



Memorandum

To: Planning and Environmental Commission

From: Community Development Department

Date: May 8, 2017

Subject: A request for review of an Exterior Alteration, pursuant to Section 12-7B-7, Exterior Alterations or Modifications, Vail Town Code, to allow for a renovation, and a request for a recommendation to the Vail Town Council on an application for encroachments into an existing view corridor, pursuant to Section 12-22-6, Encroachments Into Existing View Corridors, Vail Town Code, to allow for encroachments into View Point #1 for modifications to the Hill Building, located at 254 and 311 Bridge Street (Hill Building)/Lots C & L, Block 5C, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0010/PEC17-0012)

Applicant: Mr. Ed Anderson, dba Mt. Belvedere 45 LLC and 43-45 Riva Ridge LLC, represented by Tom Braun, Braun Associates, Inc.

Planner: George Ruther

I. SUMMARY

The applicant, Mr. Ed Anderson, represented by Braun Associates, Inc, is requesting a review of an Exterior Alteration, pursuant to Section 12-7B-7, Exterior Alterations or Modifications, Vail Town Code, to allow for a renovation to the Hill Building and a request for a recommendation to the Vail Town Council on an application for encroachments into an existing view corridor, pursuant to Section 12-22-6, Encroachments Into Existing View Corridors, Vail Town Code, to allow for encroachments into View Points #1 and #4 for modifications to the Hill Building, located at 254 and 311 Bridge Street.

The proposed renovation maintains the existing uses in the building. The existing uses include retail use on the first floor or ground level of the building and residential uses on the second floor and above levels of the building. The majority of the renovation occurs to the exterior of the building and on the second floor and above levels of the building. To that end, the Exterior Alteration applicant shall be reviewed for compliance with the zoning regulations prescribed by the Commercial Core I zone district, the applicable elements of the Vail Village Master Plan, and the recommendations of the Vail Village Urban Design Guide Plan.

Based upon Staff's review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends approval, **with conditions**, of this application, subject to the findings noted in Section VIII of this memorandum.

II. DESCRIPTION OF REQUEST

Mr. Ed Anderson, the owner of the Hill Building, located at 254 and 311 Bridge Street in Vail Village, has requested the review of an Exterior Alteration application, pursuant to Section 12-7B-7, Exterior Alterations or Modifications, Vail Town Code, to allow for an upper level renovation and exterior re-skin of the Hill Building. To facilitate the proposed renovation and ensure compliance with the Town's adopted building codes, the applicant is also proposing a 32 inch encroachment into View Corridor #4. The scope of work of the proposed renovation includes:

- No change in existing uses (i.e. ground floor or street level retail, second floor and above residential).
- An extensive renovation to the exterior materials of the building.
- Overall decrease of gross residential floor area (- 94 square feet).
- Increase of retail floor area of 76 square feet.
- Reduction in site coverage (- 371 square feet).
- Minor modifications to the massing and overall height of building (60% 33 ft. or less/40% \leq 43 ft.).
- Increase in softscape landscape area (+ 5 square feet).
- Maintain the existing non-conforming enclosed parking space within the structure.

The proposed renovation is in compliance with the development standards prescribed by the Commercial Core I zone district. Though the Hill Building is directly affected by three of protected view corridors in Vail Village, the applicant is proposing to comply with said view corridors, and is therefore, not proposing to either amend or encroach into the protected view corridors.

According to the applicant,

"The goal of this renovation is to create a family home and to restore the Hill Building in a manner that acknowledges and responds to its history, the early architecture of Vail Village, and Town's design goals for Vail Village."

A vicinity map (Attachment A), site photos (Attachment B), applicant's narrative (Attachment C), and the proposed site and architectural plans, (Attachment D) are attached for review.

III. BACKGROUND:

The Hill Building is one of the few remaining original structures in Vail Village. Since its original construction in the early 1960's, a number of additions and changes have been made to the building. However, no substantial additions or changes have been made in the last 20 years. The ownership of the building remained unchanged for nearly 50 years. The Hill Building has recently sold to new owners.

The current zoning designation of the property of Commercial Core 1 District (CC1) was established as part of the original Town of Vail zoning regulations via Ordinance No. 8, Series of 1973, adopted on August 7, 1973.

IV. APPLICABLE PLANNING DOCUMENTS:

Staff believes that following provisions of the Vail Town Code, Vail Land Use Plan, Vail Village Master Plan and the Vail Village Urban Design Guide Plan are relevant to the review of this proposal:

Title 12 – Zoning Regulations, Vail Town Code

Section 12-7B Commercial Core 1 (CC1) District (in part)

12-7B-1: PURPOSE:

The commercial core 1 district is intended to provide sites and to maintain the unique character of the Vail Village commercial area, with its mixture of lodges and commercial establishments in a predominantly pedestrian environment. The commercial core 1 district is intended to ensure adequate light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The zoning regulations in accordance with the Vail Village urban design guide plan and design considerations prescribe site development standards that are intended to ensure the maintenance and preservation of the tightly clustered arrangements of buildings fronting on pedestrianways and public greenways, and to ensure continuation of the building scale and architectural qualities that distinguish the village.

12-7B-7: EXTERIOR ALTERATIONS OR MODIFICATIONS:

- A. Subject To Review: The construction of a new building, the alteration of an existing building which adds or removes any enclosed floor area, the alteration of an existing building which modifies exterior rooflines, the replacement of an existing building, the addition of a new outdoor dining deck or the modification of an existing outdoor dining deck shall be subject to review by the planning and environmental commission (PEC).*

VAIL LAND USE PLAN

CHAPTER II – LAND USE PLAN GOALS / POLICIES:

The goals articulated here reflect the desires of the citizenry as expressed through the series of public meetings that were held throughout the project. A set of initial goals were developed which were then substantially revised after different types of opinions were brought out in the second meeting. The goal statements were developed to reflect a general consensus once the public had had the opportunity to reflect on the concepts and ideas initially presented. The goal statements were then revised through the review process with the Task Force, the Planning and Environmental Commission and Town Council and now represent policy guidelines in the review process for new development proposals. These goal statements should be used in conjunction with the adopted Land Use Plan map, in the evaluation of any development proposal.

The goal statements which are reflected in the design of the proposed Plan are as follows:

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.

1.4. The original theme of the old Village Core should be carried into new development in the Village Core through continued implementation of the Urban Design Guide Plan.

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

4. Village Core / Lionshead

4.3. The ambiance of the Village is important to the identity of Vail and should be preserved. (Scale, alpine character, small town feeling, mountains, natural settings, intimate size, cosmopolitan feeling, environmental quality.)

VAIL VILLAGE MASTER PLAN

The Vail Village Master Plan identifies the purpose of the plan as follows:

"This Plan is based on the premise that the Village can be planned and designed as a whole. It is intended to guide the Town in developing land use laws and policies for coordinating development by the public and private sectors in Vail Village and in implementing community goals for public improvements. It is intended to result in ordinances and policies that will preserve and improve the unified and attractive appearance of Vail Village. This Plan emphasizes the critical need to balance and coordinate parking and transportation systems with future improvements to Vail Mountain that will increase the "in and out of Valley" lift capacity. Most importantly, this Master Plan shall serve as a guide to the staff, review boards, and Town Council in analyzing future proposals for development in Vail Village and in legislating effective ordinances to deal with such development. Furthermore, the Master Plan provides valuable information for a wide variety of people and interests. For the citizens and guests of Vail, the Master Plan provides a clearly stated set of goals and objectives outlining how the Village will grow in the future."

The Vail Village Master Plan established six goals containing objectives, policies and action steps. The following goals, objectives and policies are applicable to this major exterior alteration proposal.

"GOAL #1 ENCOURAGE HIGH QUALITY REDEVELOPMENT WHILE PRESERVING UNIQUE ARCHITECTURAL SCALE OF THE VILLAGE IN ORDER TO SUSTAIN ITS SENSE OF COMMUNITY AND IDENTITY.

Objective 1.1: Implement a consistent development review process to reinforce the character of the Village.

Policy 1.1.1: Development and improvement projects approved in the Village shall be consistent with the goals, objectives, policies and design considerations as outlined in the Vail Village Master Plan and Urban Design Guide Plan.

Objective 1.2: Encourage the upgrading and redevelopment of residential and commercial facilities.

Policy 1.2.1: Additional development may be allowed as identified by the Action Plan and as is consistent with the Vail Village Master Plan and Urban Design Guide Plan.

Objective 1.4: Recognize the “historic” importance of the architecture, structures, landmarks, plazas and features in preserving the character of Vail Village.

Policy 1.4.1: The historical importance of structures, landmarks, plazas and other similar features shall be taken into consideration in the development review process.

Policy 1.4.2: The Town may grant flexibility in the interpretation and implementation of its regulations and design guidelines to help protect and maintain the existing character of Vail Village.

Policy 1.4.3: Identification of “historic” importance shall not be used as the sole means of preventing or prohibiting development in Vail Village.

GOAL #2 TO FOSTER A STRONG TOURIST INDUSTRY AND PROMOTE YEAR-AROUND ECONOMIC HEALTH AND VIABILITY FOR THE VILLAGE AND FOR THE COMMUNITY AS A WHOLE.

Objective 2.1: Recognize the variety of land uses found in the 11 sub-areas throughout the Village and allow for development that is compatible with these established land use patterns.

Policy 2.1.1: The zoning code and development review criteria shall be consistent with the overall goals and objectives of the Vail Village Master Plan.

Objective 2.2: Recognize the importance of Vail Village as a mixed use center of activities for our guests, visitors and residents.

Policy 2.2.1: The design criteria in the Vail Village Urban Design Guide Plan shall be the primary guiding document to preserve the existing architectural scale and character of the core area of Vail Village.

Objective 2.5: Encourage the continued upgrading, renovation and maintenance of existing lodging and commercial facilities to better serve the needs of our guests.

Policy 2.5.2: The town will use the maximum flexibility possible in the interpretation of building and fire codes in order to facilitate budding renovations without compromising life, health and safety considerations.

GOAL #3 TO RECOGNIZE AS A TOP PRIORITY THE ENHANCEMENT OF THE WALKING EXPERIENCE THROUGHOUT THE VILLAGE

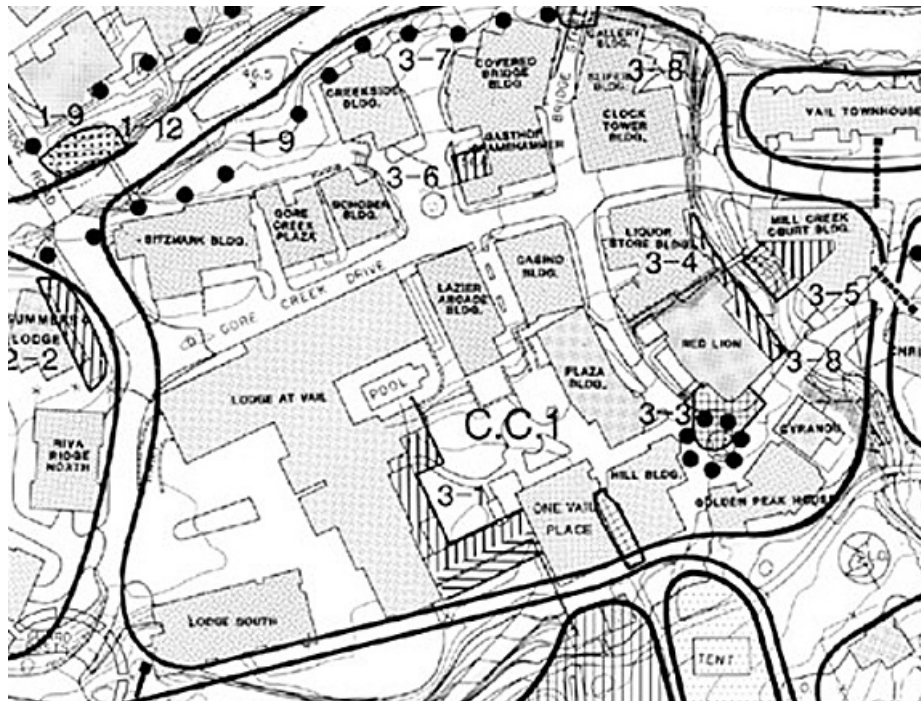
Objective 3.1: Physically improve the existing pedestrian ways by landscaping and other improvements.

Policy 3.1.1: Private development projects shall incorporate streetscape improvements (such as paver treatments, landscaping, lighting and seating areas), along adjacent pedestrian ways.

Policy 3.1.2: Public art and other similar landmark features shall be encouraged at appropriate locations throughout the Town.

Policy 3.1.3: Flowers, trees, water features, and other landscaping shall be encouraged throughout the Town in locations adjacent to, or visible from, public areas.”

Chapter 7 of the Vail Village Master Plan identifies eleven Vail Village Sub-Areas. Within each sub-area concepts are described which are meant to serve as “advisory guidelines for future land use decisions by the Planning and Environmental Commission”. The Vista Bahn building is located within Sub-Area #3. Sub-Area 3# is as follows:



“This pedestrianized area of the Village represents the traditional image of Vail. A mixture of residential and commercial uses, limited vehicular access, and interconnected pedestrian ways are some of the characteristics that distinguish this area from other portions of the Village. With the exception of embellishing pedestrian walkways, developing plazas with greenspace, and adding a number of infill developments, it is a goal of the community to preserve the character of the Village as it is today.”

The core area, with its predominantly Tyrolean architecture is the site of the earliest development in Vail. Over time, a need to upgrade and improve infrastructure such as loading and delivery facilities, drainage, paved surfaces and other landscape features has become apparent. Many improvements to public spaces will be addressed as part of an overall streetscape improvement project. There is also the potential to initiate a number of these improvements in conjunction with private sector development projects.

Although it is a goal to maintain design continuity in the Village core, there will be change in the core area's built environment. This is mostly due to the number of

properties that have not exercised their full development rights. Most notable among these properties are the Red Lion Building, the Cyranos Building, the Lodge at Vail, and the Covered Bridge Building. If each of these and other properties develop to their full potential, there will undoubtedly be a significant increase in the level of development in the Village core.

The Vail Village Urban Design Guide Plan has been the primary tool in guiding private development proposals in the core area since 1980. The Guide Plan will continue to be used in conjunction with the goals and design criteria outlined in the Vail Village Master Plan. Infill and redevelopment proposals shall be reviewed for compliance with the design criteria, goals, objectives and policies established in these respective plans.”

V. SITE ANALYSIS

Address: 254 and 311 Bridge Street
 Legal Description: Lots C & L, Block 5C, Vail Village Filing 1
 Zone District: Commercial Core 1
 Land Use Plan Designation: Vail Village Master Plan
 Current Land Use: Mixed-Use
 Geological Hazards: None

Development Standard	Allowed/Required	Existing	Proposed	Change
Lot/Site Area	5,000 sq. ft. buildable	8,494 sq. ft.	8,494 sq. ft.	No Change
Setbacks	No setbacks required by the Vail Urban Design Guide Plan			No Change
Building Height	60% at 33 ft. or less 40% at 33 ft. to 43 ft	60% at 33 ft. or less 40% at 33 ft. to 43 ft	62% at 33 ft. or less 38% at 33 ft. to 43 ft	+1'-2"
Density	25 DUs / acre of buildable	2 units	2 units	No Change
Parking	No parking on site	1 enclosed*	1 enclosed*	No Change
Gross Residential Floor Area (GRFA)	6,795 sq. ft. (80%)	7,014 sq. ft. (82.5%)	6,920 sq. ft. (81.5%)*	- 94 sq. ft.
Site Coverage	6,795 sq. ft. (80%)	6,693 sq. ft. (79%)	6,322 sq. ft. (74%)	371 sq. ft.
Landscaping	No reduction in landscape area allowed		Landscape reconfigured	+ 5 sq. ft.

Note: * One lawfully established enclosed parking space exists on site. This one space may remain, as is, pursuant to continued demonstration of compliance with the provision contained in Chapter 18 of the Zoning Regulations of the Town of Vail.

VI. SURROUNDING LAND USE AND ZONING

	<u>Existing Use</u>	<u>Zoning District</u>
North:	Mixed Use	Commercial Core 1
South:	Open Space	Agricultural and Open Space
West	Mixed Use	Commercial Core 1
East:	Open Space Town- Owned Stream Tract	Outdoor Recreation

VII. REVIEW CRITERIA EXTERIOR ALTERATION

It shall be the burden of the applicant to prove by a preponderance of the evidence before the PEC that:

1. **The proposed exterior alteration is in compliance with the purposes of the CC1 district as specified in section 12-7B-1, Vail Town Code; and,**

The commercial core 1 district is intended to provide sites and to maintain the unique character of the Vail Village commercial area, with its mixture of lodges and commercial establishments in a predominantly pedestrian environment. The commercial core 1 district is intended to ensure adequate light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The zoning regulations, in accordance with the Vail Village urban design guide plan and design considerations, prescribe site development standards that are intended to ensure the maintenance and preservation of the tightly clustered arrangements of buildings fronting on pedestrianways and public greenways, and to ensure continuation of the building scale and architectural qualities that distinguish the village.

Staff finds the proposed exterior alteration is in compliance with the purpose of the CC1 District. The exterior alteration proposal will, *"maintain the unique character of Vail Village"* and enhance the predominantly pedestrian environment. The proposed exterior alteration, with its uniquely designed architecture and bulk and mass, further ensures the arrangement of buildings fronting on the pedestrian way of Bridge Street and Wall Street. A building of this architectural design and scale is precisely what was intended for Vail Village. As proposed, the overall bulk and mass of the building remains the same, or is only slightly larger. In several areas the mass of the building is being reduced as portions of existing structure are being removed. In other areas, such as the roof, the height of the ridgeline is being increased by up to nine inches.

Through the addition of 76 square feet net new retail area the applicant is obligated to comply with the commercial linkage requirements prescribed in Chapter 12-23 of the Zoning Regulations of the Town of Vail. Pursuant to the requirements, the applicant shall remit payment to the Town of Vail of a fee in lieu payment in the amount of \$6,483.70. The payment is calculated as follows:

$(76 \text{ net new sq. ft./1,000}) \times 2.4 \text{ per 1,000} = 0.1824 \text{ net new employees} \times 20\% \text{ mitigate} = 0.0365 \text{ employees} \times \$177,733 = \$6,483.70.$

Staff finds the proposed exterior alteration meets this review criterion.

2. The proposal is consistent with applicable elements of the Vail Village Master Plan, the Town of Vail Streetscape Master Plan, and the Vail Comprehensive Plan; and,

Staff finds that the application is consistent with the Vail Comprehensive Plan, which includes the Vail Village Master Plan and the Town of Vail Streetscape Master Plan, because the proposal is an upgrade to an existing mixed-use structure. The intent of Objective 1.2 with the Vail Village Master Plan is to, *“encourage the upgrading and redevelopment of residential and commercial facilities.”*

In making a determination of consistency with the applicable elements of the Vail Village Master Plan, Town of Vail Streetscape Master Plan, and the Vail Comprehensive Plan, the Town sought consultation from Jeff Winston, of Winston LLC. Mr. Winston has served as the Town’s Urban Design Consultant for over three decades. A copy of a memorandum from Jeff Winston outlining his thoughts on consistency has been attached for reference. In summary, Mr. Winston concludes the following:

- The application is consistent with all Urban Design Concepts
- The proposed building maintains and improves the existing level of consistency with all of the applicable elements of the Vail Village Design Considerations
- Further consideration should be given to roof materials, façade materials and windows, façade transparency, and landscape elements. Most notably, three large spruce trees should be removed IF more transparency and unifying landscape can be created as a result.

The applicant appeared before the Town of Vail Planning & Environmental Commission on May 8th for a worksession. The purpose of the worksession was to present the proposed plans for the renovation of the Hill Building and receive initial feedback from the Commission and public. During the worksession the Planning & Environmental Commission members shared the following comments and/or requested the following information be provided at the time of final review:

- A comparison of the sun/shade analysis.
- An exhibit demonstrating impacts, if any, to the three adopted view corridors (#1, 2 & 4)
- The presence of stucco materials over top of wood on the exterior façade of the building.
- The stucco handrail atop the second floor deck.
- The articulation of the ground floor retail exterior facade.
- The ability to covenant or otherwise document the prohibition of vehicles parking on town owned land and outside the one enclosed garage space.
- A presentation on how snow will be kept from shedding down onto the pedestrian areas around the building.
- The apparent brightness of color of the proposed stucco.
- The use of gray colored stone on the chimneys of the building.
- The request that no new trees be added into already established view corridors.

The applicant has addressed each of the comments and requests and is prepared to present their response at the public hearing.

Therefore, staff finds the proposed exterior alteration meets this review criterion.

3. The proposal does not otherwise negatively alter the character of the neighborhood; and,

The proposal is intended to blend into the existing structure and all materials, finishes, and colors will match existing conditions and not negatively alter the character of the neighborhood. Instead, staff believes this exterior alteration application positively reinforces and further enhances the character of the neighborhood and Vail Village. It is rare to review an application that so extensively renovates a building in Vail Village which proposes to reduce site coverage, decrease GRFA, increase landscape area, and maintain existing density (du/ac).

Therefore, staff finds the proposed exterior alteration meets this review criterion.

4. The proposal substantially complies with the Vail Village Urban Design Guide Plan and the Vail Village design considerations, including, but not be limited to, the following urban design considerations: pedestrianization, vehicular penetration, streetscape framework, street enclosure, street edge, building height, views, service/delivery and sun/shade analysis.

The proposal has been reviewed for substantial compliance with the Vail Village Urban Design Guide Plan and Vail Village Design Considerations. Upon review of the proposal, staff generally finds the proposed exterior alteration meets this review criterion, with one exception – view corridors.

The Hill Building is affected by three adopted view corridors (View Corridors #1, #2 and #4). Staff has requested that the applicant provide additional information to demonstrate compliance with the Town's adopted view corridors. View Corridor #2 will not be impacted. The Hill Building is non-conforming as it relates to View Corridor #4. And, as proposed, a very small portion of the renovated building encroaches into View Corridor #1.

An application for approval to encroach into View Corridor #1 has been submitted by the applicant. The request is to allow for a 32 inch encroachment (8 inch increase in building height plus a 24 inch tall chimney cap) of two chimneys beyond what presently exists today. The reason for the increase in chimney height is to fully comply with the Town's adopted building code standards. The applicant has submitted a written response to the view corridor encroachment criteria outlined in Section 12-22-6 C of the Zoning Regulations of the Town of Vail. Staff finds the applicant has demonstrated by clear and convincing evidence that the encroachment meets each of the five criteria for consideration.

The Hill Building presently encroaches into View Corridor #4. Section 12-22-7 prescribes direction for non-conforming encroachments into existing view corridors. In summary, removal is encouraged, but not required. If maintained and not removed, the extent of non-conformity shall not be increased. If reduced, but not fully removed, the new reduced extent of encroachment shall be the basis for the remaining non-conformity. The applicant is proposing to reduce the non-conforming condition and reestablish a new non-conforming

condition. The new non-conforming condition reduces the current condition by nearly 90%. Staff finds that the modifications being made to the building do not cause the structure to encroach into View Corridor #4 to a greater extent than the existing structure.

VIII. STAFF RECOMMENDATION

The Community Development Department recommends **approval, with conditions**, a request for review of an Exterior Alteration, pursuant to Section 12-7B-7, Exterior Alterations or Modifications, Vail Town Code, to allow for a renovation, and recommends the Commission forwards a recommendation of approval for an encroachment into View Corridor #4, located at 254 and 311 Bridge Street (Hill Building)/Lots C & L, Block 5C, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0010/PEC17-0012)

Should the Planning and Environmental Commission choose to approve this exterior alteration request, the Community Development Department recommends the Commission pass the following motions:

“The Planning and Environmental Commission approves, with conditions, the applicant’s of a request for review of an Exterior Alteration, pursuant to Section 12-7B-7, Exterior Alterations or Modifications, Vail Town Code, to allow for a renovation, located at 254 and 311 Bridge Street (Hill Building)/Lots C & L, Block 5C, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0010)

Conditions:

- 1. Approval of this exterior alteration request (PEC17-0010) is contingent upon the applicant obtaining Town of Vail approval of an associated design review application and view corridor encroachment application.*
- 2. The applicant shall be required to meet the Commercial Linkage obligations at time of building permit issuance. The applicant shall remit a fee in lieu payment of \$6,483.70 to the Town of Vail.*
- 3. The applicant and the Town of Vail shall review all existing pedestrian easements to verify compliance with existing and proposed uses. Any changes to the easements required shall be mutually agreed upon and recorded with the Eagle County Clerk and Recorder’s Office, prior to the issue of a building permit for the proposed renovation.*
- 4. The applicant shall submit a stamped Improvement Location Certificate (ILC) to the Town of Vail, prior to issuance of the building permit indicating the existing conditions of the Hill Building relative to View Corridor #’s 1, 2, and 4. Then, prior to requesting any certificate of occupancy for the building, the applicant shall submit a second ILC to the Town verifying that the building has been constructed in compliance with the approved building permit set of plans.*
- 5. The applicant shall cause a covenant or similar form of restriction to be recorded with the Eagle County Clerk and Recorder’s Office against the Hill Building property (Lots C & L, Block 5C, Vail Village Filing 1) prohibiting vehicle parking from occurring*

on town-owned land or otherwise outside the enclosed parking space within the Hill Building. Further, the garage door to the enclosed parking space shall remain closed when not in use for immediate ingress or egress. The restriction shall be in a form reviewed and approved by the Town Attorney. Said restriction shall be recorded by the applicant prior to any request for a certificate of occupancy for the Hill Building.

Should the Planning and Environmental Commission choose to approve this exterior alteration request, the Community Development Department recommends the Commission makes the following findings:

“Based upon a review of Section VII of the May 22, 2017 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the proposed exterior alteration is in compliance with the purposes of the CC1 District as specified in Section 12-7B-1 of the Zoning Regulations; and*
- 2. That the proposal is consistent with applicable elements of the Vail Comprehensive Plan; and*
- 3. That the proposal does not otherwise negatively alter the character of the neighborhood.*

Should the Planning and Environmental Commission choose to recommend approval of the view corridor encroachment request, the Community Development Department recommends the Commission makes the following findings:

“Based upon a review of Section VII of the May 22, 2017 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the literal enforcement of this chapter would preclude a reasonable development of a proposed structure on the applicant's land.*
- 2. That the development of the structure proposed by the applicant would not be such as to defeat the purposes of this chapter.*
- 3. That the development proposed by the applicant would not be detrimental to the enjoyment of public pedestrian areas, public ways, public spaces, or public views.*
- 4. That the development proposed by the applicant complies with applicable elements of the Vail land use plan, town policies, urban design guide plans, and other adapted master plans.*
- 5. That the proposed structure will not diminish the integrity or quality nor compromise the original purpose of the preserved view.”*

IX. ATTACHMENTS

A. Vicinity Map

Town of Vail

Page 12

- B. Site Photos
- C. Written Request, dated April 10, 2017
- D. Proposed Plans including Building Elevations, dated May 22, 2017
- E. Review Memorandum, dated April 21, 2017
- F. Response to View Corridor Encroachment Criteria, dated May 14, 2017