

Public Comment for Kimball Event Center CUP Application

I am writing this letter to voice my opposition to any approval of the proposed outdoor Private Event deck above the old Kimball Art Center. This process has been flawed from the start, from the Board of Adjustment's override of the appeal to leave the barrel roof structures intact on this Landmark Bldg, (which enabled this deck in the first place), to the Planning Commission's prior unanimous vote to approve the CUP for the use of the entire facility without any substantial or verifiable mitigation.

When the approval was appealed to the City Council, the Council members not only voted unanimously to remand that decision back to Planning, but also questioned how the deck was allowed in the first place, at the expense of the historic integrity of the structure. Since the deck construction is almost complete, that ship has, sadly, sailed. But it is still within the Planning Commission's power, and duty, to greatly reduce the other negative effects of this facility's use.

While I believe the applicant has failed to mitigate almost all of the points brought up by the Council in its remand letter, I am particularly concerned about the approval for UNLIMITED PRIVATE EVENTS on the deck (and the facility in general), and the devastating and PERMANENT PRECEDENT that any approval will set.

For starters, just down the street from the Kimball sits the privately owned Town Lift deck. The owners of that site currently must apply for a Special Event Permit to hold events there, each individual event subject to the rules, constraints and supervision of the Special Events process. With approval of the Kimball's deck use as proposed, I fear it now opens the door for this owner in particular to apply for the same rights. How can you allow one and not the other? The answer is clear...you can't. It's no secret that this owner has attended the prior hearings and voiced his support for the approval. It's no secret that he has a vested interest in seeing this approval for the precedent it sets for him. And surely there are other business interests looking at this process with a keen eye toward the precedent it will set.

I believe there are now about 280 special event permits issued each year, with 80+% being for non-profits. Not only is the Kimball use a for-profit enterprise, it also is private. How can the City, which has acknowledged repeatedly that it is suffering from "Event Fatigue", approve a CUP that will effectively double the number of events in one stroke...without requiring any ongoing regulatory process? And with additional businesses seeking similar rights due to the precedent set, that number goes up exponentially years down the road.

I believe the City owes it to the people who own and live full-time in homes nearby, who contribute daily to the vitality of the district, and who will be permanently affected by any unmitigated approval of this event deck and facility, **to reject this use in the strongest terms allowed by law.** That includes a SERIOUS look at not only the event process, but also the traffic, parking, and noise issues that are inevitable, and that I believe are simply not mitigable to any significant degree. Make no mistake, the events planned for this facility are special

events as defined by the City, and allowing them 365 days/yr., carte blanche, without regulation is inviting event overlap on a constant basis, including during Sundance and the Kimball Arts Festival...and any other time. This is completely anathema to the city's stated objectives, and can be legally prevented by the Planning Commission if it sticks to the facts of the application and its adherence to the LMC.

Thank you for reading and hearing this objection. I look forward to you folks making the right decision for the locals who live, work, play and contribute in this town...and not a commercial entity whose sole motive is profit, whether at the expense of the local population or not. The proposal is simply a bad deal for the town and it's citizens. Any Approval of this application without strict mitigation and limits will set a permanent and devastating precedent that eventually will contribute to a dearth of citizens in Old Town, and will ultimately contribute to Old Town becoming a free-for-all "party zone". Is that what we want? Everything I hear from City officials says "no" to that question.

Thank you,
Ed Parigian
Old Town resident for 12 years