’s contribution to greenhouse gas emissions and impact on global climate change.*

*Goal #3 – Ecosystem Health: 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.*

**2018 Open Lands Plan Update**

*The entire 23-acre parcel is listed in the Action Plan of the document as parcel #23 and states the following:*

*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.*

### **Conditional Use Permit**

Dwelling units that are not deed restricted are allowed by Conditional Use Permit in the Housing Zone District. In addition to the Conditional Use Criteria, there are four use specific criteria that must be evaluated by the Planning and Environmental Commission.

Conditional Use Permit Criteria:

1. Relationship and impact of the use on development objectives of the town.

Applicant Response: As detailed in the response to Design Criteria F above, the development of workforce housing is one of the top priorities and objectives of the Town. Allowing the 12 dwelling units without deed restrictions provides a subsidy to allow the development of the remaining 61 units of deed restricted workforce housing. While the number of unrestricted units is just 16% of the total number of dwelling units, the GRFA is 30% of the total GRFA. The proposal, as demonstrated in the sections above, clearly implements the Town's goals and objectives by balancing the need for workforce housing with the mitigation of impacts to the environment.

2. Effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities and public facilities needs.

Applicant Response: As detailed in the responses above to the design criteria, the proposed 12 unrestricted dwelling units will have little additional impact to the issues listed in this criterion. The units are being developed at a density that allows ample separation of buildings to allow adequate light and air. The proposed location of the 12 dwelling units is within the eastern half of the Town and allows for adequate distribution of the population in the Town. The development will bring more ridership on buses allowing the Town's bus system to run more efficiently. The goal of the Town is to have more bus ridership and less cars requiring parking and otherwise impacting the environment. Utilities, schools, and park and recreation facilities within the Town and servicing the site have capacity to accommodate these 12 units. The proposal is consistent with this criterion and has limited impacts on the issues listed.

3. Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety

and convenience, traffic flow and control, access, maneuverability, and removal of snow from the streets and parking areas.

Applicant Response: As detailed in the responses above to the design criteria, the proposed 12 unrestricted dwelling units will have little additional impact to the issues listed in this criterion. While the additional 12 dwelling units will generate minimal additional traffic, the North Frontage Road and I-70 have sufficient capacity to accommodate not only these 12 dwelling units but the entire project as evidenced in the Transportation Impact Study provided with this application. The site plan has been developed to allow for code compliant access and allows for adequate traffic flow and maneuverability. Code compliant snow storage areas have been provided onsite so that snow storage is not impacting the street. Pedestrians paths and circulation have been provided throughout the property allowing for multiple routes for access to the street and transportation facilities. The proposal complies with this criterion.

4. Effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.

Applicant Response: As detailed in the responses above to the design criteria, the proposed 12 unrestricted dwelling units will have little additional impact to the issues listed in this criterion. The property is zoned Housing Zone District thus anticipating the development of housing on the property. The overall density of the proposal, including the 12 unrestricted units, is 13.5 units per acre if you count EHUs as part of the density calculation. The density, which relates to bulk and scale is consistent with other multiple family developments in the East Vail area. The character of these 12 dwelling units, is consistent with the character of East Vail and compatible with the immediate topography.

5. Such other factors and criteria as the commission deems applicable to the proposed use.

Applicant Response: The other factors and criteria that the commission must address are the specific criteria found in the Housing Zone District when considering the addition of unrestricted dwelling units as listed below:

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

Applicant Response: These 12 dwelling units are critical to the project and provide a subsidy that allows the project to be constructed.

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

Applicant Response: These 12 dwelling units are not the primary use of the property and represent 16% to the total unit count and do not exceed 30% of the total GRFA on the property.

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

Applicant Response: These 12 dwelling units are being developed in conjunction and in proportion to the employee housing.

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

Applicant Response: As evidenced from the proposed site plan and architectural drawings and as further described herein, these 12 dwelling units are compatible with the other buildings being proposed and with buildings and uses on adjacent properties.

### **Applicant Request of the Planning & Environmental Commission**

As the last undeveloped, sizeable Housing parcel in TOV, the EVWHS is the most meaningful local's housing opportunity within the Town of Vail today. With 73 new homes, the proposed Booth Heights community will accomplish more than 7% of TOV's 10-year housing goal as identified in the Vail Housing 2027 Strategic Plan. The project has been designed with sensitivity to wildlife as the fundamental driver in the plan and will include commitments to open space, wildlife enhancement, and ongoing protections for wildlife. Taken in conjunction with TOV's own ongoing wildlife enhancement in East Vail, the development serves as a model project to create much needed housing in an environmentally sensitive manner.

In closing, the applicant believes that it has successfully demonstrated compliance with the Development Standards and Criteria for Evaluation for development in the Housing district as illustrated on the proposed plans and through our response to the six design criteria above. Therefore, the applicant requests that the TOV Planning & Environmental Commission approve the development plan for the Booth Heights community.