

VAIL HOMEOWNERS ASSOCIATION

Is More Open Space on the Chopping Block?

More on Amplified Sound

March 29, 2021

Here We Go Again. There is another Developer now trying to convert more open space into a housing project. This time it is Treeline Multifamily Partners, a Denver based company. Treeline is the owner and operator of 6 West Apartments in Edwards. In a “Dear Neighbor” letter dated February 28, Treeline says it “is very passionate” about bringing resident housing to Vail. The proposed site is the old Cascade Tennis Courts adjacent to Donovan Park. That site, however, is zoned Open Space, and its use is designated as a “Park.”



Cascade Apartments proposed by Treeline for a open space zoned site adjacent to Donovan Park.

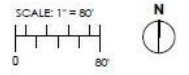
What is Being Proposed. Treeline is proposing a 122-unit building, “4-stories along Frontage Road, stepping down to 3-stories along Gore Creek.” However, the actual plans show that those stories will be on top of 3-stories of parking, and instead of 3-stories along Gore Creek, there would be 6-stories of apartments. Depending on the design of the roof, the building will be between 70 to 80 feet tall. To accomplish the targeted number of units, Treeline plans to build on every square inch of the buildable space, making this a massive structure, much larger than anything in the surrounding neighborhood.



SITE PLAN:
 AREA - 95,516 SF / 2.19 AC
 DENSITY: 46 DU / AC CURRENT
 24 DU / AC MAX ALLOWED PER HDMF ZONING
 (58 DU / AC ON SOLAR VAIL SITE)
 CURRENT ZONING - A (AGRICULTURE AND OPEN SPACE)
 ASSUMING REZONE TO HDMF (HIGH DENSITY MULTI-FAMILY)
 SITE COVERAGE - 30% (55% MAX PER HDMF)
 HEIGHT - 3 STORY WITH 3 LEVELS OF PARKING BELOW
 - 45' MAX HEIGHT
 PARKING - 1.4 PS / DU REQUIRED / 1.42 PS / DU PROVIDED
 AVERAGE UNIT SIZE - 820 SF

OVERALL UNIT MIX					
UNIT TYPE	UNIT DESCRIPTION	QTY	UNIT AREA	TOTAL AREA	MIX
S1	STUDIO	9	640 SF	5760 SF	9.0%
A1	1 BEDROOM / 1 BATH	6	622 SF	3734 SF	6.0%
A2	1 BEDROOM / 1 BATH	3	672 SF	2016 SF	3.0%
A3	1 BEDROOM / 1 BATH	29	696 SF	20184 SF	29.0%
A4	1 BEDROOM / 1 BATH	23	720 SF	16560 SF	23.0%
A5	1 BEDROOM / 1 BATH	3	829 SF	2486 SF	3.0%
A6	1 BEDROOM / 1 BATH	3	887 SF	2661 SF	3.0%
A7	1 BEDROOM / 1 BATH	3	920 SF	2761 SF	3.0%
B1	2 BEDROOM / 2 BATH	70	1034 SF	50420 SF	70.0%
B2	2 BEDROOM / 2 BATH	3	1073 SF	3219 SF	3.0%
B3	2 BEDROOM / 2 BATH	3	1050 SF	3240 SF	3.0%
B4	2 BEDROOM / 2 BATH	3	1192 SF	3576 SF	3.0%
C1	3 BEDROOM / 2 BATH	3	1243 SF	3730 SF	3.0%
C2	3 BEDROOM / 2 BATH	3	1310 SF	3930 SF	3.0%
C3	3 BEDROOM / 2 BATH	2	1368 SF	2736 SF	2.0%
C4	1 BEDROOM / 1 BATH	3	1483 SF	4448 SF	3.0%
		11		14843 SF	11.0%
GRAND TOTAL:		100		81995 SF	100.0%

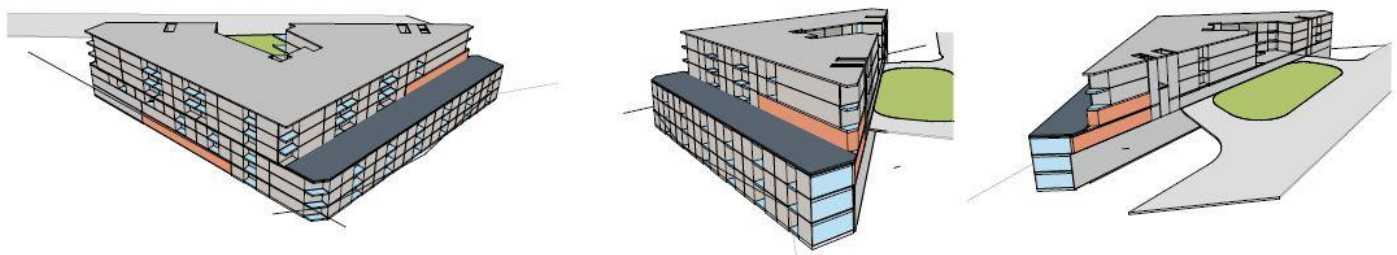
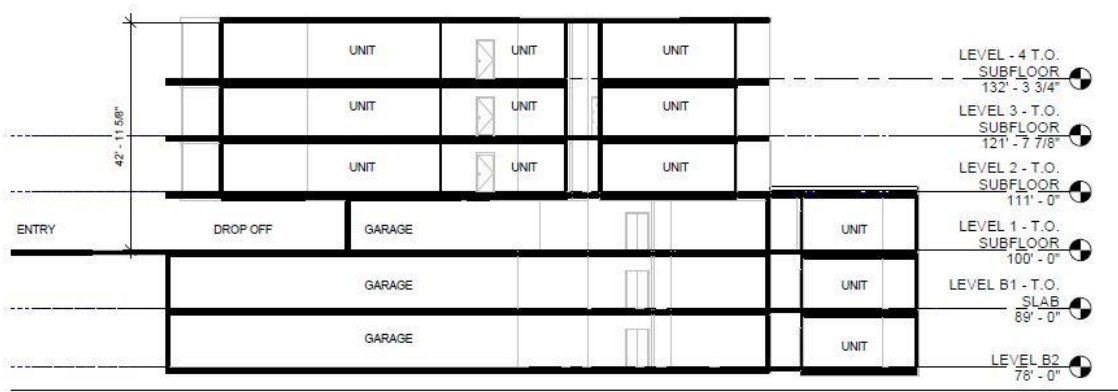
PARKING MATRIX	
Parking Type	COUNT
LEVEL B1	55
LEVEL B2	60
LEVEL L1	27
	142



WEST VAIL SITE
 VAIL, COLORADO

SITE PLAN
 9/24/20

Cascade Apartment/Timberline proposed site plan and building concept with perspectives.



WEST VAIL SITE
 VAIL, COLORADO

EXTRA INFO
 9/24/20

Change of Zoning. To accommodate its project, Treeline intends to seek a rezoning of the property to a Housing District zoning. That zoning was established by the Town to encourage the development of workforce housing. When this project was first proposed, it was thought that it was to provide housing for employees of the new Grand Hyatt Vail (formerly the Talisa Hotel). However, at a neighborhood meeting hosted by Treeline, its representatives explained that they are instead planning this project for professionals in the \$125,000 to \$150,000 range. That is not the purpose of H zoning. Beyond that, 30 percent of the project will be reserved for market-based use.

The community learned a bitter lesson with Booth Heights. The grant of new zoning creates vested rights for the property owner. Once granted, there is no going back. In the case of Booth Heights, once the property had been rezoned for Housing, it was said that the Town had no alternative but to grant development rights. That same mistake should not be repeated here.

Park to High Density. In addition to being zoned as Open Space, the property's current land use designation is as a "Park." Treeline wants to not only change the zoning to Housing but it also wants to change the land use to High Density Residential. The total size of the property is 2.2 acres, but much of it is undevelopable. Only about .8 of an acre is developable which means that Treeline is seeking to realize a super high density of 150 units per acre. That would be contrary to the Town of Vail's 2018 Open Lands Plan. After extensive study for that plan, the plan provides that this property should be used for either Donovan Park expansion or, at the most, low to medium density workforce housing. There was not even the slightest of a suggestion that this could be a high-density development for professionals in the \$125,000 to \$150,000 range.

Like Nothing Else. Treeline says its building would be compatible with the neighborhood because there are two condominiums/apartments – Coldstream Condominiums and Eagle Point -- across Gore Creek which are already high-density properties. Those properties are, however, much smaller and only 3 stories tall; much of the rest of the neighborhood is single or duplex homes. As planned, this building will be like nothing else in the neighborhood and will tower over Donovan Park and constitute a 6-story wall of units along the north edge of the bike and pedestrian path.

Accessibility Issues. One of the justifications being offered for such a massive building is that such a structure is needed to "build up" to gain vehicular access to the property from Frontage Road. But that should not be a reason why high-density use, which is incompatible with the neighborhood, should be allowed. On the other hand, it does seem to dictate that the best use for the property is as park expansion where accessibility would not be an issue.

Parking Issues. There will only be one parking space per unit. There is no plan for spill over owner or guest parking at the project. That will create a conflict with Donovan Park as guests seek to park there. At the neighborhood meeting, Treeline said it would work with the town to manage this as needed. How that can possibly be managed on a 24/7 basis remains to be seen.

Environmental Concerns. Treeline proposes to postpone any environmental impact of this project on Gore Creek until it later submits a development plan. The Town has already invested heavily to restore the health of Gore Creek. The community has seen how postponing environmental considerations worked out at Booth Heights. At a minimum, before any rezoning is considered, there should be some assessment of whether a

project of this magnitude will adversely impact Gore Creek and, if so, what mitigation measure would be necessary.

Is This Necessary? Treeline says it is “very excited to work with the Town of Vail and the Vail Local Housing Authority to help them further achieve their housing goals.” While there is no formal relationship between Treeline and VLHA, VHA has confirmed that Treeline has consulted with and received direction from the VLHA. The particulars of those discussions are not known, but the VLHA should have counseled against a high-density development since that was not recommended by the 2018 Open Lands Plan. [VLHA has already been involved in some questionable projects in the past.](#) Counseling on this project makes it seem that the VHLA will encourage any type or size housing project, without regard for its impact on the neighborhood or community. That is a consequence of setting a goal – 1000 units by 2017 – and not having a plan to get there. But getting to that goal should not require sacrificing open space, especially when there are ample other Town sites and down valley solutions that do not seem to be being considered. At some point, there must be a balance of community objectives. To paraphrase Joni Mitchell, we don’t need to develop paradise to put up employee housing everywhere.

The Process. Treeline’s request for rezoning and an amendment to the land use plan was originally scheduled before the PEC for March 22nd but was postponed at Treeline’s request. Its applications are now scheduled for hearing before the PEC on April 26th. If the PEC were to recommend a change in zoning and high-density use, the matter would then go to the Town Council for approval. Look for more information as that date draws near.

More on Amplified Sound

Further On Amplified Sound. The VHA has been further investigating the effects of amplified sound. [As reported, the Town of Vail is considering allowing amplified sound up to 80 dB in the Town core from 2 p.m. to 8 p.m.](#) The current allowable level of 65 dB falls between a “Loud” and “Disturbing” sound level; 80 dB is rated “Potential Hazard.” Increasing from 65 to 80 dB would be a major increase. That is because sound Decibel impacts do not increase arithmetically. A 10 dB rise is a 10-time increase in loudness. That means going from 65 dB to 80 dB would be 50 times louder.

Sound is also affected by surrounding structures. They can act to reflect or concentrate sound. Depending on their location in relation to the source of the sound, buildings in the core of Town could serve to exacerbate amplified sound, making it even more intrusive.

Against this background, it seems that in developing new standards, the TOV is relying primarily on what other mountain communities have done. While it has taken sound measures during après hours, it has not yet consulted with a sound engineer or other sound experts. Nor does it appear that those readings were taken above ground level which is where most of the problems with amplified sound are manifest. And the Town is planning on a one-size-fits-all approach so that the same level of amplified sound would be permitted regardless of the particular characteristics of an area for transmitting or concentrating that sound.

In the past, in enforcing the Town’s sound ordinance, measurements have been taken at ground level 10 feet from the property line on which the noise is emanating. That does not account for the upward transmission of sound which is reportedly a major source of the problems in the Town core. It would seem that a violation is a violation no matter where it occurs, ground level or otherwise.

It seems that the current plans to allow more amplified sound in the Town core is being driven by business interests who believe that loud sound projected into the public right of ways, or even located in public right of ways adjacent to their businesses, is an effective means of attracting more business to their establishments. But Vail has a unique commercial/residential mix in the Town core. In that sense, it is not like other mountain communities who have a more predominant commercial core. And when that sound reaches disturbing levels, it makes use of those properties unenjoyable, especially in the summer when residents would like to have their windows and doors open.

The VHA urges that in promulgating a new noise ordinance, due consideration be given to the ability of residents in the Town core to enjoy the peaceful use of their properties. In addition, before launching any increase in noise levels that the Town Council obtain the advice of sound experts concerning the transmission and effects of amplified sound within the Town core, particularly whether there are areas where sound is concentrated or reflected in adverse ways. To guard against any unintended consequences, the VHA also urges that any new provisions contain a sunset clause, so that they would only be in effect for the summer of 2021 and can then be reevaluated following the summer period.

As far as effective measurement of sound levels is concerned, it would seem that measurements should be taken at the site of the disturbance. When that occurs in upper-level residences, the measurements should be taken there. It would also seem that there are technological means available to monitor sound levels in the Town core. Sound measurement devices could be installed at various ground and aerial locations throughout the Town and linked back to a central monitoring location. That would provide a real-time record of what is actually happening. The Town is already utilizing similar technology for security purposes. The Town should investigate how that same network could be used for sound measurement monitoring.

If these issues are of concern to you, we invite you to join as a member of VHA or become a subscriber to our reports. Our most valuable tool in influencing decision makers is through the proactive engagement of our informed readers. Your support will ensure that the VHA can continue to bring important matters to the community's attention and, by doing so, make a difference for the good and the future of our community. It is you, our members and subscribers, who sustain our efforts with financial and vocal support.

Those desiring to make paid subscriber contributions via [PayPal](#), may do so. To apply for membership, register as a subscriber or paid subscriber and make a payment with check, transfer, or credit card, forward your contact information to vailhomeownersassoc@gmail.com.

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