

THE EVERGREEN

Major Exterior Alteration, Conditional Use Permit, Variances, and Design Guideline Deviation

Location: 250 S. Frontage Road West
Lot 2W, Block 1, Vail Lionshead Filing 2
and Lot F-1, A Resubdivision of Lot F, Vail
Village Second Filing

Submitted: February 21, 2022



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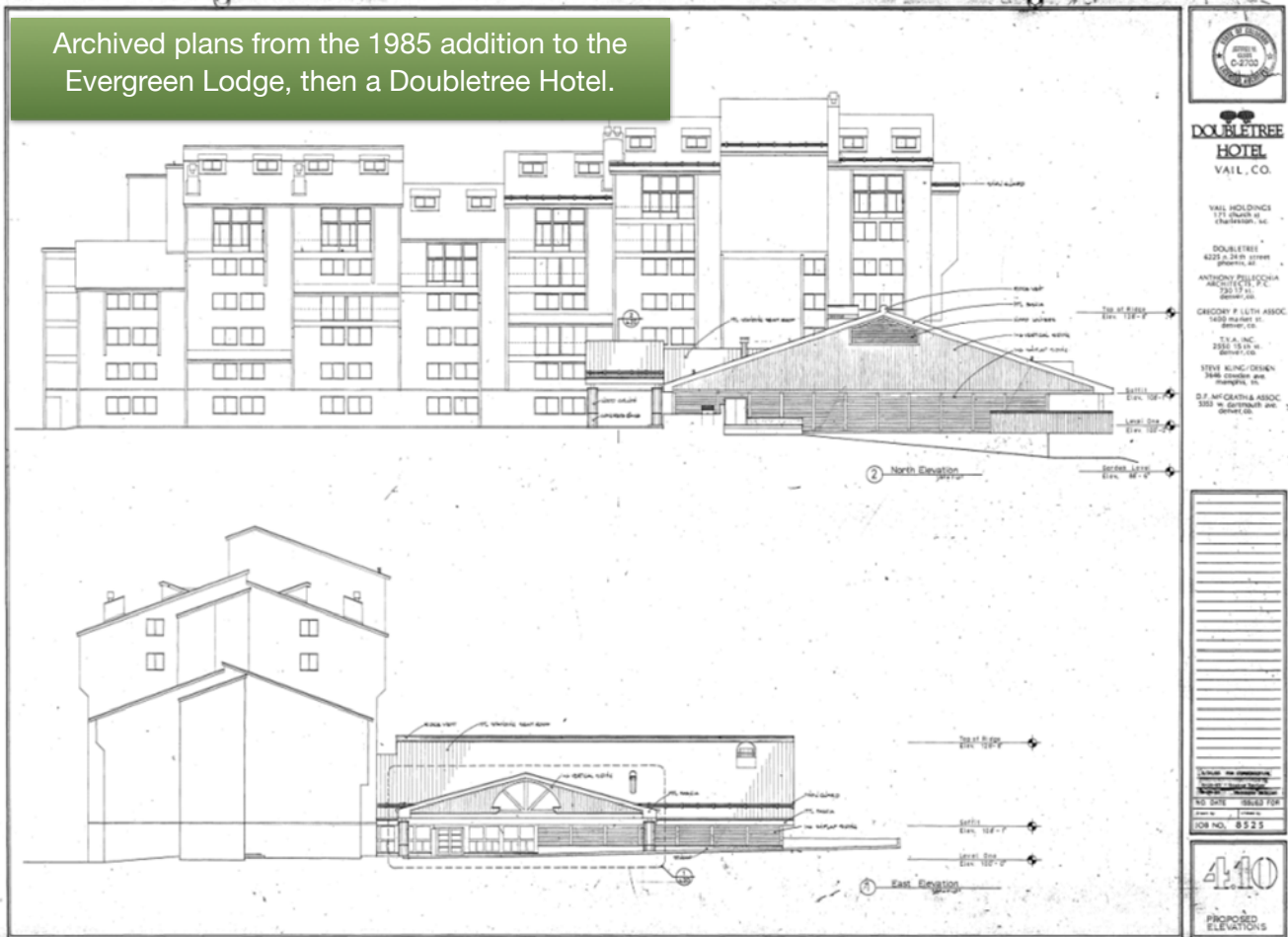
II. INTRODUCTION AND BACKGROUND

HCT Member LLC (hereafter “**The Evergreen**”) owns the Evergreen Lodge, located at 250 S. Frontage Road West / Lot 2W, Block 1, Vail Lionshead Filing 2 and Lot F-1, Vail Village Second Filing. The Solaris Group, which includes HCT Member LLC, is submitting this application to the Town of Vail to allow for a Major Exterior Alteration, Conditional Use Permit, and Variances under the Lionshead Mixed Use-1 zone district along with a Design Guideline Deviation from the Lionshead Redevelopment Master Plan. The Solaris Group is re-branding the Evergreen Lodge to “**The Evergreen**”, highlighting both the historical name of the property and the over-reaching goal to be an example of sustainable building practices in the Town of Vail.



The Evergreen Lodge was originally constructed in 1974. There have been various development plans for the property have been considered over the years, including a Special

Development District in the 1990s that was never constructed. Beyond an addition in the 1980s that added the lobby area and commercial uses, generally the hotel has not changed much since its original construction.



The site was incorporated into the Lionshead Redevelopment Master Plan and zoned Lionshead Mixed Use-1 in 2005. Section 5.19 of the Lionshead Redevelopment Master Plan addressing the Evergreen Lodge was then amended in 2015.

The redevelopment proposal is to demolish the existing Evergreen Lodge and construct **The Evergreen**. With the Lionshead Redevelopment Master Plan providing the guiding principles, **The Evergreen** Design Team has designed a project that reflects the goals and objectives of the Town of Vail. With a focus on reflecting the natural grade change of the site, **The Evergreen** steps down from the vehicular entrance off the new Frontage Road round-about, down to the more pedestrian scale of West Meadow Drive. Taking cues from the recently completed Vail

Health, and the historical precedents of Dobson Ice Arena and the Vail Library, the architecture reflects a blend of the mountain modern aesthetic of these surrounding uses, while incorporating the traditional forms of European design. Merging the natural landscape with the building form, the majority of **The Evergreen** incorporates green roofs which, in addition to the sustainable benefits, allow for outdoor amenities and activities accessible to guests.



One of the key aspects of the plan for **The Evergreen** is to preserve and restore the Middle Creek Stream riparian corridor. The Lionshead Redevelopment Master Plan identifies this as a primary goal, stating:

An opportunity exists to create a significant connection between the Evergreen Lodge and Middle Creek. Any use of Middle Creek for aesthetic or recreational purposes, however, should be subordinate to the preservation of the natural riparian corridor and its inherent natural character.” (Section 5.14.9)

With the goal of preserving and increasing live beds in Lionshead, **The Evergreen** consists of 135 dwelling units within a voluntary short-term rental program, with 128 attached accommodation units. This is a significant increase of the current 128 accommodation units and 19 dwelling units within the current Evergreen Lodge. The property goes from 147 keys to 263 keys, a 179% increase.

The Evergreen includes 13 on-site employee housing units equating to 16,780 sq. ft., fulfilling almost 80% of the housing requirement on-site, when only 50% is required to be on-site. These on-site EHUs include a mix of 1-, 2-, 3-, and 4-bedroom units, with a total of 28 bedrooms on-site. These on-site units are in the heart of Vail, with access to all of the benefits of living within the core of Vail. One off-site four-plex will also be deed-restricted, allowing for a diversity of unit types to serve the needs of employees. The four-plex is a total of 4,526 sq. ft. with a total of 12 bedrooms and is located at 2922 Bellflower Drive, in the Intermountain neighborhood. As proposed, **The Evergreen** is providing 17 units of locals housing with a total of 40 bedrooms, with 208 sq. ft. provided beyond the requirements.

The planning and design process for **The Evergreen** started nearly a decade ago, as a three-way partnership between Vail Health, the Town of Vail, and the Solaris Group. The cooperation of each party culminated in various agreements, easements, land exchange, etc. Once Vail Health's improvements were completed, and the Town's roundabout was completed, the Solaris Group was able to



contemplate a redevelopment project. Though vastly more complicated than described below, the following provides a brief overview of some of these items that were integral to this process:

*** Land Exchange.** In 2017, **The Evergreen** and the adjoining property owner, Vail Clinic, Inc., a Colorado nonprofit corporation (“Vail Health”), completed a land exchange whereby **The**

Evergreen conveyed to Vail Health certain property on the South Frontage Road known as Lot 2-W, and Vail Health conveyed to **The Evergreen** certain property near West Meadow Drive known as Lot F-1. In connection with the land exchange, **The Evergreen** and Vail Health entered into a series of easements and other agreements that enabled Vail Health to construct its recently completed expansion, and, in turn, will allow **The Evergreen** to complete its redevelopment as contemplated in this application.

* **Landscape Lid Easement Agreement.** Pursuant to that certain Landscape Lid Easement Agreement dated December 27, 2017, by and between **The Evergreen** and Vail Health, recorded on December 29, 2017 at Reception No. 201724598 (the “Lid Easement”), **The Evergreen** has the right to construct an elevated outdoor landscaped and hardscaped pedestrian walkway and terrace on the westernmost 45 ft. of Vail Health’s existing property. Also pursuant to the Lid Easement, Vail Health agreed to not oppose **The Evergreen’s** request for a zero setback line along the easternmost edge of **The Evergreen’s** property and to permit the encroachment into Vail Health’s 10 ft. setback area on the western edge of its property of any and all improvements that are permitted by the Town to be constructed in the setback area. As an alternative to the zero setback line, Vail Health, pursuant to a separate agreement with **The Evergreen**, agreed to, at **The Evergreen’s** option, convey the westernmost 10 ft. of the landscape lid surface of Vail Health’s property (comprising a portion of the aforesaid 45 ft. easement area) to **The Evergreen** in the form of a three-dimensional “estate above surface”.

* **Underground Parking Facility Easement Agreement.** Pursuant to that certain Underground Parking Facility Easement Agreement dated December 27, 2017, by and between **The Evergreen** and Vail Health, recorded on December 29, 2017 at Reception No. 201724597, **The Evergreen** has the right to construct certain parking facility and other improvements on an easement area extending 26ft. into Vail Health’s property.

* **Shoring Easement and Construction Cooperation Agreement.** Pursuant to that certain Shoring Easement and Construction Cooperation Agreement dated December 27, 2017, by and between **The Evergreen** and Vail Health, recorded on December 29, 2017 at Reception No. 20172459, **The Evergreen** and Vail Health granted to each other mutual shoring and crane easements to permit their respective developments.

* **Pedestrian Access Easement Agreement.** Pursuant to that certain Pedestrian Access Easement Agreement dated April 7, 2021, by and between the Town and **The Evergreen**,

the Town granted an easement to **The Evergreen** across a portion of the Town-owned Lot 10 for the construction and operation of an outdoor hardscaped and landscaped pedestrian walkway connecting West Meadow Drive to **The Evergreen's** property

The Design Team for **The Evergreen** has relied on this cooperative prior planning work and agreements, and all plans reflect the stipulations and requirements. As a result of this work, the following applications are included with this submittal for the redevelopment of **The Evergreen**:



- * Major Exterior Alteration: The construction of a new building is considered a Major Exterior Alteration in the Lionshead Mixed-Use 1 zone district.
- * Conditional Use Permit: Multiple-family residential dwelling units and attached accommodation units are conditional uses at basement or garden level, and first floor or street level in the Lionshead Mixed-Use 1 zone district.
- * Variances: Due to below-grade parking improvements, a variance is required for site coverage. Additionally, a variance is required for setbacks along the shared property line with Vail Health. This was addressed as part of the land exchange and is outlined in

agreements provided with this submittal. Both of these variances were contemplated by the Lionshead Redevelopment Master Plan.

- * Design Guideline Deviation: **The Evergreen** is designed with green flat roofs as an important aspect of the sustainability goals of the project, and consistent with the character of the neighborhood and relating to the roof forms of Vail Health. A deviation from the Lionshead Design Guidelines to provide for some flexibility in the roof design is requested with this submittal. This process is described in the Lionshead Redevelopment Master Plan in Section 8.3.3.A. **The Evergreen** complies with all other Design Guidelines of the Lionshead Redevelopment Master Plan.

III. SUSTAINABLE DESIGN

With a goal of creating a project that can be an example of sustainable construction in the Town of Vail, the Solaris Group is actively pursuing opportunities for sustainable green building certifications for **The Evergreen**, such as LEED certification. To that end, the Design Team was tasked with a simple vision:

To design an ecologically sensitive experience created for those who embrace the outdoors and designed to immerse the guests in the natural beauty of the valley and the majestic mountains of Vail.

The Evergreen will respond to its surrounding context in its scale and massing, through thoughtful consideration of the materials and color palette, and by responding to the architectural styles as outlined by the Lionshead Redevelopment Master Plan and the character



created by the surrounding uses of the Civic Center, including Vail Health, Dobson Ice Arena, and the Vail Public Library.

The Evergreen strives to be a good steward for the community. Serving as a gateway between Lionshead and the Town of Vail, the project aims to maximize open space and facilitate public connection between nature and the built environment.

The building itself directly responds to the neighboring properties by maintaining its greatest height and massing when adjacent to and in proportion with Vail Health. The building then steps down in massing as the site drops in topography and as the building approaches Middle Creek and West Meadow Drive. There are six stories expressed on the northern façade which affronts South Frontage Road and I-70, while only four stories expressed on the south façade along Meadow Drive. As a result, **The Evergreen** is appropriately scaled for the pedestrian, emphasizing walkable and human-scaled experiences and promoting the connection between Vail and Lionshead Villages.

Landscape concept images, reflecting the design goals of The Evergreen



To protect its natural surroundings, **The Evergreen** prioritizes the health of Gore Creek and Middle Creek. In accordance with the Gore Creek Strategic Action Plan, the project aims to target the three known causes of water quality degradation:

- * pollutants from land use activities
- * drainage from impervious surfaces
- * loss of riparian and streamside vegetation.

By reducing existing hardscape and maximizing open landscaped areas and green roofs, the site improvements associated with **The Evergreen** work to naturally filter and slow the flow of

stormwater from the site. The restoration of the native vegetation along Middle Creek also supports the health of the riparian zone adjacent to the site.

The sitework character and function draws inspiration from the nearby Gore Creek and from the landscape types within the valley. The site will be planted with a diverse range of native and climate adapted trees, shrubs and perennials in amended soils that will establish deep root systems encouraging water infiltration. This strategy also provides an expanded habitat for birds and pollinators.



Bioclimatic architecture is a method of designing buildings based on the local climate, with the aim of ensuring thermal comfort using environmental resources. They must also blend into their natural surroundings. As a local precedent, when the Vail Public Library was built in 1983, it had the largest green roof west of the Mississippi River and employed many of the best-practice green design principles of the time, such as daylighting, an earth-sheltered roof with a thermally efficient structure, and fantastic integration with and visual connection to the surrounding site.

Similarly the proposed building design employs this “ecological camouflage.” The planted roof scape reduces solar gain while also allowing the building to blend more seamlessly with its natural surroundings. These roofscapes are also occupiable by both guests and local flora and fauna.

Passive design features include utilization of planted roofscapes to reduce overall heat gain. As a part of the façade design, a series of horizontal and vertical architectural projections may be tuned across each elevation to provide solar shading where appropriate.

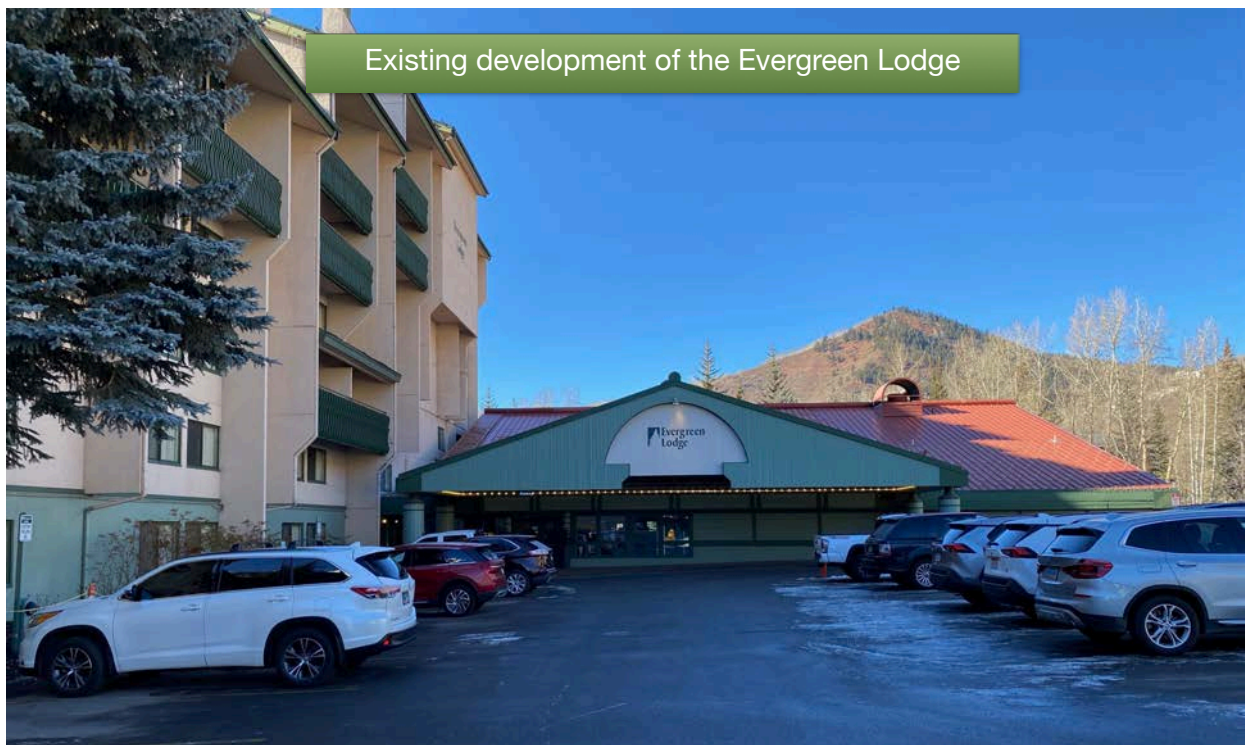
The project plans to maximize a photovoltaic array on the upper most roof to provide renewable energy on site. The area available for this solar array is approximately 9,000 sq. ft. and has excellent exposure. While a certification benchmark has not yet been identified, all the proposed mechanical systems currently under evaluation will support LEED goals.

The design of **The Evergreen** interiors prioritizes healthy living. A palette of natural and sustainable materials will define the interior spaces guiding the biophilic aesthetic, with the goal of connecting guests to nature within the built environment. Amenity spaces include a rooftop pool and lounge, and a plethora of outdoor gathering areas to promote quality of life and connection to the surrounding landscape.

The Evergreen is also designed with ecologically conscious construction in mind. The general contractor will consider demolition and construction waste management by reducing the overall amount of waste material on site, focusing on re-use, and working to divert material streams to recycling facilities where possible.

IV. EXISTING & PROPOSED DEVELOPMENT

Use	Existing	Proposed
Accommodation Units	128 accommodation units	128 attached accommodation units in short term rental program
Dwelling Units	19 dwelling units in short term rental program	135 dwelling units in short term rental program
Eating and Drinking Establishments	1,812 sq. ft. + 3,243 sq. ft.	None proposed
Conference Space (under utilized)	3,600 sq. ft.	None proposed
Hotel Retail in Lobby	725 sq. ft.	None proposed
Parking Spaces	137 spaces (enclosed and surface)	203 (enclosed)
Employee Housing Units	0 EHU	13 on-site EHUs, 4 off-site EHUs = 21,306 sq. ft.



V. ZONING & PARKING ANALYSIS

The Evergreen is zoned Lionshead Mixed Use-1 (LMU-1). Recognizing the challenges in Lionshead, the Town of Vail created the LMU-1 district in 1999 specifically to encourage properties within Lionshead to redevelop. The following table provides a zoning analysis of the proposed redevelopment of Evergreen Lodge. As indicated by the table in red, variances are necessary for site coverage and setbacks for improvements with the proposed project, similar to recent variances granted for other projects within Lionshead.

ZONING ANALYSIS

LMU-1 Standard	Allowed	Proposed
Lot Area and Site Dimension	10,000 sq. ft. of buildable area	2.45 acres / 106,836 sq. ft.
Setbacks	10 ft. unless otherwise noted in LRMP	30 ft. along Frontage Rd. 10 ft. above grade 0 ft. adjacent to Vail Health
Stream Setback	30 ft. from centerline	>30 ft. from centerline
Height	71 ft. average, 82.5 ft. maximum (additional height limits due to helipad)	82.5 ft. maximum 67.8 ft. average
Density	No limit	135 DU with 128 AAU 13 EHUs (4 offsite EHUs)
GRFA	250 sq. ft. per 100 sq. ft. of buildable site area = 267,909 sq. ft.	233,884 sq. ft.
Site Coverage	70% of total site area unless otherwise noted in LRMP = 74,785.2 sq. ft.	Overall: 85,706 sq. ft. (80.2%) Above Grade = 67,946 sq. ft. (63.5%)
Landscaping and Site Development	20% of total site area unless otherwise noted in LRMP = 21,367.2 sq. ft.	Softscape: 24,407 sq. ft. Hardscape: 13,151 sq. ft. Total: 37,558 sq. ft.

Based on Chapter 12-10: *Off-Street Parking and Loading*, the Evergreen Lodge property is within the Commercial Core Area for parking requirements.

PARKING ANALYSIS

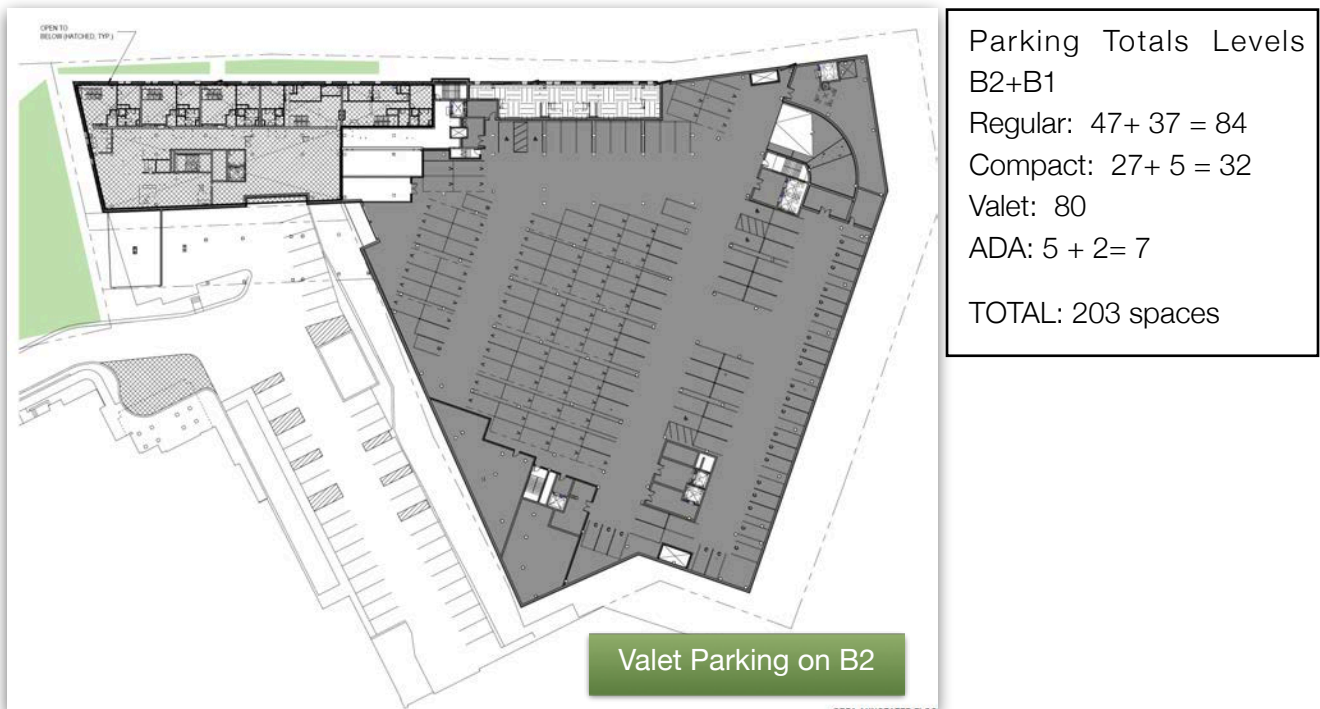
Use	Parking Requirement	Number of Units	Spaces Required
Dwelling Unit	1.4 spaces per unit	135	189
Employee Housing Unit	1.4 spaces per unit	13	18.2

Use	Parking Requirement	Number of Units	Spaces Required
Total Required:			207.2
Mixed Use Reduction of 5%			196.8
Total Provided			203

To maximize the parking, **The Evergreen** will be utilizing a valet parking program, with 80 valet parking spaces. These are common within lodge properties throughout Vail and Lionshead. They are permitted by Section 14-5-2: OTHER REQUIREMENTS, which states:

K. Valet Parking: Valet parking shall be allowed, but shall not exceed fifty percent (50%) of the required parking on site. Valet parking shall be calculated utilizing an eight foot by eighteen foot (8' x 18') parking space for each car (parallel spaces must be 9 feet x 20 feet). Cars may be parked up to four (4) cars deep in a valet lot stacked in a manner in which any vehicles that may have to be temporarily moved by a valet to gain access to another vehicle can be temporarily parked in a location that does not block public drive/pedestrian aisles or a designated parking space.

The parking layout is provided below with “V” indicating the valet spaces. As shown on the plan, the layout complies with the requirements outlined in the section above.



VI. EMPLOYEE HOUSING PLAN

Section 12-23-8: Administration, of the Vail Town Code requires the submittal of an Employee Housing Plan for all projects subject to development review, which is provided below:

A. Calculation Method: The calculation of employee generation, including credits if applicable, and the mitigation method by which the applicant proposes to meet the requirements of this chapter;

Applicant Analysis: There are two calculation methods to generate the employee housing requirements. The first, Commercial Linkage, is based on the commercial uses proposed for the property. The Vail Town Code requires mitigation for the net increase in employee generation. The previous Evergreen Lodge consisted of 128 accommodation units, two eating and drinking establishments, a small retail space, and a 3,600 sq. ft. conference use. The following table calculates the Commercial Linkage requirements of the original Evergreen Lodge:

COMMERCIAL LINKAGE CALCULATION: EXISTING EVERGREEN LODGE

Use	Calculation	Number or Sq. Ft	Total Employees Generated
Accommodation units	0.6 employees per new unit	128	76.8
Conference	0.8 employees per 1,000 sq. ft. net floor area	3,600	2.88
Eating and Drinking Establishment	10.2 employees per 1,000 sq ft. net floor area	5,060	51.612
Retail	2.4 employees per 1,000 sq. ft. net floor area	725	1.74
Employees Generated			133.032
Mitigation Rate			20%
Total Commercial Linkage Requirement			26.6

The second method to calculate employee housing requirements is Inclusionary Zoning, which is based on GRFA. The Vail Town Code requires employee housing in the amount of 10% of the net increase in GRFA. The existing Evergreen Lodge includes 19 dwelling units. These

units range in size from 770 sq. ft. to 1,440 sq. ft., totaling 22,911 sq. ft. The following table calculates the Inclusionary Zoning requirements of the original Evergreen Lodge:

INCLUSIONARY ZONING CALCULATION: EXISTING EVERGREEN LODGE

Use	GRFA	Calculation	Inclusionary
Dwelling Units (19)	22,911	10% of GRFA	2,291.1

As indicated in the above tables for the existing Evergreen Lodge, the project carries an existing credit of 26.6 units from the Commercial Linkage calculation, and of 2,291.1 sq. ft. from the Inclusionary Zoning calculation. **The Evergreen** proposed redevelopment does not generate an employee housing requirement based on commercial linkage. The following is the employee housing requirement for **The Evergreen**:

INCLUSIONARY ZONING CALCULATION: PROPOSED EVERGREEN LODGE

Use	GRFA	Calculation	Inclusionary
DU and AAU	233,884	10% of GRFA	23,388.4
Credit from Existing Evergreen Lodge			-2,291.1
Total Inclusionary Requirement			21,097.3

EMPLOYEE HOUSING METHOD OF MITIGATION

INCLUSIONARY REQUIREMENT	TOTAL SQ. FT.
ON-SITE PROVISION	16,780
OFF-SITE PROVISION	4,526
TOTAL PROVIDED	21,306
INCLUSIONARY REQUIREMENT	21,097.3
EXCESS OF REQUIREMENT	208.7

As indicated in the calculation, there is a credit of 2,291 sq. ft. based on the Inclusionary Zoning requirements, leaving a requirement of 21,097 sq. ft. As proposed, the design of the employee housing units total 13 units with a total of 16,780 sq. ft. of GRFA, which is nearly 80% of the total requirement. Additionally, four units are provided off-site with 4,526 sq. ft. of GRFA. This equates to a total of 40 bedrooms between on-site and off-site units. **The Evergreen** provides

an excess of 208.7 sq. ft. of Inclusionary Floor Area which may be included in an Employee Housing Mitigation Bank.

B. Plans: A dimensioned site plan and architectural floor plan that demonstrates compliance with section 12-23-3, "Size And Building Requirements", of this chapter;

Applicant Analysis: A dimensioned site plan and architectural floor plan has been provided with this submittal. The EHUs are on levels B1, 1, 2, 3, and 4, and are a mix of sizes and unit types.

C. Lot Size: The average lot size of the proposed EHUs and the average lot size of other dwelling units in the commercial development or redevelopment, if any;

Applicant Analysis: This is not applicable to this application.

D. Schedules: A time line for the provision of any off site EHUs;

Applicant Analysis: The deed restriction for the four units at 2922 Bellflower Drive will be provided at building permit for [The Evergreen](#).

E. Off Site Units: A proposal for the provision of any off site EHUs shall include a brief statement explaining the basis of the proposal;

Applicant Analysis: To fulfill the remaining Inclusionary Zoning requirement, the applicant is proposing to deed-restrict four units in an off-site four-plex. The four-plex is a total of 4,526 sq. ft., and located at 2922 Bellflower Drive, in the Intermountain neighborhood. This allows for a diversity of unit types to serve the needs of employees.

F. Off Site Conveyance Request: A request for an off site conveyance shall include a brief statement explaining the basis for the request;

Applicant Analysis: This is not applicable to this application.

G. Fees In Lieu: A proposal to pay fees in lieu shall include a brief statement explaining the basis of the proposal; and

Applicant Analysis: This is not applicable to this application.

H. Written Narrative: A written narrative explaining how the employee housing plan meets the purposes of this chapter and complies with the town's comprehensive plan.

Applicant Analysis: Section 12-23-1: Purpose and Applicability, of the Vail Town Code provides the purpose of the Commercial Linkage Requirements:

The purpose of this chapter is to ensure that new commercial development and redevelopment in the town provide for a reasonable amount of employee housing to mitigate the impact on employee housing caused by such commercial development and redevelopment.

The mitigation rates were established by the Town of Vail Employee Housing Nexus study. These rates are based on a survey of various properties in mountain communities.

The Town Vail Land Use Plan offers the following goals with regard to employee housing:

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.

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

In 2008, the Town of Vail established the Employee Housing Strategic Plan, which brought together all of the Town's goals on employee housing into a single plan. It provides the following:

In 2006, through the Vail 20/20 Focus on the Future process the community established a housing goal. It is as follows:

"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 enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development."

Based upon the community's work, the Vail Town Council has confirmed the Town of Vail recognizes deed restricted employee housing as basic infrastructure. This type of housing allows employees to live within the town, promoting community, and improving the quality of our local workforce, thereby supporting the local economy, and reducing regional transit needs. The Employee Housing Strategic Plan (EHSP) seeks to meet the expectations established by the community and confirmed by the Town Council and provide enough deed-restricted housing for at least 30 percent of the community's workforce to live in the Town of Vail through a variety of policies, regulations and publicly initiated development projects. As indicated in this submittal, the proposal complies with and furthers the purposes and goals of the Town's employee housing requirements and master plans.

IX. CRITERIA FOR REVIEW: MAJOR EXTERIOR ALTERATION

Section 12-7H-8: COMPLIANCE BURDEN, provides the criteria for review for a major exterior alteration. It states:

It shall be the burden of the applicant to prove by a preponderance of the evidence before the planning and environmental commission and the design review board that the proposed exterior alteration or new development is in compliance with the purposes of the Lionshead mixed use 1 district, that the proposal is consistent with applicable elements of the Lionshead redevelopment master plan and that the proposal does not otherwise have a significant negative effect on the character of the neighborhood, and that the proposal substantially complies with other applicable elements of the Vail comprehensive plan.

Additionally, Section 12-7H-18: MITIGATION OF DEVELOPMENT IMPACTS describes the requirement that projects within Lionshead mitigate the direct impacts of development, stating:

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

The following provides the applicant's analysis to the above criteria:

1. The proposed exterior alteration or new development is in compliance with the purposes of the Lionshead mixed use 1 district.

Applicant Response: The purposes of the LMU-1 zone district are provided in Section 12-7H-1 of the Vail Town Code, which states:

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

This zone district was specifically developed to provide incentives for properties to redevelop. The ultimate goal of these incentives is to create an economically vibrant lodging, housing, and commercial core area. The incentives in this zone district include increases in allowable gross residential floor area, building height, and density over the previously established zoning in the Lionshead redevelopment master plan study area. The primary goal of the incentives is to create economic conditions favorable to inducing private redevelopment consistent with the Lionshead redevelopment master plan. Additionally, the incentives are created to help finance public off site improvements adjacent to redevelopment projects. With any development/redevelopment proposal taking advantage of the incentives created herein, the following amenities will be evaluated: streetscape improvements, pedestrian/bicycle access, public plaza redevelopment, public art, roadway improvements, and similar improvements.

As stated above, the LMU-1 zone district is intended to provide incentives for properties to redevelop, recognizing the need to create economic conditions to encourage private properties to redevelop. The LMU-1 zone district allows for a variety of uses to further this purpose, including multiple-family dwellings, lodges, hotels, fractional fee clubs, timeshares, lodge dwelling units, restaurants, offices, skier services, and commercial establishments. **The Evergreen** complies with the purposes of the LMU-1 zone district. Built in the 1970s and with unsightly and pollutant-carrying surface parking, failing mechanical systems, outdated



Outdated lobby area of the Evergreen Lodge

architecture, and old-fashioned interiors, the redevelopment of the property is consistent with the purpose of LMU-1 to encourage redevelopment.

2. The proposal is consistent with applicable elements of the Lionshead redevelopment master plan.

Applicant Response: The LRMP provides both general and specific goals and recommendations that are applicable to the review of the redevelopment of **The Evergreen** property.

The Town of Vail adopted various policy objectives to provide the framework for the Lionshead master planning process. These included (pg. 2-2 to 2-3):

2.3.1 Renewal and Redevelopment

Lionshead can and should be renewed and redeveloped to become a warmer, more vibrant environment for guests and residents. Lionshead needs an appealing and coherent identity, a sense of place, a personality, a purpose, and an improved aesthetic character.

Recognizing that Lionshead was in need of redevelopment, the Town adopted the Lionshead Redevelopment Master Plan to encourage private property owners to create a new Lionshead. **The Evergreen** implements this objective with an improved architectural character reflecting this ideal.

2.3.3 Stronger Economic Base Through Increased Live Beds

In order to enhance the vitality and viability of Vail, renewal and redevelopment in Lionshead must promote improved occupancy rates and the creation of additional bed

base (“live beds” or “warm beds”) through new lodging products. Live beds and warm beds are best described as residential or lodging rooms or units that are designed for occupancy by visitors, guests, individuals, or families on a short term rental basis. In order to improve occupancy rates and create additional bed base in Lionshead, applications for new development and redevelopment projects which include a residential component shall provide live beds in the form of accommodation units, fractional fee club units, lodge dwelling units, timeshare units, attached accommodation units (i.e, lock-off units), or dwelling units which are included in a voluntary rental management program and available for short term rental. Further, it is the expressed goal of this Plan that in addition to creating additional bed base through new lodging products, there shall be no net loss of existing live beds within the Lionshead Redevelopment Master Plan study area.

Additionally, the Lionshead Redevelopment Master Plan provides additional clarification of the “Live Bed” policy in Section 4.13, which states the following:

4.13 Live Beds

The maintenance, preservation, and enhancement of the live bed base are critical to the future success of Lionshead and as such, special emphasis should be placed on increasing the number of live beds in Lionshead as the area undergoes redevelopment. The Lionshead area currently contains a large percentage of the Town’s overall lodging bed base. The bed base in Lionshead’s consists of a variety of residential and lodging products including hotels, condominiums, timeshares and hybrids of all three. The vast majority of live beds in Lionshead are not accommodation units in hotels, but instead, in dwelling units in residential condominiums such as the Vail 21, Treetops, Antlers Lodge, Lion Square Lodge, Lifthouse Lodge, Landmark Tower and Townhomes, Lionshead Arcade, and Montaneros, all of which have some form of rental/property management program that encourages short term rental of dwelling units when the owners are not in residence. It has been the experience in Lionshead that condominium projects which include a voluntary rental management program have occupancy rates which exceed the occupancy rate of hotel products, and therefore tend to provide more live beds and produce more lodging tax revenues to the Town. Applications for new development or redevelopment which maintain, preserve, and enhance the live bed base in Lionshead have a significantly greater chance of approval in the development review process than those which do not.

4.13.1 Live Bed Definition

Pursuant to Policy Objective 2.3.3, live beds (and warm beds) are defined as residential or lodging rooms or units that are designed for occupancy by visitors, guests, individuals, or families, on a short term rental basis. A live bed may include the following residential products: accommodation units, fractional fee club units, lodge dwelling units, timeshare units, attached accommodation units (i.e., lock-off units), and dwelling units which are included in a voluntary rental management program and available for short term rental.

4.13.2 Location of Live Beds

Live beds should be located in Lionshead pursuant to the Lionshead Mixed Use 1 and 2 zone districts. All properties within Lionshead, when developing or redeveloping and providing new residential or lodging products, should provide live beds as defined herein.

4.13.3 Hotel-types of Services and Amenities

To aid in the furtherance of Policy Objective 2.3.3 of the Plan, the creation of additional live beds should include hotel-types of services and amenities. Such services and amenities may include, but not be limited to, the operation of a front desk, registration/reservation capabilities, recreational amenities, guest drop-off, on-site management, etc. These types of services and amenities in multiple family residential dwellings will increase the likelihood that the dwelling units will be made available for short term occupancy and help to promote improved occupancy rates.

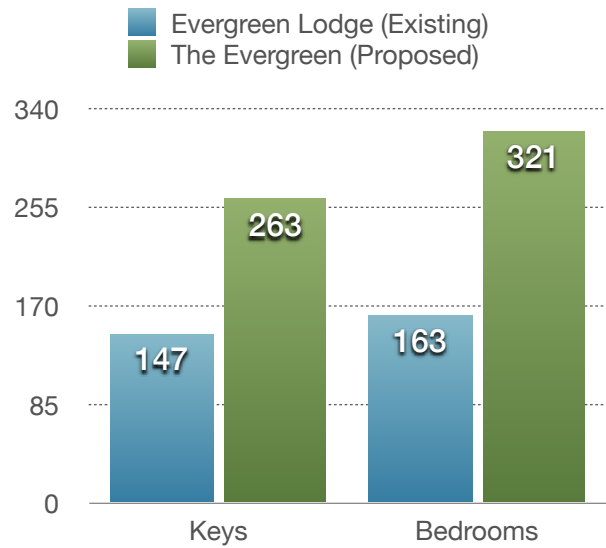
4.13.4 Review of New Development and Redevelopment Projects

The Planning and Environmental Commission shall consider the policies and direction given by this Plan with respect to live beds when reviewing new development and redevelopment projects in Lionshead. Applications for new development or redevelopment shall maintain the live bed base in Lionshead. Applications for new development and redevelopment which enhance the live bed base have a significantly greater chance of approval in the development review process than those which do not. A proposal's adherence to the policies contained in the adopted master plan will be one of the factors analyzed by staff, the Planning and Environmental Commission (PEC), the Design Review Board (DRB), and the Town Council (as applicable) in determining whether to approve or disapprove the specific proposal.

The Lionshead Redevelopment Master Plan reflects the Town's goals of preserving and enchanting "live beds," which include all the following uses:

- * accommodation units,
- * fractional fee club units,
- * lodge dwelling units,
- * timeshare units
- * attached accommodation units (i.e, lock-off units),
- * dwelling units which are included in a voluntary rental management program and available for short term rental.

The Evergreen implements this policy by increasing the number of live beds from the existing 147 units (128 accommodation units and 19 dwelling units) to 263 units (128 attached accommodation units and 135 dwelling units.) This increase of units containing live beds furthers the goal of increasing live beds and conforms with the “no net loss of existing live bed” policy outlined in the Lionshead Redevelopment Master Plan. The mix of unit types with 263 keys creates opportunities for flexibility for rental product, maximizing occupancy for The Evergreen.



As listed in Section 4.13.3, The Evergreen includes guest amenities and facilities associated with lodging properties, including a grand lobby and lounge of approximately 9,470 sq. ft. with a front-desk and concierge, on-site management, a lower lobby and amenity space of approximately 4,100 sq. ft., valet parking and guest drop-off, ski valet, workout facilities, along with outdoor amenities including a pool, hot tub, fire pits, etc.

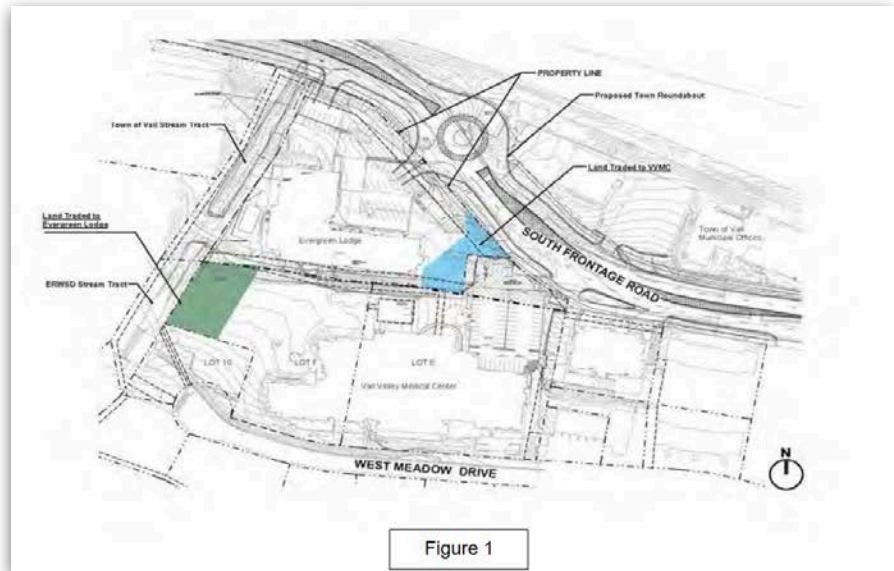
In addition to the above policy objectives, the LRMP also provides specific recommendations for sites and properties throughout Lionshead. The LRMP provides the following for the Evergreen Lodge property:

5.19 Evergreen Lodge at Vail

The Evergreen Lodge at Vail is located directly east of the Middle Creek Stream Tract and is bordered to the north by the South Frontage Road and to the east by the Vail Valley Medical Center. The lot area is approximately 104,108 square feet in size or

roughly 2.39 acres. Since the original inclusion in the Lionshead Redevelopment Master Plan, a portion of the Evergreen Lodge parcel, adjacent to the existing VVMC parking garage, was sold in 2014 to the Vail Valley Medical Center (VVMC). Additionally, in 2015, the Evergreen Lodge and the Vail Valley Medical Center, entered into an agreement to exchange land that resulted in the Evergreen Lodge acquiring a portion of the VVMC property south of the Evergreen Lodge and VVMC acquiring a portion of Evergreen Lodge land east of the Lodge. (See figure 1)

The agreement was reached based on the conclusion of a two-day charrette between VVMC, Town of Vail, and the Evergreen Lodge representatives, which as conducted in December of



2014 where the parties developed an overall conceptual redevelopment scheme benefiting all parties. The resulting land area for the Evergreen Lodge is approximately 2.50 acres after the land trade. Physical improvements that currently exist on the site are a nine-story tall hotel/condominium structure containing 19 dwelling units and 128 accommodation units with an adjoining two-story tall hotel amenities wing containing a restaurant, cocktail lounge and bar, meeting rooms and conference facilities, one below-grade structured parking garage containing 52 parking spaces, and paved surface parking comprised of 85 parking spaces. The nine-story tall structure has a predominant east-west orientation along the southerly edge of the site while the facilities wing has a north-south orientation along the westerly edge of the site. Vehicle access to the site is provided by two existing curb cuts along the South Frontage Road. No dedicated loading and delivery berths currently exist on the site. Delivery vehicles often are required to maneuver onto the site by backing in from the South Frontage Road. Opportunities for future improvements and upgrades include:

- Elimination of surface parking and creation of more underground parking;

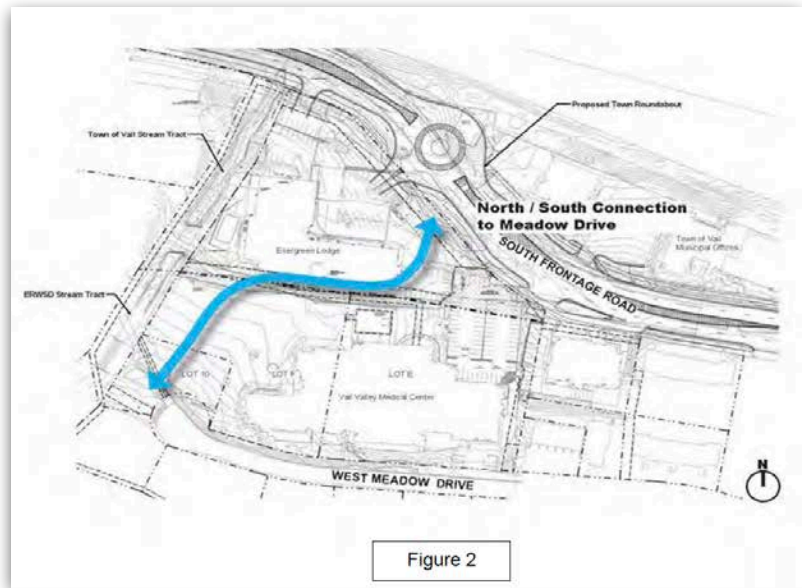
- *Enclosed Loading and Delivery;*
- *Architectural enhancements consistent with the Lionshead Architectural Design Guidelines;*
- *Improved exterior lighting;*
- *Coordinated vehicular access and implementation of the Vail Streetscape Master Plan recommendations;*
- *Creek improvements to improve health and access by the public;*
- *Improved streetscape and landscaping along the South Frontage Road;*
- *Improved pedestrian circulation along the South Frontage Road and connection to West Meadow Drive; and*
- *Upgraded and expanded hotel accommodations and amenities, and inclusion of a flat floor conference area.*

The Design Team for **The Evergreen** has implemented almost every item on this list of potential opportunities. The existing surface parking will be eliminated and all parking for **The Evergreen** will be located within a below-grade structure. The loading and delivery service area will be enclosed and accessed via a dedicated secondary access point just to the west of the roundabout. The architectural design implements the Design Guidelines, while recognizing the more modern architectural aesthetic of Vail Health and the Civic Center area. Exterior lighting will be dark-sky compliant and consistent with the Town's lighting regulations. As all vehicular access is via the South Frontage Road and the new roundabout, no vehicular traffic associated with **The Evergreen** impacts West Meadow Drive, allowing for the implementation of the Vail Streetscape Master Plan and the more recent Civic Plan. The construction of the new roundabout implemented many of the streetscape improvements along South Frontage Road, which will be enhanced with additional landscaping improvements as part of **The Evergreen**. Lastly, the outdated Evergreen Lodge will be replaced with **The Evergreen**, offering upgraded accommodations and amenities for guests.

5.19.1 Pedestrian Access

Pedestrian access should be upgraded to provide a safe and attractive pedestrian connection from the South Frontage Road, through the Evergreen Lodge development site and/or the adjacent tracts of land owned by the Town of Vail and the Eagle River Water and Sanitation District, to West Meadow Drive and with a continuous pedestrian/bicycle path along the South Frontage Road, consistent with the Town's proposed plans for a roundabout along the frontage of the Evergreen Lodge property (see figure 2) A gravel path connecting the South Frontage Road to the paved

pedestrian path located on the east side of the Dobson Ice Arena presently exists along the south side of the property. This path, while functional, receives little, if any, regular maintenance and includes a railroad tie set of stairs that is unsafe and in disrepair. There are currently no pedestrian improvements located along the South Frontage Road along the Evergreen



Lodge frontage. Though no improvements exist, a fair number of pedestrians use the southerly edge of the South Frontage Road when entering or exiting the site or while traveling past the property. In order to improve pedestrian access and safety, it is recommended that future redevelopment of the site includes the construction of a continuous pedestrian/bicycle path along the South Frontage Road and that the existing gravel path along the southerly edge of the site be improved and regularly maintained. Based on the results of the two-day charrette, the land trade provides an opportunity to create a pedestrian walkway from the South Frontage Road to West Meadow Drive as generally depicted in Figure 2 (see figure 2). Conceptually, the new walkway could benefit users of both the VVMC and the Evergreen Lodge properties while also allowing for access by the public.

The pedestrian access through the site, connecting the Town Municipal Center and other pedestrians down to West Meadow Drive is a key



component of **The Evergreen**. This access, which is currently a gravel path, will be a more formal pedestrian connection. It has been designed as a 6 ft. (minimum) access route, and includes landscape improvements and decorative features to make the walkway a more welcoming experience. The walkway connects down to Lot 10 and West Meadow Drive, over the proposed landscape lid which will cover a portion of the surface parking at Vail Health.

5.19.2 South Frontage Road Improvements and Vehicular Access

The site is currently accessed by vehicles from the South Frontage Road with two, full movement, access points. The current location of these access points relative to the existing access points for the US Bank Building, Vail Valley Medical Center parking structure, Town of Vail Municipal Buildings, and potential future access points to the Vail Valley Medical Center and Vail International Building results in undesirable traffic flow and turning movements creating traffic safety, capacity, and level of service concerns. In keeping with Policy Objective 2.3.4, Improved Access and Circulation, of the Plan, opportunities for public transportation and vehicular circulation improvements should be explored in conjunction with any future redevelopment of the site. Possible opportunities for improvements may include, an improved mass transit stop, relocated/reduced/shared points of entry/exiting, restricted access points, acceleration/deceleration lanes, greater sight distances, dedicated turning lanes and landscaped medians, and the evaluation and possible implementation of an intersection solution, such as a roundabout. If constructed, a full, two lane roundabout could be located along the frontage of the Evergreen and Town of Vail Municipal site that takes into account the additional through-traffic needs of the community but also the future redevelopment of the Town's municipal site, VVMC, and the Evergreen Lodge properties. Additional study of the roundabout design is necessary. As envisioned, the roundabout and roadway improvements would allow for a primary right in, right out vehicular access and a separate right in, right out service vehicle access to the Evergreen Lodge property. The proposed roundabout as envisioned encroaches into the Evergreen Lodge property and the Town's municipal site which impacts the future development of the properties.

In an effort to improve the pedestrian environment along West Meadow Drive and further reduce the total number of vehicle trips on West Meadow Drive, vehicular access to the Evergreen Lodge from West Meadow Drive shall be prohibited.

The roundabout improvements have been implemented by the Town of Vail, in accordance with the recommendations of the Lionshead Redevelopment Master Plan. With the vehicular

access from the roundabout and a secondary service access from the South Frontage Road, the design is continues to implement these recommendations. Easements for the roadway and sidewalk improvements on **The Evergreen** property were granted by the owner to facilitate the new roundabout.

5.19.3 Preservation of Existing Accommodation Units

The Evergreen Lodge presently contains 128 accommodation units. In addition, the Evergreen Lodge also contains a restaurant, cocktail lounge and bar and meeting rooms incidental to the operation of the Lodge. Originally built in 1974, the existing accommodation units and hotel amenities are old and outdated. The Lodge was developed to the standards desired more than four decades ago and likely no longer provides guests with accommodations meeting more modern standards and expectations. Given the importance and need for short-term accommodations to the vitality and success of the community, any future redevelopment of the site shall ensure, at a minimum, the preservation or replacement of the 128 short-term accommodation units on the site, in keeping with the live bed policy in Section 4.13. The preservation of short term accommodations should focus on maintaining the number of accommodation units. While the development trend in Vail since the late 1990's has been to focus on high-end, luxury accommodation units utilizing more floor area per unit, an opportunity exists to create high quality accommodation units that are smaller in size, and potentially greater in number, and likely to be more affordable, yet achieve the goals of preserving the existing number of accommodation units, maintaining live beds on the site, and increasing the revenues and vitality of the Town. Opportunities for increasing the number of accommodation units beyond the existing 128 units already on-site should be evaluated during the development review process. For example, the construction of "attached accommodation units", or the provision of a rental management program, could significantly increase the availability of short-term rental opportunities through redevelopment.

The existing Evergreen Lodge, constructed in the 1970s, offers an outdated lodging product that does not meet the needs and desires of the guests of Vail. Redevelopment of the property provides an opportunity to improve the product offering while upgrading the visual appearance of the area, especially adjacent to the newly completed Vail Health. In accordance with the "No Net Loss of Live Beds," **The Evergreen** will increase the number of units with live bed count from 147 to 263, providing a mix of unit types through the provision of a rental management program for the 135 units and 128 attached accommodation units. This product mix allows for

guests to have the option of a more traditional hotel room or larger, multi-room suites that can serve larger families. This is consistent with the Lionshead Redevelopment Master Plan to provide a variety of live beds throughout Lionshead.

5.19.4 Impacts on Middle Creek Stream Tract

The Middle Creek Stream Tract lies to the west of the Evergreen Lodge. The Tract is made up of two parcels. One owned by the Town of Vail and the other by the Eagle River Water and Sanitation District. The Tract is heavily vegetated with deciduous trees, a significant lower layer of riparian underbrush and also includes a pedestrian path and a pedestrian bridge. Given the importance of water quality, it is imperative that any future development on the Evergreen Lodge site does not negatively impact or encroach upon the existing riparian corridor of Middle Creek and that it comply with any stream health initiatives, including any amendments to the watercourse setback requirements that may be adopted town wide. Although the site borders the Middle Creek Stream Tract, there is no significant amount of quality vegetation on the site and the parcel lies out of the 100-year flood plain. As currently configured, opportunities exist to better recognize the benefits of creek side development and to improve and enhance the riparian corridor to address the overall health of the Creek. For purposes of this master plan recommendation, the riparian corridor shall be defined as the Middle Creek Stream Tract. While the riparian corridor of Middle Creek shall remain protected and preserved, the physical and visual relationships and references between adjacent development and the Tract should be strengthened. Careful consideration should be taken when approving any application for development adjacent to Middle Creek. Any future development application for the redevelopment of the Evergreen Lodge site shall be accompanied by an environmental impact report consistent with the requirements prescribed in Chapter 12, Environmental Impact Reports, Title 12, Zoning Regulations, Vail Town Code. An opportunity exists to create a significant connection between the Evergreen Lodge and Middle Creek. Any use of Middle Creek for aesthetic or recreational purposes, however, should be subordinate to the preservation of the natural riparian corridor and its inherent natural character. The Middle Creek Stream Tract provides an opportunity for the construction of a recreational path connecting the South Frontage Road and uses on the Evergreen Lodge property to the existing pedestrian paths at the Dobson Ice Arena providing a strong pedestrian connection to West Meadow Drive.



The Evergreen Design Team has worked to ensure that the design of The Evergreen along Middle Creek is consistent with the recommendation of the Lionshead Redevelopment Master Plan, which focuses on protection and preservation of the riparian area. Heather Houston, President of Birch Ecology, is an integral part of the Design Team and based on her expertise as a professional ecologist, has provided direction on

the preservation and enhancement of the Middle Creek riparian zone. Birch Ecology completed the Environmental Impact Report for The Evergreen, which has been included with this submittal. As Middle Creek is located on a tract of land owned by the Town of Vail and ERWSD, any restoration activities will require coordination and approval of the Town and ERWSD.

5.19.5 Relationship to the Vail Valley Medical Center and the Vail International

Perhaps the most critical functional relationship is the need to coordinate any future development on the Evergreen Lodge site with the Vail Valley Medical Center. For example, opportunities for coordination may include, shared service and delivery facilities, grading and site improvements, shared parking, and pedestrian pathway connections. Both parties have taken steps to ensure the properties can be redeveloped in a more coordinated manner by executing the land exchange. The land exchange provides better access length, frontage, and redevelopment opportunities to the Vail Valley Medical Center by securing additional South Frontage Road access and providing more flexibility in the design of a possible East Wing of the VVMC. The exchange of land affords an opportunity to accommodate an important pedestrian connection from the South Frontage Road to West Meadow Drive, thereby strengthening the pedestrian connection into Lionshead and Vail Village. The land exchange also allows for improved vehicular access by providing a reasonable location for a roundabout located in front of and on the Evergreen Lodge property improving access to both properties. This pedestrian connection could potentially utilize a one-

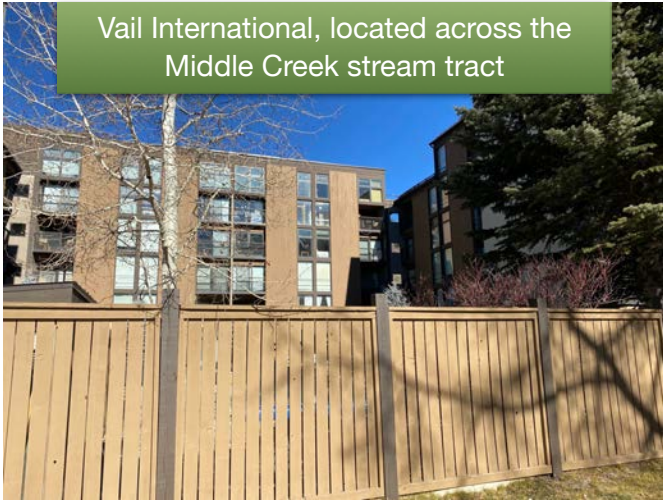
story deck that could cover surface parking on the VVMC campus. While a deck provides covered parking screened from public view, it also introduces a landscape element and plaza benefiting the views and use by patrons from Evergreen Lodge, VVMC, and the community at large. In order for a connection and landscape enhancement to be successful, it may require that it to be developed with reduced or zero setbacks between the properties.

The Vail International is located across from to the Evergreen Lodge site on the west side of the Middle Creek Stream Tract. Building bulk, mass and scale on the Evergreen Lodge site is affected by the need for the emergency helipad located on the Vail Valley Medical Center property and the requirement that any future building on the exchange parcel steps down towards West Meadow Drive to create an appropriate pedestrian scale. These two design considerations result in the greatest building bulk, mass and scale being located in the northwest corner of the Evergreen Lodge development site. During the development review process, the DRB and the PEC shall pay special attention to the western facade of any new or redeveloped structure to ensure it is appropriately articulated to provide visual interest, shadow lines and avoids large unbroken wall planes.

For the portion of the development along the Middle Creek Stream Tract building facades facing west towards the stream corridor should step back from the Creek to ensure adequate sunlight reaches the ground and there should be a clear separation, most likely a native landscape buffer, between the public and the private spaces.

Many of the recommendations related to the relationship for coordinated development between **The Evergreen** and Vail Health have already been implemented and established in agreements between the parties. These were done in conjunction with the formal replatting of **The Evergreen** and Vail Health properties in 2017. The proposed landscape lid over a portion of the surface parking is included in the development plans for **The Evergreen**, and a letter from Vail Health recognizing the cooperation amongst the parties is included with this submittal. The landscape lid was agreed to by Vail Health and **The Evergreen** in an easement agreement also executed at the time the new parcels were platted. The landscape lid connects to the landscape plaza at **The Evergreen**, creating a seamless north-south pedestrian connection through the sites, and maximizing the green-space serving both sites while also screening surface parking areas used by Vail Health.

Vail International, located across the Middle Creek stream tract



Noting that the greatest mass for **The Evergreen** will be at the northwest corner of the property, the Lionshead Redevelopment Master Plan recommends that an articulated western facade. **The Evergreen** Design Team has taken this direction and created a facade that includes balconies and articulation to ensure shadow lines and breaks the wall planes in appropriate locations. The proposed building also steps down from north to south along this facade.

The Evergreen reflects the Town's goals to protect, preserve, and enhance the Middle Creek riparian area, and the landscape along this corridor has been designed to provide adequate separation between the public and private spaces.

5.19.6 Service and Delivery

Service and delivery functions for the hotel are currently accommodated on grade from the westerly entrance to the property. Service and delivery for the redeveloped Evergreen Lodge shall occur within the structures or and otherwise be adequately screened from public view. Service and delivery truck turning maneuvering shall not negatively impact traffic flow on the South Frontage Road and a separate loading and service entry may be allowed in conjunction with the construction of a potential new roundabout in this location.

Consistent with the Lionshead Redevelopment Master Plan recommendation, loading and delivery is enclosed and is accessed from a separate vehicular access just west of the new roundabout. As a member of **The Evergreen** Design Team, Alpine Engineering completed the civil engineering for the property, ensuring that traffic flow is not negatively impacted. The access was reviewed as part of the construction plans for the new roundabout and is also reflected in the Town's Master Transportation Plan.

5.19.7 Setbacks

Special consideration should be given to the setback of buildings from the South Frontage Road. Pursuant to the Lionshead Mixed Use -1 zone district setback

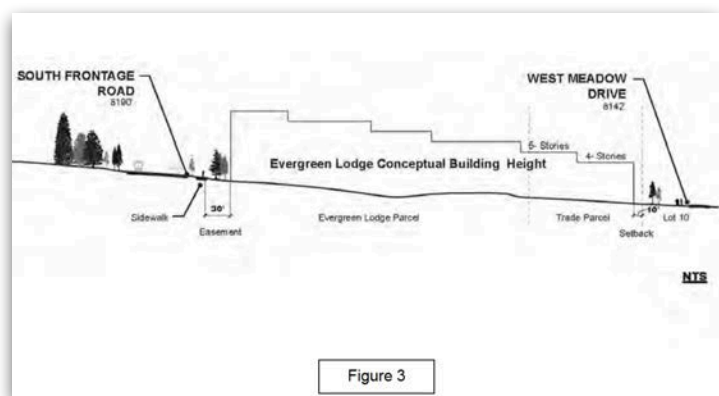
standards, a minimum 10-foot (10') setback is required. Given the relationship of the development site to the South Frontage Road, the need for adequate area for vehicular traffic circulation, the importance of a landscape area to visually screen the massing of the building, and the existence of a 30-foot wide utility easement along the southerly edge of the South Frontage Road, the minimum required front setback for the Evergreen Lodge development site shall be thirty feet (30'). This increased setback requirement shall supersede the 10-foot setback requirement prescribed in Section 12-7H-10, Setbacks, Vail Town Code.

Based upon the coordinated efforts between the Evergreen Lodge and the Vail Valley Medical Center, opportunities exist for a covered parking deck and pedestrian access landscape plaza to be developed between the properties with the goal of screening surface parking and enhancing the visual quality of the area. If appropriately designed, a reduced or zero set back in these areas may be proposed for review during the development review process. Additionally, below grade improvements, including but not limited to, parking and vehicular circulation improvements may be developed within the required setbacks, if found to be consistent with the Town's development objectives.

The Evergreen maintains the recommended 30 ft. setback along the South Frontage Road and the 10 ft. setback requirements elsewhere, with the exception of improvements along the shared property line with Vail Health as was contemplated by the Lionshead Redevelopment Master Plan and as memorialized in the Landscape Lid Easement Agreement dated December 27, 2017. The Evergreen implements the direction of a landscape lid on the Vail Health property, covering a portion of the surface parking and providing landscaping and pedestrian circulation above.

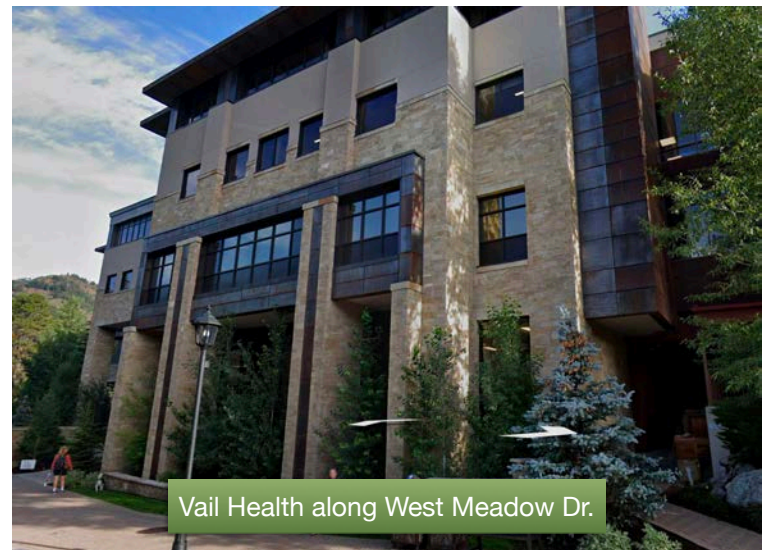
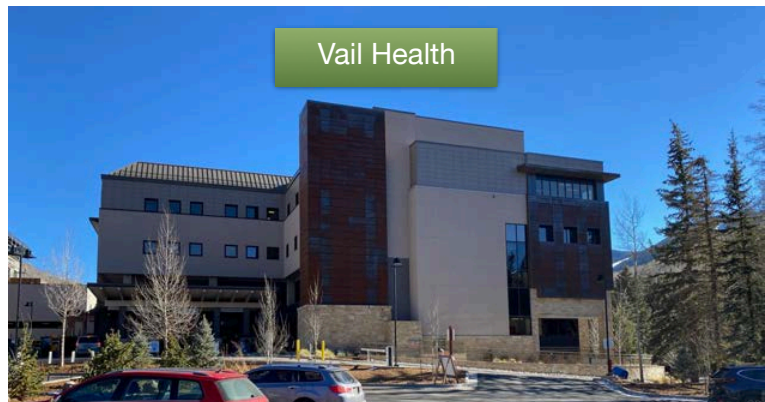
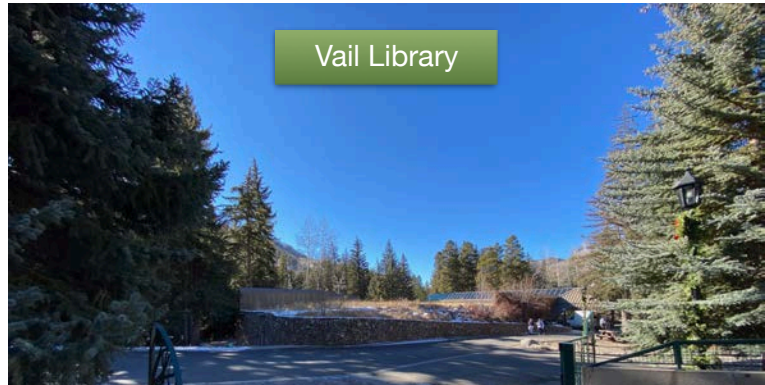
5.19.8 Architectural Improvements and Building Heights

The architectural design guidelines (Chapter 8) discuss several transition tools that can be used to adapt an existing building to the new character and architectural quality desired for Lionshead. Given the high visibility of the buildings on this site and the extent to which they



influence the quality of the experience of passers-by, all future development on the site should be closely scrutinized for compliance with the applicable architectural design guidelines. That said, the Evergreen Lodge is located in a transitional area with VVMC, the Library, and Dobson Arena, which tend to have more modern or institutional architecture. The building will need to have a relationship to adjacent buildings and pedestrian corridors. With the addition of the land acquired from the Vail Valley Medical Center, the Evergreen Lodge has the opportunity to step building mass down towards West Meadow Drive in a north/south orientation. Building mass should step down from the South Frontage Road to the south boundary of the Evergreen Lodge property. The building on the land exchange parcel should step down to a maximum of four and five stories with complementary roof forms to achieve a pedestrian scale building, consistent with the west wing of the medical center (see figure 3), and subject to design review. The final building massing, scale and form shall be determined during the development review process.

The Evergreen, located in the transitional zone, incorporates the Architectural Design Guidelines of the



Lionshead Redevelopment Master Plan and the more modern architecture of the surrounding civic uses and Vail Health. Expanding on the concept of the “Landscape Lid,” **The Evergreen** Design Team has designed guest-accessible green roofs for the structure, with a landscaped courtyard that creates a park-like environment within the site. **The Evergreen** focuses on a connection with nature, with little distinction between in-doors and out-doors. The intent is that when viewed from above (either from Vail Health or the Mountain), **The Evergreen** appears more as landscape than structure. The result of this is that **The Evergreen** is proposed with flat roofs, a deviation from the Lionshead Architectural Design Guidelines, but consistent with other buildings in this neighborhood, most notably, Vail Health. The Vail Library was also used as a design inspiration, as with its dominant flat green roof, the library feels like an extension of the native vegetation associated with the Middle Creek stream tract.



The Evergreen steps down from north to south, with the majority of the building mass along the South Frontage Road, down to 4 stories at Lot 10, and consistent with the recommendation of the Lionshead Redevelopment Master Plan. The intent is to mirror the height of Vail Health at this interface, creating a consistent experience along West Meadow Drive.

5.19.9 Public Transit Stop

A public transit stop is presently located east of the US Bank Building, across the street from the Town Municipal offices. Through the future redevelopment of the Evergreen Lodge and the Vail Valley Medical Center, an opportunity exists to potentially relocate the transit stop to a more optimal location.

The Town's design process for the roundabout and South Frontage Road improvements did not include the relocation of the transit stop and the existing transit stop locations were considered optimal. **The Evergreen** is not proposing any relocation of transit uses.

3. The proposal does not otherwise have a significant negative effect on the character of the neighborhood.

Applicant Response: **The Evergreen** is part of the link between Lionshead Core and Vail Village. This area, with the Vail Library and Dobson Ice area, is envisioned as a civic center, linking these areas of the community. The recently completed Vail Health also serves as a community hub and an architectural example of mountain modern design. **The Evergreen** is



almost entirely surrounded by properties that are zoned General Use, which is a zone district primarily for public and quasi-public uses. In the GU zone district, there are no set development parameters, as all standards are prescribed by the Planning and Environmental Commission during the review of a development plan. Along the west property, **The Evergreen** is adjacent to the Middle Creek stream tract, with the Town-owned portion zoned Natural Area Preservation District and the ERWSD portion zoned Outdoor Recreation. Directly to the south

of **The Evergreen** is Lot 10, zoned General Use. The 2019 Civic Area Plan serves as the guiding document for most of these properties in the vicinity, and **The Evergreen** Design Team has worked diligently with the Town of Vail's planning documents to ensure that the development plans continue to align with the Civic Area Plan. This includes the following:

- * Coordination on planning and design of the proposed park on Lot 10
- * Protection and preservation of the Middle Creek riparian areas
- * Designing and providing the pedestrian connection between the South Frontage Road and Lot 10

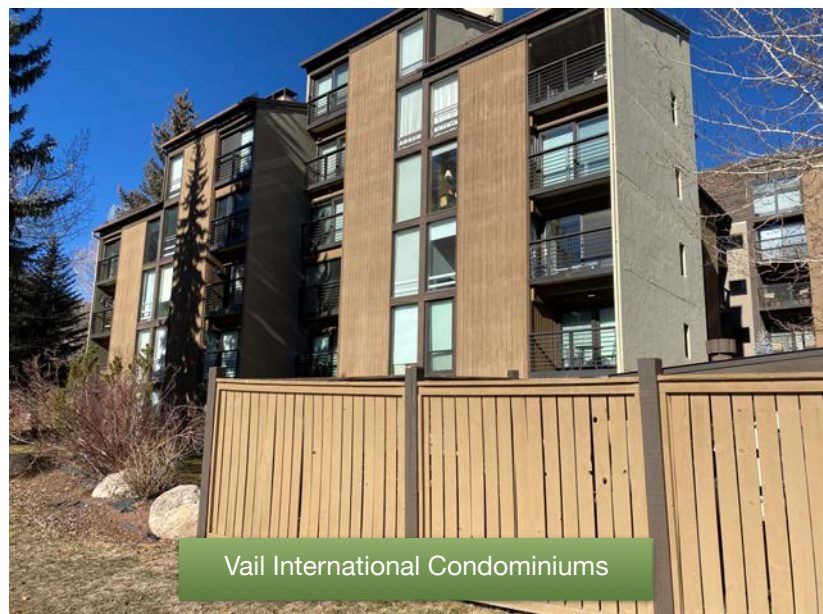
Lot 10 and the Middle Creek Parcel

<p>THE BIG IDEA</p> <ul style="list-style-type: none"> • Replace the existing parking lot with a new outdoor public space. • Design and animate this public space to make it an appealing destination for pedestrians along the Town's primary pedestrian corridor between Vail Village and Lionshead. • Restore and enhance the Middle Creek corridor and integrate this creek with Lot 10 improvements. <p>THE APPROACH</p> <ul style="list-style-type: none"> • Town funded initiative • Potential for design and funding collaborations with Evergreen Lodge, Vail Health and Eagle River Water and Sanitation District (ERWSD). • Various alternatives for the design and use of this outdoor space (i.e., a place for public art, whimsical elements like a children's treehouse, hardscape and landscape improvements, seating areas, food carts). 	<p>DESIGN AND PLANNING CONSIDERATIONS</p> <ul style="list-style-type: none"> • Coordinate with the Evergreen Lodge on how their improvement plans could integrate with improvements to Lot 10. • Identify locations to replace existing Librarian parking on Lot 10, alternatives could include dedicated spaces within the Lionshead Parking Structure, or at the Municipal Building Site. • Coordinate with ERWSD on their Middle Creek parcel to allow for the entire creek corridor to be addressed. • Coordinate with the Town's Environmental Sustainability Department on Middle Creek restoration and enhancement and how educational opportunities could be incorporated into this project. • Evaluate how the existing abutments for the old Hwy 6 bridge over Middle Creek can be maintained and made a part of landscape improvements. 	<p>NEXT STEPS</p> <ul style="list-style-type: none"> • Initiate a community design process for improvements to Lot 10 to determine how this space can be used, design features, etc. • Initiate dialogue with neighboring property owners on improvements to Lot 10. • Coordinate with the Environmental Sustainability Department on improvements to Middle Creek.
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Though separated by the Middle Creek Stream Tract, **The Evergreen** is also adjacent to the Vail International, a multiple-family residential property zoned Lionshead Mixed Use-1. Vail International was constructed in the early 1970s, and consists of approximately 53 privately owned condominiums, many managed in a short-term rental program.

The sites of Vail International and **The Evergreen** share some similar characteristics - they are slightly outside of the core of Lionshead; they are adjacent to and surrounded by public and quasi-public uses; and the locations are not favorable to commercial uses as there is little or no frontage on a primary



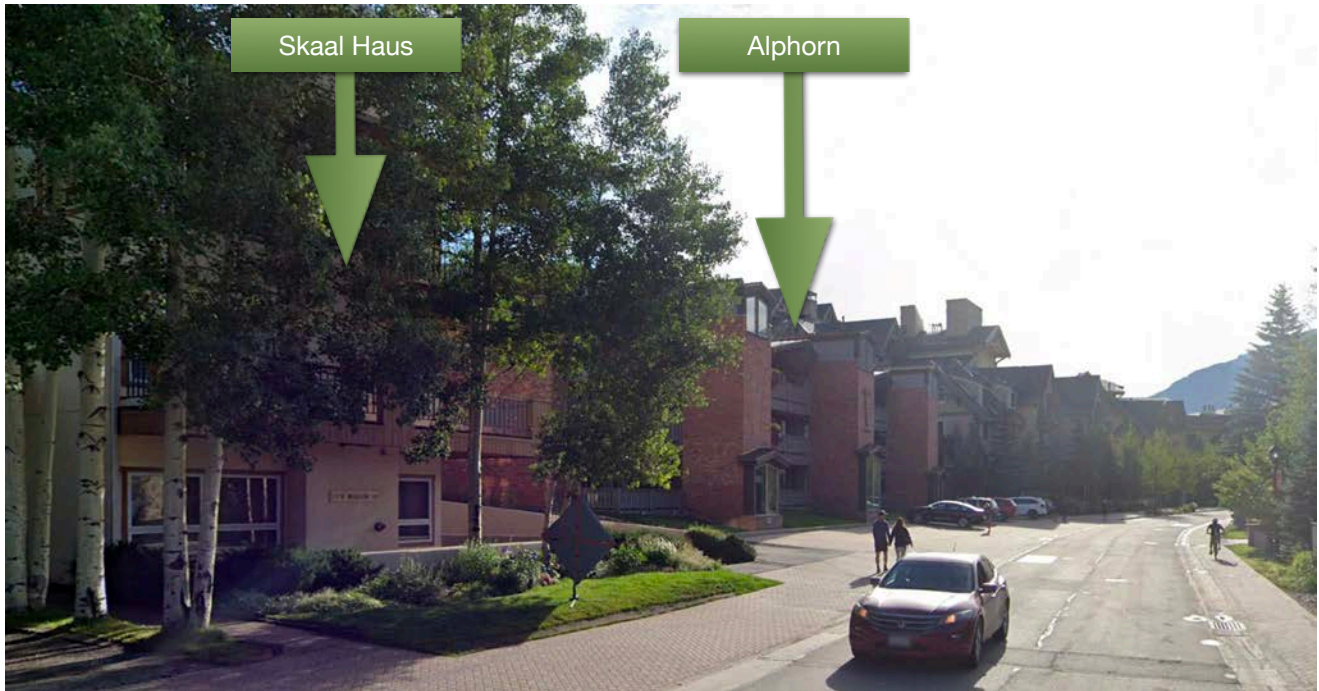
pedestrian corridor. As a result, **The Evergreen** is sensitive to maintaining and enhancing the landscape separation between the sites, while preserving the riparian corridor associated with the Middle Creek stream tract that serves as a buffer.

Recognizing the future potential redevelopment of the Vail International while respecting the existing more modern aesthetic, **The**

Evergreen Design Team has taken cues from the Vail International, ensuring that the character of the neighborhood is preserved. Examples include small, private balconies, articulated forms, simplicity of materials, metal accents, etc.

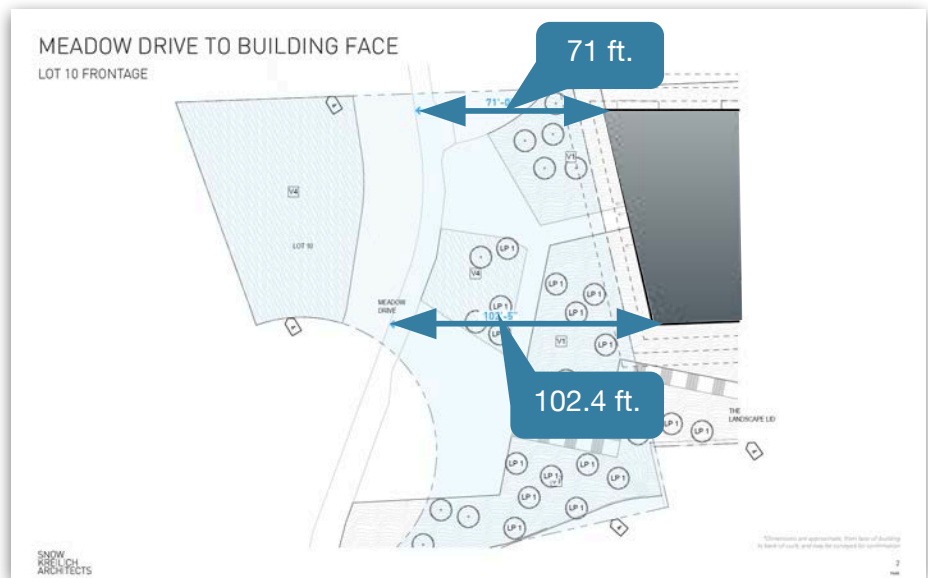
The Evergreen does not have direct frontage on West Meadow Drive, as it is separated from the road by Lot 10, identified in the Town's master planning documents as a park. However, the West Meadow Drive neighborhood provides an important link between Lionshead and Vail Villages. It is generally characterized by low density residential uses along the south side of West Meadow Drive. These residences are heavily landscaped to maximize privacy from the pedestrian traffic between the Villages. The north side of West Meadow Drive, east of Vail Health has more multiple-family residences, including Skaal Haus and the Alphorn. These have a more dominant presence along West Meadow Drive. Some units have surface parking along the road. Due to Vail Health's location between these properties and **The Evergreen**, the character of the West Meadow Drive neighborhood will not be affected by the development. There will be no vehicular access to **The Evergreen** via West Meadow Drive, as all vehicular access occurs from S. Frontage Road, maintaining the character as a pedestrian and transit corridor with limited vehicular access. **The Evergreen** steps down as is approaches West Meadow Drive, with 5-stories, then 4-stories at the Lot 10 property. The current surface parking on Lot 10 is proposed by the Town to become a park, creating a significant buffer to





The Evergreen. **The Evergreen** is setback from the edge of pavement of West Meadow Drive a minimum of 71 ft, increasing to 102.4 ft. where it is adjacent to Lot 10, as shown in the following graphic:

The newly completed renovation of Vail Health is likely the most dominant structure within the West Meadow Drive neighborhood. It can be challenging to compare the character of an institutional use such as Vail Health to **The Evergreen**, but the properties have worked



together over the years to ensure that there is cohesion between the developments. Vail Health presents a 5-story facade along West Meadow Drive, with a step-back to the 6th story. The

floor to floor of the hospital differs from the floor to floor of residential uses, so they can be difficult to compare.

4. The proposal substantially complies with other applicable elements of the Vail comprehensive plan

Applicant Response: The LRMP provides the most substantial guidance on development within Lionshead. However, there are other applicable elements of other comprehensive planning documents, including the following:

- The Vail 2020 Plan was adopted by the Town of Vail in 2007. It provides goals and action items that support the proposed redevelopment of **The Evergreen** property, stating:

Goal #1: Vail will continue to manage growth, maintaining a balance between the bulk and mass of residential, commercial and recreational uses to ensure the quality, character, diversity and vitality of the town by ensuring that all regulatory and advisory land use documents are updated and current, providing ease of compliance and enforcement, and uniformity among regulatory and advisory documents.

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

- Additionally, the Vail Land Use Plan was adopted in 1986, with an update in 2009. The Vail Land Use Plan provides goals and objectives focusing on encouraging development and redevelopment within the existing Village and Lionshead cores. The Vail Land Use Plan provides the following:

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.

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

3.4. Commercial growth should be concentrated in existing commercial areas to accommodate both local and visitor needs.

4.1. Future commercial development should continue to occur primarily in existing commercial areas. Future commercial development in the Core areas needs to be carefully controlled to facilitate access and delivery.

4.2. Increased density in the Core areas is acceptable so long as the existing character of each area is preserved through implementation of the Urban Design Guide Plan and the Vail Village Master Plan.

As indicated by the goals and objectives outlined in the various master planning documents, the proposed redevelopment of the Evergreen Lodge property is consistent with these documents. Furthering the goals listed above, the proposed project is the redevelopment of an aging and out-dated property. The proposed project is located within an existing commercial area, and increased density within in the core areas is also identified as a goal. The proposed redevelopment of the Evergreen Lodge property substantially complies with all applicable master planning documents of the Town of Vail.

5. Mitigation of Development Impacts

Applicant Response: Section 12-7H-18: MITIGATION OF DEVELOPMENT IMPACTS describes the requirement that projects within Lionshead mitigate the direct impacts of development, stating:

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

The Evergreen is proposing to mitigate impacts as follows:

- * Compliance with the Town's employee housing requirements, per code.

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- * Working in the future with the Town's Art In Public Places Board, **The Evergreen** commits to providing public art in the amount of **\$200,000**.
 - * Provision of a pedestrian walkway through the property to provide greater connection from the South Frontage Road and the remainder of the Civic Center.
 - * Traffic impact fees in accordance with the Town Code will be provided for the net increase of traffic generated by the redevelopment of the property.
 - * Restorative landscape improvements to the Middle Creek Stream Tract subject to Town of Vail and ERWSD approval as an off-site benefit of the project.

VI. CRITERIA FOR REVIEW: DESIGN DEVIATION

PROPOSED PROJECT IN CONTEXT



SNOW
KREILICH
ARCHITECTS

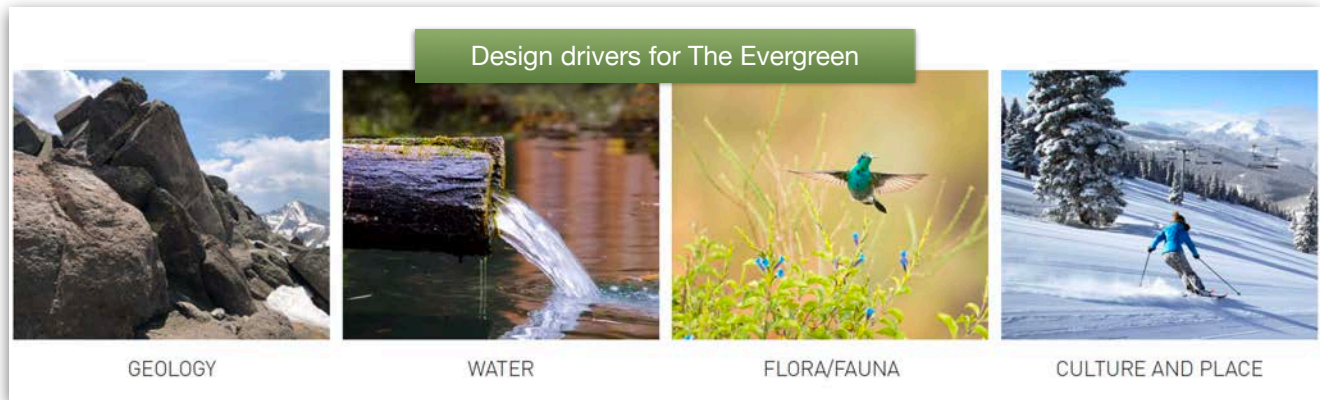
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Section 8.3.3.A *Review Criteria for Deviations to the Architectural Design Guidelines for New Development* provides the criteria for review for a deviation from the Architectural Design Guidelines (ADG) of the LRMP. It states:

Similar to the implementation policies of the ADG prescribed for existing structures, the Town has determined that there may be instances where flexibility in requiring strict compliance with the Guidelines for new development maybe in the best interest of the community and the furtherance of the goals and objectives stated in the Lionshead Redevelopment Master Plan. That said, however, it is acknowledged that such instances are rare and extraordinary, and shall be considered on a case-by-case basis. To aid in determining when flexibility shall be afforded to new development from strict compliance with the Guidelines, review criteria have been established. The degree of design deviation flexibility afforded to a development project shall bear proportionately to the extent of the improvements proposed. For example, a development application that proposes the construction of a new structure which includes the demolition of an

existing structure or adds significant volume or mass to a property, shall more fully comply with the prescribed Architectural Design Guidelines outlined in the master plan than an application which proposes a renovation or addition to an existing building.



The existing Evergreen Lodge, with its dominating 9-story presence and 1970s post-modern architecture, has always been incongruous with its surroundings. This incongruity has served as the inspiration for **The Evergreen** Design Team, who was tasked with flipping the narrative of “Evergreen.” Within the context of the design drivers of Geology, Water, Flora/Fauna, and Culture and Place, the Design Team focused on the following guiding principles for **The Evergreen**:

- * **Ecological Camouflage:** Extend the surrounding landscape throughout the site and building.
- * **Connect to Nature:** Engage surrounding through views, access, and the blending of inside to outside.
- * **Prospect and Refuge:** Provide explorative and sheltered space derived through the land.
- * **Natural Materials:** Use native materials that respect the surrounding environment and inhabitants.
- * **Ecological Filter:** Create a



landscape which mimic the natural surroundings to reduce and filter storm water runoff.

- * **Atmosphere:** Highlight water's natural movement, sound, and smell.
- * **Habitat:** Extend native habitat throughout the site to provide for nature and life.
- * **Biophilic Living:** Use qualities found within the natural environment to inform both space and building performance.
- * **Seasonality and Adaptation:** A building and site that embraces and heightens its surrounding year-round.
- * **Gateway and Threshold:** The building as a passageway and connection point.
- * **A Place for Community:** A place for gathering, playing, moving, and connecting.
- * **Honor Local Context:** Honor resort atmosphere unique to the region and embrace the connection to the Civic Center.

The Design Deviation requested is the allowance for the landscaped flat roof for **The Evergreen**. With landscaped roofs and the large central landscape plaza, the proposed plan flips the idea of the current Evergreen Lodge as a monolithic structure in conflict with nature, to **The Evergreen** as an extension of landscape.

The flat roofs is the basis needed to incorporate sustainable practices, including the use of rooftop solar, control of stormwater runoff and retention, reduction of the urban heat island effect, improves efficiency of mechanical equipment which reduces greenhouse gas emissions, and the provision of native landscape and plant materials. The Solaris Group is actively pursuing opportunities for sustainable green building certifications



for **The Evergreen**, and the use of green roofs are an important aspect of the sustainability package.

The following addresses the criteria outlined in the Lionshead Redevelopment Master Plan for a design deviation to allow for green flat roofs:

1. The request for design deviations are in compliance with the purposes of the zone district;

Applicant Response: The purposes of the LMU-1 zone district are provided in Section 12-7H-1 of the Vail Town Code, which states:

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

This zone district was specifically developed to provide incentives for properties to redevelop. The ultimate goal of these incentives is to create an economically vibrant lodging, housing, and commercial core area. The incentives in this zone district include increases in allowable gross residential floor area, building height, and density over the previously established zoning in the Lionshead redevelopment master plan study area. The primary goal of the incentives is to create economic conditions favorable to inducing private redevelopment consistent with the Lionshead redevelopment master plan. Additionally, the incentives are created to help finance public off site improvements adjacent to redevelopment projects. With any development/redevelopment proposal taking advantage of the incentives created herein, the following amenities will be evaluated: streetscape improvements, pedestrian/bicycle access, public plaza redevelopment, public art, roadway improvements, and similar improvements.

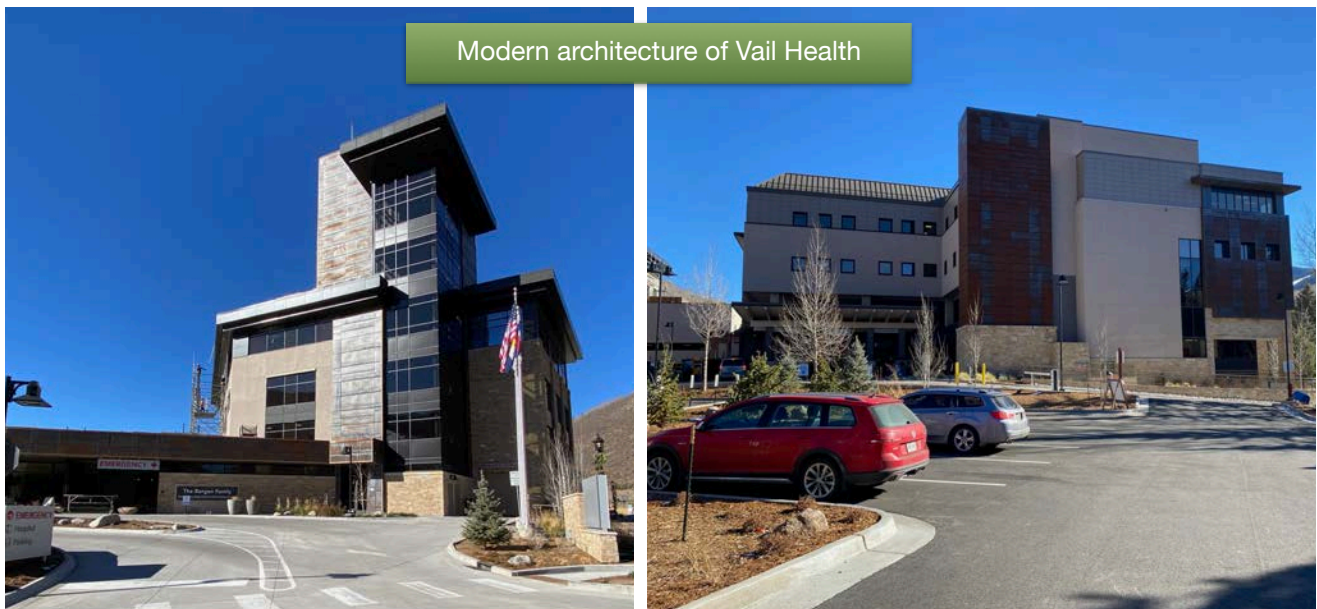
As stated above, the LMU-1 zone district is intended to provide incentives for properties to redevelopment, recognizing the need to create economic conditions to encourage private properties to redevelop.

2. The proposal which includes the design deviations is consistent with applicable elements of the Lionshead Redevelopment Master Plan;

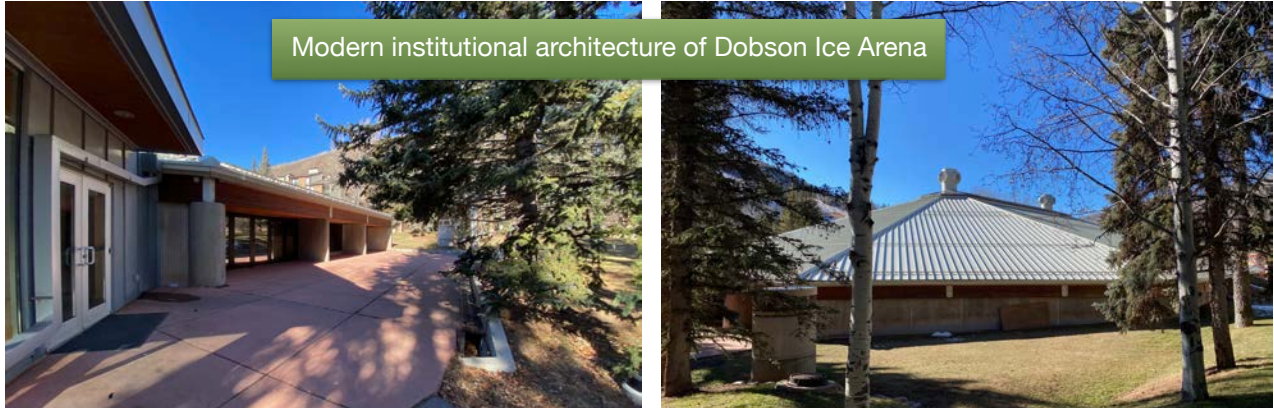
Applicant Response: The Lionshead Redevelopment Master Plan identifies that because **The Evergreen** is in a transitional area, surrounded by more institutional and civic uses, that it will need to relate to the adjacent buildings, which have a more modern architecture. The Lionshead Redevelopment Master Plan states the following:

5.19.8 Architectural Improvements and Building Heights

The architectural design guidelines (Chapter 8) discuss several transition tools that can be used to adapt an existing building to the new character and architectural quality desired for Lionshead. Given the high visibility of the buildings on this site and the extent to which they influence the quality of the experience of passers-by, all future development on the site should be closely scrutinized for compliance with the applicable architectural design guidelines. That said, the Evergreen Lodge is located in a transitional area with VVMC, the Library, and Dobson Arena, which tend to have more modern or institutional architecture. The building will need to have a relationship to adjacent buildings and pedestrian corridors.



Vail Health has set a design precedent in this area, as a stunning example of mountain modern architecture which is impressive for an institutional use such as a hospital. Vail Health has predominantly flat roof forms.



Another example of modern institutional architecture identified by the Lionshead Redevelopment Master Plan is Dobson Ice Arena. Currently under consideration for redevelopment based on recommendations by the Civic Plan, both the existing Dobson Ice Arena and sketches of potential options reflect a more mountain modern aesthetic, with a variety of shed and flat roof forms.



Lastly, the Lionshead Redevelopment Master Plan identifies the Vail Library as an example of modern or institutional architecture. The Vail Library is one of few green-roofed structures with the Town of Vail. Designed by Snowdon and Hopkins and originally constructed in 1983, the Vail Library was ahead of its time in regard to green building practices and serves as an

inspiration for the integration of landscape and building. The Evergreen Design Team believes the green flat roof of the Vail Library can be successful on a much larger scale.



This, and other sections of this submittal have demonstrated the project’s consistency with the Lionshead Redevelopment Master Plan.

3. The proposal which includes the design deviations does not have a significant negative effect on the character of the neighborhood;

Applicant Response: As identified by the Lionshead Redevelopment Master Plan, The Evergreen falls into the transition zone between Vail and Lionshead Villages of West Meadow Drive. The Evergreen is adjacent to civic and other institutions, with the exception of Vail International, which is across the Town of Vail-owned Middle Creek stream tract. There are single-family and duplex uses along the south side of West Meadow Drive. With a variety of roof forms in this neighborhood, a green flat roof will have a positive effect on the character of the neighborhood. The roof will be consistent with the newly renovated Vail Health.

4. The proposal substantially complies with other applicable elements of the Vail comprehensive plan;

Applicant Response: As noted previously, the use of green flat roofs is a key element of the sustainability goals of The Evergreen. Recognizing the environmental impacts of construction and redevelopment projects in the Town of Vail, the goal of the Solaris Group is for The Evergreen to be an example of sustainable construction practices. Building upon The Town’s

Environmental Sustainability Strategic Plan and the Town's recent certification as a "Sustainable Destination," The Evergreen is pursuing opportunities for green building certifications.

The Vail 20/20 Plan was adopted as a strategic action plan in 2007. It established a vision for Vail's future:

We are the "Premier Mountain Resort Community" by providing high quality of life and experiences for both residents and visitors. This is achieved through environmental stewardship, world-class recreational, cultural and educational opportunities, a strong year-round economy, diversity of housing, and superior infrastructure. The town actively seeks input and cooperation from the community and its neighbors to ensure fulfillment of its vision. (pg. 1)

The Vail 20/20 Strategic Plan provides guidance on both land use and environmental sustainability, identifying the following:

LAND USE AND DEVELOPMENT	ENVIRONMENTAL SUSTAINABILITY
<p>20/20 Vision: <i>The pedestrian ambiance and scale of Vail Village and LionsHead continues into 2020, where the European alpine charm of Vail is replicated in its new development. The unique character of Vail is evident from the Tyrolean building style that speaks of Vail's history, to the mountain contemporary style that heralds technological advancement. The vibrant mixed-use pedestrian core areas of Vail attract guests, residents and businesses. The diversity of businesses within the core areas provides something for everyone and the new affordable housing options are seamlessly integrated into the community's fabric. Growth has been carefully managed to be sustainable and complementary to the natural environment.</i></p> <p>20/20 Implementation: Based on input from the community during the 20/20 process, town staff developed the following goals and action strategies to support the land use and development vision. The goals also reflect the common themes heard from the community during the 20/20 process, including a need for more employee housing, increased environmental sustainability, reduction of I-70 impacts and managed growth.</p> <p>Goal #1: Vail will continue to manage growth, maintaining a balance between the bulk and mass of residential, commercial and recreational uses to ensure the quality, character, diversity and vitality of the town by ensuring that all regulatory and advisory land use documents are updated and current, providing ease of compliance and enforcement, and uniformity among regulatory and advisory documents.</p> <p>Actions/Strategies</p> <ul style="list-style-type: none"> • Update planning documents, ensuring public participation and regional government participation to reflect current conditions, management of growth and gain a clear understanding of a preferred future scenario for Vail, including: <ul style="list-style-type: none"> ○ West Vail Master Plan ○ Chamonix and Wendy's site Master Plan 	<p>20/20 Vision</p> <p><i>Vail is an environmental leader and a sustainable community. Vail collaborates with the community to restore and protect the natural and built environment in balance with its economic and social needs.</i></p> <p>20/20 Implementation</p> <p>Based on input from the community during the 20/20 process, town staff met with a team of interested citizens and developed the following goals and action strategies to support the environmental sustainability vision. The goals also reflect the common themes heard from the community during the 20/20 process, including being an environmental leader, a need for more employee housing, reduction of I-70 impacts and managed growth.</p> <p>Goal #1: Measure, Monitor, Manage: Gain a clear understanding of our current baseline scenario of environmental health and impacts and create clear and concise measurable goals.</p> <p>Actions/Strategies</p> <ul style="list-style-type: none"> • Establish a baseline scenario for green house gas emissions, waste levels, water quality and forest health, as well as any other measurable scenario for environmental health. • Establish measurable, attainable goals for improving the baseline scenario through calculated research. • Take action from the remaining goals in order to achieve each established goal for improving environmental health. <p>Goal #2: Energy Management in Buildings and Transportation: Reduce the town's 2007 baseline green house gas emissions.</p> <p>Actions/Strategies</p> <ul style="list-style-type: none"> • Encourage or require building certifications that promote material efficiency through LEED (Leadership in Energy and Environmental Design) certification and/or other green building programs. • Complete a town greenhouse gas emission baseline inventory to understand goals and to promote the use of renewable energy and energy efficiencies in town facilities. • Build awareness of the climate change problem through public education and awareness programs. • Partner with Holy Cross and other utility companies to promote and educate consumers about energy efficiency. • Encourage adoption of green building strategies and practices. • Implement energy efficiency and conservation measures for municipal facilities. • Research alternative fuel options for town transit/fleet operations. • Partner with the I-70 Coalition and ECO Transit to promote and leverage mass transit projects. • Support employee housing initiatives in order to reduce trips into Vail. • Enforce vehicle idling laws to reduce carbon output. <p>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.</p> <p>Actions/Strategies</p>

The Evergreen, while not specifically subject to the Civic Area Plan, with its location surrounded by Civic Uses, also takes inspiration and guidance from many of the recommendations within this plan, including the following:

2. Project Efficiency

- *Design and construct buildings for maximum energy efficiency.*
- *Design buildings to be easily adaptable to future generations of power grids/ systems.*
- *Minimize water use with efficient indoor plumbing systems and outdoor irrigation systems.*

3. Ecosystem Health

- *Coordinate with the Town's Sustainability Department to ensure that the goals and objectives of Restore the Gore are implemented in subsequent project planning and design for the development of parcels proximate to Gore Creek and Middle Creek.*
- *Design any new buildings or improvements proximate to the Middle and Gore Creek corridors to not impact natural riparian areas or the overall health of these ecosystems.*
- *Incorporate best management practices for erosion control and the collection, retention, and treatment of storm water.*



4. Sustainable Economic and Social Development

- Utilize sustainably sourced construction materials.
- Design improvements within the practical carrying capacity of the Civic Area balancing building mass, scale and form with open space, vegetation and sunlight.
- Where feasible, incorporate the development of workforce housing into the Civic Area.

This analysis has focused on the compliance with Vail Comprehensive Plan of the design deviation to allow for a green flat roof. Other sections of this submittal have also addressed compliance for the proposed project with the Vail Comprehensive Plan.

5. The design deviation meets or exceeds the intent of the specific design standards as prescribed in Section 8.4;

Applicant Response: **The Evergreen**, with the exception of the use of green flat roofs, complies with all other design standards. Section 8.4 is The Lionshead Design Guidelines. Roofs are further described in Section 8.4.2.7, which states:

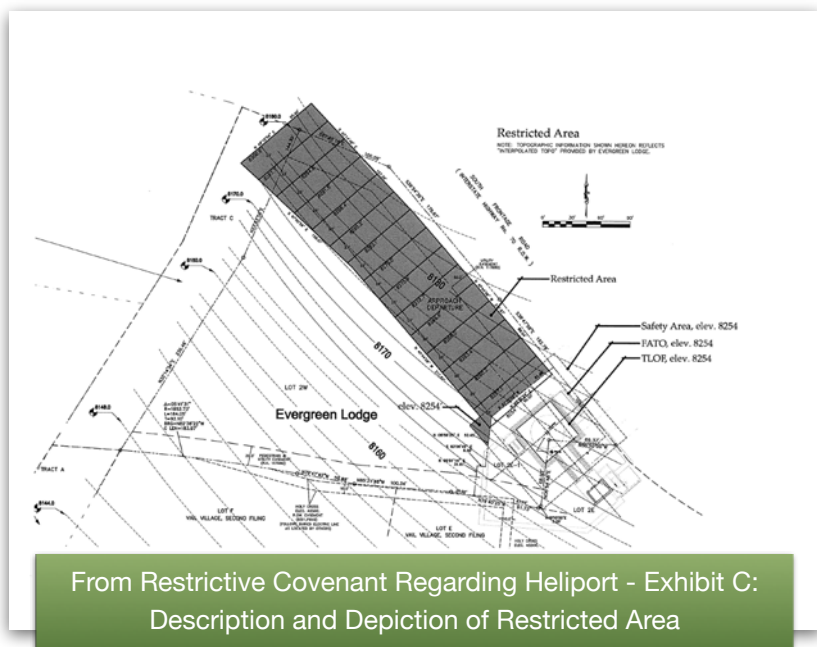
In keeping with the spirit of the area's mountain architecture, primary roofs within Lionshead are to be predominantly gables and hips, with sheds or flat roofs permitted at smaller, secondary roofs. Primary roofs are defined as roofs which cover more than 500 SF of roof area, while secondary roofs are those which cover 500 SF of roof area or less. Secondary roofs which occur at logical breaks in building massing may exceed 500 SF if the general intent of fragmented forms and visual harmony is met. Free-standing sheds and butterfly roofs are not permitted. Mansard roofs are permitted on buildings where pitched roofs would be impractical, if the mansards are of similar form, pitch, material, color, and detail to other roofs within the community (and identified within these Guidelines). If used, these types of roofs should be considerate not only of views from the pedestrian street, but also those from the ski mountain. To this end, areas of flat roof within the slopes of the mansard shall be limited to the practical minimum, and the materials for the flat roof shall be black or in a color to blend with the sloped roof. In addition, rooftop equipment within the flat areas shall be painted to blend with the roof material (see "Miscellaneous Equipment" Section to follow). The overall image for Lionshead takes its cue from the simple, fragmented, gabled roof forms of European alpine villages, where views of the roofscapes from the mountains are paramount.

As provided in this master plan provision, primary roof forms are recommended to be predominantly gables with flat roofs permitted at smaller secondary roofs. Because **The Evergreen** is proposing a green flat roof as the primary roof form, the design deviation is proposed. However, the proposed deviation is consistent with the intent of this standard, as the use of a green flat roof will appear more as an extension of the natural landscape rather than as structure. With the complicated roof-scape of Vail Health, the green roof will provide visual interest, primarily from the view from Vail Mountain. As a result, the proposed deviation exceeds the intent of the design standards.

6. A public benefit is achieved as a result of the design deviation;

Applicant Response: The use of green flat roofs provide an opportunity to incorporate sustainable practices, including the use of rooftop solar, control of stormwater runoff and retention, reduction of the urban heat island effect, improves efficiency of mechanical equipment which reduces greenhouse gas emissions, and the provision of native landscape and plant materials. Green flat roofs also help resolve the issue of snow shed on to pedestrian areas which can be a significant health and safety concern in the winter months. The use of green roofs are an important aspect of the sustainability package, which is an overall public benefit.

Additionally, the location of the heliport impacts the ability to have sloped roofs along the South Frontage Road, due to the protection of the flight path. As part of the cooperative planning among Vail Heath and the Solaris Group, there is a restrictive covenant which limits any improvements above defined elevations, including but not limited to: building elements, structures, roofs, roof overhangs, projections, appurtenances, mechanical equipment, elevator shafts, stairwells, architectural features, etc. The green flat roof, because it does not add



substantial mass above the upper-most level ceiling, allows **The Evergreen** to ensure consistency with this limitation while being abled to achieve adequate floor area and ceiling heights. This was part of the land exchange with Vail Health, which was a great public benefit to the entire Town, allowing for the relocation of the main entrance to Vail Health to occur at the South Frontage Road, reducing traffic on West Meadow Drive, and allowing for emergency helicopter access.

7. The design deviation furthers the goals, objectives and purposes as stated in Sections 2.3, 2.5 and 8.2 of the Lionshead Redevelopment Master Plan.

Applicant Response: The referenced sections of the Lionshead Redevelopment Master Plan are provided below, along with an analysis of consistency with this criterion:

2.3 Policy Objectives

The Town Council adopted six policy objectives on November 4, 1996 to outline the important issues to be addressed in the master plan and to provide a policy framework for the master planning process.

2.3.1 Renewal and Redevelopment

Lionshead can and should be renewed and redeveloped to become a warmer, more vibrant environment for guests and residents. Lionshead needs an appealing and coherent identity, a sense of place, a personality, a purpose, and an improved aesthetic character.

2.3.2 Vitality and Amenities

We must seize the opportunity to enhance guest experience and community interaction through expanded and additional activities and amenities such as performing arts venues, conference facilities, ice rinks, streetscape, parks and other recreational improvements.

2.3.3 Stronger Economic Base Through Increased Live Beds

In order to enhance the vitality and viability of Vail, renewal and redevelopment in Lionshead must promote improved occupancy rates and the creation of additional bed base (“live beds” or “warm beds”) through new lodging products. Live beds and warm beds are best described as residential or lodging rooms or units that are designed for occupancy by visitors, guests, individuals, or families on a short term rental basis. In order to improve occupancy rates and create additional bed base in Lionshead, applications for new development and redevelopment projects which

include a residential component shall provide live beds in the form of accommodation units, fractional fee club units, lodge dwelling units, timeshare units, attached accommodation units (i.e, lock-off units), or dwelling units which are included in a voluntary rental management program and available for short term rental. Further, it is the expressed goal of this Plan that in addition to creating additional bed base through new lodging products, there shall be no net loss of existing live beds within the Lionshead Redevelopment Master Plan study area.

2.3.4 Improved Access and Circulation

The flow of pedestrian, vehicular, bicycle and mass transit traffic must be improved within and through Lionshead.

2.3.5 Improved Infrastructure

The infrastructure of Lionshead (streets, walkways, transportation systems, parking, utilities, loading and delivery systems, snow removal and storage capacity) and its public and private services must be upgraded to support redevelopment and revitalization efforts and to meet the service expectations of our guests and residents.

2.3.6 Creative Financing for Enhanced Private Profits and Public Revenues

Financially creative and fiscally realistic strategies must be identified so that adequate capital may be raised from all possible sources to fund desired private and public improvements.

The policy objectives identified above demonstrate the intention to encourage properties to redevelop, balancing the need for other improvements within Lionshead. **The Evergreen** complies with these policy objectives including advancing the goal of new live beds. Built in the 1970s, the current Evergreen Lodge is outdated and fails to offer a product that meets the standards of a product associated with Vail. With unsightly surface parking, outdated architecture, and old-fashioned interiors, aging systems, the redevelopment of the property is consistent with these objectives.

2.5 Urban Design Principles

On November 4, 1996, the Town Council adopted the following set of urban design principles to guide the development of the master plan:

- 1. Connect Lionshead physically and visually to the mountain landscape.*

-
2. *Make people physically and emotionally comfortable in Lionshead.*
 3. *Provide a sense of arrival to demarcate the Lionshead district.*
 4. *Create landmarks and turning points to guide people through the area and make it memorable.*
 5. *Provide gates and portals to help define the sequence of public spaces and places.*
 6. *Define appropriate land uses adjacent to outdoor spaces.*

The design deviation for the green flat roof for **The Evergreen** allows for landscaped roofs and a large central landscape plaza, creating a project that will be seen and experienced as an extension of nature, connecting to the mountain landscape.

Additionally, the flat roofs provide an opportunity to incorporate sustainable practices, including the use of rooftop solar, control of stormwater runoff and retention, reduction of the urban heat island effect, improves efficiency of mechanical equipment which reduces greenhouse gas emissions, and the provision of native landscape and plant materials. With its location adjacent to Middle Creek and proximity to Lot 10 and the entire Civic Center, this is an appropriate land use adjacent to these outdoor and recreational facilities. The proposal for the flat roofs is consistent with the Urban Design Principles listed above.

8.2 Organization, Purpose and Scope

The organization of the *Lionshead Architectural Design Guidelines* is based upon describing the “big picture” of the redevelopment effort first, and then studying the more detailed aspects. Sections 8.1 and 8.2 begin with the “big picture” and offer the “vision” for Lionshead, and provide explanatory information regarding organization, purpose, and scope. Section 8.3 contains special provisions for new and existing structures, including redevelopment priorities, triggers, and transition tools. This Section addresses how flexibility in the application of the Guidelines should be applied to development applications under consideration by the Town’s Boards and Commissions. Section 8.4 contains the Guidelines themselves, but begins first with the “big picture” of planning considerations which may overlap with the Lionshead Master Plan. Prospective developers and/or designers should study this portion of Section 8.4 carefully, to see what design criteria must be met if their project occupies a special site relative to building roles, pedestrian streets, or transition spaces. The latter portion of Section 8.4 deals with the architectural principles of the Design Guidelines, starting first with overall issues such as building form and massing, then moving into

more detailed issues such as dimensional criteria for architectural components, materials, and colors. Section 8.5 provides a “quick glimpse” of the quantitative values outlined in the Guidelines.

The purpose of the Lionshead Architectural Design Guidelines (ADG) is to work in concert with the Lionshead Master Plan to enhance the existing experience within the community, improve the quality of life, focus direction for future growth, create visual harmony, and improve property values for businesses and homeowners. This document constitutes a design philosophy for the community, which when integrated with the Lionshead Master Plan, helps to establish Lionshead as a coherent, dynamic village with a true “sense of place.” These Guidelines are intended to direct the growth of the community through distinct levels of perception, from views of the neighborhood from the mountain and the highway, to perceptions within its pedestrian streets, to the detail level of artistry and ornamentation on the structures themselves.

The scope of the Design Guidelines includes all criteria related to the architectural design of new and redevelopment projects within Lionshead, along with site and planning criteria which relate directly to architecture. Other site and planning criteria may be found in the Lionshead Master Plan, and should be reviewed concurrently with these Guidelines. Structures which have been reviewed and approved by regulatory agencies for Lionshead prior to the endorsement date of this document may present special circumstances with respect to the criteria cited within these Guidelines, and will be handled per Section 8.3.

The Evergreen, with its location in the transitional zone, is afforded some flexibility in the Lionshead Redevelopment Master Plan. Recognizing the architecture of the surrounding uses, Section 5.19.8 Architectural Improvements and Building Heights states (in part):

...Given the high visibility of the buildings on this site and the extent to which they influence the quality of the experience of passers-by, all future development on the site should be closely scrutinized for compliance with the applicable architectural design guidelines. That said, the Evergreen Lodge is located in a transitional area with VVMC, the Library, and Dobson Arena, which tend to have more modern or institutional architecture. The building will need to have a relationship to adjacent buildings and pedestrian corridors.

The Lionshead Redevelopment Master Plan also emphasizes the idea of a landscape lid and plaza as a coordinated effort with Vail Health, stating in 5.19.5 Relationship to the Vail Valley Medical Center and the Vail International and in Section 5.19.7 Setbacks (in part):

...The land exchange also allows for improved vehicular access by providing a reasonable location for a roundabout located in front of and on the Evergreen Lodge property improving access to both properties. This pedestrian connection could potentially utilize a one-story deck that could cover surface parking on the VVMC campus. While a deck provides covered parking screened from public view, it also introduces a landscape element and plaza benefiting the views and use by patrons from Evergreen Lodge, VVMC, and the community at large. In order for a connection and landscape enhancement to be successful, it may require that it to be developed with reduced or zero setbacks between the properties. (Section 5.19.5)

...Based upon the coordinated efforts between the Evergreen Lodge and the Vail Valley Medical Center, opportunities exist for a covered parking deck and pedestrian access landscape plaza to be developed between the properties with the goal of screening surface parking and enhancing the visual quality of the area. (Section 5.19.7)

The concept of the landscape lid and plaza recognizes the benefit to the community at large to create views of green space versus structure. While the green flat roofs of **The Evergreen** may necessitate a design deviation, it is consistent with the Architectural Design Guidelines and the sections reference above. With the recognition that **The Evergreen** is unique due to its location, the Lionshead Redevelopment Master Plan identified the desire for flexibility of design for this site. The proposed design deviation allowing for green flat roofs is therefore consistent with this criterion.

VIII. CRITERIA FOR REVIEW: CONDITIONAL USE PERMIT(S)

Section 12-7H-2: Permitted and Conditional Uses; Basement or Garden Level and Section 12-7H-3: Permitted and Conditional Uses; First Floor or Street Level allow multiple-family residential dwelling units and attached accommodation units, as conditional uses in the LMU-1 Zone District. These uses are permitted uses at the second level and above. The criteria, and the applicant analysis, for a conditional use permit are addressed below:

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

Applicant Response: The Lionshead Redevelopment Master Plan recognizes that the Lionshead pedestrian core is the “*heart of Lionshead and the epicenter of pedestrian and retail activity*” (pg 4-1). It is within this core area that commercial uses are strongly encouraged along the major pedestrian paths. Though **The Evergreen** is on the periphery, the area of East Lionshead - Civic Hub has a different character, described by the plan as:

The civic hub of Lionshead is comprised of Dobson Ice Arena, the Vail public library, the Lionshead public parking structure, and the proposed Vail Civic Center site on the east end of the parking structure. Although this area also contains several lodging properties and may support office or retail development in the future, all planning and design decisions here should be respectful of and compatible with these civic components. (pg 4-1)

The Evergreen, serving as part of the connection of Lionshead to Vail Village, is in a more residential area, with uses ranging from single-family and duplex uses to higher density residential properties such as Skaal Haus and Alphorn to institutional uses such as Vail Health. The Lionshead Redevelopment Master Plan identifies the importance of this area, stating:

4.2 Connection to Vail Village

The lack of connection between Lionshead and Vail Village was identified early in the master planning process. Although both West Meadow Drive and East Lionshead Circle connect the village to Lionshead, the pedestrian systems along this corridor are poor and the streetscape has no consistent visual character. The eastern entry to the Lionshead study area is at Middle Creek (at the Vail public library and Dobson Ice Arena), but the true entrance to the Lionshead retail core is at the western end of the

Lionshead parking structure. Pedestrian connections should be sensitive to the residential uses on West Meadow Drive and East Lionshead Circle. It is also important that they be continuous from the intersection of Vail Road and East Meadow Drive in Vail to the west end of the parking structure in Lionshead. The Town of Vail Streetscape Master Plan recommendations for West Meadow Drive should be implemented in a way that is consistent in design and character with the entire Vail Village/ Lionshead connection. (pg. 4-3)

The main entrance and grand lobby for **The Evergreen** are accessed from the new South Frontage Road round-about, creating the active lobby and guest service uses at a more appropriate location on the site. As a generally residential neighborhood (with the exception of Vail Health) and with no pedestrian frontage on West Meadow Drive, it is consistent with the development objectives of the Town to allow multiple-family dwelling units and attached accommodation units at the basement/garden and first floor of **The Evergreen**. **The Evergreen** includes a lower amenitized lobby area along the frontage of Lot 10, the Town's future park area.

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.

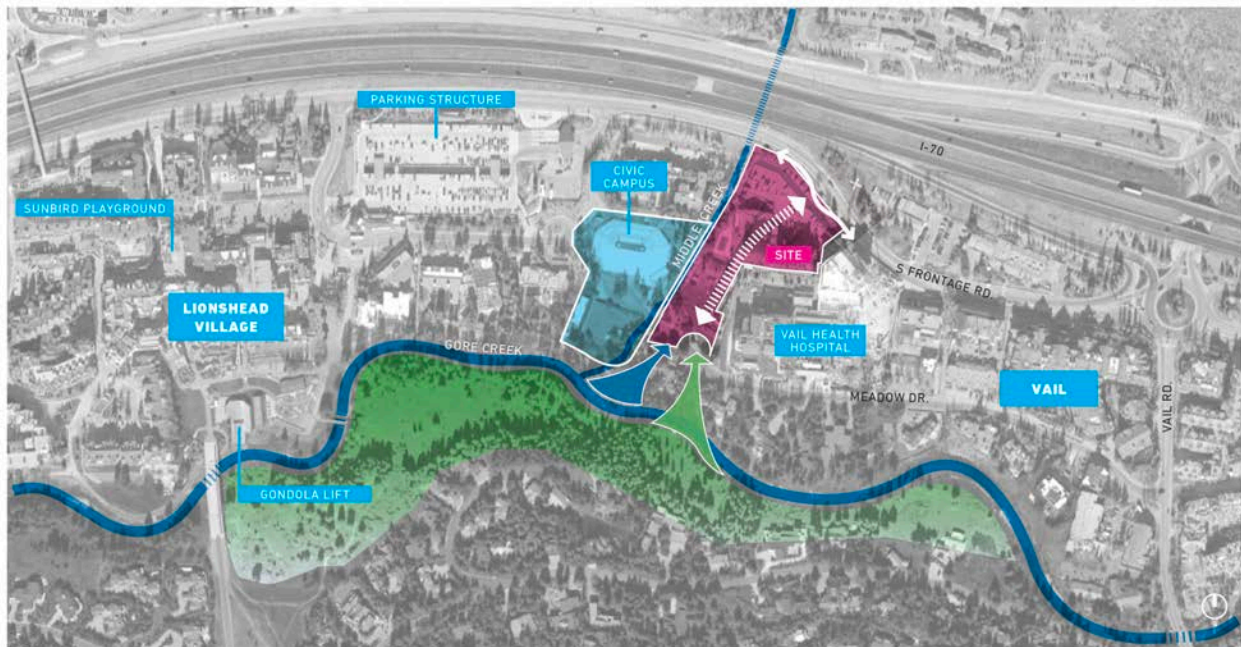
Applicant Response: The allowance of attached accommodation units and dwelling units at garden and basement level and at the first floor has a limited impact on this criterion. **The Evergreen**, is located within the transition zone, between Vail Village and Lionshead, which is characterized by residential and lodging uses with limited commercial components. **The Evergreen** has been designed to comply with the development standards of the LMU-1 zone district, with the exception of the need for variances for underground improvements which were contemplated by the Lionshead Redevelopment Master Plan. These development standards of the LMU-1 zone district, in combination with the Lionshead Design Guidelines, protect the light and air. Because **The Evergreen** is within the more dense population center of Vail, redevelopment within this area is encouraged. The area is served by public transportation, as it is on the Town's bus route both along South Frontage Road and West Meadow Drive. As a previously developed site, **The Evergreen** is served by all utilities. There are multiple outdoor and indoor recreation facilities in the vicinity. Because the conditional use for these uses is "live beds," there is a limited impact on the local schools. The proposed conditional use is consistent with this criterion.

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: The Evergreen Design Team has emphasized the connectivity of the property to the remainder of Vail. The east-west pedestrian connections to the Vail and Lionshead cores are equally important to the pedestrian connection north-south. Additionally, The Evergreen has been designed with all vehicular access to occur along the South Frontage Road. Guests and visitors will access via the newly constructed roundabout, which was designed to accommodate this traffic. Loading and delivery and other service vehicles use a secondary access just to the west of the roundabout. The result is that there is no vehicular traffic associated with The Evergreen to West Meadow Drive, and guests of The Evergreen will primarily access both Lionshead and Vail Village via the pedestrian entrance adjacent to Lot 10. There is also a sidewalk provided along the south side of the South Frontage Road, accommodating pedestrian and bicycles along this heavily travelled corridor.

SITE CONTEXT

LOCAL SITE CONTEXT



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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: Due to the character of the surrounding area, introducing commercial uses on the basement/garden levels and first floor would have a more negative impact than attached accommodation units and residential units. The more intense uses on the property - the vehicular access and main lobby are at the first level from South Frontage Road. This is the appropriate location for these uses to minimize impacts to adjacent properties. With no direct frontage on West Meadow Drive, having commercial uses along Lot 10 would not be appropriate. The proposed conditional use permit for residential uses at basement/garden and first level does not impact the scale and bulk of **The Evergreen**. Scale and bulk are addressed more by the limitations set forth in the Lionshead Redevelopment Master Plan, which provides additional restrictions beyond the LMU-1 zone district standards. As a result, the proposed conditional use permit is consistent with this criterion.

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

Applicant Response: **The Evergreen** Design Team can address any additional information requested by the Planning and Environmental Commission.

6. The environmental impact report concerning the proposed use, if an environmental impact report is required by chapter 12 of this title.

Applicant Response: An environmental impact report has been submitted for the redevelopment of **The Evergreen**. The report finds that the environmental impacts of the overall project are negligible given its current developed character and with the mitigation techniques being employed with this redevelopment.

VII. CRITERIA FOR REVIEW: VARIANCES

The Evergreen is designed with extensive underground parking, eliminating all surface parking currently associated. **The Evergreen** parking is then capped with a landscape lid, creating the large central plaza. As a result, the applicant is requesting a site coverage variance which is necessary due to the below grade improvements. The Lionshead Mixed-Use 1 zone district provides the following site coverage limitation:

12-7H-14: SITE COVERAGE:

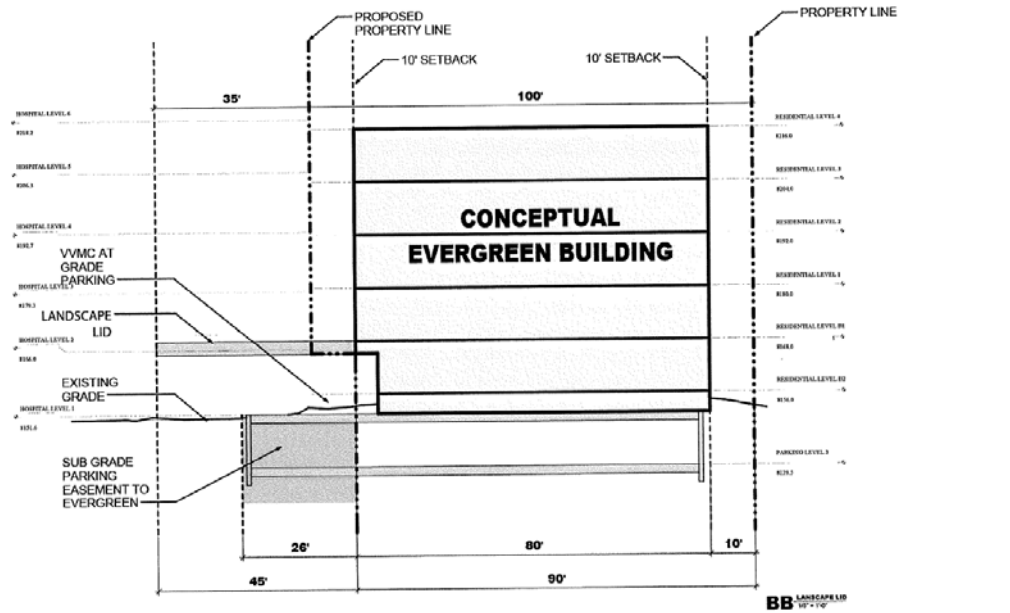
Site coverage shall not exceed seventy percent (70%) of the total site area, unless otherwise specified in the Lionshead redevelopment master plan.

As proposed, **The Evergreen** has 80.2% of site coverage, as today all underground improvements are counted towards this standard. However, above-grade site coverage is only 63.5%. It is noted, however, that at the time of adoption of the Lionshead Development Master Plan, underground improvements did not count towards site coverage. The site coverage definition was amended in 2006 to include below grade improvements which ran contrary to the Lionshead Redevelopment Master Plan and the general policy towards placing parking underground in the commercial cores of the Town. As a result, a site coverage variance is proposed for **The Evergreen** which is similar to variances approved for other projects within the Lionshead area including the Elevation project.

Additionally, a variance is requested to allow for improvements to encroach into the 10 ft. setback along the property line shared with Vail Health. There is a zero lot line proposed at the location of the boundary between Lot F-1 and Vail Health's property. Additionally, balconies and architectural projections extend beyond the current property line and onto Vail Health property.

These conditions were contemplated and addressed by agreements between **The Evergreen** and Vail Health as part of the land exchange summarized previously in this submittal. Specifically, pursuant to a Land Conveyance and Cooperation Agreement by and between **The Evergreen** and Vail Health, Vail Health agreed to not oppose **The Evergreen's** request for approval from the Town of a "zero setback line" along a portion of the boundary of the two properties. Additionally, pursuant to the Lid Easement discussed above, Vail Health granted to **The Evergreen** an easement for the construction in Vail Health's 10 ft. setback area of any and all improvements that are permitted by the Town to be constructed in setback areas. Also as

Exhibit B-1 from Landscape Lid Easement Agreement



EVERGREEN / VVMC

Exchange Parcel D Sub-Grade Parking Study July 13, 2018

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Section

discussed above, Vail Health has agreed to, upon **The Evergreen's** request, adjust the property line between **The Evergreen's** Lot F-1 and Vail Health's property by creating a 10 ft. wide three-dimensional "estate above surface" in the current location of Vail Health's 10 ft. setback area, which would cause an additional 10 ft. of surface area to be incorporated into Lot F-1. The creation of the "estate above surface" may obviate the need for the variance requested in this paragraph.

The Lionshead Mixed-Use 1 zone district provides the following setback limitations:

12-7H-10: SETBACKS:

The minimum building setbacks shall be ten feet (10') unless otherwise specified in the Lionshead redevelopment master plan as a build to line.

The zero lot line at the shared property line with Vail Health was anticipated, and even encouraged, by the site specific language within the Lionshead Redevelopment Master Plan, which is included in the analysis below.

Section 12-17-6 of the Vail Town Code provides the criteria for review for variance requests. The following provides these criteria along with the applicant's analysis of conformance with the criteria.

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

Applicant Response: As identified in the Lionshead Redevelopment Master Plan, the coordinated efforts between between **The Evergreen** and Vail Health could include a covered parking deck with a landscape plaza above. The Lionshead Redevelopment Master Plan then identified that a reduced or zero setback in this area would be likely, and additionally, that below grade improvements may be developed within the required setbacks.

5.19.7 Setbacks

...Based upon the coordinated efforts between the Evergreen Lodge and the Vail Valley Medical Center, opportunities exist for a covered parking deck and pedestrian access landscape plaza to be developed between the properties with the goal of screening surface parking and enhancing the visual quality of the area. If appropriately designed, a reduced or zero set back in these areas may be proposed for review during the development review process. Additionally, below grade improvements, including but not limited to, parking and vehicular circulation improvements may be developed within the required setbacks, if found to be consistent with the Town's development objectives.

The requested site coverage variance, necessary for underground improvements have only positive impacts on other uses and structures in the vicinity. The variance allows for underground, structured parking, eliminating the need for unsightly surface parking. The treatment of this area with a landscaped lid mitigates the impacts of the variances.

The requested zero lot line and setback variance was contemplated in the Lionshead Redevelopment Master Plan and as part of the complicated land exchange process between Vail Health, the Town of Vail, and **The Evergreen**. The language in the Master Plan reflects this process, and Vail Health has provided a letter agreeing to the proposal. Therefore the requested variances are consistent with this criterion.

2. The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of

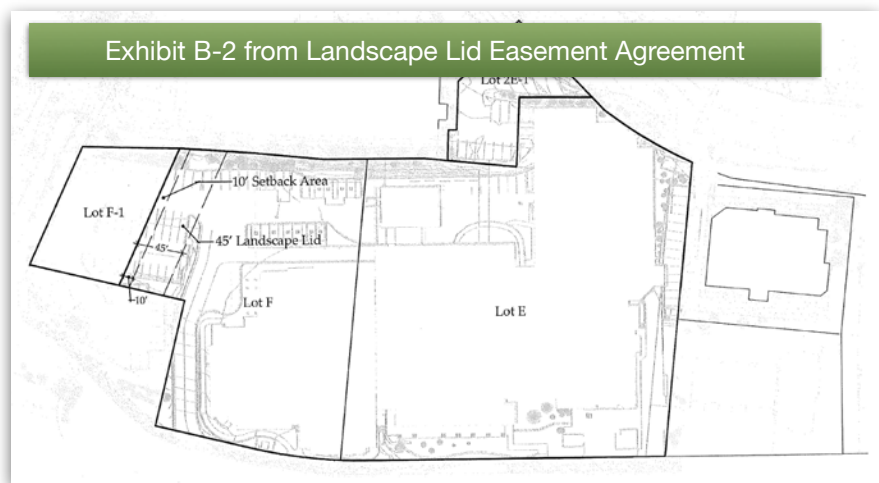
treatment among sites in the vicinity, or to attain the objectives of this title without grant of special privilege.

Applicant Response: In Lionshead, the Town has afforded some flexibility for variances, especially for underground improvements, and for coordinated development projects on multiple lots with different ownership. Prior to the change in the definition of site coverage in January 2006, a variance was not required for underground improvements and as a result, many structures currently exceed the limitation. Variances have been granted more recently for underground improvements for redevelopment projects. Examples within Lionshead include:

- PEC18-0018 - Rear setback variance granted for 0 ft. setback for Elevation at 534 East Lionshead Circle to accommodate parking beneath (future) shared plaza with Legacy.
- PEC06-0074 - Setback and site coverage variances granted for the new wing of the Landmark at 610 West Lionshead Place for a new underground parking structure.
- PEC18-0036 - Setback variance granted for a 0 ft. setback for Legacy at 500 East Lionshead Circle for underground parking beneath (future) shared plaza with Elevation.

The alternative to variances for site coverage to allow for underground improvements is surface parking or parking reductions, which is why the Town has often been supportive of these variances in recent redevelopment project. These recent approval demonstrate that it is not a grant of special privilege to allow for underground improvements that exceed site coverage allowances.

The land exchange and coordination between Vail Health and **The Evergreen** was formalized in various agreements amongst the parties. The Landscape Lid Easement Agreement was one of the agreements that formally documented the allowance for the zero lot line along Lot F-1 and Lot F, as indicated on Exhibit B-2 of the agreement. **The Evergreen** is permitted to build to the shared lot line,



and improvements such as decks and balconies that can extend into setbacks may then extend beyond the property line to the extent they are allowed to do so into property setbacks. This area will then be either conveyed to **The Evergreen** or the property line between Lot F-1 and Lot F will be adjusted to allow this.

Though this is complicated, the details were established at the time of the land exchange and creates a unique situation that is unlike other situations throughout the Town. Therefore, granting the variances for **The Evergreen** allows for uniformity of treatment among sites in the vicinity.

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

Applicant Response: Because the site coverage variance is for improvements that are located underground, there are no negative effects on light and air. Below-grade improvements have a positive effect on light and air, as otherwise these improvements would be either in surface parking lots, or additional bulk and mass within the above-grade footprint. The setback variance, which facilitates the landscape lid over Vail Health's surface parking, maintains substantial separation between the building. The variances have no effect on the distribution of population. Because the variances are necessary to maximize structured parking, create and landscape lid over surface parking, and were contemplated with the land exchange, they have a positive impact on transportation and traffic facilities. **The Evergreen** is fully meeting the parking requirements, creating no impacts on public parking facilities. There is no effect on public safety.

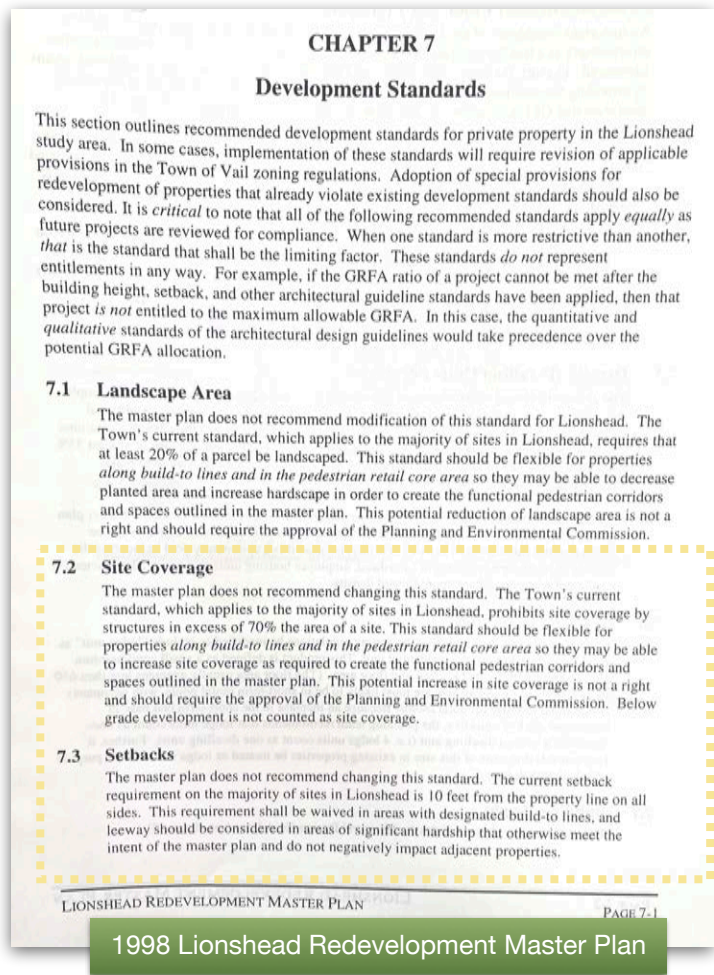
4. Such other factors and criteria as the commission deems applicable to the proposed variance.

Applicant Response: To provide some background, the 1998 Lionshead Redevelopment Master Plan included Chapter 7: Development Standards, which provided direction on how the future Lionshead Mixed Use districts would be structured based on the previous zone districts within the Lionshead Study Area. At the time and as the plan noted, underground improvements did not count towards site coverage limitations. This is because the definition of site coverage at the time did not include below-grade improvements. A subsequent amendment to the definition of "Site Coverage" modified the calculation to include below-grade improvements, based on a reaction to the construction of a large single family home with

below-grade improvements. Unfortunately, it was not recognized at the time that this would impact the ability of larger development projects to maximize below-grade parking structures.

Previous definition of site coverage from Chapter 12-2: Definitions:

SITE COVERAGE: The ratio of the total building area of a site to the total area of a site, expressed as a percentage. For the purposes of calculating site coverage, "building area" shall mean the total horizontal area of any building, carport, porte cohere, arcade, and covered or roofed walkway as measured from the exterior face of perimeter walls or supporting columns above grade or at around level, whichever is the greater area...



Adopted in 2006, the current definition of site coverage from Chapter 12-2: Definitions:

SITE COVERAGE: The ratio of the total building area of a site to the total area of a site, expressed as a percentage. For the purposes of calculating site coverage, "building area of a site" shall mean that portion of a site occupied by any building, carport, porte-cochere, arcade, and covered or roofed walkway constructed at, below, or above grade as measured from the exterior face of the sheathing of the perimeter walls or supporting columns...

This change in definition to include below-grade improvements did not include a corresponding increase in site coverage to off-set this change and has led to the need for variance from site coverage for underground improvements for projects who otherwise would have complied with the previous definition.

Additionally, the Lionshead Redevelopment Master plan recognized that the 10 ft. setback line should remain as the requirement for sites within Lionshead, with the exception the exceptions as noted:

7.3 Setbacks

The master plan does not recommend changing this standard. The current setback requirement on the majority of sites in Lionshead is 10 feet from the property line on all sides. This requirement shall be waived in areas with designated build-to lines, and leeway should be considered in areas of significant hardship that otherwise meet the intent of the master plan and do not negatively impact adjacent properties.

As noted in the more detailed Chapter 5: Detailed Plan Recommendations for **The Evergreen**:

...Additionally, below grade improvements, including but not limited to, parking and vehicular circulation improvements may be developed within the required setbacks, if found to be consistent with the Town's development objectives. (Section 5.19.7)