

VAIL HOMEOWNERS ASSOCIATION

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June 30, 2019

Hearings Begin On The Proposed East Vail Housing Project

East Vail PEC hearings. The PEC has planned a total of three hearings on the controversial East Vail Booth Heights proposed development. The first was last Monday (more on that below), and it focused on the building plans, density and parking. The next will be July 8th, and it is slated to consider environmental issues which will, of course, include the plight of the resident bighorn sheep herd. And a third, which will probably be on August 12th, and is intended to review changes that Triumph will make in response to the first two meetings. Whether that will be sufficient remains to be seen.

Those hearings may be the sum total of review for this project; for PEC decisions are not generally reviewable before the Town Council. While the Town Council can “call up” a decision for review, so far there has not been any indication that the Town Council will do so with this project.

Is there a fair hearing process? This is a complex project with many parts and proposals. Beyond that, it is also a likely transformative proposal. Never before has the PEC had to consider a development that has potentially extinction level consequences. So that there would be a balanced and fair consideration of the project, VHA requested that it be allowed to present a comprehensive response to Triumph’s presentation. That request was denied with the admonition that VHA would be limited to just a three minute response. The general public was also limited to just three minute responses, so there is a serious chance that many of the flaws, outright misstatements and half-truths of Triumph’s proposal, which could have far-reaching consequences for the entire community, will never be addressed in any comprehensive way.

When the hearing began, it quickly became evident Triumph had a huge advantage. Triumph was given unlimited time to present its plan (it took well over an hour). A number of residents requested that they be allowed to combine their allotted time to be able to make a fuller response, but that request was also denied. As a result, many believed the process was rigged to favor Triumph and were frustrated and upset over not being afforded time to address many of the flaws and misstatements in Triumph’s proposal.

It is understandable that the PEC does not want to unnecessarily prolong the review process, but that is not a reason to deny residents the ability to combine their time to make an intelligent, comprehensive presentation, especially when dealing with a project of historic consequence. As one resident said, “This is way too important to hurry.” And as long as the residents are present at the hearing and agree to combine their time, a comprehensive single presentation will not extend the time of the hearing; it may actually shorten the time because of the efficiencies gained by a single presentation. Comprehensive responses will also better inform the PEC on critical issues and more fairly balance the scales for a project’s consideration.

The PEC said that opponents could submit written responses which would be read, but that is a poor substitute for an oral response. It would seem that fundamental fairness would require that the serious questions about this proposal be presented in the same manner and at the same time that the proposal is presented.

Site visit. The PEC hearing began with a site visit during which the mass of the development and the extent of clearing and excavation that would be necessary became very clear. Because of the steepness of the site and its east to west slope, to get level grades for the project the entire site will have to be clear cut and bulldozed, in places cutting down 10 feet and in other places filling in up to 10 feet. That will be a massive undertaking with huge consequences for the bighorn sheep. It was also obvious from the site visit that the three large, box-like apartment buildings will loom over Frontage Road and I-70 and dominate views of the eastern end of the Town.

The first hearing. Following the site visit, the public meeting part of the hearing commenced. It was somewhat surreal as all discussion about the environmental context of the project -- what one resident label “the 800 pound gorilla in the room” –was deferred. Instead the first meeting was limited to the site plan, building plans, parking, traffic impacts and similar issues which were considered without reference to their environmental impacts when that is in many ways the most critical aspect of this proposal. As it turned out, several of those issues could not be fully considered because of lapses in documentation in the application.

The mass and size of the project. Much attention focused on the sheer mass and size of the project, especially the three large box-like apartment buildings that will have four-story, 60+ feet high components that will loom over Frontage Road and I-70. Triumph had not presented any renderings to show how they will appear in place of what is now pristine aspen forest, but it is clear that these will be massive structures. Even putting aside the environmental implications, nowhere in East Vail are there any similar four-story structures or have so many been squeezed into such a small space. And as Triumph’s presentation progressed, and it referred to non-East Vail projects to support its proposal, it became increasingly clear that the proposed mass and scale of this project is totally incompatible with the surrounding East Vail residential neighborhoods. Whether the drive to build as many employee housing units as possible will be allowed to trump neighborhood compatibility remains to be seen.

Parking and other issues. Much discussion also centered on the scarcity of parking for the apartment residents (less than one per unit). Triumph tried to justify its numbers by referring to town-core employee housing projects where residents can easily walk to work, once again underscoring how incompatible this project is for East Vail. Questions were also raised about the impact of the project on the East Vail public transportation system, but no studies have yet been done on the ridership impacts of the project. And concerns were expressed about what one resident said was the “most dangerous” underpass on I-70 which was not built to accommodate pedestrian uses. Unfortunately, these were all random comments that were not allowed to be presented in any comprehensive manner.

Moving forward. At the end of the first hearing, the PEC had a number of comments. Requests were made for project renderings which will show the mass and orientation of the project from eastern and western approaches and as viewed from I-70 and Frontage Road. Several commissioners expressed concern about the adequacy of parking spaces for the apartment buildings, and a number of other comments were made concerning architectural aspects of the plans, density and safety issues concerning the East Vail I-70 underpass.

It is not known if the mass of the apartment buildings will be reconsidered when Triumph produces project renderings. And Triumph made no commitments to make any changes in response to the comments at the meeting, so it is also not known if any changes to the project will result from the first meeting.

Next meeting. The next PEC hearing is scheduled for July 8th at 1 p.m. That hearing is to focus on the environmental impacts of the development, but if the hearing process is not changed, it will be even more difficult to present a fair and accurate response to Triumph's presentation which rests on the fallacious claims that the bighorn sheep have a winter range of 1,800 acres and that clearing up just 14.6 acres of land to project's east will save the sheep. Many believe that Triumph's mitigation measures are wholly inadequate, but intelligently making that case in just three minutes will not be possible. Hopefully, the PEC will act to allow a full and fair presentation of all those issues.

If the environmental impacts of this project are a matter of concern for you, mark July 8th at 1 p.m. on your calendar and plan to attend the next PEC meeting. Unless you speak up and make your views known, the PEC will be unaware of how you feel about this project.

The Secret Golf Course Housing Project



Will this be the site of the next employee housing development?

Secret plans are in the works to convert part of the Vail Golf Course to employee housing. Another potential open space battle looms as sources have informed VHA that the Local Vail Housing Authority (LVHA) is secretly trying to acquire part of the Vail Golf Course to build employee housing units. There have already been secret meetings between some members of the LVHA and the Vail Recreational District (VRD), but the numbers were kept small enough so as to not require public notice. That is not to imply, however, that the VRD is in favor of such a project (more on the actions of the VRD below).

Protective Restrictions. The Vail Golf Course has long been one of Vail’s crown jewels, and it is the largest tract of open space land in Vail. Vail’s founders viewed the golf course as an essential element to Vail’s success and it was the reason for the formation of the VRD. Originally the land for the golf course was leased from Vail Associates and the Pulis Family, who placed covenant restrictions on their lands. In 1984, Vail Associates sold land on which much of the golf course is located to the TOV. As part of that acquisition restrictions were put into place to protect the land from future development and commercial use. The exact wording of the restriction is that the property is being transferred:

“Upon the expressed condition that the property shall be used solely as open space, or for use by the public for recreation purposes.”

LVHA plans. According to sources, the LVHA has targeted a part of the 12th fairway and the site of the small adjacent restroom building for 80 to 100 employee housing units. This, apparently, is being done without the approval of the Town Council since it has never been on a Council agenda or discussed in any public meeting. Our sources have informed us that the LVHA has designated Viele Construction to plan the development. Aside from 80 to 100 units, the development appears to entail a redesign of part of the golf course, diversion of a portion of Gore Creek and the construction of an internal road system. It will also require zoning changes since the golf course is, currently, zoned as open space for “outdoor recreation” which does not permit employee housing.

A lack of transparency. When VHA learned of these plans, we asked the LVHA for copies of the plans so that we could accurately report on what was being proposed. We were informed, however, that “at best, the discussion is preliminary,” and the only information that they would share “is that if residential development were to occur it would be in the area of the 12th fairway.” As for any plans, the LVHA replied that if any plans existed, they have not “been shared with anyone at the town.” That response was not unexpected since the LVHA routinely operates in the dark, only revealing plans after everything has been completed and lined up. This seems strangely reminiscent of the “deal” that the LVHA floated back in March to buy the East Vail housing site—the public was not informed until the deal had been formalized and then it was scheduled for a vote 14 days later. That lack of transparency on the part of the LVHA is a serious matter of how this agency goes about its operation; a matter that VHA has [previously reported on and criticized](#). As VHA stated before, there should be no place for secret government in Vail; yet, the LVHA continues to operate in the dark.

The VHA also asked the developer for a set of the plans but to no avail. The developer acknowledged that “concepts” had been shared with the Town and that much of what has been done so far is the Town’s “own work product,” so much for the LVHA having not seen any plans. The developer also acknowledged there was a base map and property outline but would not provide copies because they were being “revised.” Supposedly, the plans will be ready for distribution “in a week or two.”

The VRD meeting. In the meantime, the VRD met in executive session to discuss the project. Our sources tell us that the VRD voted to disapprove it and has instructed its attorney to inform the Town Council that it is opposed to the project.

Whether that is the end of this project remains to be seen as neither the VHA nor the public has any idea of what is going on behind the scene. This is no way to conduct the public’s business, but no one seems to be taking any action to prevent this from continuing.

VHA will continue to monitor the situation and will report further as soon as plans and other details are revealed.

Voters Say “No” To Any Tax Increase.

The LVHA recently conducted a survey to test the waters for a tax increase to fund employee housing. As VHA [previously reported](#), that survey was part of a larger effort which included hiring political consultants to design the survey, to build support for a ballot proposal and a campaign to pass new taxes. The survey drew a strong response with over 400 voters responding. Yet, even though several of the questions were “push questions,” the voters overwhelmingly rejected both a sales and property tax (51% opposed; only 28% in favor). Many voters expressed the belief that local employers should pay more so employees can afford housing and that housing is an issue to be addressed by businesses, especially large businesses, not the TOV.

This may not, however, be the final decision on these proposals. At least one Council member stated that the proposal could be brought back for the 2020 ballot, so that the Town would gain more time to build a campaign. That, however, may conflict with the Town’s plans to develop the Civic Center which also will require a substantial tax increase (more on that below). The VHA will continue to monitor the situation and will report again as needed.

This survey and the launching of a campaign to raise taxes do, however, invoke even more serious questions about Vail’s governance. That campaign was yet another secret plan of the LVHA. The LVHA did not seek permission to hire consultants or mount a political campaign to raise taxes; it simply informed the Town Council that it was doing so, making it appear that the Council has given an appointed body (who largely operates in secret and is not accountable to voters) carte blanche to make and run housing policies. But making policy, especially the mounting of political campaigns, should be the exclusive providence of the Town Council who can then be appropriately held responsible by the voters.

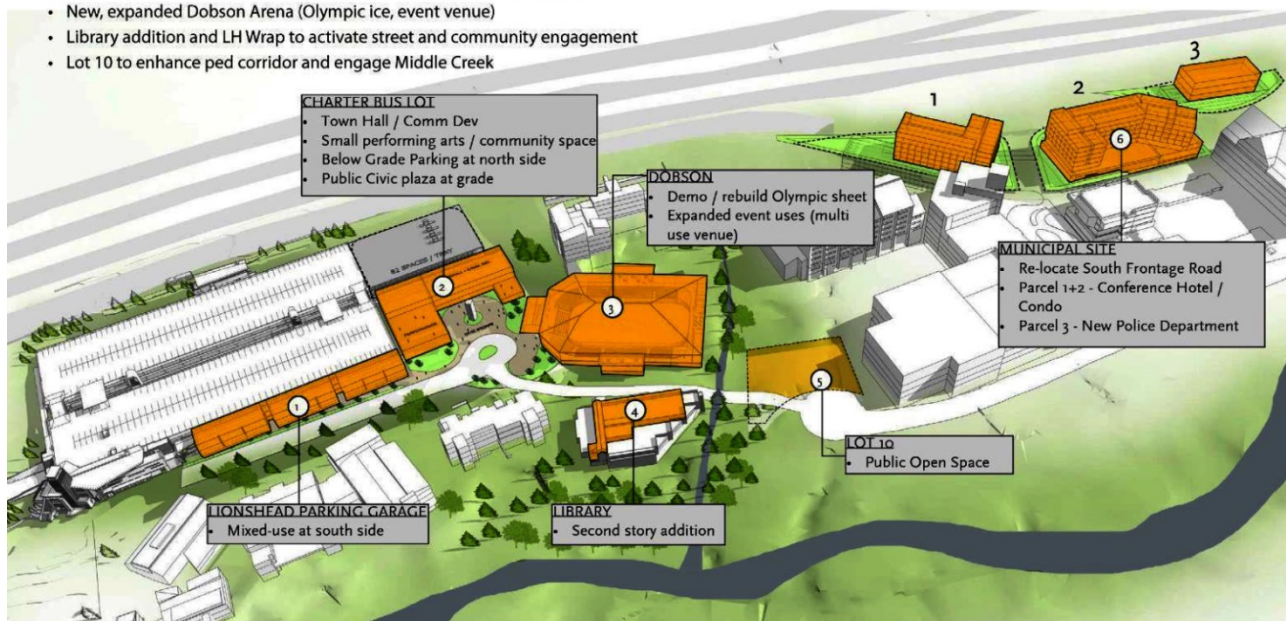
Civic Center Update

Opportunities/Key Features

- Re-located SFR connects Muni Site with Town
- Conference/hotel at Muni Site
- Creates strong Civic Hub at Charter Bus Lot (town hall, performing art/community building, at grade civic square)
- New, expanded Dobson Arena (Olympic ice, event venue)
- Library addition and LH Wrap to activate street and community engagement
- Lot 10 to enhance ped corridor and engage Middle Creek

Constraints

- Integration of improvements with neighborhood
- Existing uses



OVERVIEW - CONCEPT 1

Is this Vail’s Future?

As VHA has [previously reported](#), the TOV is in the process of creating a master plan for the redevelopment of the town “civic center,” the area that encompasses the Town municipal building, Lionshead parking structure, Library, Dobson Ice Arena and related properties. The process has been underway for a number of months, and a final plan is slated to be released at the end of August, just as many are leaving town for the fall months, with consideration by the PEC in September and final approval by the Town Council in October and early November (to be completed before the Town municipal election).

Recently, Master Plan concepts were presented to the Town Council showing four variations of the proposals. The, apparently, favored concept (see above) is an ambitious plan that envisions relocation of South Frontage Road to allow a conference hotel and condominiums on the current municipal site, a new Town Hall, community development and police facility, a mixed use development (“wrap”) along the south side of the Lionshead parking structure, a performing arts venue, improvements to the Dobson Ice Arena, library and a civic plaza. Other concepts involve somewhat scaled down versions of the same components. You can review all the concepts at <http://www.vailhomeowners.com/TOV%20Civic%20area%20MP%20062819.pdf>

The projected price tag for the, apparently, favored concept is a whopping \$150 million, and those kinds of cost calculations only go up as development gets underway. Costs of the other concepts range from \$127 million to \$167 million. Of those sums, the Town only has \$33.5 million currently in hand. All the rest will have to come from some combination of new taxes, urban renewal fees, Town reserves and/or bonding.

Construction of at least some of the ultimate proposal will have to begin before 2030 as that is when the tax revenues from the special Lionshead taxing district (\$33.5 million) expire. But that sum is not sufficient to undertake any of the components, except the expansion of the library. As a result, some very big financial issues will have to be faced as decisions are made about what to do. One immediate decision that could be made, and which will lower the costs, would be to eliminate the proposed “wrap” of the south side of the Lionshead parking structure. That is projected to cost \$6 million. When that was previously proposed in the 1990s, it was universally opposed by the neighborhood, and that opposition does not seem to have lessened.

The next stage of the process is for the selection of a single concept and then the creation of a master plan based on that concept. It is, presently, unclear if there will be any more opportunity for public input before the master plan is finalized. VHA will continue to monitor this process as it now moves to a more definite plan.

Town of Vail Municipal Elections

Nominating petitions for the November 5th Town of Vail municipal elections will be available August 6th and candidates will have until August 26th to file. With several controversial matters currently before the Town, this could prove to be a lively election. It could also be an opportunity to address transparency in the way the TOV conducts its business.

Four seats on the Town Council will be up for election. One is an open seat (due to the term limited retirement of Greg Moffet); three are occupied by incumbents who can run for reelection: Kevin Foley, Kim Langmaid, and Jen Mason. The three candidates receiving the most votes will serve four-year terms; the fourth highest vote getter will serve a two-year term. The terms of Dave Chapin, Jenn Bruno and Travis Coggin run until 2020.

The VHA will have more to say about this election, including presentation of candidate’s positions on critical issues as the time grows closer.

Post Office Box 238 Vail, Colorado 81658
Telephone: (970) 827-5680 E-mail: yha@vail.net Web Site: www.vailhomeowners.com