

AGENDA

CITY COUNCIL REGULAR MEETING

February 25, 2020

5:00 PM, City Council Chambers
130 S Galena Street, Aspen



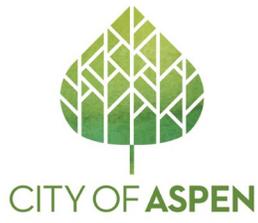
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- I. **CALL TO ORDER**
 - II. **ROLL CALL**
 - III. **SCHEDULED PUBLIC APPEARANCES**
 - IV. **CITIZENS COMMENTS & PETITIONS**
(Time for any citizen to address Council on issues NOT scheduled for a public hearing. Please limit your comments to 3 minutes)
 - V. **SPECIAL ORDERS OF THE DAY**
 - a) Councilmembers' and Mayor's Comments
 - b) Agenda Amendments
 - c) City Manager's Comments
 - d) Board Reports
 - VI. **CONSENT CALENDAR**
(These matters may be adopted together by a single motion)
 - VI.A. Board Appointments
 - VI.B. Draft Minutes of February 11th, 2020
 - VII. **NOTICE OF CALL-UP**
 - VII.A. Call Up Notice, HPC approval for 920 E. Hyman - Minor Development, Relocation, Setback Variations, and Transferable Development Right (TDR)
 - VIII. **FIRST READING OF ORDINANCES**
 - VIII.A. Ordinance #02, Series 2020 - 949 West Smuggler Street, Minor Subdivision - Lot Split
 - IX. **PUBLIC HEARINGS**

IX.A. Second Reading of Ordinance #01, Series of 2020 - 620 Gillespie Avenue and 845 Meadows Road, Aspen Institute- Historic Designation and Benefits, Call-Up Notice of HPC's approval for Conceptual Major Development and Commercial Design, Growth Management, Planned Development, Special Review, Transportation Impact and Trash Storage

X. ACTION ITEMS

X.A. Call Up of HPC's approval for 1020 E. Cooper Avenue– Conceptual Major Development, Demolition, Relocation and Variation, HPC Resolution #21, Series of 2019

XI. ADJOURNMENT



MEMORANDUM

TO: Mayor and City Council

FROM: Nicole Henning, City Clerk

DATE OF MEMO: February 18, 2020

MEETING DATE: February 25th, 2020

RE: Board Appointment

By adopting the Consent Calendar, Council is making the following Board Appointments:

Next Generation Advisory Commission – Alternate Member – Stephanie Janigo

Wheeler Opera House Board of Directors – Regular member - Tom Kurt



At 5:00 p.m. Mayor Torre called the regular meeting to order with Councilmembers Richards, Hauenstein, Mesirov and Mullins present.

CITIZEN COMMENTS:

Janice Voss, County Clerk – Ms. Voss said she is here to give logistics of the upcoming election. She said this is the first presential primary in 20 years; super Tuesday, March 3rd. Ballots dropped yesterday, please look for your ballot later this week in the mail. If you are unaffiliated, you will receive both ballots in the mail, so please don't vote both. The other thing to mention, if you haven't received ballot, go to pitkinvotes.com. This will allow you to go into state system to look up your record and this system is important for students at school. Another service is ballot tracks. We'll send you a message to let you know when you were sent a ballot, etc. There are three options to drop the ballot: by mail, in person, or in the drop boxes. There is a drop box on Main Street, Snowmass town hall, and Basalt town hall. On Monday the 24th, early voting will be in office from 8:30 to 4:30 pm and on Saturday the 29th from 10:00 – 2:00 p.m. On election day, they are open from 7:00 a.m. – 7:00 p.m. For election night reporting, 7:00 pm is the cut off time. On pitkinvotes.com, you can go into the system and see what's going on statewide. We need to dedicate staff to this effort, so, on election day, the DMV will be closed on super Tuesday, March 3rd.

Councilwoman Richards thanked Janice for making the presentation. She asked when it is too late for someone to register for the primary and Ms. Voss said that if you've lived here 22 or more days before the election, you can register up until or on election day.

David Michael – General counsel for Silver Peak. He said this is a really exciting proposition and we are respectfully trying to find a way forward. Aspen has always been at forefront of cannabis. What we are discussing, is doing a beverage consumption lounge to stop on a night out but have a social experience; especially for people who do not drink. This is garnering attention nationwide and would make Aspen more of a destination than it already is. We want to lay out a seed of an idea. The hospitality bill allows for these lounges.

Councilman Hauenstein asked him to forward the hospitality bill to council.

Sara Ott said there will be a work session for an education approach to the bill. We've been working with that, as well as other entities in the state as far as their experiences so far in managing these facilities. This work session has not been scheduled yet, but a staff resource has been assigned to this and is currently working on this.

Lee Mulcahy – Mr. Mulcahy said he is grateful for many things. He said his mom just landed in Kenya and is doing 3 water wells at public schools. He addressed Rachel regarding her comment in the paper today. He said she rides roughshod over the law. He said that Mr. True destroyed a family and hopes we don't go down that road again. Torre asked Mr. Mulcahy to have more decorum in council and not use a stare tactic to intimidate. Mr. Mulcahy said he has a signed petition with him from when he sat in the park outside of city hall to collect signatures and how a painting of his father was ripped accidentally. He said he was told by the city that they wouldn't pay for it.

Toni Kronberg – She said she is thankful for freedom of speech and it's a cherished right. Thank you for honoring that. She said a thank you for the website and isn't sure if it's Nicole or another department

but said she has come to council many times complaining about the website because it's been tough to navigate. She said it is now clear, concise and the calendar holds all public notices and hasn't gone unnoticed and is greatly appreciated. She said the story pole request has been canceled since the elevator shaft is up for the new city building. She thanked council for letting her speak first last night and she appreciated that. She's committed to the skycab project. She said the Rio Grande and the connector are really crucial. She said that Ward made a comment last night about how many trees it would take to offset carbon and she said she's curious how many trees it would take to offset the carbon of the new city building. She said she was disappointed last night and expressed that because the memo didn't include any comments from the public. She asked that those comments be forwarded to council.

Shawn Eileen – She thanked the council for their service and said in most places in the United States, they help citizens to comply with the rules and said that every citizen should be afforded the same opportunity. Please consider this in your decision-making process.

James Hoge – Mr. Hoge said he is homeless, and this may be affecting Sandy Mulcahy's health. He said she is a very religious woman who cares for many people and his heart goes out to her.

Public comment closed.

COUNCIL COMMENTS:

Councilman Hauenstein said that he did make a request for all public comments and we will be seeing those. One of the most difficult tasks we have in this country, is blind justice and I subscribe to that. Sometimes, we at the council table, are conflicted by people who are enforcing the law and the responsibility we have to enforce the law. Sometimes this causes conflict in personal relationships. He quoted Thomas Jefferson regarding never considering a difference of opinion as a cause for withdrawing from a friend. It's our duty to uphold the law. There can't be a different set of laws for different people.

Councilwoman Mullins thanked Janice for coming. She said everyone needs to get out and vote. She said we are in such a precarious and dangerous time in our country right now. People are giving up their faith in democracy.

Councilman Mesirov said we've been having frequent conversations about mental health and connection to one another. He was grateful to participate in the 9th annual aspen cares fashion show last week. They raised over 100k, which is amazing. Thank you to Belly Up and everyone. It's not too late to donate and help heal the valley. To build on what Ann was saying, in this role, people come with a lot of ideas and frustrations. He understands where these frustrations come from. It's important for us as a community to realize that things happen with us, not to us. It's not about the individual, but about what we choose to do. Each of us can do our part. Get involved, and vote.

Councilwoman Richards said that public comment is open for the national and environmental policy act. The Trump administration has proposed many changes. This last weekend, the Denver Post had a story on the NEPA process and Glenwood Canyon. The city and county will be commenting, but also individual letters can help make a difference. She's traveling early tomorrow morning to testify on the tobacco legislation. Thursday and Friday are both legislative policy days. Tara Nelson and Sara Ott will also be there.

Mayor Torre said as usual, there is a more fun and exciting meeting right now happening at the Wheeler, which is Time Travel Tuesday. There is a community meeting tomorrow for mental hygiene at 5:30 at CMC, which is another great community discussion. There have been many stories in the paper regarding the Mulcahy case. This council wants to see APCHA rules followed and we want to see qualified families in this housing. This council was made aware of negotiations, and they came to us, we didn't seek it out. We asked our city manager to look into this for us and it's our hope that we move to terms that are written within the deed restrictions. Let's close this chapter and have Lee as a contributing member of our community. Some of the characterizations were inaccurate. These were just talks and it's our duty to investigate these as much as we can.

AGENDA AMENDMENTS:

None.

CITY MANAGER COMMENTS:

Ms. Ott said she will be traveling to CML on Thursday. Rachel will be covering the vote. That evening, she will attend a meeting with the consulate of Japan. Sister Cities asked her to attend this and it's a great way for us to build those bridges. She said the school board has their finalists coming the next day after our scheduled meetings, so we will delay our joint meeting on the 18th. We've agreed to reschedule this to later in the spring. We still want to have Katherine Sands and CJ present on the youth health with tobacco tax dollars. Lastly, she addressed the Mulcahy case regarding the difference between receivership and foreclosure. She said he has a promissory note on file with the county and that note is due upon demand. This deed of trust is the first lien on the property and there are no known payments on this note. It is valued at more than APCHA's sale price. This predates the note and the deed of trust, as he is upside down in the loan. In this situation, receivership takes over the property and debt of sale stays with the property, but not with the seller. This could mean additional legal interactions to fight not paying, or additional tax and fee dollars or a valuation of the sales price. We have the same goal of returning the unit to a qualified family. She's continued to say she wants to find a resolution. We want to work collaboratively with our partners, and we would look at a sales contract from Mr. Mulcahy.

Councilman Mesirov said this is complicated and there are a lot of community members that wish we'd take a firm stance. It's not black or white, and we ask the public to view them as community members. Sara has done a great job handling this. There are safety issues and we are trying to come to the best resolutions. We owe them appreciation and kindness.

Councilman Hauenstein thanked Sara for following council's direction. We want a peaceful resolution and any comments of you acting rogue or in error isn't ok. We have to entertain every option.

Councilwoman Richards said these promissory notes are public record. This isn't executive session stuff.

Councilwoman Mullins thanked Sara for her explanation. She said that the mayor said it well, it comes down to council directed staff. In the end, the buck stops here.

BOARD REPORTS:

Councilman Hauenstein said there is a RFTA meeting coming up Thursday morning and Sister Cities is tomorrow night. Councilwoman Mullins said Reudi Water & Power Authority is coming up. Councilman Mesirow said APCHA is a week from tomorrow. Councilwoman Richards said the last week of the month, she will have a Club 20 executive meeting in Grand Junction and a Club 20 subcommittee meeting on the 28th.

CONSENT CALENDAR:

Councilwoman Mullins asked for Resolution #001 and Councilman Hauenstein asked for Resolution #011.

Councilwoman Richards motioned to approve the minutes of January 28th, 2020; Councilman Mesirow seconded. All in favor, motion carried.

RESOLUTION #001, SERIES OF 2020 – McLain Flats Gravel Pit Feasibility Analysis– Tyler Christoff and Raquel Flinker.

Mr. Christoff said this contract is in regard to exploratory borings and feasibility study for the gravel pit located in Woody Creek. This is exploration for potential locations for our conditional water rights.

Councilwoman Mullins said she is very supportive and there are no surprises here.

Ms. Flinker said that on page 4 of the memo, there was some imprecise wording. It was clear that some physical work was happening, which is part of the feasibility study. There are borings on site and test bits. She said they will modify the word "construction". Councilwoman Mullins didn't want people to think they are just going ahead with the project.

Councilman Hauenstein said he is comfortable with this.

Councilwoman Richards said it's important to reach out to the Woody Creek homeowners.

Councilman Mesirow said he went on a tour of this area in mid-summer and confirmed that this is just the basic work to know if it can be used and Mr. Christoff said yes, this is their due diligence, and everything is still on the table.

Mayor Torre said this suggestion arose a couple months ago and asked if there is a process or phone call from the city to contact the owners. Ms. Ott said that from the staff side, they are not quite ready. We're trying to find out if the site is worth moving forward with the right stakeholders. If it happens, the first priority is water storage.

Councilwoman Richards said this discussion is enough to raise the temperature of the Woody Creek caucus. She's not exactly sure where energy would be the most productive.

Ms. Ott said this is an example of council's expectations being on engagement and figuring out the right place along the way. We will put this as a side note so we can get some clarity.

Mr. Christoff said it's important for council to know this is a long-term planning project and it's really about planning for Aspen's future.

Councilwoman Richards motioned to approve Resolution #001; Councilwoman Mullins seconded. All in favor, motion carried.

RESOLUTION #011, SERIES OF 2020 – Contract approval for Esri Small Municipal and County Government Enterprise Agreement – Bridget Kelly.

Ms. Kelly said she is the GIS program manager. She proceeded to explain the basics of GIS to the board and how the public can access information as opposed to internal city staff. All content provided to staff and the community is available through web service and it can be utilized in several ways and maintain hundreds of layers of info. This can be accessed through the City of Aspen website, where we can find data sets, interactive mapping applications and static pdf documents, or search for what you're looking for.

Councilwoman Richards asked if there will be a fly over done and Ms. Kelly said yes, we are due for one in the 2020 budget, and will be putting out an RFP for that soon.

Councilman Hauenstein motioned to approve Resolution #011; Councilwoman Mullins seconded. All in favor, motion carried.

PUBLIC HEARING: Ordinance #01, Series of 2020 – Second Reading – 620 Gillespie Avenue and 845 Meadows Road

Mr. True recommended opening the public hearing.

Mr. Supino said there are no new updates on this.

Councilwoman Mullins recused herself, but Mr. True said she could stay for the continuation.

Mayor Torre opened the public hearing and closed it.

Councilwoman Richards motioned to continue to February 25th; Councilman Mesirow seconded. All in favor, motion carried.

Councilman Hauenstein said he will be out of town on that date, so it's up to Rachel, Skippy and Ann.

Mr. True requested that council move into an executive session.

Councilwoman Mullins motioned to move into executive session, Councilman Hauenstein seconded. All in favor, motion carried.

Nicole Henning, City Clerk



MEMORANDUM

TO: Mayor Torre and Aspen City Council

FROM: Sarah Yoon, Preservation Planner; Community Development

THROUGH: Phillip Supino, Community Development Director

MEMO DATE: February 17, 2020

MEETING DATE: February 25, 2020

RE: Call Up Notice, HPC approval for 920 E. Hyman – Minor Development, Relocation, Setback Variations, and Transferable Development Right (TDR)

<p>APPLICANT: Larian, LLC</p> <p>REPRESENTATIVE: Zone 4 Architects, LLC</p> <p>LOCATION: 920 E. Hyman Avenue, Lot N, Block 32, East Aspen Addition, City and Townsite of Aspen Colorado; PID# 2737-182-06-005</p> <p>CURRENT ZONING & USE: RMF – Residential Multi-Family; Single-family home</p> <p>PROPOSED USE: No change</p>	<p>SUMMARY: Certain land use approvals granted by HPC trigger a requirement to notify Council of the decision through a brief staff summary of the review. During this process, called Call Up Notice, City Council may uphold the HPC decision. Alternatively, Council may request more detailed information be provided through a presentation by staff and the applicant at a future meeting. Council may also remand it to HPC and require reconsideration of specific issues. HPC’s decision on remand shall be final.</p> <p>RECOMMENDATION: On January 22nd, HPC granted approval to underpin the historic resource on this site to enlarge the crawlspace to a full basement, granted setback variations for lightwells and to keep the historic resource in its current location, and HPC recommended City Council allow for the establishment of one TDR. Staff supported the project and HPC’s vote was 6-0 in favor. Conditions of approval include reviewing design details related to lightwell curb heights, location of downspouts, and working with relevant City Departments to finalize stormwater details. Staff recommends Council uphold HPC’s decision.</p>
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Figure 1 – 920 E. Hyman Avenue

BACKGROUND: 920 E. Hyman is a designated landmark on a 3,000 sf lot that contains a one-story miner's cottage and an existing non-historic addition to the rear of the property. No changes will be made to the existing above grade structures regarding mass and scale, but exterior material and fenestration changes have been approved for the non-historic portion of the home.

Currently, the single-family home has a full basement under most of the structure, with a small area of crawlspace. The approved proposal will expand the existing crawlspace into a full basement. Since expanding the crawlspace requires underpinning the historic resource, relocation criteria was triggered. Two new lightwells will be added for egress and the existing lightwells on the non-historic addition will be reduced in size. Setback variations have been granted for the lightwells and for the historic home so it may remain in its current location. Details related to the granted setback variations are outlined in the HPC resolution.

Additional staff and monitor review and approval regarding stormwater and site drainage is part of the conditioned approval to ensure paver details for the front walkway complies with other City Department requirements.

HPC supports the establishment of one TDR (250 sf) from the site. Removal of developable floor area is a benefit that helps reduce above grade mass and scale that may potential overwhelm the historic resource. As a recommending body to City Council, HPC recommends in favor of establishing one TDR. When the applicant is ready to proceed with the TDR application, Council review will be scheduled.

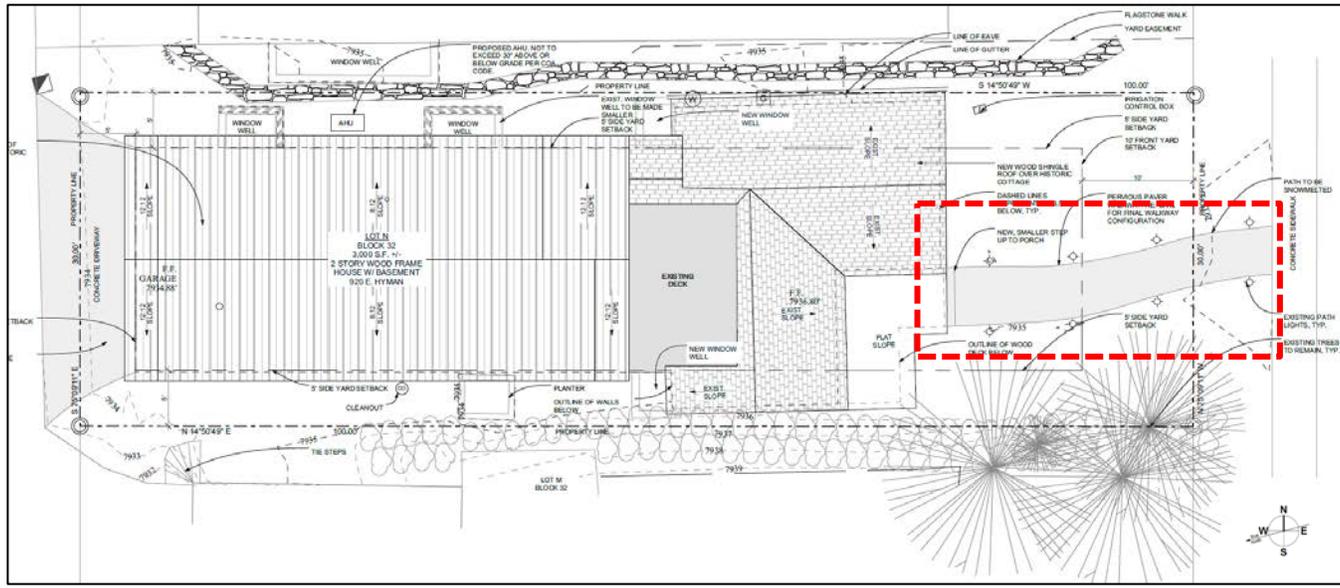


Figure 2 – Approved Site Plan

FINANCIAL IMPACTS: N/A

ENVIRONMENTAL IMPACTS: N/A

ALTERNATIVES: N/A

RECOMMENDATION:

Staff recommended approval of the project with conditions, and HPC agreed by a vote of 6-0. Staff recommends Council uphold HPC's decision.

Recommended Motion

“I move to uphold HPC’s approval for 920 E. Hyman – Minor Development, Relocation, Setback Variations and HPC’s recommendation for Transferable Development Rights (TDR).”

CITY MANAGER COMMENTS:

EXHIBITS:

- A – HPC memo, January 22, 2020
- B – HPC approved plans
- C – HPC meeting minutes, January 22, 2020
- D – HPC Resolution #3, Series of 2019

TO: Aspen Historic Preservation Commission

FROM: Sarah Yoon, Historic Preservation Planner

THROUGH: Amy Simon, Historic Preservation Officer

MEETING DATE: January 22, 2020

RE: **920 East Hyman Avenue** - Minor Development Review, Relocation, Variations and Transferrable Development Rights (TDR), PUBLIC HEARING

APPLICANT /OWNER:

Larian, LLC

REPRESENTATIVE:

Zone 4 Architects, LLC

LOCATION:

Street Address:

920 E. Hyman Ave

Legal Description:

Lot N, Block 32, East Aspen Addition, City and Townsite of Aspen, Colorado

Parcel Identification Number:

PID# 2737-182-06-005

CURRENT ZONING & USE

RMF - Residential Multi-Family;
Single-family home

PROPOSED USE:

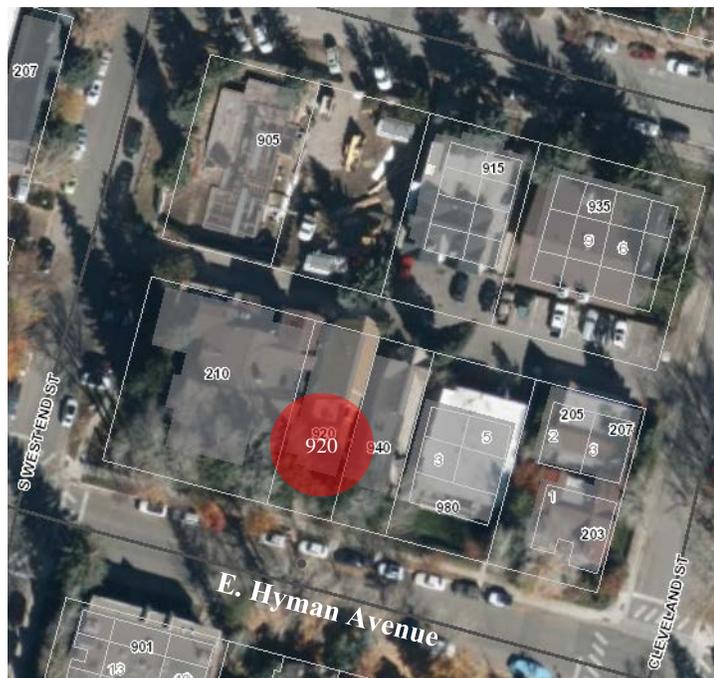
No change

SUMMARY:

The applicant has requested a Minor Development review and relocation to covert crawlspace into a full basement, add new lightwells and make changes to existing materials and fenestration. Setback variations and the establishment of one Transferable Development Right are requested.

STAFF RECOMMENDATION:

Staff recommends approval with conditions identified on page 7 of this memo.



Site Locator Map - 920 E. Hyman Avenue

BACKGROUND:

920 East Hyman Avenue is a designated landmark with a one-story miner’s cabin connected to a two-story addition on a 3,000 sf lot in the RMF zone district. The historic Sanborn map shows the footprint of the resource, which appears to be in its original location. Restoration work was completed on the historic resource when HPC approved the existing addition in 1999. A 5’ rear yard setback was granted for the new addition in order create a distance between the historic resource and the new addition.



Figure 1 - Existing South Elevation

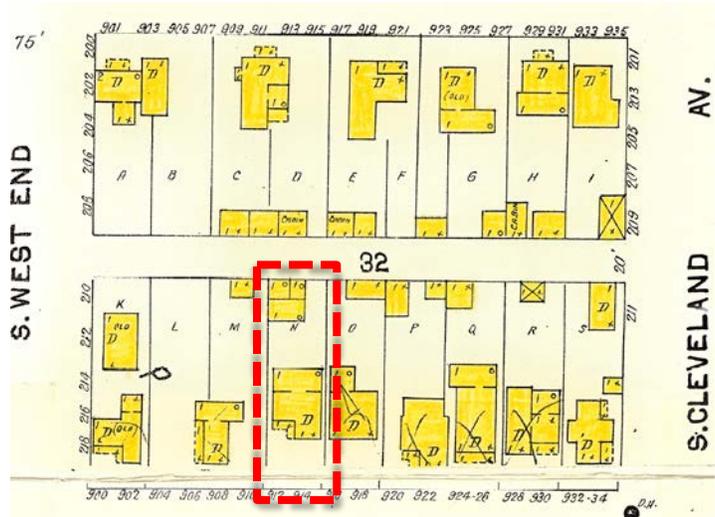


Figure 2 - Sanborn Map, 1904

REQUEST OF HISTORIC PRESERVATION COMMISSION (HPC)

The Applicant is requesting the following land use approvals:

- Minor Development (Section 26.415.070.C) to convert existing crawlspace underneath resource into basement, exterior fenestration and material changes on the existing addition, and restoration of roofing material on the historic resource.
- Relocation (Section 26.415.090) to underpin the existing historic resource for proposed work below grade.
- Setback Variation (Section 26.415.110.C) for the historic resource that currently sits in the setback and space below grade.
- Transferable Development Rights (Section 26.415.110.L) to establish one TDR.

The HPC is the final review authority on the design review, however, this project is subject to City Council Notice of Call-up. HPC provides a recommendation about TDRs and City Council reviews and approves the creation of TDRs.

PROJECT SUMMARY:

The above grade mass and scale of the single-family home is to remain, with changes proposed to fenestration and materials on the addition. Restoration of cedar wood shingles on the historic resource is proposed. The main scope of work is to convert the existing crawlspace into basement and add two



lightwells for egress. Underpinning a portion of the historic resource for excavation will be necessary for this work and is considered to be relocation according to the historic preservation guidelines. Since the current location of the historic home sits in the side yard setbacks of the property and the proposed scope of work triggers relocation, setback variations are necessary to maintain the current condition. The applicant requests the establishment of one TDR with the remaining floor area on this site.

STAFF COMMENTS:

Staff finds that the proposal calls for relatively minor changes with limited visual impact to the historic resource. Staff supports the restoration of cedar wood shingles on the historic resource (Guideline 7.8). Due to the narrow lot configuration and the mature trees towards the front of the property, staff recommends the applicant continue to work with all relevant City Departments to meet their requirements, particularly regarding excavation and stormwater retention needs.

The following points go into more detail regarding the proposal for HPC discussion:

- 1. Site Planning & Relocation:** There are a number of mature trees located to the front of the property but no landscape or lighting changes are proposed with this application. There exists a curving front walkway and a large step that leads to the historic entry. The applicant proposes to modify the existing step and snow melt the pathway. Typically, primary pathways are perpendicular to the street and utilize simple materials. Staff recommends the applicant restudy the new pathway to meet Design Guideline 1.6. Snow melt is permitted on the walkway but the paver size has not been provided. Pavers must reflect historic dimensions and comply with tree dripline requirements stipulated by the Parks Department.

Relocation is triggered with this review because the historic preservation guidelines consider underpinning the resource as a form of relocation that will require providing structural assessment and financial assurances (Design Guideline 9.1). The applicant must provide structural assessment and financial assurances prior to building permit submittal.

The applicant has indicated the use of pervious pavers as the entirety of the stormwater mitigation plan; however, Engineering has since provided additional comments indicating the need to comply with the Urban Runoff Mitigation Plan (URMP) and the submission of a preliminary site drainage plan. Staff recommends the applicant continue to work with relevant City Departments regarding stormwater mitigation to meet all requirements. Any changes to the final stormwater mitigation plan must be reviewed and approved by staff and monitor prior to building permit submittal.

New lightwells are proposed towards the rear of the historic resource to provide egress. The applicant also plans to modify the two existing lightwells located on the west side of the existing addition. All lightwells are in the setback and exceed the minimum size required for Building code requirements, which means setback variations must be requested. Staff finds the location

of two new lightwells are appropriate but recommends a minimal curb height to reduce any visual impact (Guideline 9.6).

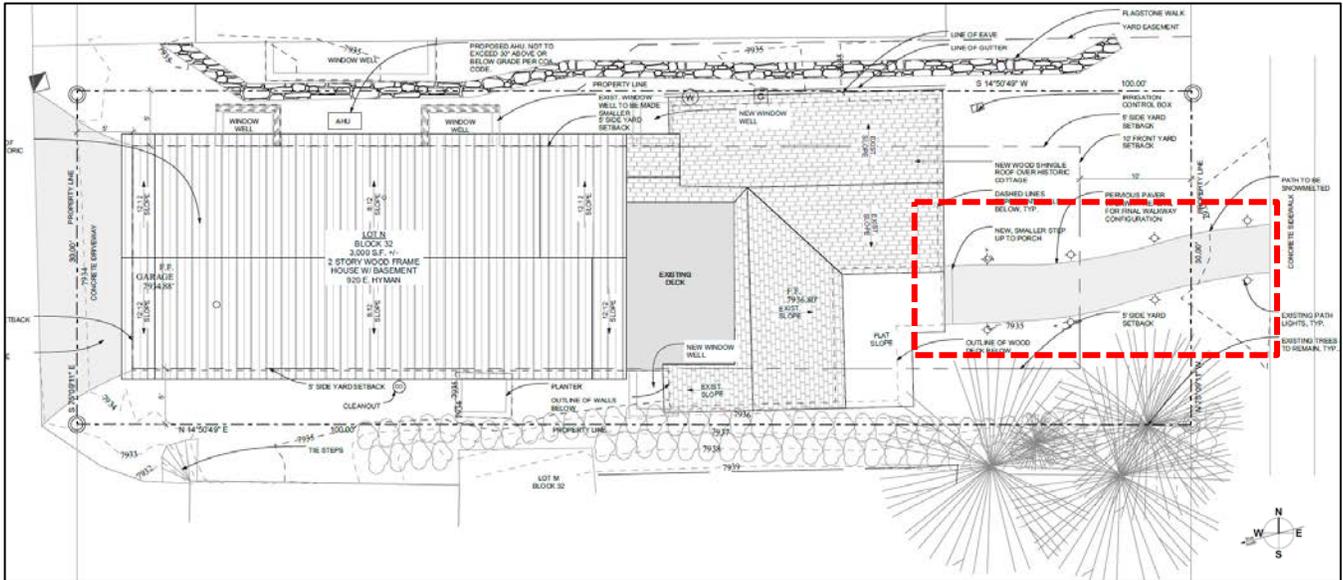


Figure 3 - Proposed Site Plan

Staff finds the location of the new lightwells to comply with the design guidelines. Staff recommends additional study of the primary walkway so that it is perpendicular to the sidewalk and meets Design Guideline 1.6. Staff recommends the applicant continue to work with all relevant City Departments and staff and monitor regarding stormwater mitigation and urban runoff management.

2. Subgrade Addition, Fenestration & Materials: The existing non-historic addition is a two-story structure that abuts the historic resource. No changes are proposed to the mass and form of the existing above-grade addition.

Subgrade Addition: Subgrade space in the form of a full basement and a 5'-6" crawlspace currently exist underneath the single-family home. The crawlspace is located directly below the historic resource with existing footers. The applicant proposes to excavate the existing crawlspace to match the rest of the basement and add two new lightwells. This scope of work will have limited to no visual impact to the above grade historic resource.

Fenestration: The existing addition was reviewed and approved under different guidelines, however, the form, fenestration and materials found on the addition all relate to the historic resource. The overall window dimensions draw from historic window proportions, the addition has gable roof forms, and the predominate building material is horizontal wood siding.



The applicant proposes to replace the existing garage door and enlarge the windows on the north elevation, add three new windows of the same dimension to the second story on the east elevation, and reconfigure the number and size of windows on the west elevation. The described fenestration changes impact the existing addition and not the historic resource. Staff finds that the proposed fenestration changes are appropriate because they continue to closely resemble historic proportions and ratios.

The applicant calls for the replacement of an existing stained glass window on the front façade of the historic resource. It is unclear if this feature is historic but it was accounted for in the 1991 Inventory documents. Staff recommends the feature remain unless new information reveals the feature to be non-historic. The applicant is encouraged to examine framing, if possible, and the window itself to determine its age. If it is non-historic, removing the stained glass window will be reviewed by staff and monitor.

Materials: Staff supports the applicant’s proposal to restore the historic resource with cedar wood shingles (Guideline 7.7). The applicant proposes to reroof the non-historic addition with a new metal roof. Staff finds the change in roofing material deviates from the historic resource but since the form and fenestration continue to relate strongly with the historic resource, this material deviation is appropriate and supported by Design Guideline 10.6.

New gutters are proposed on the east and west elevation of the existing addition. Staff finds the long run of downspouts towards the front of the property is visually complex and distracting. The applicant is to study alternatives for review and approval by staff and monitor.

Staff finds the subgrade changes to be appropriate because it does not create a visual impact to the above grade resource. The proposed fenestration and material changes to the existing addition comply with the design guidelines since design compatibility is maintained. Staff recommends restudy of the downspout placement on the addition to achieve minimal visibility.

3. Setback Variations: The single-family home, including the historic resource, currently sit in the 5’ side yard setbacks. Since this proposed scope of work qualifies for relocation, setback variations are required to maintain the building’s location in the setbacks. Additionally, the four lightwells exceed the minimum size required by Building code. Lightwells on the east and west elevations will require setback variations.

In granting a variance, the HPC must make a finding that such a variance:

- a) *Is similar to the pattern, features and character of the historic property or district; and/or*



- b) Enhances or mitigates an adverse impact to the historic significance or architectural character of the historic property, an adjoining designated historic property or historic district.*

Staff finds the request for side yard setback variations (east and west) for the historic resource and the subgrade addition helps maintain the existing pattern and keeps the historic resource in its current location. The setback variations for the proposed lightwells enhances the usability of subgrade space rather than create above grade mass.

- 4. Transferable Development Rights (TDR):** Historically designated properties may establish and sever unused development rights. The allowable floor area for a 3,000 sf lot in the RMF zone district is 2,400 sf. The applicant calculates approximately 250 sf remaining on the lot and requests the establishment of one TDR to eliminate the remaining development rights on the lot.

Staff supports the establishment of one TDR because it benefits the resource by reducing potential development. Final floor area calculations must be verified by the Zoning Department before the establishment of the TDR. City Council will make the determination to approve or deny the TDR.

REFERRAL COMMENTS:

The application was referred out to other City departments who have requirements that will significantly affect the permit review. The following is a summary of comments received. See Exhibit B for more details.

Engineering Department:

1. Provide easement information for the boulder retaining wall and gutter/eave overhang that appears to be encroaching into the public right of way or the neighboring property.
2. Include utility mains and the service line serving the property on the survey.
3. Provide a conceptual utility plan.
4. Stormwater improvements are required and the property will need to come into compliance with the Urban Runoff Management Plan (URMP).
5. Provide an excavation and stabilization plan.
6. Provide more information about how the water service line will reach the proposed mechanical room.

Parks Department:

1. Provide detailed plans for snowmelt stormwater mitigation for review.

Zoning Department:

1. Provide additional documentation and/or photographs of the crawlspace to verify height.



2. Update floor area calculations.
3. Reconfigured lightwell (existing) to meet minimum requirement for being in the setback.
4. Update the roof plan and demolition calculations with chimney, flue, and vent plans.

Building Department:

1. Use of fire-resistant construction and/or fire sprinkler system due to the proximity of the historic resource to the east property line. Two layers of drywall on the interior has been accepted for historic projects.
2. Provision of snow retention on the roof in locations where snow would shed onto the walkways, decks, window wells, and adjacent properties.

RECOMMENDATION:

Staff recommends that the Historic Preservation Commission grant approval with the following conditions:

- 1.) Restudy the primary walkway to be perpendicular to the sidewalk and utilize a paver size and material that is historically appropriate, to be reviewed and approved by staff and monitor prior to building permit submission.
- 2.) Restudy the placement of downspouts on the existing addition so that they have minimal visibility. The final configuration is to be reviewed and approved by staff and monitor prior to building permit submission.
- 3.) Provide a roof plan showing location and dimensions of new flues, vents, and snow clips for staff and monitor review and approval, prior to building permit submission.
- 4.) Design curb heights around all lightwells to be 6" or less in height.
- 5.) Continue to study whether the stained glass window in the gable end is historic. If it is not historic, plans to remove and replace will be reviewed and approved by staff and monitor.
- 6.) Work with all relevant City Departments regarding stormwater mitigation and urban run-off management plans. Final plans are to be reviewed and approved by staff and monitor, prior to building permit submission.
- 7.) The following setback variations are granted:
 - A 5' reduction of the east side yard setback for the historic resource, above and below grade, and proposed lightwells that exceed building code requirements.
 - A 5' reduction of the west side yard setback for the historic resource, above and below grade, proposed lightwell that exceeds building code requirements. The combined side yard setbacks for the structure are approved as represented in the drawings.
- 8.) HPC recommends in favor of establishing one TDR (250 sf), with the final floor area to be verified by the Zoning Department prior to the establishment of the certificate.
- 9.) Provide a financial assurance of \$30,000 for the historic house until basement construction is complete. The financial security is to be provided with the building permit application.



ATTACHMENTS:

Resolution # __, Series of 2020

Exhibit A.1 – Historic Preservation Design Guidelines Criteria /Staff Findings

Exhibit A.2 – Setback Variation Review Criteria /Staff Findings

Exhibit A.3 – Relocation/Staff Findings

Exhibit A.4 – Transferable Development Rights (TDR)/ Staff Findings

Exhibit B – Referral Comments

Exhibit C – Application



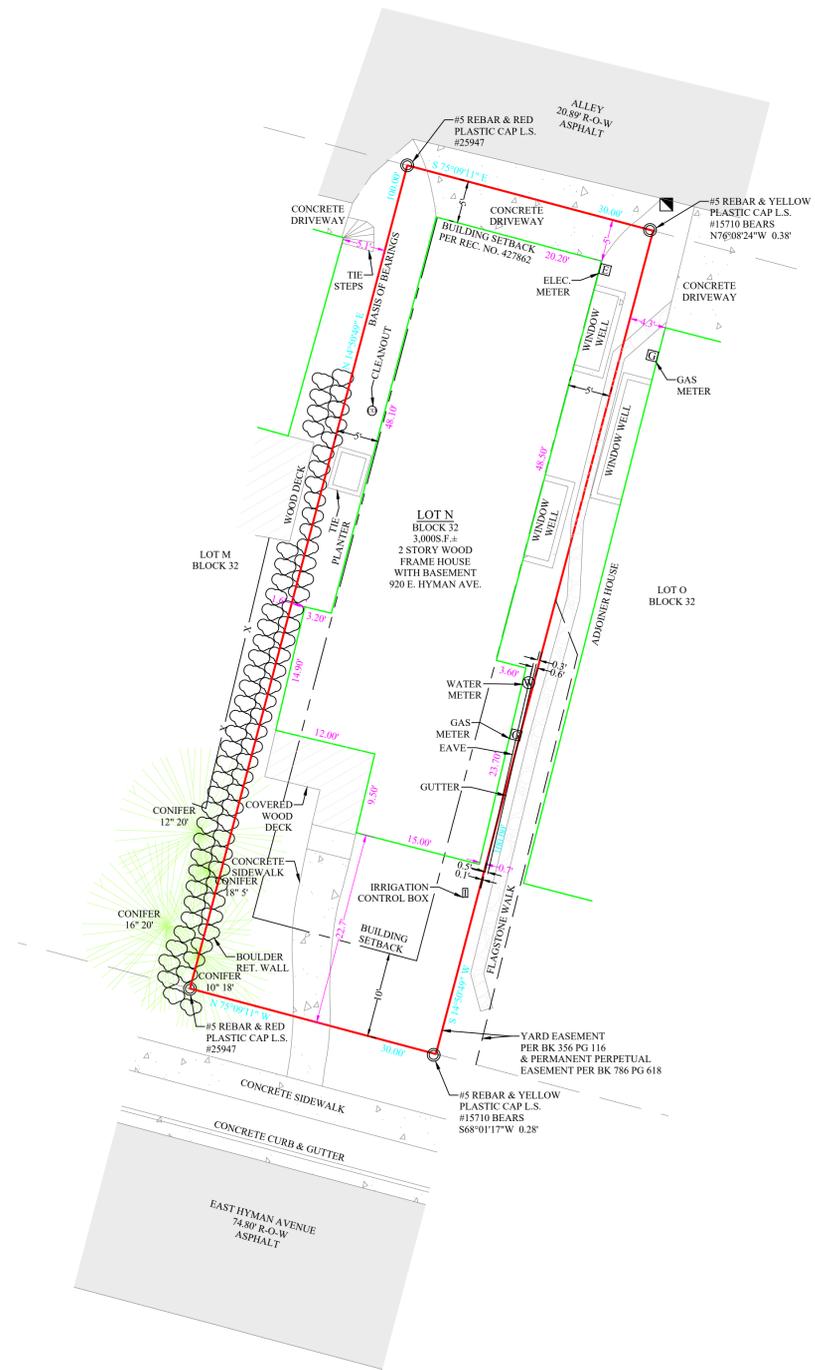
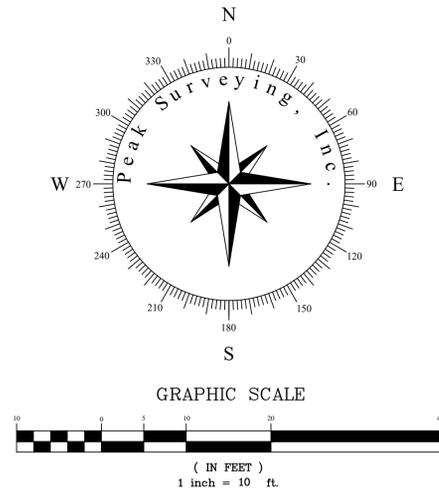
920 EAST HYMAN AVE

MINOR DEVELOPMENT REVIEW
HPC APPLICATION

1 1 . 0 7 . 2 0 1 9

IMPROVEMENT SURVEY PLAT

LOT N, BLOCK 32, EAST ASPEN ADDITION TO THE CITY AND TOWNSITE OF ASPEN CITY OF ASPEN, COUNTY OF PITKIN, STATE OF COLORADO



NOTES:

- 1) THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS, BUILDING SETBACKS AND EASEMENTS OF RECORD, OR IN PLACE AND EXCEPTIONS TO TITLE SHOWN IN THE TITLE COMMITMENT PREPARED BY TITLE COMPANY OF THE ROCKIES AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 0706046-C DATED EFFECTIVE AUGUST 16, 2019.
- 2) THE DATE OF THIS SURVEY WAS SEPTEMBER 03, 2019.
- 3) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF S14°50'49"W BETWEEN THE NORTHWESTERLY CORNER OF LOT N, BLOCK 32, A #5 REBAR & RED PLASTIC CAP L.S. #25947 FOUND IN PLACE AND THE SOUTHWESTERLY CORNER OF LOT N, BLOCK 32, A #5 REBAR & RED PLASTIC CAP L.S. #25947 FOUND IN PLACE.
- 4) UNITS OF MEASURE FOR ALL DIMENSIONS SHOWN HEREON IS U.S. SURVEY FEET.
- 5) THIS SURVEY IS BASED ON THE SPECIAL WARRANTY DEED RECORDED OCTOBER 14, 2005 AS RECEPTION NO. 516269, THE IMPROVEMENT SURVEY PLAT PREPARED BY JOHNSON LONGFELLOW AND ASSOC., DATED OCTOBER 02, 1978, RECORDED IN BOOK 766 AT PAGE 532 IN THE PITKIN COUNTY CLERK AND RECORDERS OFFICE, AN IMPROVEMENT SURVEY PLAT PREPARED BY SEXTON SURVEY COMPANY, DATED OCTOBER 07, 1998, JOB NO. 98137 AND CORNERS FOUND IN PLACE.
- 6) ACCORDING TO RECEPTION NO.'S 428448 AND 433966 THE SUBJECT PROPERTY IS DESIGNATED AS A HISTORIC LANDMARK.
- 7) THIS PROPERTY IS ZONED RMF ACCORDING TO THE CITY OF ASPEN WEBSITE. BUILDING SETBACKS ARE AS FOLLOWS: FRONT-10' PRINCIPAL BUILDING AND 15' FOR ACCESSORY BUILDING; REAR-10' PRINCIPAL BUILDING AND 5' FOR ACCESSORY BUILDING; SIDES-5'. BUILDING SETBACKS SHOULD BE VERIFIED WITH COMMUNITY DEVELOPMENT PRIOR TO ANY PLANNING, DESIGN OR CONSTRUCTION.

PROPERTY DESCRIPTION

LOT N, BLOCK 32, EAST ASPEN ADDITION TO THE CITY AND TOWNSITE OF ASPEN, CITY OF ASPEN, COUNTY OF PITKIN, STATE OF COLORADO.

IMPROVEMENT SURVEY STATEMENT

I, JASON R. NEIL, HEREBY CERTIFY TO LARIAN, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, ACHIM BUERKLIN AND TITLE COMPANY OF THE ROCKIES AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY, THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO; THAT THIS IMPROVEMENT SURVEY PLAT IS TRUE, CORRECT AND COMPLETE BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF AS LAID OUT AND SHOWN HEREON; THAT THIS IMPROVEMENT SURVEY PLAT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, THAT THIS IMPROVEMENT SURVEY PLAT WAS MADE BY ME FROM AN ACCURATE SURVEY OF THE REAL PROPERTY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON SEPTEMBER 03, 2019, THAT, IN THE PREPARATION OF THIS IMPROVEMENT SURVEY PLAT, I RELIED UPON TITLE COMPANY OF THE ROCKIES AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 0706046-C DATED EFFECTIVE AUGUST 16, 2019; THAT THE LOCATION AND DIMENSIONS OF ALL BUILDINGS, IMPROVEMENTS, EASEMENTS, RIGHTS OF WAY IN EVIDENCE OR KNOWN TO ME AND ENCROACHMENTS BY OR ON THE REAL PROPERTY AND MATTERS REFERENCED IN SAID TITLE COMMITMENT CAPABLE OF BEING SHOWN ARE ACCURATELY SHOWN, AND THAT THIS PLAT IS IN ACCORDANCE OF AN IMPROVEMENT SURVEY PLAT AS SET FORTH IN C.R.S. §38-51-102(9).

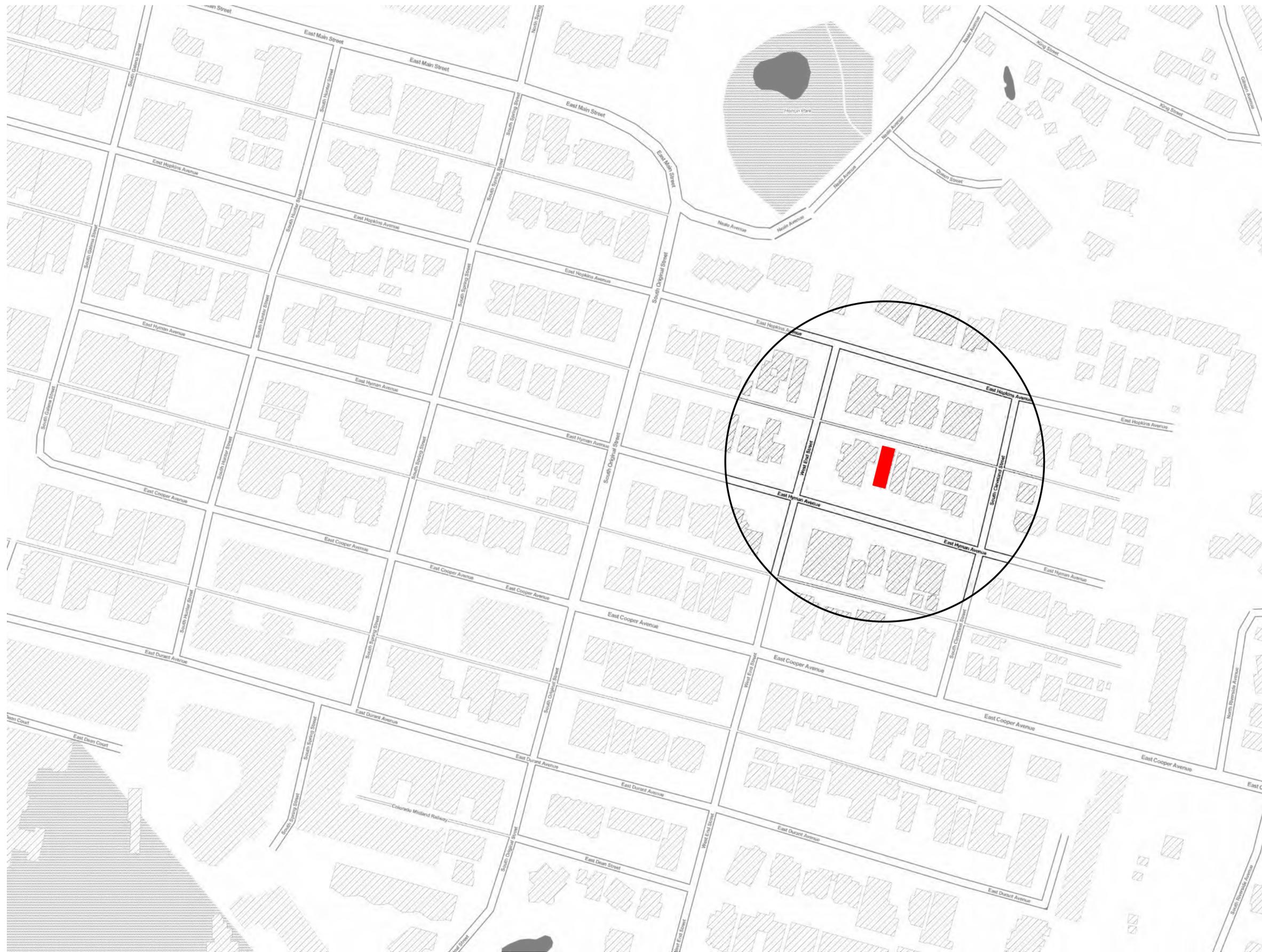
DATED: SEPTEMBER 09, 2019

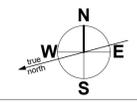
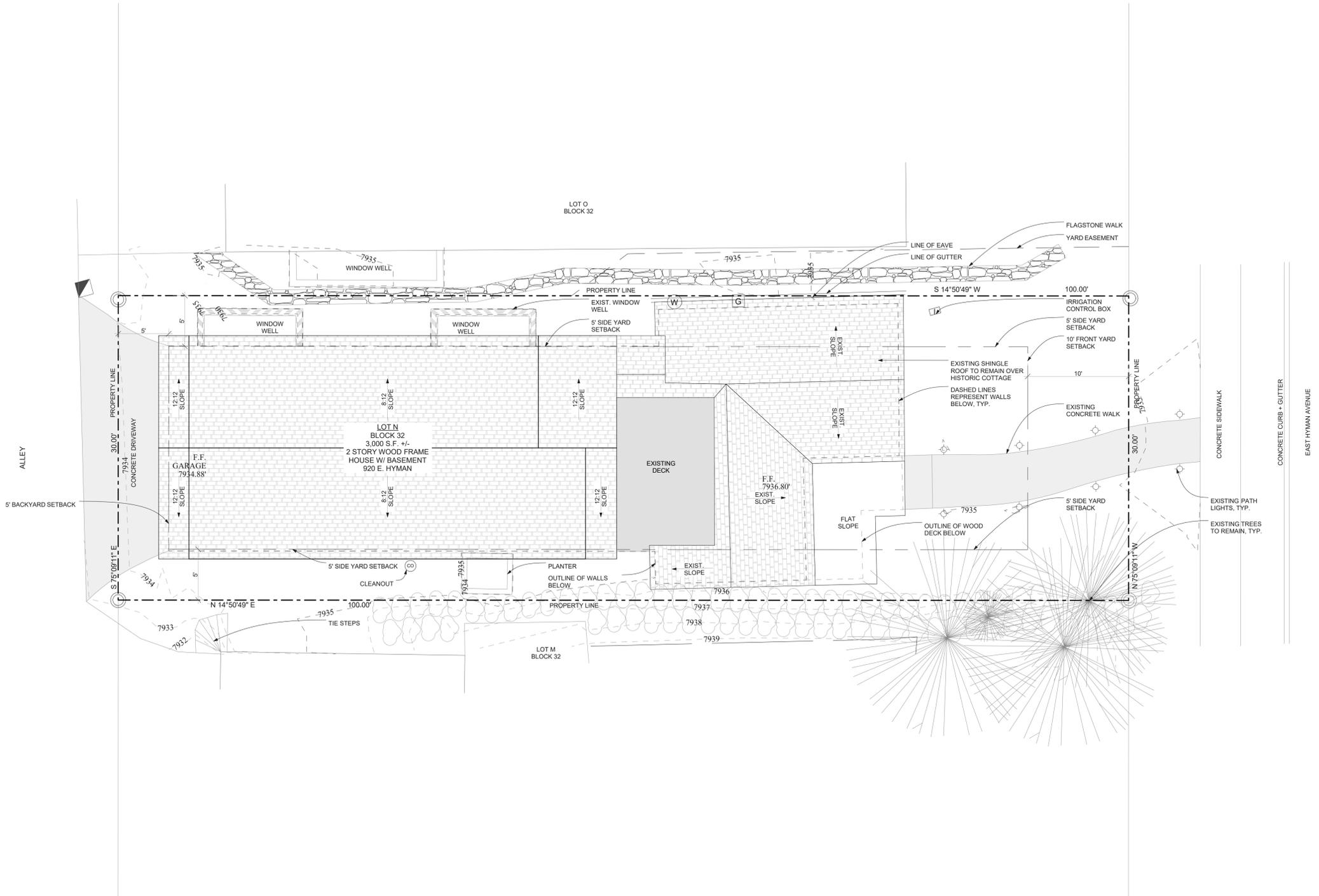


NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.



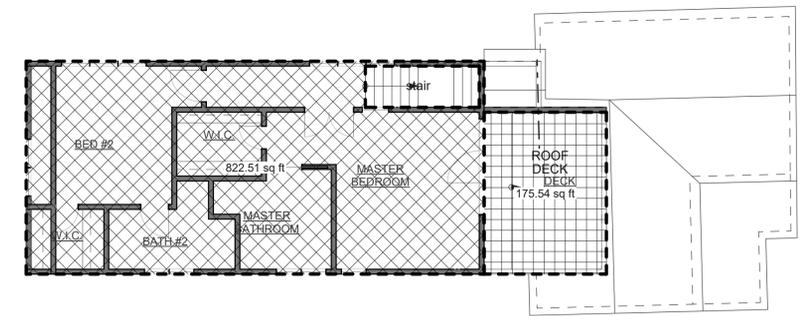
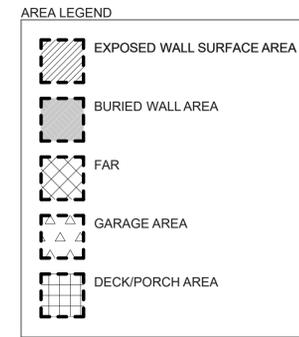
Drawn By:	JRN	NO.	1	Date	09/09/19	Revision	UPDATE SURVEY	By	JRN	ACHIM BUERKLIN CITY OF ASPEN, COLORADO IMPROVEMENT SURVEY PLAT LOT N, BLOCK 32, EAST ASPEN ADD. 920 E. HYMAN AVENUE	Project NO. 19063 1 OF 1
Checked By:	JRN										
Date:	SEPT. 04, 2019										
Computer File:	063.DWG										



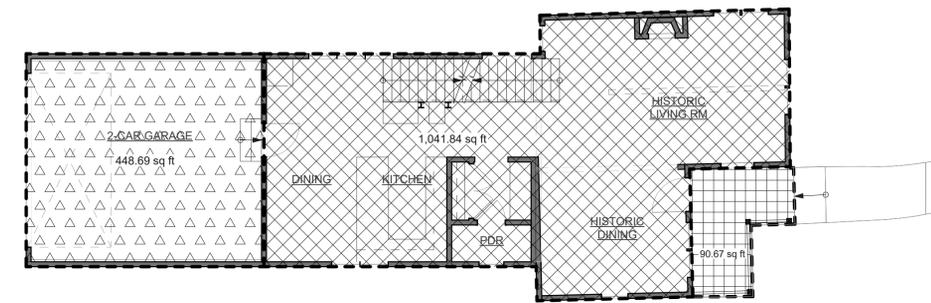
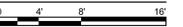


Floor Area Calculations		
Allowable Floor Area	2,400.00	No easements have been calculated for reductions in Net Lot Area. TBD
Existing Lower Level Wall Calculations		
Wall Label	Total Wall Area (Sq.Ft.)	Exposed Wall Area (Sq.Ft.)
A	425.72	0
B	160	0
C	464.56	138.69
D	34.29	2.23
E	71.47	4.65
F	38.29	16.29
G	27.52	11.71
H	217.95	92.73
I	108.07	1.24
J	31.84	0
Overall Wall Areas (Sq.Ft.)	1,579.71	
Exposed Wall Areas (Sq.Ft.)		267.54
% of Exposed Wall (Exposed/Total)	16.94%	
Existing Lower Level Floor Area Calculations		
Lower Level Gross Floor Area (Sq.Ft.)	1,244.79	
Lower Level Countable Floor Area (Sq.Ft.)	210.82	1,244.79 X 17.51% = 218.0
Existing Main Level Floor Area Calculations		
Main Level Gross Floor Area (Sq.Ft.)	1,041.84	
Main Level Countable Floor Area (Sq.Ft.)	1,041.84	
Existing Garage Area Calculations		
Garage at Main Level	448.69	(Actual Area)
Garage Countable Floor Area (Sq.Ft.)	99.35	(448.69-250 = 198.69) (198.69 X %50 = 99.35)
Existing Upper Level Floor Area Calculations		
Upper Level Gross Floor Area (Sq.Ft.)	822.51	
Upper Level Countable Floor Area (Sq.Ft.)	822.51	
Existing Deck/Porch Floor Area Calculations		
Deck/Porch Gross Floor Area (Sq.Ft.)	266.21	360 Exempt (2,400 X %15 = 360)
Deck/Porch Countable Floor Area (Sq.Ft.)	0.00	
Total Existing Floor Area Calculations		
Lower Level Floor Area (Sq.Ft.)	210.82	
Main Level Floor Area (Sq.Ft.)	1,041.84	
Garage Floor Area (Sq.Ft.)	99.35	
Upper Level Floor Area (Sq.Ft.)	822.51	
Deck/Porch Floor Area (Sq.Ft.)	0.00	
Total	2,174.52	-225.48

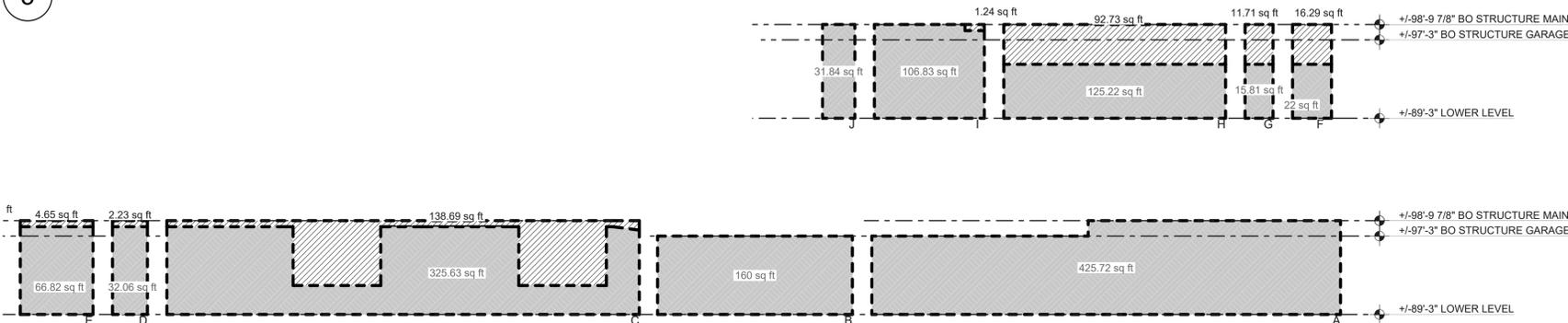
5 AREA SUMMARY



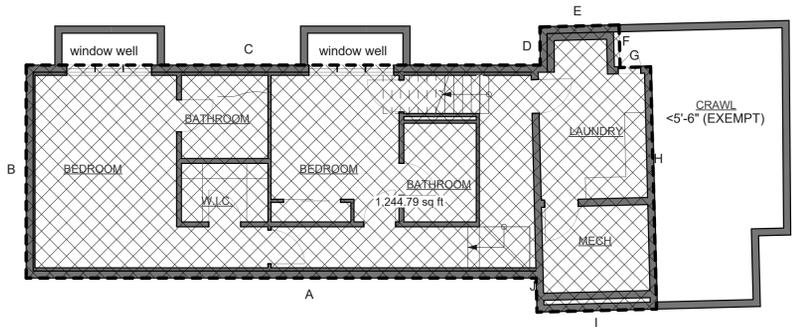
3 UPPER LEVEL AREA PLAN
SCALE: 1/8" = 1'-0"



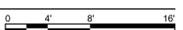
2 MAIN LEVEL AREA PLAN
SCALE: 1/8" = 1'-0"



4 LOWER LEVEL WALL AREAS
SCALE: 1/8" = 1'-0"

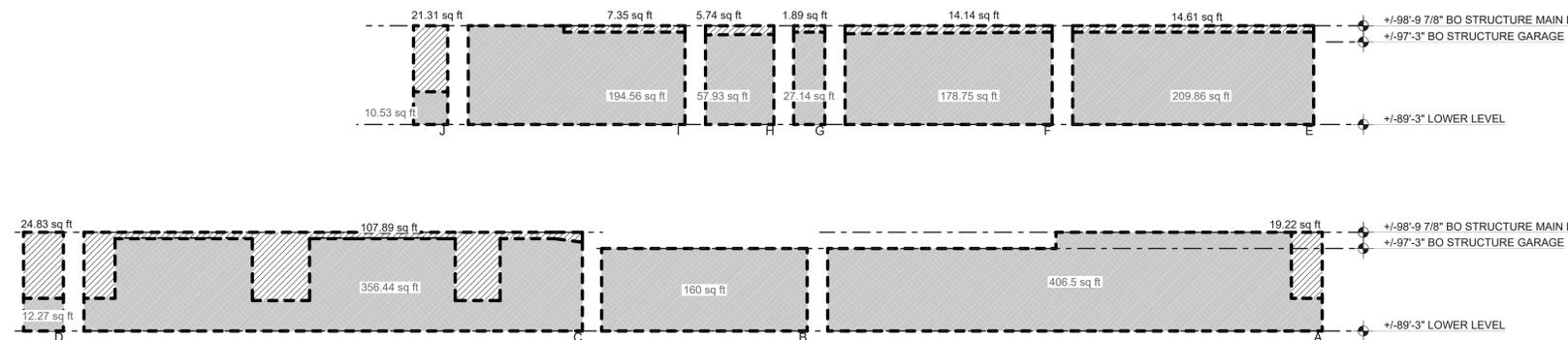


1 LOWER LEVEL AREA PLAN
SCALE: 1/8" = 1'-0"

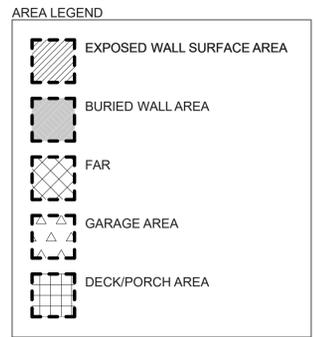


Floor Area Calculations		
Allowable Floor Area	2,400.00	
Proposed Lower Level Wall Calculations		
Wall Label	Total Wall Area (Sq.Ft.)	Exposed Wall Area (Sq.Ft.)
A	425.72	19.22
B	160	0
C	464.57	107.89
D	37.1	24.83
E	224.47	14.61
F	192.89	14.14
G	29.03	1.89
H	63.67	5.74
I	201.91	7.35
J	31.84	21.31
Overall Wall Areas (Sq.Ft.)	1,831.20	
Exposed Wall Areas (Sq.Ft.)		216.98
% of Exposed Wall (Exposed/Total)	11.85%	
Proposed Lower Level Floor Area Calculations		
Lower Level Gross Floor Area (Sq.Ft.)	1,583.58	
Lower Level Countable Floor Area (Sq.Ft.)	187.64	1,583.58 X 13.16% = 208.32
Proposed Main Level Floor Area Calculations		
Main Level Gross Floor Area (Sq.Ft.)	1,041.84	
Main Level Countable Floor Area (Sq.Ft.)	1,041.84	
Proposed Garage Area Calculations		
Garage at Main Level	448.69	(Actual Area)
Garage Countable Floor Area (Sq.Ft.)	99.35	(448.69-250 = 198.69) (198.69 X %50 = 99.35)
Proposed Upper Level Floor Area Calculations		
Upper Level Gross Floor Area (Sq.Ft.)	820.83	
Upper Level Countable Floor Area (Sq.Ft.)	820.83	
Proposed Deck/Porch Floor Area Calculations		
Deck/Porch Gross Floor Area (Sq.Ft.)	266.21	360 Exempt (2,400 X %15 = 360)
Deck/Porch Countable Floor Area (Sq.Ft.)	0.00	
Total Proposed Floor Area Calculations		
Lower Level Floor Area (Sq.Ft.)	187.64	
Main Level Floor Area (Sq.Ft.)	1,041.84	
Garage Floor Area (Sq.Ft.)	99.35	
Upper Level Floor Area (Sq.Ft.)	820.83	
Deck/Porch Floor Area (Sq.Ft.)	0.00	
Total	2,149.66	-250.34

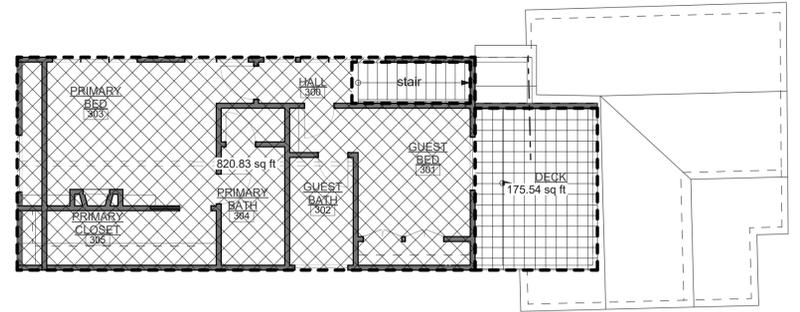
5 AREA SUMMARY



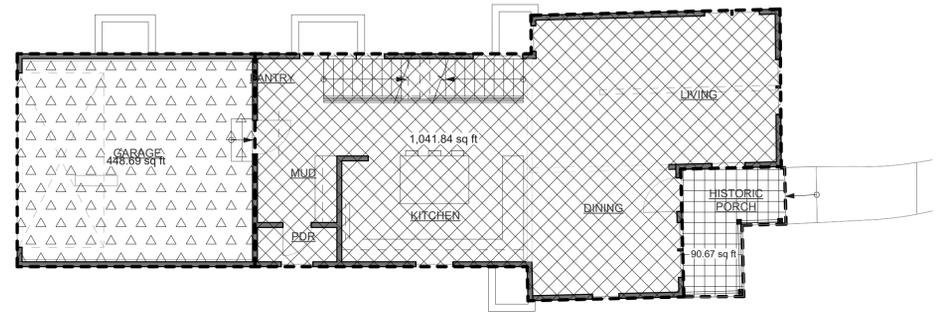
4 LOWER LEVEL WALL AREAS



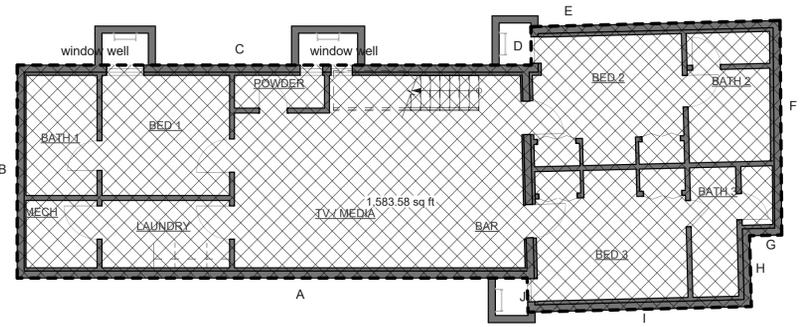
3 UPPER LEVEL AREA PLAN



2 MAIN LEVEL AREA PLAN

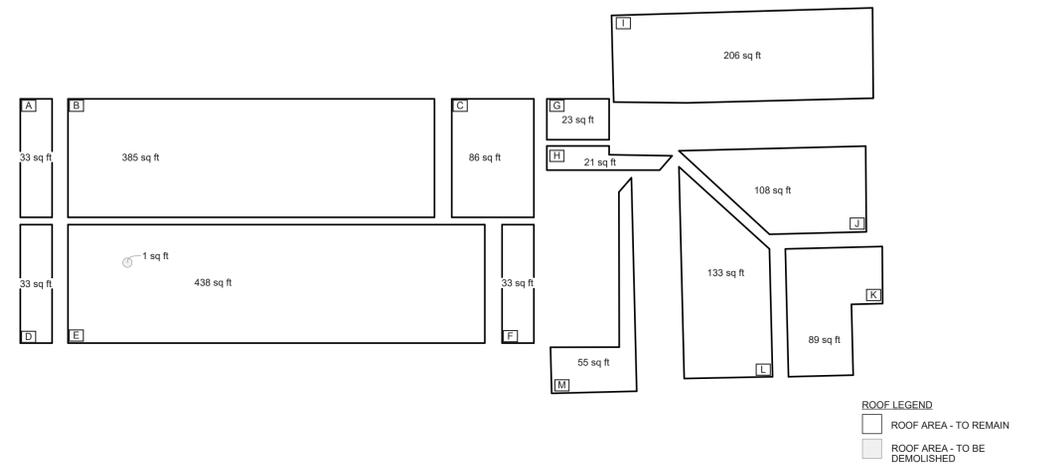


1 LOWER LEVEL AREA PLAN

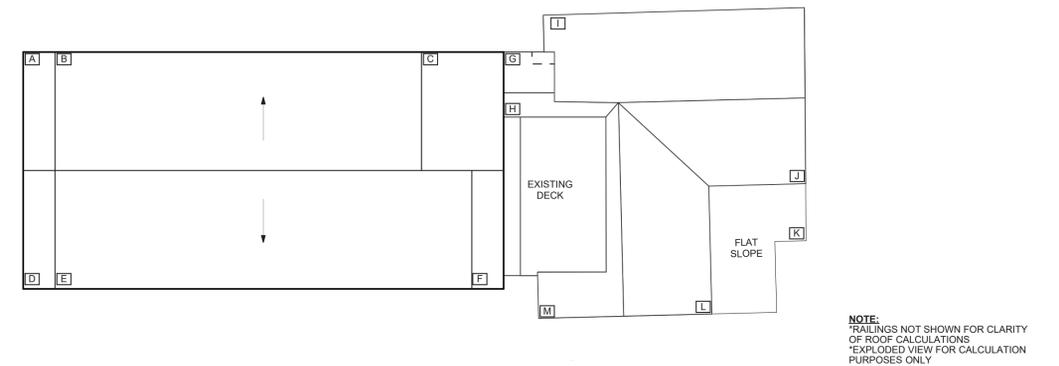


Demolition Calculations - Ratio Method		
Roof Demolition		
Roof Label	Surface Area of Roof Plane (Sq.Ft.)	Surface Area of Roof to be Removed (Sq.Ft.)
A	33.00	0.00
B	385.00	0.00
C	86.00	0.00
D	33.00	0.00
E	438.00	1.00
F	33.00	0.00
G	23.00	0.00
H	21.00	0.00
I	206.00	0.00
J	108.00	0.00
K	89.00	0.00
L	133.00	0.00
M	55.00	0.00
Roof Surface Total (Sq.Ft.)	1,643.00	
Roof Surface Area to be Removed (Sq.Ft.)		1.00
Demolition Totals		
Roof + Wall Area Used for Demo Calcs (Sq.Ft.)	4,668.10	
Roof + Wall Surface Area to be Removed (Sq.Ft.)	94.00	
Total (Demo/Exist. Ext)		2.01%

Demolition Calculations			
Wall Demolition			
Wall Label	Individual Wall Area (Sq.Ft.)	Fenestration Area (Sq.Ft.)	Area of Wall to be Removed (Sq.Ft.)
NORTH	548.49	174.15	8.00
EAST	1434.43	268.97	45.00
SOUTH	518.26	159.96	0.00
WEST	1259.00	132.00	40.00
Wall Surface Total (Sq.Ft.)	3,760.18		
Fenestration Area (Sq.Ft.)		735.08	
Area Used for Demo Calculations (Sq.Ft.)	3,025.10		
Wall Surface Area to be Removed (Sq.Ft.)			93.00
Demolition Totals			
Wall + Roof Area Used for Demo Calcs (Sq.Ft.)	4,668.10		
Wall + Roof Surface Area to be Removed (Sq.Ft.)	94.00		
Total (Demo/Exist. Ext)		2.01%	



2 ROOF DEMOLITION DIAGRAM

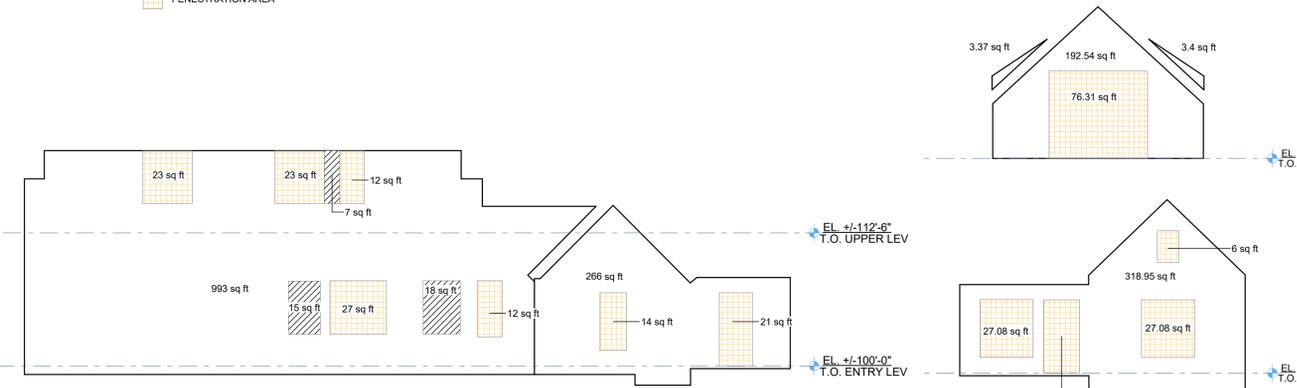


NOTE:
 *RAILINGS NOT SHOWN FOR CLARITY OF ROOF CALCULATIONS
 *EXPLORED VIEW FOR CALCULATION PURPOSES ONLY

1 ROOF DEMOLITION PLAN
 SCALE: 1/8" = 1'-0"



WALL LEGEND
 [White Box] EXISTING WALL AREA - TO REMAIN (INCLUDES FENESTRATION AREA)
 [Hatched Box] WALL AREA - DEMOLISHED
 [Orange Box] FENESTRATION AREA

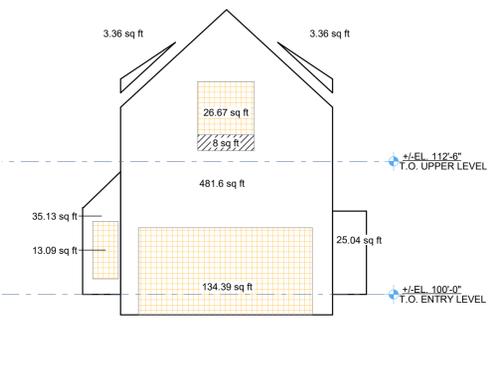


7 WEST DEMO ELEVATION
 SCALE: 1/8" = 1'-0"

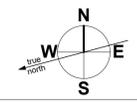
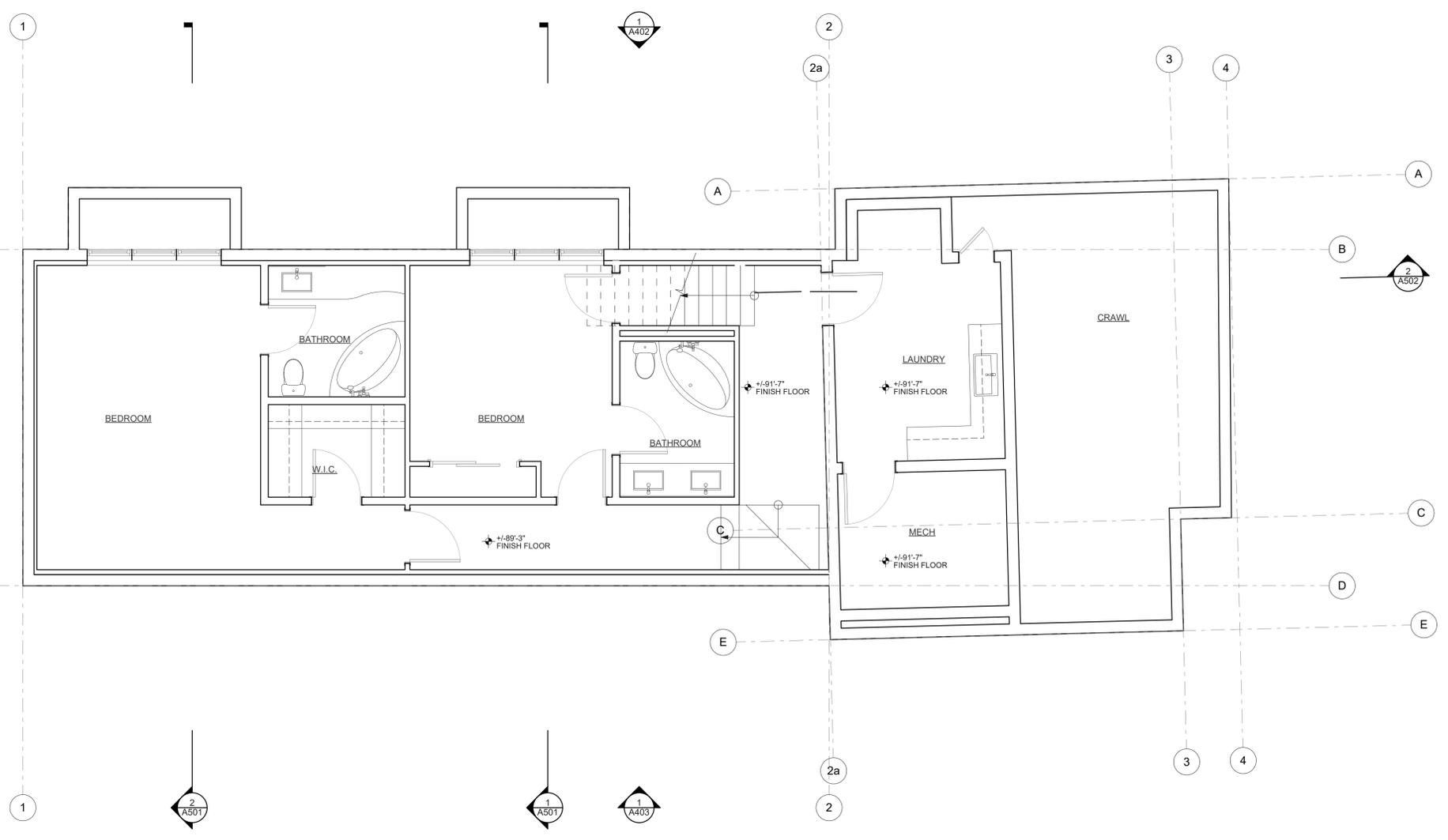
6 SOUTH DEMO ELEVATION
 SCALE: 1/8" = 1'-0"

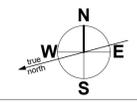
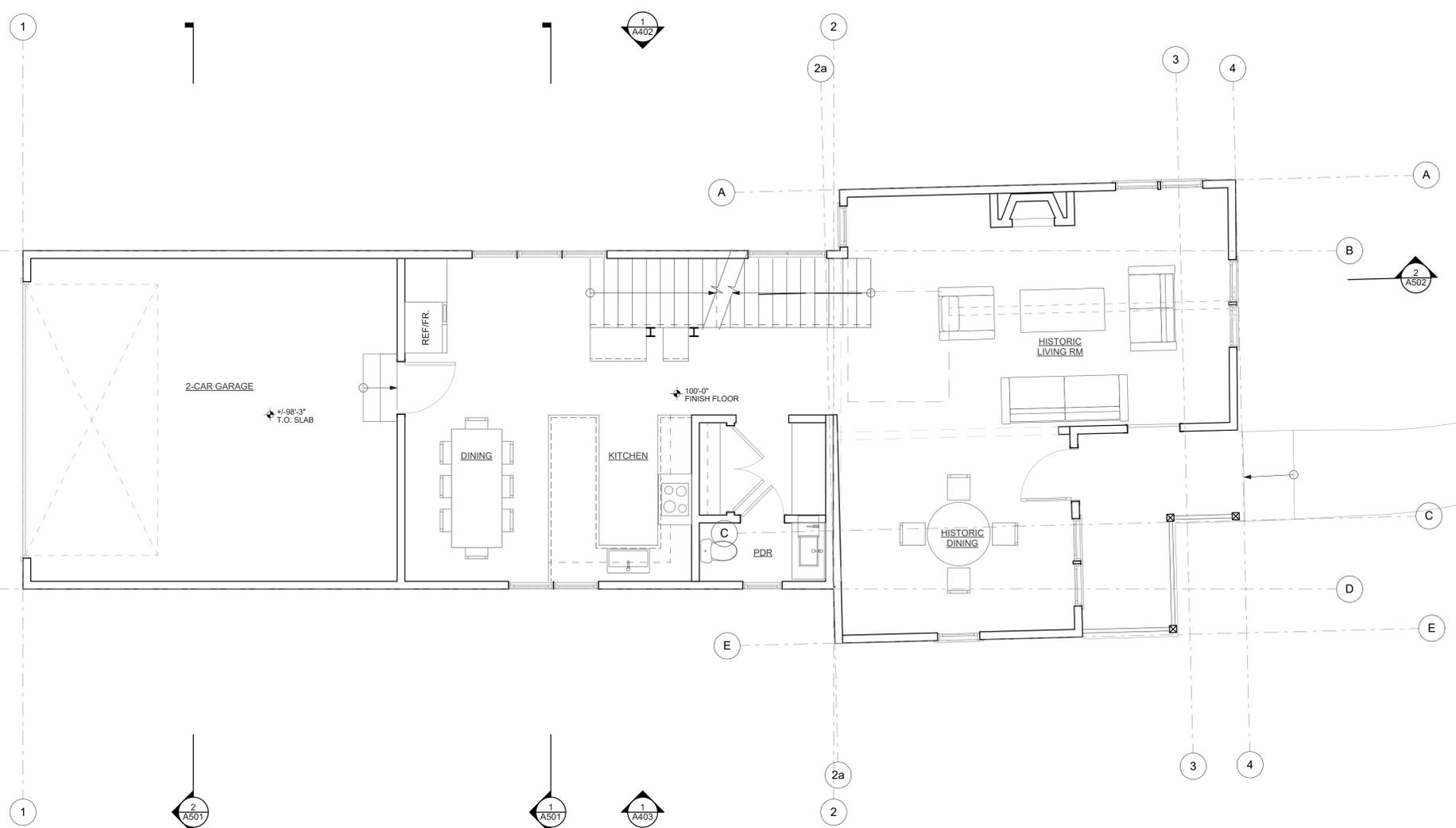


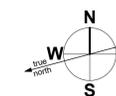
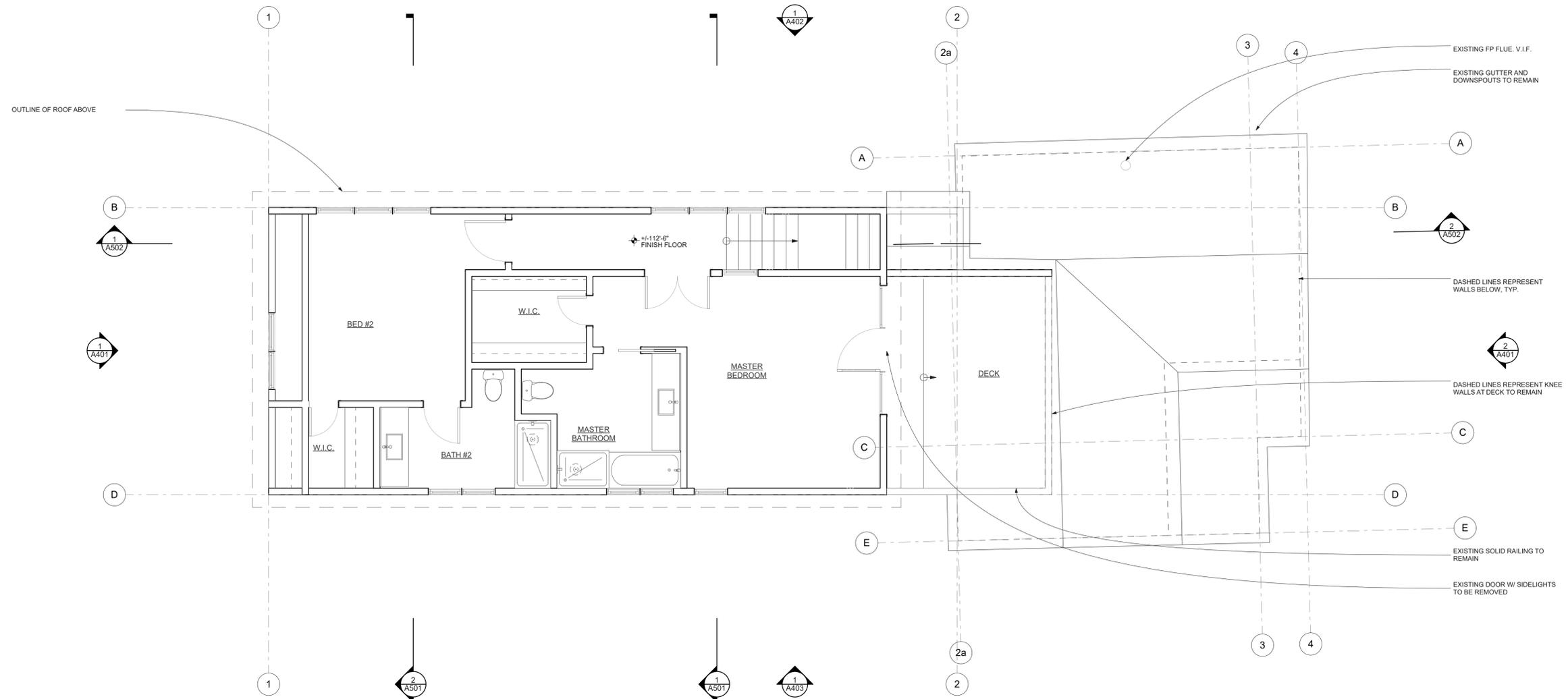
5 EAST DEMO ELEVATION
 SCALE: 1/8" = 1'-0"

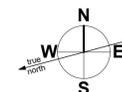
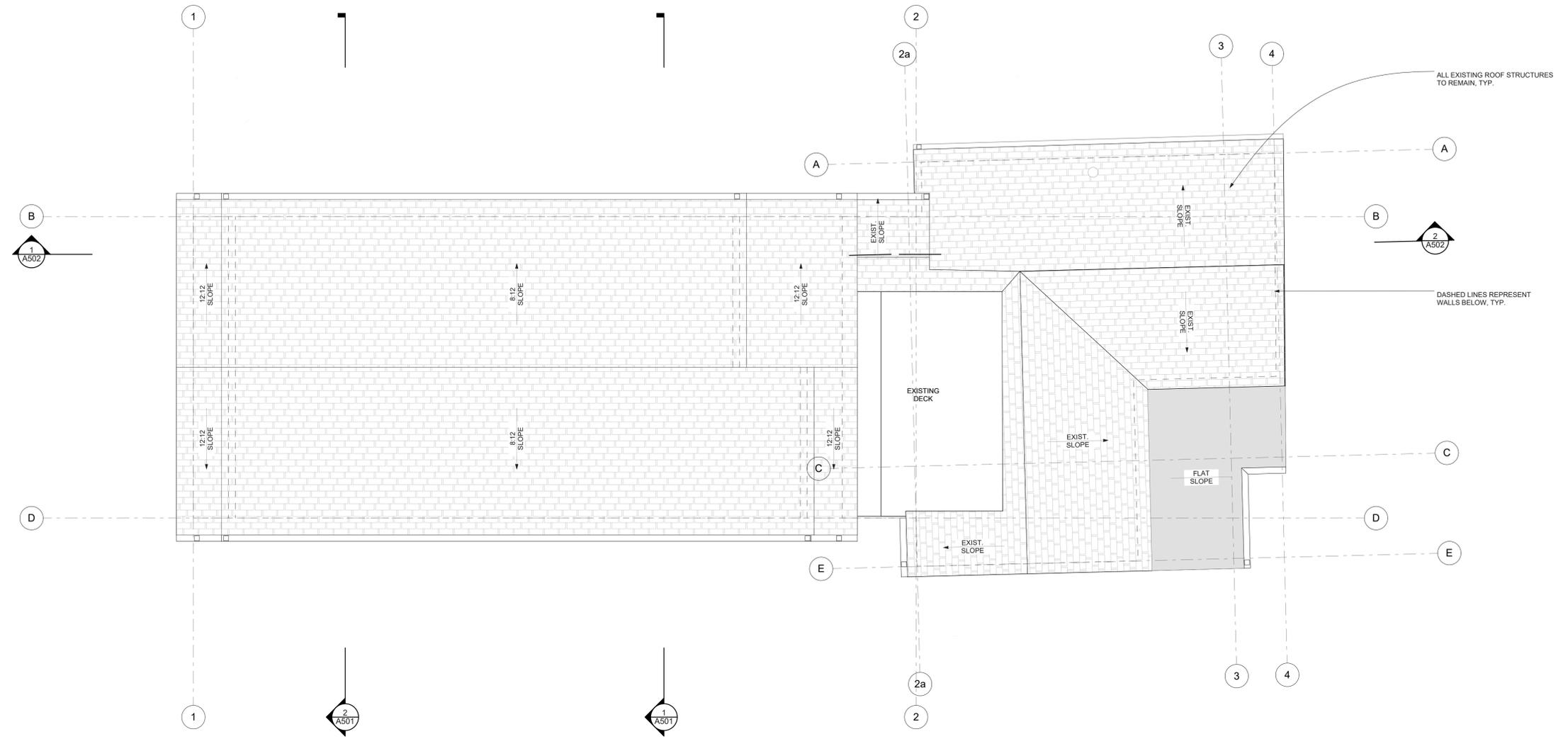


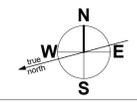
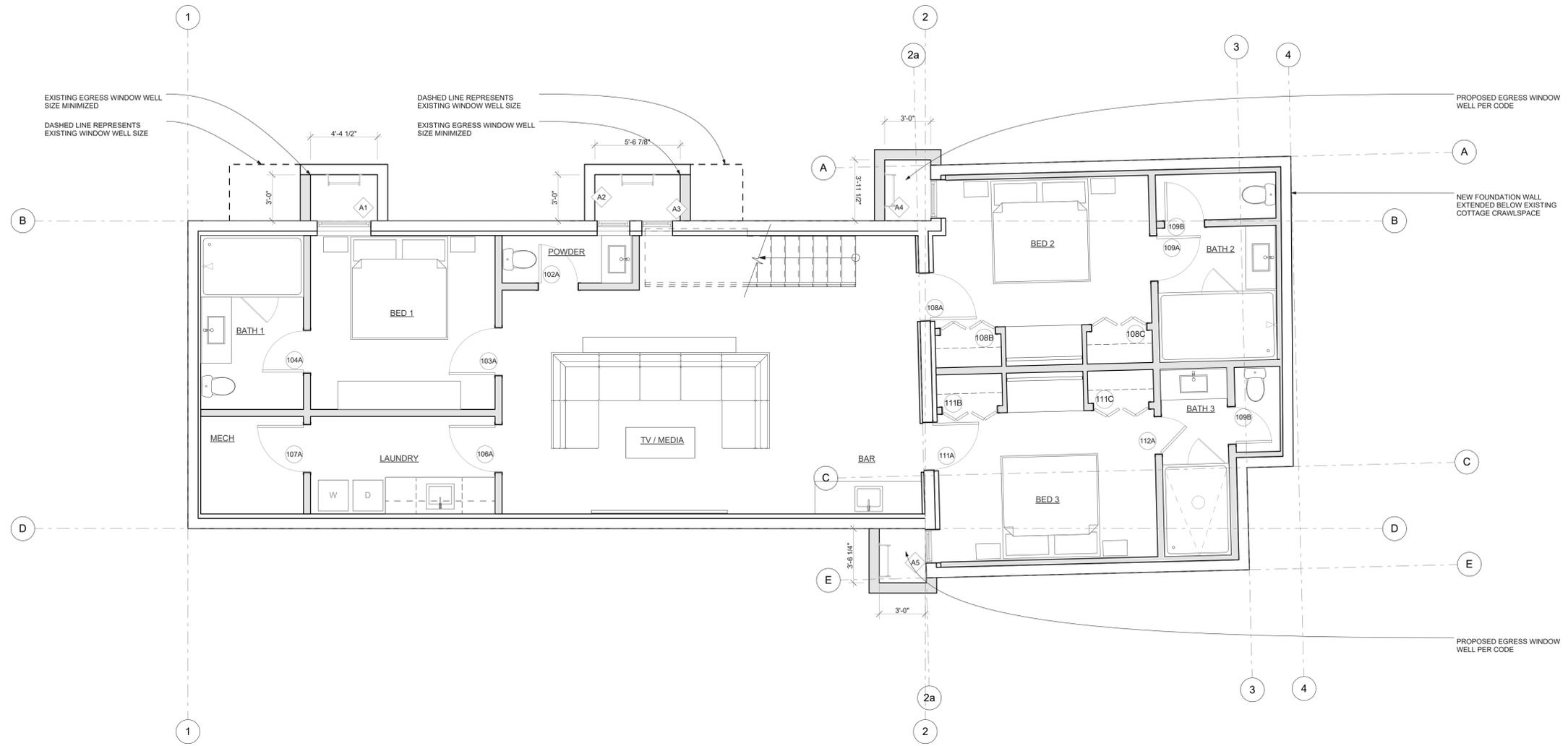
4 NORTH DEMO ELEVATION
 SCALE: 1/8" = 1'-0"

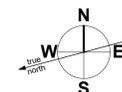
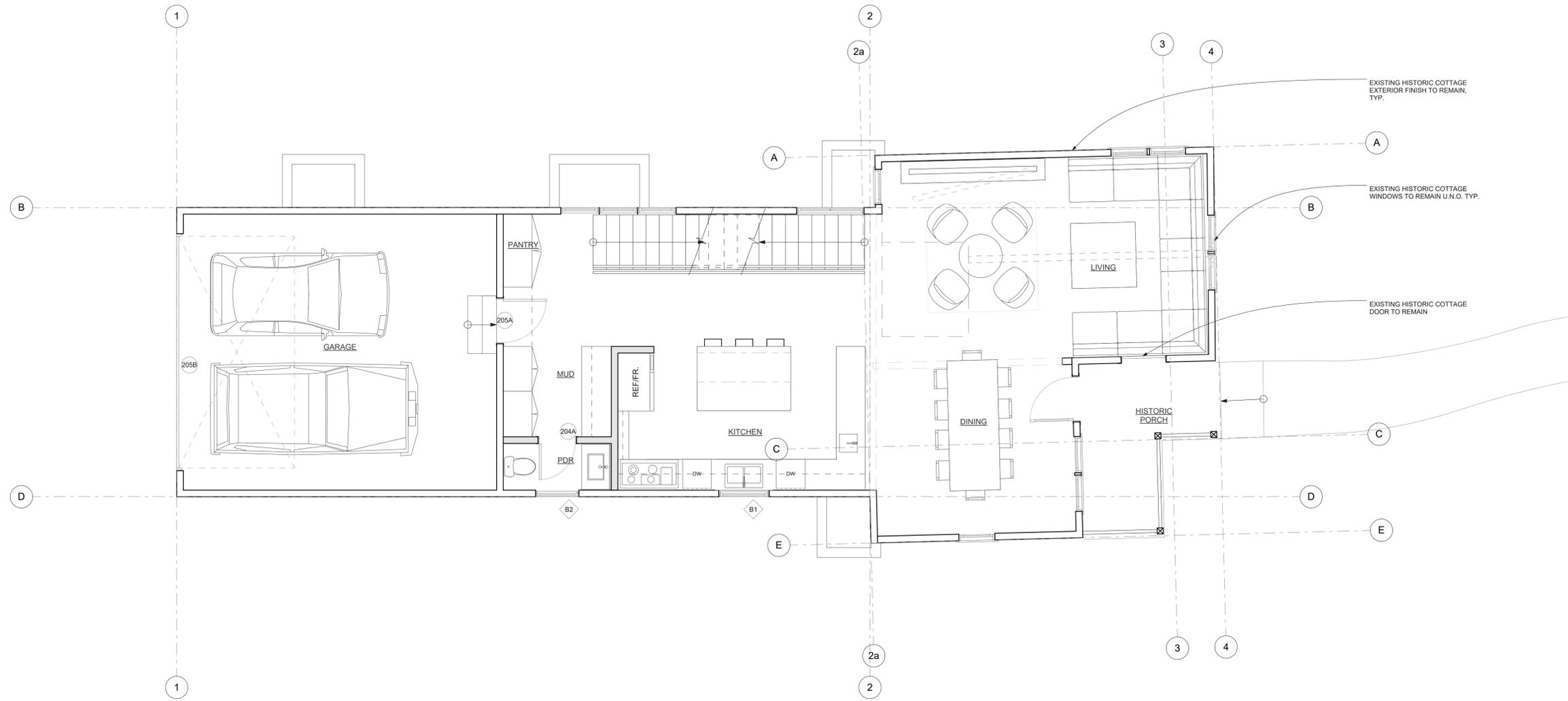


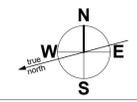
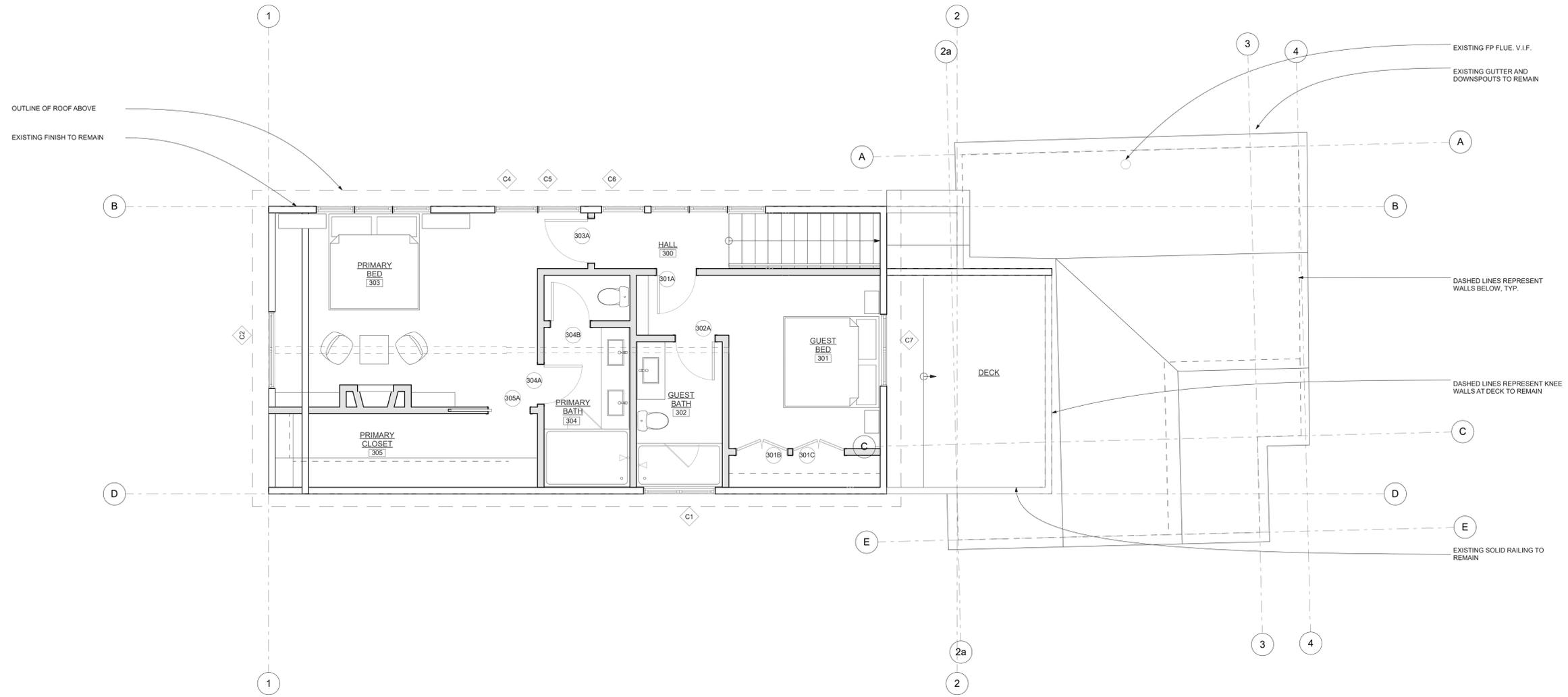


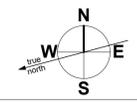
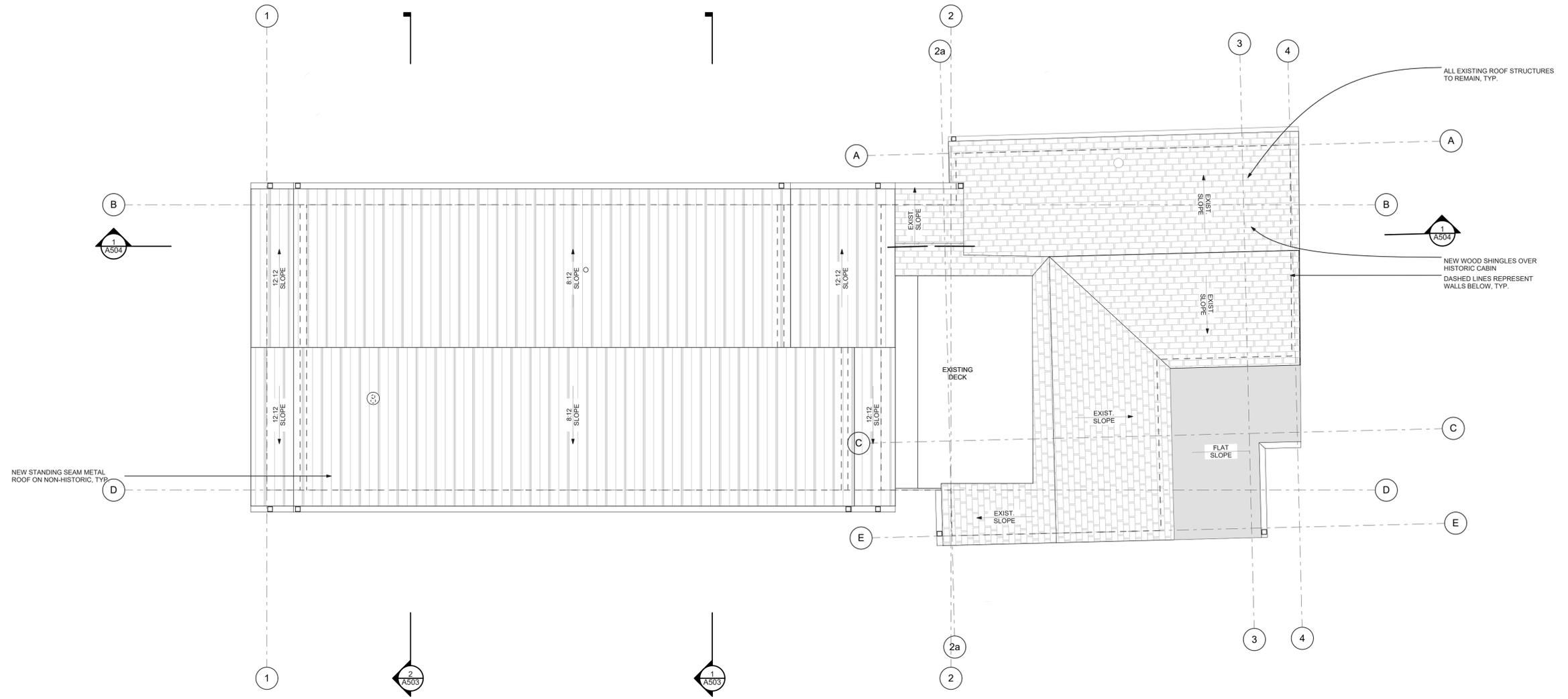


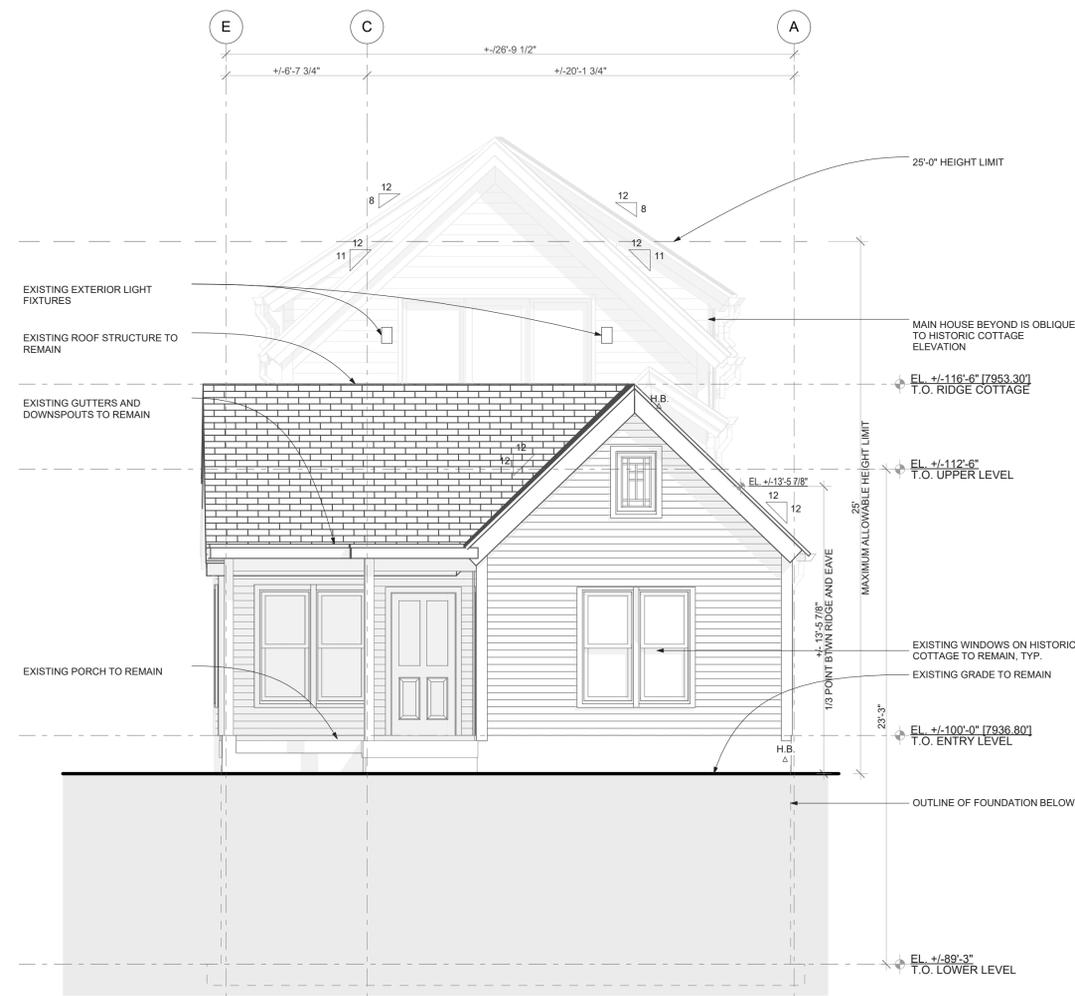




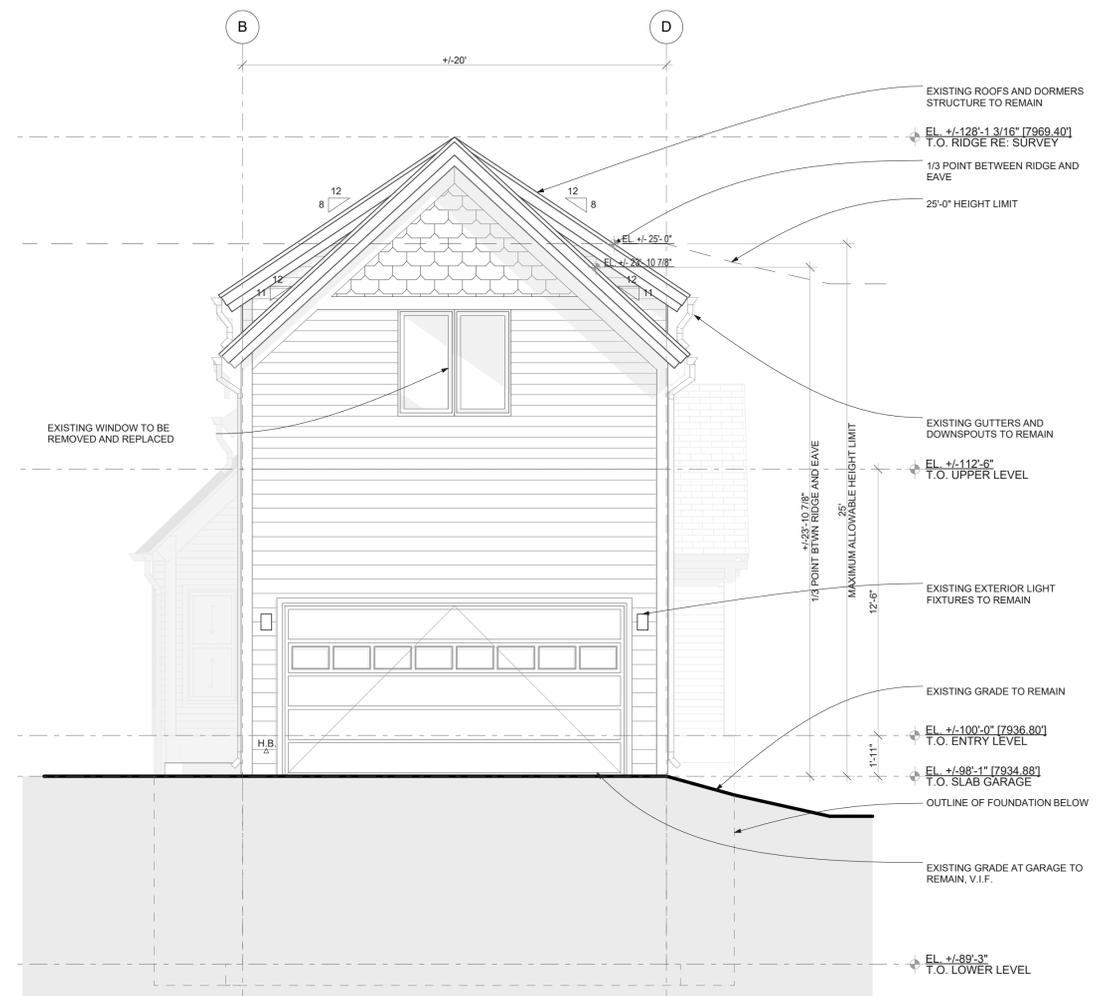






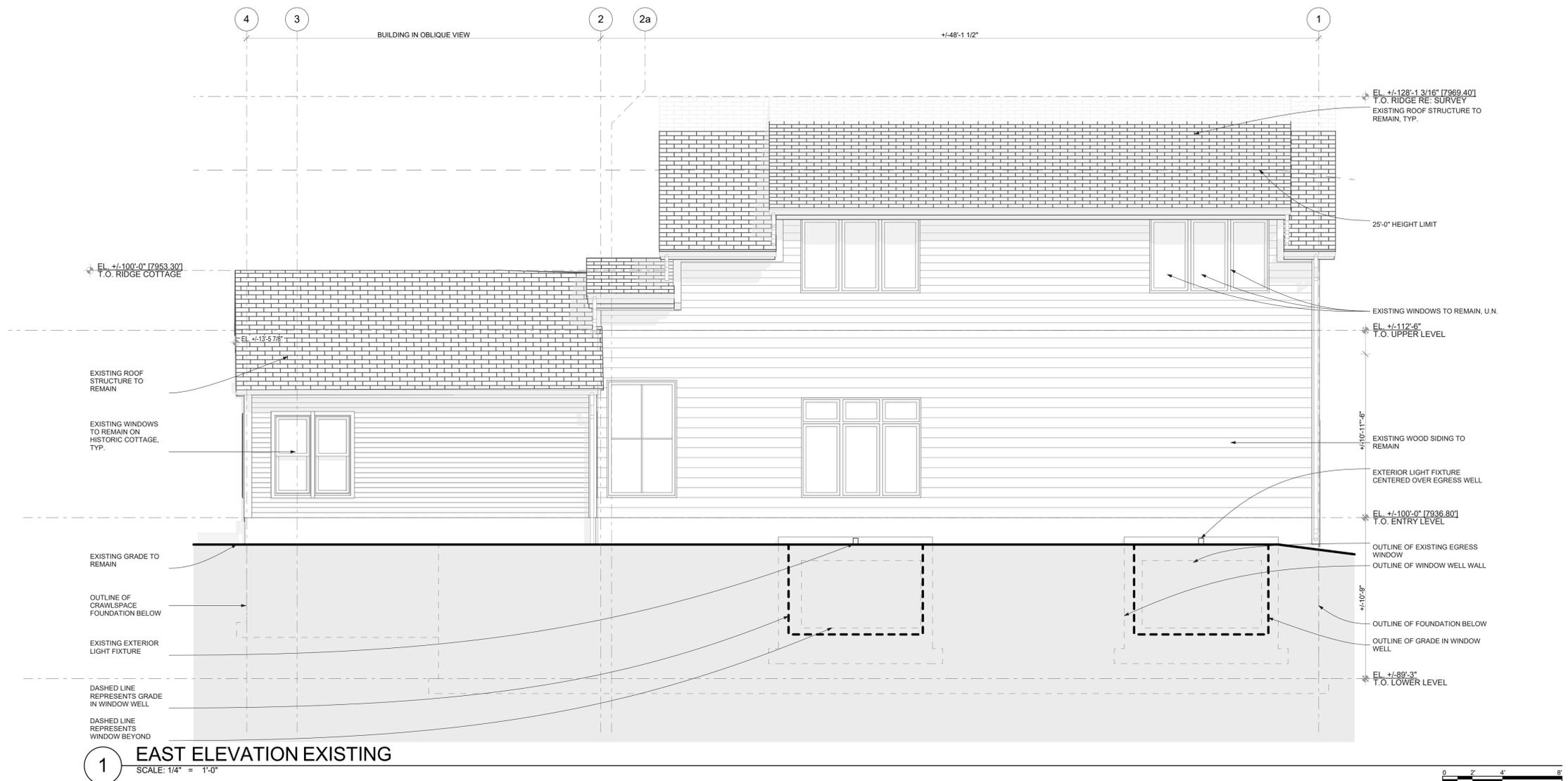


2 SOUTH ELEVATION EXISTING
SCALE: 1/4" = 1'-0"



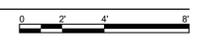
1 NORTH ELEVATION EXISTING
SCALE: 1/4" = 1'-0"

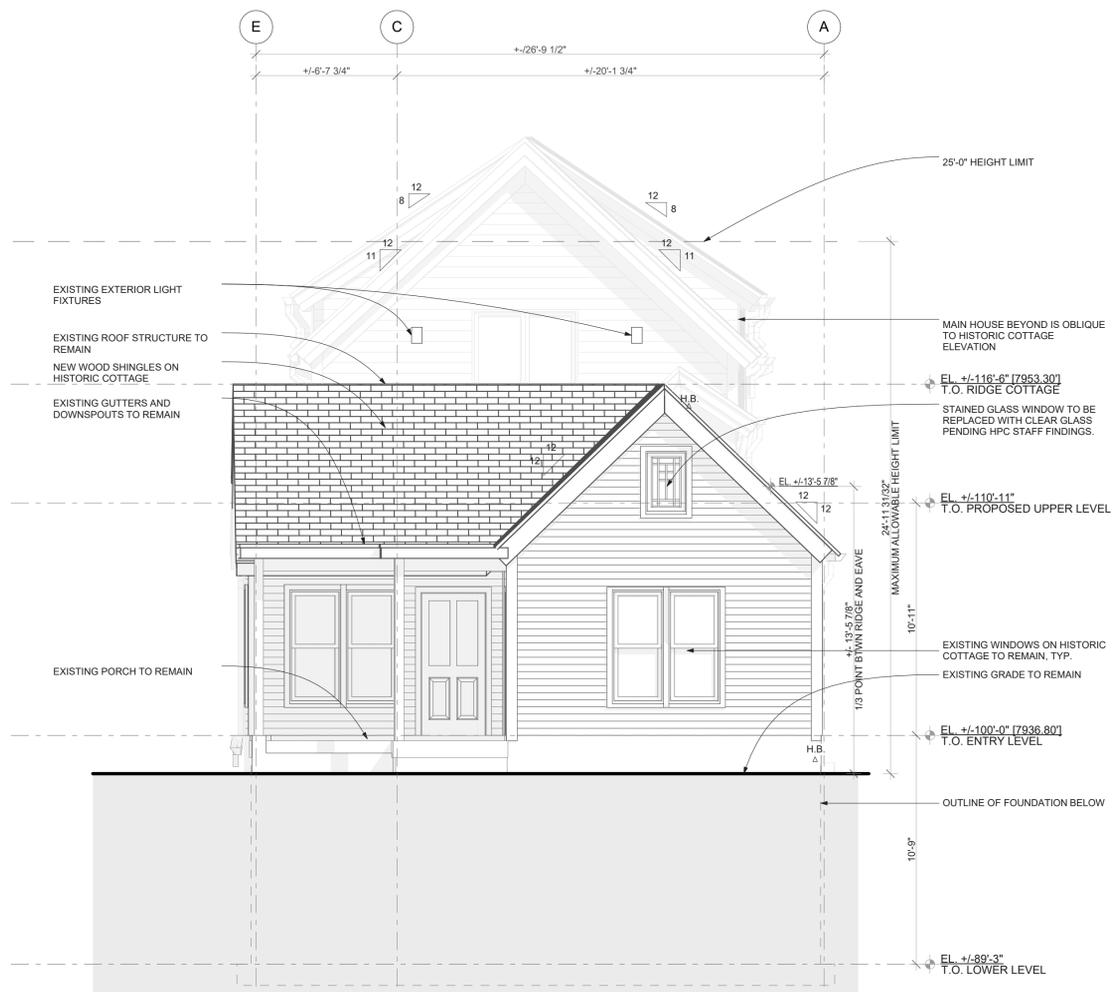




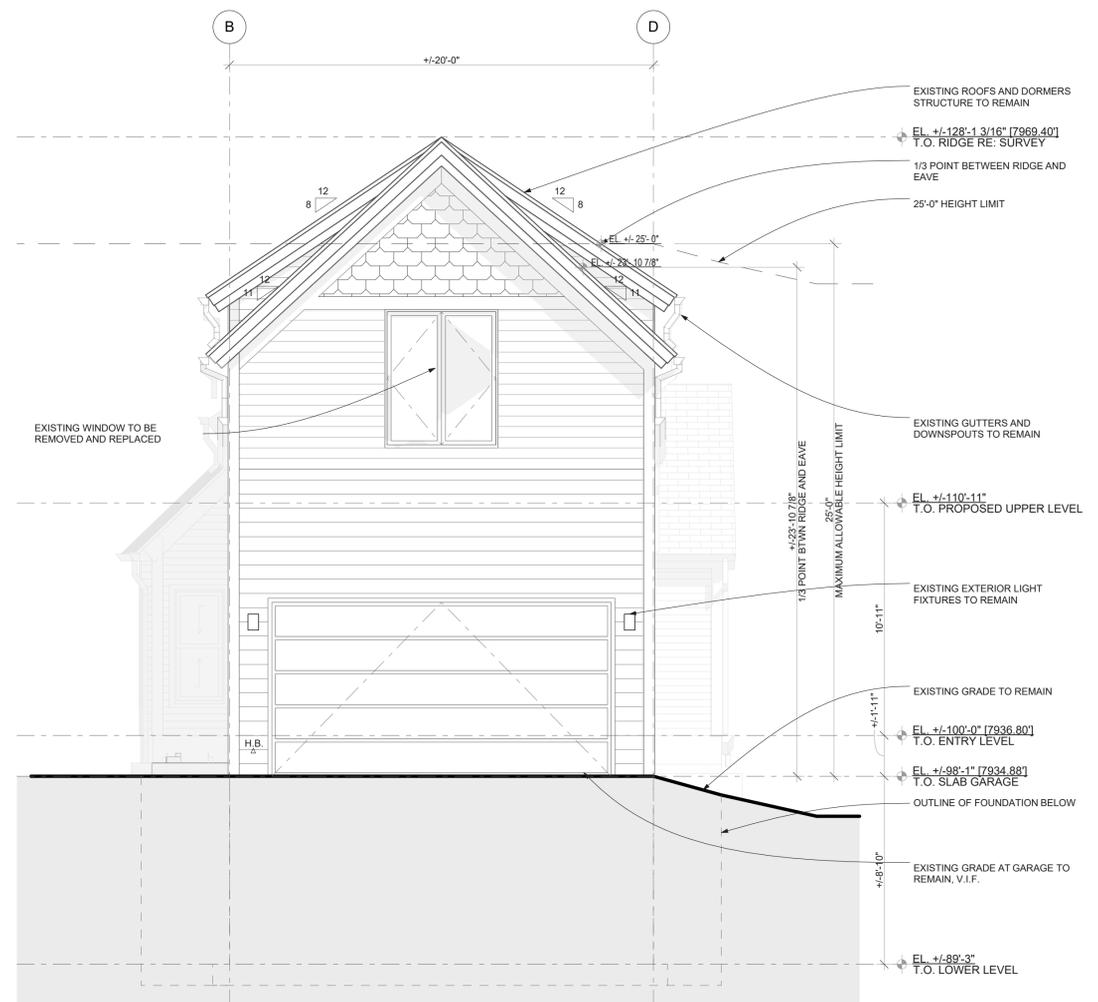


1 WEST ELEVATION EXISTING
 SCALE: 1/4" = 1'-0"

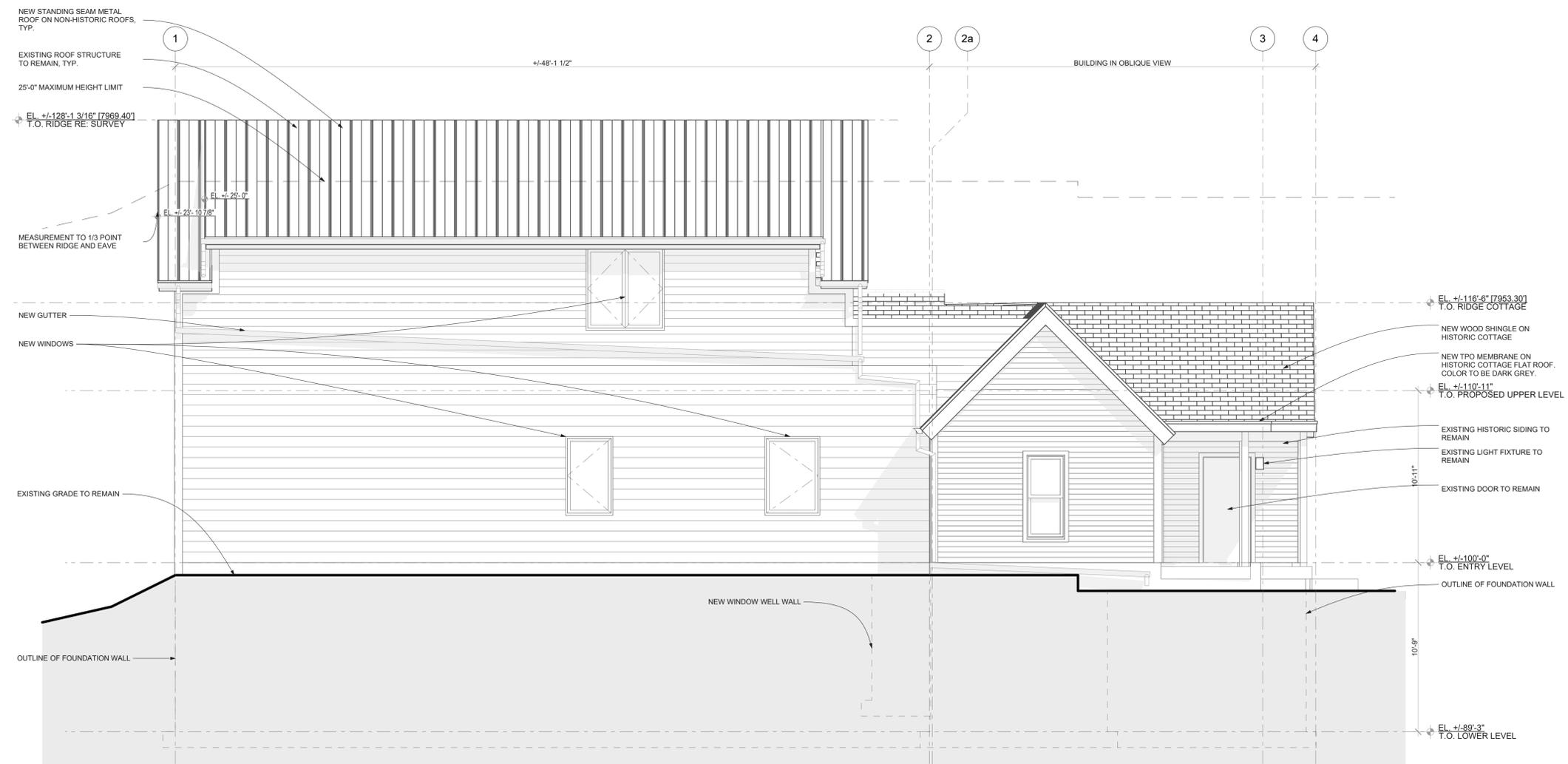




2 SOUTH ELEVATION PROPOSED
SCALE: 1/4" = 1'-0"

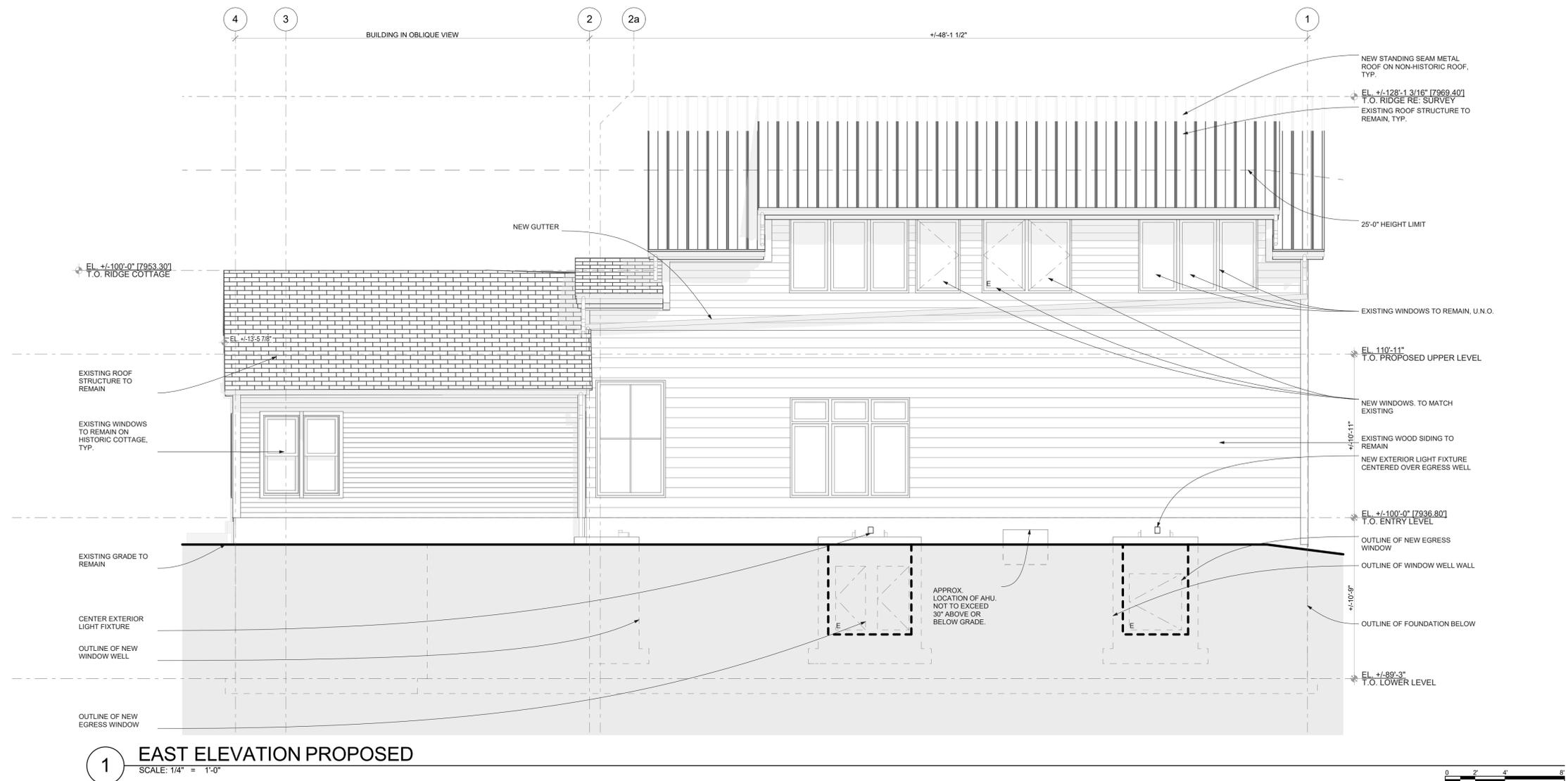


1 NORTH ELEVATION PROPOSED
SCALE: 1/4" = 1'-0"



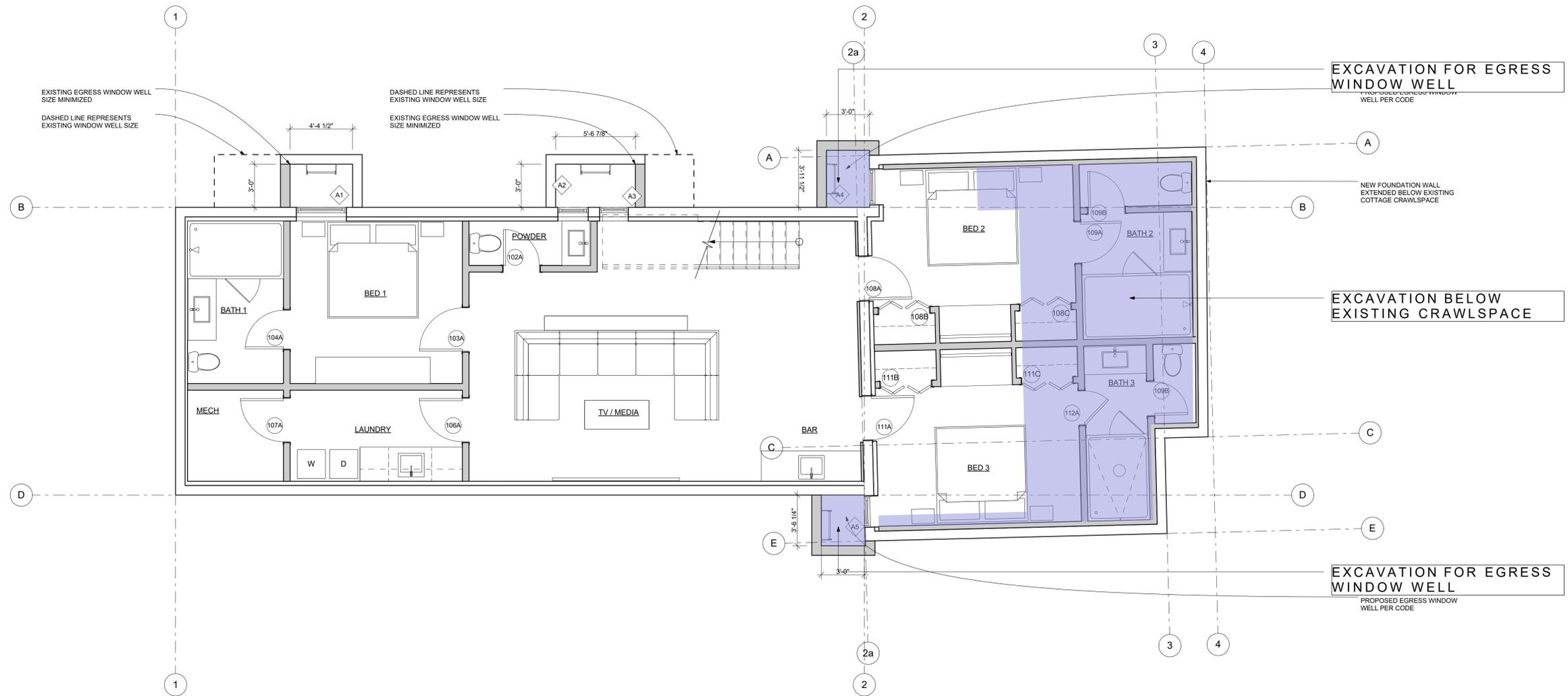
1 WEST ELEVATION PROPOSED
 SCALE: 1/4" = 1'-0"





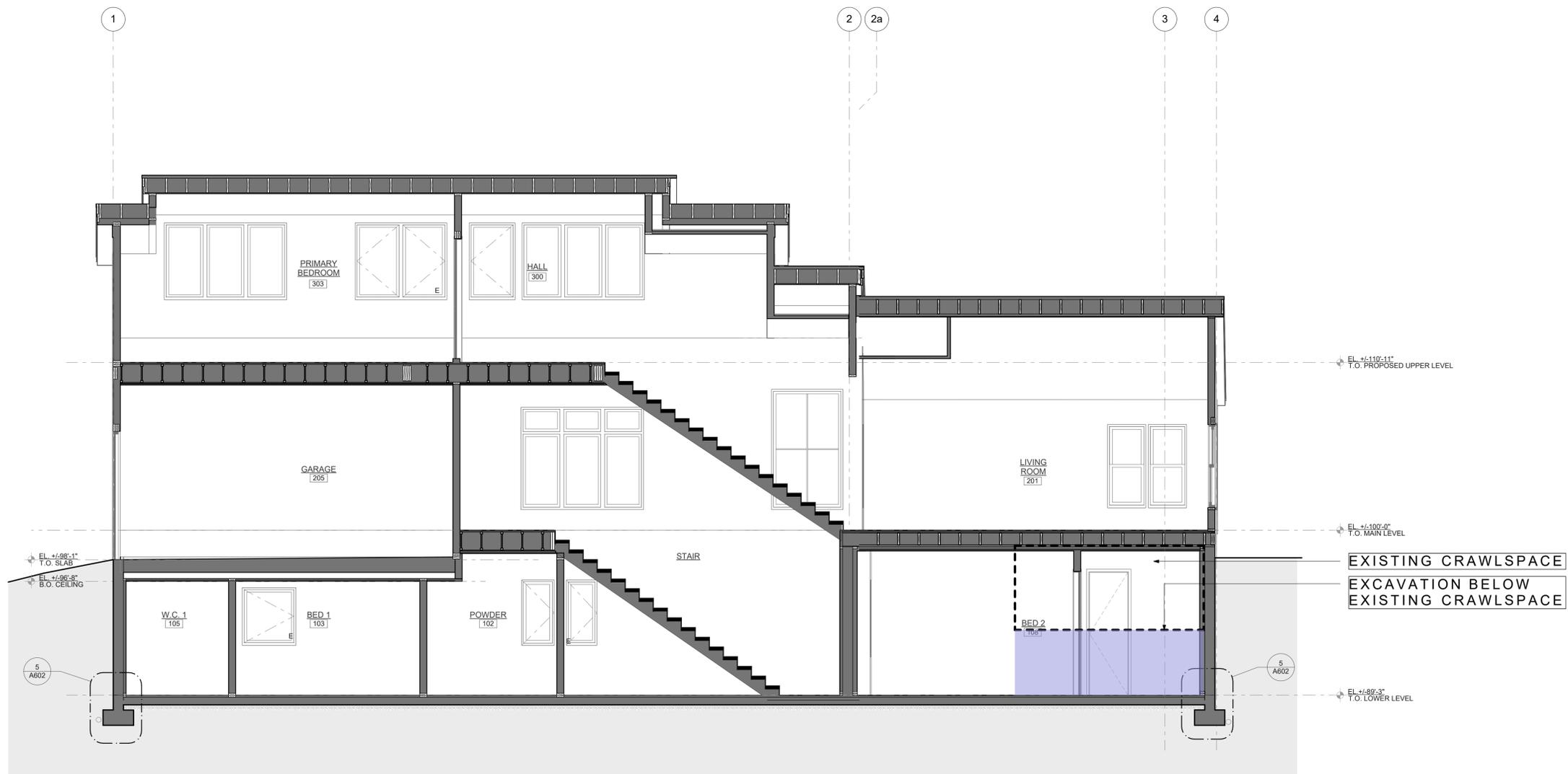
1 EAST ELEVATION PROPOSED
SCALE: 1/4" = 1'-0"





KEY:
 PROPOSED BASEMENT EXCAVATION



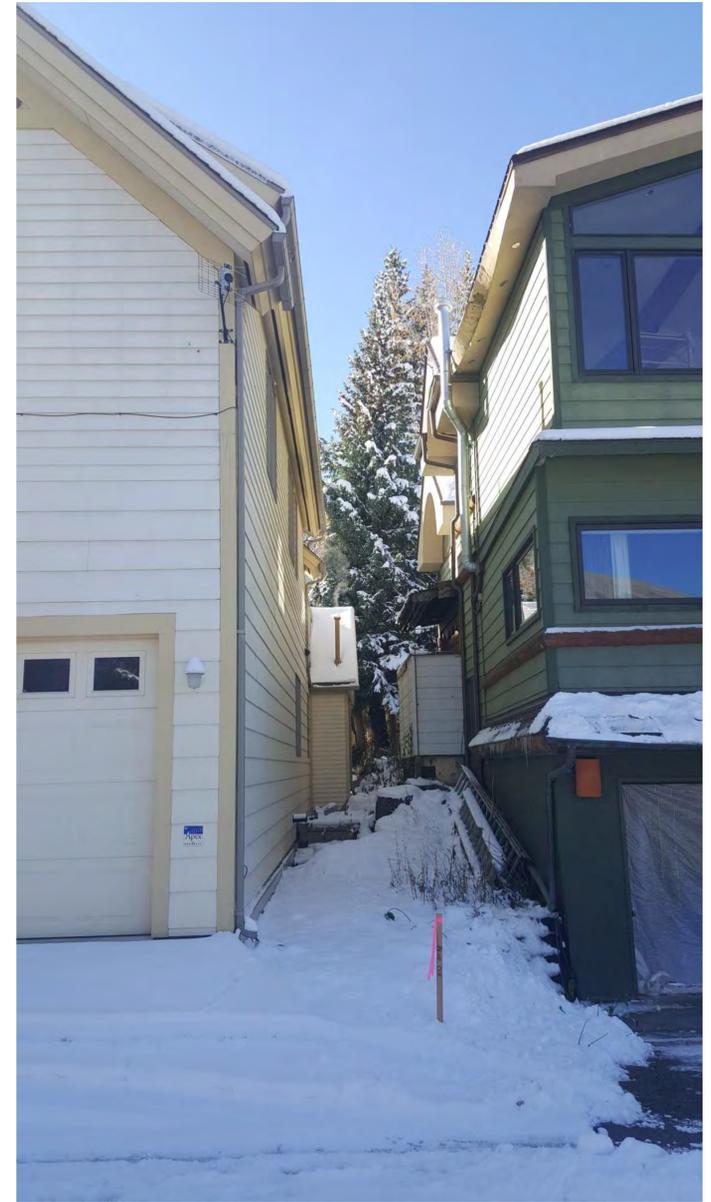




NORTHEAST SIDE YARD



NORTH (ALLEY)



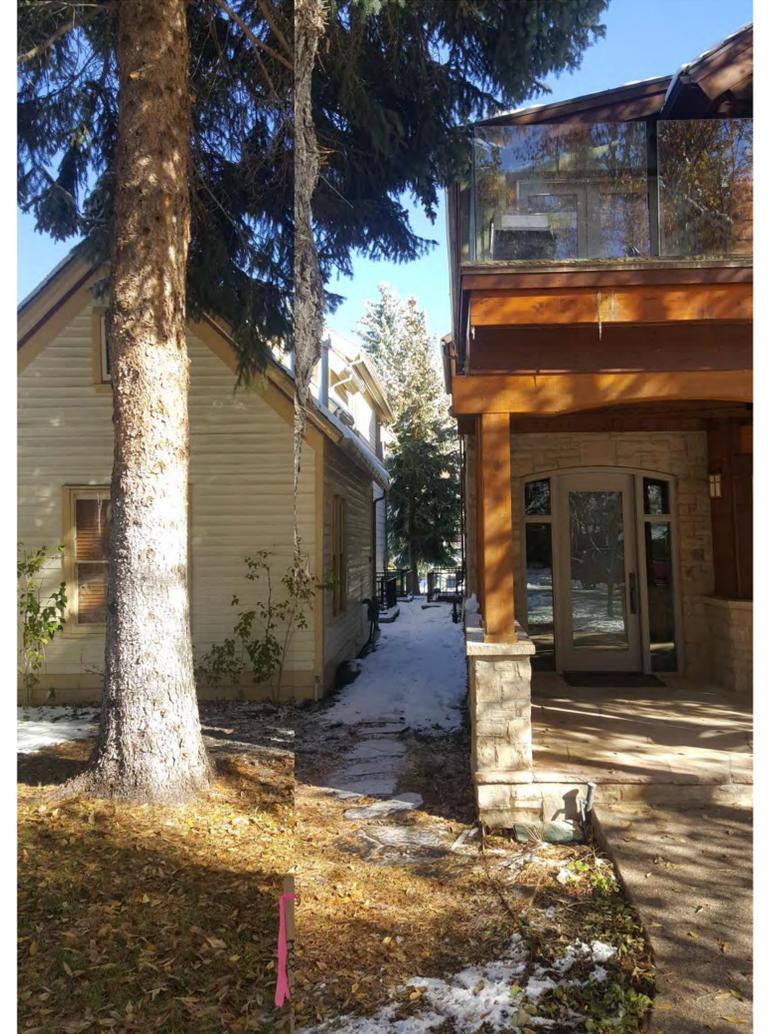
NORTHWEST SIDE YARD



SOUTHWEST SIDE YARD



SOUTH (EAST HYMAN AVE.)



SOUTHEAST SIDE YARD





Ms. Greenwood asked if everyone is okay with the siding materials. She thinks it's a better choice from a color standpoint.

Ms. Thompson stated that she is happy with the materials. They look appropriate.

Mr. Halferty stated that he is also happy with the materials.

Mr. Moyer stated that he's happy with the bamboo.

Ms. Sanzone stated that she finds that the landscape plan and the fence are compliant with the HPC guidelines. She would support the design.

Ms. Greenwood stated that it is compliant with the guidelines. She wishes that most of the fence would be 42-inches for the length of the historic resource. Since that's not in their guidelines, she can't really ask the applicants to do it. She thinks it's important. Little details like that make a difference in a community when everyone wants to see the historic resource.

Mr. Halferty stated that he agrees with the landscape plan. What's proposed is compliant with the HPC guidelines. He echoed the same comment as Ms. Greenwood regarding being able to see the historic resource.

Ms. Greenwood stated that applicants don't always have to go with the guidelines. They should be sensitive to all the effort that's gone into restoring the historic resource. The right thing to do would be to keep the fence low until it reaches the new addition. It's not like it's creating a whole lot of space.

STAFF COMMENTS: Ms. Simon stated that there are a lot of people attending the meeting. She encouraged the commissioners to speak closely into their microphones. She reminded everyone to state their name when they speak for the benefit of the clerk producing minutes remotely from the recording.

Ms. Simon stated that staff and several commissioners are going to be at the Colorado Preservation Inc. conference next week from Wednesday to Friday.

CERTIFICATES OF NO NEGATIVE EFFECT: None.

CALL UPS: None.

OLD BUSINESS: None.

NEW BUSINESS: 920 E Hyman Avenue – Minor Development, Relocation, Setback Variations, and TDR Ms. Yoon introduced the project. 920 E Hyman is a 3,000 square foot lot, historically designated, has a one-story miner's cabin to the front of the property and it's connected with an above-grade addition that was approved by HPC back in 1999, so it doesn't have the traditional connecting element that we see today. Looking at the Sanborn Maps from 1904, it appears to be roughly in the same location. It currently has a setback, which is approximately 22-feet from the property line in a district where 10-feet is required. The site also has a number of large trees that are located towards the front of the property. It is located in the RMF zone district. With this application, the applicant wishes to convert an existing crawl-space into a full basement, add new lightwells, make some exterior material changes and fenestration changes. The fenestration changes are concentrated on the above-grade addition, not the historic resource.

Ms. Yoon stated that the request for the relocation is needed because any work that requires underpinning of the structure is considered relocation according to the design guidelines. No new above-grade or structures are proposed. Nothing is essentially being moved. The applicant plans to make modifications to the front walkway with this proposal. There is a step towards the front of the property that is large, so they are going to make that modification there. In relation to stormwater mitigation, they are proposing to use pervious walkway pavers. The applicant does need to work more with the Engineering and Parks Departments to hone in on the requirements for drainage and stormwater, but those are underway. The material that the applicant was providing this week related to the pervious pavers is going to be a brick paver. In the process, staff recommends that the applicant try to meet the Design Guideline 1.6. Currently, the existing walkway is not perpendicular. More investigation into why that is is needed. It is staff's recommendation to try and meet Guideline 1.6 as this walkway is being restudied.

Ms. Yoon stated that it was represented in the drawings provided by the architects that footers are already existing. Two new lightwells are abutting the historic resource towards the rear to provide egress for the rooms on the sub-grade level. They are slightly larger than what is required by minimum building code. The modifications to the size of the two existing lightwells are also proposed.

Ms. Yoon stated that fenestration changes are proposed on the north east west elevations of the non-historic addition. No fenestration changes are proposed on the historic resource. The applicant also included the addition of new downspouts along the east and west elevation. Staff did provide a recommendation for additional re-study of where the downspouts are to be located.

Ms. Yoon stated that the applicant does plan to change the roofing material of the existing addition and the historic resource. It was represented in the application that the historic resource would be restored to cedar wood shingles. The addition would be changed to a standing seam metal roof. Staff does find that both of these materials, and in combination with what is existing, meet the criteria and design guidelines. Since the proposal does trigger relocation, new setback variations will be necessary to memorialize the location of the existing historic resource, which is currently encroaching into the east and west setbacks. Additionally, the lightwells are proposed in the setbacks and the applicant is asking for setback variations for these features. Staff does find that the criteria for granting setback variations are met with this request. In addition, the applicant is also requesting the establishment of one TDR. Staff supports the establishment of the TDR that will reduce developable floor area on the site. It does meet the criteria, as shown in the packet. It is important to note that the establishment of TDRs can only be done by City Council. HPC is a recommending body for the TDRs. All floor area calculations must be verified prior to the creating of the TDR certificates. Those all need to be considered.

Ms. Yoon stated that staff does recommend approval of the project. They ask that the applicant restudy the walkway to be perpendicular if possible, utilizing the pavers and material that's historically appropriate. They should work with staff and monitor to find that balance. This is to be done before the submission of building permit. Also the restudy of the downspouts, which are on the non-historic addition. That final configuration to also be reviewed by staff and monitor. In the responses that the applicant sent on Tuesday, they did provide a roof plan. It does show the dimensions and locations of

new flues and vents. They also provided additional information about snow clips, so Condition Three has been met and can be taken off. Staff ask that the lightwell curb heights be six inches or less to make sure that it's not too high. There was a request in the application related to the stained glass window. Additional research and investigation of the materials themselves will be necessary. Staff encourages the applicant to explore the stained glass that's there to see if it is historic. It's unclear at this moment. Staff do not have enough documentation to support its removal. Working with all relevant City departments regarding storm water mitigation and urban runoff management plans, the referral agencies, the Engineering and Parks Departments did provide some comments indicating more conversation needed related to the drainage and the stormwater mitigation. Those final plans are to be reviewed and approved by staff and monitor prior to building permit submission. The setback variations are to be granted to memorialize the location of the historic resource. It also encompasses the proposed lightwells. The setback variation applies to above and below grade. Staff is in support of the establishment of one TDR with the finalized floor areas to be verified by the appropriate City departments before its establishment. Nine is the financial assurance required for relocation.

Ms. Thompson asked if the rear yard setback needs to be reestablished or if that's set from the old ordinance.

Ms. Yoon stated that the rear yard setback is set from the old ordinance. There is no work being done in that area. That one will remain as well as what was approved previously.

Ms. Sanzone asked if the application was submitted after the board required concepts about site drainage.

Ms. Yoon stated that their guidelines ask for preliminary concepts. She believes that the applicant did reach out to Engineering and had a preliminary discussion. Since then, staff referred it to the Engineering Department. There's been more discussion related to that.

Ms. Sanzone stated that she thought HPC clarified that it was a plan or some sort of drawing that would be a part of the application that the Commission could review.

Ms. Simon stated that the applicant did provide that and their intention was to tear up the existing sidewalk and use pervious pavers. Engineering had a change of opinion about the extent of mitigation, which is why they are now less certain.

Ms. Greenwood asked if they need a rear-yard setback for excavation below-grade.

Ms. Yoon stated that they're not doing any excavation on the rear. It's all concentrated to the front where the historic resource is.

Ms. Thompson stated that they are changing the size of the lightwells. She would anticipate the grading around them changing. She thinks that that is important to look at, too.

APPLICANT PRESENTATION: Mark Janion of B2 Builders introduced himself. He introduced Colleen Loughin and Bill Pollock of Zone 4 Architects. He stated that the applicants are meeting with the necessary departments at the City next week to hash out drainage and parks issues that Ms. Simon mentioned. Regarding the excavation, there's already an existing basement under the entire addition and about half the historic asset. The applicants are going to hand-dig out the remaining half, take the dirt out. It's already a full-height crawlspace. They are only taking out a small portion. The design from the engineer goes straight down on the existing foundation, which is why they need the setback variation. The original house was in the setback and they are just going straight down. They are not going outside of the original perimeter.

Mr. Halferty asked if Jack discussed the underpinning and foundation extensions, regarding the excavation.

Mr. Janion stated that it would be four-foot sections.

Mr. Halferty asked if it will all be dug from inside the structure.

Mr. Janion stated that it will be.

Mr. Kendrick asked about the excavation on the window wells. It appears that, on the east side, it goes past the footprint of the house. On that side of the house, it's very tight with the adjoining property.

Mr. Janion stated that they would hand-dig that as well and try to work with the engineer to see if they can come up with a detail to not go over the property. Everything that they do will be on their property.

Mr. Kendrick asked if the window well goes past their property line.

Mr. Janion stated that it does not.

Ms. Sanzone asked if the soil will be wheelbarrowed to the back of the property.

Mr. Janion replied that it will be.

Ms. Sanzone asked how the applicants propose to remove the soil and get it through the area with the existing tree.

Mr. Janion stated that they can cover the window well and take it over to the driveway in the back.

Ms. Sanzone asked how they plan to do that with the tree in between.

Mr. Janion stated that they will do it with buckets and carry it around.

Ms. Sanzone asked if they have talked with the Parks Department about how they might accomplish work in that area.

Mr. Janion stated that they have not.

Ms. Sanzone stated that she would like them to include that as a part of their conversation.

Ms. Greenwood asked if the applicants are in agreement with what the City is asking them for.

Mr. Janion replied that they are.

Mr. Moyer asked if the applicants foresee any problems with various pipes protruding through the roof, as related to staff Condition Three.

Mr. Janion stated that it's not an issue.

Mr. Moyer asked if they know whether the stained glass window is historic or not.

Mr. Janion stated that he does not know. The oldest photos they could find have the window.

Ms. Thompson asked why the lightwells behind the historic bump out past the existing wall instead of just continuing straight back.

Mr. Pollock stated that it's related to constructability. They also do need some room. They could bring it in a bit, but for code reasons they need to be minimum 3x3.

Mr. Janion stated that they will bring it in as small as they can.

Mr. Pollock stated that it was recommended that way by the structural engineer.

Ms. Sanzone asked if the large spruce tree that was added back in the site plan is to remain.

Mr. Janion stated that it is to remain.

Ms. Sanzone asked how the front path will be both snow melted and pervious.

Mr. Janion stated that it will be accomplished with sand and drilled insulation to let the water through the insulation and then the insulation protects from heating the ground.

Ms. Sanzone asked if the reason that's proposed to be pervious is to accomplish the additional drainage requirements or if that's only related to the walkway. She asked if that includes any impacts with the other sitework including the two new window wells.

Mr. Janion stated that the roof currently just sheds. There's a dry well that's in the right of way that Engineering doesn't want them to keep. So they are proposing taking their drainage through that walkway.

Ms. Sanzone asked if it's a new pipe connection under the walkway. She asked if the drywall would be in the right of way or in the street.

Mr. Janion stated that it would just be the rock bed below the pervious pavers.

Ms. Sanzone asked what they think the excavation depth is going to be.

Mr. Janion stated that he thinks it was seven by three feet.

Ms. Sanzone asked if protections for trees that might come up in their discussions with Parks would alter the design.

Mr. Janion stated that trying to get the walkway straight is impacted by the trees, so they are going to work with Parks, Engineering, and Ms. Simon to figure out what the final alignment looks like.

Ms. Sanzone asked if they are married to the width of the walk that they're showing in the plans.

Mr. Janion stated that they are not.

Ms. Sanzone stated that she would suggest narrowing that to help reduce the impact on the trees. It may be that they can do deeper versus wider to accomplish the drainage requirements.

Mr. Janion stated that they would be fine with that.

Ms. Sanzone asked if they are confident that they will be able to protect the trees on the neighbors' property during their work.

Mr. Janion stated that they are.

Ms. Sanzone asked if that will be discussed with the Parks Department.

Mr. Janion stated that that is.

PUBLIC COMMENT: Ms. Yoon stated that staff did receive public comment on the project that was sent out to the commissioners.

COMMISSIONER DELIBERATION: Ms. Greenwood stated that there are conditions in the application for this project to move forward.

Mr. Moyer stated that he is in concurrence with staff's recommendation.

Mr. Halferty stated that he concurs with the recommendations of staff and the guidelines are met. They've thought about the constructability and conservation of the trees. He could support this application as is.

Mr. Kendrick stated that he concurs with staff recommendations. The applicant has done a good job addressing the concerns.

Ms. Thompson stated that she agrees.

Ms. Sanzone asked if they are coming back for a Final.

Ms. Greenwood stated that this is a minor development, so this is their only hearing.

Ms. Sanzone asked if the irrigation control box is in a yard box.

Mr. Janion stated that it is.

Ms. Sanzone asked what will happen with the path lights if they straighten the path.

Mr. Janion stated that they will do whatever staff, the board, and the guidelines recommend.

Ms. Sanzone stated that, in general, the guidelines wouldn't support this marching of lights to the front door. She suggested eliminating those.

Ms. Greenwood stated that they have a lot to work out with the stormwater and landscaping. It might be a simple situation where a monitor could work with staff on it. They are more landscaping issues than they are building issues.

Ms. Sanzone stated that, with that, she would support the application and staff's recommendation.

Ms. Greenwood stated that she does not see any problem with this application.

Mr. Kendrick motioned to approve Resolution Three as written. Mr. Moyer seconded.

Role Call Vote: Ms. Greenwood, yes; Ms. Thompson, yes; Mr. Kendrick, yes; Mr. Halferty, yes; Mr. Moyer, yes; Ms. Sanzone.

Ms. Sanzone volunteered to be the monitor for this project.

620 Gillespie Avenue and 845 Meadows Rd, Aspen Institute – Historic Designation and Benefits, Conceptual Major Development and Commercial Design, Growth Management, Planned Development, Special Review, Transportation Impact and Trash Storage

RESOLUTION #3, SERIES OF 2020

**A RESOLUTION OF THE ASPEN HISTORIC PRESERVATION COMMISSION (HPC)
GRANTING MINOR DEVELOPMENT REVIEW, RELOCATION, SETBACK VARIATIONS
AND THE ESTABLISHMENT OF ONE TRANSFERABLE DEVELOPMENT RIGHT (TDR)
FOR THE PROPERTY LOCATED AT LOT N, BLOCK 32, EAST ASPEN ADDITION, CITY
AND TOWNSITE OF ASPEN, COLORADO**

PARCEL ID: 2737-182-06-005

WHEREAS, the applicant, Larian, LLC, Joel Schenkman, Manager, represented by Zone 4 Architects, LLC, has requested HPC approval for Minor Development, Relocation, Setback Variations, and TDR establishment for the property located at 920 E. Hyman, Lot N, Block 32, East Aspen Addition, City and Townsite of Aspen, Colorado. As a historic landmark, the site is exempt from Residential Design Standards review; and

WHEREAS, Section 26.415.070 of the Municipal Code states that “no building or structure shall be erected, constructed, enlarged, altered, repaired, relocated or improved involving a designated historic property or district until plans or sufficient information have been submitted to the Community Development Director and approved in accordance with the procedures established for their review;” and

WHEREAS, for approval of Minor Development Review, the application shall meet the requirements of Aspen Municipal Code Section 26.415.070.C, Minor Development involving a designated historic property or property within a historic district; and

WHEREAS, for approval of Relocation, the application shall meet the requirements of Aspen Municipal Code Section 26.415.090.C, Relocation of a Designated Property; and

WHEREAS, for approval of Setback Variations, the application shall meet the requirements of Aspen Municipal Code Section 26.415.110.C, Setback Variations; and

WHEREAS, for approval of a TDR, HPC makes a recommendation to City Council based on the requirement of Municipal Code Section 26.535.070; and

WHEREAS, Community Development Department staff reviewed the application for compliance with the applicable review standards and recommended approval of Minor Development, Relocation and Setback Variations and the establishment of one (1) TDR with conditions; and

WHEREAS, HPC reviewed the project on January 22, 2020. HPC considered the application, the staff memo and public comments, and found the proposal consistent with the review standards and granted approval with conditions by a vote of **6 to 0**.

NOW, THEREFORE, BE IT RESOLVED:

That HPC hereby approves Minor Development, Relocation, and Setback Variations, and recommends creation of a TDR for 920 E. Hyman Avenue, Lot N, Block 32, East Aspen Addition, City and Townsite of Aspen, CO with the following conditions:

Section 1: Minor Development Review, Relocation, Setback Variations

HPC hereby approves minor development for excavating the existing crawl space into basement, adding lightwells, and making changes to materials and fenestration on existing structures:

- 1.) Restudy the primary walkway to be perpendicular to the sidewalk and utilize a paver size and material that is historically appropriate, to be reviewed and approved by staff and monitor prior to building permit submission.
- 2.) Restudy the placement of downspouts on the existing addition so that they have minimal visibility. The final configuration is to be reviewed and approved by staff and monitor prior to building permit submission.
- 3.) Provide a roof plan showing location and dimensions of new flues, vents, and snow clips for staff and monitor review and approval, prior to building permit submission.
- 4.) Design curb heights around all lightwells to be 6" or less in height.
- 5.) Continue to study whether the stained glass window in the gable end is historic. If it is not historic, plans to remove and replace will be reviewed and approved by staff and monitor.
- 6.) Work with all relevant City Departments regarding stormwater mitigation and urban run-off management plans. Final plans are to be reviewed and approved by staff and monitor, prior to building permit submission.
- 7.) The following setback variations are granted:
 - a. A 5' reduction of the east side yard setback for the historic resource, above and below grade, and proposed lightwells that exceed building code requirements.
 - b. A 5' reduction of the west side yard setback for the historic resource, above and below grade, proposed lightwell that exceeds building code requirements. The combined side yard setbacks for the structure are approved as represented in the drawings.
- 8.) HPC recommends in favor of establishing one TDR (250 sf), with the final floor area to be verified by the Zoning Department prior to the establishment of the certificate.
- 9.) Provide a financial assurance of \$30,000 for the historic house until basement construction is complete. The financial security is to be provided with the building permit application.

Section 2: Transferable Development Rights

Pursuant to the findings set forth above, the Historic Preservation Commission does hereby recommend the establishment of up to one (1) TDR for 920 E. Hyman Avenue.

Section 3: Material Representations

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before the Community Development Department, the Historic Preservation Commission, or the Aspen City Council are hereby incorporated in such plan development approvals and the same shall be complied with as if fully set forth herein, unless amended by other specific conditions or an authorized authority.

Section 4: Existing Litigation

This Resolution shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 5: Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 6: Vested Rights

The development approvals granted herein shall constitute a site-specific development plan vested for a period of three (3) years from the date of issuance of a development order. However, any failure to abide by any of the terms and conditions attendant to this approval shall result in the forfeiture of said vested property rights. Unless otherwise exempted or extended, failure to properly record all plats and agreements required to be recorded, as specified herein, within 180 days of the effective date of the development order shall also result in the forfeiture of said vested property rights and shall render the development order void within the meaning of Section 26.104.050 (Void permits). Zoning that is not part of the approved site-specific development plan shall not result in the creation of a vested property right.

No later than fourteen (14) days following final approval of all requisite reviews necessary to obtain a development order as set forth in this Ordinance, the City Clerk shall cause to be published in a newspaper of general circulation within the jurisdictional boundaries of the City of Aspen, a notice advising the general public of the approval of a site specific development plan and creation of a vested property right pursuant to this Title. Such notice shall be substantially in the following form:

Notice is hereby given to the general public of the approval of a site specific development plan, and the creation of a vested property right, valid for a period of three (3) years, pursuant to the Land Use Code of the City of Aspen and Title 24, Article 68, Colorado Revised Statutes, pertaining to the following described property: **920 E. Hyman Avenue**

Nothing in this approval shall exempt the development order from subsequent reviews and approvals required by this approval of the general rules, regulations and ordinances or the City of Aspen provided that such reviews and approvals are not inconsistent with this approval.

The approval granted hereby shall be subject to all rights of referendum and judicial review; the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of the notice of final development approval as required under Section 26.304.070(A). The rights of referendum shall be limited as set forth in the Colorado Constitution and the Aspen Home Rule Charter.

APPROVED BY THE COMMISSION at its regular meeting on the 22nd day of January 2020.

Approved as to Form:

Approved as to Content:

Andrea Bryan, Assistant City Attorney

Gretchen Greenwood, Chair

ATTEST:

Nicole Henning, Deputy City Clerk



MEMORANDUM

TO: Mayor Torre and Aspen City Council

FROM: Phillip Supino, Community Development Director

MEMO DATE: February 21st, 2020

MEETING DATE: February 25th, 2020

RE: Minor Subdivision - Lot Split – 949 West Smuggler Street, Ordinance No. 002, Series of 2020. 1st Reading

APPLICANT: 949 West Smuggler Street, LLC

REPRESENTATIVE: Chris Bendon, BendonAdams, LLC

LOCATION: 949 West Smuggler Street

CURRENT ZONING: Split Zoning; Residential - 6 (R-6) on eastern portion of the lot and Residential – 30 (R-30) on the western portion of the lot.

SUMMARY OF REQUEST: The Applicant requests Minor Subdivision – Lot Split approval to subdivide the subject property into Lot 1 and Lot 2. No development is proposed at this time and Lot Split approval is only requested. Power Plant Road traverses the subject property and its ownership is unclear. The Applicant proposes to dedicate a Power Plant Road right of way (ROW) to the City during this subdivision process.

STAFF RECOMMENDATION: Staff recommends that City Council approve Ordinance No. 002, Series 2020 on 1st Reading and set 2nd Reading (public hearing) for March 24th, 2020.

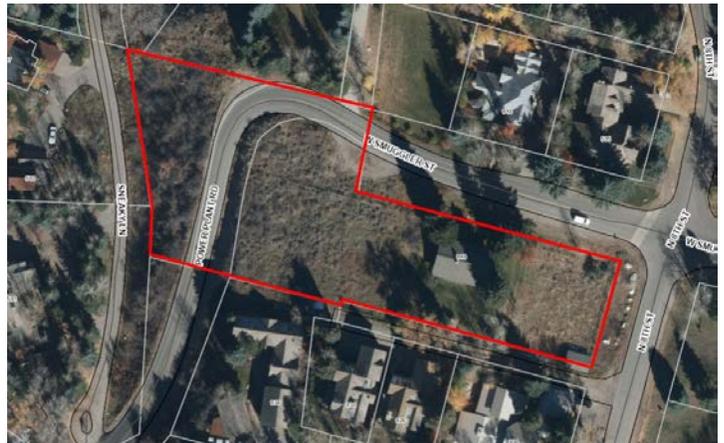


Figure 1. Aerial photo of subject property

REQUEST OF CITY COUNCIL: The Applicant requests a Minor Subdivision - Lot Split review pursuant to draft Ordinance 002, Series of 2020 to create two (2) separate and distinct parcels. This request will be reviewed in accordance with Land Use Code Section 26.480.060.A and Land Use Code Section 26.480.040. ***First and Second Reading is required of this request. City Council is the final review authority.***

LOCATION/BACKGROUND:

The property is located in the “West End” area of Aspen and is comprised of a metes and bounds portion of land and nine (9) Aspen Townsite lots. The property is bound by West Smuggler Street to the north and North 8th Street to the East. This portion of the property contains a flat meadow where a non-designated historic single family residence was constructed in 1946. The historical significance and architecture of this residence make it a strong candidate for designation to the Aspen Modern program, however, designation is not sought at this time.



Two (2) existing sheds located along the southern property boundary reside within the rear yard setbacks for the Lot. These sheds retain similar 1940's Chalet style as the residence and are both historically significant to the property. The western portion of the property is bisected by Power Plant Road and contains steep slopes that are partially a result of the existing road cut and subsequent

Figure 2: Façade of 949 W. Smuggler Residence

layback of grading. Together, the metes and bounds area and Townsite lots merge to result in a total property size of 1.417 acres. The property is not subject to any previous land use decisions.

REQUEST:

The Applicant requests Minor Subdivision - Lot Split approval to subdivide the property into two (2) lots. The eastern portion of the property would be identified as Lot 2 and be comprised of Aspen Townsite Lots D – I. Lot 2 would contain the existing single family residence. The western portion of the property would be identified as Lot 1 and be comprised of Aspen Townsite Lots A – C and the metes and bounds area. The application

contains a detailed survey of the proposed lot split. The following map generally depicts the proposed lot configurations and sizes:



No development is proposed at this time, however, future City review and approval will be required prior to any development on the Lots. Specifically, future Lot 1 development will be required to comply with the Residential Design Standards (RDS) in place at the time of submittal.

Figure 3: Proposed Lot configuration

Given the historic significance of the existing residence on Lot 2, should designation occur, any future development on the Lot will be required to comply with Historic Preservation Code standards. At the time of development, required housing mitigation and other exactions will be analyzed at building permit submittal and required prior to permit issuance.

The Applicant has stated that Power Plant Road is not owned by the City and a ROW dedication for this portion of the Road to the City for public use would be considered in tandem with this subdivision application. The Applicant states that approximately 5,899 square feet of land would be dedicated to the City which represents the paved area of the Road used for vehicular travel. Page 1 of the Applicant’s submittal provides a graphical representation of the area proposed for dedication.

Lastly, the property is partially comprised of a metes a bounds description and subsequently has an unusual parcel configuration that creates setback uncertainty. In tandem with the subdivision application, the Applicant requests a front, side, and rear lot line determination as part of this process.

Zoning:

The subject property is located within two (2) separate zone districts: R-6 and R-30. The proposed Lot 1 contains the existing R-6 zoning on the flat portion of the Lot above Power Plant Road while the steep portion of the Lot below Power Plant Road contains R-30 zoning. The proposed Lot 2 would be contained entirely within the R-6 zone district.



Figure 4: Existing zoning

While Lot 2 will be subject to normal R-6 zone district standards and requirements, due to split zoning, future development on Lot 1 warrants further discussion. In general, the R-6 and R-30 are residential zone districts that contain almost identical permitted uses while differing in Floor Area Ratios (FAR), setbacks, and other dimensional requirements. Land Use Code Sections 26.710.022.A and B provide guidance for future development of lands located within more than one (1) zone district. Depending on the type of residential development and its location within either the R-30 or R-6 zone districts, the development will be required to comply with the most restrictive zone district standards. Pages 2 and 3 of the Applicant’s submittal provide alternative residential development scenarios that are dependent on the proposed residential use and location on Lot 1. All future development on Lot 1 will be required to comply with Land Use Code Section 26.710.022.A & B unless rezoned to one (1) consistent zone district. Rezoning of property are subject to Council review and final approval.

STAFF FINDINGS AND DISCUSSION:

Staff responses to applicable Land Use Code criteria can be viewed in Attachment A. The Applicant has shown compliance with the applicable review standards and approval can be recommended, with certain conditions outlined in the draft ordinance. Staff offers the following discussion items for consideration:

- During the subdivision process, if a development right is in use, the Lot containing existing development is typically given the designation of Lot 1. Staff recommends that the Lot numbers on the plat be switched so that Lot 1 contains the existing residence and that Lot 2 is the newly created parcel.
- Subdivision of land typically engages the Growth Management Quota System (GMQS) section of the Code, which requires that the newly created lots obtain a development right through the allotment process. Minor Subdivision – Lot Split



requests are provided an exemption from this process and are not required to obtain a GMQS allotment for future development of the newly created lot.

- Given that additional residential development is not proposed at this time, conditions in the draft ordinance are included requiring further City review prior to submittal of any building permit application(s).
- The presence of two (2) separate zone districts creates heighten zoning analysis for any future development on Lot 1, particularly given the steep grades and almost unbuildable condition of land west of Power Plant Road. This portion of land is zoned R-30 and development would be severely constrained including any form of accessory development such as vehicular access or a shed.

The Land Use Code requires that during the subdivision process, a single lot shall not be located within more than one (1) zone district unless unusual circumstances dictate and that a rezoning of the property may be required. The Applicant has not submitted a rezoning application and argues that the subject property contains unusual circumstances given its zoning history and site constraints. Staff finds that the R-30 zoned land west of Power Plant Road is an unusual circumstance that does not reflect a buildable condition for the newly created Lot 1. Further, requiring a rezoning to one (1) consistent zone district provides no added value to the subdivision, particularly given that the Land Use Code has established standards for split zone development.

At this time, Staff does not recommend a rezoning for the property. To formalize the property's unusual site circumstances, Staff recommends that a building restriction be placed on the portion of land zoned R-30, west of Power Plant Road that restricts all future development. This development restriction will also preserve existing oak brush and sage brush vegetation. Staff recommends this restriction be in the form of a condition in the draft ordinance inclusive of a note on the future subdivision plat, if approval is granted. The map below depicts this area west of Power Plant Road, labeled "Area of steep slopes":



Figure 5: Area of steep slopes west of Power Plant Road in purple and white hatching

- Ownership of Power Plant Road as it traverses the subject property is unclear and the Applicant claims that, in its present location, it exists as a prescriptive easement. Review of neighboring plats filed at the Clerk’s Office has not produced any further clarification on this topic. The proposal to dedicate ROW from the Applicant to the City for public use will establish clear City ownership in its present location.

The City Engineering Department has provided referral comments (Exhibit B) on the application and, in particular, the dedication of Power Plant Road from the Applicant to the City. The offered dedication includes the existing roadway, demarcated by the edges of asphalt. Given the need for greater ROW width to accommodate maintenance, future repaving, and drainage infrastructure, more width is needed. Staff recommends that the Applicant work with the Engineering Department to clarify an acceptable ROW width, address other referral comments in Exhibit B, and provide updated information for 2nd Reading. Overall, Staff recommends approval of a Power Plant Road dedication which can be considered a community benefit.

- In response to the Applicant's request and pursuant to Land Use Code Section 26.575.020.E.2, the following setback determination is provided for both Lots 1 and 2:



Figure 6: Setback determination

- The existing Power Plant Road cut creates a steep and unstable slope condition. This slope is unvegetated and eroding. Staff is concerned that should development potentially be placed at or near the top of this road cut, erosion may be further exacerbated creating an unsafe condition for future development. Staff recommends that prior to 2nd reading, the Applicant provide a professional geotechnical or engineering report that analyzes the existing Power Plant Road cut for unstable conditions as it relates to future development. Recommendations provided in this report to mitigate hazardous conditions, including but not limited to a possible additional setback from the top of slope, should be included as conditions of a subdivision approval.
- Pursuant to Land Use Code 26.575.110, Staff recommends that a building envelope be created on the vacant lot that establishes a future building site. The building envelope shall incorporate any potential recommendations from the geologist/engineering report to mitigate hazards on the property, as mentioned above, and incorporate future setbacks for the Lot. Staff recommends that a revised plat with the building envelope be submitted prior to 2nd reading for Staff review.



STAFF RECOMMENDATION:

Staff recommends approval of the request for a Minor Subdivision – Lot Split, on 1st Reading and set 2nd Reading (public hearing) for March 24th, 2020, subject to the following additional information for 2nd reading:

- 1) Revise the draft subdivision plat to identify Lot 1 as containing the existing single family residence. Lot 2 shall be identified as the vacant Lot.
- 2) Continue to work with the City Engineering Department to refine the subdivision plat, including but not limited to, the dedication of additional width of Power Plant Road to accommodate maintenance and drainage infrastructure, including all other comments outlined in Exhibit B.
- 3) The Applicant shall provide a professional geotechnical or engineering report that analyzes the existing Power Plant Road cut for unstable conditions as it relates to erosion, rockfall, and future development. Any recommendations provided in this report to mitigate potentially hazardous conditions for future development, including but not limited, to any additional development setbacks from the top of the road cut, shall be included as conditions of the subdivision approval and be depicted on the final subdivision plat.
- 4) Pursuant to Land Use Code 26.575.110, a building envelope shall be created on the vacant lot that establishes a future building site. This building envelope shall incorporate any potential recommendations from the geotechnical/engineering report mentioned above in #3 to mitigate hazards on the property. The building envelope shall also take into account future setbacks for the Lot.

PROPOSED MOTION (WORDED IN THE AFFIRMATIVE): “I move to approve Ordinance No. 002, Series of 2020 granting Minor Subdivision – Lot Split approval on 1st Reading and set 2nd Reading (public hearing) for March 24th, 2020.”

Attachments:

- Exhibit A – Staff Findings – Minor Subdivision – Lot Split
- Exhibit B – Engineering Comments
- Exhibit C – Application

**ORDINANCE NO. 002
(SERIES OF 2020)**

**AN ORDINANCE OF THE ASPEN CITY COUNCIL APPROVING A MINOR
SUBDIVISION – LOT SPLIT FOR PROPERTY COMMONLY DESCRIBED AS 949
WEST SMUGGLER STREET, LEGALLY DESCRIBED IN EXHIBIT A; CITY OF
ASPEN, PITKIN COUNTY, COLORADO**

PARCEL ID #'s: 273512212001 and 273500

WHEREAS, the Community Development Department has received an application from 949 West Smuggler Street, LLC (Applicant), represented by Chris Bendon, BendonAdams, LLC, requesting a Minor Subdivision – Lot Split for property located at 949 West Smuggler Street (legally described in Exhibit A of this Ordinance) to create two (2) separate and distinct lots - Lot 1 and Lot 2; and,

WHEREAS, pursuant to Chapter 26.480.060.A and 26.480.040 of the Land Use Code, a Minor Subdivision – Lot Split shall be approved, approved with conditions, or denied by the City Council, after receiving a recommendation from the Community Development Director; and,

WHEREAS, upon initial review of the application and the applicable code standards, the Community Development Department recommended approval of the request; and,

WHEREAS, the Aspen City Council considered the Minor Subdivision request at 1st Reading on February 25th, 2020 and at 2nd Reading (duly noticed public hearing) on March 24th, 2020; and,

WHEREAS, the City Council has reviewed and considered the Minor Subdivision - Lot Split application proposal under the applicable provisions of the Municipal Code as identified herein, has reviewed and considered the recommendation from the Community Development Director, the applicable referral agencies, and has taken and considered public comment at a duly noticed public hearing; and,

WHEREAS, the City Council finds that the Minor Subdivision – Lot Split proposal meets the applicable land use standards; and,

WEREAS, the City Council further finds that ownership of Power Plant Road as it traverses the subject property is uncertain, and that the dedication of this portion of the Road as Right of Way from the Applicant to the City of Aspen for public use will indefinitely establish its public ownership and its future public use; and,

WHEREAS, the City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF ASPEN, COLORADO, THAT:

Section 1: Minor Subdivision – Lot Split

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the Aspen City Council hereby approves the Minor Subdivision – Lot Split for property located 949 West Smuggler Street.

Section 2: Future City Review Required

Prior to building permit submittal for any future development, further City of Aspen review, including but not limited to, Residential Design Standards (RDS) Review is required.

Section 3: Development Restriction

To acknowledge the subject property’s unusual site circumstances, a building restriction is placed on the portion of land zoned R-30, west of Power Plant Road that restricts all future development. This area of land shall be identified on the final subdivision plat and a note shall be placed on the plat acknowledging this restriction.

Section 4: Power Plant Road ROW – Dedication to the City of Aspen

The City Council hereby accepts the dedication of Power Plant Road Right of Way as it traverses the subject property from the Applicant to the City of Aspen for public use. This dedication shall be visually identified on the final plat and legally described in a note on the final subdivision plat.

Section 5: Further Lot Split

Pursuant to Land Use Code Section 26.480.060.A.2, Lot 1 and Lot 2 shall not be further subdivided through the Minor Subdivision – Lot Split process.

Section 6:

Dedication of Power Plant Road ROW from the Applicant to the City of Aspen does not further subdivide Lot 2, now or in the future.

Section 7: Final Plat

Within 60 days of final approval of the 949 West Smuggler Street Minor Subdivision – Lot Split, the Applicant shall submit for review, approval, and recordation a final plat depicting the approved subdivision.

Section 8: Setbacks

Front, side, and rear lots lines are established for both Lot 1 and Lot 2 in Exhibit B of this ordinance.

Section 9: Non-conforming sheds

Two (2) sheds exist on Lot 1 and reside within the rear yard setback for the Lot. These sheds are legally established non-conforming structures and may remain in their present location.

Section 10:

This ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 11:

If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 12:

A duly noticed public hearing on this Ordinance was held on the 24th day of March, 2020 at 5:00 PM in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

FINALLY, adopted, passed, and approved by a _____ to _____ (_____-____) vote on this 24th day of March, 2020.

Approved as to form:

Approved as to content:

James R. True, City Attorney

Torre, Mayor

Attest:

Nicole Henning, City Clerk

Exhibit A
Legal Description of subject property (un-subdivided)

PARCEL 1

LOTS A, B, C, D, E, F, G, H AND I, BLOCK 3, CITY AND TOWNSITE OF ASPEN,

PARCEL 2

THAT CERTAIN PARCEL OF LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND EASEMENTS CONTAINED IN THE DEED HEREIN-AFTER DESCRIBED, CONVEYED TO H.R. VANDEMOER BY VIRGINIA S. CHAMBERLAIN BY DEED DATED APRIL 20, 1959, DULY RECORDED JUNE 2, 1959 AS RECEPTION NO. [108073](#) IN BOOK 187 AT PAGE [389](#) OF THE RECORDS IN THE OFFICE OF THE CLERK OF THE RECORDED OF PITKIN COUNTY, COLORADO.

SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (FROM RECEPTION NO. [108073](#)) :

THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, 6TH P.M., DESCRIBED IN DOCUMENT NO. 96608 IN BOOK 170 AT PAGE [565](#) OF THE RECORDS FOR PITKIN COUNTY LYING NORTHERLY OF THE CENTERLINE OF THE ALLEY IN BLOCK 3 OF THE CITY AND TOWNSITE OF ASPEN PROJECTED WESTERLY TO IT'S INTERSECTION WITH THE WESTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NO. 96608 OF THAT PARCEL OF LAND CONVEYED BY MICHAEL MAROLT TO H.R. VANDEMOER AND ARTHUR PFISTER BY QUIT CLAIM DEED DATED JULY 14, 1949.

INCLUDING ALL RIGHTS AND PRIVILEGES TO USE THE ROADWAY AS NOW CONSTRUCTED AND IN USE FROM SMUGGLER STREET ACROSS SAID ABOVE DESCRIBED PROPERTY TO THAT PORTION OF LAND DESCRIBED IN SAID DOCUMENT NO. 96608 LYING SOUTHERLY OF THE CENTERLINE OF THE ALLEY IN SAID BLOCK 3 PROJECTED WESTERLY, IT BEING THE INTENTION OF THE GRANTOR TO RELEASE AND QUIT-CLAIM FOREVER HER INTEREST IN SAID EASEMENT USED FOR INGRESS AND EGRESS TO SMUGGLER STREET.

LESS AND EXCEPT ALL OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED JUNE 2, 1959 IN BOOK 187 AT PAGE [388](#), AS RECEPTION NO. 108072.

COUNTY OF PITKIN.
STATE OF COLORADO.

Exhibit B
Front, Side, and Rear lot line determination



Lot Split

The subdivision of a lot for the purpose of creating one additional development parcel shall be approved, approved with conditions, or denied by the City Council, pursuant to Section 26.480.030 – Procedures for Review, according to the following standards:

1. The request complies with the requirements of Section 26.480.040, General Subdivision Review Standards.

STAFF RESPONSE: Staff responses to this Land Use Code Section are outlined below.

2. No more than two lots are created by the lot split. No more than one lot split shall occur on any one fathering parcel.

STAFF RESPONSE: The Applicant has shown compliance with this requirement and no more than (2) lots are proposed. A condition in the draft ordinance has been included stating that subdivision by further lot split provisions is prohibited.

3. The Lot Split Plat shall be reviewed and recorded in the office of the Pitkin County Clerk and Recorder, pursuant to Chapter 26.490 – Approval Documents. No subdivision agreement need be prepared or entered into between the applicant and the City unless the Community Development Director determines such an agreement is necessary.

STAFF RESPONSE: The Applicant will be required to file a lot split plat commensurate with the requirements of Chapter 26.490. Given the low impact nature of the proposed subdivision, Staff does not feel that a Subdivision Agreement is needed. Conditions in the draft ordinance reflect the requirements for the subdivision and subsequent future development.

General subdivision review standards

All subdivisions shall be required to conform to the following general standards and limitations in addition to the specific standards applicable to each type of subdivision:

- A. Guaranteed Access to a Public Way.** All subdivided lots must have perpetual unobstructed legal vehicular access to a public way. A proposed subdivision shall not eliminate or obstruct legal vehicular access from a public way to an adjacent property. All streets in a Subdivision retained under private ownership shall be dedicated to public use to ensure adequate public and emergency access. Security/privacy gates across access points and driveways are prohibited.

STAFF RESPONSE: Legal access is provided along West Smuggler Street, N. 8th Street, and an alley. These are public Right of Ways (ROW) that will not be privatized. The Applicant has shown compliance with this criterion.

B. Alignment with Original Townsite Plat. The proposed lot lines shall approximate, to the extent practical, the platting of the Original Aspen Townsite, and additions thereto, as applicable to the subject land. Minor deviations from the original platting lines to accommodate significant features of the site may be approved.

STAFF RESPONSE: The proposed subdivision plat and creation of the new lot is drawn consistent with the Aspen Townsite boundary. The Applicant has shown compliance with this criterion.

C. Zoning Conformance. All new lots shall conform to the requirements of the zone district in which the property is situated, including variations and variances approved pursuant to this Title. A single lot shall not be located in more than one zone district unless unique circumstances dictate. A rezoning application may be considered concurrently with subdivision review.

STAFF RESPONSE: The Applicant acknowledges compliance with zone district requirements, including existing split zone district requirements. The proposed Lot 1 will continue to reside within both the R-6 and R-30 zone districts and future development will be required to comply with split zoning regulations. The Applicant has not submitted a rezoning application and states that the property's unusual site circumstances and zoning history create unique circumstances. Staff agrees that unusual site circumstances exists, particularly the steep area of land west of Power Plant Road. Staff recommends that to acknowledge the property's unusual circumstances, a development restriction should be placed on this area that prohibits all future development. With acceptance of this condition, Staff finds this criterion met.

D. Existing Structures, Uses, and Non-Conformities. A subdivision shall not create or increase the non-conformity of a use, structure or parcel. A rezoning application or other mechanism to correct the non-conforming nature of a use, structure, or parcel may be considered concurrently.

In the case where an existing structure or use occupies a site eligible for subdivision, the structure need not be demolished and the use need not be discontinued prior to application for subdivision.

If approval of a subdivision creates a non-conforming structure or use, including a structure spanning a parcel boundary, such structure or use may continue until recordation of the subdivision plat. Alternatively, the City may accept certain assurance that the non-conformities will be remedied after recordation of the subdivision plat. Such assurances shall be reflected in a development agreement or other legal mechanism acceptable to the City Attorney and may be time-bound or secured with a financial surety.

STAFF RESPONSE: Overall, the Applicant has shown compliance with these criteria. Existing sheds that appear to have been constructed in the same period as the main house, and retain similar Chalet style architecture, reside within the rear yard setback of the proposed Lot 2. These sheds are historically significance and eligible for designation. They may remain in the rear yard setback as legal non-conforming structures in their existing configuration.

949 W Smuggler Lot Split - Engineering Referral

From: Hailey Guglielmo
Project Manager
City of Aspen Engineering Department

To: Mike Kraemer
Senior Planner
City of Aspen Community Development Department

Date: February 5, 2020

The following Comments need to be addressed prior to recordation of the Lot Split Plat:

1. The Powerplant Rd and part of Smuggler St ROW width needs to be finalized, dedicated as ROW, and shown on the Plat. A larger width than the proposed existing asphalt to asphalt is required. The street is classified as a collector. Per section 4.2.2 of The Engineering Design Standards the Right-of-Way width shall be 72-89 feet. The ROW width needs to accommodate not only the roadway, but also any future construction to update the roadway. This includes the width for shoulders, a drainage system (swale), pedestrian walkway, and any necessary retaining walls.
2. Currently the existing lot sits in a sidewalk deferred zone. Given the need for a future walkway to serve the houses at the bottom of Powerplant Rd, the two new lots will be required to install sidewalks at the time of development.
Lot 1 will be required to install sidewalk along Smuggler St, any sidewalk on Powerplant Rd would be done by the City as an all-encompassing roadway project.
Lot 2 will be required to install sidewalk on Smuggler St and Eighth St adjacent to the property. The requirements of sidewalks shall be included as a plat note on the recorded lot split plat.
3. A COA compliant survey is required for the land use submittal. Please refer to the survey checklist located in the Engineering Standards. Particularly the survey needs to show all utilities, trees, and 1' contours.
4. All utilities require a dedicated easement or show they are in the ROW dedication. Once utilities are shown on the survey we can determine if any additional easements are needed.
5. Verify there are no existing drainage patterns that would require a surface drainage easement.
6. On the plat show all front, rear and side easements per section 2.5.2 of the COA Engineering Standards. This includes ten feet in width on all rear lot lines, and 5 ft in width on all side of lot lines. Where the rear or side lot lines abut properties outside the subdivision the rear and side lot lines shall be 20 feet and 10 feet respectively.
7. Verify with the Fire Dept that there is adequate access down the alley. If additional width is needed lot boundaries may be altered.
8. Change City Engineers block to read:
City Engineer's Review:

This lot split plat of the Vandermoer Hill Lot Split was reviewed for the depiction of the Engineering Department survey requirements this ___ day of ___, 2020.

By: _____

The following are items that are not required for recordation of the lot split but will be required when the lots are developed and should be taken into consideration.

9. The parking along Smuggler St and Eighth will need to be formalized.
10. Sidewalks will be required along Smuggler and Eighth St
11. All access to both lots will be off the alley. No curb cuts will be permitted on Smuggler or Eighth.
12. Additional easements will be required for any new transformers or other utilities when a design is determined.
13. A drainage system will need to be installed along the length of the lots. This most likely will be a swale with consideration of where it ties to downstream.

November 27, 2019

Mr. Garrett Larimer
Community Development Department
City of Aspen
130 So. Galena St.
Aspen, Colorado 81611

**RE: Vandemoer Hill Lot Split
949 W. Smuggler St.**

Mr. Larimer:

Please accept this Minor Subdivision application for the Lot Split of 949 West Smuggler Street into two fee simple lots. The 61,712 square foot property at the corner of North 8th and Smuggler Streets is currently developed with a single-family home. The parcel has access from Smuggler and 8th Streets as well as an alleyway within Townsite Block 3.



The property is owned by 949 West Smuggler Street LLC. The property has been held in the extended Vandemoer family for generations and the home has been used as a vacation residence. Craig Vandemoer and Geoffrey Hill are the Managers of 949 and have authorized BendonAdams to represent the ownership's interest.

The land is crossed by Power Plant Road. The longstanding, routine use of this road by the public is unquestionable. The applicant has no interest in disrupting this use pattern or attempting to restrict or prohibit the public interest in this road. The applicant is willing to grant a public right-of-way consistent with the apparent prescriptive easement. The applicant perceives this to be the width of the paved cartway, representing a 5,899 square foot area. Reasonable accommodation of additional width will be considered if the development rights are unaffected.



Most of the parcel is zoned Medium-Density Residential (R-6). The far western, sloped portion of the property is zoned Low-Density Residential (R-30) with a Planned Development overlay. There is no adopted Planned Development approval of record. A zoning boundary map is attached as Exhibit 12.

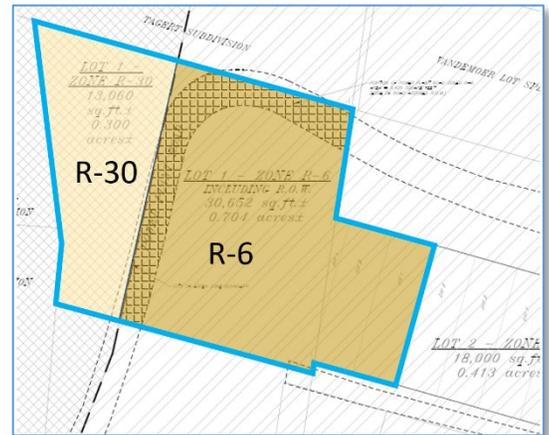
The property appears on various historical zoning maps with conflicting information. The differences appear to be the result of mapping practices and not intentional amendments to the zoning map. The zoning boundary map prepared by Sopris Engineering is based on information received from the City’s GIS department during the preparation of this application.

The resulting Lot 1 (the western lot) will be a 43,712 square foot property and will continue to be situated in two zone districts. Lot 1 will be subject to the City’s “split zone” provisions of Land Use Code Section 26.710.022. The R-6 portion will be less than 75% of the total land area of Lot 1. Lot 2 (the eastern lot) will be an 18,000 square foot parcel zoned R-6.

The existing home is expected to remain in place until redevelopment. Both Lot 1 and Lot 2 will be eligible to be developed with either a single-family or duplex. Lot 2 will also be eligible to be developed with two single-family homes, using the duplex floor area allowance of the R-6 zone.

“Split Zoning”

Section 26.710.022 of the City’s Land Use Code provides guidance for dealing with properties situated in more than one zone district. Proposed Lot 1 will fall within the R-6 and R-30 districts.



The map to the right highlights the two zones within Lot 1.

The chart to the right highlights the allowed uses in each zone.

Allowed Uses	R-6	R-30
Single-Family Home	✓	✓
Duplex	✓	✓
Two Single-Family Homes (on one lot)	✓	✗
Accessory Dwelling Unit	✓	✓
Accessory Uses	✓	✓
Vacation Rentals	✓	✓

Subsection A provides guidance for uses that are not allowed in both zones. Two detached single-family homes is a permitted use in the R-6 district; however, it is not listed as a permitted or conditional use in the R-30 district. If Lot 1 is developed with two detached single-family homes, the Floor Area will be based on just the 30,652 square feet of land area zoned R-6. Other

dimensions of a two single-family home development would be based on the R-6 zone with the entire 43,712 square foot parcel as the basis for calculation.

Subsection B addresses uses that are allowed in both zones. If a single-family home or a duplex is developed on Lot 1, the more restrictive of each zone's dimensional allowance applies. The entire 43,712 square foot parcel will be the basis of calculation. If two single-family homes are developed on Lot 1, the basis for calculating development rights is limited to the 30,652 square foot area that is zoned R-6.

The chart below shows the Floor Area and setback limitations for Lot 1.

Lot 1 Floor Area				
Gross Lot Size	Area within R.O.W.	Slope Reduction	Net Lot Area	Allowable Floor Area
43,712 sf	5,899 sf	15,264 sf	22,549 sf	SF – 4,387.5 sf Dx – 4,817.5 sf
30,652 sf	5,425 sf	3,870.5 sf	21,356.5sf	2SF – 4,757.8 sf

Lot 1 Setbacks			
	Front Yard	Rear Yard	Side Yard
R-6 Zone	10 feet	10 feet for primary use, 5 feet for accessory uses	<i>15 feet each, 50 feet combined</i>
R-30 Zone	30 feet	<i>15 feet for primary use, 5 feet for accessory uses</i>	10 feet each

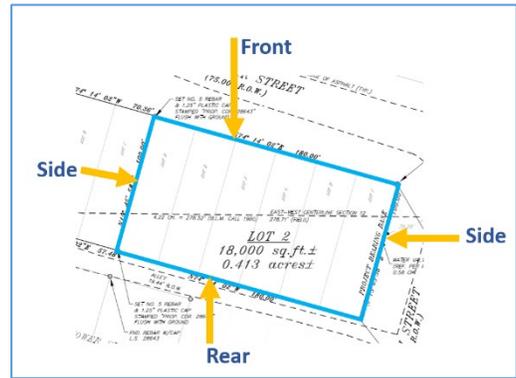
Ital. denotes most-restrictive setback applicable to 2 SF homes

Development of Lot 2 is not affected by this split zoning section and all development scenarios are based on the entire 18,000 square foot parcel. The chart below shows the Floor Area and setback limitations for Lot 2.

Lot 2 Floor Area				
Gross Lot Size	Area within R.O.W.	Slope Reduction	Net Lot Area	Allowable Floor Area
18,000 sf	0 sf	102.5 sf	17,897.5 sf	SF – 4,049 sf Dx – 4,469 sf 2SF – 4,469 sf

Lot 2 Setbacks			
	Front Yard	Rear Yard	Side Yard
R-6 Zone	10 feet	10 feet for primary use, 5 feet for accessory uses	15 feet each, 50 feet combined

Section 26.575.020.E.2 provides guidance on determining front, rear, and side yards. Lot 2 is straightforward and the graphic to the right depicts the applicant's understanding of the yard designations.

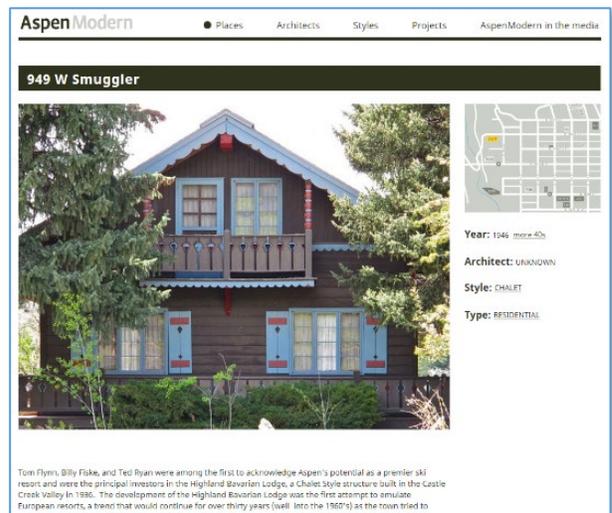


The yard designations for Lot 1 are more complex. The code clearly states that a property can have only one front lot line and one rear lot line, which is opposite the front.

The graphic to the right depicts the applicant's understanding of this code section and the resulting designations. The applicant requests clarification of this matter as part of the Lot Split process.



The applicant is aware of the property's potential historic value and has examined the City's AspenModern program and the potential benefits of designating this property with the City of Aspen as a historic resource. The property is not currently listed on the City's Inventory of Historic Resources and the applicant is not interested in pursuing historic designation at this time. Reconsideration of this position may be possible in the future, after the Lot Split is finalized.



The applicant's response to the Lot Split criteria are contained in Exhibit 1. We believe this application provides the necessary documents, responds appropriately to the criteria for approval, and represents compliance with all applicable requirements. Please let us know if we can answer questions, provide additional clarity, or address any other item that comes up. We will also happily organize a site visit at your request.

Kind Regards,



Chris Bendon, AICP
BendonAdams, LLC

Attachments:

1. Review Standards
2. Application Form
3. Authorization to represent
4. Statement of Authority
5. Proof of ownership
6. Agreement to Pay Form
7. HOA compliance
8. Pre-Application Summary
9. Vicinity Map
10. Survey
11. Draft Vandemoer/Hill Lot Split Plat
12. Zoning Map
13. Slope Analysis

26.480.060. Minor Subdivisions – A. Lot Split

The subdivision of a lot for the purpose of creating one additional development parcel shall be approved, approved with conditions, or denied by the City Council, pursuant to Section 26.480.030 – Procedures for Review, according to the following standards:

1. The request complies with the requirements of Section 26.480.040, General Subdivision Review Standards.

Response – See responses to the General Review Standards, below.

2. No more than two lots are created by the lot split. No more than one lot split shall occur on any one fathering parcel.

Response – Only one lot split is proposed. The parcel has not been previously split.

3. The Lot Split Plat shall be reviewed and recorded in the office of the Pitkin County Clerk and Recorder, pursuant to Chapter 26.490 – Approval Documents. No subdivision agreement need be prepared or entered into between the applicant and the City unless the Community Development Director determines such an agreement is necessary.

Response – A draft plat is provided for the City’s review. The applicant is not expecting a subdivision agreement will be necessary. If certain infrastructure upgrades are required of the subdivision, the applicant will provide a development agreement with these responsibilities assigned to the individual lots.

26.480.040. General Subdivision Review Standards.

All subdivisions shall be required to conform to the following general standards and limitations in addition to the specific standards applicable to each type of subdivision:

- A. **Guaranteed Access to a Public Way.** All subdivided lots must have perpetual unobstructed legal vehicular access to a public way. A proposed subdivision shall not eliminate or obstruct legal vehicular access from a public way to an adjacent property. All streets in a Subdivision retained under private ownership shall be dedicated to public use to ensure adequate public and emergency access. Security/privacy gates across access points and driveways are prohibited.

Response – Both proposed Lots will have access to a public way.

- B. **Alignment with Original Townsite Plat.** The proposed lot lines shall approximate, to the extent practical, the platting of the Original Aspen Townsite, and additions thereto, as applicable to the subject land. Minor deviations from the original platting lines to accommodate significant features of the site may be approved.

Response – The proposed boundary is along the Lot C/D boundary of Block 3 of the Original Townsite. This proposed boundary respects the layout of the City’s original platting.

- C. **Zoning Conformance.** All new lots shall conform to the requirements of the zone district in which the property is situated, including variations and variances approved pursuant to this Title. A single lot shall not be located in more than one zone district unless unique circumstances dictate. A rezoning application may be considered concurrently with subdivision review.

Response – Both Lots provide the minimum area and lot width dimensions. The property currently exists within two zone districts – the R-6 and R-30 zones. Proposed Lot 1 will continue to be located in two zones. This is a unique condition and not the result of the applicant’s actions.

A review of historical zoning maps shows a confusing history of the zoning boundary being mapped along the townsite boundary, along to road edge, or along property boundaries depending on the year of the zoning map production or update. Older zoning maps also show the area currently zoned R-30 as being zoned R-15. The applicant has provided a zoning boundary map with information provided by the City of Aspen Geographic Information Systems Department. The zoning boundary on this current map is not aligned with property boundaries, the road, or with the townsite boundary.

The applicant is not pursuing a rezoning application for the R-30 portion of the property. This area is steeply sloped with access challenges resulting in limited development opportunity. The unique condition does not affect the developability of the remaining portion of the property and the City’s “split-zoning” provisions of the Land Use Code provide adequate guidance for calculating development rights.

The applicant is also not splitting the property along the zoning boundary. This would cure the split zoning situation and result in neither lot having more than one zone district designation. But, creating a development parcel based on the R-30 portion of this property would create a development parcel with severe access and development challenges. A lot split along the current zoning boundary would not seem to be in the community interest.

The applicant believes the split zoning circumstance is a unique condition that this standard anticipated.

- D. **Existing Structures, Uses, and Non-Conformities.** A subdivision shall not create or increase the non-conformity of a use, structure or parcel. A rezoning application or other mechanism to correct the non-conforming nature of a use, structure, or parcel may be considered concurrently. In the case where an existing structure or use occupies a site eligible for subdivision, the structure need not be demolished and the use need not be discontinued prior to application for subdivision.

If approval of a subdivision creates a non-conforming structure or use, including a structure spanning a parcel boundary, such structure or use may continue until recordation of the subdivision plat. Alternatively, the City may accept certain assurance that the non-conformities will be remedied after recordation of the subdivision plat. Such assurances

shall be reflected in a development agreement or other legal mechanism acceptable to the City Attorney and may be time-bound or secured with a financial surety.

Response – The lot split will not create or worsen a non-conformity. The existing home on Lot 2 will have a side yard setback exceeding the minimum of 15 feet along the western boundary. Other setbacks and the combined side yard setback are easily met. The existing Floor Area of approximately 1,800 sf is well below the allowable limit.

There are a couple of sheds on the property that appear to be non-conforming with respect to setbacks. The Lot Split will not worsen this condition.

The applicant will continue to use the existing home and sheds after the Lot Split is concluded and hopes to not need to demolish these structures until substantial redevelopment of the parcel.

CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

LAND USE APPLICATION

Project Name and Address: Vandemoer Hill Lot Split. 949 West Smuggler Street; Aspen, CO.

Parcel ID # (REQUIRED) 2735.122.12.001

APPLICANT:

Name: 949 West Smuggler Street LLC, a Colorado limited liability company

Address: 3489 W. 62nd Ave; Denver, CO 80221

Phone #: 303.818.1497 email: CVandemoer@Sterlinglbr.com

Phone #: 407.712.4899 email: GeoffreyHill@gmail.com

REPRESENTATIVE:

Name: BendonAdams

Address: 300 So. Spring Street #202; Aspen, CO 81611

Phone#: 970.925.2855 email: Chris@BendonAdams.com

Description: Existing and Proposed Conditions

Existing home in 1+acre parcel to be split into two development parcels.

Review: Administrative or Board Review

Required Land Use Review(s): Minor Subdivision; Lot Split

Growth Management Quota System (GMQS) required fields:

Net Leasable square footage na Lodge Pillows na Free Market dwelling units 1 existing

Affordable Housing dwelling units na Essential Public Facility square footage na

Have you included the following?

FEES DUE: \$ 4,550

- Pre-Application Conference Summary
- Signed Fee Agreement
- HOA Compliance form
- All items listed in checklist on PreApplication Conference Summary



November 19, 2019

Jennifer Phelan, AICP
Community Development Director
City of Aspen
130 So. Galena St.
Aspen, Colorado 81611

RE: 949 Smuggler Street; Aspen, CO.

Ms. Phelan:

Please accept this letter authorizing BendonAdams LLC to represent our ownership interests in 949 Smuggler Street and act on our behalf on matters reasonably associated in securing land use approvals for the property.

If there are any questions about the foregoing or if I can assist, please do not hesitate to contact me.

Property – 949 Smuggler Street; Aspen, CO 81611

Legal Description – Lots A-I, Block 3, City and Townsite of Aspen, plus a metes and bounds area. See attached.

Parcel ID – 2735-122-12-001

Owner – 949 West Smuggler Street LLC, a Colorado Limited Liability Company

Kind Regards,

Handwritten signature of Craig H. Vandemoer in black ink.

Craig H. Vandemoer, Manager
949 West Smuggler Street LLC
A Colorado Limited Liability Company
3489 W 62nd Ave
Denver CO 80221
CVandemoer@Sterlinglbr.com
303-818-1497

Handwritten signature of Geoffrey T. Hill in black ink.

Geoffrey T. Hill, Manager
949 West Smuggler Street LLC
A Colorado Limited Liability Company
c/o BendonAdams
300 So. Spring St. #202
geoffreythill@gmail.com
407-712-4899

300 SO SPRING ST | 202 | ASPEN, CO 81611
970.925.2855 | BENDONADAMS.COM

Expanded legal description –

PARCEL 1 – LOTS A, B, C, D, E, F, G, H AND I, BLOCK 3, CITY AND TOWNSITE OF ASPEN,

PARCEL 2 – THAT CERTAIN PARCEL OF LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND EASEMENTS CONTAINED IN THE DEED HEREIN-AFTER DESCRIBED, CONVEYED TO H.R. VANDEMOER BY VIRGINIA S. CHAMBERLAIN BY DEED DATED APRIL 20, 1959, DULY RECORDED JUNE 2, 1959 AS RECEPTION NO. 108073 IN BOOK 187 AT PAGE 389 OF THE RECORDS IN THE OFFICE OF THE CLERK OF THE RECORDED OF PITKIN COUNTY, COLORADO.

SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (FROM RECEPTION NO. 108073) : THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, 6TH P.M., DESCRIBED IN DOCUMENT NO. 96608 IN BOOK 170 AT PAGE 565 OF THE RECORDS FOR PITKIN COUNTY LYING NORTHERLY OF THE CENTERLINE OF THE ALLEY IN BLOCK 3 OF THE CITY AND TOWNSITE OF ASPEN PROJECTED WESTERLY TO ITS INTERSECTION WITH THE WESTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NO. 96608 OF THAT PARCEL OF LAND CONVEYED BY MICHAEL MAROLT TO H.R. VANDEMOER AND ARTHUR PFISTER BY QUIT CLAIM DEED DATED JULY 14, 1949.

INCLUDING ALL RIGHTS AND PRIVILEGES TO USE THE ROADWAY AS NOW CONSTRUCTED AND IN USE FROM SMUGGLER STREET ACROSS SAID ABOVE DESCRIBED PROPERTY TO THAT PORTION OF LAND DESCRIBED IN SAID DOCUMENT NO. 96608 LYING SOUTHERLY OF THE CENTERLINE OF THE ALLEY IN SAID BLOCK 3 PROJECTED WESTERLY, IT BEING THE INTENTION OF THE GRANTOR TO RELEASE AND QUIT-CLAIM FOREVER HER INTEREST IN SAID EASEMENT USED FOR INGRESS AND EGRESS TO SMUGGLER STREET.

LESS AND EXCEPT ALL OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED JUNE 2, 1959 IN BOOK 187 AT PAGE 388, AS RECEPTION NO. 108072.

COUNTY OF PITKIN. STATE OF COLORADO.



**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **Q64002750-2**

Date: **10/29/2019**

Property Address: **949 W SMUGGLER ST, ASPEN, CO 81611**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

For Title Assistance

Land Title Roaring Fork Valley Title
Team

533 E HOPKINS #102

ASPEN, CO 81611

(970) 927-0405 (Work)

(970) 925-0610 (Work Fax)

valleyresponse@ltgc.com

Seller/Owner

949 WEST SMUGGLER STREET LLC

Delivered via: Electronic Mail

Agent for Seller

SOPRIS ENGINEERING

Attention: MARK BECKLER

502 MAIN

CARBONDALE, CO 81623

(970) 704-0311 (Work)

(970) 704-0313 (Work Fax)

mbeckler@sopriseng.com

clove@sopriseng.com

Delivered via: Electronic Mail



**Land Title Guarantee Company
Estimate of Title Fees**

Order Number: **Q64002750-2**

Date: **10/29/2019**

Property Address: **949 W SMUGGLER ST, ASPEN, CO 81611**

Parties: **TO BE DETERMINED**

949 WEST SMUGGLER STREET LLC, A COLORADO LIMITED LIABILITY COMPANY

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"TBD" Commitment	\$217.00
	Total \$217.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

- [Pitkin county recorded 12/13/2004 under reception no. 505058](#)
- [Pitkin county recorded 12/13/2004 under reception no. 505057](#)
- [Pitkin county recorded 12/13/2004 under reception no. 505056](#)
- [Pitkin county recorded 12/13/2004 under reception no. 505055](#)
- [Pitkin county recorded 12/09/2002 under reception no. 475771](#)
- [Pitkin county recorded 12/09/2002 under reception no. 475770](#)
- [Pitkin county recorded 12/09/2002 under reception no. 475769](#)
- [Pitkin county recorded 01/10/2000 under reception no. 439400](#)
- [Pitkin county recorded 01/10/2000 under reception no. 439399](#)
- [Pitkin county recorded 01/10/2000 under reception no. 439398](#)
- [Pitkin county recorded 02/04/1999 under reception no. 427342](#)
- [Pitkin county recorded 02/04/1999 under reception no. 427341](#)
- [Pitkin county recorded 02/04/1999 under reception no. 427340](#)
- [Pitkin county recorded 11/23/1998 under reception no. 424762](#)
- [Pitkin county recorded 11/23/1998 under reception no. 424761](#)

[Pitkin county recorded 11/23/1998 under reception no. 424760](#)
[Pitkin county recorded 12/08/1997 under reception no. 411391](#)
[Pitkin county recorded 12/08/1997 under reception no. 411390](#)
[Pitkin county recorded 11/18/1997 under reception no. 410725](#)
[Pitkin county recorded 03/25/1997 under reception no. 402816](#)
[Pitkin county recorded 03/25/1997 under reception no. 402815](#)
[Pitkin county recorded 03/25/1997 under reception no. 402814](#)
[Pitkin county recorded 03/13/1986 under reception no. 276360 at book 507 page 159](#)
[Pitkin county recorded 03/13/1986 under reception no. 276359 at book 507 page 158](#)
[Pitkin county recorded 03/13/1986 under reception no. 276358 at book 507 page 157](#)
[Pitkin county recorded 03/13/1986 under reception no. 276357 at book 507 page 156](#)
[Pitkin county recorded 12/27/1977 under reception no. 200565 at book 340 page 994](#)
[Pitkin county recorded 01/12/1972 at book 260 page 685](#)
[Pitkin county recorded 12/13/1971 at book 260 page 17](#)
[Pitkin county recorded 04/20/1959 under reception no. 108073 at book 187 page 389](#)
[Pitkin county recorded 05/28/1957 at book 181 page 345](#)
[Pitkin county recorded 07/19/1949 at book 170 page 565](#)
[Pitkin county recorded 12/19/1947 at book 170 page 454](#)

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: Q64002750-2

Property Address:

949 W SMUGGLER ST, ASPEN, CO 81611

1. Effective Date:

09/20/2019 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

TO BE DETERMINED

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A Fee Simple

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

949 WEST SMUGGLER STREET LLC, A COLORADO LIMITED LIABILITY COMPANY

5. The Land referred to in this Commitment is described as follows:

PARCEL 1

LOTS A, B, C, D, E, F, G, H AND I, BLOCK 3, CITY AND TOWNSITE OF ASPEN,

PARCEL 2

THAT CERTAIN PARCEL OF LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND EASEMENTS CONTAINED IN THE DEED HEREIN-AFTER DESCRIBED, CONVEYED TO H.R. VANDEMOER BY VIRGINIA S. CHAMBERLAIN BY DEED DATED APRIL 20, 1959, DULY RECORDED JUNE 2, 1959 AS RECEPTION NO. [108073](#) IN BOOK 187 AT PAGE [389](#) OF THE RECORDS IN THE OFFICE OF THE CLERK OF THE RECORDED OF PITKIN COUNTY, COLORADO.

SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (FROM RECEPTION NO. [108073](#)) :

THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, 6TH P.M., DESCRIBED IN DOCUMENT NO. 96608 IN BOOK 170 AT PAGE [565](#) OF THE RECORDS FOR PITKIN COUNTY LYING NORTHERLY OF THE CENTERLINE OF THE ALLEY IN BLOCK 3 OF THE CITY AND TOWNSITE OF ASPEN PROJECTED WESTERLY TO IT'S INTERSECTION WITH THE WESTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NO. 96608 OF THAT PARCEL OF LAND CONVEYED BY MICHAEL MAROLT TO H.R. VANDEMOER AND ARTHUR PFISTER BY QUIT CLAIM DEED DATED JULY 14, 1949.

INCLUDING ALL RIGHTS AND PRIVILEGES TO USE THE ROADWAY AS NOW CONSTRUCTED AND IN USE FROM SMUGGLER STREET ACROSS SAID ABOVE DESCRIBED PROPERTY TO THAT PORTION OF LAND DESCRIBED IN SAID DOCUMENT NO. 96608 LYING SOUTHERLY OF THE CENTERLINE OF THE ALLEY IN SAID BLOCK 3 PROJECTED WESTERLY, IT BEING THE INTENTION OF THE GRANTOR TO RELEASE AND QUIT-CLAIM FOREVER HER INTEREST IN SAID EASEMENT USED FOR INGRESS AND EGRESS TO SMUGGLER STREET.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: Q64002750-2

LESS AND EXCEPT ALL OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED JUNE 2, 1959 IN BOOK 187 AT PAGE [388](#), AS RECEPTION NO. 108072.

COUNTY OF PITKIN.
STATE OF COLORADO.

COUNTY OF PITKIN
STATE OF COLORADO

NOTE: THE FINAL POLICY DOES NOT IN ANY WAY GUARANTEE OR INSURE THE DIMENSIONS OF THE ABOVE DESCRIBED LAND, THE LEGAL DESCRIPTION IS DERIVED BY THE CHAIN OF TITLE.

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: Q64002750-2

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT IMPROVEMENT LOCATION CERTIFICATE OF SUBJECT PROPERTY. THIS REQUIREMENT IS NECESSARY TO DELETE STANDARD EXCEPTIONS 1 THROUGH 3 AND TO VERIFY LEGAL DESCRIPTION. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

NOTE: ANY MATTERS DISCLOSED BY SAID IMPROVEMENT LOCATION CERTIFICATE WILL BE REFLECTED ON SAID POLICY(S) TO BE ISSUED HEREUNDER.

NOTE: LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID IMPROVEMENT LOCATION CERTIFICATE.

2. EVIDENCE SATISFACTORY TO THE COMPANY THAT THE TERMS, CONDITIONS AND PROVISIONS OF THE CITY OF ASPEN TRANSFER TAX HAVE BEEN SATISFIED.
3. LAND TITLE WILL REQUIRE EVIDENCE OF THE RETT BEING SATISFIED FOR ALL OF THE INTERFAMILY DEEDS RECORDED FROM THE TRANSFER RECORDED MARCH 25, 1997 FORWARD TO THE DEED RECORDED DECEMBER 13, 2004. THIS REQUIREMENT AFFECTS 22 DEEDS.
4. WRITTEN INSTRUCTIONS AUTHORIZING LAND TITLE TO PREPARE A STATEMENT OF AUTHORITY FOR 949 WEST SMUGGLER STREET LLC, A COLORADO LIMITED LIABILITY COMPANY, STATING UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY; OR, A DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF 949 WEST SMUGGLER STREET LLC, A COLORADO LIMITED LIABILITY COMPANY AS A LIMITED LIABILITY COMPANY.

NOTE: ANY STATEMENT OF AUTHORITY MUST BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 38-30-172, C.R.S. AND BE RECORDED WITH THE CLERK AND RECORDER.

5. WARRANTY DEED FROM 949 WEST SMUGGLER STREET LLC, A COLORADO LIMITED LIABILITY COMPANY TO TO BE DETERMINED CONVEYING SUBJECT PROPERTY.

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: Q64002750-2

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. RESERVATIONS AND EXCEPTIONS AS SET FORTH IN THE DEED FROM THE CITY OF ASPEN RECORDED JANUARY 17, 1888 IN BOOK 59 AT PAGE [292](#), PROVIDING AS FOLLOWS: THAT NO TITLE SHALL BE HEREBY ACQUIRED TO ANY MINE OF GOLD, SILVER, CINNABAR OR COPPER OR TO ANY VALID MINING CLAIM OR POSSESSION HELD UNDER EXISTING LAWS.
9. RESERVATIONS AND EXCEPTIONS AS SET FORTH IN THE DEED FROM THE CITY OF ASPEN RECORDED AUGUST 08, 1888 IN BOOK 59 AT PAGE [468](#), PROVIDING AS FOLLOWS: THAT NO TITLE SHALL BE HEREBY ACQUIRED TO ANY MINE OF GOLD, SILVER, CINNABAR OR COPPER OR TO ANY VALID MINING CLAIM OR POSSESSION HELD UNDER EXISTING LAWS.



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Corporation

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By  President
Attest  Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

Agreement to Pay Application Fees

An agreement between the City of Aspen ("City") and

Please type or print in all caps

Address of Property: 949 Smuggler Street

Property Owner Name: 949 West Smuggler Street LLC Representative Name (if different from Property Owner) BendonAdams

Billing Name and Address - Send Bills to:

Craig Vandemoer, Manager; 949 West Smuggler Street LLC; 3489 W 62nd Ave.; Denver CO 80221

Contact info for billing: e-mail: CVandemoer@Sterlinglbr.com Phone: 303-818-1497

I understand that the City has adopted, via Ordinance No. 30, Series of 2017, review fees for Land Use applications and payment of these fees is a condition precedent to determining application completeness. I understand that as the property owner that I am responsible for paying all fees for this development application.

For flat fees and referral fees: I agree to pay the following fees for the services indicated. I understand that these flat fees are non-refundable.

\$ 975 flat fee for Parks \$. _____ flat fee for _____

\$ _____ flat fee for _____ \$. _____ flat fee for _____

For Deposit cases only: The City and I understand that because of the size, nature or scope of the proposed project, it is not possible at this time to know the full extent or total costs involved in processing the application. I understand that additional costs over and above the deposit may accrue. I understand and agree that it is impracticable for City staff to complete processing, review and presentation of sufficient information to enable legally required findings to be made for project consideration, unless invoices are paid in full.

The City and I understand and agree that invoices mailed by the City to the above listed billing address and not returned to the City shall be considered by the City as being received by me. I agree to remit payment within 30 days of presentation of an invoice by the City for such services.

I have read, understood, and agree to the Land Use Review Fee Policy including consequences for no-payment. I agree to pay the following initial deposit amounts for the specified hours of staff time. I understand that payment of a deposit does not render and application complete or compliant with approval criteria. If actual recorded costs exceed the initial deposit, I agree to pay additional monthly billings to the City to reimburse the City for the processing of my application at the hourly rates hereinafter stated.

\$ 3,250 deposit for 10 hours of Community Development Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

\$ 325 deposit for 1 hours of Engineering Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

City of Aspen:

Jennifer Phelan, AICP
Community Development Director

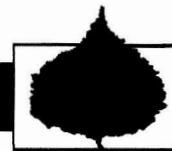
City Use:

Fees Due: \$ _____ Received \$ _____

Case # _____

Signature: 

PRINT Name: Craig Vandemoer, Manager
949 West Smuggler Street LLC
Title: a Colorado Limited Liability Company



COMMUNITY DEVELOPMENT DEPARTMENT

Homeowner Association Compliance Policy

All land use applications within the City of Aspen are required to include a Homeowner Association Compliance Form (this form) certifying the scope of work included in the land use application complies with all applicable covenants and homeowner association policies. The certification must be signed by the property owner or Attorney representing the property owner.

Property Owner ("I"):	Name: Craig Vandemoer, Manager; 949 West Smuggler Street LLC; a Colorado Limited Liability Company
	Email: CVandemoer@Sterlinglbr.com Phone No. 303.818.1497
Address of Property: (subject of application)	949 W. Smuggler St. Aspen, CO 81611

I certify as follows: (pick one)

- This property is not subject to a homeowners association or other form of private covenant.
- This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application do not require approval by the homeowners association or covenant beneficiary.
- This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application have been approved by the homeowners association or covenant beneficiary.

I understand this policy and I understand the City of Aspen does not interpret, enforce, or manage the applicability, meaning or effect of private covenants or homeowner association rules or bylaws. I understand that this document is a public document.

Owner signature:  date: 11/7/19

Owner printed name: Craig Vandemoer, Manager
949 West Smuggler Street LLC
A Colorado Limited Liability Company

or,

Attorney signature: _____ date: _____



PRE-APPLICATION CONFERENCE SUMMARY

DATE: October 22, 2019

PLANNER: Garrett Larimer, 970.429.2739

PROJECT NAME AND ADDRESS: 949 W. Smuggler

PARCEL ID#: 2735-122-12-001

REPRESENTATIVE: Chris Bendon, BendonAdams, LLC

DESCRIPTION: 949 W. Smuggler St. is an approximately 39,000 square foot residential lot in the R-6 zone district. The prospective applicant would like to divide the subject site into two lots through a Lot Split. A single-family residence is currently located on site. The residence is a chalet style structure that is eligible for Historic designation. If the applicant is interested in pursuing a historic designation for the property, the lot split review process would be different than listed below and the property would be eligible for historic preservation benefits.

No record of a previous lot split has been found during initial review and will be confirmed during the land use process. The minimum lot size for a non-historic lot in the R-6 zone district is 6,000 square feet. The minimum net lot area per dwelling unit is 4,500 square feet per unit, so the minimum lot size for a duplex or two detached residential dwellings is 9,000 square feet. The minimum lot width is 60 feet. The newly created lots must comply with the R-6 zone district requirements, per section 26.710.040.

A lot split requires review by City Council at a public hearing per Section 26.480.030.B.

Neighborhood Outreach is required prior to the public hearing in accordance with the Land Use Code Section 26.304.035. Staff recommends the applicant provide enhanced public information according to Section 26.304.035.C.3. Staff recommends additional information on the application be provided in both the mailing notice and the posting on site. The additional information included in the mailing should include a proposed site plan and description of the proposal. A poster showing the proposed lot split should also be posted on site. The poster should include the site plan, description, and contact information for the applicant.

Below are links to the Land Use Application form and Land Use Coe for your convenience:

RELEVANT LAND USE CODE SECTIONS:

<u>Section Number</u>	<u>Section Title</u>
26.304	Common Development Review Procedures
26.304.035	Neighborhood Outreach
26.480.030.B	Procedures for Review - Minor Subdivisions
26.480.040	General Subdivision Review Standards
26.480.060.A	Lot Split
26.490	Approval Documents - For Plat Requirements
26.575.020	Calculations and Measurements
26.710.040	Zone Districts, Medium Density Residential (R-6)

For your convenience - links to the Land Use Application and Land Use Code are below:

[Land Use Application](#)

[Land Use Code](#)

- REVIEW BY:** - Community Development Staff for complete application
 - City Council for Decision
- PUBLIC HEARING:** Yes, City Council
- PLANNING FEES:** \$3,250 for ten hours of staff time (additional hours will be billed at \$325/hour)
- REFERRAL FEES:** Engineering - \$325 Deposit for 1 hour of review (additional hours will be billed at \$325/hr.)
 Parks - \$975 Flat Fee
- TOTAL DEPOSIT:** \$4,550

APPLICATION CHECKLIST – These items should first be submitted in a paper copy.

- Completed Land Use Application, HOA Compliance Form, and signed Fee Agreement.
- Pre-application Conference Summary (this document).
- Applicant’s name, address and telephone number, contained within a letter signed by the applicant stating the name, address, and telephone number of the representative authorized to action on behalf of the applicant.
- Street address and legal description of the parcel on which development is proposed to occur, consisting of a current (no older than 6 months) certificate from a title insurance company, an ownership and encumbrance report, or attorney licensed to practice in the State of Colorado, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements affecting the parcel, and demonstrating the owner’s right to apply for the Development Application.
- An 8 1/2” by 11” vicinity map locating the parcel within the City of Aspen.
- Improvement survey of existing conditions
- A written description of the proposal and written explanation of how the request complies with the review standards relevant to the application.
- Proposed Subdivision Plat

If the copy is deemed complete by staff, the following items will then need to be submitted:

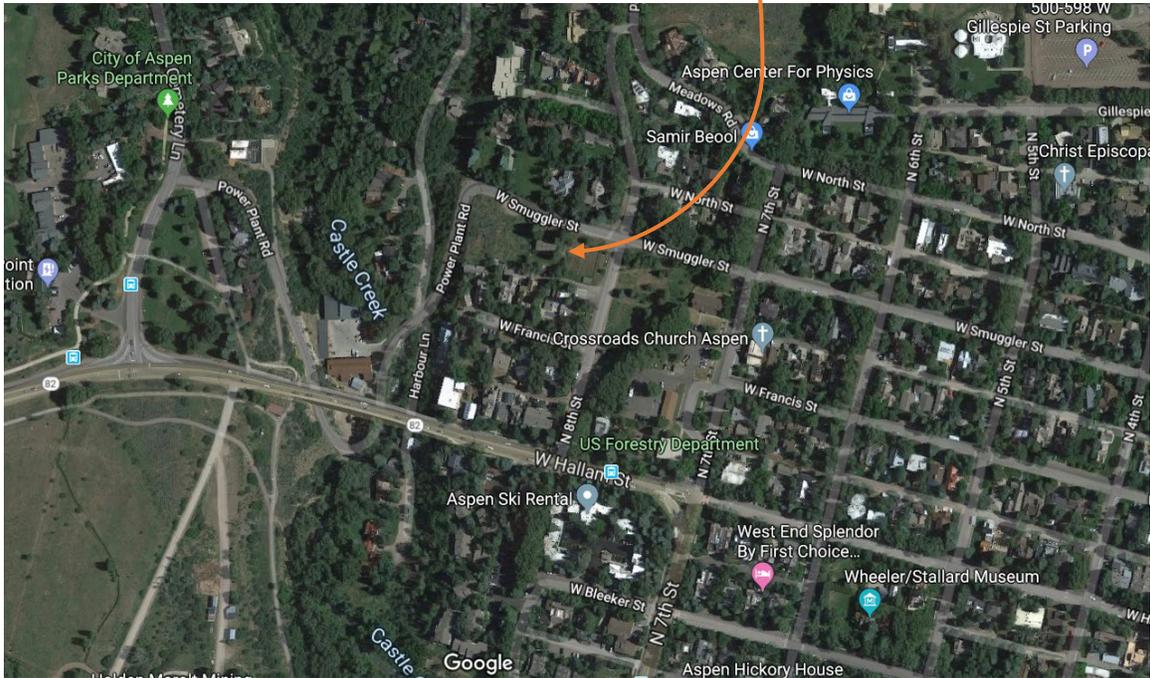
- Total deposit for review of the application.
- A digital copy of the application provided in pdf file format.

Depending on further review of the case, additional items may be requested of the application. Once the application is deemed complete by staff, the applicant/applicant’s representative will receive an e-mail requesting submission of an electronic copy of the complete application and the deposit. Once the deposit is received, the case will be assigned to a planner and the land use review will begin.

Disclaimer:

The foregoing summary is advisory in nature only and is not binding on the City. The summary is based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. The summary does not create a legal or vested right.

949 West Smuggler Street – Vicinity Map



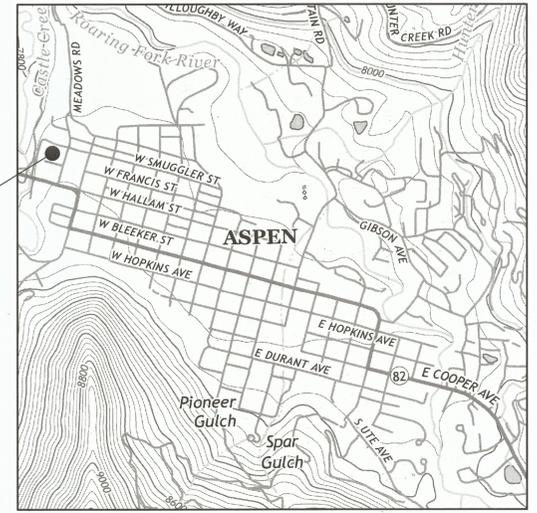
IMPROVEMENT SURVEY PLAT OF:

THE VANDEMOER PROPERTY

LOTS A,B,C,D,E,F,G,H AND I, BLOCK 3, CITY AND TOWNSITE OF ASPEN AND
A PARCEL OF LAND SITUATED IN THE SW 1/4 AND THE NW 1/4 OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST OF THE 6th P.M.
CITY OF ASPEN, COUNTY OF PITKIN, STATE OF COLORADO

SHEET 1 OF 1

ASPEN TOWNSITE COR. #6
(RE-ESTABLISHED FROM MONUMENT RECORDS
CERTIFIED BY GERALD PESSMAN DATED 10/5/70
AND NOVEMBER 11, 1985).



SITE

CITY OF ASPEN
VICINITY MAP

PROPERTY DESCRIPTION
(RECEPTION NO. 505058)

PARCEL No. 1

LOTS A, B, C, D, E, F, G, H AND I (LOTS A TO I, BOTH INCLUSIVE, BLOCK 3, IN AND TO THE CITY AND TOWNSITE OF ASPEN
PARCEL No. 2

THAT CERTAIN PARCEL OF LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND EASEMENTS CONTAINED IN THE DEED
HEREIN-AFTER DESCRIBED, CONVEYED TO H.R. VANDEMOER BY VIRGINIA S. CHAMBERLAIN BY DEED DATED APRIL 20, 1959,
DULY RECORDED JUNE 2, 1959 AS DOCUMENT NO. 108073, IN BOOK 187 AT PAGE 388 OF THE RECORDS IN THE OFFICE OF
THE CLERK AND RECORDER OF PITKIN COUNTY, COLORADO.

SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (FROM RECEPTION NO. 108073):
THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, 6TH P.M., DESCRIBED IN DOCUMENT
NO. 98608 IN BOOK 170 AT PAGE 565 OF THE RECORDS FOR PITKIN COUNTY LYING NORTHERLY OF THE CENTERLINE OF THE
ALLEY IN BLOCK 3 OF THE CITY AND TOWNSITE OF ASPEN PROJECTED WESTERLY TO ITS INTERSECTION WITH THE WESTERLY
LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NO. 98608. THE LAND DESCRIBED IN SAID DOCUMENT NO.
98608 IS THAT PARCEL OF LAND CONVEYED BY MICHAEL MAROLT TO H.R. VANDEMOER AND ARTHUR PFISTER BY QUIT CLAIM
DEED DATED JULY 14, 1949.

INCLUDING ALL RIGHTS AND PRIVILEGES TO USE THE ROADWAY AS NOW CONSTRUCTED IN USE FROM SMOUGLER STREET
ACROSS SAID ABOVE DESCRIBED PROPERTY TO THAT PORTION OF LAND DESCRIBED IN SAID DOCUMENT NO. 98608 LYING
SOUTHERLY OF THE CENTERLINE OF THE ALLEY IN SAID BLOCK 3 PROJECTED WESTERLY, IT BEING THE INTENTION OF THE
GRANTOR TO RELEASE AND QUIT-CLAIM FOREVER HER INTEREST IN SAID EASEMENT USED FOR INGRESS AND EGRESS TO
SMOUGLER STREET.

LESS AND EXCEPTING ALL OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED JUNE 2, 1959 IN BOOK 187 AT
PAGE 388, AS RECEPTION NO. 108072.

CITY OF ASPEN
COUNTY OF PITKIN
STATE OF COLORADO

SURVEYOR'S CERTIFICATE

I, MARK S. BECKLER, HEREBY CERTIFY TO 949 WEST SMOUGLER STREET, LLC AND LAND TITLE GUARANTEE COMPANY, THAT
THIS IS AN IMPROVEMENT SURVEY PLAT AS DEFINED BY C.R.S. § 38-51-102(9), AND THAT IT IS A MONUMENTAL LAND
SURVEY SHOWING THE CURRENT LOCATION OF ALL STRUCTURES, WATER COURSES, WATER FEATURES AND/OR BODIES OF
WATER, FLOOD PLAIN, ROADS, TRAILS, VISIBLE UTILITIES, FENCES, HEDGES, OR WALLS SITUATED ON THE DESCRIBED PARCEL
AND WITHIN THE FEET OF ALL BOUNDARIES OF SUCH PARCELS OF RECORD AND THE U.S. DEPARTMENT OF INTERIOR PLAT
ENCROACHMENTS, AND ALL EASEMENTS AND RIGHTS OF WAY OF A PUBLIC OR PRIVATE NATURE THAT ARE VISIBLE, OR
APPARENT, OR OF RECORD AND UNDERGROUND UTILITIES DESCRIBED IN THE TITLE COMMITMENT REFERENCED IN NOTE 5
BELOW, OR OTHER SOURCES AS SPECIFIED ON THE IMPROVEMENT SURVEY PLAT.

MARK S. BECKLER
COUNTY SURVEYOR
L.S. 228643

NOTES

- 1) DATE OF FIELD WORK: DECEMBER, 2001--JUNE, 2001; SEPTEMBER 2019.
- 2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER-OCTOBER 2019.
- 3) BASIS OF BEARING: A BEARING OF S74°14'15"E BETWEEN THE 1988 CITY OF ASPEN-GPS CONTROL POINTS GPS-20 AND GPS-9(R), AT THE STREET INTERSECTIONS OF 7TH FRANCIS AND 6TH FRANCIS, WHICH ESTABLISHED A SITE BEARING OF N 15°48'56" E BETWEEN THE NORTHEAST CORNER OF BLOCK 3 AND THE SOUTHEAST CORNER OF BLOCK 2, BEING FOUND MONUMENTS AS SHOWN.
- 4) BASIS OF SURVEY: THE OFFICIAL MAP OF THE CITY OF ASPEN APPROVED BY THE CITY ENGINEER G.E. BUCHANAN DATED DECEMBER 15 1959, THE PLAT OF THE VANDEMOER LOT SPLIT, THE PLAT OF THE PARRY SUBDIVISION, THE HOWER SUBDIVISION EXEMPTION PLAT, PARTMENTS OF RECORD AND THE U.S. DEPARTMENT OF INTERIOR PLAT AND NOTES FOR SECTION 12, AS APPROVED BY THE CHIEF CADASTRAL SURVEYOR ON FEBRUARY 14, 1980.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SOPRIS ENGINEERING, LLC (SE) TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY AND/OR TITLE OF RECORD SE RELIED UPON THE ITEMS LISTED IN NOTE 4 AND THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. Q62002750 EFFECTIVE DATE SEPTEMBER 20, 2019.
- 6) PROPERTY ADDRESS: 949 WEST SMOUGLER STREET, ASPEN, CO 81611

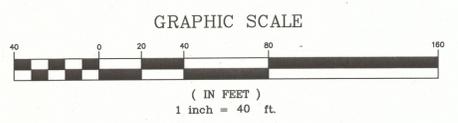
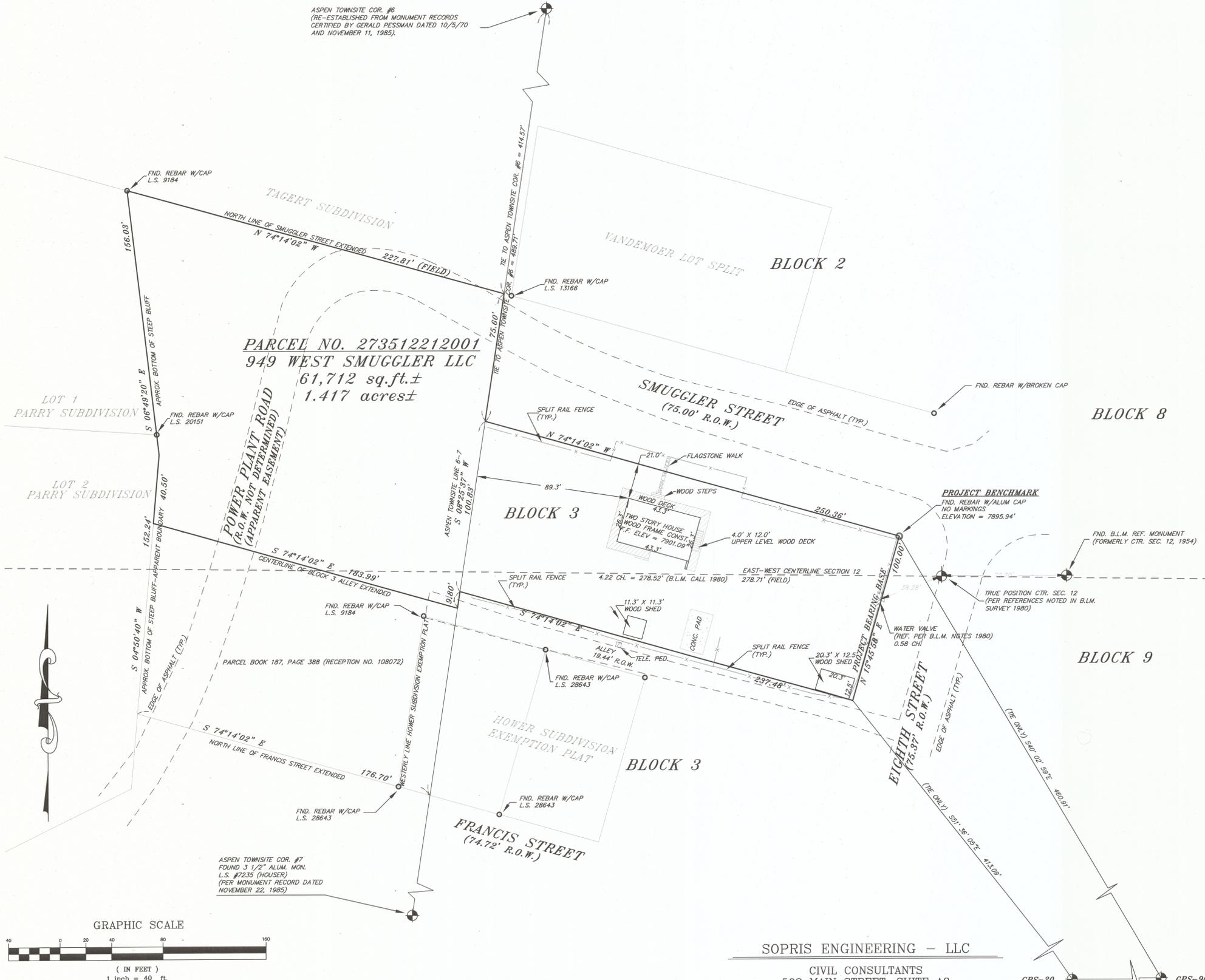
COUNTY SURVEYOR'S CERTIFICATE

DEPOSITED THIS _____ DAY OF _____, 2019, AT _____ M.,
IN THE PITKIN COUNTY INDEX FOR INFORMATIONAL LAND SURVEY PLATS
UNDER RECEPTION NUMBER _____

BY: _____
PITKIN COUNTY SURVEYOR

DATE: _____

FILING INFORMATION: SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, OF THE
6TH P.M.



NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL
ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS
AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION
BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN
YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

SOPRIS ENGINEERING - LLC

CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311

GPS-20
(BASIS OF BEARING)
S74°14'15"E

FINAL PLAT OF: VANDEMOER HILL LOT SPLIT

LOTS A,B,C,D,E,F,G,H AND I, BLOCK 3, CITY AND TOWNSHIP OF ASPEN AND
A PARCEL OF LAND SITUATED IN THE SW 1/4 AND THE NW 1/4 OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST OF THE 6th P.M.
CITY OF ASPEN, COUNTY OF PITKIN, STATE OF COLORADO

SHEET 1 OF 1

ASPEN TOWNSHIP COR. #6
(RE-ESTABLISHED FROM MONUMENT RECORDS
CERTIFIED BY GERALD PESSMAN DATED 10/5/70
AND NOVEMBER 11, 1985).

ASPEN CITY COUNCIL APPROVAL

THIS LOT SPLIT PLAT OF THE VANDEMOER HILL LOT SPLIT WAS
REVIEWED AND APPROVED BY THE CITY OF ASPEN CITY COUNCIL ON
THE DAY OF _____, 2019, BY ORDINANCE NO. _____ SERIES 2019,
RECORDED ON _____ IN THE OFFICE OF THE CLERK AND RECORDER
OF PITKIN COUNTY IN BOOK _____ PAGE _____ AS RECEPTION NO. _____

MAYOR, CITY OF ASPEN _____
DATE _____
ATTEST: _____
CITY CLERK _____

COMMUNITY DEVELOPMENT DIRECTOR APPROVAL

THIS LOT SPLIT PLAT OF THE VANDEMOER HILL LOT SPLIT WAS REVIEWED AND
APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF
ASPEN THIS DAY OF _____, 2019, TO THE EXTENT THAT ANYTHING IN THIS
PLAT IS INCONSISTENT OR IN CONFLICT WITH ANY CITY OF ASPEN
DEVELOPMENT ORDERS FOR THIS PROPERTY OR ANY OTHER PROVISIONS OF
APPLICABLE LAW, INCLUDING BUT NOT LIMITED TO OTHER APPLICABLE LAND
USE REGULATIONS AND BUILDING CODES, SUCH OTHER DEVELOPMENT ORDERS
OR APPLICABLE LAWS SHALL CONTROL.

COMMUNITY DEVELOPMENT DIRECTOR

CITY ENGINEER'S REVIEW

THIS LOT SPLIT PLAT OF THE VANDEMOER HILL LOT SPLIT WAS REVIEWED
BY THE CITY ENGINEER OF THE CITY OF ASPEN THIS DAY OF _____, 2019.

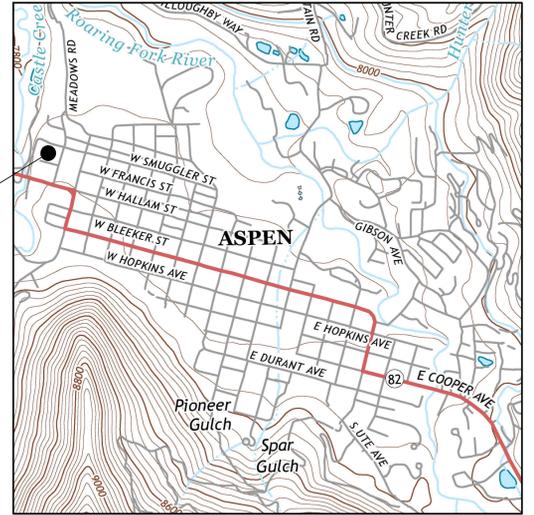
CITY ENGINEER

TITLE CERTIFICATE

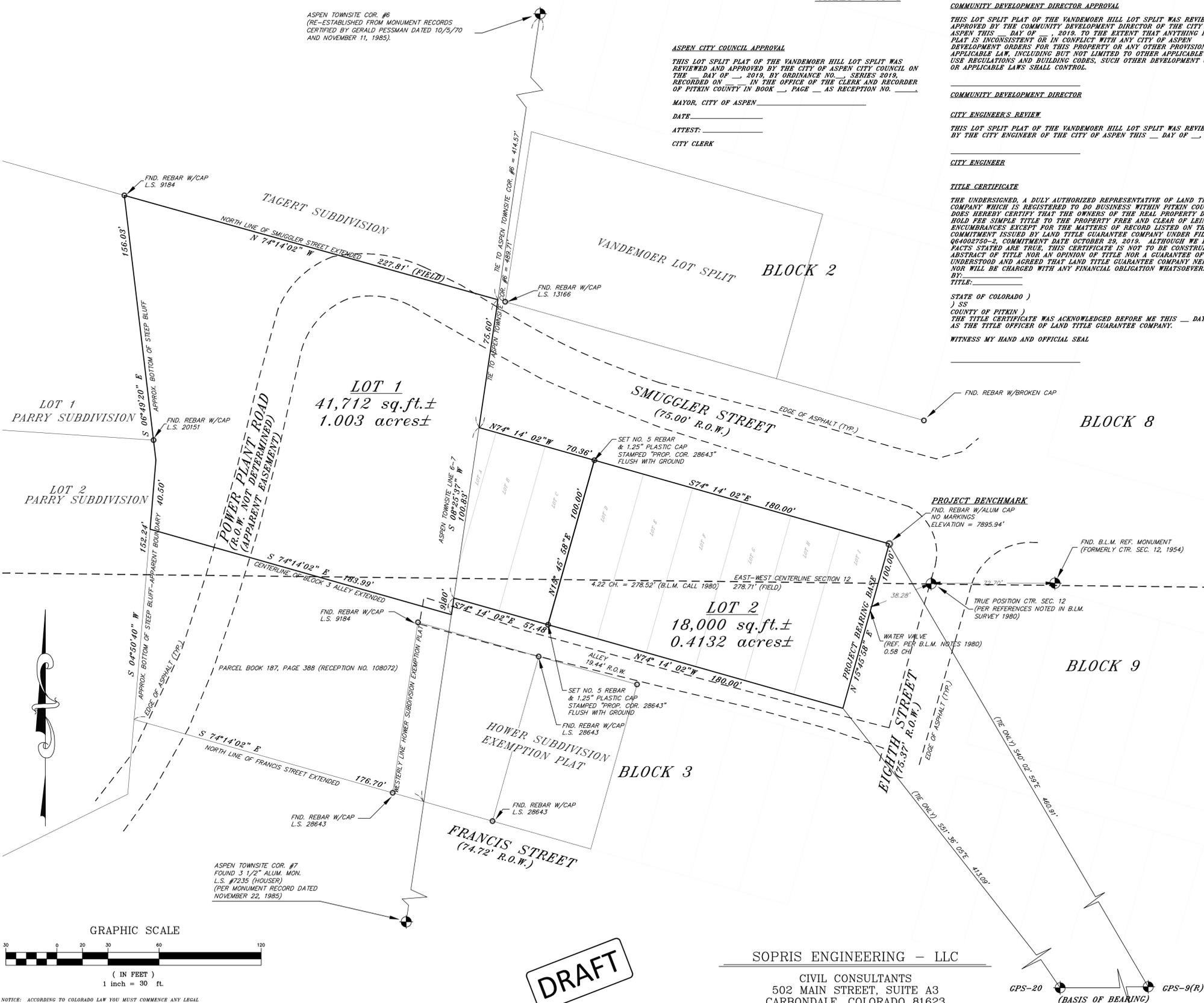
THE UNDERSIGNED, A DULY AUTHORIZED REPRESENTATIVE OF LAND TITLE GUARANTEE
COMPANY WHICH IS REGISTERED TO DO BUSINESS WITHIN PITKIN COUNTY, COLORADO,
DOES HEREBY CERTIFY THAT THE OWNERS OF THE REAL PROPERTY DESCRIBED HEREBIN
HOLD FEE SIMPLE TITLE TO THE PROPERTY FREE AND CLEAR OF LIENS, TAXES, AND
ENCUMBRANCES EXCEPT FOR THE MATTERS OF RECORD LISTED ON THE TITLE
COMMITMENT ISSUED BY LAND TITLE GUARANTEE COMPANY UNDER FILE NO.
064002750-2, COMMITMENT DATE OCTOBER 29, 2019. ALTHOUGH WE BELIEVE THE
FACTS STATED ARE TRUE, THIS CERTIFICATE IS NOT TO BE CONSIDERED AS AN
ABSTRACT OF TITLE NOR AN OPINION OF TITLE NOR A GUARANTEE OF TITLE, AND IT IS
UNDERSTOOD AND AGREED THAT LAND TITLE GUARANTEE COMPANY NEITHER ASSUMES
NOR WILL BE CHARGED WITH ANY FINANCIAL OBLIGATION WHATSOEVER.

BY: _____
STATE OF COLORADO)
) SS
COUNTY OF PITKIN)
THE TITLE CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS DAY OF _____, 2019, BY
AS THE TITLE OFFICER OF LAND TITLE GUARANTEE COMPANY.
WITNESS MY HAND AND OFFICIAL SEAL

SITE



CITY OF ASPEN
VICINITY MAP



PROPERTY DESCRIPTION

(RECEPTION NO. 505058)
PARCEL No. 1
LOTS A, B, C, D, E, F, G, H AND I (LOTS A TO I, BOTH INCLUSIVE, BLOCK 3, IN AND TO THE CITY AND TOWNSHIP OF ASPEN)

PARCEL No. 2
THAT CERTAIN PARCEL OF LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND EASEMENTS CONTAINED IN THE DEED
HEREIN-AFTER DESCRIBED, CONVEYED TO H.R. VANDEMOER BY VIRGINIA S. CHAMBERLAIN BY DEED DATED APRIL 20, 1959,
DULY RECORDED JUNE 2, 1959 AS DOCUMENT NO. 108073, IN BOOK 187 AT PAGE 389 OF THE RECORDS IN THE OFFICE OF THE
CLERK AND RECORDER OF PITKIN COUNTY, COLORADO.

SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (FROM RECEPTION NO. 108073):
THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, 6TH P.M., DESCRIBED IN DOCUMENT
NO. 96608 IN BOOK 170 AT PAGE 565 OF THE RECORDS FOR PITKIN COUNTY LYING NORTHERLY OF THE CENTERLINE OF THE
ALLEY IN BLOCK 3 OF THE CITY AND TOWNSHIP OF ASPEN PROJECTED WESTERLY TO ITS INTERSECTION WITH THE WESTERLY
LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NO. 96608. THE LAND DESCRIBED IN SAID DOCUMENT NO.
96608 IS THAT PARCEL OF LAND CONVEYED BY MICHAEL MAROLT TO H.R. VANDEMOER AND ARTHUR PEISTER BY QUIT CLAIM
DEED DATED JULY 14, 1945.

INCLUDING ALL RIGHTS AND PRIVILEGES TO USE THE ROADWAY AS NOW CONSTRUCTED AN IN USE FROM SMUGGLER STREET
ACROSS SAID ABOVE DESCRIBED PROPERTY TO THAT PORTION OF LAND DESCRIBED IN SAID DOCUMENT NO. 96608 LYING
SOUTHERLY OF THE CENTERLINE OF SAID ALLEY IN SAID BLOCK 3 PROJECTED WESTERLY TO THE INTENTION OF THE
GRANTOR TO RELEASE AND QUIT-CLAIM FOREVER HER INTEREST IN SAID EASEMENT USED FOR INGRESS AND EGRESS TO
SMUGGLER STREET.

LESS AND EXCEPTING ALL OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED JUNE 2, 1959 IN BOOK 187 AT
PAGE 388, AS RECEPTION NO. 108072.

CITY OF ASPEN

COUNTY OF PITKIN
STATE OF COLORADO

NOTES

- 1) DATE OF FIELD WORK: DECEMBER, 2001--JUNE, 2001; SEPTEMBER, NOVEMBER 2019.
- 2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER--NOVEMBER 2019.
- 3) BASIS OF BEARING: A BEARING OF S74°14'15"E BETWEEN THE 1988 CITY OF ASPEN-GPS CONTROL POINTS GPS-20 AND GPS-9(R), AT THE STREET INTERSECTIONS OF 7TH FRANCIS AND 6TH FRANCIS, WHICH ESTABLISHED A SITE BEARING OF N 15°48'56" E BETWEEN THE NORTHEAST CORNER OF BLOCK 3 AND THE SOUTHEAST CORNER OF BLOCK 2, BEING FOUND MONUMENTS AS SHOWN.
- 4) BASIS OF SURVEY: THE OFFICIAL MAP OF THE CITY OF ASPEN APPROVED BY THE CITY ENGINEER C.E. BUCHANAN DATED DECEMBER 15, 1959, THE PLAT OF THE VANDEMOER LOT SPLIT, THE PLAT OF THE PARRY SUBDIVISION, THE HOWER SUBDIVISION EXEMPTION PLAT, VARIOUS DOCUMENTS OF RECORD AND THE U.S. DEPARTMENT OF INTERIOR PLAT AND NOTES FOR SECTION 12, AS APPROVED BY THE CHIEF CADASTRAL SURVEYOR ON FEBRUARY 14, 1980.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SOPRIS ENGINEERING, LLC (SE) TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY AND/OR TITLE OF RECORD SE RELIED UPON THE ITEMS LISTED IN NOTE 4 AND THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. 062002750 EFFECTIVE DATE SEPTEMBER 20, 2019.
- 6) PROPERTY ADDRESS: 949 WEST SMUGGLER STREET, ASPEN, CO 81611

SURVEYOR'S CERTIFICATE

I, MARK S. BECKLER, HEREBY CERTIFY TO 949 WEST SMUGGLER STREET, LLC AND LAND TITLE GUARANTEE COMPANY, THAT THIS IS AN IMPROVEMENT SURVEY PLAT AS DEFINED BY C.R.S. § 38-51-102(9), AND THAT IT IS A MONUMENTED LAND SURVEY SHOWING THE CURRENT LOCATION OF ALL STRUCTURES, WATER COURSES, WATER FEATURES AND/OR BODIES OF WATER, FLOOD PLAINS, ROADS, TRAILS, VISIBLE UTILITIES, EASEMENTS, RIGHT-OF-WAY AND/OR TITLE OF RECORD SE RELIED UPON THE ITEMS LISTED IN NOTE 4 AND THE TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, AND WITHIN FIVE FEET OF ALL BOUNDARIES OF SUCH PARCEL, ANY CONFLICTING BOUNDARY EVIDENCE OR VISIBLE ENCROACHMENTS, AND ALL EASEMENTS AND RIGHTS OF WAY OF A PUBLIC OR PRIVATE NATURE THAT ARE VISIBLE, OR APPARENT, OR OF RECORD AND UNDERGROUND UTILITIES DESCRIBED IN THE TITLE COMMITMENT REFERENCED IN NOTE 5 ABOVE, OR OTHER SOURCES AS SPECIFIED ON THE IMPROVEMENT SURVEY PLAT.

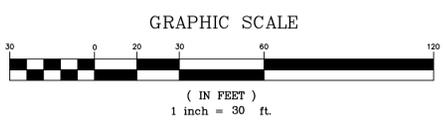
MARK S. BECKLER L.S. #28643

CLERK AND RECORDER CERTIFICATE

THIS LOT SPLIT PLAT OF THE VANDEMOER HILL LOT SPLIT
WAS FILED FOR RECORDING IN THE OFFICE OF THE CLERK
AND RECORDER OF PITKIN COUNTY ON THE DAY OF _____
2019, AND IS RECORDED IN BOOK _____ ON PAGE _____ AS
RECEPTION NO. _____

CLERK AND RECORDER

SOPRIS ENGINEERING - LLC
CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311

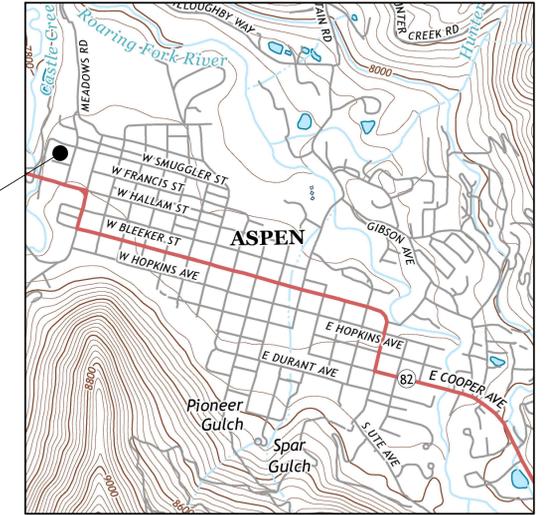


NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREBIN.

VANDEMOER HILL LOT 1

LOTS A,B,C,D,E,F,G,H AND I, BLOCK 3, CITY AND TOWNSHIP OF ASPEN AND
A PRACEL OF LAND SITUATED IN THE SW 1/4 AND THE NW 1/4 OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST OF THE 6th P.M.
CITY OF ASPEN, COUNTY OF PITKIN, STATE OF COLORADO

SHEET 1 OF 1



CITY OF ASPEN VICINITY MAP

ZONE LEGEND



CITY OF ASPEN ZONE R-6



CITY OF ASPEN ZONE R-30

NOTES:
1) CITY OF ASPEN ZONE BOUNDARIES
ESTABLISHED USING CITY OF ASPEN GIS SHAPE
FILE DATA, DOWNLOADED ON 11-15-19.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BE BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

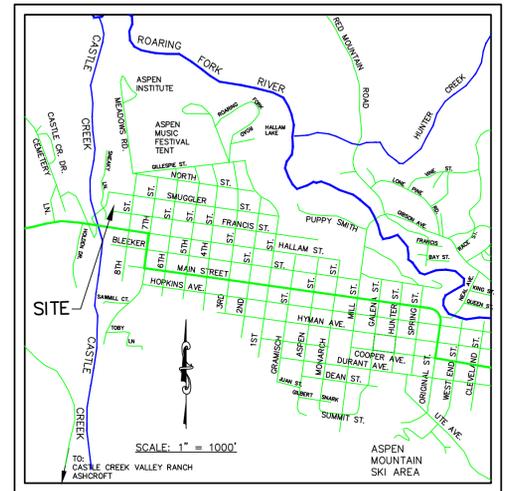
SOPRIS ENGINEERING - LLC

CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311

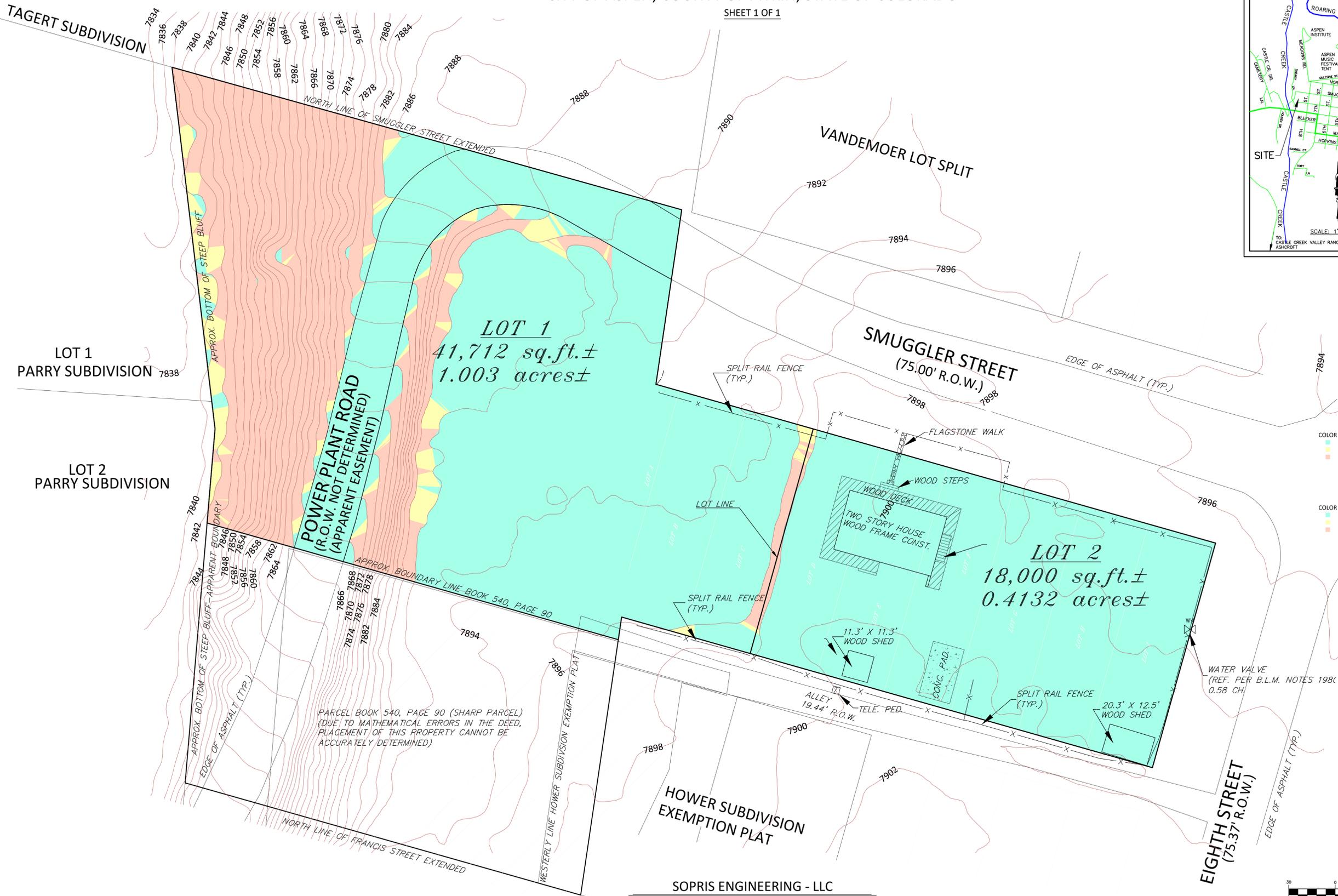
THE VANDEMOER PROPERTY - LOT 1 & 2

LOTS A,B,C,D,E,F,G,H AND I, BLOCK 3, CITY AND TOWNSHIP OF ASPEN AND
A PRACEL OF LAND SITUATED IN THE SW 1/4 AND THE NW 1/4 OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST OF THE 6th P.M.
CITY OF ASPEN, COUNTY OF PITKIN, STATE OF COLORADO

SHEET 1 OF 1



CITY OF ASPEN
VICINITY MAP



SLOPE ANALYSIS TABLE LOT 1

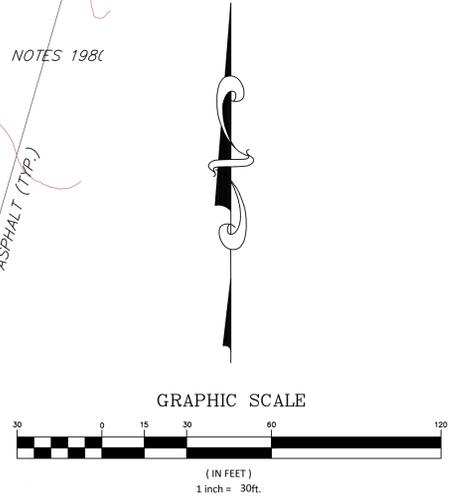
COLOR	RANGE BEG.	RANGE END	PERCENT	AREA SQ.FT.
Light Blue	0.00	20.00	63.0	27,532
Yellow	20.00	30.00	4.2	1,832
Orange	30.00	---	32.8	14,348

CITY OF ASPEN GIS NAVD 88 CONTOURS

SLOPE ANALYSIS TABLE LOT 2

COLOR	RANGE BEG.	RANGE END	PERCENT	AREA SQ.FT.
Light Blue	0.00	20.00	99.4	17,886
Yellow	20.00	30.00	0.1	23
Orange	30.00	---	0.5	91

CITY OF ASPEN GIS NAVD 88 CONTOURS



SOPRIS ENGINEERING - LLC
CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BE BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

MEMORANDUM

TO: Mayor Torre and City Council

FROM: Amy Simon, Historic Preservation Officer

THRU: Phillip Supino, Community Development Director

MEETING DATE: February 25, 2020

RE: Second Reading of Ordinance #1, Series of 2020, **620 Gillespie Avenue and 845 Meadows Road, Aspen Institute-** Historic Designation and Benefits, Call-Up Notice of HPC’s approval for Conceptual Major Development and Commercial Design, Growth Management, Planned Development, Special Review, Transportation Impact and Trash Storage

APPLICANT /OWNER:

The Aspen Institute

REPRESENTATIVE:

Curtis and Associates
Jeffrey Berkus Architects
Rowland+Broughton Architects

LOCATION:

Street Address:

620 Gillespie Avenue
845 Meadows Road

Legal Description and Parcel ID:

620 Gillespie Avenue, Parcel ID:
2735-121-29-809, Lot 1-B, Aspen
Meadows Subdivision, City and
Townsite of Aspen, Colorado
845 Meadows Road, Parcel ID:
2735-121-29-008, Lot 1-A, Aspen
Meadows Subdivision, City and
Townsite of Aspen, Colorado

CURRENT ZONING & USE

Academic

PROPOSED LAND USE:

No change

SUMMARY: The Aspen Institute proposes historic designation and renovation of the Boettcher Seminar Building, and construction of a new Center for Herbert Bayer Studies at the intersection of Gillespie Street and the Music Associates’ parking lot. Approval for a storage shed along Meadows Road is also requested. This meeting is the second in three step process, with Council review occurring between HPC Conceptual and Final. The applicant hopes to prep the site this spring, then construct the project from Fall 2020 to June 2021.

STAFF RECOMMENDATION:

Staff recommends approval with conditions. This is a project with numerous community benefits, including protection of an important historic resource and the creation of the only museum and research facility dedicated to Herbert Bayer. The potential to grow the collection of his work available to experience in Aspen is significant.



Site Locator Map
Areas of work indicated in red

BACKGROUND:

The Aspen Institute was founded in 1949 by Walter Paepcke, with the goal of creating a forum where business leaders could reflect on the intellectual, ethical and spiritual values which might benefit their companies, and ideally society. Most of the buildings and works of art that define the 40-acre campus were constructed from 1953 to 1960, the year when the Auditorium was built as a memorial following Paepcke's death. Bauhaus master Herbert Bayer was the planner of the campus and designer of most of the buildings and art. In several cases he teamed with his brother-in-law, Frank Lloyd Wright trained architect Fritz Benedict.

With some of the momentum of the organization lost after Paepcke's death, no new structures were added until the Boettcher Foundation funded the construction of the Boettcher building, which opened in 1975. This was the last building on the property designed by Bayer and Benedict. Today, the Aspen Institute is considered to be one of the best and most intact examples of the Bauhaus in the United States.

In the 50s and 60s, other non-profits related to Paepcke developed adjacent to the Institute, specifically the Aspen Music Festival and Aspen Center for Physics. Each organization faced challenges and by the late 70s, the Institute relocated its headquarters to Maryland and the entire property, including the Music Festival and Physics lands, were acquired by a private developer. Ultimately, the value of these cultural facilities and the campus to the community was prioritized and they were sold back to the non-profits. This led to a planning effort approved by the City in 1991 as the Aspen Meadows Specially Planned Area. Each non-profit identified their expected needs, and approval to develop new facilities was granted. Adjustments have occurred over the years, for instance instead of adding some of the anticipated lodge units to the site, the Institute allocated square footage to the creation of the Doerr-Hosier building. With the recent completion of the Albright Pavilion, the Institute has used all of its 1991 development rights, plus approximately 800 square feet of additional area approved for that project.

In 2019, the Aspen Institute was gifted funds to develop a Center for Herbert Bayer Studies. This donation was the result of a policy decision to place more emphasis on Bayer's legacy, so the Institute will only collect and display his work and will increase opportunities for public involvement.

The southern edge of the campus was identified as the most appropriate location for the new facility. This has offered an opportunity to restore and improve the Boettcher building, which has only been modestly upgraded since its construction as a building primarily intended for summer use.

In addition to these significant projects, the Institute requests approval to build a storage shed along the Meadows road area of the property to contain equipment needed to service the large site.

REQUEST OF CITY COUNCIL

The Applicant is requesting the following land use approvals:

- Historic Designation and Benefits (Section 26.415.030.C) for voluntary historic designation of the Boettcher Building, as an example of AspenModern.
- Call Up Notice regarding HPC's granting of Conceptual Commercial Design Review and Conceptual Major Development review (Sections 26.412 and 26.415) to uphold the board's preliminary approval for the design of the structures and site improvements.
- Growth Management Employee Generation Review for an Essential Public Facility (Section 26.470.050.C) to establish site specific employee generation to be used as the basis for affordable housing mitigation.
- Planned Development, Project Review (Section 26.445.040.B) for allowed land uses, layout, mass and scale, and dimensions of the project.
- Transportation and Parking Management, Special Review (Section 26.515.080) to establish, vary or waive transportation, mobility, or off-street parking requirements to serve the project.
- Trash and Recycling Storage (Section 12.10) to address the Municipal Code requirements and to reflect the recommendations of the Environmental Health Department in the land use review.

STAFF COMMENTS:

Following is a summary of staff findings. Please see Exhibits A through D for more detail.

Historic Designation and Benefits

The applicant proposes voluntary historic designation of the Boettcher Seminar Building. Prior to 2011, no historic designations in Aspen required "owner consent." City Council could designate any property that was found to meet landmark criteria. Lengthy debates about the appropriate approach to use for non-Victorian era architecture resulted in voluntary program that relies on the negotiation of individualized incentives addressing the unique conditions of each property.

Benefits have been critical to the success of the Aspen Historic Preservation program since they were made available over 30 years ago. The HPC carefully uses this flexibility to encourage projects to retain historic resources in the greatest entirety possible, while allowing new construction to occur in a sensitive manner. The "give and take" aspect of this process offers a degree of fairness in terms of development rights for the less than 300 privately owned properties (only about 15% of the total lots) that are responsible for maintaining Aspen's identity as a historic town.



The Boettcher building, seen above in a 1980 photo, was the last structure built on the Aspen Meadows campus designed by Herbert Bayer and Fritz Benedict. It was constructed with funds from the Denver based Boettcher Foundation, created in 1957 out of the estate of business tycoon Charles Boettcher. The building opened in 1975, the year that Bayer, a 30-year resident, left Aspen for health reasons. The influence of both Bayer and Benedict on the post-war development of Aspen has been well documented, particularly within a research paper available at www.aspenmod.com; “Aspen’s Twentieth-Century Architecture: Modernism 1945-1975.” Bayer’s reflection of the Bauhaus in America has architectural significance at the state, national and international level.

This structure, somewhat physically isolated from the rest of the Institute campus, was originally conceived for seasonal use and has since been adapted to conference and office space. Only minor exterior changes have occurred, including somewhat visible mechanical upgrades as building use increased. Staff finds that the property meets four of the five designation criteria outlined in Exhibit A and has a high level of architectural integrity, with few alterations since construction. According to the adopted scoring system, this is a “Best” example of AspenModern and, therefore, is prioritized for designation and award of benefits.

There is significant community value to preserving this property. The Institute campus is not designated in its entirety, a preference of the organization, but all other original historic resources with the exception of Paepcke Auditorium and the Koch Seminar building have been designated through previous cooperative efforts. Staff hopes to see those buildings landmarked in the future and is



enthusiastic about the proposed designation of the Boettcher Building.

The applicant initially proposed that the area defining the Boettcher Building designation be very limited so that HPC would only have formal review over the Boettcher building itself and advisory review of adjacent structures, including the Bayer Center. Staff did not support this and has worked with the applicant to identify a larger context to be protected around the historic resource. A map of the designated area has been prepared by the applicant and is attached to the ordinance. Language that exempts temporary tents, artwork and similar elements from HPC review is included on the map.

The applicant has asked for numerous designation benefits, detailed in Exhibit A. Staff has worked with the applicant and other City departments to clarify the language describing the benefits in the Council ordinance. Conditions of approval related to benefits are included in the ordinance as needed. Two actions that were originally requested as benefits; tree removals at the southeast corner of the property and no trash storage adjacent to the Boettcher and Bayer structures have been eliminated from the proposal and the applicant has worked out approvable solutions on these topics.

Call Up Notice regarding HPC's granting of Conceptual Commercial Design and Conceptual Historic Preservation Major Development

Commercial Design Review and Major Development are a two-step process requiring HPC approval of a Conceptual Development Plan, and then a Final Development Plan. HPC granted Conceptual approval by a vote of 6-0 on January 22nd. Minutes of the HPC meeting and the resolution are attached. This second reading before Council includes Council's Code-required Notice of Call-Up. As is customary with Notice of Call-Up, Council may uphold HPC's Conceptual approval, may request additional information, or may remand the decision to HPC to require consideration of specific issues at a new public hearing. Call-Up has been combined with second reading in response to the 90-day timeline required of AspenModern historic designation reviews.

Staff and HPC found that all Conceptual design review guidelines are met. The siting of the Center for Bayer Studies to the southwest of the Boettcher building is appropriate and deferential to the historic structure. The form, height and above ground area of the building are compatible with Boettcher, and the building employs similar materials and features to be compatible, but distinct from the Bayer architecture throughout the Meadows.

With regard to work on the historic Boettcher building, the applicant is significantly improving the integrity of the building by relocating conduit and other intrusive items that have been attached over the years. The applicant proposes a skylight over an open-air courtyard at the center of the building, but it will have little public visibility and is understood to be an important practical improvement. Minor changes are proposed to increase accessibility and energy efficiency. A fenced area at one corner of the structure will allow for mechanical equipment to sit on the ground, screened from view. Staff supports all of the proposed work at Boettcher, with details to be approved by HPC at Final.



One topic that generated significant discussion at HPC’s Conceptual review was the landscape plan around the Boettcher and Bayer Buildings. The applicant has restudied this aspect of the project and has updated the plan in the Council application. Final details are to be reviewed by HPC. In general, the board encouraged the applicant to identify and retain important historic elements of the existing landscape in their new planning, to reflect on the character of the Meadows campus, and to rethink the public access paths to the buildings. The landscape plan being presented to Council is a representation of what will be more fully developed at HPC.

Growth Management Employee Generation Review for an Essential Public Facility

The Aspen Meadows was deemed an Essential Public Facility in the 1991 Specially Planned Area approval granted by City Council. As such, Council has the authority to:

“assess, waive or partially waive affordable housing mitigation requirements as is deemed appropriate and warranted for the purpose of promoting civic uses and in consideration of broader community goals. The employee generation rates may be used as a guideline, but each operation shall be analyzed for its unique employee needs, pursuant to Section 26.470.100, Calculations.”

The application includes a representation that the small expansion of square footage that results from capping the central courtyard at Boettcher will not generate any new employees. Based on an analysis conducted by the applicant, The Center for Bayer Studies was initially proposed to generate 1.5 new FTEs, and the applicant requested to mitigate those FTEs by the payment of a cash-in-lieu fee.

After discussion between staff and the applicant, the Institute proposes to increase their estimated FTE’s to 2.0, in recognition of services that may be provided by the Institute to support catering, maintenance, cleaning and other work to operate the new building. The applicant also requests to mitigate with Certificates of Affordable Housing Credit.

As a condition of approval recommended by APCHA, the applicant will be required to provide a baseline calculation of existing FTEs employed by the organization. This baseline has been provided as Exhibit I to this memo. At 2 years and 5 years after the issuance of Certificates of Occupancy related to this project, audits will be conducted to determine if more employees have been added to serve the Boettcher Building or Center for Bayer Studies structures, based in part on the use and occupancy of the facility. If additional FTEs are found to have been generated, mitigation above the initial 2.0 FTEs will be required. APCHA recommends the priority for any mitigation over 0.10 FTEs be in the form of on-site mitigation, off-site mitigation, or the purchase of credits through the Affordable Housing Credit program. Cash-in-lieu is the last choice and would require approval by City Council.

Note: In 2014, the Community Development Department processed an Insubstantial PD amendment to allow the conversion of unneeded tennis courts to a service yard. Because equipment storage had not been adequately anticipated in the 1991 SPA, this use had gradually crept into the underground parking beneath the tennis courts, displacing some of the parking that was required for the Institute property.

Moving the storage onto the outdoor court solved the parking issue but has left items exposed to weather. The applicant has represented that the proposed shed will not be heated or plumbed and is solely for housing maintenance items and charging the golf carts that are used throughout the campus. As a result, affordable housing mitigation is not required for this accessory structure. A condition of approval is proposed limiting use of the building to storage only. The ordinance also includes a conditioning cleaning up the approval records that allowed parking between the tennis courts to be paved in 2006.



Aerial View of Boettcher Building and Site Conditions

Planned Development, Project Review

Recent code amendments have eliminated the Specially Planned Area term used in the 1991 approval for the Aspen Meadows and deemed the area instead a Planned Development. Planned Development review is allowed on properties which are determined to merit special flexibility and innovation in terms of land development.



The 1991 approval allowed for expansions to the Institute facilities. All of the development rights approved in 1991 have been constructed. New projects are subject to current development standards, including affordable housing mitigation to the extent deemed appropriate by Council.

In a Planned Development, the decision-making body may grant variations from dimensional requirements or uses when appropriate. Typically, the review board uses the underlying zoning of the property as a guide for allowable development. In this case the underlying zoning is Academic and there are no set dimensional parameters. Each project is reviewed on a case by case basis.

Staff finds, as demonstrated in Exhibit D, that the criteria for Planned Development Project Review are met. The project is appropriately sited and is sympathetic to the scale and character of surrounding development. A shared parking agreement utilizing the MAA lot has been negotiated and the applicant will make needed improvements to bus and pedestrian facilities of the lot. This solution ensures easier entry to the site by foot. Dust generated by vehicles, which has been a long-time neighborhood concern, is reduced. Environmental Health has indicated that paving the bus lane and entrance at 5th and Gillespie will improve the health, safety and welfare of the users of the property, neighbors, and the community. Community Development and Environmental Health staff will continue to work with the Institute and MAA to address neighborhood impacts from the parking lot and transportation facilities.

Transportation and Parking Management, Special Review

The applicant has provided a Transportation Impact Assessment to estimate the new vehicle trips that will be generated by this project. This assessment has been reviewed and approved by Engineering and Transportation. The plan will be provided to HPC and made a condition of their Final approval as required by the land use code. Among the improvements that will be made to address transportation impacts, the Institute will work with We-Cycle to increase the capacity of both stations serving the campus.

In terms of providing actual parking spaces for this project, there is no standard number that is applied to an Essential Public Facility. On-site parking is not an option for the Boettcher and Bayer buildings as new curb cuts and impacts to the campus landscape would be undesirable. A shared parking agreement using the MAA lot is supported by staff, and is an efficient and appropriate solution. However the agreement must be renewed every five years and could unwind, despite the organizations having a history of cooperating on any number of property management issues. Staff recommends Council accept the proposal. To ensure that the available parking is adequate, a condition of approval preventing private events related to Boettcher and Bayer is included in the ordinance. Staff has worked with the Institute on mutually agreeable language to that effect. Limiting private events is also important to assure that other concerns, such as employee generation and trash mitigation, are sufficiently addressed.

REFERRAL COMMENTS:

The application was referred out to other City departments to preliminarily identify requirements that may affect permit review. All referral comments have been incorporated as conditions of approval.



RECOMMENDATION: Staff recommends Council uphold HPC’s Conceptual Design approval and approve Ordinance #1, Series of 2020.”

RECOMMENDED MOTION: “I move to uphold HPC’s Conceptual Design approval and to approve Ordinance #1, Series of 2020.”

CITY MANAGER COMMENTS: _____

ATTACHMENTS:

- Ordinance #1, Series of 2020
- Exhibit A - Historic Designation and Benefits/Staff Findings
- Exhibit B - Growth Management Employee Generation Review/Staff Findings
- Exhibit C - Planned Development Project Review/Staff Findings
- Exhibit D - Transportation and Parking Management Special Review/Staff Findings
- Exhibit E - Application
- Exhibit F - Public Comment
- Exhibit G- HPC Resolution #4, Series of 2020
- Exhibit H- Minutes from January 22, 2020 HPC meeting
- Exhibit I- Aspen Institute baseline employment related to Boettcher, and proposed mitigation for the Center for Bayer Studies

**ORDINANCE #1
(SERIES OF 2020)**

**AN ORDINANCE OF THE ASPEN CITY COUNCIL GRANTING HISTORIC
DESIGNATION AND BENEFITS, GROWTH MANAGEMENT, PLANNED
DEVELOPMENT, SPECIAL REVIEW, TRANSPORTATION IMPACT AND TRASH
STORAGE APPROVAL FOR THE PROPERTY LOCATED AT 620 GILLESPIE
AVENUE AND 845 MEADOWS ROAD, ASPEN INSTITUTE**

**PARCEL ID: 620 Gillespie Avenue, Parcel ID: 2735-121-29-809
and 845 Meadows Road, Parcel ID: 2735-121-29-008**

WHEREAS, the Community Development Department received an application for Historic Designation and renovation of the Boettcher Building and construction of a new Center for Herbert Bayer Studies and a storage shed from The Aspen Institute, represented by Curtis and Associates, Jeffrey Berkus Architects and Rowland + Broughton Architects, which requires the following land use review approvals:

- Historic Designation and Benefits (Section 26.415.030.C) for voluntary historic designation of the Boettcher Building, as an example of AspenModern.
- Commercial Design (Section 26.412.040) for remodel of the Boettcher Building, construction of the Center for Herbert Bayer Studies, and construction of a new storage building.
- Historic Preservation Major Development (Section 26.415.070.D) for remodel of the Boettcher Building, construction of the Center for Herbert Bayer Studies, and construction of a new storage building.
- Growth Management Employee Generation Review for an Essential Public Facility (Section 26.470.050.C) to establish employee generation to be used as the basis for affordable housing mitigation.
- Planned Development, Project Review (Section 26.445.040.B) for allowed land uses, layout, mass and scale, and dimensions of the project.
- Transportation and Parking Management, Special Review (Section 26.515.080) to establish, vary or waive transportation, mobility, or off-street parking requirements to serve the project.
- Trash and Recycling Storage (Section 12.10) to incorporate the determination of the Environmental Health Department into the land use review; and

WHEREAS, all code citation references are to the City of Aspen Land Use Code in effect on the day of application completeness– December 10, 2019, as applicable to this Project; and,

WHEREAS, the Community Development Department received referral comments from City Engineering, Building Department, Environmental Health, Parks, Aspen/Pitkin County Housing Authority, and Zoning as a result of a Development Review Committee meeting; and,

WHEREAS, said referral agencies and the Aspen Community Development Department reviewed the proposed Application and recommended conditions; and,

WHEREAS, pursuant to Chapter 26.304.060 of the Land Use Code, the Community Development Director may combine reviews where more than one (1) development approval is being sought simultaneously; and,

WHEREAS, all required public noticing was provided as evidenced by an affidavit of public noticing submitted to the record, a summary of public outreach was provided by the applicant to meet the requirements of Land Use Code Section 26.304.035, and the public was provided a thorough and full review of the proposed development; and,

WHEREAS, the Historic Preservation Commission reviewed the Application at duly noticed public hearing on January 22, 2020, during which the recommendations of the Community Development Director and comments from the public were heard by the Historic Preservation Commission. The Commission granted Conceptual Commercial Design Review and Conceptual Major Development Review and recommended, by a vote of 6 to 0, that Council approve Historic Designation and Benefits, Growth Management, Planned Development, Special Review, Transportation Impact and Trash Storage; and,

WHEREAS, the Aspen City Council has reviewed the application and finds that it meets all applicable standards, and that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO THAT:

Section 1: Approvals

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the City Council hereby grants Historic Designation and Benefits, Growth Management, Planned Development, Special Review, Transportation Impact and Trash Storage approval subject to the following conditions.

1. The designation of the Boettcher building shall include the Center for Bayer Studies and the surrounding landscape as depicted on Exhibit A to this Ordinance. Only the Boettcher Building itself will be considered a historic resource. HPC will have purview over the future and current development of this designated area in perpetuity. Temporary tents, artwork and other similar temporary elements and improvements shall be exempted from HPC review. The final historic designation site map to be recorded following HPC Final Review will reflect the findings of the Historic Preservation Commission at that Final Review hearing.
2. Approval of the proposed development and historic designation shall be granted within the AspenModern negotiation period, which has been extended to March 19, 2020 by mutual agreement of the City and the applicant.
3. Building permits for the approved project will be processed according to the Expedited Permit Policy administered by the Building Department.

4. Approval is granted for the removal or relocation of the Spruce Tree immediately adjacent to the Boettcher Building, subject to additional oversight by the Parks Department. If the tree is relocated, the location must be approved by HPC at Final review.
5. The Park Development Impact Fee and Transportation Demand Management/Air Quality Impact Fee for the approved development shall be waived as a benefit of the AspenModern historic designation.
6. Pedestrian Amenity, as required in the Commercial Design Standards in the Land Use Code, is provided in the form of the open space surrounding the structures in this project.
7. No food preparation or kitchen facilities are permitted in the Center for Bayer Studies, but kitchen facilities exist and are permitted in the Boettcher Building. No private events may be held at the Boettcher Building or Center for Bayer Studies. The Bayer building may host events that are sponsored by the Aspen Institute, whether inside the building or in the patio/lawn area in front of the building. Educational and arts groups do not need to be sponsored by the Aspen Institute. The Boettcher building may host events that are sponsored by the Aspen Institute and Aspen Meadows Resort inside the building or on the lawn area on the North side of the building. All outdoor events must conclude by 10:00 PM, and indoor events must conclude by 11 PM.
8. The storage shed along Meadows Road adjacent to the tennis facility may be used for storage and for charging electric vehicles only. The structure shall not be heated or plumbed without further land use approvals. The long-standing parking area between the tennis courts, which was paved in 2006 when an associated project was approved via Ordinance #46, Series of 2005, but not fully executed, are incorporated in this approval and may be used for tennis or general parking.
9. The applicant's proposal to mitigate as an Essential Public Facility for a proposed employee generation rate of 2.0 FTEs is approved. Those FTEs shall be mitigated at a rate of 65% through the extinguishment of Certificates of Affordable Housing Credits. A formal employee audit of the Boettcher Building and Center for Bayer Studies operations will be conducted prior to building permit approval and provided to APCHA to review and approve. Additional employee generation audits are required to be conducted two years and five years after Certificate of Occupancy. The auditor and audit will be reviewed and approved by APCHA. Any costs associated with the audit will be at the expense of the applicant. The Housing Authority shall request the audit from the applicant and the applicant shall provide the Housing Authority and the Community Development Department with the audit report. Failure to request the audit shall not render any of the approvals invalid. The Housing Authority and Community Development shall forward the audit to the Housing Board and/or City Council for review, as applicable.
10. Any additional FTE's over the 2.0 proposed for the Boettcher Building and Center for Bayer Studies will require mitigation through a means approved by City Council if over 0.10, or by the current cash-in-lieu rate established at the time of that specific employee audit if under 0.10 FTEs. APCHA does not recommend anything greater than 0.10 FTE's to be mitigated by cash-in-lieu. Cash-in-lieu for FTEs in addition to the 2.0 approved in this ordinance and in excess of 0.10 additional FTE requires the approval of City Council.
11. A Trash Storage and Recycling facility plan acceptable to Environmental Health is included in the approved HPC Final Review documentation and building permit application materials.

12. The Aspen Institute and Music Associates of Aspen have entered into a MOU providing for shared parking in the MAA lot. The MOU details the number of spaces that will be available to users of the Center for Bayer Studies, and the dates and times that they may be used. This agreement is subject to renewal every five years and either party may terminate it with no notice to the City of Aspen. The Institute has represented an intention to seek long term cooperation and renewal of the agreement, or an alternative, including the possibility of relocating the parking to the Paepcke Auditorium in the future lot if necessary. As part of the voluntary designation of the Boettcher Building, the City has accepted this commitment as sufficient. No further parking mitigation will be due if the parties cannot establish a shared parking agreement in the future.

Section 2: Subsequent Reviews

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the Applicant is required to obtain Planned Development – Detail Review and Final Major Development Review to proceed to building permit. These applications may be combined and shall be made no later than one (1) year following City Council approval of the reviews outlined herein. Failure to file such an application within this time period shall render the Planned Development – Project Review, Conceptual Major Development approval and Growth Management approval null and void. This deadline may be extended by the Community Development Director, pursuant to Section 26.445.090.C of the Land Use Code.

In addition to the general documents required as part of a Planned Development – Detail Review, the following items shall be required as part of the Application’s Planned Development – Detail Review:

- a. An Outdoor Lighting Plan, pursuant to section 26.575.150.
- b. A Site Development and Landscape Plan.
- c. A Tree Removal and Mitigation Plan.
- d. A finalized Transportation Impact Analysis approved by the City of Aspen Engineering Department.
- e. Demonstrated resolution of Referral Agency comments to the extent possible prior to building permit submittal.

Section 3: Engineering Department

The applicant must address the following to the satisfaction of the Engineering Department as part of building permit review.

Public Improvements:

- a. All adjacent sidewalks and curb & gutter, as identified by the City Engineer and depicted in HPC Final Review documents must be replaced prior to issuance of a Certificate of Occupancy. The sidewalk along Gillespie St. involves tree conflicts and the final alignment must be approved by the Parks and Engineering Departments.
- b. Pedestrian circulation facilities throughout the approved project area and adjacent rights-of-way must be upgraded to ADA compliant access facilities.
- c. Curb and gutter are required along Gillespie Street and the parking lot entrance in accordance with Engineering requirements.

Drainage Improvements:

A detailed drainage, storm water, and water quality plan is required per Engineering Department standards.

- a. A pervious pavement approved for use within the URMP is required for the parking area and proposed shed location, apron, and access point.
- b. The existing drywell at the Boettcher Building must be cleaned, and the rim brought to finished grade as part of building permit, or if abandoned, a replacement drainage plan shall be approved by the Engineering Department.
- c. New asphalt must be treated and/or detained. Develop a plan for treatment of asphalt area.

Transportation Impact Analysis:

- d. The applicant's Transportation Impact Analysis must be approved by the Engineering Department prior to HPC Final Review.

Utilities:

- e. All ditch modifications or improvements must be coordinated with and approved by relevant City departments and the Si Johnson Ditch Company prior to building permit issuance.
- f. The water service line may not be aligned within the sanitary easement. Only crossings will be allowed in the easement.
- g. Fire suppression calculations must be submitted and demonstrate that 2" fails. Prior to building permit submit fire flow calculations and see section 5.4 of the Water Distribution Standards.
- h. Shared service lines are not recommended, but if allowed, Section 5.5 of the Water Distribution Regulations applies, and a common service line agreement must be entered by the parties. Further review of water service will occur prior to and at building permit.
- i. An easement is required for the fiber and electrical primary lines on neighboring properties.

Section 4: Parks Department

The applicant must address the following to the satisfaction of the Parks Department as part of building permit review.

- a. A tree removal permit is required for the removal of trees and excavation within the driplines of trees. Detailed tree preservation plans and tree mitigation plans with tree ID numbers are required along with shoring plans prior to building permit submittal.
- b. The two large Cottonwoods on either side of the new entrance at the south east corner of the property are not approved for removal. These trees are identified as tree # 6898 which is a 35" DBH Cottonwood in the city right-of-way, and the large multi-stem Cottonwood between the front lawn and the parking lot.
- c. Application of fertilizers, growth regulator/inhibitors, and or root pruning, in coordination with the City Forester and Historic Preservation Officer may be required prior to the start of excavation within the driplines of trees.
- d. Tree Protection Zones (TPZ) will be required at the drip line of all preserved trees. No storage of construction materials, storage of construction backfill, storage of equipment, foot or vehicle traffic is allowed within this TPZ. This TPZ must be inspected and approved by the City Forester or his designee prior to any construction activity commences.

- e. Proposed sidewalks and curb and gutter shall be of a “floating design” where driplines of trees are encroached upon and may need to be adjusted to achieve appropriate offset to the trees.
- f. One-sided micro piling walls will be required along the south and west sides of the new Bayer building to prevent impacts to adjacent tree driplines.
- g. More information is required to be submitted for review and approval by Parks as part of building permit submittal to determine impacts from utility cuts coming in from the north side along the trail.
- h. More details with regard to the proposed patio on the west side of the new building as they relate to tree roots must be submitted for review and approval by Parks as part of building permit submittal. Sand set pavers on existing grade may be required for this patio.
- i. The applicant shall provide detailed information regarding the boxing and transplanting of the spruce tree to the courtyards sculpture garden.
- j. All trenching and excavation for irrigation system installation within the driplines of trees require City Forester approval prior to building permit issuance.
- k. Shed design and location shall be coordinated with the Historic Preservation Officer and City Forester to ensure compliance with tree preservation requirement.
- l. If the transplanting of the spruce tree is deemed not feasible by the Parks Dept. then the Applicant has no obligation to plant a spruce tree in the designated location, and if the transplanted spruce tree dies, Applicant has no obligation to re-plant a spruce tree in the designated location. Applicant shall pre-mitigate upfront for the transplanted spruce tree such that Applicant has no obligation to pay a mitigation fee should the spruce tree die.

Section 5: Environmental Health Department

Environmental Health accepts the applicant’s proposal to pave a portion of the bus lane area on the MAA parking lot, as represented in the application, as a beneficial improvement to fugitive dust concerns on that property. Any future improvements to the MAA parking lot or dust mitigation measures shall be coordinated with the Environmental Health and Community Development Departments.

Section 6: Zoning

The applicant must address the following to the satisfaction of Zoning as part of building permit review.

- a. All fencing must comply with LUC section 26.575. All mechanical and venting equipment shall meet the exceptions in 26.575.020.F.5, Allowed Exceptions to Height.

Section 7: Material Representations

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before the Community Development Department, the Historic Preservation Commission, or the Aspen City Council are hereby incorporated in such plan development approvals and the same shall be complied with as if fully set forth herein, unless amended by other specific conditions or an authorized authority.

Section 8: Existing Litigation

This Resolution shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 9: Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 10: Public Hearing

A public hearing on this ordinance shall be held on the 25th day of February, 2020, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado, a minimum of fifteen days prior to which hearing a public notice of the same shall be published in a newspaper of general circulation within the City of Aspen.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Aspen on the 28th day of January, 2020.

Attest:

Nicole Henning, Deputy City Clerk

Torre, Mayor

FINALLY, adopted, passed and approved this ____ day of _____, 2020.

Attest:

Nicole Henning, Deputy City Clerk

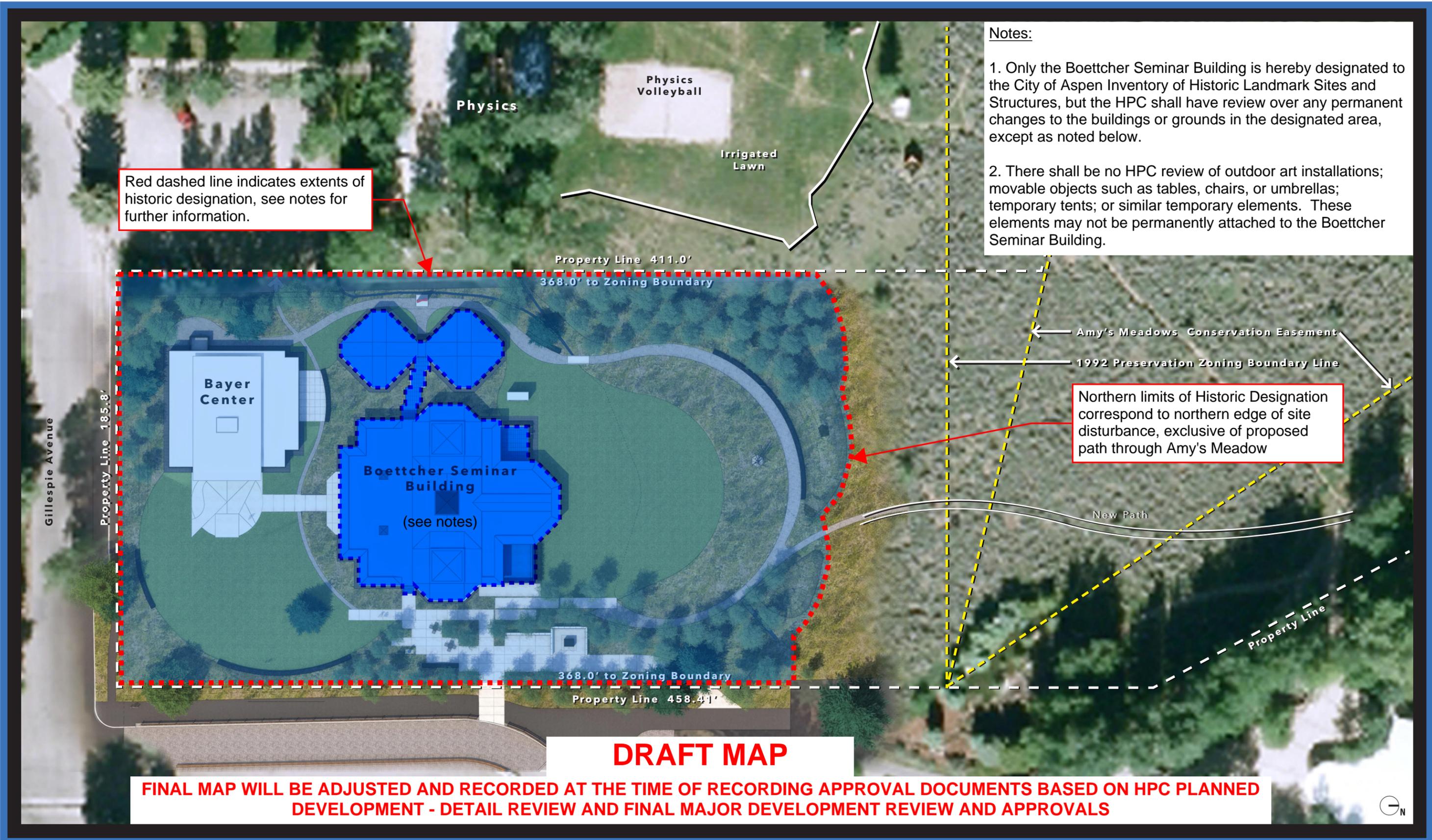
Torre, Mayor

Approved as to form:

James R. True, City Attorney

Attachments:

- Exhibit A: Approved plans and elevations
- Exhibit B: Map of Boettcher designation area



- Notes:**
1. Only the Boettcher Seminar Building is hereby designated to the City of Aspen Inventory of Historic Landmark Sites and Structures, but the HPC shall have review over any permanent changes to the buildings or grounds in the designated area, except as noted below.
 2. There shall be no HPC review of outdoor art installations; movable objects such as tables, chairs, or umbrellas; temporary tents; or similar temporary elements. These elements may not be permanently attached to the Boettcher Seminar Building.

Red dashed line indicates extents of historic designation, see notes for further information.

Northern limits of Historic Designation correspond to northern edge of site disturbance, exclusive of proposed path through Amy's Meadow

Property Line 411.0'
368.0' to Zoning Boundary

368.0' to Zoning Boundary
Property Line 458.4'

Gillespie Avenue

Property Line 185.8'

DRAFT MAP

FINAL MAP WILL BE ADJUSTED AND RECORDED AT THE TIME OF RECORDING APPROVAL DOCUMENTS BASED ON HPC PLANNED DEVELOPMENT - DETAIL REVIEW AND FINAL MAJOR DEVELOPMENT REVIEW AND APPROVALS



Exhibit A Historic Designation and Benefits Staff Findings

According to Municipal Code Section 26.415.030.C, to be eligible for designation on the Aspen Inventory of Historic Landmark Sites and Structures as an example of AspenModern, an individual building, site, structure or object or a collection of buildings, sites, structures or objects must have a demonstrated quality of significance. The quality of significance of properties shall be evaluated according to criteria described below. When designating a historic district, the majority of the contributing resources in the district must meet at least two of the criteria a-d, and criterion e described below:

- a) The property is related to an event, pattern, or trend that has made a contribution to local, state, regional or national history that is deemed important, and the specific event, pattern or trend is identified and documented in an adopted context paper;
- b) The property is related to people who have made a contribution to local, state, regional or national history that is deemed important, and the specific people are identified and documented in an adopted context paper;
- c) The property represents a physical design that embodies the distinctive characteristics of a type, period or method of construction, or represents the technical or aesthetic achievements of a recognized designer, craftsman, or design philosophy that is deemed important and the specific physical design, designer, or philosophy is documented in an adopted context paper;
- d) The property possesses such singular significance to the City, as documented by the opinions of persons educated or experienced in the fields of history, architecture, landscape architecture, archaeology or a related field, that the property's potential demolition or major alteration would substantially diminish the character and sense of place in the city as perceived by members of the community, and
- e) The property or district possesses an appropriate degree of integrity of location, setting, design, materials, workmanship and association, given its age. The City Council shall adopt and make available to the public score sheets and other devices which shall be used by the Council and Historic Preservation Commission to apply this criterion.

Staff Finding: The Boettcher building was the last structure built on the Aspen Meadows campus that was designed by Herbert Bayer and Fritz Benedict. It opened in 1975, the year that Bayer, a 30 year resident, left Aspen to live at a lower elevation after suffering a heart attack. The influence of both Bayer and Benedict on the post-war development of Aspen has been well documented, particularly within a research paper available at www.aspenmod.com; "Aspen's Twentieth-Century Architecture: Modernism 1945-1975." Bayer's reflection of the Bauhaus in



America has architectural significance at the state, national and international level.

The Boettcher building was constructed with funds from the Denver based Boettcher Foundation, created in 1957 out of the estate of business tycoon Charles Boettcher. The Boettcher Foundation has granted more than \$375 million to Colorado civic and cultural programs, community and social services, and education and health care causes.

This structure, somewhat physically isolated from the rest of the Institute campus, was originally conceived for seasonal use and has since been adapted to conference and office space. Only minor exterior changes have occurred, including somewhat visible mechanical upgrades as building use increased.

Staff finds that the property meets designation criteria A, B, and C, as well as criterion E, physical integrity. The integrity scoring, completed on forms approved by City Council during the adoption of the AspenModern program, appears at the end of this exhibit. Staff finds the property is virtually unaltered, scoring at least 18 out of 20 possible integrity points. There is significant community value to preserving this property. The Institute campus is not designated in its entirety, a preference of the organization, but all original historic resources with the exception of Paepcke Auditorium and the Koch Seminar building have been designated through previous cooperative efforts. Furthermore, the Institute has allowed HPC courtesy review of new structures such as the Doerr-Hosier Building, Greenwald Pavillion, and the somewhat recent renovation of the Auditorium.

The designation of properties as AspenModern is voluntary and allows the applicant to request benefits on a case by case basis as follows.

26.415.025.C. AspenModern Properties. Properties associated with Aspen’s 20th century history shall be called AspenModern. Properties identified on the AspenModern Map shall be eligible for certain preservation benefits without being designated by City Council and may be awarded preservation incentives above and beyond those identified at Section 26.415.110, as follows. Property owners are encouraged to meet proactively with the historic preservation commission before undertaking development plans to receive preliminary feedback on appropriate development and benefits.

1. Ninety-Day Negotiation Period. In the case that the owner of a property on the AspenModern Map submits a land use application which includes voluntary landmark designation, a negotiation period of up to 90 days shall be initiated.

A letter from the property owner indicating an understanding of this ninety-day negotiation period shall accompany the land use application. The ninety-day negotiation period may be extended an additional thirty (30) days upon a resolution adopted by the Council, or longer if mutually acceptable to both the Council and the property owner.



Nothing herein shall prevent the City from reviewing any land use application or building permit affecting the subject property during the ninety-day negotiation period.

Within the ninety-day negotiation period, the following shall occur:

- a) The Community Development Director shall offer to meet with the property owner to discuss the City's Historic Preservation Program and benefits that the property may be eligible to receive upon designation as a Historic Landmark.
- b) The Community Development Director shall confer with the Historic Preservation Commission, at a public meeting, regarding the proposed land use application or building permit and the nature of the property. The property owner shall be provided notice of this meeting.

The Historic Preservation Commission, using context papers and integrity scoring sheets for the property under consideration, shall provide Council with an assessment of the property's conformance with the designation criteria of Section 26.415.030.C.1. When any benefits that are not included in Section 26.415.110 are requested by the property owner, HPC shall also evaluate how the designation, and any development that is concurrently proposed, meets the policy objectives for the historic preservation program, as stated at Section 26.415.010, Purpose and Intent. As an additional measure of the appropriateness of designation and benefits, HPC shall determine whether the subject property is a "good, better, or best" example of Aspen's 20th century historic resources, referencing the scoring sheets and matrix adopted by City Council.

- c) The Community Development Director shall confer with the City Council regarding the proposed land use application or building permit, the nature of the property, and the staff and Historic Preservation Commission's assessment of its historic significance and the effects of the application or building permit. The property owner shall be provided notice of this meeting.
- d) The City Council may negotiate directly with the property owner or may choose to direct the Community Development Director, or other City staff as necessary, to negotiate with the property owner to reach a mutually acceptable agreement for the designation of the property. The City Council may choose to provide this direction in Executive Session, pursuant to State Statute. As part of the mutually acceptable agreement, the City Council may, at its sole discretion, approve any land use entitlement or fee waiver permitted by the Municipal Code and may award any approval that is assigned to another Board or Commission, including variations. Council shall consider the appropriateness of benefits in light of whether the property is identified as a "good, better, or best" example of Aspen's 20th century history and shall also seek to be equitable in the benefits awarded through the



negotiation process. The monetary value of benefits being requested shall be defined, to the extent possible. Council shall seek compatibility with the neighborhood surrounding the subject property.

When benefits are awarded as part of the negotiation, Council shall require that the property be designated as a Historic Landmark, pursuant to the standards and limitations of Section 26.415.030, Designation of Historic Properties. As part of the mutually acceptable agreement, the City Council may choose to require the land use application or building permit that initiated the negotiation to be withdrawn by the property owner if said application or permit would have negatively affected the historic significance of the property.

Once a property identified on the AspenModern Map is designated to the Aspen Inventory of Historic Landmark Sites and Structures, additional negotiation under this section is not allowed.

- e) If, upon the passage of 90 days or any extension thereof, the City and the property owner have failed to reach a mutually acceptable agreement, affected land use applications shall be issued a Development Order upon compliance with all applicable provisions of the City of Aspen Land Use Code. The City Council, or the property owner, may choose to terminate negotiations at any time.

Staff Findings: The applicant has requested numerous benefits related to designation. Staff has briefly commented after each item, in bold, and created conditions of approval if applicable.

1. That the land use and entitlement review of the Boettcher, Bayer and Storage Shed application be completed in 90 days including the recordation of required Approval Documents and that the Aspen Institute can apply for other subsequent permits once the Final HPC Review has been approved even as the Approval Documents are being finalized and processed for recording. **The 90 day negotiation period began when the application was deemed complete on December 10, 2019 and it ends on March 9th. The applicant requested a continuation of the originally planned Council Second Reading date and has agreed to extend the negotiation to March 19th, after HPC Final review is expected to conclude.**

Preparation of the Approval Documents is the applicant's responsibility. Staff will work with the applicant to review drafts and record the documents in a timely manner.

No applicant may apply for building permits until 30 days after a final approval is granted, due to the statutory appeal period. Preliminary review and consultation with permit reviewers will be provided to the extent possible.

2. That the building permit review of the Boettcher, Bayer and Storage Shed buildings be completed in 90 days once a building permit application is submitted and that the Building



Department or any other applicable City Departments can issue phased or partial permits including but not limited to tree removal, utilities relocations and trenching, demolition, excavation, foundation, etc. permits in order to phase and expedite construction. **The applicant will be eligible for the newly adopted Expedited Permit process created by the Building Department. A condition of approval is included in the ordinance.**

3. That the large spruce tree at the southeast corner of the Boettcher Building can be removed and mitigated for, and that the large specimen spruce tree located on the Bayer building site can be transplanted to the southeast side of the Boettcher Building farther from the building as shown on the drawings in the application; that the Aspen Institute will pre-mitigate upfront for the transplanted spruce tree should it die and need to be removed; that the pre-mitigation shall be in full compliance with the mitigation requirements of the Parks Department; and that the removal and transplanting can occur between April 1-June 15, 2020. **The Parks Department has approved this plan. The location for the moved tree must be approved by HPC at Final. A condition of approval is included in the ordinance.**

4. That other trees, as shown on the Tree Removal and Mitigation Plan in the drawings of the application, can be removed and mitigated for, including those trees in the Gillespie Ave. ROW and the AMFS property (with consent of AMFS); that mitigation will be in full compliance with the mitigation requirements of the Parks Department; and that the removal and/or relocation of trees can occur between April 1-June 15, 2020. **The Parks Department has not approved this entire plan, but is agreeable to removal of two right-of-way trees that will facilitate installation of a sidewalk extension on Gillespie Avenue. This will be memorialized through tree permits.**

5. That the utilities and irrigation channel located on the project site can be relocated between April 1 - June 15, 2020 with the relocation plans being approved by the Engineering Department and/or the applicable permitting agency. **This schedule is dependent on the applicant submitting complete and timely permit applications. The applicant has initiated discussion with the review departments.**

6. That any additional site prep-work necessary to prepare the project site for full construction starting in late August 2020 can occur between April 1-June 15, 2020 with the approval of the applicable permitting entity. **This schedule is dependent on the applicant submitting complete and timely permit applications. The applicant has initiated discussion with the review departments.**

7. That the parking lot and pedestrian improvements proposed for the AMFS Gillespie Ave. parking lot be approved as fulfilling the Transportation Impact Analysis (TIA) requirements of this application; that a drainage plan for the improvements will only be required for the improvements and a drainage plan will not be required for the total parking lot or the total



AMFS property; that the drainage plan for the improvements can be submitted prior to Detail Review; and that the improvements can be constructed at any time prior to a Certificate of Occupancy being issued for the Boettcher and Bayer buildings. **This is supported by staff. A condition of approval is included in the ordinance.**

8. That the existing open space on Lot 1-B where the Boettcher and Bayer buildings are located; that the enhanced sculpture lawn at the entrance to the buildings; and that the expanded north lawn area of the Boettcher Building be approved as fulfilling the Pedestrian Amenity requirements of the application. **This is supported by staff. A condition of approval is included in the ordinance.**

9. That the shared parking and construction parking plan as outlined in the Memorandum of Understanding between the Aspen Institute and AMFS in Exhibit 8 be approved as fulfilling the parking requirements of the application. **This is supported by staff. A condition of approval is included in the ordinance.**

10. That an underground 3 phase power line and fiber optic line can be installed generally from the southwest corner of the Paepcke parking lot along the eastern boundary of the property to the Boettcher site between April 1-June 15, 2020. The lines will generally be outside the Wildlife Preservation zoning area and the Amy's Meadow Conservation Easement area as shown in the drawings in the application. The Conservation Easement allows for underground utilities with the approval of the Aspen Valley Land Trust, the holder of the easement. The Aspen Institute will provide approval from AVLTL prior to commencement of the work. The 3 phase power line will allow for more energy efficient and smaller HVAC mechanical equipment for Boettcher and Bayer, and the fiber optic line will allow for a redundant fiber loop to the Boettcher and Bayer buildings. **This is supported by staff. The applicant is working with review departments.**

11. That the Aspen Institute be able to fulfil its Employee Mitigation requirement in full compliance with the City Code with a cash-in-lieu payment. **Council indicated at First Reading that cash-in-lieu would not be accepted. The applicant has amended their proposal to provide Certificates of Affordable Housing Credit. A condition of approval is included in the ordinance.**

12. That the Aspen Institute be able to fulfill its trash and recycle requirements of the City Code by collecting and disposing of the project's trash and recycle in the central trash and recycle collection area behind the Walter Isaacson Center. The Institute/Meadows presently uses this one central collection area for all its trash and recycle collection for the total campus, and it works well. The Institute/Meadows has found that by having one central facility it can be better supervised, maintained and monitored its trash and recycling better than having



multiple dumpster locations throughout the campus. **The applicant has worked with Environmental Health to design an acceptable trash storage area that will be located at the northeast corner of Boettcher, adjacent to mechanical equipment. This utilitarian space will be screened from view with a fence. A separate approval for this will be completed with Environmental Health.**

13. That the Park Development Impact Fee and the Transportation Demand Management /Air Quality Impact Fee do not apply to the Boettcher Building as a voluntary designated historic structure and do not apply to the Bayer Center and Storage Shed as these structures do not contain net leasable commercial space as that term is defined in the City Code. **These impact fees are automatically waived for landmark structures, so Boettcher will be exempt. Regarding the new Bayer Center, the applicant is correct that the project does not involve the development of net leasable space, however Section 26.610.100 of the Municipal Code infers that Council must specifically take action to provide an exemption for a non-designated structure, and may do so when it wishes to exempt an essential public facility as a means of subsidizing construction or providing an economic development incentive. Staff has included the fee waiver in the ordinance.**

14. That only the Boettcher Building be designated to the Landmark Inventory and that the Bayer Center and surrounding grounds around the two buildings not be designated to the Landmark Inventory. This flexibility is requested as the grounds are likely to change periodically for sculpture exhibits, art gardens, summer lectures, event tents, etc. and it is felt HPC review for every potential change would be cumbersome. **Staff understands that the boundary for the designation must be reasonable and has worked with the applicant to develop a map, attached to the ordinance, that includes the Boettcher Building, the new Center for Bayer Studies, and the immediately surrounding landscape as being under HPC's purview. Language that exempts temporary tents, artwork and similar elements from HPC review is included on the map. The applicant would like to finalize the map to reflect HPC's Final approval before recording it and the Ordinance.**

Character Defining Features of the Bauhaus/International Style

Check box if statement is true.
1 point per box.

- 1) Simple geometric forms, both in plan and elevation
- 2) Flat roofs, usually single story
- 3) Proportions are long and low, horizontal lines are emphasized
- 4) Asymmetrical arrangement of elements
- 5) Windows are treated as slots in the wall surface, either vertically or horizontally, or glazing appears as a curtain wall
- 6) Detailing is reduced to the composition of elements rather than decorative effects
- 7) Materials are generally manufactured and standardized, surfaces are smooth, with minimal or no detail at window jambs, grade, and roof edge

8) Entry is usually marked by a void in the wall, a cantilevered screen element, or other architectural clue that directs one into the composition

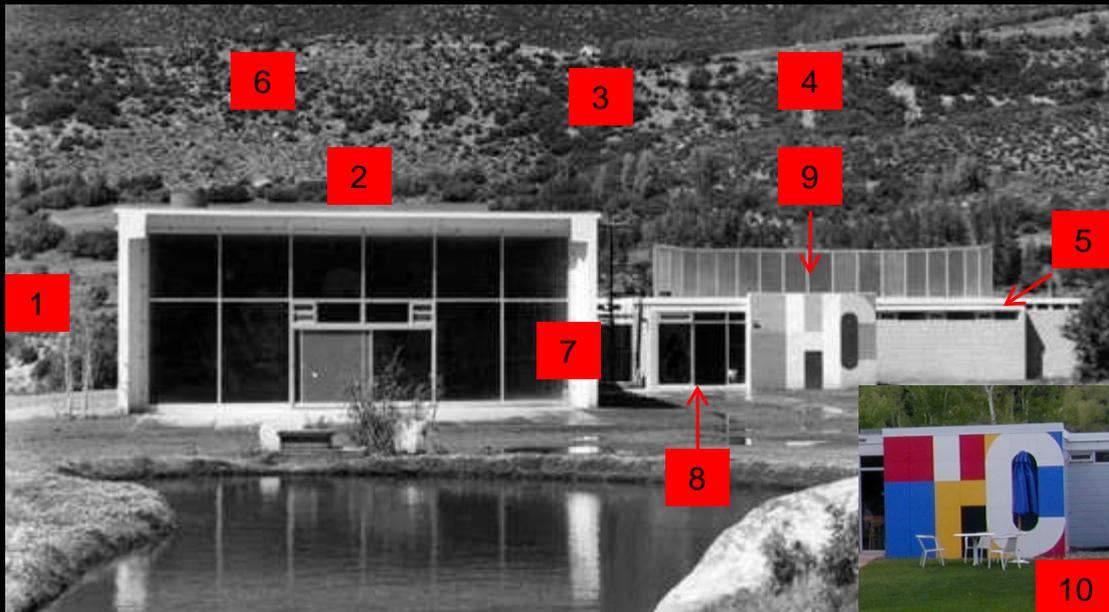
9) Buildings are connected to nature through the use of courtyards, wall elements that extend into the landscape, and areas of glazing that allow a visual connection to the natural environment

10) Schemes are monochromatic, using neutral colors. Primary colors are used for accents.

A building must have 6 of the 10 character defining features, either present or clearly documented through photographic or physical evidence to qualify as Bauhaus/International Style. Restoration may be required as part of the award of incentives.

If the property earned 6 or more points, continue to the next page.

If the property earned less than 6 points, scoring ends.



134

Total Points, 0 - 10

9

INTEGRITY SCORING

If a statement is true, circle the number of points associated with that true statement.

LOCATION OF BUILDING ON THE LOT:	
The building is in its original location.	2 points
The building has been shifted on the original parcel, but maintains its original alignment and/or proximity to the street.	1 point
SETTING:	
The property is located within the geographical area surrounded by Castle Creek, the Roaring Fork River and Aspen Mountain.	1 point
The property is outside of the geographical area surround by Castle Creek, the Raoring Fork River and Aspen Mountain.	1/2 point
DESIGN:	
The form of the building (footprint, roof and wall planes) are unaltered from the original design.	3 points
a.) The form of the building has been altered but less than 25% of the original walls have been removed, OR b.) The alterations to the form all occur at the rear of the subject building, OR c.) The form of the building has been altered but the addition is less than 50% of the size of the original building, OR d.) There is a roof top addition that is less than 50% of the footprint of the roof.	2 points
MATERIALS	
Exterior materials	
The original exterior materials of the building are still in place, with the exception of normal maintenance and repairs.	2 points
50% of the exterior materials have been replaced, but the replacements match the original condition.	1 point
Windows and doors	
The original windows and doors of the building are still in place, with the exception of normal maintenance and repairs.	2 points
50% of the original windows and doors have been replaced, but the replacements match the original condition.	1 point

Best: 15 up to 20 points
 Better: 12 up to 15 points
 Good: 10 up to 12 points
 Not Eligible: 0 up to 10 points

Integrity Score (this page) maximum of 10 points:	9
Character Defining Features Score (first page) maximum of 10 points:	9
HISTORIC ASSESSMENT SCORE:	18
	135



Exhibit B
Growth Management Employee Generation Review
Staff Findings

Essential public facilities, which are often government or non-profit agencies, typically have unique functions and operational characteristics that do not lend themselves to a standard number of FTEs generated per square foot of building space. Essential public facilities are therefore permitted to propose the employee generation which they believe to be accurate.

The criteria for employee generation review are in Section 26.470.050.C.

In establishing employee generation, the HPC makes a recommendation to Council considering the following:

- 1) The expected employee generation of the use considering the employment generation pattern of the use or of a similar use within the City or a similar resort.
- 2) Any unique employment characteristics of the operation.
- 3) The extent to which employees of various uses within a mixed-use building or of a related off-site operation will overlap or serve multiple functions.
- 4) A proposed restriction requiring full employee generation mitigation upon vacation of the type of business acceptable to the Planning and Zoning Commission.
- 5) Any proposed follow-up analyses of the project (e.g., an audit) to confirm actual employee generation. The requirements of any proposed follow-up analysis shall be outlined in a Development Agreement, pursuant to Chapter 26.490
- 6) For lodge projects only: An efficiency or reduction in the number of employees required for the lodging component of the project may, at the discretion of the Commission as a means of incentivizing a lodge project, be applied as a credit towards the mitigation requirement of the free-market residential component of the project. Any approved reduction shall require an audit to determine actual employee generation after two (2) complete years of operation of the lodge.



Staff Findings: The 1991 SPA approval for the Meadows allowed all of the master planned development at the Institute, the Music Associates and the Center for Physics to proceed without any affordable housing mitigation. Now that those allotments, at least for the Institute, have been consumed, evaluation of appropriate mitigation is needed.

The applicant has estimated that the renovation of the Boettcher Building will not generate any new FTEs, and that the new Center for Bayer Studies will require 2.0 new FTEs, which are to be mitigated at 65%, as required in Growth Management. Please note that the applicant has voluntarily increased their FTE estimate from 1.5 to 2.0 in the course of the review process, to recognize additional part-time staff needed for the care of the new Bayer building. The applicant has also, based on feedback from Council at First Reading, changed their proposed mitigation method from cash-in-lieu to Certificates of Affordable Housing Credit.

APCHA has recommended future audits to ensure that if more FTEs are needed for the development, mitigation can be required. This is standard for Essential Public Facilities. A baseline of current employees – full- and part-time – must be provided to APCHA prior to building permit issuance. The number of employees will be based on full-time work (2,080 hours per year). The applicant has provided this information, which is attached to the Council memo as Exhibit I.

At 2 years and 5 years after Certificate of Occupancy is received on the development, employee audits will be conducted. The audit shall include all employees – full- and part-time. The hours will be added up and then divided by 2,080 to get the FTE count. If the audits show additional employees above the baseline, mitigation shall be required. APCHA recommends that any additional mitigation be required to be through the Affordable Housing Credit program if over 0.10 FTE or by the Category 4 cash-in-lieu rate in effect at the time of the audit if under 0.10.

APCHA finds that mitigation via cash-in-lieu is the last resort for anything over 0.10 FTEs, a position which is supported by the Municipal Code. Section 26.470.110.C requires that the applicant demonstrate that cash-in-lieu is the appropriate option. APCHA does not recommend anything greater than 0.10 FTE's to be mitigated by cash-in-lieu. APCHA's preferences are as follows:

1. On-site mitigation;
2. Off-site mitigation;
3. Purchase of credits through the Affordable Housing Credit program;
4. Cash-in-lieu



Exhibit C
Planned Development Project Review
Staff Findings

The Institute, once deemed a Specially Planned Area, is now considered to be a Planned Development. The proposal to renovate Boettcher and construct the Center for Bayer Studies and a storage shed must first be found to meet the Project Review Standards at Section 26.445.050 of the Municipal Code.

Project Review shall focus on the general concept for the development and shall outline any dimensional requirements that vary from those allowed in the underlying zone district. The burden shall rest upon an applicant to show the reasonableness of the development application and its conformity to the standards and procedures of this Chapter and this Title. The underlying zone district designation shall be used as a guide, but not an absolute limitation, to the dimensions which may be considered during the development review process. Any dimensional variations allowed shall be specified in the ordinance granting Project Approval. In the review of a development application for a Project Review, the Planning and Zoning Commission or the Historic Preservation Commission, as applicable, and City Council shall consider the following:

A. Compliance with Adopted Regulatory Plans. The proposed development complies with applicable adopted regulatory plans.

B. Development Suitability. The proposed Planned Development prohibits development on land unsuitable for development because of natural or man-made hazards affecting the property, including flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rock slides, mining activity including mine waste deposit, avalanche or snow slide areas, slopes in excess of 30%, and any other natural or man-made hazard or condition that could harm the health, safety, or welfare of the community. Affected areas may be accepted as suitable for development if adequate mitigation techniques acceptable to the City Engineer are proposed in compliance with Title 29 - Engineering Design Standards. Conceptual plans for mitigation techniques may be accepted for this standard. The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

C. Site Planning. The site plan is compatible with the context and visual character of the area. In meeting this standard, the following criteria shall be used:



1. The site plan responds to the site's natural characteristics and physical constraints such as steep slopes, vegetation, waterways, and any natural or man-made hazards and allows development to blend in with or enhance said features.
2. The project preserves important geologic features, mature vegetation, and structures or features of the site that have historic, cultural, visual, or ecological importance or contribute to the identity of the town.
3. Buildings are oriented to public streets and are sited to reflect the neighborhood context. Buildings and access ways are arranged to allow effective emergency, maintenance, and service vehicle access.

D. Dimensions. All dimensions, including density, mass, and height shall be established during the Project Review. A development application may request variations to any dimensional requirement of this Title. In meeting this standard, consideration shall be given to the following criteria:

1. There exists a significant community goal to be achieved through such variations.
2. The proposed dimensions represent a character suitable for and indicative of the primary uses of the project.
3. The project is compatible with or enhances the cohesiveness or distinctive identity of the neighborhood and surrounding development patterns, including the scale and massing of nearby historical or cultural resources.
4. The number of off-street parking spaces shall be established based on the probable number of cars to be operated by those using the proposed development and the nature of the proposed uses. The availability of public transit and other transportation facilities, including those for pedestrian access and/or the commitment to utilize automobile disincentive techniques in the proposed development, and the potential for joint use of common parking may be considered when establishing a parking requirement.
5. The Project Review approval, at City Council's discretion, may include specific allowances for dimensional flexibility between Project Review and Detailed Review. Changes shall be subject to the amendment procedures of Section 26.445.110 - Amendments.

E. Design Standards. The design of the proposed development is compatible with the context and visual character of the area. In meeting this standard, the following criteria shall be used:



1. The design complies with applicable design standards, including those outlined in Chapter 26.410, *Residential Design Standards*, Chapter 26.412, *Commercial Design Standards*, and Chapter 26.415, *Historic Preservation*.
2. The proposed materials are compatible with those called for in any applicable design standards, as well as those typically seen in the immediate vicinity. Exterior materials are finalized during Detailed Review, but review boards may set forth certain expectations or conditions related to architectural character and exterior materials during Project Review.

F. Pedestrian, bicycle & transit facilities. The development improves pedestrian, bicycle, and transit facilities. These facilities and improvements shall be prioritized over vehicular facilities and improvements. Any vehicular access points, or curb cuts, minimize impacts on existing or proposed pedestrian, bicycle, and transit facilities. The City may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

G. Engineering Design Standards. There has been accurate identification of engineering design and mitigation techniques necessary for development of the project to comply with the applicable requirements of Municipal Code Title 29 - Engineering Design Standards and the City of Aspen Urban Runoff Management Plan (URMP). The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

H. Public Infrastructure and Facilities. The proposed Planned Development shall upgrade public infrastructure and facilities necessary to serve the project. Improvements shall be at the sole costs of the developer. The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

I. Access and Circulation. The proposed development shall have perpetual unobstructed legal vehicular access to a public way. A proposed Planned Development shall not eliminate or obstruct legal access from a public way to an adjacent property. All streets in a Planned Development retained under private ownership shall be dedicated to public use to ensure adequate public and emergency access. Security/privacy gates across access points and driveways are prohibited.

Staff Findings: The proposal is all sited on relatively flat land which has previously been disturbed and does not include any natural hazards. The existing and proposed buildings are adjacent to other development and have been designed with sensitivity to architectural



relationships, and neighborhood characteristics. The scale of the development is reasonable for the use and the project will provide significant amenity to the public.

Infrastructure to serve the property is adequate and easily accessible and the applicant plans upgrades to electrical and fiber optic service on their own property.

The Boettcher Building and the new Bayer building cannot accommodate on-site parking. The Institute proposes a shared parking arrangement, using spaces on the MAA lot when demand by music patrons is more limited. In exchange, the Institute plans to improve pedestrian access at the southern entrance of the lot and to pave the bus lane, reducing problematic PM-10 levels resulting from dust. This proposal has been reviewed and supported by Engineering, Transportation and Environmental Health, subject to conditions of approval.

Staff finds that the criteria for Planned Development- Project Review are met.



Exhibit D
Transportation and Parking Management Special Review
Staff Findings

This application is required to mitigate for its projected transportation impacts through the completion of a Transportation Impact Analysis. The applicant has provided the appropriate analysis and has reviewed their proposal in detail with the Engineering, Transportation and Environmental Health Departments. The current plan is included in the application and will be submitted to HPC as part of the final land use review, per Section 26.515.060.B of the Municipal Code. This is listed as a condition of approval.

In addition, the applicant must address parking requirements. For all Essential Public Facilities, the parking requirement is established according to the Special Review criteria listed below.

26.515.080. Special Review Standards.

Whenever the transportation, mobility, and parking impacts of a proposed development are subject to special review, an application shall be processed as a special review in accordance with the common development review procedures set forth in Chapter 26.304 and be evaluated according to the following standards. Review is by the Planning and Zoning Commission.

If the project requires review by the Historic Preservation Commission and the Community Development Director has authorized consolidation pursuant to Subsection 26.304.060.B, the Historic Preservation Commission shall approve, approve with conditions or disapprove the special review application.

A special review for establishing, varying or waiving transportation, mobility, or off-street parking requirements may be approved, approved with conditions or denied based on its conformance with all of the following criteria:

1. The transportation, mobility, and off-street parking needs of the residents, customers, guests and employees of the project have been met, taking into account potential uses of the parcel, the projected traffic generation of the project, any shared parking opportunities, expected schedule of parking demands, the projected impacts on the on-street parking of the neighborhood, the proximity to mass transit routes and the downtown area and any special services, such as vans, provided for residents, guests and employees.



2. An on-site mitigation solution meeting the requirements and guidelines is practically difficult or results in an undesirable development scenario.
3. Existing or planned on-site or off-site facilities adequately serve the needs of the development, including the availability of street parking.

Staff Findings: The applicant has submitted a TIA calculation, indicating that 13.81 new vehicle trips per day will be generated by the project. A series of mitigation actions are proposed, offsetting up to 19 trips per day.

No on-site parking is proposed in the application. A shared parking plan has been developed and appears to be an efficient and appropriate solution, however the agreement between the Institute and MAA must be renewed every five years and could unwind. The organizations have a past history of cooperating on any number of property management issues like this. Especially given the limited parking included in this project, it is important to ensure that vehicle trips to the site are not increased beyond current expectations through unlimited event use for the Boettcher and Bayer facilities. Conditions of approval accepting the parking plan and disallowing private events located on this area of the campus are included in the ordinance.

**BOETTCHER SEMINAR BUILDING RENOVATION
AND
CENTER FOR HERBERT BAYER STUDIES**

PLANNED DEVELOPMENT (PD) AMENDMENT APPLICATION

BOETTCHER SEMINAR BUILDING, 620 GILLESPIE AVE.
CENTER FOR HERBERT BAYER STUDIES, ADDRESS TBD
SERVICE YARD STORAGE SHED, 845 MEADOWS ROAD

LOT 1-A, ASPEN MEADOWS SUBDIVISION, PARCEL NO. #273512129008
LOT 1-B, ASPEN MEADOWS SUBDIVISION, PARCEL NO. #273512129809

Submitted To: Amy Simon
City of Aspen Community Development Office
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Aspen, Colorado 81611
970-920-5090

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Owner Repre. /
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Architects:	Jeffery Berkus Jeffery Berkus Architects 924 Anacapa Street Ste. 1B Santa Barbara, CA. 93101 970-256-2400	Sarah Broughton Rowland & Broughton Architects 500 W. Main St. Aspen, CO. 81611 970-544-9006
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Date: December 2, 2019

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I. APPLICATION SUMMARY

This application is for the following:

- Historic Designation and Benefits
- Historic Preservation Conceptual Major Development Review
- Commercial Design Review, Pedestrian Amenity Review
- Growth Management Review, Essential Public Facility Review
- Planned Development Amendment Review
- Growth Management Employee Generation and Mitigation Review
- Special Review for Parking
- Transportation Impact Analysis (TIA) Review
- Trash, Storage & Referral Comments Review

This application is illustrated by the “List of Drawings” outlined in the Table of Contents and inserted at the end of the application.

A. Overview

This application is for the following:

1. Renovation of the Boettcher Seminar Building and voluntary designation to the "Aspen Modern" Inventory of Historic Landmark Sites & Structures.
2. Construction of the Center for Hebert Bayer Studies to display, collect, archive, preserve and educate on the art and architecture of Herbert Bayer whose legacy is intertwined with the history of the Aspen Meadows and the Aspen community.
3. Construction of a simple storage shed in the existing Aspen Meadows service yard located on the west side of the campus adjacent to the tennis courts. The storage shed is not integral to the Boettcher-Bayer proposal and is only included in this application for ease of administrative processing by the City.
4. Improvements to the Aspen Music Festival and School (AMFS) Gillespie Ave. parking lot. These improvements will benefit the AMFS, the surrounding neighbors, visiting guests and the total community.

1. Boettcher Seminar Building. The building was opened in 1975 and was the last building on the Aspen Institute campus designed by Herbert Bayer and Fritz

Benedict, his friend and fellow architect. In recognition of the importance of Bayer's and Benedict's work to the Aspen Institute and the Aspen community, the Aspen Institute proposes to voluntarily designate the Boettcher Building to the City's "Aspen Modern" Inventory of Historic Landmark Sites and Structures. This voluntary designation will complement the other Aspen Institute structures and sites previously designated to the Landmark Inventory.

2. Center for Herbert Bayer Studies. The Center is a proposed new facility to display, collect, archive, preserve and educate on the art and architecture of Herbert Bayer, whose legacy is intertwined with the Aspen Institute campus and the Aspen community and whose prolific work represents the fullest expression of the Bauhaus movement in America. The Center will allow the Aspen Institute to better display and exhibit Bayer's works; receive works from Bayer collectors including the Bayer family; borrow works from other cultural institutions; and create new exhibits and educational opportunities for the public about Bayer's remarkable legacy. The Center will expand the Aspen Institute's on-going role as a showcase for Bayer's art and architecture, and will be a celebration of the influence of Bayer and Bauhaus art and architecture both locally, nationally and globally.

3. Storage Shed. The storage shed is not integral to the Boettcher-Bayer proposal and is only included in this application for ease of administrative processing by the City. The storage shed is simply a functional need to operate and maintain the Aspen Institute /Aspen Meadows buildings and grounds. There are 14 buildings and 40 acres of grounds. The 1991 SPA Plan did not make arrangements for the operational and storage needs of the campus and this application is an opportunity to address that need.

4. Improvements to Aspen Music Festival and School (AMFS)

Gillespie Ave. Parking Lot. The improvements are in co-ordination with the AMFS and are to create a safer, nicer entrance to the parking lot from the 5th Street entrance. The improvements include an upgraded entrance from 5th Street; a well-defined, safer pedestrian walkway to the Tent which is separated from the bus lane; a small plaza area; landscaping and paving a portion of the bus lane to reduce dust. These improvements reflect discussions the Aspen Institute had with the adjoining Gillespie Ave. neighbors and the AMFS. The improvements not only benefit the AMFS and neighborhood, but visiting guests and the total community.

**B. Boettcher Building and Bayer Center
Fostering Creativity, Innovation and Synergy**

The overriding purposes of the Boettcher and Bayer facilities are:

1. To display, collect, archive, preserve and educate on the work of Herbert Bayer whose legacy is intertwined with the history of the Aspen Meadows campus, the Aspen community, and the Bauhaus movement locally, nationally and globally.
2. To renovate the Boettcher Building with "Creativity Lab" space to foster innovative thinking and problem solving which are central to the mission of the Aspen Institute.
3. To foster a creative and synergetic environment between the two facilities, their uses and activities.
4. To create a "cultural hub" and stronger connection between the Boettcher-Bayer facilities and activities to the balance of the Aspen Institute campus, Aspen Music Festival and School, Aspen Center for Physics and importantly, the Aspen and Valley community.

C. Boettcher Building Voluntary "Aspen Modern" Designation

In order to foster the above goals, the Aspen Institute proposes to voluntarily designate the Boettcher Building to the City's "Aspen Modern" Inventory of Historic Landmark Sites and Structures. The Boettcher Building is listed on the City's Aspen Modern Map as an "Eligible" structure and would join the other Aspen Institute sites and structures previously listed. The Boettcher Building was opened in 1975 and was the last structure designed on the Aspen Institute campus by Herbert Bayer and Fritz Benedict. The building has seen some "band-aid" work over the last 45 years and is in need of functional and cosmetic renovation.

Pursuant to Code Section 26.415.025, the Aspen Institute respectfully request the benefits listed below in exchange for the voluntary designation of the Boettcher Building to the "Aspen Modern" Inventory. The benefits are focused on expediting the project schedule which is of paramount importance to the Aspen Institute. The goal is to have both the Boettcher and Bayer buildings opened by June 1, 2021 for that Summer Season. To achieve that goal the following benefits are requested:

1. That the land use and entitlement review of the Boettcher, Bayer and Storage Shed application be completed in 90 days including the recordation of required Approval Documents and that the Aspen Institute can apply for other subsequent permits once the Final HPC Review has been approved even as the Approval Documents are being finalized and processed for recording.
2. That the building permit review of the Boettcher, Bayer and Storage Shed buildings be completed in 90 days once a building permit application is submitted and that the Building Department or any other applicable City Departments can issue phased or partial permits including but not limited to tree removal, utilities relocations and trenching, demolition, excavation, foundation, etc. permits in order to phase and expedite construction.
3. That the large spruce tree at the southeast corner of the Boettcher Building can be removed and mitigated for, and that the large specimen spruce tree located on the Bayer building site can be transplanted to the southeast side of the Boettcher Building farther from the building as shown on the drawings in the application; that the Aspen Institute will pre-mitigate upfront for the transplanted spruce tree should it die and need to be removed; that the pre-mitigation shall be in full compliance with the mitigation requirements of the Parks Department; and that the removal and transplanting can occur between April 1-June 15, 2020.
4. That other trees, as shown on the Tree Removal and Mitigation Plan in the drawings of the application, can be removed and mitigated for, including those trees in the Gillespie Ave. ROW and the AMFS property (with consent of AMFS); that mitigation will be in full compliance with the mitigation requirements of the Parks Department; and that the removal and/or relocation of trees can occur between April 1-June 15, 2020.
5. That the utilities and irrigation channel located on the project site can be relocated between April 1 - June 15, 2020 with the relocation plans being approved by the Engineering Department and/or the applicable permitting agency.
6. That any additional site prep-work necessary to prepare the project site for full construction starting in late August 2020 can occur between April 1-June 15, 2020 with the approval of the applicable permitting entity.
7. That the parking lot and pedestrian improvements proposed for the AMFS Gillespie Ave. parking lot be approved as fulfilling the Transportation Impact Analysis (TIA) requirements of this application; that a drainage plan for the

improvements will only be required for the improvements and a drainage plan will not be required for the total parking lot or the total AMFS property; that the drainage plan for the improvements can be submitted prior to Detail Review; and that the improvements can be constructed at any time prior to a Certificate of Occupancy being issued for the Boettcher and Bayer buildings.

8. That the existing open space on Lot 1-B where the Boettcher and Bayer buildings are located; that the enhanced sculpture lawn at the entrance to the buildings; and that the expanded north lawn area of the Boettcher Building be approved as fulfilling the Pedestrian Amenity requirements of the application.

9. That the shared parking and construction parking plan as outlined in the Memorandum of Understanding between the Aspen Institute and AMFS in Exhibit 8 be approved as fulfilling the parking requirements of the application.

10. That an underground 3 phase power line and fiber optic line can be installed generally from the southwest corner of the Paepcke parking lot along the eastern boundary of the property to the Boettcher site between April 1-June 15, 2020. The lines will generally be outside the Wildlife Preservation zoning area and the Amy's Meadow Conservation Easement area as shown in the drawings in the application. The Conservation Easement allows for underground utilities with the approval of the Aspen Valley Land Trust, the holder of the easement. The Aspen Institute will provide approval from AVL T prior to commencement of the work. The 3 phase power line will allow for more energy efficient and smaller HVAC mechanical equipment for Boettcher and Bayer, and the fiber optic line will allow for a redundant fiber loop to the Boettcher and Bayer buildings.

11. That the Aspen Institute be able to fulfil its Employee Mitigation requirement in full compliance with the City Code with a cash-in-lieu payment.

12. That the Aspen Institute be able to fulfill its trash and recycle requirements of the City Code by collecting and disposing of the project's trash and recycle in the central trash and recycle collection area behind the Walter Isaacson Center. The Institute/Meadows presently uses this one central collection area for all its trash and recycle collection for the total campus, and it works well. The Institute/Meadows has found that by having one central facility it can be better supervised, maintained and monitored its trash and recycling better than having multiple dumpster locations throughout the campus.

13. That the Park Development Impact Fee and the Transportation Demand Management /Air Quality Impact Fee do not apply to the Boettcher Building as a voluntary designated historic structure and do not apply to the Bayer Center and Storage Shed as these structures do not contain net leasable commercial space as that term is defined in the City Code.

14. That only the Boettcher Building be designated to the Landmark Inventory and that the Bayer Center and surrounding grounds around the two buildings not be designated to the Landmark Inventory. This flexibility is requested as the grounds are likely to change periodically for sculpture exhibits, art gardens, summer lectures, event tents, etc. and it is felt HPC review for every potential change would be cumbersome.

The overall schedule the Aspen Institute is wishing to achieve is outlined below:

1. April 1 - June 15, 2020. Do pre-construction site prep-work to allow for full construction starting late August after the 2020 AMFS Summer Season.
2. June 15 - late August, 2020. Cease all exterior work for the 2020 AMFS Summer Season.
3. Late August, 2020 - June 1, 2021. Full construction on both the Boettcher and Bayer Buildings after the close of the AMFS Summer Season
4. June 1, 2021. Open the Boettcher and Bayer Buildings for the 2021 Summer Season.

D. Herbert Bayer and "Anaconda" Sculpture

A recent example of why the proposed Center for Herbert Bayer Studies is an exciting fit for the Aspen Institute is the recently installed "*Anaconda*" sculpture, see photo in the drawings of the application. "*Anaconda*" is one of the largest sculptures designed by Bayer and was commissioned for and installed in 1978 in the foyer of the Atlantic Richfield Company Building in downtown Denver at the request of Robert O. Anderson, a past president of the Aspen Institute. The building was torn down in 1995 and the sculpture was donated to the Denver Art Museum. The Denver Art Museum did not have the space nor appropriate setting to show the sculpture so it remained in crates, in storage for 22 years until it was acquired by the Aspen Institute in 2017 through the generous support of Institute

and Bayer donors. "*Anaconda*" was installed and dedicated on the Aspen Institute grounds south of the Paepcke Building in 2018 and once again given new life for the public to see and appreciate.

The "*Anaconda*" sculpture is just one example why the Aspen Institute is becoming nationally recognized as a center for Bayer art and architecture. Bayer's art is displayed in multiple Institute buildings across the campus and the campus highlights the artistry of Bayer. The proposed Center for Herbert Bayer Studies is an exciting extension of Bayer art, vision and influence on the Aspen Institute and the Aspen and Valley community.

II. BOETTCHER SEMINAR BUILDING RENOVATION

The Boettcher Building is located at 620 Gillespie Ave. between the AMFS Gillespie Ave. parking lot to the east and the Aspens Center for Physics to the west. The building is slightly removed from the other Aspen Institute and AMFS buildings and one of the goals of this application is to make a stronger connection between the facilities. The main building has three conference rooms and houses Aspen Institute/Aspen Meadows staff and the two west pods also house Institute/Meadows staff.

The building was opened in 1975 and was funded by the Boettcher Foundation of Colorado. The building was the last building on the campus designed by Herbert Bayer and Fritz Benedict. Over the past 45 years remedial "band-aid" work as occurred on the building including adding rooftop air conditioning units, adding exterior conduit and boxes for phone and fiber lines, and multiple roof repairs over the years. The building still has single plane glass and little insulation in the roof or exterior walls. The building square footage is:

Main building	5,307 sf.
Open central courtyard	783 - Proposed to be enclosed
Two West pods @ 739 sf. ea.	<u>1,478</u>
	7,568
Vestibule at Two West Pods	<u>41</u> - Proposed new vestibule
	7,609 sf.

The proposal to renovate the building includes:

1. Not adding any additional exterior square footage to the building, other than enclosing the interior courtyard for year-round use for Creativity Lab, conference and flex-space, and enclosing an alcove connecting the two west pods for better accessibility, energy efficiency and staff comfort.
2. Doing limited exterior work including a new roof, roof sub-structure and insulation as needed, removing the rooftop air conditioning units, new energy efficient windows and doors, removing the exterior phone and fiber conduits and boxes where feasible, changing-out the wood walking surface on the bridge going to the two west pods, repainting the building, redoing the entrance walkway and landscaping for the building.
3. Interior work includes creating "Creatively Lab" interactive flex-space, relocating the restrooms, adding an ADA restroom, adding a small warming prep-kitchen, relocating a small staff kitchenette, relocating staff work spaces, new lighting, new carpeting, flooring, tile, adding fire sprinkling, new mechanical and air-conditioning systems, adding insulation on interior of exterior walls, and painting the interior.

III. CENTER FOR HERBERT BAYER STUDIES

The Center for Herbert Bayer Studies is envisioned to be a center to display, collect, archive, preserve and educate on Bayer's works and influence. The Aspen Institute has historically displayed Bayer art across the campus and has become a nationally recognized center for Bayer art and architecture. Collectors and donors of Bayer's art have often approached the Aspen Institute about expanding its focus on Bayer art and architecture by building a center to display, preserve and honor his work and his impact on the Bauhaus art and architecture movement. The Center would be open to the public and would be an educational center for Bayer/Bauhaus enthusiasts, scholars and the Aspen and Valley community and schools.

The majority of the Center is located below ground and only 3,121 sf. is above ground. The Center and surrounding landscape is sited and designed to be synergistic with the "Creatively Lab" of the renovated Boettcher Building. The Center is designed in the Bauhaus Style to be compatible with the Boettcher Building and the other Bayer/Benedict designed buildings on the campus. The two

buildings are tied together by a Bayer inspired sculpture lawn, arrival court and walkway. The Center square footage is given below:

Above Ground	3,121 sf.
Below Ground	<u>4,415</u>
	7,536 sf.

Herbert Bayer in collaboration with Fritz Benedict had a major impact on the Aspen Meadows campus as outlined below:

Goethe Bicentennial	1949
Bayer First Visit to Aspen w/ Walter Paepcke	1950
First Bayer Designed Institute Bldg. (know today as Koch Bldg.)	1953
Three Chalet "Lodge" Bldgs.	1954-55
Health Center	1955
Marble Garden Sculpture	1955
Center Bldg. (known today as Walter Isaacson Center)	1958
Paepcke Memorial Bldg.	1963
Trustee's Townhomes	1965-66
Anderson Park	1973
Boettcher Bldg.	1975
Bayer relocates to Carmel, CA. due to health concerns	1975
Mr. Bayer passes	1985

IV. SERVICE YARD STORAGE SHED

The storage shed is not integral to the Boettcher and Bayer proposal and is only included in this application for ease of administrative processing. The storage shed is requested as part of the Planned Development review as an accessory structure to the principal uses and structures of the Institute/ Meadows operations. The shed is a simple structure located in the Meadows service yard on the west side of the campus. The shed is simply a functional need to better operate and maintain the Institute/ Meadows buildings and grounds. There are 14 buildings and 40 acres of grounds. Think of the shed as a much-needed garage/closet to put all the stuff needed to operate the property and to take pressure off the parking garage which has acted as the storage closet for the campus for many, many years. For example, the Institute/Meadows operate up to 54 golf carts during the summer and 27 carts during the winter. During the summer, the Institute would park and recharge the golf carts at the shed and during the winter some golf carts would be taken off-site and other would be parked in the shed. The shed is located in the existing service yard (formerly a tennis court) which was converted in 2015 and the service yard, in and of itself, has been a major improvement to the operations of the property. The shed is screened by the old tennis fencing and green netting. The shed is designed to be simple and functional with minimal visibility to the public. The shed is 2,050 sf. (approx. 20'x100'). The roof of the shed overhangs the top of the tennis fence so snow will slide beyond the fence. The roof is a dark green metal roof to blend with the dark green netting of the tennis fence.

V. 1991 SPECIALLY PLANNED AREA (SPA) PLAN AND CURRENT STATUS

The 1991 SPA Plan created a master plan for the total Aspen Meadows property encompassing the Aspen Institute property; Aspen Music Festival and School property; and Aspen Center for Physics property. Various amendments have occurred to the 1991 Plan by the three non-profits since the plan's adoption in 1991. The plan has correctly been viewed as a "living, breathing" document by the three non-profits and the City. Each proposed amendment has been reviewed by the City based on its own merits.

This application proposes to amend the 1991 SPA Plan (now called Planned Development (PD) Plan) similar to past amendments. The last Aspen Institute amendment was the renovation of the Aspen Meadows Reception Center (now

known as the Walter Isaacson Center) and the addition of the Madeleine Albright Pavilion which was approved by HPC and City Council in 2017 and opened in June 2018. **This amendment consumed all of the development square footage allocated to the Aspen Institute in the 1991 SPA Plan, but did not preclude requesting additional square footage or amendments based on their merits and compatibility with the 1991 SPA Plan.**

VI. 1991 SPA PLAN AND ESSENTIAL PUBLIC FACILITY DESIGNATION

The Aspen Institute request the Bayer Center be reviewed as an Essential Public Facility consistent with the Essential Public Facilities designation of the 1991 SPA Plan. The Aspen Institute request the Storage Shed be reviewed as an accessory structure to the principal structures and uses of the Institute /Meadows operations. The Institute believes the Bayer Center will only enhance the intellectual and cultural enrichment offered by the Institute as recognized in the 1991 SPA Plan. City Council Ordinance No. 14 (Series of 1991) which approved the 1991 SPA Plan found the Aspen Institute and Aspen Music Festival and School to be Essential Public Facilities exempted from the Growth Management Quota System Competition and Affordable Housing Impact Mitigation. In granting the Essential Public Facility status, the 1991 City Council found:

- a. *“The programs and activities sponsored and or hosted by the Institute and the MAA at the Aspen Meadows facilities have historically provided intellectual and cultural enrichment to the citizens of the City of Aspen without which the City would not have attained its present character and standing in the national and international community. Furthermore, the Aspen Meadows facilities, and those of the Institute and MAA in particular, have served and continue to serve important community needs and the proposed expansions of same will only enhance their value and accessibility to the citizens of the City of Aspen and the general public.” and,*
- b. *“The Institute’s and MAA’s proposed development involves essential public facilities, will enhance existing essential public facilities, and is not-for-profit in nature.”*

The Aspen Institute believes the Bayer Center will only enhance the intellectual and cultural enrichment offered by the Institute as recognized in the 1991 SPA Plan. What better way to celebrate, honor and preserve the art and legacy of

Herbert Bayer and his impact on the Bauhaus movement, the Aspen Institute/Meadows and the Aspen and Valley community than the Bayer Center.

Under the Essential Public Facilities provisions of the Code, the Aspen Institute request:

1. The Boettcher Seminar Building be reviewed as an Essential Public Facility as previously designated under the 1991 SPA Plan.
2. The Bayer Center be reviewed as an Essential Public Facility consistent with the Boettcher Building and the other buildings and uses on the Institute/Meadows property.
3. The Storage Shed be reviewed as an accessory structure to the principal structures and uses on the Institute/Meadows property.
4. The Boettcher, Bayer and Storage Shed buildings be Exempted from the Growth Management Quote System Competition.
5. Employee Generation and Mitigation for the application be reviewed on a "case specific" basis for "actual employee generated" pursuant to Code Section 26.470.050 and that the Aspen Institute is not requesting any waiver or exemption for employee mitigation as an Essential Public Facility as addressed in this application.
6. Parking for the application be reviewed on a "case specific" basis by Special Review pursuant to Code Section 26.515.040 as addressed in this application.

**VII. BOETTHER SEMINAR BUILDING RENOVATION
COMPATIBILITY WITH HPC DESIGN GUIDELINES**

The Aspen Institute is proposing to voluntarily designate the Boettcher Building to the "Aspen Modern" Landmark Inventory of Historic Sites and Structures. The Boettcher Building renovation team has reviewed the Historic Preservation Design Guidelines and have had conversations with Amy Simon. The renovation team felt it was not necessary to list and address each HPC Guideline for the following reason:

1. No significant exterior changes to the building are being proposed.

2. No additional square footage is being added to the exterior of the building. The interior open courtyard (783 sf.) of the building is proposed to be enclosed for year-round use, and the enclosure will have minimal to no impact of the roofline of the building or visibility from the public. An alcove (41 sf.) under the existing roof connecting the two west pods is proposed to be enclosed for handicap accessibility, energy efficiency and staff comfort.
3. Many of the Guidelines are not applicable to the project.

The limited exterior renovation includes:

1. Removing the two air conditioning units on the roof which are visible
2. Replacing the roof, roof sub-structure and adding insulation as needed
3. Adding small mechanical enclosures to the flat roofs, but not visible
4. Adding a mechanical enclosure for the on-ground HVAC equipment
5. Replacing windows/doors with new energy efficient units to match
6. Replacing or refinishing exterior doors
7. Removing the exterior fiber and phone conduits and boxes as feasible
8. Rebuilding the walkway between the main bldg. and 2 west pods
9. Rebuilding the exterior deck on the north side of the building
10. Painting the exterior of the building the same Bayer gray color

Even though the Bayer Center is not being proposed to the Aspen Modern Inventory, the siting and design of the building has been carefully done to be complimentary with the Boettcher Building. Equally important is the design of the landscape space connecting the two buildings. The two building have been designed to be synergetic to one another, both as to function and use, as well as design. The vision is to create a "cultural hub" for the two buildings that is open and welcoming to the Aspen and Valley community. Key features of the Boettcher-Bayer interface are:

1. The Bayer Center is sited to the west of the Boettcher Building to maintain the front view of Boettcher and to create a welcoming arrival experience for both buildings.
2. Approximately sixty percent (60%) of the Bayer Center is located underground to have the building appear compatible in size to Boettcher.
3. The Bayer Center roof height is approximately the same as the Boettcher roof height to make the buildings appear compatible in size.

4. The Bayer Center materials and colors have been selected to be clean simple and compatible with Boettcher.
5. The Site/Landscape Plan has reoriented the main walkway entrance to the property to emphasize the front views of both buildings and to have the sculpture lawn be a focus for both buildings.

VIII. BAYER CENTER COMPATIBILITY WITH HPC DESIGN GUIDELINES

The Bayer Center has been sited and designed to reflect the Bauhaus Style and be complimentary to the Boettcher Building and the other Bayer/Benedict designed buildings on the campus. The following is from the HPC Design Guidelines describing the Bauhaus/International Style and Characteristics.

*Bauhaus/International Style
Circa 1928-1960*

The use of the words "international style" refers to the title of the exhibit promoted by the Museum of Modern Art in New York City in 1931 which presented the work of forty architects from fifteen countries. It has become synonymous with modern styles and post-World War II architecture that emphasized simple rectilinear forms that expressed internal functions. New materials and construction techniques also were used. In Aspen, some variation emphasized techniques and materials from elsewhere, while others adapted the International Style to the local materials and building methods. Several of the International Style buildings in Aspen were designed by Herbert Bayer, a noted artist and designer from the Bauhaus school who had a significant influence on the postwar architecture development in Aspen.

Characteristics:

- * *Simple geometric forms, both in plan and elevation.*
- * *Flat roofs, usually single story.*
- * *Proportions are long and low, horizontal lines are emphasized.*
- * *Asymmetrical arrangement of elements.*
- * *Windows are treated as slots in the wall surfaces, either vertically or horizontally, or glazing appears as a curtain wall.*
- * *Detailing is reduced to the composition of elements rather than decorative effects.*
- * *Materials are generally manufactured and standardized, surfaces are*

smooth, with minimal or no detail at window jambs, grade, and roof edge.

- * Entry is usually marked by a void in the wall, a cantilever screen element, or other architectural clue that directs one into the composition.*
- * Buildings are connected to nature through the use of courtyards, wall elements that extend into the landscape, and areas of glazing that allow a visual connection to the natural environment.*
- * Schemes are monochromatic, using neutral colors. Primary colors are used for accents.*

The Aspen Institute believes the Bayer Center reflects these characteristics and is compatible with the Boettcher Building and the other Bayer/Benedict designed buildings on the campus.

IX. COMPATIBILITY WITH COMMERCIAL, LODGING, AND HISTORIC DISTRICT DESIGN STANDARDS & GUIDELINES

The design team has reviewed the Design Standards and Guidelines and found it was awkward to apply the Standards & Guidelines to the project as the Aspen Institute /Aspen Meadows property is not listed as a "Character Area" in the Standards & Guidelines, and the Meadows' character is really set by the master planning and design character of Herbert Bayer and Fritz Benedict and the 1991 SPA Plan. Given this, the design team has addressed the Standards and Guidelines as best they can and as applicable as given in Exhibit 1. The design team believes the project is consistent with and enhances the character of the Meadows property by designating the Boettcher Building to the "Aspen Modern" Inventory and constructing the Bayer Center in the Bauhaus Style.

A provision of the Commercial, Lodging, and Historic District Design Standards and Guidelines is the provision of Pedestrian Amenity, Code Section 26.412.070. The Aspen Institute believes the project complies with the Pedestrian Amenity requirements of the Code. The Institute property totals 39.7 acres with Lot 1-A being 26.54 acres and Lot 1-B being 13.16 acres as shown in the drawings of the application. A significant amount of the Institute property is open and accessible to the public. General open areas include the Marble Garden, Anderson Park, and Amy's Meadow (the Race Track area.) The Boettcher and Bayer buildings are located on Lot 1-B (13.16 ac.) and Lot 1-B has approximately 11.9 acres (91%) of accessible open space and only 1.2 acres (9%) covered with buildings and parking

which easily exceeds the 25% Pedestrian Amenity requirement of the Code. The site plan for the project also provides for an enhanced sculpture lawn at the entrance to the buildings; an expanded north lawn area of Boettcher; and significant improvements to the AMFS parking lot.

As part of the voluntary designation of the Boettcher Building to the Aspen Modern Historic Inventory, Code Section 26.415.025 allows an applicant to request "benefits" in exchange for the voluntary designation. The Aspen Institute request that the existing open space on Lot 1-B where the Boettcher and Bayer buildings are located; that the enhanced sculpture lawn at the entrance to the buildings; and that the expanded north lawn area of Boettcher be approved as fulfilling the Pedestrian Amenity requirements of the application.

X. EMPLOYEE GENERATION AND MITIGATION

A. Boettcher Seminar Building. The renovation of the Boettcher Building will not generate any new additional employees. The Center houses 16 full-time, year-round employees; 6-8 part-time summer employees, and 3 summer interns. The same number of people are programmed to work in the building after the renovation. Enclosing the interior open courtyard (783 sf) will be used for "Creativity Lab", conference and flex-space and will not generate any new employees.

B. Bayer Center. The Bayer Center is estimated to add 1.5 FTEs as follows: One (1) Full-Time Curator. This position is programmed to work 2,000 hours per year and be paid \$ 150,000 +/- salary. This salary places the curator in the Category # 5 Income Bracket of the adopted APCHA Income Guidelines.

One-Half (1/2) Time Assistant Curator. This position is programmed to work approx. 1,000 hours/year and be paid \$ 50,000 +/- salary. This salary places the assistant curator in the Category #2 Income Bracket of the adopted APCHA Income Guidelines.

Housekeeping and maintenance of the building will be handled by existing Meadows staff.

The Aspen Institute proposes to mitigate the 1.5 FTEs by a cash-in-lieu payment in full compliance with the Code as shown below. No employee mitigation waiver or exemption is requested as an Essential Public Facility.

1 Full-Time Curator working 2,000 hrs./yr.
 Salaried employee earning \$ 150,000 +/- per year.
 Category #5 income level at \$ 168,289 cash-in-lieu mitigation fee

1/2 Half-Time Assistant Curator working 1,000 hrs./yr.
 Salaried employee earning \$ 50,000 +/- per year.
 Category #2 income level at \$ 342,599 cash-in-lieu mitigation fee
 divided by 1/2 FTE = 171,299 mitigation fee (\$ 342,599 / 1/2 = \$ 171,299)

1	Full-Time Curator	@	168,289	mitigation fee
1/2	Half-Time Assit. Curator	@	<u>171,299</u>	mitigation fee
			339,588	
			<u>65%</u>	mitigation ratio per Code
		\$	220,732	mitigation payment

The Institute will pay a \$ 220,732 mitigation fee at the time of issuance of Building Permit.

C. Service Yard Storage Shed. The storage shed will not generate any new employees.

XI. TRANSPORTATION AND PARKING MANAGEMENT

CODE SEC. 26.515

The Transportation Impact Analysis Plan (TIA) is given in Exhibit 2. The TIA Plan is based on meetings with Lynn Rumbaugh, Transportation Dept., and Hailey Gugliemo, Engineering Dept.; with surrounding neighbors; and with the Aspen Music Festival and School (AMFS). Based on these meetings, the Aspen Institute believes the greatest benefit for the neighborhood and the community is to focus its mitigation efforts on improvements to the AMFS Gillespie Ave. parking lot as illustrated on the AMFS sketch in the drawings of the application and as described below:

1. To create a more attractive, safer entrance to the parking lot from the 5th Street entrance by adding landscaping at the entrance and a cross-walk to a new pedestrian walkway on the west side of the existing bus lane.
2. To create a safer, attractive, well-defined 10 ft. wide +/- pedestrian walkway along the west side and separated from the existing bus lane. The walkway would

be separated from the bus lane by an attractive low barrier; would be lighted with low bollard lights; would be asphalt paved; and landscaped. The walkway would provide a safe, direct pedestrian path from 5th Street to the Music Tent.

3. To create an attractive well-defined plaza connecting the pedestrian walkway to the existing bus shelter.
4. To create a well-defined cross-walk from the pedestrian walkway and plaza across the bus lane to the parking lot.
5. To asphalt pave a minimum for 50 ft. of the bus lane starting at the 5th Street entrance to control dust. The Aspen Institute will strive to pave more than 50 ft. of the bus lane, but this is dependent on working with the City on a mutually acceptable drainage plan for the proposed improvements.

These improvements will significantly benefit the AMFS, the surrounding neighborhood, visiting guests and the total community.

As part of the voluntary designation of the Boettcher Building to the Aspen Modern Historic Inventory, Municipal Code Section 26.415.025 allows an applicant to request "benefits" in exchange for a voluntary designation. The Aspen Institute request the City approve the Gillespie Ave. parking lot improvements to fulfill the TIA requirements of the project.

XII. SPECIAL REVIEW FOR PARKING

CODE SEC. 26.515.080

The Aspen Institute request, under the Essential Public Facilities provisions of the Code, that parking for the project be reviewed on a "case specific" basis pursuant to Special Review under Code Section 26.515.080. The Aspen Institute is proposing share parking with the Aspen Music Festival and School (AMFS) in the AMFS Gillespie Ave. parking lot as described in the Memorandum of Understanding attached to the Aspen Music Association (MAA) Consent Letter in Exhibit 8. The shared parking arrangement is outlined below:

- A. *Parking Spaces.* Pursuant to the terms and conditions set forth below, for so long as this MOU is in effect, MAA shall permit Aspen Institute (AI) to use up to 25 parking spaces in its Gillespie Ave. parking lot from September 1-June 14 and to use up to 10 parking spaces from June 15-August 30. Such parking spaces will

be designated with appropriate signage, and any evening use (use after 5:00 pm each day) shall only be as approved in advance by MAA. If there are persistent issues with unauthorized or after-hour parking within the Gillespie Ave. parking lot related to the AI facilities, upon request by MAA, AI shall provide a parking crew to monitor the lot and to limit parking to within the designated number of spaces and hours of operations.

B. Pedestrian Walkway. In connection with its renovation of the Boettcher Seminar Building, AI shall create entrance improvements, a pedestrian walkway and pave a portion of the bus lane on the west end of the Gillespie Ave. parking lot, adjacent to the Bayer Center and Boettcher Seminar Building and connecting to the Benedict Music Tent. AI shall provide MAA with plans and specifications for all such improvements for review and approval prior to construction. Construction of these improvements shall thereafter be accomplished outside of MAA's summer performance season (June 15-August 30).

C. Maintenance. For so long as the AI utilizes parking spaces in the Gillespie Ave. parking lot pursuant to this MOU, AI shall contribute \$10,000 to MAA on or before January 1 of each year which funds shall be applied by MAA toward maintenance for the Gillespie Ave. parking lot.

D. Further Cooperation. AI and MAA shall continue to work together on annual plans to accommodate participant parking in the Gillespie Ave. lot during the Aspen Ideas Festival and other major AI events. This parking will be solely at MAA discretion.

A. Parking and Staging. During the construction and renovation period, except during MAA's summer performance season (June 15 through August 30), MAA shall also permit AI contractors to use the west side of the Gillespie Ave. parking lot for construction parking and staging for the project. AI shall coordinate with MAA to ensure that such use does not conflict or inhibit MAA events and to ensure that the parking lot is cleared of all construction debris, materials and equipment in advance of MAA's summer performance season. All construction equipment, materials and vehicles shall be relocated for any MAA event or rental, including the Aspen High School graduation, that will require the full parking lot. AI shall be responsible for all snowplowing upon the portion of the parking lot being used by AI during the construction and renovation period and after construction and renovation are complete, AI shall pay for the entire Gillespie Ave. parking lot to be re-graded, striped and treated with dust mitigation prior to the commencement of the next MAA summer season.

B. Interior-Only Construction. MAA agrees that AI may continue interior-only construction work during the summer months, provided there shall be no construction parking or staging by AI within the Gillespie Ave. parking lot from June 15-August 30 unless approved by MAA in advance. AI will work with MAA to ensure that such construction does not interfere with MAA rehearsals or performances, including appropriate scheduling of work and sound mitigation methods. AI understands that MAA's activities are extremely sensitive to outside noise and AI agrees to immediately cease any activity that MAA deems to be disruptive.

Term of Agreement/Termination. This MOU shall become effective April 1, 2020 and shall remain in effect for five years, after which it shall automatically renew each five years unless a notice of termination is provided, in writing, by one of the parties to the other, on or before six months prior to expiration of the then term. Either party may terminate this MOU with or without cause by providing six month notice to the other. AI's right to use portion of MAA's property pursuant to this MOU shall be construed as a revocable license, and nothing herein shall be deemed to create easements or any other permanent real property interest.

AI respects that the AMFS cannot provide a parking commitment in the Gillespie Ave. parking lot into perpetuity. Nevertheless, AI and AMFS have a 70 year relationship of working together and helping one another in a cooperative fashion. A recent example of their joint cooperation was when then AI allowed AMFS to use the Boettcher Building for Aspen Country Day School temporary classrooms while the AMFS Castle Creek Campus was under redevelopment. Should parking issues arise in the Gillespie Ave. lot, AI and AMFS will work together to examine other possibilities, including but not limited to parking in the Paepcke Building parking lot.

The Special Review criteria of Section 26.515.080 is addressed below:

1. The transportation, mobility, and off-street parking needs of the residents, customers, guests and employees of the project have been met, taking into account potential uses of the parcel, the projected traffic generation of the project, any shared parking opportunities, expected schedule of parking demands, the projected impacts on the on-street parking of the neighborhood, the proximity to mass transit routes and the downtown area and any special services, such as vans, provided for residents, guests and employees.

The Aspen Institute believes the shared parking plan using the Gillespie Ave. parking lot meets the parking needs of the project. The Aspen Institute acknowledges that the parking plan will need to be managed, reviewed and likely tweaked over time, and will work with the AMFS as adjustments are needed. Both parties acknowledge that the peak time to manage the parking will be during the 8 week AMFS summer season. During this time, the Aspen Institute has a track record of managing the Boettcher Building and the renovation of the building is not estimated to increase people, conferees or parking impacts during the 8 week period for several reasons:

1. During the 8 weeks, the Boettcher Building is used almost exclusively by Aspen Institute programs and conferees. These conferees generally stay at the Aspen Meadows and during this period, the Aspen Meadows operates at virtually 100% occupancy so the ability to market and book additional conferees during this period is very limited.
2. The renovation of the building is not increasing the number of "conference seats" in the building. In fact, it is actually decreasing the number of conference seats by 20-30 seats by converting existing conference space in the building to Creativity Lab and staff space.
3. Parking impacts to the Gillespie lot generally occur when events are open to the public. Historically, Aspen Institute open to the public events have not occurred in the Boettcher Building but either in Paepcke Auditorium, Greenwald Tent or Doerr-Hosier Center. Even if open to the public events do occur in the Boettcher Building, the day and time of these events would be coordinated with the AMFS in advance.

The Bayer Center is not envisioned to be a high intensity or high traffic use, but more like walking through someone's home and seeing great art and learning the history of Herbert Bayer, the Bauhaus Movement and the Aspen Meadows and Aspen Community. When open to the public events are scheduled, the day and time of the event would be coordinated with the AMFS in advance. Similarly, when educational events are scheduled for Aspen and Valley schools, the day and time of the event would be coordinated with AMFS in advance.

2. *An on-site mitigation solution meeting the requirements and guidelines is practically difficult or results in an undesirable development scenario.*

Providing parking on-site on the Boettcher-Bayer site is practically difficult and would result in an undesirable development scenario. The design team did examine providing on-site parking for 5-7 cars using the 5th Street entrance into the Gillespie lot and parking along the eastern edge of the Boettcher property. This parking layout was deemed unworkable because it had to cross-over and interfere with the Gillespie lot bus lane plus significantly negatively impacting the Site/Landscape Plan of the project.

3. *Existing or planned on-site or off-site facilities adequately serve the needs of the development, including the availability of street parking.*

The Aspen Institute believes the shared parking plan using the Gillespie Ave. parking lot adequately serves the needs of the projects for the reasons outlined above.

As part of the voluntary designation of the Boettcher Building to the Aspen Modern Historic Inventory, Code Section 26,415.025 allows an applicant to request "benefits" in exchange for the voluntary designation. The Aspen Institute request the City approved the shared parking provisions outline in the Memorandum of Understanding between the Aspen Institute and the AMFS to fulfill its parking requirements for the project.

XIII. PLANNED DEVELOPMENT REVIEW STANDARDS **CODE SEC. 26.445**

Code Section 26.445.050 is addressed below:

A. Compliance with Adopted Regulatory Plans. The proposed development complies with applicable adopted regulatory plans.

The 1991 SPA Plan (aka PD Plan) is the adopted regulatory plan guiding the development of the Aspen Meadows property. Under the 1991 SPA Plan all dimensional aspects of a proposed project, including density, mass, scale, height, parking, etc. are established by site specific review of each project for consistency and compatibility with the 1991 Plan. The Aspen Institute believes the Bayer Center is consistent with and enhances the 1991 Plan. The Bayer Center will honor and preserve the art and legacy of Herbert Bayer and enhance the intellectual and cultural offerings of the Aspen Institute and the Aspen and Valley community.

B. Development Suitability. The proposed Planned Development prohibits development on land unsuitable for development because of natural or man-made hazards affecting the property, including flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rock slides, mining activity including mine waste deposits, avalanche or snowslide areas, slopes in excess of 30%, and any other natural or man-made hazard or condition that could harm the health, safety, or welfare of the community. Affected areas may be accepted as suitable for development if adequate mitigation techniques acceptable to the City Engineer are proposed in compliance with Title 29 -- Engineering Design Standards. Conceptual plans for mitigation techniques may be accepted for this standard. The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

The applicant is not aware of any natural or man-made hazards that would prohibit development of the Bayer Center. The Center is located on flat ground. Several trees are proposed to be removed and mitigated for, and one spruce tree is proposed to be transplanted all in compliance with the Parks Dept. mitigation standards. The applicant is not aware of any natural or man-made hazards that would prohibit the development of the Storage Shed. The Storage Shed is located in the existing Service Yard of the Aspen Meadows, and is on flat ground and no trees are on the site. The Aspen Institute will submit all necessary geotechnical, drainage, erosion control and revegetation plans and reports to the Aspen Engineering Dept. as required by Code.

C. Site Planning. The site plan is compatible with the context and visual character of the area. In meeting this standard, the following criteria shall be used:

- 1. The site plan responds to the site's natural characteristics and physical constraints such as steep slopes, vegetation, waterways, and any natural or man-made hazards and allows development to blend in with or enhance said features.*

The Bayer Center site is basically flat and the building has been sited to the west to compliment the Boettcher Building. Several trees are proposed to be removed and mitigated for, and one spruce tree is proposed to be transplanted all in compliance with the Parks Dept. mitigation standards. The existing irrigation channel located in the Bayer building site is proposed to be relocated to the north side of Boettcher and reestablished as a water feature similar to the other water

features on the Aspen Meadows property designed by Herbert Bayer and Fritz Benedict. The Aspen Institute believes the site plan responds to the site's natural characteristics and physical constraints, but most importantly the site plan is complementary to the Boettcher Building.

2. The project preserves important geologic features, mature vegetation and structures or features of the site that have historical, cultural, visual, or ecological importance or contributes to the identity of the town.

The Aspen Institute believes the most important feature of the site is the existing Boettcher Building, and is proposing to voluntarily designate the Center to the "Aspen Modern" Inventory. The Boettcher and Bayer facilities are envisioned to compliment and be synergetic to one another.

3. Buildings are oriented to public streets and are sited to reflect the neighborhood context. Buildings and access ways are arranged to allow effective emergency, maintenance, and service vehicles access.

The Bayer Center is not oriented to Gillespie Ave. but instead located to the west to not visually block the Boettcher Building and to form a connecting entrance lawn for the two buildings. The main walkway into the two buildings has been relocated to the southeast corner of Gillespie Ave. to emphasize the front views of both buildings. Emergency access will be from the AMFS Gillespie parking lot and access to the southwest corner of the lot will be cleared and accessible in the winter.

D. Dimensions. All dimensions, including density, mass, and height shall be established during the Project Review.

Pursuant to the 1991 SPA Plan (aka PD Plan), all dimensions, including density, scale, mass, height, etc. are established during the site-specific review of the project.

E. Design Standards. The design of the proposed development is compatible with the context and visual character of the area. In meeting this standard, the following criteria shall be used:

1. The design complies with applicable design standards, including those outlined in Chapter 26.410, Residential Design Standards, Chapter 216.412, Commercial Design Standards, and Chapter 26.415, Historic Preservation.

The Aspen Institute believes the renovation of the Boettcher Building complies with the Historic Preservation Design Guidelines in three main ways as follows: 1. the building will be voluntarily designated to the "Aspen Modern" Inventory; 2. no exterior expansion of the building is proposed; and 3. very limited exterior work is proposed. Rowland and Broughton, the architects for the Boettcher Center renovation, have extensive experience with historic renovations and working with Amy Simon and HPC.

The Aspen Institute believes the design and siting of the Bayer Center complies with the Historic Preservation Design Guidelines, even though the building is not proposed to be added to the "Aspen Modern" Inventory. The design and siting of the Bayer Center is believed to be compatible with the Boettcher Building and the other Bayer/Benedict designed buildings on the Aspen Meadows campus. The Bayer Center is designed in the Bauhaus Style of simple clean lines and materials, and with most of the building being located underground (4,415 sf.) and only 3,121 sf. above ground. The building facade, height and mass is designed to be complementary to the Boettcher Building and the site plan is designed to tie the two buildings together but still have each building read independently.

2. The proposed materials are compatible with those called for in any applicable design standards, as well as those typically seen in the immediate vicinity. Exterior materials are finalized during Detailed Review, but review boards may set forth certain expectations or conditions related to architectural character and exterior materials during Project Review.

The proposed exterior materials and design fenestration of the Bayer Center is clean simple materials and fenestration consistent with the Bauhaus Style, the Boettcher Building and the other Bayer/Benedict designed buildings on the Aspen Meadows campus as illustrated in the drawings of the application.

F. Pedestrian, Bicycle and Transit Facilities. The development improves pedestrian, bicycle, and transit facilities. These facilities and improvements shall be prioritized over vehicular facilities and improvements. The City may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented with the Development Agreement.

The Aspen Meadows is one of the most pedestrian, bicycle and transit friendly operations in the community. Over the years, the Aspen Institute and Aspen

Meadows have implemented many pedestrian, bicycle and transit measures and will continue to do so. The TIA Plan, in Exhibit 2, is proposed to encourage pedestrian, bicycle and transit use by making improvements to the AMFS Gillespie Ave. parking lot. The plan is based on speaking with Lynn Rumbaugh, Transportation Dept., and Hailey Gugliemo, Engineering Dept.; with the surrounding neighbors; and with the Aspen Music Festival and School. Based on these conversations, the Aspen Institute believes the greatest benefit to the neighborhood and the community is to make safety and pedestrian improvements to the parking lot as described in the TIA and Section XI herein, and as illustrated in the drawings of the application. These improvements will not only benefit the AMFS and neighborhood, but visiting guests and the total community

G. Engineering Design Standards. There has been accurate identification of engineering design and mitigation techniques necessary for development of the project to comply with the applicable requirements of Municipal Code - Title 29 -- Engineering Design Standards and the City of Aspen Urban Runoff Management Plan (URMP). The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within the Development Agreement.

The Aspen Institute will comply with the applicable engineering standards of the Code. Applicant submitted a Conceptual Drainage Report in Exhibit 3 submitted under separate cover. Applicant will provide any additional engineering or drainage plans and reports requested by the Engineering Department at Detail Review.

H. Public Infrastructure and Facilities. The proposed Planned Development shall upgrade public infrastructure and facilities necessary to serve the project. Improvements shall be at the sole costs of the developer. The City Engineer may require specific designs, mitigation techniques, and implementation timelines be defined as part of the Detailed Review and documented within a Development Agreement.

The Aspen Institute is not aware of any public infrastructure or facilities that need to be upgraded to serve the project. The Aspen Institute is aware certain private sewer, water and electric service lines have to be relocated to service the project and the Institute will undertake these relocations at its cost.

I. Access and Circulation. The proposed development shall have perpetual unobstructed legal vehicular access to a public way. A proposed Planned

Development shall not eliminate or obstruct legal access from a public way to an adjacent property. All streets in a Planned Development retained under private ownership shall be dedicated to public use to ensure adequate public and emergency access. Security/privacy gates across access points and driveways are prohibited.

The Boettcher and Bayer buildings are adjacent to Gillespie Ave. and parking for the buildings is provided under a share parking agreement with the Aspen Music Festival and School to use the AMFS Gillespie parking lot. Emergency access could either be from Gillespie Ave. or the AMFS Gillespie parking lot.

XIV. ESSENTIAL PUBLIC FACILITIES **CODE SECTION 26.470.090.4**

Code Section 26.470.090.4 is addressed below:

The development of an essential public facility, upon a recommendation from the Community Development Director, shall be approved, approved with conditions or denied by City Council based on the following criteria:

a. The Community Development Director has determined the primary use and/or structure to be an essential public facility pursuant to the definition below. Accessory uses may also be part of an essential public facility project. The Essential Public Facility definition is "A facility which serves an essential public purpose is available for use by or benefit of, the general public and serves the needs of the community."

The Aspen Institute request the Bayer Center be reviewed as an Essential Public Facility consistent with the Essential Public Facilities designation of the 1991 SPA Plan. The Aspen Institute request the Storage Shed be reviewed as an accessory structure to the principal structure and uses of the Institute/Meadows operations. The Institute believes the Bayer Center enhances the intellectual and cultural enrichment offered by the Institute as recognized in the 1991 SPA Plan. City Council Ordinance No. 14 (Series of 1991) found the Aspen Institute and Aspen Music Festival and School to be Essential Public Facilities exempted from Growth Management Quota System Competition and Affordable Housing Impact Mitigation. In granting the Essential Public Facility status, the 1991 City Council found:

a. *"The programs and activities sponsored and or hosted by the Institute and the MAA at the Aspen Meadows facilities have historically provided intellectual and cultural enrichment to the citizens of the City of Aspen without which the City would not have attained its present character and standing in the national and international community. Furthermore, the Aspen Meadows facilities, and those of the Institute and MAA in particular, have served and continue to serve important community needs and proposed expansion of the same will only enhance their value and accessibility to the citizens of the City of Aspen and the general public."*

b. *"The Institute's and MAA's proposed development involves essential public facilities, will enhance existing essential public facilities, and is not-for-profit in nature."*

The Aspen Institute believes the Bayer Center enhances the intellectual and cultural enrichment of the Institute as recognized in the 1991 SPA Plan. What better way to honor the art and legacy of Herbert Bayer, whose legacy is intertwined with the Aspen Institute and the Aspen and Valley community.

As an Essential Public Facility, the Aspen Institute request:

1. Exemption from the Growth Management Quote System Competition
2. Employee Generation and Mitigation be reviewed on a "case specific" basis as addressed in this application.
3. Parking be reviewed on a "case specific" basis as addressed in this application.

b. *Upon a recommendation from the Community Development Director, the City Council may assess, waive or partially waive affordable housing mitigation requirements as is deemed appropriate and warranted for the purpose of promoting civic uses and in consideration of broader community goals. The employee generation rates may be used as a guideline, but each operation shall be analyzed for its unique employee needs, pursuant to Section 26.270.100, Calculations.*

The Aspen Institute is not requesting a waiver or exemption from the affordable housing mitigation requirements of the Code as described in Section X of the application.

c. The applicant has made a reasonable good-faith effort in pursuit of providing the required affordable housing through the purchase and extinguishment of Certificate of Affordable Housing Credits.

The Aspen Institute is requesting to fulfill its employee mitigation requirement with a cash-in-lieu payment of \$ 220,732 and has not pursued Certificates of Affordable Housing Credits.

d. The proposal furthers affordable housing goals, and the fee-in-lieu payment will result in the near-term production of affordable housing units.

The Aspen Institute is requesting to fulfill its employee housing mitigation requirement with a cash-in-lieu payment of \$ 220,732 as described in Section X of the application.

XV. LAND USE CODE SECTIONS PURSUANT TO THE PRE-APPLICATION CONFERENCE SUMMARY

1. Code Section 26.304 - Common Development Review Procedures. The Aspen Institute agrees to the review procedures outlined in Sec. 26.304 and the Pre-Application Conference Summary in Exhibit 14. The Aspen Institute request all reviews be consolidated into a single review procedure and a 90 day Expedited Review Procedure as outline in Section 26.415.025 of the Code for both the Land Use Entitlements and Building Permit Review.
2. Code Section 26.304.035 - Neighborhood Outreach. The Aspen Institute will do Neighborhood Outreach in compliance with Section 26.304.035. Applicant will do an enhanced public notice mailing and individual outreach.
3. Code Section 26.412 - Commercial Design Review. See Section IX of the application for a description of compliance with the Commercial Design Review and Pedestrian Amenity Review.
4. Code Section 26.415.030 - Designation of Historic Properties. The Aspen Institute proposes to designate the Boettcher Building to the "Aspen Modern" Inventory of Historic Landmark Sites and Structures. The Boettcher Building is listed as an "Eligible" structure on the Aspen Modern Map and would join other Aspen Institute sites and structures previously listed. The Aspen Institute believes the Boettcher Building meets all the criteria setforth in Sec.

26.415.030(c) to be designated on the Aspen Modern Inventory as described in this application.

5. Code Section 26.415.070D - Major Development, Historic Preservation. The Aspen Institute agrees the renovation of the Boettcher Building falls under Sec. 26.415.070D and has provided the required application material and drawings in the application.
6. Code Section 415.120 - Notice of Call-Up. The Aspen Institute understands the action taken by HPC may be subject to call-up and review by City Council.
7. Code Section 445.040.B - Planned Development Review. The Aspen Institute understands the Planned Development Review is a 3-Step Review as outlined in Sec. 445.040.B.
8. Code Section 26.445.110F - Major Amendment to a Planned Development. See Section XIII of the application for with the Planned Development review criteria. The Aspen Institute believes the proposal is in full compliance with the 1991 SPA Plan and the Planned Development criteria. The Aspen Institute believes the application enhances the Aspen Institute/Aspen Meadows historical role of providing intellectual and cultural enrichment to the Aspen and Valley community
9. Code Section 26.470.110D - Essential Public Facility. See Sections VI & XIV of the application for the request for the Bayer Center to be reviewed as an Essential Public Facility and the Storage Shed to be reviewed as an accessory structure to the principle structures and uses of the Institute/ Meadows operations. The Boettcher Building was classified as an Essential Public Facility under the 1991 SPA Plan.
10. Code Section 26.470.050.C - Employee Generation Review. See Section X of the application for the Employee Generation and Mitigation review.
11. Code Section 26.490 - Approval Documents. The Aspen Institute understands approvals granted herein will required Approval Documents including but not limited to an Approved Plan Set and Planned Development Amendment Agreement.

12. Code Section 26.515 - Transportation and Parking Management. See Section XI of the application for the Transportation and Parking Management Plan and the TIA report in Exhibit 2.
13. Code Section 26.515.080 - Special Review for Off-Street Parking. See Section XII of the application for Special Review for Off-Street Parking.
14. Code Section 26.575.020 - Calculations and Measurements. Calculations and measurements for Planned Development properties are set for each individual project based on the site-specific review and approval of the project.
15. Code Section 26.610 - Impact Fees. The Aspen Institute request that the Park Development Impact Fee and the Transportation Demand Management/Air Quality Impact Fee do not apply to the Boettcher Building as a voluntary designated historic structure, and said fees do not apply to the Bayer Center and Storage Shed as these structures do not contain net leasable commercial space as that term is defined in the City Code.
16. Code Section 26.630. - Transportation Impact Analysis Guidelines. See the TIA report in Exhibit 2.
17. Code Section 26.710.230 - Academic Zone District. The property is zoned Academic with a Planned Development overlay (fka Specially Planned Area overlay). The Academic(A) Zone District list gallery, museum, library, facilities for performances and lectures, and administrative offices as "Permitted Uses as of Right". Both Boettcher and Bayer buildings fit these uses. The Storage Shed is proposed as an accessory structure to the principal structures and uses of the Institute/Meadows operations.
18. Code Chapter 12.10. The Aspen Institute conducted a site visit with Liz Chapman, Senior Environmental Health Specialist, Environmental Health Dept. on October 8. The Aspen Institute communicated its request to fulfill its trash and recycle requirements by collecting and disposing of the project's trash and recycle in the central trash and recycle collection area behind the Walter Isaacson Center. The Institute/Meadows presently uses this one central collection area for all its trash and recycle collection for the total campus, and it works well. The Institute/Meadows has found that by having one central facility for trash and recycling it can be better supervised, maintained and monitored its trash and recycling than having multiple dumpsters locations throughout the campus.

EXHIBITS

COMPATIBILITY WITH THE COMMERCIAL, LODGING, AND HISTORIC DISTRICT DESIGN STANDARDS AND GUIDELINES

The project team reviewed the Design Standards and Guidelines and found it was awkward to apply these Standards and Guidelines to the Boettcher-Bayer project because the Aspen Meadows/Aspen Institute property is not listed as a "Character Area" and its character is really set by the master planning and design character of Herbert Bayer and Fritz Benedict, and the 1991 SPA Plan. Therefore, the design team will address the Standards and Guidelines as best they can as applicable.

I. GENERAL

A. Site Planning and Streetscape

1.1 All projects shall provide a context study (standard). The context study for the project is the existing development on the Aspen Meadows property under the master planning and design character set by Herbert Bayer and Fritz Benedict. The renovation of the Boettcher Building and its designation to the Aspen Modern Inventory supports this context. The Aspen Institute also believes the Bayer Center is consistent with and enhances this context by telling the story of Herbert Bayer and his art and architecture, and his history with the Aspen Meadows and the Aspen community.

1.2 All projects shall respond to the traditional street grid (standard). The Bayer Center is not oriented to Gillespie St. as the design team believes its westerly orientation is more compatible with the overall context of the Aspen Meadows property and specifically the Boettcher Building. The design is to have the two buildings read as a cluster and be connected to one another via the proposed walkway, entrance courts and central lawn similar to other buildings on the property.

1.3 Landscape elements (both hardscape and softscape) should complement the surrounding context, support the street scene, and enhance the architecture of the building (guideline). The design team believes the Landscape Plan emphasizes the connection between the two buildings and creates a central lawn/sculpture focus for the buildings. Based on conversations with the neighbors, the Landscape Plan "cleans-up" the property's connection to Gillespie St. but equally important, it significantly cleans-up and makes safer and more attractive the AMFS Gillespie St. parking lot adjoining the project, and expands the landscape area and features on the north side of the Boettcher Building.

1.4 Where there is open space on a site, reinforce the traditional transition from public space, to semi-public space to private space (guideline). The Aspen Meadows campus has historically been open to the public including the existing lawn at the Boettcher Building. The new lawn connecting the two building will continue to be open to the public as well as the expanded lawn north of the Boettcher Building. The design team believes a public, semi-public, private space transition sequence for the project is not applicable given the historical openness of the Aspen Meadows property.

1.5 Maintain alignment of building facades where appropriate. (guideline). The Bayer Center has been sited to the west of the Boettcher Building to maintain the front entrance view of the Boettcher Building and the front of the Bayer Center has been sited to align with the entrance of the Boettcher Building to maintain the entrance views of both buildings and to create a sense of connection between the two buildings.

1.6 When a building facade is set back, define the property line. Review the context of the block when selecting an appropriate technique. (guideline). Based on conversations with the adjoining neighbors, the southern property line along Gillespie St. will be "cleaned-up" to be more consistent with the properties across the street. The southern property line will be demarcated by a new fence, an improved crusher fine walkway with an edger, a new hedge grove of shrubbery and a row of aspen trees. The parking area along the north side of Gillespie St. will be cleaned-up with recycled asphalt fines or similar finish. In speaking with the neighbors, it was equally important that the project "clean-up and improve" the entrance experience and safety of the AMFS parking lot which the project proposes to do as shown in the drawings of the application.

B. Alleyways

1.7 Develop alley facades to create visual interest (guideline). Not Applicable.

1.8 Consider small alley commercial spaces, especially on corner lots or lots with midblock access from the street (see pedestrian amenity section PA4). (guideline). Not Applicable.

C. Parking

1.9 Minimize the visual impact of parking. (guideline). The Aspen Institute is proposing shared parking with the AMFS in the Gillespie St. parking lot as described in the application. This parking will be screened from the subject property by a new hedge of shrubbery and a row of aspen trees as illustrated in the drawings in the application. As part of the Gillespie St. parking lot improvements the Aspen Institute will also clean-up the entrance to the parking lot from 5th Street.

D. Building Mass, Height, and Scale

1.10 A new building should appear similar in scale and proportion with buildings on the block. (guideline). The Bayer Center is designed to be similar in scale, height and proportion with the Boettcher Building as illustrated in the application drawings.

1.11 A minimum building height difference of 2 feet from immediately adjacent building is required. (standard). 2' minimum building height difference is provided between the Bayer Center and Boettcher Building as illustrated in the application drawings. The design team believes no differentiation is required between the Bayer Center and the Aspen Physics buildings as these two structures are separated by significant distance, landscape buffers, and are thus not 'immediately adjacent.'

1.12 On lots larger than 6,000 square feet, breakup building mass into smaller modules. (guideline). The Bayer Center is broken up into two primary volumes, a central entry volume

which is nested within a lower surrounding volume. Cladding and windows further articulate these volumes into smaller modules, plus most of the Bayer Center is located below grade. The Bayer Center is 4,415 sf. below grade and 3,121 sf. above grade. This Guideline is not applicable to the Boettcher Building as this structure and pods are existing-to-remain.

1.13 Development adjacent to a historic landmark should respond to the historic resource (guideline) The design team believes the Bayer Center is compatible and respectful of the Boettcher Building. The Bayer Center is designed to appear similar or smaller in scale than the Boettcher Building, while architecturally not replicating or duplicating the forms and materials of the Boettcher Building.

E. Street Level Design

1.14 Commercial entrances shall be at the sidewalk level and oriented to the street (standard). The main entrance to the Boettcher-Bayer project has been relocated to the corner of Gillespie & 5th St. The relocated entrance is to make the entrance more noticeable to the public and to frame the view of the entrances to both buildings.

1.15 Incorporate an internal airlock or air curtain into first floor commercial space. (standard). Both buildings have air lock main entrances. Existing side entrances of the Boettcher Building will incorporate either an air curtain or airlock as part of the remodel. A new airlock into the existing entrance of the Pod structures is proposed to infill below an existing roof, essentially creating an internal airlock within the existing massing of the Pods (no additional massing is proposed).

1.16 Entries that are significantly taller or shorter than those seen historically or that conflict with the established scale are highly discouraged. (guideline). The Bayer entrance is designed to be in scale and compatible with the Boettcher entrances.

1.17 ATMs or vending machines visible from the street are prohibited. (standard). Not Applicable.

F. Roofscape

1.18 The roof should be designed with the same attention as the elevation of the building (guideline). The Bayer Center roof is designed as a simple flat white roof not to compete with the Boettcher Building roof, but to be complementary to the Boettcher roof. The Bayer Center roof does not have any rooftop mechanical equipment and the two air conditioning units on the Boettcher Building rooftop will be removed. Additional rooftop insulation at the Boettcher Building flat roof is carefully designed to not be visible to pedestrians.

1.19 Use materials that complement the design of the building facade. (guideline). The Bayer Center uses clean simple building materials in the Bauhaus Style as illustrated in the application drawings. Facade materials are white precast concrete panels, gray masonry panels, painted steel window frames, and painted steel fascia, and the roof is a simple flat white roof.

1.20 *Incorporate green roofs and low landscape elements into rooftop design where feasible. (guideline).* The Bayer Center roof does not incorporate a green roof or low landscape elements. The Bayer roof is a simple flat white roof in the Bauhaus Style to be compatible with the Boettcher Building white roof.

1.21 *Minimize visibility of rooftop railings. (guideline).* No rooftop railings are proposed.

G. Materials and Details

1.22 *Complete and accurate identification of materials is required. (standard).* The Bayer Center materials, detailing and colors are clean simple in the Bauhaus Style. Exterior materials are listed above and illustrated in the drawings of the application.

1.23 *Building materials shall have these features. (standard).* The design team believes the Bayer Center materials have the features listed in the 1.23 standard.

1.24 *Introducing a new material, material application, or material finish to the existing streetscape may be approved by HPC or P&Z if the following criteria are met. (guideline).* The design team believes the Bayer Center is not introducing a new material, material application or material finish with the design and materials of the Bayer Center.

1.25 *Architecture that reflects corporate branding of the tenant is not permitted (standard).* No corporate branding is proposed.

H. Lighting, Service and Mechanical Areas

1.26 *The design of light fixtures should be appropriate to the form, material, scale, and style of the building. (guideline).* Exterior light fixtures for both Boettcher and Bayer will be reviewed at Detailed Review of the project.

1.27 *Trash and recycle service areas shall be co-located along an alleyway where one exists, and screened from view with a fence or door. (standard).* No alleyway. Trash and recycle plans are described in the application.

1.28 *Design trash and recycle areas thoughtfully and within the style of the building, with the goal of enhancing pedestrian and commercial uses along alleys. (guideline).* No alleyway. Trash and recycle plans are described in the application.

1.29 *Delivery areas shall be located along an alleyway where one exists (standard).* No alleyway. Deliveries will primarily be at the northeast corner of the Boettcher Building and taken to the respective building by golf cart or dolly.

1.30 *Mechanical equipment, ducts, and vents shall be accommodated internally within the building and/or co-located on the roof. (standard).* No mechanical equipment is located on the roofs of either building. Mechanical equipment for both Boettcher and Bayer will be located on the ground in enclosures connected to the respective building as shown on the drawings of the application.

1.31 Minimize the visual impacts of utility connections and service boxes (guideline). The design team has strived to minimize the visual impact of utility connection and service boxes.

1.32 Transformers location and size are dictated by City and utility company standards and codes (standard). The project is proposing to bring in 3 phase power from the southwest corner of the Paepcke parking lot as described in the application and drawings. The 3 phase power will require a 3 phase transformer that is located away from and northeast of the Boettcher Bldg. The transformer will be screened with plantings as shown on the Landscape Plan.

G. Remodel

1.33 All remodel projects shall meet Standards 1.22 and 1.23 (standard). The design team believes the renovation of the Boettcher Bldg. fully complies the Historic Preservation Guidelines and the Aspen Institute looks forward to discussing the renovation with the Historic Preservation Commission.

1.34 Consider updating windows, doors, and /or primarily entrances to better relate to the Character Area and pedestrian experience (guideline). The Boettcher renovation proposes to update windows, doors and entrances to be more energy efficient, but still in character with the original design of the building.

1.35 Design alterations to relate to the existing building style and form that may remain (guideline). The Boettcher design team is not proposing any major alterations to the exterior of the building. The exterior work is mainly focused on cleaning-up past band-aid work on the building which is out of character with the building.

1.36 Incorporate elements that define the property line in accordance with Guideline 1.6 (guideline). Refer to discussion above in Guideline 1.6 for compliance with 1.36.

1.37 Creative solutions that incorporate ADA compliance into the architecture are encourage. (guideline). An ADA Restroom is being added to the Boettcher Building. A glass airlock below the existing roof between the Pod Structures is proposed to provide ADA compliant door maneuvering clearances. The design team proposes to add compliant cane/detection rails to the “bridge” element between the Pods and main Boettcher Building in a manner compatible to the architecture.

II. PEDESTRIAN AMENITY

A. Street Level Pedestrian Amenity PA1 - (All Character Areas)

PA1.1 Maximize solar access to Pedestrian Amenity space on the subject property (guideline). Virtually all of the 40 acres of grounds at the Aspen Meadows can be consider as Pedestrian Amenity space open to the public. Some areas of the grounds have more sun and some have less sun but the majority of the property is open to the public and used by the public, especially dog walkers.

PA1.2 Consider all four corners of an intersection when designing street level amenity space on a corner lot. (guideline). Not directly applicable, but the main entrance to the project has been relocated to the corner of Gillespie St. and 5th St. to provide for a more pedestrian-friendly entrance to the project.

PA1.3 Street level Pedestrian Amenity spaces should be equal to a minimum of 1/3 of the total Pedestrian Amenity requirement, (guideline). Not directly applicable, but as noted above, most of the Aspen Meadows 40 acres are open to the public and located at grade.

PA1.4 Street level Pedestrian Amenity shall be within 18 inches above or below the existing grade of the street or sidewalk which abuts the space. (standard). The proposed landscape adjacent to Gillespie St. is located within 18" of the street and sidewalk.

PA1.5 Street level Pedestrian Amenity areas shall be open to the sky (standard). All of the Pedestrian Amenity space for the project and the Aspen Meadows property is open to the sky.

PA1.6 Design meaningful street level space that is useful, versatile, and accessible. (standard). The design team views both the lawn/sculpture commons at the entrance to the Boettcher-Bayer buildings as being useful, versatile and accessible, as well as the expanded lawn area north of the Boettcher Building.

PA1.7 Design amenity space that enhances the pedestrian experience and faces the street. (guideline). The design team believes the lawn/sculpture commons at the entrance to the Boettcher-Bayer buildings will enhance the pedestrian experience on entering the two building or just relaxing in or walking through the space.

PA1.8 Street level Pedestrian Amenity space should reinforce the property line. Consider the context of the block when selecting an appropriate technique (standard). The landscape design adjacent to Gillespie St. employs a landscape buffer and fence to reinforce the property line.

PA1.9 Street level Pedestrian Amenity may be appropriate on a case by case basis within the Commercial Core Historic District. (guideline). Not Applicable.

PA1.10 Street level Pedestrian Amenity may include providing public access to the mountain or river in the Mountain Base and River Approach Character Areas through a trail easement, subject to Parks and Engineering approval (guideline). The 40 acres Aspen Meadows property is generally open to the public and there are several trails on the property that go around the property and down to the Roaring Fork River.

PA1.11 Within the Main Street Historic District, required building setbacks may be used towards a Pedestrian Amenity requirement. (guideline). Not Applicable.

B. Second Floor Pedestrian Amenity PA2 - Not Applicable

C. Pedestrian Malls Pedestrian Amenity PA3 - Not Applicable

- D. Midblock Pedestrian Amenity PA4** - Not Applicable
- E. Subgrade Courtyard Pedestrian Amenity PA5** - Not Applicable
- F. Off-Site Pedestrian Amenity PA6** - Not Applicable
- G. Interior Courtyard Pedestrian Amenity PA7** - Not Applicable

**TRANSPORTATION IMPACT ANALYSIS
LEVEL ONE, MINOR DEVELOPMENT**

**BOETTCHER SEMINAR BUILDING RENOVATION
AND
CENTER FOR HERBERT BAYER STUDIES
PLANNED DEVELOPMENT (PD) AMENDMENT APPLICATION**

**BOETTCHER SEMINAR BUILDING, 620 GILLESPIE STREET
CENTER FOR HERBERT BAYER STUDIES, ADDRESS TBD
LOT 1-B, ASPEN MEADOWS SUBDIVISION
PARCEL NO. 273512129809**

Submitted To: Amy Simon
City of Aspen Community Development Office
130 South Galen Street
Aspen, Colorado 81611
970-920-5090

**Applicant /
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970-544-7923

**Owner Rep. /
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970-319-0442

**Transportation
Engineer:** Dan Cokley
SGM Engineers & Surveyors
118 W. 6th St., Ste. 200
Glenwood Springs, Colorado 81601
970-945-1004

Date: December 2, 2019

I. INTRODUCTION

A. Project Description Summary. The project has three components as follows:

1. Renovation of the Boettcher Seminar Building and voluntary designation of the building to the "Aspen Modern" Inventory of Historic Landmarks Sites & Structures. The Boettcher Building was opened in 1975 and was the last building on the Aspen Institute campus designed by Herbert Bayer and Fritz Benedict, his friend and fellow architect. The building square footage is:

Main building	5,307 sf.	
Open central courtyard	783	- To be enclosed
Two West pods @ 739 sf. ea.	<u>1,478</u>	
	7,568	
New Vestibule at West pods	<u>41</u>	- Proposed new vestibule
	7,609 sf.	

No exterior square footage is proposed to be added as part of the renovation. Enclosing the interior open courtyard (783 sf.) is proposed for year-round use. Based on a meeting with Lynn Rumbaugh, Transportation Dept., and Hailey Gugliemo, Engineering Dept. on September 25, it was agreed the enclosure of the interior courtyard should be included in the TIA calculations.

2. Center for Herbert Bayer Studies is a new building for the Aspen Institute campus and is proposed to display, collect, archive, preserve and educate on the art and architecture of Herbert Bayer whose legacy is intertwined with the history of the Aspen Meadows and the Aspen community. The building is mainly gallery, archive and storage space, and its square footage is:

Entry Level	3,121 sf.
Lower Level	<u>4,415</u>
	7,536 sf.

3. Construction of a simple storage shed in the existing Aspen Meadows service yard located on the west side of the campus adjacent to the tennis courts. The storage shed is not integral to the Boettcher-Bayer proposal and is only included in this application for ease of administrative processing by the City. The storage shed is simply a functional need to operate and maintain the Aspen Meadows/Aspen Institute buildings and grounds. There are 14 buildings and 40 acres of grounds. The shed square footage is 2,050 sf. +/- Based on the meeting with Lynn Rumbaugh and Hailey Gugliemo, it was agreed to not include the square footage of the shed in the TIA calculations.

The TIA calculations for the Boettcher-Bayer projects are based on the following square footages:

Boettcher Bldg. - Enclose courtyard	783 sf.
Bayer Bldg.	<u>7,536</u>
	8,319 sf.

B. Project Contact. Jim Curtis, Owner's Representative
Email jcurtis@sopris.net and cell 970-319-0442

C. Exhibits.

- Exhibit #1 - Trip Generation Table
- Exhibit #2 - MMLoS Input Page
- Exhibit #3 - TDM Input Page
- Exhibit #4 - Summary and Narrative Page
- Exhibit #5 - Aerial View & Site Vicinity
- Exhibit #6 - Rendered Site Plan
- Exhibit #7 - Southeast Aerial View Looking Northwest
- Exhibit #8 - Music Assoc. Parking Lot Improvements

II. PROJECT TRIP GENERATION

A. Essential Public Facility Designation. The 1991 Specially Planned Area (SPA) Plan created a master plan for the total Aspen Meadows property encompassing the Aspen Institute property, Aspen Music Festival and School property, and the Aspen Center for Physics property. City Council Ordinance #14 (Series of 1991) that approved the 1991 SPA Plan found the Aspen Institute and Aspen Music Festivals and School to be "Essential Public Facilities". The Essential Public Facilities finding has been honored and reconfirmed by subsequent City Councils since the adoption of the 1991 Plan. As part of this Application, the Aspen Institute is requesting that City Council designate and review this proposal as an Essential Public Facility. Therefore, the Aspen Institute proposes to use the Essential Public Facilities classification in the TIA Guidelines to calculate its Trip Generation Rates as shown in the Exhibits.

The maximum peak hour trips generated by the proposal is **13.81 trips** in the PM peak hour. These trips are mitigated in compliance with the TIA Guidelines as described below and illustrated in the Exhibits.

III. PROPOSED TDM (TRANSPORTATION DEMAND MITIGATION) & MMLOS (MULTI-MODEL LEVEL OF SERVICE) MITIGATION

The operations of the Aspen Meadows / Aspen Institute already utilize many of the TDM & MMLOS programs encouraged by the City of Aspen. In speaking with Lynn Rumbaugh and Hailey Gugliemo, with the surrounding neighbors and the Aspen Music Festival and School (AMFS), the Aspen Institute believes the greatest benefit for the neighborhood and community is to focus its mitigation efforts on improvements to the AMFS Gillespie Ave. parking lot. The proposed improvements will significantly benefit the AMFS, the surrounding neighbors, visiting guests and the total community. The proposed improvements are described below and illustrated on the sketch in the Exhibits.

1. To create a more attractive, safer entrance to the parking lot from the 5th Street entrance by adding landscaping at the entrance and a cross-walk to a new pedestrian walkway on the west side of the existing bus lane.
2. To create a safer, attractive, well-defined 10 ft. wide +/- pedestrian walkway along the west side and separated from the existing bus lane. The walkway would be separated from the bus lane by an attractive low barrier; would be lighted with low bollard lights; would be asphalt paved; and landscaped. The walkway would provide a safe, direct pedestrian path from 5th Street to the Music Tent.
3. To create an attractive well-defined plaza connecting the pedestrian walkway to the existing bus shelter.
4. To create a well-defined cross-walk from the pedestrian walkway and plaza across the bus lane to the parking lot.
5. To asphalt pave a minimum of 50 ft. of the bus lane starting at the 5th Street entrance to control dust. The Aspen Institute will strive to pave more than 50 ft. of the bus lane, but this is dependent on working with the City on a mutually acceptable drainage plan for the asphalt paving.

These improvements will significantly benefit the AMFS, the surrounding neighbors, visiting guests and the total community.

As part of the voluntary designation of the Boettcher Building to the Aspen Modern Historic Inventory, Municipal Code Section 26.415.025 allows an Applicant to request "benefits" in exchange for a voluntary designation. The Aspen Institute request the City

approve the Gillespie Ave. parking lot improvements to fulfill its TDM and MMLOS requirements of the application.

For background, listed below are some of the TDM & MMLOS Programs already utilized by the Aspen Institute / Aspen Meadows in its daily operations.

1. Existing Lodge Guests Measures:

- * Based on past surveys, approximately 60% of lodge guests fly into town. All guest receive pre-arrival promotional material that stress having a car during their visit is not necessary.
- * Guest shuttles are provided from / to the airport.
- * Guest shuttles are provided to / from town every 30 mins. or as necessary.
- * Cab fares for guests from town are paid by the Meadows if the hotel shuttle is not available.
- * Guest bicycles are available for use for free.
- * We-Cycle stations are strategically located on the property for guest use.

2. Existing Employee Measures:

- * Aspen Meadows is a member of the City's TOP (Transportation Options Program).
- * RFTA Bus Pass is offered to staff for \$ 10 that provide \$ 40 worth of bus punches.
- * Bus zone passes issued to staff who commute further than Carbondale.
- * Staff can win prizes for using alternative means of commuting to work.
- * Staff bicycles are provided for use on the property and for errands.
- * We-Cycle membership is complimentary for staff for 30 mins. sessions.
- * No employee parking is allowed on the property during high-use seasons or events.

IV. Supplemental Information

- A. TDM & MMLOS Spreadsheets. See attached.
- B. TDM Measures Details. Refer to Summary and Narrative of TDM Tools.
- C. MMLOS Measures Details. Refer to Summary and Narrative of MMLOS Tools.
- D. Enforcement, Financing & Scheduling. Applicant shall pay for and install the improvements to the AMFS Gillespie parking lot as described herein. Applicant shall install the improvements prior to issuance of a Certificate of Occupancy for the Boettcher-Bayer buildings.

V. MONITORING REPORT

- A. Assessment of Compliance with Guidelines. The Gillespie parking lot improvements shall be installed prior to issuance of Certificates of Occupancy for the Boettcher-Bayer buildings.
- B. Results and Effectiveness of Implemented Measures. The City is always welcomed to sit down with the Aspen Institute and AMFS, and evaluate the effectiveness of the proposed improvements.
- C. Identification of Additional Strategies. The Aspen Meadows / Aspen Institute is always looking for and experimenting with different mitigation strategies. Exchanging ideas with the City Staff would be welcomed based on what the City and other properties may be doing.
- D. Surveys and Other Supporting Data. The best manner to measure the success of the proposed improvements is for City Staff to speak to the Aspen Institute, AMFS, neighbors and people using the improvements.

Trip Generation

Instructions:

IMPORTANT: Turn on Macros: In order for code to run correctly the security settings need to be altered. Click "File" and then click "Excel Options." In the "Trust Center" category, click "Trust Center Settings", and then click the "Macro Settings" category. Beneath "Macro Settings" select "Enable all Macros."

Sheet 1. Trip Generation: Enter the project's square footage and/or unit counts under Proposed Land Use. The numbers should reflect the net change in land use between existing and proposed conditions.

Sheet 2. MMLOS: Answer Yes, No, or Not Applicable under each of the Pedestrian, Bike and Transit sections. Points are only awarded for proposed and confirmed aspects of the project.

Sheet 3. TDM: Choose the mitigation measures that are appropriate for your project.

Sheet 4. Summary and Narrative: Review the summary of the project's mitigated trips and provide a narrative which explains the measures selected for the project. Click on "Generate Narrative" and individually explain each measure that was chosen and how it enhances the site or mitigates vehicle traffic. Ensure each selected measure make sense

Helpful Hints:

1. Refer to the Transportation Impact Analysis Guidelines for information on the use of this tool.
2. Refer to TIA Frequently Asked Questions for a quick overview.
2. Hover over re [Transportation Impact Analysis](#) ration on individual measures.
3. Proposed [TIA Frequently Asked Questions](#) be new and/or an improvement of existing conditions. A project will not receive credit for measures already in place. Proposed TDM or MMLOS measures should also make sense in the

	= input
	= calculation

DATE:	1/31/2020
PROJECT NAME:	Boettcher / Bayer
PROJECT ADDRESS:	845 Meadows Road
APPLICANT CONTACT INFORMATION: NAME, COMPANY, ADDRESS, PHONE, EMAIL	Dan Cokley SGM, Inc. 118 W. 6th Street, Suite 200 Glenwood Springs, CO 81601 970.379.3378 danc@sgm-inc.com

Is this a major or minor project?	Minor	Minor Development - Inside the Roundabout Major Development - Outside the Roundabout
--	-------	---

Proposed Land Use	Net New Units/Square Feet of the Proposed Project	Trips Generated					
		AM Peak-Hour			PM Peak-Hour		
		Entering	Exiting	Total	Entering	Exiting	Total
Commercial (sf)	0.0 sf	0.00	0.00	0.00	0.00	0.00	0.00
Free-Market Housing (Units)	0 Units	0.00	0.00	0.00	0.00	0.00	0.00
Affordable Housing (Units)	0 Units	0.00	0.00	0.00	0.00	0.00	0.00
Lodging (Units)	0 Units	0.00	0.00	0.00	0.00	0.00	0.00
Essential Public Facility (sf)	8319.0 sf	4.44	2.72	7.15	5.52	8.29	13.81
TOTAL NEW TRIPS		4.44	2.72	7.15	5.52	8.29	13.81

*For mixed-use (at least two of the established land uses) sites, a 4% reduction for AM Peak-Hour and a 14% reduction for PM Peak-Hour is applied to the trip generation.

ASSUMPTIONS						
ASPEN TRIP GENERATION						
Land Use	AM Peak Average			PM Peak Average		
	Trip Rate	%Entering	%Exiting	Trip Rate	%Entering	%Exiting
Commercial	2.27	0.69	0.31	4.14	0.4	0.6
Free-Market Housing	0.67	0.29	0.71	0.82	0.56	0.44
Affordable Housing	0.75	0.48	0.52	0.89	0.55	0.45
Lodging	0.25	0.57	0.43	0.31	0.52	0.48
Essential Public Facility	0.86	0.62	0.38	1.66	0.4	0.6

MMLOS Input Page

Instructions: Answer Yes, No, or Not Applicable to each measure under the Pedestrian, Bike and Transit sections.

= input
 = calculation

TOTAL NUMBER OF TRIPS MITIGATED:	19
---	-----------

Category	Sub.	Site Plan	Question	Answer	Points	
Pedestrians	Sidewalk Condition on Project Frontage	1	Does the project propose a detached sidewalk where an attached sidewalk currently exists? Does the proposed sidewalk and buffer meet standard minimum widths as well?	No	0	
		2	Is the proposed effective sidewalk width greater than the standard minimum width?	No	0	
			Is proposed landscape buffer greater than the standard minimum width?	No	0	
	Subtotal					0
	Sidewalk Condition on Adjacent Blocks	3		Does the project propose a detached sidewalk on an adjacent block? Does the proposed sidewalk and buffer meet standard minimum widths?	No	0
		4		Is the proposed effective sidewalk width on an adjacent block greater than the standard minimum width?	No	0
				Is the proposed landscape buffer on an adjacent block greater than the standard minimum width?	No	0
	Subtotal					0
	Pedestrian Routes	5		Are slopes between back of curb and sidewalk equal to or less than 5%?	NA	0
		6		Are curbs equal to (or less than) 6 inches?	NA	-5
				Is new landscaping proposed that improves the pedestrian experience?	Yes	5
		7		Does the project propose an improved crosswalk?	Yes	5
	Subtotal					5
	Driveways, Parking, and Access Considerations			Are existing driveways removed from the street?	No	0
				Is pedestrian and/or vehicle visibility unchanged by new structure or column?	Yes	0
		8		Is the grade (where pedestrians cross) on cross-slope of driveway 2% or less?	Yes	0
				Does the project propose enhanced pedestrian access points?	Yes	5
				Does the project propose enhanced pedestrian or bicyclist interaction with vehicles at driveway areas?	No	0
	Subtotal					5
	Traffic Calming and Pedestrian Network	9		Is the project's pedestrian directness factor less than 1.5?	Yes	0
			Is the project's pedestrian directness factor between 1 and 1.2?	No	0	
			Is the project proposing an off site improvement that results in a pedestrian directness factor below 1.2?*	No	0	
			Are traffic calming features proposed that are part of an approved plan (speed humps, rapid flash)?*	No	0	
Subtotal					0	
Additional Proposed Improvements			Are additional minor improvements proposed which benefit the pedestrian experience and have been agreed upon with City of Aspen staff?	No	0	
			Are additional major improvements proposed which benefit the pedestrian experience and have been agreed upon with City of Aspen staff?	Yes	5	

	Subtotal	
	Pedestrian Total*	10

Category	Sub.		Question	Answer	Points	
Bicycles	Modifications to Existing Bicycle Paths		Is a new bicycle path being implemented with City approved design?	No	0	
			Do new bike paths allow access without crossing a street or driveway?	No	0	
			Is there proposed landscaping, striping, or signage improvements to an existing bicycle path?	No	0	
			Does the project propose additional minor bicycle improvements which have been agreed upon with City of Aspen staff?	No	0	
			Does the project propose additional major bicycle improvements which have been agreed upon with City of Aspen staff?	No	0	
	Subtotal					0
	Bicycle Parking			Is the project providing bicycle parking?	Yes	5
Subtotal					5	
Bicycles Total*					5	

Category	Sub.		Question	Answer	Points	
Transit	Basic Amenities	1	Is seating/bench proposed?	No	0	
		2	Is a trash receptacle proposed?	No	0	
		3	Is transit system information (signage) proposed?	No	0	
		4	Is shelter/shade proposed?	No	0	
		5	Is enhanced pedestrian-scale lighting proposed?	Yes	4	
			Is real-time transit information proposed?	No	0	
		6	Is bicycle parking/storage proposed specifically for bus stop use?	No	0	
			Are ADA improvements proposed?	No	0	
	Subtotal					4
	Enhanced Amenities			Is a bus pull-out proposed at an existing stop?	NA	0
				Is relocation of a bus stop to improve transit accessibility or roadway operations proposed?	NA	0
			Is a new bus stop proposed (with minimum of two basic amenities)?	NA	0	
Subtotal					0	
Transit Total*					4	

TDM Input Page



Instructions TDM: Choose the mitigation measures that are appropriate for your project. Proposed TDM or MMLOS measures should be new and/or an improvement of existing conditions. A project will not receive credit for measures already in place. Proposed TDM or MMLOS measures should also make sense in the context of project location and future use.

Category	Sub.	Question	Answer	Strategy VMT Reductions
Neighborhood/Site Enhancements Strategies	Onsite Servicing	Will an onsite amenities strategy be implemented?	No	0.00%
		Which onsite amenities will be implemented?		
	Shared Shuttle Service	Will a shared shuttle service strategy be implemented?	No	0.00%
		What is the degree of implementation?	Low	
		What is the company size?	Small	
What percentage of customers are eligible?		0%		
Nonmotorized Zones	Will a nonmotorized zones strategy be implemented?	No	0.00%	
Maximum Reduction Allowed in Category				0.00%

Category	Sub.	Question	Answer	Strategy VMT Reductions
Transit System Improvements Strategies	Network Expansion	Will a network expansion strategy be implemented?	No	0.00%
		What is the percentage increase of transit network coverage?		
		What is the existing transit mode share as a % of total daily trips?		
	Service Frequency/Speed	Will a service frequency/speed strategy be implemented?	No	0.00%
		What is the percentage reduction in headways (increase in frequency)?		
		What is the existing transit mode share as a % of total daily trips?		
	Transit Access Improvement	Will a transit access improvement strategy be implemented?	No	0.00%
		What is the extent of access improvements?		
Intercept Lot	Will an intercept lot strategy be implemented?		0.00%	
Maximum Reduction Allowed in Category				0.00%

Category	Sub.	Question	Answer	Strategy VMT Reductions
Commuter Trip Reduction Programs Strategies	Participation in TOP	Will there be participation in TOP?	Yes	4.00%
		What percentage of employees are eligible?	100%	
	Transit Fare Subsidy	Is a transit fare subsidy strategy implemented?	Yes	4.28%
		What percentage of employees are eligible?	100%	
		What is the amount of transit subsidy per passenger (daily equivalent)?	25%	
	Employee Parking Cash-Out	Is an employee parking cash-out strategy being implemented?	No	0.00%
		What percentage of employees are eligible?		
	Workplace Parking Pricing	Is a workplace parking pricing strategy implemented?	No	0.00%
		What is the daily parking charge?		
		What percentage of employees are subject to priced parking?		
	Compressed Work Weeks	Is a compressed work weeks strategy implemented?	No	0.00%
		What percentage of employees are participating?		
		What is the workweek schedule?		
	Employer Sponsored Vanpool	Is an employer sponsored shuttle program implemented?	Yes	3.45%
		What is the employer size?	Medium	
		What percentage of employees are eligible?	100%	
	Carpool Matching	Is a carpool matching strategy implemented?	No	0.00%
		What percentage of employees are eligible?		
	Carshare Program	Is carshare participation being implemented?	No	0.00%
		How many employee memberships have been purchased?		
What percentage of employees are eligible?				
Bikeshare Program	Is a bikeshare program participation being implemented?	Yes	1.50%	
	How many memberships have been purchased?	<100		
	What percentage of employees/guests are eligible?	100%		
End of Trip Facilities	Is an end of trip facilities strategy being implemented?	No	0.00%	
	What is the degree of implementation?			
Self-funded Emergency Ride Home	Is a self-funded emergency ride home strategy being implemented?	No	0.00%	
	What percentage of employees are eligible?			
Carpool/Vanpool Priority Parking	Is a carpool/vanpool priority parking strategy being implemented?	No	0.00%	
	What is the employer size?			
	What number of parking spots are available for the program?			
Private Employer Shuttle	Is a private employer shuttle strategy being implemented?	No	0.00%	
	What is the employer size?	Small		
	What percentage of employees are eligible?	0%		
Trip Reduction Marketing/Incentive Program	Is a trip reduction marketing/incentive program implemented?	Yes	4.00%	
	What percentage of employees/guests are eligible?	100%		
Maximum Reduction Allowed in Category				3.51%
Cross Category Maximum Reduction, Neighborhood and Transit				0.00%
Global Maximum VMT Reductions				3.51%

1. 22% work trips represents a mixed-used site (SF Bay Area Travel Survey). See Assumptions Tab for more detail.

Summary and Narrative:

DATE:	1/25/2020
PROJECT NAME:	Boettcher / Bayer
PROJECT ADDRESS:	845 Meadows Road
APPLICANT CONTACT INFORMATION: NAME, COMPANY, ADDRESS, PHONE, EMAIL	<i>Dan Cokley</i> <i>SGM, Inc.</i> <i>118 W. 6th Street, Suite 200 Glenwood Springs, CO 81601</i> <i>970.379.3378</i> <i>danc@sgm-inc.com</i>

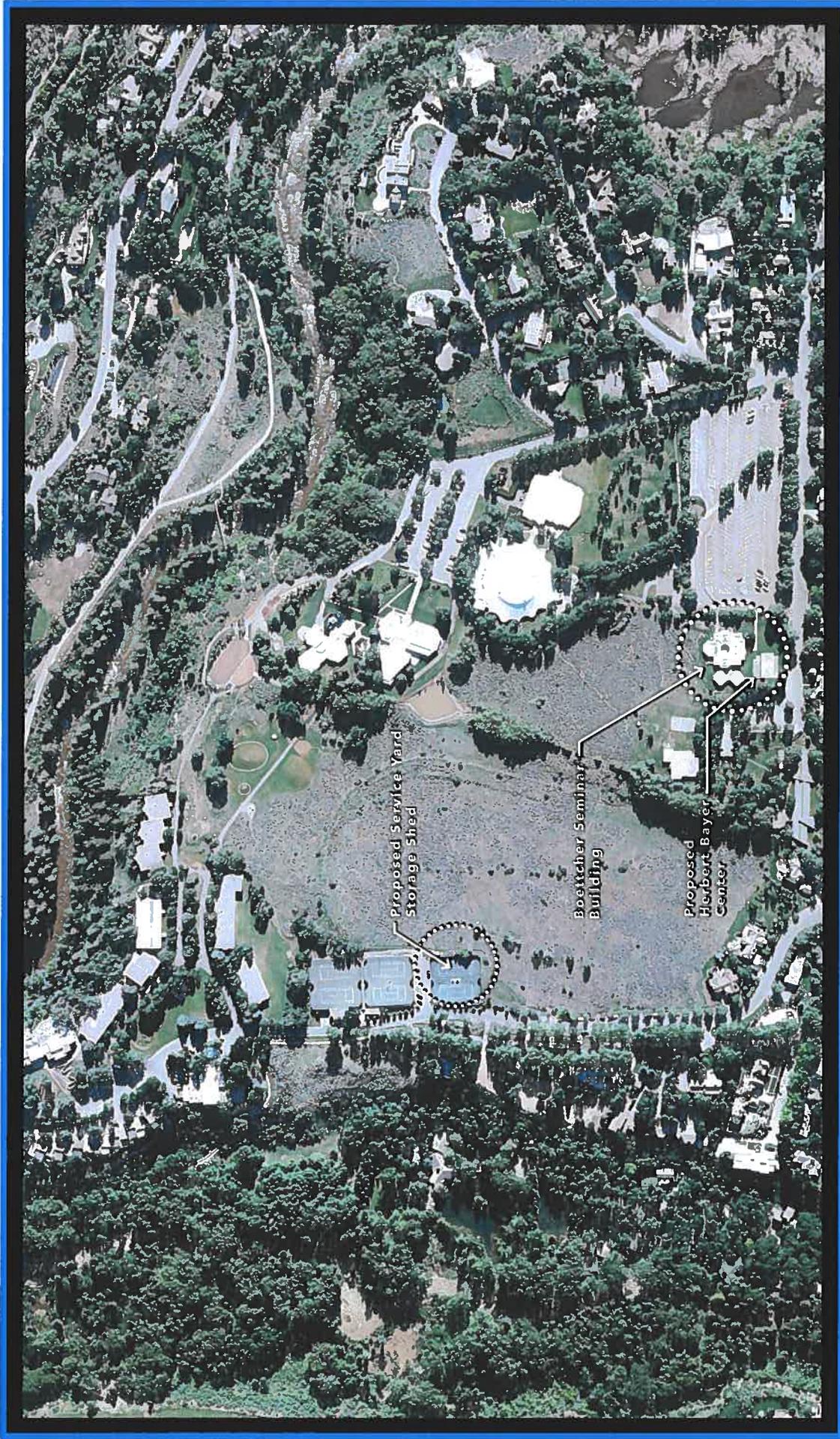
SUMMARY					
Trip Generation		Trip Mitigation			NET TRIPS TO BE MITIGATED
Peak Hour	Max Trips Generated	MMLOS	TDM	Total Trips Mitigated	
PM	13.8	19	0.48	19.48	0.00

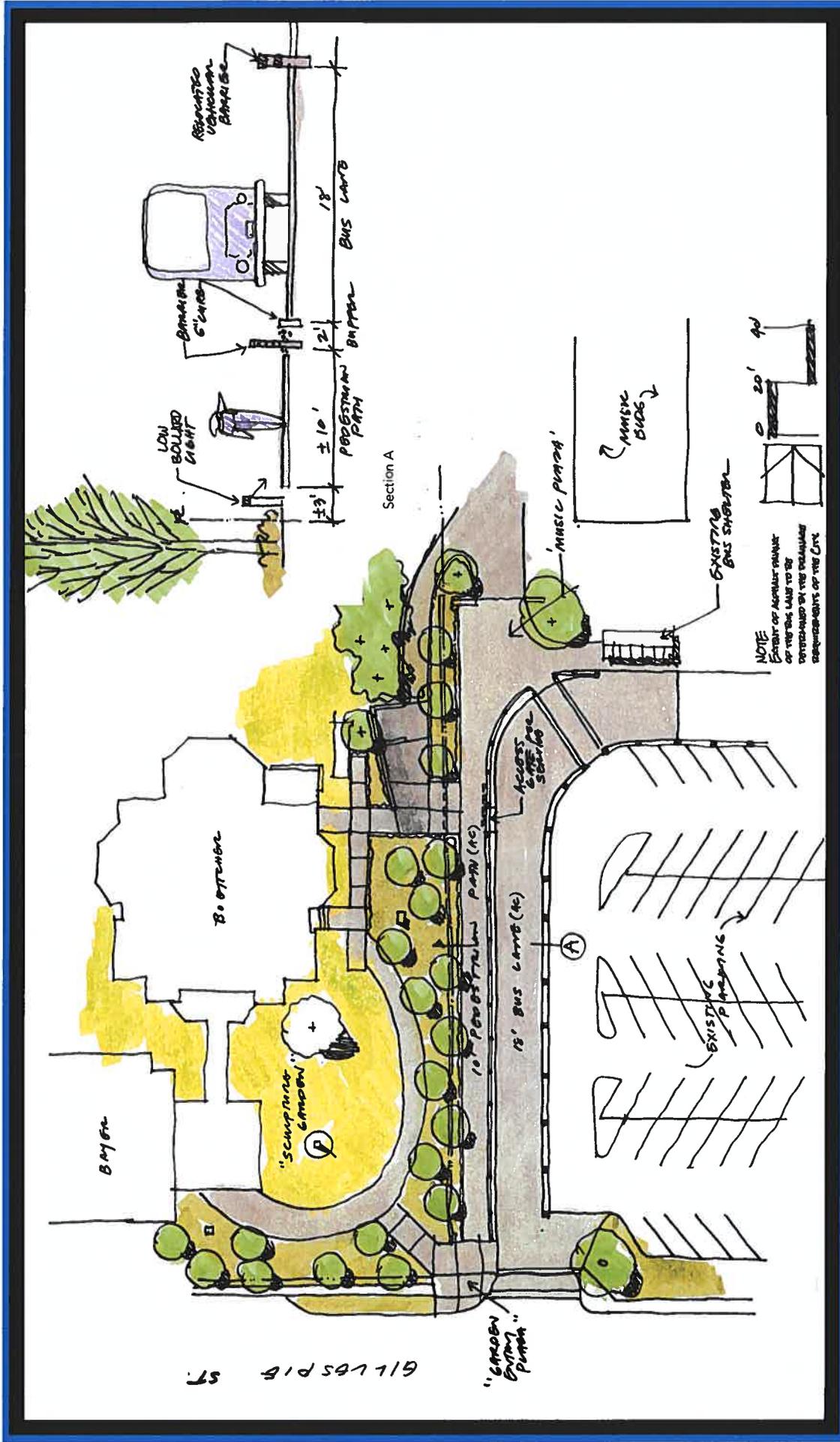
Narrative:

Click on the "Generate Narrative" Button to the right. Respond to each of the following prompts in the space provided.

Each response should cover the following:

1. Explain the selected measure.
2. Call out where the measure is located.
3. Demonstrate how the selected measure is appropriate to enhance the project site and reduce traffic impacts.
4. Explain the Enforcement and Financing Plan for the selected measure.
5. Explain the scheduling and implementation responsibility of the mitigation measure.
6. Attach any additional information and a site map to the narrative report.





Conceptual Drainage Report
(Submitted Under Separate Cover)

CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

LAND USE APPLICATION

Exhibit 4

Project Name and Address: Boettcher-Bayer Project, 600 Dillmore Ave.
 Parcel ID # (REQUIRED) 273512129009

APPLICANT:

Name: The Aspen Institute of Baker Ward
 Address: 1000 N. 35th St, Aspen, CO, 81611
 Phone #: 970-524-1725 email: baker.ward@aspeninst.org

REPRESENTATIVE:

Name: Jim Curtis
 Address: 418 E. Cooper Ave., Ste. 106, Aspen
 Phone #: 970-391-0442 email: curtis@hpcas.net

Description: Existing and Proposed Conditions

Renovation of Boettcher Seminar Building
New Construction of Center for Herbert Bayer Studies
New Construction of Accessory Storage Shed

Review: Administrative or Board Review HPC & City Council

Required Land Use Review(s):

Growth Management Quota System (GMQS) required fields:

Net Leasable square footage N/A Lodge Pillows N/A Free Market dwelling units N/A
 Affordable Housing dwelling units N/A Essential Public Facility square footage 7,536 sq. ft. Bayer
2,050 sq. ft. Storage Shed

Have you included the following?

- Pre-Application Conference Summary
- Signed Fee Agreement
- HOA Compliance form
- All items listed in checklist on PreApplication Conference Summary

FEES DUE: \$ _____

CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

DIMENSIONAL REQUIREMENTS FORM

Exhibit 5

Complete only if required by the PreApplication checklist

Project and Location Butcher-Bays Project, 600 Alliance Ave.

Applicant: The Aspen Institute

Zone District: A Academic Gross Lot Area: 13.1 Net Lot Area: 13.1
Lot 1-B

**Please refer to section 26.575.020 for information on how to calculate Net Lot Area

Please fill out all relevant dimensions

<u>Single Family and Duplex Residential</u> <u>n/a</u>	<u>Existing</u> <u>Allowed</u> <u>Proposed</u>	<u>Multi-family Residential</u> <u>n/a</u>	<u>Existing</u> <u>Allowed</u> <u>Proposed</u>
--	--	--	--

- 1) Floor Area (square feet)
- 2) Maximum Height
- 3) Front Setback
- 4) Rear Setback
- 5) Side Setbacks
- 6) Combined Side Setbacks
- 7) % Site Coverage
- 8) Minimum distance between buildings
- Proposed % of demolition _____

- 1) Number of Units
- 2) Parcel Density (see 26.710.090.C.10)
- 3) FAR (Floor Area Ratio)
- 4) Floor Area (square feet)
- 4) Maximum Height
- 5) Front Setback
- 6) Rear Setback
- 7) Side Setbacks
- Proposed % of demolition _____

Commercial n/a
Proposed Use(s) _____

Lodge n/a
Additional Use(s) _____

- | | |
|-------------------------------------|--|
| | <u>Existing</u> <u>Allowed</u> <u>Proposed</u> |
| 1) FAR (Floor Area Ratio) | |
| 2) Floor Area (square feet) | |
| 3) Maximum Height | |
| 4) Off-Street Parking Spaces | |
| 5) Second Tier (square feet) | |
| 6) Pedestrian Amenity (square feet) | |
| Proposed % of demolition _____ | |

- | | |
|--|--|
| | <u>Existing</u> <u>Allowed</u> <u>Proposed</u> |
| 1) FAR (Floor Area Ratio) | |
| 2) Floor Area (square feet) | |
| 3) Maximum Height | |
| 4) Free Market Residential (square feet) | |
| 4) Front setback | |
| 5) Rear setback | |
| 6) Side setbacks | |
| 7) Off-Street Parking Spaces | |
| 8) Pedestrian Amenity (square feet) | |
| Proposed % of demolition _____ | |

Existing non-conformities or encroachments:

None

Variations requested:

None - Project zoning is Academic w/ Planned Dev. Overlay. Project dimensions set by site specific Review & Approval.

COMMUNITY DEVELOPMENT DEPARTMENT



Homeowner Association Compliance Policy

All land use applications within the City of Aspen are required to include a Homeowner Association Compliance Form (this form) certifying the scope of work included in the land use application complies with all applicable covenants and homeowner association policies. The certification must be signed by the property owner or Attorney representing the property owner.

Property Owner ("I"):	Name: THE ASPEN INSTITUTE	Phone No.: 970-544-7925
	Email: becky.ward@aspeninstitute.org	
Address of Property: (subject of application)	620 GILLESPIE STREET ASPEN, CO 81611	

I certify as follows: (pick one)

- This property is not subject to a homeowners association or other form of private covenant.

- This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application do not require approval by the homeowners association or covenant beneficiary.

- This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application have been approved by the homeowners association or covenant beneficiary.

I understand this policy and I understand the City of Aspen does not interpret, enforce, or manage the applicability, meaning or effect of private covenants or homeowner association rules or bylaws. I understand that this document is a public document.

Owner signature: Rebecca B. Ward date: 11/6/19

Owner printed name: REBECCA B. WARD

or,

Attorney signature: _____ date: _____

Attorney printed name: _____



November 12, 2019

Ms. Amy Simon
Community Development Office
City of Aspen
130 South Galena Street
Aspen, CO 81611

Re: Owner's Authorization and Consent
Aspen Institute Property
Boettcher Seminar Building Renovation
Center for Herbert Bayer Studies Construction
Service Yard Storage Shed Construction
Planned Development (PD) Amendment Application

Dear Amy:

I hereby authorize and consent to the filing of the above reference Land Use Application. Jim Curtis, Jeff Berkus Architects, and Rowland & Broughton Architects are authorized to represent the application.

Respectfully,

Becky Ward
Facilities Director

1000 North Third Street

Aspen, CO 81611

ph 970.925.7010

fx 970.925.4188

www.aspeninstitute.org

Aspen Institute Property
1000 North Third Street
Lot 1-A, Aspen Meadows Subdivision (Parcel # 2735-121-29008)
Lot 1-B, Aspen Meadows Subdivision (Parcel # 2735-121-29809)



November 21, 2019

Mr. Alan Fletcher
 President and CEO
 Music Associates of Aspen, Inc.
 225 Music School Road
 Aspen, CO 81611

Re: Consent to SPA Amendment & Application
 Boettcher Seminar Building Renovation &
 Center for Herbert Bayer Studies New Construction

Dear Alan,

As you are aware, "The Aspen Meadows, Specially Planned Area (SPA) Development & Subdivision Agreement" was approved in 1991 and established a Master Plan for the Aspen Meadows properties. Article II, H(12) "Amendments" requires that any SPA Master Plan amendment or development application submitted by one of the three nonprofit organizations that share the Aspen Meadows campus be jointly consented to by all three organizations. This provision was to ensure that the three organizations communicate and coordinate their land use and building plans among one another.

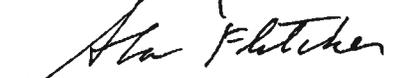
The Aspen Institute plans to submit an SPA Amendment to renovate the Boettcher Seminar Building and to construct a Center for Herbert Bayer Studies. The Aspen Institute believes both projects will be wonderful amenities for the Aspen Meadows property, and we will continue to communicate and coordinate with you with respect to both projects.

We have also attached a "Memorandum of Understanding" which outlines the use of and improvements that the Aspen Institute would like to make to the Gillespie Avenue parking lot owned by Music Associates of Aspen. The MOU also addresses utility relocation and construction limitations during the summer season.

On behalf of the Aspen Institute, I respectfully request your consent to the filing of the above referenced land use application in compliance with Article II, H(12) of the SPA Agreement. Jim Curtis, our Owner Representative, or Becky Ward will be happy to answer questions or meet with you at any time. Thank you for your cooperation in this matter and please feel free to call if you have any questions.

Sincerely,


 Daniel R. Porterfield
 President and CEO


 Alan Fletcher
 Aspen Music Festival and School

Daniel R. Porterfield, Ph.D.
 President & CEO, The Aspen Institute

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) between the Aspen Institute (“AI”) and Music Associates of Aspen, Inc. (“MAA”) dated December 2, 2019 is intended to set forth the terms and understanding between the parties with respect to AI’s upcoming renovation of the Boettcher Seminar Building on the Meadows Campus, AI’s proposed construction of a Center for Herbert Bayer Studies, and related parking and construction issues.

I. Background

On August 3, 2019, AI publicly announced its intention to create a new center on the Meadows Campus dedicated to the work of Herbert Bayer. The Resnick Center for Herbert Bayer Studies (“the Bayer Center”) is proposed to preserve the art and legacy of Herbert Bayer, whose art, architecture and history are intertwined with the history of the Aspen Meadows property and the City of Aspen. The building will display and be a repository and educational center for Herbert Bayer art and history. The building will be open to the public with displays and exhibits, and be an educational center for local residents, guests and schools.

Additionally, AI plans to renovate the adjacent Boettcher Seminar Building, which was opened in 1975 and is in need of cosmetic and functional repairs. Other than enclosing the building’s open courtyard for year-round use, no other expansion of the structure is proposed. The renovation will reconfigure a portion of the existing interior space into "Creativity Lab" space consisting of open, flex-space and huddle/work rooms to foster open interaction and communication, and the exchange of ideas among the parties using the building.

In order to facilitate these projects, AI and MAA have agreed to the following terms of understanding and cooperation regarding construction management, timing, and AI’s requests to use a portion of MAA’s Gillespie Avenue parking lot for construction staging and parking:

II. AI parking within Gillespie Avenue parking lot

- A. *Parking Spaces.* Pursuant to the terms and conditions set forth below, for so long as this MOU is in effect, MAA shall permit AI to use up to 25 parking spaces in its Gillespie Avenue parking lot from September 1 - June 14, and to use up to 10 parking spaces from June 15- August 30. The summer use will exclude the eight Sundays of MAA’s 4:00 orchestra concerts. Such parking spaces will be designated with appropriate signage, and any evening use (use after 5:00 pm each day) shall only be as approved in advance by MAA. If there are persistent issues with unauthorized or after-hours parking within MAA’s Gillespie Avenue parking lot related to the AI facilities, upon request of MAA, AI shall provide a parking crew to monitor the lot and to limit parking to within the designated number of spaces and hours of operation.
- B. *Pedestrian Walkway.* In connection with its renovation of the Boettcher Seminar Building, AI shall create entrance improvements, a pedestrian walkway and pave a portion of the bus lane on the west end of the Gillespie Avenue parking lot, adjacent to the Bayer Center and Boettcher Seminar Building and connecting to the Benedict Music Tent. AI shall provide MAA with plans and specifications for all such improvements for review and approval prior to construction. Construction of these improvements shall

thereafter be accomplished outside of MAA's summer performance season (June 15-August 30.)

- C. *Maintenance.* For so long as the AI utilizes parking spaces on the Gillespie Avenue parking lot pursuant to this MOU, AI shall contribute \$10,000 to MAA on or before January 1 of each year, which funds shall be applied by MAA toward maintenance for the Gillespie Avenue parking lot.
- D. *Further Cooperation.* AI and MAA shall continue to work together on annual plans to accommodate participant parking in the Gillespie Avenue parking lot during the Aspen Ideas Festival and other major AI events. This parking will be solely at MAA's discretion.

III. Construction and Renovation

- A. *Parking and Staging.* During the construction and renovation period, except during MAA's summer performance season (June 15 through August 30), MAA shall also permit AI contactors to use the west side of the Gillespie Avenue parking lot for construction parking and staging for the project. AI shall coordinate with MAA to ensure that such use does not conflict with or inhibit MAA events and to ensure that the parking lot is cleaned of all construction debris, materials and equipment in advance of MAA's summer performance season. All construction equipment, materials and vehicles shall be relocated for any MAA event or rental, including the Aspen High School graduation, that will require the full parking lot. AI shall be responsible for all snowplowing upon the portion of the parking lot being used by AI during the construction and renovation period, and after construction and renovation are complete, AI shall pay for the entire Gillespie Avenue parking lot to be re-graded, striped and treated with dust mitigation prior the commencement of the next MAA summer performance season.
- B. *Interior-only Construction.* MAA agrees that AI may continue interior-only construction work during the summer months, provided there shall be no construction parking or staging by AI within the Gillespie Avenue parking lot from June 15 to August 30 unless approved by MAA in advance. AI will also work with MAA to ensure that such construction does not interfere with MAA rehearsals or performances, including appropriate scheduling of work and sound mitigation methods. AI understands that MAA's activities are extremely sensitive to outside noise and AI agrees to immediately cease any activities that MAA deems to be disruptive.
- C. *Utility Relocation.* To accommodate the AI projects described above, MAA shall (1) permit a tie into the electric vault located at the northwest corner of the Benedict Music Tent; and (2) permit the relocation of an existing sewer line in the Gillespie Avenue parking lot to a location generally along the southern perimeter of the parking lot so as to minimize potential future development conflicts. AI and MAA shall work together to create mutually acceptable easements for such utility lines as required by the respective utility providers, and all such utility easements shall expressly allow for the future relocation of utility lines and easements as needed to accommodate future land uses. AI and MAA will also work together to ensure that such utility construction will not conflict

with or inhibit the Aspen High School graduation in May or MAA's summer performance season.

IV. Liability/Insurance.

Except if caused by MAA's gross negligence or intentional wrongful conduct, MAA shall have no liability to AI, its employees, agents, contractors, or guests, with regard to AI's construction projects and its use of MAA's property pursuant to this MOU, and AI shall hold harmless and indemnify MAA, and its employees, agents, contractors and guests, from and against any liability related to the same (including the payment of any attorneys' fees or costs incurred by MAA in defense of any related claim). At all times, AI and its contractors shall keep and maintain customary commercial general liability insurance coverage, with commercially reasonable coverage amounts and terms, which policies shall specifically insure AI's and its contractor's indemnity obligations hereunder. All such policies shall also contain waiver of subrogation provisions, and name MAA and its officers, agents, and employees, as additional insureds.

V. Term of Agreement/Termination.

This MOU shall become effective on April 1, 2020 and shall remain in effect for five years, after which it shall automatically renew each five years thereafter unless a notice of termination is provided, in writing, by one of the parties to the other, on or before six months prior to the expiration of the then term. Either party may terminate this MOU with or without cause by providing six months' notice to the other. AI's rights to use portions of MAA's property pursuant to this MOU shall be construed as a revocable license, and nothing herein shall be deemed to create easements or any other permanent real property interests.


Daniel R. Porterfield
President and CEO
The Aspen Institute
12/2/19
(date)


Alan Fletcher
President and CEO
Aspen Music Festival and School
Dec. 2, 2019
(date)



October 15, 2019

Ms. Amanda Jenkins
 Administrative Vice President
 Aspen Center for Physics
 700 W. Gillespie Street
 Aspen, CO 81611

Re: Consent to SPA Amendment & Application
 Boettcher Seminar Building Renovation &
 Center for Herbert Bayer Studies New Construction

Dear Amanda,

As you are aware, "The Aspen Meadows, Specially Planned Area (SPA) Development & Subdivision Agreement" was approved in 1991 and established a Master Plan for the Aspen Meadows properties. Article II, H(12) "Amendments" require that any SPA or Master Plan amendment or development application submitted by one of the non-profits be jointly agreed to and consented to by the three non-profits. This provision was to ensure that the non-profits would communicate and coordinate their land use and building plans among one another.

The Aspen Institute plans to submit a SPA Amendment to renovate the Boettcher Seminar Building and to construct the Center for Herbert Bayer Studies. The Aspen Institute believes both projects will be wonderful amenities for the Aspen Meadows property and we will continue to communicate and coordinate with you on both projects.

On behalf of the Aspen Institute, I respectfully request your consent to the filing of the above referenced land use application in compliance with Article II, H(12) of the SPA Agreement. Jim Curtis, our Owner Representative, or I will always be happy to answer any questions or meet with you at any time. Thank you for your cooperation in this matter and please feel free to call on any questions.

Sincerely,

Becky Ward
 Becky Ward
 Facilities Director
 The Aspen Institute

Amanda Jenkins
 Amanda Jenkins
 Aspen Center for Physics

1000 North Third Street

Aspen, CO 81611

ph 970.544.7925

fx 970.925.1138

www.aspeninstitute.org

**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

Exhibit 10

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Transaction Identification Data for reference only:

Issuing Agent: Stewart Title Company
 Issuing Office: 620 E Hopkins Ave, Aspen, CO 81611
 Issuing Office 's ALTA® Registry ID:
 Loan ID Number:
 Commitment Number: 201976
 Issuing Office File Number: 201976
 Property Address: 845 Meadows Road, Aspen, CO 81611
 Revision Number: C2

1. Commitment Date: April 10, 2019 at 8:00AM
2. Policy to be issued: Proposed Policy Amount
 - (a) ALTA Owner's Standard
Proposed Insured: To Be Determined
 - (b) ALTA Loan Standard
Proposed Insured:
3. The estate or interest in the Land described or referred to in this Commitment is:
FEE SIMPLE
4. The Title is, at the Commitment Date, vested in:
Aspen Institute, Inc.
5. The Land is described as follows:
See Exhibit "A" Attached Hereto lot 1-A

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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File No.: 201976

ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

Page 1 of 7

AMERICAN
LAND TITLE
ASSOCIATION



**ALTA COMMITMENT FOR TITLE INSURANCE
EXHIBIT "A"
LEGAL DESCRIPTION**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 201976

Lot 1A,
THE ASPEN MEADOWS SUBDIVISION,
according to the Aspen Meadows Final S.P.A. Development Plan and Final Subdivision Plat recorded June 24, 1992 in Plat Book 28 at Page 5 as Reception No. 340936, and First Amendment to the Aspen Meadows Final S.P.A. Development Plan and Final Subdivision Plat recorded December 17, 1992 in Plat Book 30 at Page 17 as Reception No. 351951, Amendment recorded April 18, 2005 in Plat Book 72 at Page 68 and Amendment recorded April 11, 2006 in Plat Book 78 at Page 35 and Amendment recorded March 9, 2017 in Plat Book 118 at Page 85 as Reception No. 636682.

COUNTY OF PITKIN, STATE OF COLORADO.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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File No.: 201976

ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

Page 2 of 7

AMERICAN
LAND TITLE
ASSOCIATION



**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

Exhibit 11

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Transaction Identification Data for reference only:

Issuing Agent: Stewart Title Company
 Issuing Office: 620 E Hopkins Ave, Aspen, CO 81611
 Issuing Office's ALTA® Registry ID:
 Loan ID Number:
 Commitment Number: 482711
 Issuing Office File Number: 482711
 Property Address: Lot 1B, THE ASPEN MEADOWS SUBDIVISION, 1000 N Third
 Street, Aspen, CO 81611
 Revision Number:

1. Commitment Date: July 5, 2019 at 8:00AM
2. Policy to be issued: Proposed Policy Amount
 - (a) ALTA Owner's Standard
Proposed Insured: TBD Buyer
 - (b) ALTA Loan Standard
Proposed Insured:
3. The estate or interest in the Land described or referred to in this Commitment is:
FEE SIMPLE
4. The Title is, at the Commitment Date, vested in:
Aspen Institute, Inc.
5. The Land is described as follows:
See Exhibit "A" Attached Hereto Lot 1-B

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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File No.: 482711

ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

Page 1 of 7



**ALTA COMMITMENT FOR TITLE INSURANCE
EXHIBIT "A"
LEGAL DESCRIPTION**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 482711

Lot 1B,
THE ASPEN MEADOWS SUBDIVISION,
according to the Aspen Meadows Final S.P.A. Development Plan and Final Subdivision Plat recorded June 24, 1992 in Plat Book 28 at Page 5 as Reception No. 340936, and First Amendment to the Aspen Meadows Final S.P.A. Development Plan and Final Subdivision Plat recorded December 17, 1992 in Plat Book 30 at Page 17 as Reception No. 351951 and Second Amendment to the Aspen Meadows Final S.P.A. Development Plan recorded August 21, 1995 in Plat Book 38 at Page 13 as Reception No. 384908 and Amendment recorded January 5, 2010 in Plat Book 92 at Page 97 as Reception No. 565857 and Amendment recorded February 25, 2010 in Plat Book 93 at Page 35 as Reception No. 567222

County of Pitkin, State of Colorado

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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File No.: 482711

ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

Page 2 of 7

AMERICAN
LAND TITLE
ASSOCIATION



CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

Agreement to Pay Application Fees

Exhibit 12

An agreement between the City of Aspen ("City") and

Address of Property: 600 Ailene Ave.

Please type or print in all caps

Property Owner Name: Aspen Institute Representative Name (if different from Property Owner): Jim Curtro

Billing Name and Address - Send Bills to:
Jim Curtro - jcurtro@apco.net
Contact info for billing: e-mail: jcurtro@apco.net Phone: 970.391.0442

I understand that the City has adopted, via Ordinance No. 30, Series of 2017, review fees for Land Use applications and payment of these fees is a condition precedent to determining application completeness. I understand that as the property owner that I am responsible for paying all fees for this development application.

For flat fees and referral fees: I agree to pay the following fees for the services indicated. I understand that these flat fees are non-refundable.

\$._____ flat fee for _____ . \$._____ flat fee for _____
\$._____ flat fee for _____ . \$._____ flat fee for _____

For Deposit cases only: The City and I understand that because of the size, nature or scope of the proposed project, it is not possible at this time to know the full extent or total costs involved in processing the application. I understand that additional costs over and above the deposit may accrue. I understand and agree that it is impracticable for City staff to complete processing, review and presentation of sufficient information to enable legally required findings to be made for project consideration, unless invoices are paid in full.

The City and I understand and agree that invoices mailed by the City to the above listed billing address and not returned to the City shall be considered by the City as being received by me. I agree to remit payment within 30 days of presentation of an invoice by the City for such services.

I have read, understood, and agree to the Land Use Review Fee Policy including consequences for no-payment. I agree to pay the following initial deposit amounts for the specified hours of staff time. I understand that payment of a deposit does not render an application complete or compliant with approval criteria. If actual recorded costs exceed the initial deposit, I agree to pay additional monthly billings to the City to reimburse the City for the processing of my application at the hourly rates hereinafter stated.

\$_____ deposit for _____ hours of Community Development Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

\$_____ deposit for _____ hours of Engineering Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

City of Aspen:

Jessica Garrow, AICP
Community Development Director

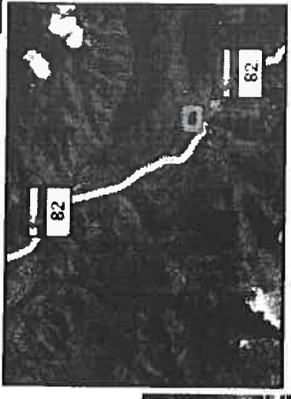
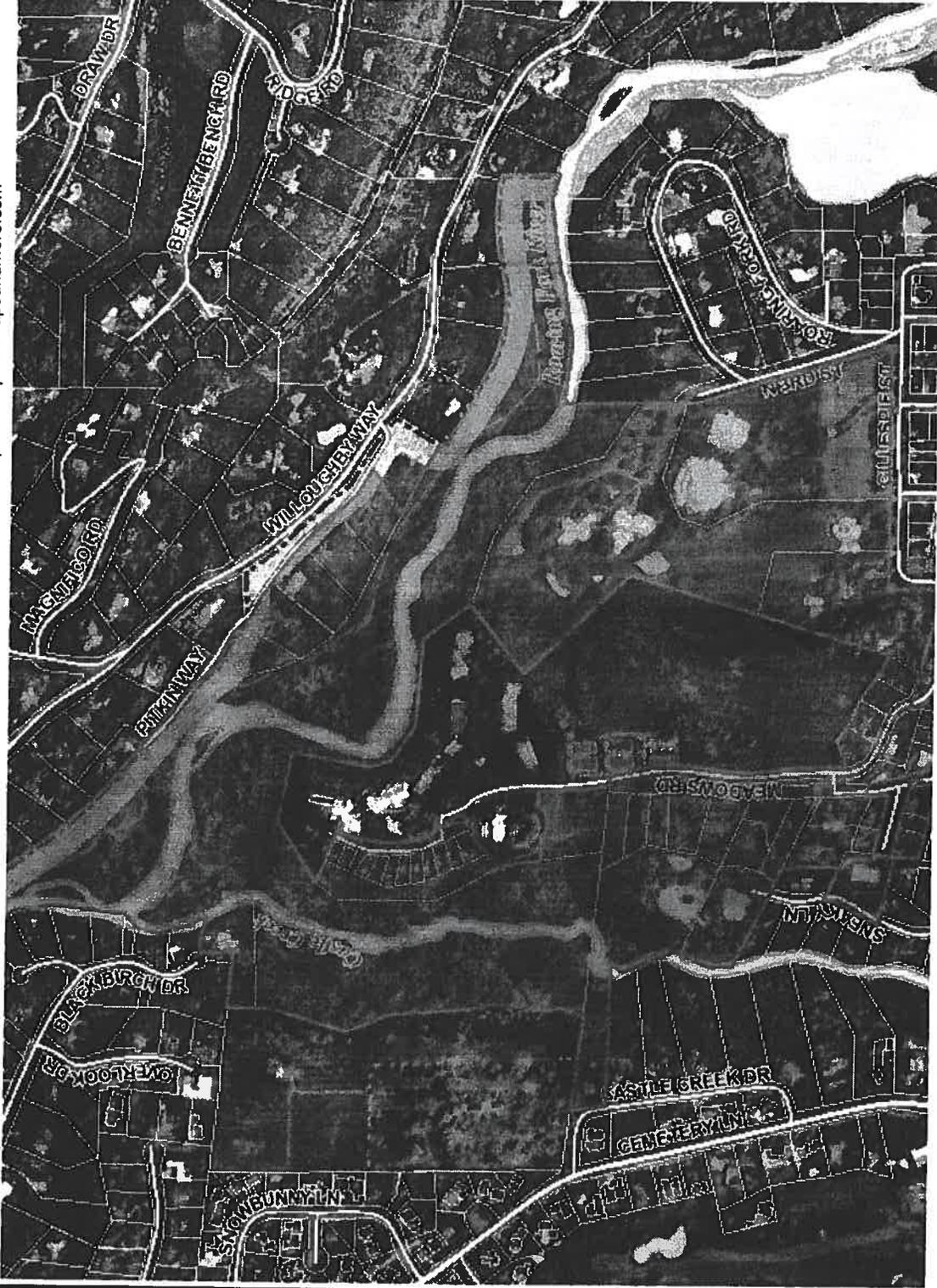
City Use:
Fees Due: \$ _____ Received \$ _____
Case # _____

Signature: Jim Curtro
PRINT Name: Jim Curtro
Title: Aspen's Representative

Aspen Institute Lot 1-A



Map Created on 3:30 PM 11/14/19 at <http://www.pitkinmapsandmore.com>



Legend

- State Highway
- Road Centerline 9K
- Primary Road
- Secondary Road
- Service Road
- Parcel Boundary
- Rivers and Creeks
- Continuous
- Intermittent
- River, Lake or Pond
- Town Boundary
- Federal Land Boundary
- BLM
- State of Colorado
- USFS

Notes

Adjacent Property Owners 350



1: 9,028

WGS_1984_Web_Mercator_Auxiliary_Sphere

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SARPA JOHN G & JAN JONES
71 MEADOWS TRUSTEE RD
ASPEN, CO 81611

LPRP RIVER LLC
1100 BLACK BIRCH DR
ASPEN, CO 81611

630 MEADOWS COLORADO TRUST
222 N LASALLE ST #800
CHICAGO, IL 60601

BLUEFIELD REAL ESTATE TRUST
599 LEXINGTON AVE
NEW YORK, NY 10022

9425 ASPEN REAL ESTATE LLC
650 MEADOWS RD
ASPEN, CO 81611

CITY OF ASPEN
130 S GALENA ST
ASPEN, CO 81611

MARKALUNAS JAMES J REV TRUST
624 W NORTH ST
ASPEN, CO 81611

ASPEN CENTER FOR PHYSICS
700 E GILLESPIE
ASPEN, CO 81611

REED PRESLEY FAMILY TRUST
999 18TH ST #1745
DENVER, CO 80202

BEAR ALLEY LLC
1040 ANNA KNAPP BLVD
MOUNT PLEASANT, SC 29464

ABUNDANCE ASPEN LLC
110 E DEAN ST #A3
ASPEN, CO 81611

GOLDRICH MELINDA REV TRUST
825 W NORTH ST
ASPEN, CO 81611

CERISE JAMES M
790 CASTLE CREEK DR
ASPEN, CO 81611

GOLDSBURY CHRISTOPHER JR TRUST
303 PEARL PKWY #300
SAN ANTONIO, TX 782151285

HANSEN SALLY
PO BOX 9343
ASPEN, CO 81612

LBH CONDO ASSOC
COMMON AREA
521 N SEVENTH ST
ASPEN, CO 81611

8TH ONE LLC
901 RIO GRANDE #100
AUSTIN, TX 78701

MUSIC ASSOCIATES OF ASPEN INC
225 MUSIC SCHOOL RD
ASPEN, CO 81611

GANTZEL STEEN GIFFORD QPRT
705 MEADOWS RD
ASPEN, CO 81611

PAELMAN ALLEN G REV TRUST
734 W SMUGGLER
ASPEN, CO 81611

WALDECK TOM & VIVIAN G
915 W NORTH ST
ASPEN, CO 81611

LPRP MILL LLC
1100 BLACK BIRCH DR
ASPEN, CO 81611

RIVER ONE LLC
400 E MAIN ST #2
ASPEN, CO 81611

BECKLEY MARY ANN P
16818 FALLS RD
UPPERCO, MD 211559444

WESTVIEW HOLDINGS LLC
303 PEARL PKWY #300
SAN ANTONIO, TX 782151285

CITY OF ASPEN
130 S GALENA ST
ASPEN, CO 81611

MEADOW WATCH CONDO ASSOC
COMMON AREA
W SMUGGLER
ASPEN, CO 81611

WRIGLEY WILLIAM JR RES TRST
401 N MICHIGAN AVE #3200
CHICAGO, IL 606114207

TRUSTEE TOWNHOMES AT ASPEN MEADOW
11 MEADOWS RD
ASPEN, CO 81611

HARRIS JOAN W REV TRUST
209 E LAKE SHORE DR
CHICAGO, IL 60611

630 MEADOWS COLORADO TRUST
222 N LASALLE ST #800
CHICAGO, IL 60601

ASPEN 111 TRUSTEE TOWNHOME LLC
14 LAKE FOREST DR
SAINT LOUIS, MO 63117

AULD ROBERT H & CAROL C
730 W SMUGGLER AVE
ASPEN, CO 81611

CITY OF ASPEN
130 S GALENA ST
ASPEN, CO 81611

ROSE ALLAN V
ONE EXECUTIVE BLVD
YONKERS, NY 10701

SHERMAN HARRIS D
5401 E DAKOTA #20
DENVER, CO 80246

JAMIE ALEXANDER LLC
720 PARK AVE #4A
NEW YORK, NY 10021

BAIRD STEPHEN W & SUSAN MERRITT
120 S LASALLE ST # 2000
CHICAGO, IL 60603

CHASE SARAH C REV TRUST
319 TANO RD
SANTA FE, NM 87506

SHOOTER 0329 LLC
3201 N 10TH ST
MCALLEN, TX 78501

WESTVIEW HOLDINGS LLC
303 PEARL PKWY #300
SAN ANTONIO, TX 782151285

BARABE CAROLYN
790 CASTLE CREEK DR
ASPEN, CO 81611

ASPEN INSTITUTE INC
1000 N THIRD ST
ASPEN, CO 81611

ANTHONY JULIE KATHLEEN
655 MEADOWS RD
ASPEN, CO 81611

817 WEST NORTH STREET LLC
2542 EMMA RD
BASALT, CO 81621

ASPEN INSTITUTE INC
1000 N THIRD ST
ASPEN, CO 81611

SMOOKE JULIE ASPEN TRUST
10776 WILSHIRE BLVD #1704
LOS ANGELES, CA 900246432

675 MEADOWS RD LLC
0124 TOTTERDOWN RD
ASPEN, CO 81611

PITKIN COUNTY
530 E MAIN ST #301
ASPEN, CO 81611

CK PITCO ASSOCIATES LLC
1650 MARKET ST #2800
PHILADELPHIA, PA 19103

GOLDSBURY CHRISTOPHER JR TRUST
303 PEARL PKWY #300
SAN ANTONIO, TX 782151285

JOHNSON CHRISTOPHER W
834 5TH AVE #11B
NEW YORK, NY 10065

BRUMLEY JONNY S & LORI F
901 HILLCREST ST
FORT WORTH, TX 76107

SMITH VICTORIA LEA
1160 PARK AVE
NEW YORK, NY 10128

LAFIELD ASPEN VENTURES LLC
9401 MEADOWBROOK DR
DALLAS, TX 752202251

MEADOWS & SEVENTH LLC
521 NORTH 7TH ST #A
ASPEN, CO 81611

MCHUGH JOHN J & RICKI L
PO BOX 7954
ASPEN, CO 81612

WESTVIEW HOLDINGS LLC
303 PEARL PKWY #300
SAN ANTONIO, TX 782151285

HOFFMAN LARRY J & DEBORAH
3525 BAYSHORE VILLAS DR
MIAMI, FL 33133

WESTVIEW HOLDINGS LLC
303 PEARL PKWY #300
SAN ANTONIO, TX 782151285

CHRISTAL GLORIA HEILMAN REV TRUST
635 W GILLESPIE ST
ASPEN, CO 81611

GANTZEL JOAN IVERS QPRT
705 MEADOWS RD
ASPEN, CO 81611

LAMM RICHARD D QPRT
5401 E DAKOTA #20
DENVER, CO 80246

HOLMES AUDREY P
660 MEADOWS RD
ASPEN, CO 81611

618 SMUGGLER LLC
4212 BELCLAIRE
DALLAS, TX 75205

RUBEY ROBERT
3465 BELCARO DR
DENVER, CO 80209

WESTVIEW HOLDINGS LLC
303 PEARL PKWY #300
SAN ANTONIO, TX 782151285

ASPEN INSTITUTE INC
1000 N THIRD ST
ASPEN, CO 81611

HARRIS JOAN W REMAINDER TRUST
209 E LAKE SHORE DR
CHICAGO, IL 60611

ASPEN INSTITUTE INC
1000 N THIRD ST
ASPEN, CO 81611

WING KAREN FAM LTD PTNSHP
ONE INT'L PL 44TH FL
BOSTON, MA 021102602

NSF 1976 INVESTMENTS LLC
4237 DEL MAR AVE
CARPINTERIA, CA 93013

MG DUPLEX LLC
825 W NORTH ST
ASPEN, CO 81611

SMOOKE BARRY ASPEN TRUST
10776 WILSHIRE BLVD #1704
LOS ANGELES, CA 900246432

SHIELDS PATRICIA P & JOHN II
1077 PONTE VEDRA BLVD
PONTE VEDRA BEACH, FL 32082

WESTVIEW HOLDINGS LLC
303 PEARL PKWY #300
SAN ANTONIO, TX 782151285

**Pitkin County Mailing List of 350 Feet Radius
From Parcel: 273512129008 on 11/14/2019**



Instructions:

This document contains a Mailing List formatted to be printed on Avery 5160 Labels. If printing, DO NOT "fit to page" or "shrink oversized pages." This will manipulate the margins such that they no longer line up on the labels sheet. Print actual size.

Disclaimer:

Pitkin County GIS presents the information and data on this web site as a service to the public. Every effort has been made to ensure that the information and data contained in this electronic system is accurate, but the accuracy may change. Mineral estate ownership is not included in this mailing list. Pitkin County does not maintain a database of mineral estate owners.

Pitkin County GIS makes no warranty or guarantee concerning the completeness, accuracy, or reliability of the content at this site or at other sites to which we link. Assessing accuracy and reliability of information and data is the sole responsibility of the user. The user understands he or she is solely responsible and liable for use, modification, or distribution of any information or data obtained on this web site.

<http://www.pitkinmapsandmore.com>

Aspen Institute Lot 1-B

Map Created on 3:22 PM 11/14/19 at <http://www.pitkinmapsandmore.com>



1: 9,028

WGS_1984_Web_Mercator_Auxiliary_Sphere



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Legend

- State Highway
- Road Centerline 9K
- Primary Road
- Secondary Road
- Service Road
- Parcel Boundary
- Rivers and Creeks
- Continuous
- Intermittent
- River, Lake or Pond
- Town Boundary
- Federal Land Boundary
- BLM
- State of Colorado
- USFS

Notes

Adjacent Property Owners 350'

NOVE 1 DUPLEX CONDO ASSOC
COMMON AREA
637 W NORTH ST
ASPEN, CO 81611

VANDERAA GILBERT T III
205 S MILL ST #226
ASPEN, CO 81611

MARCUS STEPHEN J
PO BOX 1709
ASPEN, CO 81612

CITY OF ASPEN
130 S GALENA ST
ASPEN, CO 81611

MARKALUNAS JAMES J REV TRUST
624 W NORTH ST
ASPEN, CO 81611

ASPEN CENTER FOR PHYSICS
700 E GILLESPIE
ASPEN, CO 81611

ASPEN ENDEAVORS LLC
401 N MICHIGAN AVE #3200
CHICAGO, IL 606114207

COLLINS JANICE S
531 W GILLESPIE ST
ASPEN, CO 81611

KANDAHAR CONDO ASSOC
COMMON AREA
W NORTH ST
ASPEN, CO 81611

LAUDER LEONARD A REV TRUST
767 FIFTH AVE 40TH FL
NEW YORK, NY 10153

SCHAEFER WIDO LIVING TRUST
603 W NORTH ST #1
ASPEN, CO 81611

ZODIAC ASPEN LLC
1917 S SIGNAL RD #101 PMB #187
MESA, AZ 85209

ELLIOTT ELYSE A TRUST
610 NORTH ST
ASPEN, CO 81611

MUSIC ASSOCIATES OF ASPEN INC
225 MUSIC SCHOOL RD
ASPEN, CO 81611

WURTELE CHRISTOPHER C TRUST
38 MEHA PL
PAIA, HI 967799738

619 N FOURTH STREET LLC
PO BOX 1307
ASPEN, CO 81612

CHRIST EPISCOPAL CHURCH
536 W NORTH ST
ASPEN, CO 81611

SALTER KATHLEEN ANNE ELDREDGE
500 W NORTH ST
ASPEN, CO 816111253

GOLDSMITH FAMILY TRUST
733 25TH ST
SANTA MONICA, CA 90402

MONTENEGRO GRACE LLC
655 THIRD AVE 21ST FL
NEW YORK, NY 10017

WRIGLEY WILLIAM JR RES TRST
401 N MICHIGAN AVE #3200
CHICAGO, IL 606114207

DEXTER WEST LLC
4725 DEXTER ST NW
WASHINGTON, DC 20007

UHLFELDER ANNETTE M
PO BOX 1165
ASPEN, CO 81611

637 W NORTH STREET TRUST
279 JUNE RD
STAMFORD, CT 06903

ASPEN INSTITUTE INC
PO BOX 222
QUEENSTOWN, MD 21658

SALTER JAMES
500 W NORTH ST
ASPEN, CO 81611

FALENDER STEVEN & DEBRA
603 W GILLESPIE ST
ASPEN, CO 81611

PITKIN COUNTY
530 E MAIN ST #301
ASPEN, CO 81611

JOHNSON CHRISTOPHER W
834 5TH AVE #11B
NEW YORK, NY 10065

ROME GIK CONDO ASSOC
COMMON AREA
617 N FOURTH ST
ASPEN, CO 81611

MCINTIRE LEE & SUSAN
137 HIGH ST
DENVER, CO 80218

LAUDER LEONARD A REV TRUST
767 FIFTH AVE 40TH FL
NEW YORK, NY 10153

MCMAHON DAVID & TRACEY
RIPARIAN PLAZA, APT 4103, 71 EAGLE ST
BRISBANE, QLD, AUSTRALIA 4000,

LAUDER WILLIAM
767 5TH AVE 40TH FL
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MUSGRAVE MARJORY M
629 W NORTH ST
ASPEN, CO 81611

KOLBE EMILY E
205 S MILL ST #226
ASPEN, CO 81611

515 GILLESPIE LLC
515 GILLESPIE
ASPEN, CO 81611

JRSB TRUST
205 S MILL ST # 301 A
ASPEN, CO 81611

CHRISTAL GLORIA HEILMAN REV TRUST
635 W GILLESPIE ST
ASPEN, CO 81611

LAUDER LEONARD A REV TRUST
767 FIFTH AVE 40TH FL
NEW YORK, NY 10153

FELDER RICHARD & DEBORAH LIV TRUST
7378 E DEL ACERO DR
SCOTTSDALE, AZ 852582088

618 SMUGGLER LLC
4212 BELCLAIRE
DALLAS, TX 75205

600 NORTH STREET LLC
1427 CLARKVIEW RD #500
BALTIMORE, MD 21209

LAUDER LEONARD A REV TRUST
767 FIFTH AVE 40TH FL
NEW YORK, NY 10153

PITKIN WAY ENTERPRISES LLC
401 N MICHIGAN AVE #3200
CHICAGO, IL 60611

LAUDER LEONARD A REV TRUST
767 FIFTH AVE 40TH FL
NEW YORK, NY 10153

**Pitkin County Mailing List of 350 Feet Radius
From Parcel: 273512129809 on 11/14/2019**



Instructions:

This document contains a Mailing List formatted to be printed on Avery 5160 Labels. If printing, DO NOT "fit to page" or "shrink oversized pages." This will manipulate the margins such that they no longer line up on the labels sheet. Print actual size.

Disclaimer:

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<http://www.pitkinmapsandmore.com>



PRE-APPLICATION CONFERENCE SUMMARY

PLANNER: Amy Simon, amy.simon@cityofaspen.com
DATE: September 17, 2019
PROPERTY: 1000 North Third Street, Aspen Institute
REPRESENTATIVE: Jim Curtis, jcurtis@sopris.net

DESCRIPTION: The Aspen Institute proposes the construction of a new building on the southern end of Lot 1-B, Aspen Meadows Subdivision, near Gillespie Street. The building will contain gallery, archive and research space focused on the work of Herbert Bayer. The Institute also plans a remodel of an adjacent structure, the Boettcher Building. **Historic Designation** of Boettcher and a perimeter around it, to include the site of the new Bayer facility is proposed. Another structure which is a priority for the Institute, a new storage building near the existing tennis courts, is expected to be included in this application for efficiency.

The voluntary AspenModern historic designation aspect of this application allows the property owner to request site specific benefits be awarded by City Council as designation incentives. The requests must be specified in the application. Staff's understanding is that the focus will be on expedited land use and permit review; with each occurring within approximately 90 days.

Aspen Meadows Subdivision is zoned Academic with a Planned Development Overlay. In 1991, the non-profits which owned the lots in the subdivision received approval for all future expansion envisioned at that time through an SPA, Specially Planned Area, agreement. Recent land use code changes have converted all SPAs to Planned Developments. The Institute has exercised all development rights associated with their 1991 approval and since the new structures were not part of the 1991 plan, they require a multi-step **Major Planned Development Amendment**, with a Project Review and a Detailed Review. This will involve new dimensional allowances on the site to accommodate the floor area, net leasable area, height, setbacks and other aspects of the new and remodeled structures. A storage building is not specifically listed as an allowed or conditional use in the Academic Zone District. This use should be requested as part of the Planned Development application.

In addition to Planned Development, the expansion triggers two design reviews; **Commercial Design Review/Pedestrian Amenity** (General Guidelines and Pedestrian Amenity Guidelines only) and **Historic Preservation Design Review** for the Bayer Center and Boettcher modifications.

The project is subject to **Growth Management** criteria. The Institute has previously been identified as an Essential Public Facility, meaning that Council may assess, partially assess, or waive affordable housing mitigation resulting from the new net leasable space connected with this application. The employee generation rates may be used as a guideline, but the Institute's operation will be analyzed for its unique employee needs, pursuant to Section 26.470.100, Calculations.

Because the proposed development will be considered new net leasable space, parking, transportation, and trash storage impacts must be assessed. **Special Review** will be used to establish the number of parking units required by this expansion of an Essential Public Facility. City Council may vary or waive the requirements as part of the Planned Development review, but the application must include responses to the Parking Special Review standards (26.515.080) and provide analysis of projected traffic generation, expected schedule of parking demands, impacts on street parking, proximity to mass transit, etc. The application must include a response to the City's **Transportation Impact** mitigation tool.

REVIEW PROCESS: The applicant will first submit for Steps 1 and 2. Once approved, a new application for Step 3 will be required.

Step 1: HPC Review/Recommendation to Council

Historic Designation and Benefits
 Conceptual Major Development and Commercial Design Review
 Growth Management Review. Essential Public Facility
 Planned Development, Project Review
 Special Review for Parking
 TIA, Trash Storage and Referral Comment review

City Council has an optional call-up of the conceptual design reviews, which will be part of their Planned Development Project Review.

Step 2: Council Review

Historic Designation and Benefits
 Growth Management Review. Essential Public Facility
 Planned Development, Project Review
 Special Review for Parking
 TIA, Trash Storage and Referral Comment review

Step 3: HPC Review

Final Major Development and Commercial Design Review
 Planned Development, Detail Review

Below are links to the Land Use Application form, Land Use Code and Design Guidelines for your convenience:

[Land Use Application](#) [Land Use Code](#)

[Historic Preservation Design Guidelines](#) [Commercial Design Guidelines](#)

Transportation Impact Analysis Requirements:

<https://www.cityofaspn.com/Search?searchPhrase=TIA>

Land Use Code Section(s)

26.304	Common Development Review Procedures
26.304.035	Neighborhood Outreach
26.412	Commercial Design review
26.415.030	Designation of historic properties
26.415.070.D	Major Development, Historic Preservation

26.415.120	Notice of Call Up
26.445.040.B	Planned Development Review
26.445.110 F	Major Amendment to a Planned Development
26.470.110.D	Essential Public Facilities
26.470.050.C	Employee Generation Review
26.490	Approval Documents
26.515	Transportation & Parking Management
26.515.080	Special Review for off-street parking
26.575.020	Calculations and Measurements
26.710.230	Academic Zone District

and Municipal Code Section

12.10 Space Allotment for Trash and Recycling Storage

Review by: Staff for completeness and recommendations
Review agencies for recommendations
HPC and Council for decisions

Public Hearing: Yes, at HPC and Council

Neighborhood Outreach: Yes, at Step 1

Planning Fees: **\$10,400** for 32 hours of staff time, at Step 1 and 2, and at Step 3. Any unbilled portion of this deposit will be refunded at the conclusion of the case. Additional staff hours, if needed, will be billed at \$325 per hour.

Referrals (Step 1 and 2): Engineering (**\$275/hour**)
APCHA (**\$1,625 flat fee**)
City Parks (**\$1,625 flat fee**)
Environmental Health (**\$1,625 flat fee**)

Total Deposit: Step 1 and 2 **\$15,550**
Step 3 **\$10,400**

NOTE: Applications by non-profit organizations shall receive a 50% waiver of land use review fees up to a maximum of \$6,250 for a single project per organization over a twelve consecutive month period. Notwithstanding this policy, City Council may authorize a reduction or waiver of planning review fees as deemed appropriate.

To apply, first submit one printed copy of the following information:

- Completed Land Use Application.
- An 8 1/2" x 11" vicinity map locating the subject parcel within the City of Aspen.
- Pre-application Conference Summary (this document).
- Street address and legal description of the parcel on which development is proposed to occur, consisting of a current (no older than 6 months) certificate from a title insurance company, an ownership and encumbrance report, or attorney licensed to practice in the State of Colorado, listing the names of all owners of the property, and all mortgages,

judgments, liens, easements, contracts and agreements affecting the parcel, and demonstrating the owner's right to apply for the Development Application.

- Applicant's name, address and telephone number in a letter signed by the applicant that states the name, address and telephone number of the representative authorized to act on behalf of the applicant.
- A site improvement survey (no older than a year from submittal) including topography and vegetation and the high-water line and 100 year flood plain (flood hazard area) showing the current status of the parcel certified by a registered land surveyor by licensed in the State of Colorado.
- HOA Compliance form (Attached).
- List of adjacent property owners within 300' for public hearing.
- A written description of the proposal and an explanation of how the proposed development complies with the review standards relevant to the development application and relevant land use approvals associated with the property.
- Visual depiction of the proposed building in the context of the overall block.
- Existing and proposed floor area and net leasable calculations.

Step 1 and 2 only:

- Map indicating the boundaries of the historic designation.
- Historic property description, including narrative text, photographs and/or other graphic materials that document its physical characteristics.
- Written description of historic preservation benefits which the property owner request be awarded at the time of designation, and relationship to Section 26.415.010, Purpose and Intent of the historic preservation program.
- Site plan and scaled drawings of all proposed structure(s) or addition(s) depicting their form, including their height, massing, scale, proportions and roof plan; and the primary features of all elevations.
- Preliminary selection of primary exterior building materials to be used in construction represented by samples and/or photographs.
- Supplemental materials to provide a visual description of the context surrounding the designated historic property or historic district including at least one (1) of the following: diagrams, maps, photographs, models or streetscape elevations.
- A description of the project and the number and type of the request growth management allotments.
- Documentation showing the proposal meets all Transportation Mitigation Requirements as outlined in the City's Transportation Impact Analysis Guidelines and Mitigation Tool, available online at: <http://www.aspenpitkin.com/Departments/Community-Development/Planning-and-Zoning/Current-Planning/>. A copy of the tool showing trips generated and the chosen mitigation measures should be included with the application.
- A detailed description and site plan of the proposed development, including proposed land uses, densities, natural features, traffic and pedestrian circulation, off=street parking, open space areas, infrastructure improvements, site drainage and any associated off-site improvements.
- A description of the proposed affordable housing and how it provides adequate mitigation for the project and conforms to the Aspen/Pitkin County Housing Authority Guidelines.
- A statement specifying the public facilities that will be needed to accommodate the proposed development, proposed infrastructure improvements and the specific assurances that will be made to ensure that the public facilities will be available to accommodate the proposed development.

- A description, and depiction as necessary, of the proposed development including a statement of the objectives to be achieved by the Planned Development and a description of the proposed land uses, densities, natural features, traffic and pedestrian circulation, parking, open space areas, landscaping, and infrastructure improvements. Also see Chapter 26.490 – Approval Documents.
- An architectural character plan showing the use, massing, scale and orientation of the proposed buildings, and outlining the suitability of a building for its purposes, legibility of the building's use, the building's proposed massing, proportion, scale, orientation to public spaces and other buildings, and other attributes which may significantly represent the proposed development.
- For Planned Development applications involving the addition of 10 or more residential units, 20 or more lodging units, or 20,000 square feet or more of commercial space (or any equivalent combination thereof), “ability-to-serve” letters from public and private utility providers that will service the proposed project with potable water, natural gas, electricity, sanitary sewer, storm sewer, and roads stating they can service the proposed planned development. Ability-to-Serve letters shall be substantially in the following format: *The [utility provider] has reviewed the proposed [planned development name and date of application] and has adequate capacity to serve proposed development, subject to compliance with the following adopted design standards [reference] and subject to the following adopted tap fee or impact mitigation requirements [reference].*
- For Planned Development applications proposing the addition of 50 or more residences, or that proposes new water use in an amount equal to or exceeding that used by 50 residences, the application must demonstrate compliance with the State Adequate Water Supply Act. (Colo. Revised Statutes 29-20-301, et seq.).
- A description, and depiction as needed, of the project’s dimensional and use allowances to be varied from the property’s zoning allowances. All dimensional and use variation requests shall be considered during Project Review.
- A statement prepared by a Colorado registered Professional Engineer, and depiction or mapping as necessary, regarding the presence of natural or man-made hazards affecting the property, including flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rock slides, mining activity including mine waste deposit, avalanche or snow slide areas, slopes in excess of 30%, and any other natural or man-made hazard or condition that could harm the health, safety, or welfare of the community. Areas with slopes in excess of 30% shall require a slope stability study reviewed by the Colorado Geologic Survey. Also see Chapter 29 – Engineering Design Standards regarding identification and mitigation of natural hazards.
- A statement prepared by a Colorado registered Professional Engineer, and depiction or mapping as necessary, describing the potential infrastructure upgrades, alignment, design and mitigation techniques that may be necessary for development of the site to be served by public infrastructure, achieve compliance with Municipal Code Title 29 – Engineering Design Standards, and achieve compliance with the City of Aspen Urban Runoff Management Plan (URMP). The information shall be of sufficient detail to determine the acceptable location(s) and extent of development and to understand the necessary upgrades and the possible alignments, designs, or mitigation techniques that may be required. Specific engineered solutions and design details do not need to be submitted for Project Review.

Step 3 only:

- Final scaled and dimensioned drawings of all proposed structures and/or additions included as part of the development.

- An accurate representation of all major building materials to be used in the development, depicted through samples or photographs.
- A statement, including narrative text or graphics, indicating how the final design conforms to representations made or stipulations placed as a condition on the approval of the conceptual design. Staff may request specific additional materials, including 3-D computer modeling.
- Final landscape and lighting plans.
- Drawings of the street facing facades at 1/4" scale.
- Description, and depiction as necessary, of how the project complies with the approved Project Review, including requested plans, reports, or other documentation.
- Proposed Planned Development plans and Development Agreement containing the applicable information required by Chapter 26.490, Approval Documents.
- A grading and drainage plan showing all grading and how drainage and stormwater is accommodated, and that meets the Conceptual Drainage Plan and Report requirements in the Urban Runoff Management Plan (URMP).
- A description, and depiction as necessary, for specific pedestrian, bicycle, and transit facility designs, mitigation techniques, and implementation timelines as required during Project Review. These plans shall provide sufficient detail to determine if the design or mitigation concept complies with the intent of the requirements, but do not need to be detailed construction documents.
- A description and depiction as necessary, for specific engineering designs, hazard mitigation techniques, and implementation timelines as required during Project Review. These plans shall provide sufficient detail to determine if the design or mitigation concept complies with the applicable requirements of Municipal Code Title 29 – Engineering Design Standards and the City of Aspen Urban Runoff Management Plan (URMP), but do not need to be detailed construction documents.
- A description and depiction as necessary, for specific Public Infrastructure and Facility designs, mitigation techniques, and implementation timelines as required during Project Review. These plans shall provide sufficient detail to determine if the design or mitigation concept complies with the applicable requirements of Municipal Code Title 29 – Engineering Design Standards and the City of Aspen Urban Runoff Management Plan (URMP), but do not need to be detailed construction documents.
- A statement specifying the method of maintaining any proposed common areas on the site, including but not limited to common parking areas, walkways, landscaped areas and recreational facilities and what specific assurances will be made to ensure the continual maintenance of said areas.
- A description of any proposed project phasing detailing the specific improvements within each phase.

Once the copy is deemed complete by staff, the following items will then need to be submitted:

- Signed fee agreement and total deposit for review of application.
- A complete copy of the application, including all items listed above, provided by email to the assigned planner in .pdf format.
- 12 sets of the project graphics only.
- A sketch up model will be required for the public hearings.

Disclaimer: The foregoing summary is advisory in nature only and is not binding on the City. The summary is based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. The summary does not create a legal or vested right.

CITY OF ASPEN DRAINAGE REPORT FOR CONCEPTUAL DESIGN

BOETTCHER SEMINAR BUILDING
RESNICK CENTER FOR HERBERT BAYER STUDIES
SERVICE YARD SHED
ASPEN, COLORADO

November 2019

Prepared by



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Glenwood Springs, CO 81601
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CITY OF ASPEN DRAINAGE REPORT
FOR CONCEPTUAL DESIGN

BOETTCHER SEMINAR BUILDING
RESNICK CENTER FOR HERBERT BAYER STUDIES
SERVICE YARD SHED
ASPEN, COLORADO

1.0 Project Information

1.1 Description of Existing Site and Proposed Project

1.1.1 Description of Existing Sites

The existing Boettcher Seminar Building (Boettcher), proposed Resnick Center for Herbert Bayer Studies (Bayer), and the proposed Service Yard Shed (Shed) are located within the Aspen Meadows Campus owned by the Aspen Institute. The project sites are zoned academic with a planned development overlay.

The Shed site is located within Lot 1A of the Aspen Meadows Subdivision, which is located in section 12, township 10 south, range 85 west of the 6th principle meridian. The parcel number is 273512129008, and the address is 800 Meadows Road. The topography of the Shed site is relatively flat, sloping slightly to the northeast. Lot 1A encompasses approximately 26.540 acres with existing ground cover consisting of: hardscape in the form of concrete and asphalt paving; several existing buildings; existing access roads and parking areas; tennis courts; well-maintained grass lawns and landscaping; and mixed native herbaceous vegetation, and Gambel Oak. There are many trees on site, including species such as cottonwood, pine, and aspen. The Shed will be located on the east side of the existing clay tennis court, on the east side of Meadows Road. The soils in this area are typically cobbly loam derived from metamorphic rock. SGM is not aware of any previous drainage studies for this portion of Lot 1A. SGM has prepared previous drainage reports for other portions of Lot 1A.

The Boettcher and Bayer sites are located within Lot 1B of the Aspen Meadows Subdivision, which is located in section 12; township 10 south; range 85 west of the 6th principle meridian. The parcel number is 273512129809 and the address of the site for both buildings is 620 Gillespie Street. The topography of the Boettcher and Bayer site is relatively flat, sloping slightly to the northeast. Lot 1B encompasses approximately 13.160 acres with existing ground cover consisting of: hardscape in the form of concrete paving; several existing buildings including Boettcher; well-maintained grass lawns and landscaping; and mixed native herbaceous vegetation and sagebrush. There are many trees on site, including species such as cottonwood, pine, and aspen. Bayer will be located towards the south property boundary of Lot 1B, just north of Gillespie Avenue. The soils in this area are typically cobbly loam derived from metamorphic rock. SGM is not aware of any previous drainage studies for this portion of Lot 1B, beyond the drainage improvements specified on the original plans for Boettcher.

1.1.2 Description of Proposed Project

The proposed project is the addition of the Bayer building on the south side of the existing Boettcher building. Utilities will be re-routed as necessary, including the existing sewer main which is presently located in the lawn on the south side of Boettcher. Several branches of the Si Johnson Ditch cross the property and will be re-routed further north around the Boettcher building. The topography of the site will remain relatively flat, sloping toward the northeast. The proposed project will not alter the soil type; however, the project will increase the imperviousness of the site with the addition of Bayer. Terraces and paved walkways are proposed throughout the site, with other trails surfaced with crusher fines. The proposed project will not alter the drainage pattern of the site. Improvements in the parking lot to the

east are being contemplated, and if the applicant desires to proceed with those improvements they will be addressed at the time of detailed submission.

A new Shed will be added as well, on the east side of the existing clay tennis courts. Because the Shed is large enough to trigger requirements for major drainage review, the Shed has been included in this submittal. The Shed will enhance the existing use of the service yard. The soil type may be altered somewhat due to the removal of residual clay leftover from the site's previous use as a clay tennis court. Imperviousness of the site will be increased however due to the Shed itself. The service yard surrounding the Shed will likely be surfaced with recycled asphalt in a loose and pervious state, with porous gravel beneath. The Shed and other improvements to the service yard will not alter the drainage pattern of the site.

1.2 Discussion of Drainage Impact of Site Constraints

The Shed site constraints with respect to drainage include the existing clay court on the west side of the site, and a branch of the Si Johnson Ditch on the east side. The site slopes toward the northeast, so stormwater cannot be discharged to the south. The Shed site is bordered by an existing parking lot on the north side, which discharges stormwater runoff to the east into the former racetrack area. The shed site presently discharges to the parking lot, or into the Si Johnson Ditch. From the racetrack area, stormwater runoff will pass through the developed areas of the campus before ultimately reaching the Roaring Fork River. The Si Johnson ditch passes through the campus and discharges into the Roaring Fork River. No formal stormwater system exists to SGM's knowledge to convey any runoff leaving the racetrack area. SGM has not identified any floodplains, wetlands, environmentally sensitive areas, or geologic hazard areas within the Shed site. The Shed site is located on the west side of a conservation easement (Reception #630707).

The constraints on Boettcher and Bayer with respect to drainage include the relatively flat topography of the site and the position of the Boettcher building. Branches of the Si Johnson ditch are located on the north and south sides of the Boettcher building. The southern branch of the ditch also runs along the east side of the lot before merging with the northern branch of the ditch. An existing sewer main is located within the south lawn of the Boettcher building, which will need to be relocated. The site slopes to the northeast, so stormwater cannot be discharged to the City's stormwater system, the nearest inlet of which is located near the southeast corner of the lot. The lot presently discharges to the branches of the Si Johnson Ditch. The Si Johnson ditch passes through the campus and discharges into the Roaring Fork River. SGM is not aware of any downstream stormwater infrastructure in the ditch. SGM has not identified any floodplains, wetlands, environmentally sensitive areas, or geologic hazard areas within the Bayer and Boettcher site. The site is located south of a conservation easement (Reception #630707).

1.3 Description of Downstream Stormwater System

The project site is located in sub watershed number 3 of the "Surface Drainage Master Plan for the City of Aspen, Colorado" (SDMP) prepared by WRC Engineering, Inc. dated November 2001. According to this report there are three drainage systems that collect runoff and convey it through the City of Aspen to the Roaring Fork River. The Project falls in the northern portion of system 3, which is shown on Figure ES-2 of the report. In this portion of system 3 the closest drainage facilities are the storm inlet and 18"x11" arched pipe in Gillespie Avenue, near the southeast corner of lot 1B. The drainage plan for this Site does not affect the City's Master Drainage Plan, or vice versa.

1.4 Identification of Irrigation Facilities and Waterways

The Si Johnson ditch runs through both project sites and will need to be re-aligned to accommodate the Bayer building and re-located sewer main. The branches of the Si Johnson Ditch flow north through the Campus before discharging into the Roaring Fork River. The re-aligned Si Johnson Ditch will be designed to maintain or improve the capacity of the ditch. A proposed rain garden would discharge into the re-aligned ditch near the northeast corner of the project site, at the historic rate.

2.0 Drainage Basins and Sub-Basins

2.1 Description of Existing/Undeveloped and Proposed Sub-Basins

According to figure 3.1 of the URMP, the hydrologic soil classification for the project site, under both existing and post-development conditions, is Type B.

2.1.1 Existing/Undeveloped Sub-Basins

Under existing or undeveloped conditions, three areas have been defined as generating and contributing stormwater runoff from this project site, Sub-Basins U1, U2, U3 and U4.

Sub-Basin U1: This sub-basin consists of the lawns, landscaping, and walkways surrounding Boettcher. Stormwater runoff generated in this sub-basin sheet flows into the Si Johnson Ditch, which discharges into the Roaring Fork River after passing through the campus. The sub-basin has an area of approximately 0.962 acres. This sub-basin is tributary to design point 1. The existing impervious area that will be undisturbed by the proposed project is 2,283.36 square feet. The imperviousness used to determine the undeveloped runoff coefficient for this basin was 5.45 percent. Per URMP Table 1.1, for this project the existing impervious area does not require WQCV or detention to the undeveloped rate. Please see Section 4 of this report for further discussion on this subject.

Sub-Basin U2: This sub-basin consists of the roof of Boettcher. Stormwater runoff generated in this sub-basin is collected in roof drains and discharges to a drywell on the northeast side of Boettcher. The sub-basin has an area of approximately 0.149 acres. The existing imperviousness of the basin is 100 percent. Per URMP Table 1.1, for this project the existing impervious area does not require WQCV or detention to the undeveloped rate. Please see Section 4 of this report for further discussion on this subject.

Sub-Basin U3: This sub-basin consists of the undeveloped project area north of the Si Johnson ditch on Lot 1B. Existing ground cover consists of herbaceous vegetation and sagebrush. The basin has an area of 0.342 acres. The imperviousness used to determine the undeveloped runoff coefficient for this basin was 2 percent. This sub-basin is tributary to design point 1.

Sub-Basin U4: This sub-basin consists of the existing service yard, on the east side of the clay tennis court on Lot 1A. Existing ground cover consists of gravels, native soils, and remaining clay from previous use of the area as a clay tennis court. The basin has an area of 0.161 acres. The imperviousness used to determine the undeveloped runoff coefficient for this basin was 2 percent. This sub-basin is tributary to design point 2.

2.1.2 Proposed Sub-Basins

Under post-development conditions, there will be five sub-basins:

Sub-basin P1: This sub-basin will include the new Bayer building, as well as the surrounding paved walkways, paved terraces, crusher fines pathways, other hardscape, and the pervious landscaping surrounding Bayer and Boettcher. Stormwater runoff generated in this sub-basin sheet flows into the propose rain garden. The proposed rain garden will discharge runoff at the historic rate into the re-aligned north branch of the Si Johnson Ditch which discharges into the Roaring Fork River after passing through the campus. The sub-basin has an area of approximately 1.004 acres. This sub-basin is tributary to design point 1. The existing impervious area that will be undisturbed by the proposed project is 2,283.36 square feet. The imperviousness used to determine the undeveloped runoff coefficient for this basin was 28.72 percent. Per URMP Table 1.1, for this project the existing impervious area does not require WQCV or detention to the undeveloped rate. Please see Section 4 of this report for further discussion on this subject.

Sub-Basin P2: This sub-basin consists of the roof of Boettcher. Stormwater runoff generated in this sub-basin is collected in roof drains and discharges to a drywell on the northeast side of Boettcher. The sub-basin has an area of approximately 0.149 acres. The existing imperviousness of the basin is 100 percent. Per URMP Table 1.1, for this project the existing impervious area does not require WQCV or detention to the undeveloped rate. Please see Section 4 of this report for further discussion on this subject.

Sub-Basin P3: This sub-basin consists of the undeveloped project area north of the Si Johnson ditch on Lot 1B, on the south side of the proposed berm. Proposed ground cover consists of pervious landscaping and a crusher fines pathway. The basin has an area of 0.160 acres. The imperviousness used to determine the undeveloped runoff coefficient for this basin was 2 percent. This sub-basin is tributary to design point 1.

Sub-Basin P4: This sub-basin consists of the undeveloped project area north of the Si Johnson ditch on Lot 1B, on the north side of the proposed berm. Proposed ground cover consists of pervious landscaping and a crusher fines pathway. The basin has an area of 0.140 acres. The imperviousness used to determine the undeveloped runoff coefficient for this basin was 2 percent. This sub-basin is tributary to design point 1.

Sub-Basin P5: This sub-basin consists of the existing service yard, on the east side of the clay tennis court on Lot 1A. Proposed ground cover will consist of recycled asphalt over porous gravel, and the Shed. The basin has an area of 0.161 acres. The imperviousness used to determine the undeveloped runoff coefficient for this basin was 35.26 percent. This sub-basin is tributary to design point 2.

2.2 Delineate and Reference Sub-Basins on a Map with Contours

Drainage sub-basins associated with existing conditions are depicted on drawing C1.1. Drainage sub-basins associated with post-development conditions are depicted on drawing C1.2. Contours are shown on both drawings which were developed from SGM's survey data for the sites.

2.3 Discussion of Offsite Drainage Patterns and Their Impact to the Site

Offsite drainage does not impact the site under existing or proposed conditions.

3.0 Low Impact Site Design

3.1 Overview

The drainage approach was developed to satisfy low impact development guidelines as presented in the URMP and per current industry runoff treatment standards. The site has soils which provide the ability to percolate stormwater runoff.

In general, landscape areas will be pervious to allow infiltration into the native soil or be collected in sub-surface drain systems. The site grading will convey runoff from landscaped areas adjacent to the building away from it. Runoff from the buildings and roof downspouts will discharge to pervious areas or rain gardens.

Proposed improvements for this project follow the 9 steps outlined in sub-section 8.2 of the URMP as follows.

3.1.1 Step 1 – Consider Stormwater Quality Needs Early in the Design Process.

The design for stormwater quality and detention needs was incorporated as part of the design from the beginning stage of the design process. Construction materials that are considered porous are used in every area that does not absolutely require an impervious material. Detention/water quality structures have been considered for aesthetics where they will be visible. Detention structures that will not be visible have been designed for ease of maintenance and the safety of maintenance personnel to the degree possible.

3.1.2 Step 2 – Use the Entire Site when Planning for Stormwater Quality Treatment.

The entire site has been used to treat drainage for water quality or detention, either directly with structural best management practices (BMP's) or in routing the runoff to pervious areas. Water quality treatment BMP's are anticipated to consist of rain gardens and sub-surface detention beneath the pervious porous gravel.

3.1.3 Step 3 – Avoid Unnecessary Impervious Areas.

Unnecessary impervious areas have been avoided. Pervious areas have been included for the majority of the project.

3.1.4 Step 4 - Reduce Runoff Rates and Volumes to More Closely Match Natural Conditions

Runoff rates and volumes leaving this site will be reduced through the use of BMPs. Stormwater generated on impervious areas discharge to pervious areas or rain gardens. Runoff discharging to pervious areas will be collected in mild surface swales and routed to the rain gardens for treatment. From the detention facility drainage is discharged at the historic discharge rate calculated for the contributing area.

3.1.5 Step 5 – Integrate Stormwater Quality Management and Flood Control

This project has integrated stormwater quality management and flood control through the use of pervious areas and detention systems such as rain gardens and porous gravel. These have been designed to incorporate both water quality treatment as well as detention.

3.1.6 Step 6 – Develop Stormwater Quality Facilities that Enhance the Site, the Community and the Environment

Stormwater BMP's for this site blend in with the surrounding natural area, they will not stand out or look out-of-place.

3.1.7 Step 7 – Use a Treatment Train Approach

A treatment train approach has been used for the design of the water quality and detention BMP's. Impervious areas discharge drainage to either pervious areas or into rain gardens. Drainage discharged to pervious areas is collected in swales or landscaping that conveys the drainage to the rain garden.

3.1.8 Step 8 – Design Sustainable Facilities that can be Safely Maintained

The stormwater quality facilities have been designed to be sustainable facilities that can be safely maintained. These facilities have also been placed in areas easily accessible to provide for more efficient maintenance activities.

3.1.9 Step 9 – Design and maintain Facilities with Public Safety in Mind

The stormwater quality facilities have been designed with the public safety in mind. The rain gardens have been designed to be a minimal depth to reduce the likelihood of someone falling into them.

4.0 Hydrologic Criteria

According to Table 1.1 of the URMP, the exterior project work would be classified as a major project with area added and/or disturbing more than 1,000 square feet, but less than 25 percent of either entire lot. This conceptual design report and analysis is based upon the URMP specification that in this case WQCV and detention are required only for the disturbed or added impervious areas.

The general requirements for this project type would be subject to the following.

- CMP
- WQCV for the new impervious area.
- Conveyance of major flows.
- Detention to the historic undeveloped rate or pay a fee-in-lieu of detention for the disturbed or added area, unless discharging directly to the City's stormwater system depicted in Figure 1.1 of the URMP.
- Requires a professional engineer registered in the State of Colorado.

According to sub-section 5.1.2 of the URMP, the minor and major storm events for sub-urban areas not served by the City's stormwater system should be the 5- and 100-year events, respectively. Therefore, this report used the hydrologic variables found in chapter 2 of the URMP associated with these frequencies to determine maximum flow rates and size storm

water detention structures, the variables are shown in the following table (Taken from Table 2.2 in the URMP).

2-Year	5-Year	100-Year
0.47	0.64	1.23

Historic conditions are defined in the URMP as “the conditions on site prior to any development activities (i.e. before construction of any existing or proposed buildings or infrastructure)”. The Urban Drainage and Flood Control District’s “Drainage Criteria Manual” recommends that for historic flow analysis an impervious percentage of 2 should be used. Figure 3.1 was used to determine that the soils are classified as Type B. Figure 3.3 of the URMP was used to determine runoff coefficients associated with the recommended 2 percent imperviousness for the 2-, 5- and 100-year storm events. These values were used in determining peak flow discharge rates for historic conditions and are shown in the following table (Taken from Figure 3.3 in the URMP).

Percent Impervious (%)	C ₂	C ₅	C ₁₀₀
2	0.03	0.09	0.36

4.1 Runoff Calculation Method and Hydrologic Variables

The runoff prediction method used to determine hydrologic values associated with each sub-basin was the Rational Method. The criterion outlined in Section 3.4 of the URMP was followed in determining the maximum peak flow rate, runoff volume and rainfall depth for each sub-basin.

$$Q_P = C_iA; V_R = (C/12)P_A; P = Td/60(i)$$

Where:

- QP = peak flow in cubic feet per second;
- i = rainfall intensity;
- A = drainage area in acres;
- C = runoff coefficient;
- V_R = runoff volume in acre-ft;
- P = rainfall depth in inches;
- Td = rainfall duration (time of concentration) in minutes.

Calculation spreadsheets can be found in the appendices.

The following table identifies the area, time of concentration, runoff coefficients and runoff flow rates for each existing sub-basin, calculated under historic conditions (See the Appendix for calculations).

Peak Flow Calculations - Undeveloped/Existing Conditions

ID	TC (min)	Imp. (%)	5-Year		100-Year		Area (acres)	Q5 (cfs)	Q100 (cfs)
			C5	I5 (in/hr)	C100	I100 (in/hr)			
U1	12.41	5.45	0.11	2.16	0.38	4.15	0.962	0.23	1.53
U2	5.00	100.00	0.88	3.29	0.97	6.33	0.149	0.43	0.91
U3	11.13	2.00	0.09	2.30	0.36	4.41	0.342	0.07	0.55
U4	10.71	2.00	0.09	2.34	0.36	4.50	0.161	0.03	0.26

The peak 100-year event discharge at design point 1 for undeveloped/existing conditions is 2.04 cfs. The peak 100-year event discharge at design point 2 for undeveloped/existing conditions is 0.26 cfs.

The following table identifies the area, time of concentration, runoff coefficients and runoff flow rates for each post-development sub-basin (See the Appendix for calculations).

Peak Flow Calculations - Proposed Conditions

ID	TC (min)	Imp. (%)	5-Year		100-Year		Area (acres)	Q5 (cfs)	Q100 (cfs)
			C5	I5 (in/hr)	C100	I100 (in/hr)			
P1	11.44	28.72	0.24	2.26	0.47	4.34	1.004	0.56	2.05
P2	5.00	100.00	0.88	3.29	0.97	6.33	0.149	0.43	0.91
P3	5.00	2.00	0.09	3.29	0.36	6.33	0.160	0.05	0.37
P4	11.11	2.00	0.09	2.30	0.36	4.42	0.140	0.03	0.22
P5	10.76	32.56	0.26	2.34	0.48	4.49	0.161	0.10	0.35

The peak 100-year event discharge at design point 1 for proposed conditions is 2.53 cfs. The peak 100-year event discharge at design point 2 for undeveloped/existing conditions is 0.35 cfs.

4.2 Rate of Discharge and Detention Calculation Method

The Rational Method, as outlined in section 3 of the URMP, was used to determine discharge flow rates. The following table shows the comparison of flow rates between historic conditions and post developed conditions (See the Appendix for calculations).

Table of Flow Rate Comparisons				
Design Point	Undeveloped Q5	Undeveloped Q100	Developed Q5	Developed Q100
DP1	0.30	2.04	0.62	2.53
DP2	0.03	0.26	0.10	0.35

As shown in the above table, flow rates generated in sub-basins P1, P3, P4, and P5 under post-developed conditions is greater than the flow rates generated under undeveloped/existing conditions for the 5- and 100-year design storms, respectively. Detention associated with the increased discharge from these sub-basins will be required.



Detention volume capacity requirements were determined using the rational volume method outlined in section 5.6 of the URMP. The following table shows the parameters used to determine detention volumes and the resulting volumes associated for each post development sub-basin (See the Appendix for calculations).

Detention Volume Summary Table						
Design Point	Area (ac)	5 Yr Discharge Release Rate (cfs)	100 Yr Discharge Release Rate (cfs)	Time of Concentration (min)	5-Yr Detention Volume (ft3)	100-Yr Detention Volume (ft3)
DP1	1.30	0.30	2.04	11.44	242.73	349.88
DP2	0.16	0.03	0.26	10.76	51.40	58.19

4.3 WQCV (Water Quality Capture Volume)

The methodology outlined in sub-section 8.4 of the URMP was used to determine WQCV requirements for each sub-basin. The following table summarizes the WQCV parameters and calculated volumes for each sub-basin (See the Appendix for calculations).

WQCV Summary Table				
Design Point	Percent Impervious (%)	Watershed Inches (in)	WQCV (ft3)	BMP Type
DP1	30.08	0.063	332.13	Rain Garden
DP2	32.56	0.066	38.49	Porous Gravel

5.0 Hydraulic Criteria

5.1 Volume Capacity and Discharge Release Rates of Detention Facilities

5.1.1 Design Point 1

Stormwater runoff discharged from the proposed site at design point 1 will pass through one or more rain gardens. The rain gardens will provide detention to the undeveloped discharge rate, as well as water quality treatment. The discharge from the rain gardens can be controlled by a weir or riser pipe, for instance. A relatively large area has been reserved in the northeast corner of the Boettcher/Bayer site for a rain garden, adequately sized to treat and detain the runoff. The footprint of the rain garden can be expanded or reduced as necessary to meet the needs of the site. Based on the current site plan, a single, one-foot deep rain garden would need to have a footprint of 350 square feet to treat the runoff from the site, per the URMP.

5.1.2 Design Point 2

Stormwater runoff discharged from the proposed site at design point 2 will pass through porous gravel before infiltrating into the site soils. The porous gravel will provide detention to the undeveloped discharge rate, as well as water quality treatment. The discharge from the porous gravel can be controlled by orifices on an underdrain pipe, if necessary. The service yard is relatively large, and the porous gravel can be adequately sized and positioned to treat and detain the runoff. With a depth of 8 inches, the porous gravel would need to occupy a minimum area of 343 square feet.

5.1.3 Boettcher Building Drywell

The applicant is proposing to continue the use of the drywell which the Boettcher roof drains currently route to. Historically, the drywell has performed adequately. SGM is not aware of any issues in the past with the drywell. However, SGM recommends that the drywell be located, serviced, and evaluated before relying upon it for further long-term use.

Appendix



National Flood Hazard Layer FIRMette



39°12'9.21"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/15/2019 at 2:26:33 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



SCALE: 1:1500'

STATE HIGHWAY 82

ROARING FORK RIVER

STUDY AREA BOUNDARY

Project Site

Project Site

ROARING FORK RIVER

SYSTEM 3

SYSTEM 1

SYSTEM 2

COPPER GULCH

SPAR GULCH

VALLEJU GULCH

PIONEER GULCH

STATE HIGHWAY 82

CASTLE CREEK

1963PH2, 19630001.DWG, 1:1PS, 1:1500MS, 1963-ES2.PSD, 02/01/00 JUH

WRC ENGINEERING, INC
950 SOUTH CHERRY STREET
SUITE 404
DENVER, COLORADO 80246
PHONE NO: (303) 757-8513
FAX NO: (303) 758-3208

DESIGNED	BAC	NO.	BY	DATE	REVISION DESCRIPTION
DRAWN	JLH				
CHECKED	AJL				
REVISED					
AS-BUILT					

CITY OF ASPEN
MASTER DRAINAGE PLAN

SURFACE DRAINAGE STUDY AREA

PROJECT NUMBER
1963
FIGURE
ES-2

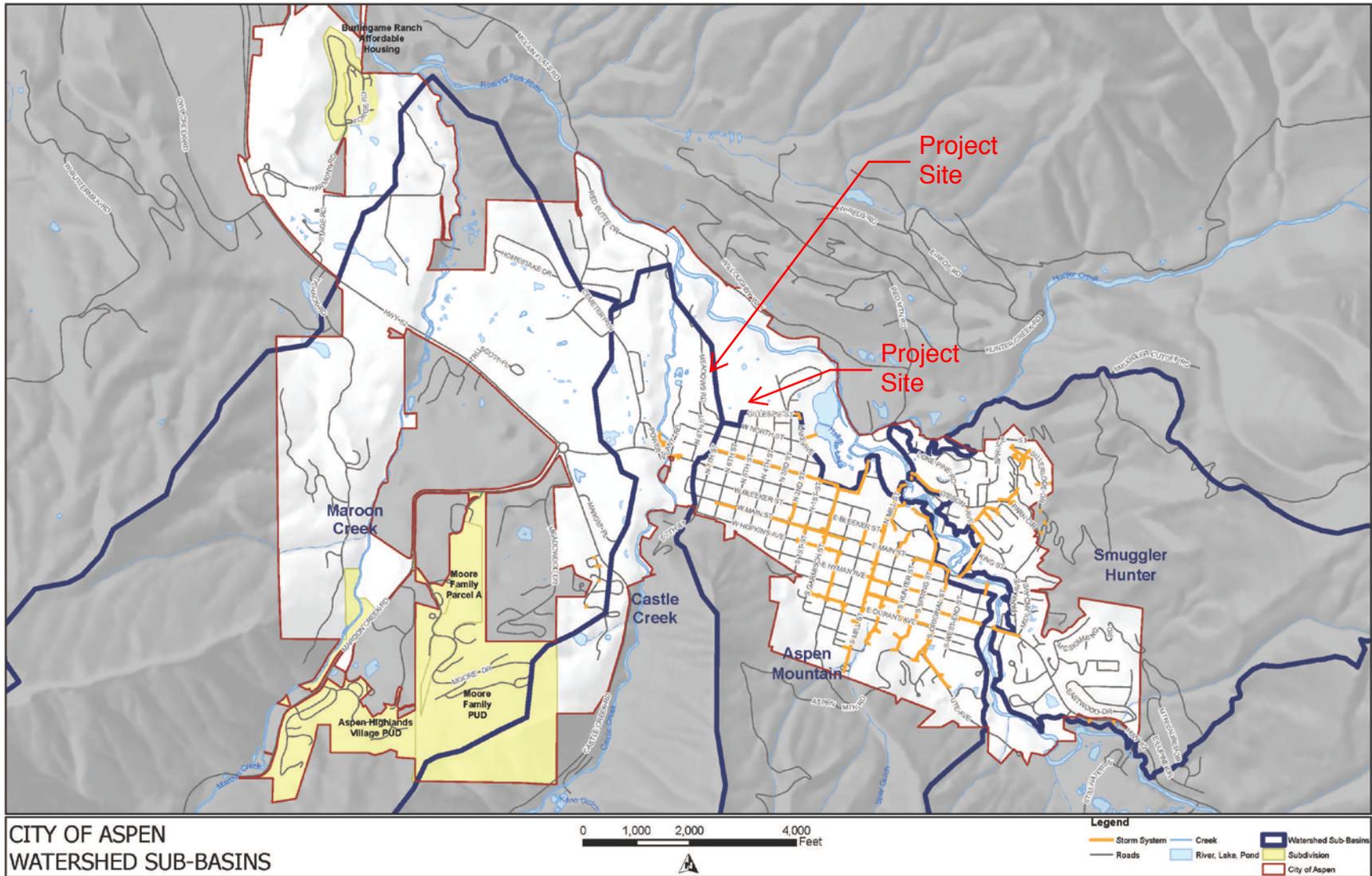


Figure 1.2 City of Aspen Drainage Basins

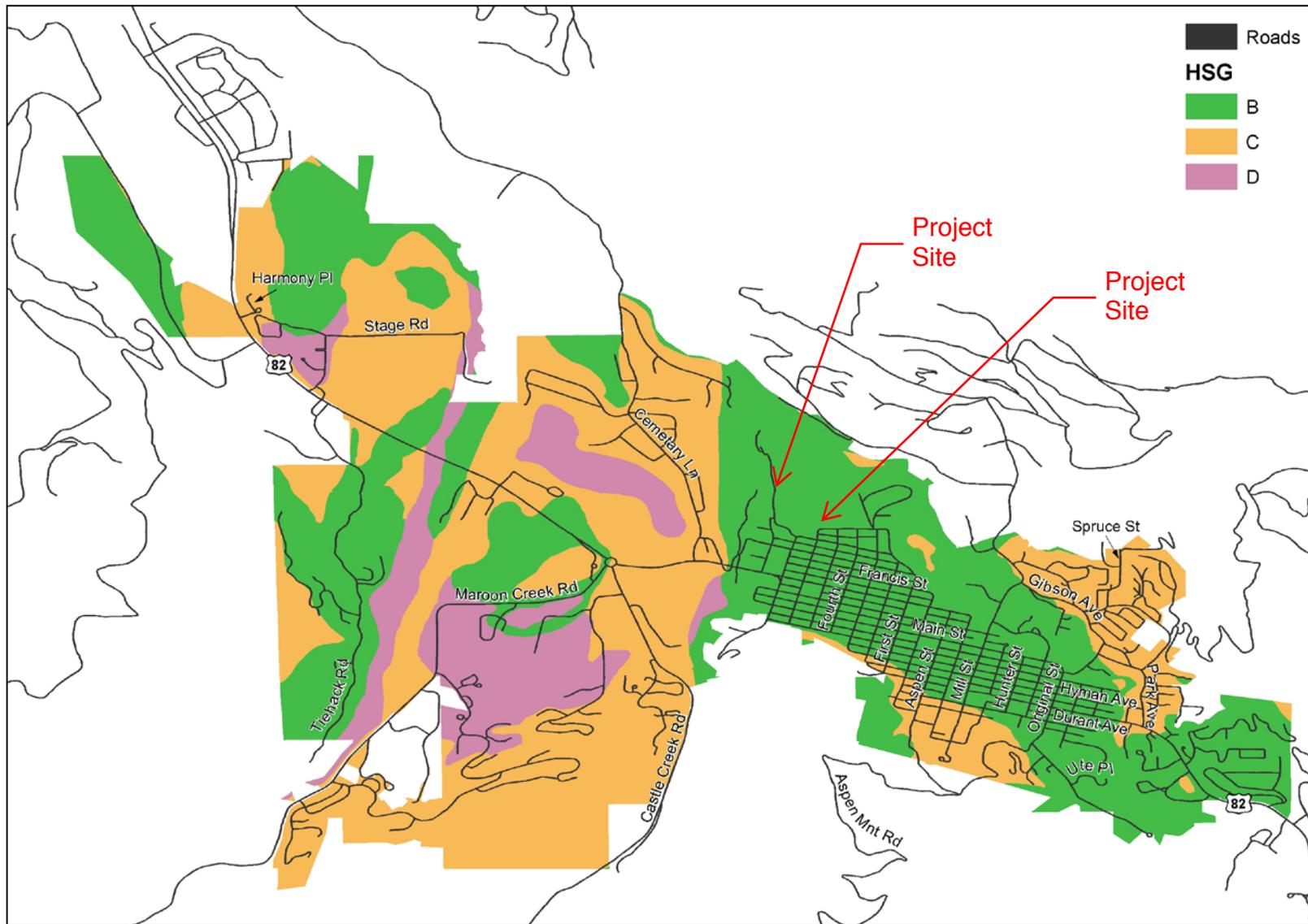


Figure 3.1 Natural Resource Conservation Service (NRCS) Soil Map for Aspen

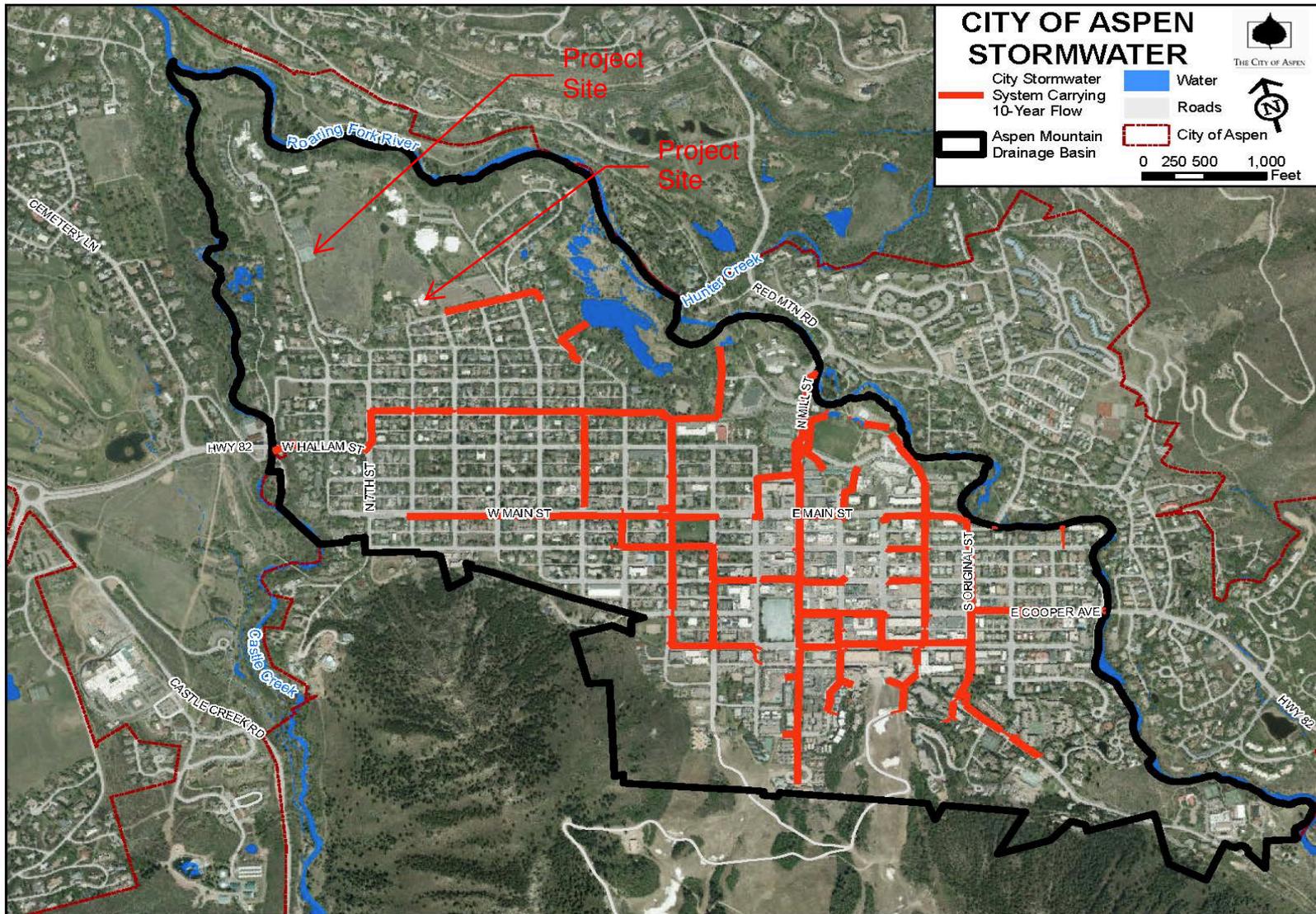


Figure 1.1 – City of Aspen Stormwater System Carrying the 10-year Flow

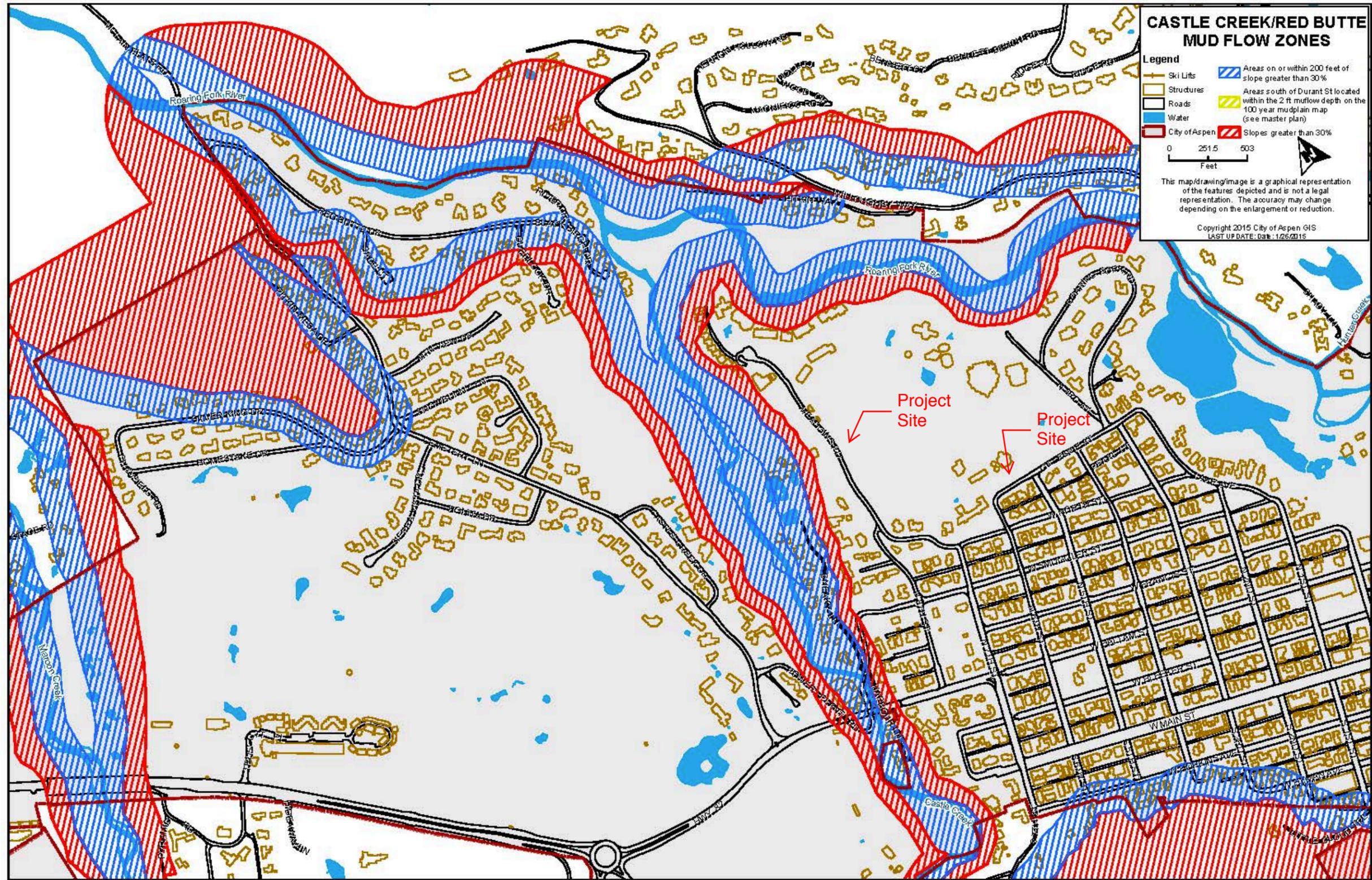


Figure 7.1 c – Castle Creek/Red Butte Mudflow Zones

Time of Concentration Calculations - Undeveloped/Existing Conditions

(Per the URMP)

The design rainfall duration used in the Rational Method is set to be the flow time required for runoff to flow through the longest waterway (starting at the most hydraulically distant point) within the watershed. This flow time is termed the time of concentration of the watershed. The longest waterway starts from the most upstream boundary of the watershed to the outlet or design point. A waterway can be divided into reaches: the overland flow reach, and any number of channel flow reaches. The time of concentration of the watershed is the cumulative flow times through the reaches.

Computed Time of Concentration

$T_C = T_O + T_F$, Where:

Overland Flow Time (Airport Formula)

$T_O = [0.395(1.1 - C_5)L_O^{0.5}] / S_O^{0.33}$, Where:

T_O = Overland flow time in minutes;

C_5 = 5 year runoff coefficient;

L_O = Overland flow length in feet (Max = 300 ft);

S_O = Overland slope in ft/ft.

Channel Flow Time (SCS Upland Method)

$T_F = L_F / (60KS_F^{0.5})$, Where:

T_F = Consolidated flow time in minutes;

L_F = Flow length in feet;

K = conveyance coefficient;

S_F = Reach slope in ft/ft.

Regional Time of Concentration

The computed time of concentration is sensitive to overland flow length. To be conservative, the time of concentration to be used in the City of Aspen is set to be the smaller between the computed and regional times of concentration, which is:

$T_R = 10 + L/180$, Where:

T_R = Regional time of concentration in minutes

L = Total waterway length in feet

In no case should TC be less than 5 minutes in the City of Aspen . If the computed or regional time of concentration calculations indicate a lesser time, use 5 minutes instead.

Peak Flow Calculations - Undeveloped/Existing Conditions

(Per the URMP)

The Rational Method is a simplified hydrologic method developed for peak flow prediction in basins <90 acres only. It is applicable to street inlet sizing, sewer drain design, and single lot developments in the Aspen area.

Rational Method

$Q_p = CIA$, Where:

Q_p = Peak flow in cubic feet per second (cfs)

C = Runoff coefficient

I = Rainfall intensity in inches/hour

A = Drainage area in acres

The following equation can be used to determine intensities not shown on the URMP IDF table or curve:

$I = (88.8P_1) / (10 + T_C)^{1.052}$, Where:

P_1 = 1-hour rainfall depth in inches (URMP Table 2.2)

T_C = Time of concentration in minutes

P_1 , 5-year return period	<u>0.64</u>	in/hr
P_1 , 100-year return period	<u>1.23</u>	in/hr

Peak Flow Calculations - Undeveloped/Existing Conditions

(Per the URMP)

Hydrologic homogeneity is one of the basic assumptions for small watershed hydrology. If the land uses or soil types in a watershed vary from one area to another, then it is necessary to divide the watershed into sub-areas. Each sub-area should have its own outlet that is termed "node" or "design point". All nodes shall then be connected together by swales, street gutters, sewers, or roadside ditches that are often referred to as "links". A node-link schematic represents the flow connectivity through the watershed.

The flow process through multiple subareas starts from the most upstream subarea to accumulate the flow time through the drainage network. The accumulated travel time through the drainage network is:

$(T_c)_n = (T_c)_{n-1} + L_n / (60 * V_n)$, Where:

T_c = accumulated time of concentration in minutes through the system

L = waterway length in feet

V = flow velocity in feet/sec

n = n-th node at the design point

$V_n = KS^{1/2}$, Where:

K = Conveyance coefficient (Table 3.3)

S = Reach slope, ft/ft

Peak Flow Calculations for Design Point 1 - Undeveloped/Existing Conditions

(Per the URMP)

When several links come to a node, the design rainfall duration or time of concentration at the node is the longest flow time among all incoming links. Knowing the contributing area and flow time, the peak discharge can discharge can be predicted by the Rational Method.

Design rainfall duration: 12.41 min

Rainfall intensity, 5-year: 2.16 in/hr

Rainfall intensity, 100-year: 4.15 in/hr

Effective area, 5-year: 0.138 acres

Effective area, 100-year: 0.492 acres

Peak design flow, 5-year 0.297 cfs

Peak design flow, 100-year 2.039 cfs

Time of Concentration Calculations - Proposed Conditions

(Per the URMP)

The design rainfall duration used in the Rational Method is set to be the flow time required for runoff to flow through the longest waterway (starting at the most hydraulically distant point) within the watershed. This flow time is termed the time of concentration of the watershed. The longest waterway starts from the most upstream boundary of the watershed to the outlet or design point. A waterway can be divided into reaches: the overland flow reach, and any number of channel flow reaches. The time of concentration of the watershed is the cumulative flow times through the reaches.

Computed Time of Concentration

$T_C = T_O + T_F$, Where:

Overland Flow Time (Airport Formula)

$T_O = [0.395(1.1 - C_5)L_O^{0.5}] / S_O^{0.33}$, Where:

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$T_R = 10 + L/180$, Where:

T_R = Regional time of concentration in minutes

L = Total waterway length in feet

In no case should TC be less than 5 minutes in the City of Aspen . If the computed or regional time of concentration calculations indicate a lesser time, use 5 minutes instead.

Peak Flow Calculations - Proposed Conditions

(Per the URMP)

The Rational Method is a simplified hydrologic method developed for peak flow prediction in basins <90 acres only. It is applicable to street inlet sizing, sewer drain design, and single lot developments in the Aspen area.

Rational Method

$Q_p = CIA$, Where:

Q_p = Peak flow in cubic feet per second (cfs)

C = Runoff coefficient

I = Rainfall intensity in inches/hour

A = Drainage area in acres

The following equation can be used to determine intensities not shown on the URMP IDF table or curve:

$I = (88.8P_1) / (10 + T_c)^{1.052}$, Where:

P_1 = 1-hour rainfall depth in inches (URMP Table 2.2)

T_c = Time of concentration in minutes

P_1 , 5-year return period	<u>0.64</u>	in/hr
P_1 , 100-year return period	<u>1.23</u>	in/hr

Peak Flow Calculations - Proposed Conditions

(Per the URMP)

Hydrologic homogeneity is one of the basic assumptions for small watershed hydrology. If the land uses or soil types in a watershed vary from one area to another, then it is necessary to divide the watershed into sub-areas. Each sub-area should have its own outlet that is termed "node" or "design point". All nodes shall then be connected together by swales, street gutters, sewers, or roadside ditches that are often referred to as "links". A node-link schematic represents the flow connectivity through the watershed.

The flow process through multiple subareas starts from the most upstream subarea to accumulate the flow time through the drainage network. The accumulated travel time through the drainage network is:

$(T_c)_n = (T_c)_{n-1} + L_n / (60 * V_n)$, Where:

T_c = accumulated time of concentration in minutes through the system

L = waterway length in feet

V = flow velocity in feet/sec

n = n-th node at the design point

$V_n = K S^{1/2}$, Where:

K = Conveyance coefficient (Table 3.3)

S = Reach slope, ft/ft

Peak Flow Calculations for Design Point 1 - Proposed Conditions

(Per the URMP)

When several links come to a node, the design rainfall duration or time of concentration at the node is the longest flow time among all incoming links. Knowing the contributing area and flow time, the peak discharge can discharge can be predicted by the Rational Method.

Design rainfall duration: 11.44 min

Rainfall intensity, 5-year: 2.26 in/hr

Rainfall intensity, 100-year: 4.34 in/hr

Effective area, 5-year: 0.272 acres

Effective area, 100-year: 0.581 acres

Peak design flow, 5-year 0.615 cfs

Peak design flow, 100-year 2.525 cfs

Detention Volume Calculations

(Per the URMP)

The FAA procedure was modified to provide a reasonable estimate of the required storage volume for small on-site detention facilities (FAA 1996, Guo 1999a). This method is a rational-formula based approach that is only applicable to small urban watersheds less than 90 acres. In this approach, the design rainfall duration is unknown. The engineer shall investigate the required detention volumes for a range of rainfall durations, starting from the time of concentration, T_C , until the volume is maximized.

Rainfall intensity

$I = (88P_1)/(10+T_d)^{1.052}$, Where:

I = Rainfall intensity, in/hr

P_1 = 1-hour rainfall depth, in

T_d = Rainfall duration, min

Inflow Volume

$V_i = (1/720)CIT_dA$, Where:

V_i = Inflow volume, ft^3

C = Runoff coefficient

A = Tributary area, ft^2

Outflow Volume

$V_o = 30(1+T_C/T_d)Q_aT_d$, Where:

V_o = Outflow volume, ft^3

T_C = Time of concentration, min

T_d = Rainfall duration, min

Q_a = Allowable release rate, cfs

Detention Volume

$V_d = V_i - V_o$, Where:

V_d = Volume difference, ft^3

Design Point 1 Detention Volume Calculations

(Per the URMP)

5-Year Rainfall Runoff Event

Effective Area = 0.272 acres

P_1 , 5-Year = 0.64 in

Q_a = 0.297 cfs

T_c = 11.44 min

$V_{d, 5-Yr, max}$ = 242.73 ft³

100-Year Rainfall Runoff Event

Effective Area = 0.581 acres

P_1 , 100-Year = 1.23 in

Q_a = 2.039 cfs

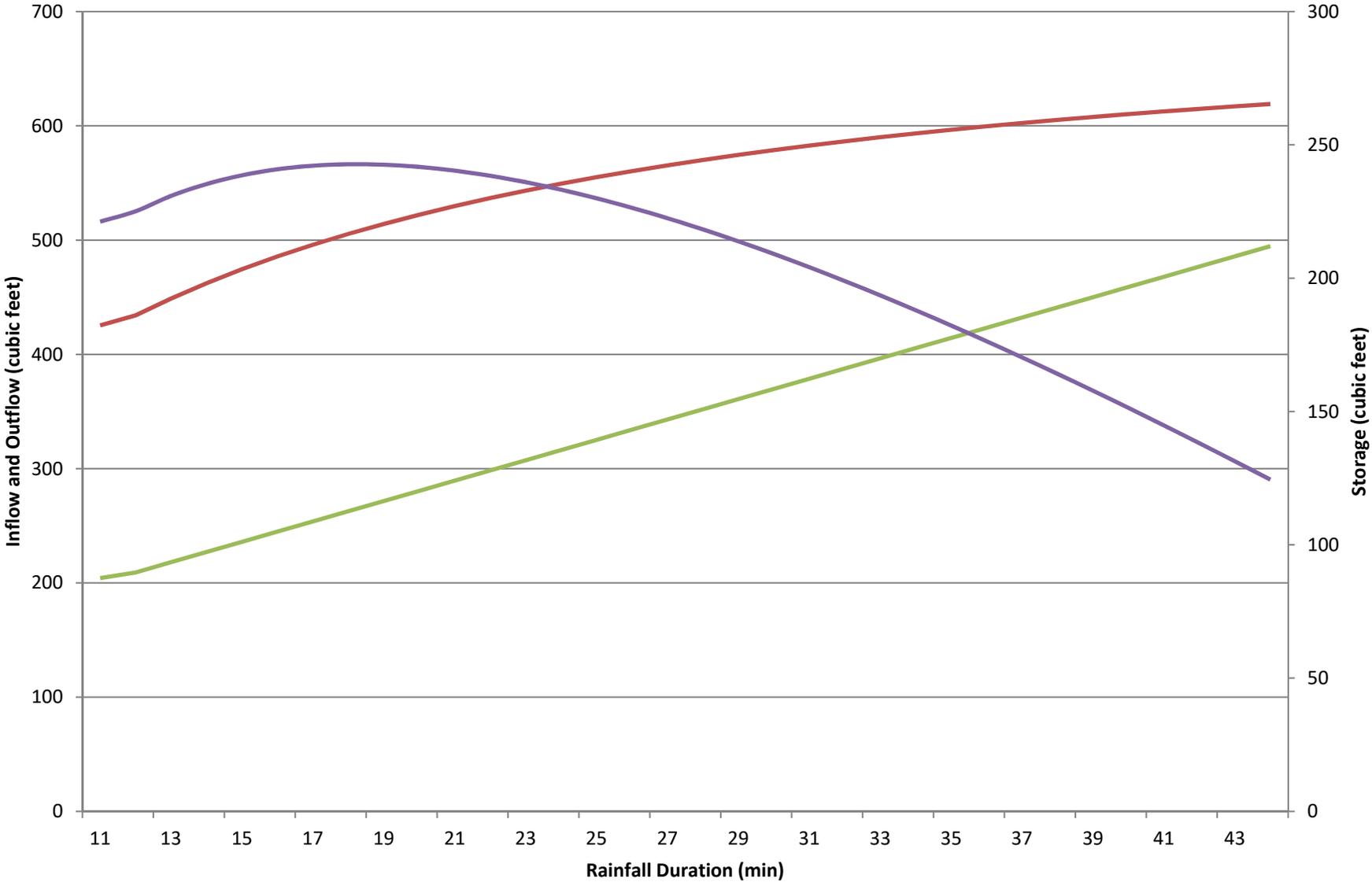
T_c = 11.44 min

$V_{d, 100-Yr, max}$ = 349.88 ft³

T_d (min)	I (in/hr)	V_i (ft ³)	V_o (ft ³)	V_d (ft ³)
11.44	2.26	425.35	204.14	221.22
12.00	2.20	434.22	209.13	225.10
13.00	2.10	448.92	218.05	230.87
14.00	2.01	462.28	226.97	235.31
15.00	1.92	474.48	235.89	238.59
16.00	1.85	485.65	244.81	240.84
17.00	1.77	495.92	253.73	242.19
18.00	1.71	505.38	262.65	242.73
19.00	1.64	514.13	271.58	242.55
20.00	1.59	522.23	280.50	241.73
21.00	1.53	529.74	289.42	240.33
22.00	1.48	536.74	298.34	238.40
23.00	1.44	543.26	307.26	236.00
24.00	1.39	549.36	316.18	233.17
25.00	1.35	555.06	325.10	229.96
26.00	1.31	560.41	334.03	226.38
27.00	1.27	565.42	342.95	222.48
28.00	1.24	570.14	351.87	218.28
29.00	1.20	574.59	360.79	213.80
30.00	1.17	578.78	369.71	209.07
31.00	1.14	582.74	378.63	204.10
32.00	1.11	586.48	387.56	198.92
33.00	1.09	590.02	396.48	193.54
34.00	1.06	593.37	405.40	187.97
35.00	1.04	596.55	414.32	182.23
36.00	1.01	599.57	423.24	176.33
37.00	0.99	602.44	432.16	170.28
38.00	0.97	605.17	441.08	164.09
39.00	0.95	607.77	450.01	157.76
40.00	0.93	610.24	458.93	151.32
41.00	0.91	612.60	467.85	144.75
42.00	0.89	614.86	476.77	138.09
43.00	0.87	617.01	485.69	131.31
44.00	0.86	619.06	494.61	124.45

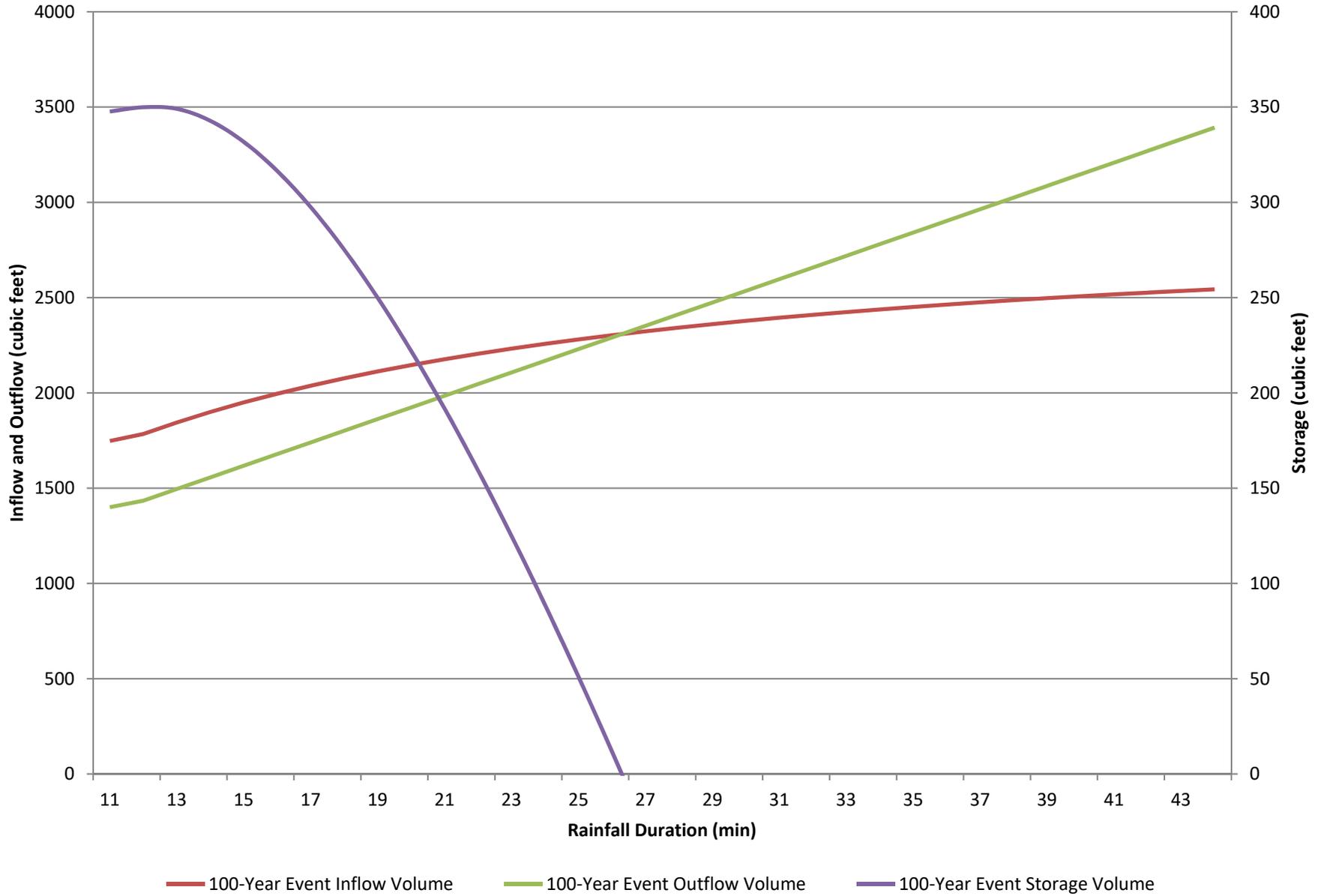
T_d (min)	I (in/hr)	V_i (ft ³)	V_o (ft ³)	V_d (ft ³)
11.44	4.34	1747.65	1399.99	347.66
12.00	4.23	1784.10	1434.21	349.88
13.00	4.03	1844.47	1495.40	349.07
14.00	3.86	1899.38	1556.58	342.80
15.00	3.70	1949.50	1617.77	331.74
16.00	3.55	1995.42	1678.95	316.47
17.00	3.41	2037.60	1740.14	297.47
18.00	3.28	2076.48	1801.32	275.16
19.00	3.16	2112.40	1862.51	249.90
20.00	3.05	2145.68	1923.69	221.98
21.00	2.95	2176.57	1984.88	191.69
22.00	2.85	2205.31	2046.06	159.25
23.00	2.76	2232.12	2107.25	124.87
24.00	2.67	2257.15	2168.43	88.72
25.00	2.59	2280.58	2229.62	50.97
26.00	2.52	2302.55	2290.80	11.75
27.00	2.45	2323.17	2351.98	-28.81
28.00	2.38	2342.56	2413.17	-70.61
29.00	2.31	2360.82	2474.35	-113.53
30.00	2.25	2378.04	2535.54	-157.50
31.00	2.20	2394.30	2596.72	-202.42
32.00	2.14	2409.67	2657.91	-248.24
33.00	2.09	2424.21	2719.09	-294.88
34.00	2.04	2437.99	2780.28	-342.29
35.00	1.99	2451.06	2841.46	-390.40
36.00	1.95	2463.47	2902.65	-439.18
37.00	1.90	2475.26	2963.83	-488.58
38.00	1.86	2486.47	3025.02	-538.55
39.00	1.82	2497.15	3086.20	-589.06
40.00	1.78	2507.32	3147.39	-640.07
41.00	1.75	2517.01	3208.57	-691.56
42.00	1.71	2526.27	3269.76	-743.49
43.00	1.68	2535.10	3330.94	-795.84
44.00	1.64	2543.55	3392.13	-848.58

5-Year Event Detention Volume Per The URMP At DP-1



— 5-Year Event Inflow Volume — 5-Year Event Outflow Volume — 5-Year Event Storage Volume

100-Year Event Detention Volume Per The URMP At DP-1



Detention Volume Calculations

(Per the URMP)

The FAA procedure was modified to provide a reasonable estimate of the required storage volume for small on-site detention facilities (FAA 1996, Guo 1999a). This method is a rational-formula based approach that is only applicable to small urban watersheds less than 90 acres. In this approach, the design rainfall duration is unknown. The engineer shall investigate the required detention volumes for a range of rainfall durations, starting from the time of concentration, T_C , until the volume is maximized.

Rainfall intensity

$I = (88P_1)/(10+T_d)^{1.052}$, Where:

I = Rainfall intensity, in/hr

P_1 = 1-hour rainfall depth, in

T_d = Rainfall duration, min

Inflow Volume

$V_i = (1/720)CIT_dA$, Where:

V_i = Inflow volume, ft^3

C = Runoff coefficient

A = Tributary area, ft^2

Outflow Volume

$V_o = 30(1+T_C/T_d)Q_aT_d$, Where:

V_o = Outflow volume, ft^3

T_C = Time of concentration, min

T_d = Rainfall duration, min

Q_a = Allowable release rate, cfs

Detention Volume

$V_d = V_i - V_o$, Where:

V_d = Volume difference, ft^3

Design Point 2 Detention Volume Calculations

(Per the URMP)

5-Year Rainfall Runoff Event

$$\begin{aligned} \text{Effective Area} &= \underline{0.042} \text{ acres} \\ P_{1, 5\text{-Year}} &= \underline{0.64} \text{ in} \\ Q_a &= \underline{0.033} \text{ cfs} \\ T_c &= \underline{10.76} \text{ min} \\ V_{d, 5\text{-Yr, max}} &= \underline{51.40} \text{ ft}^3 \end{aligned}$$

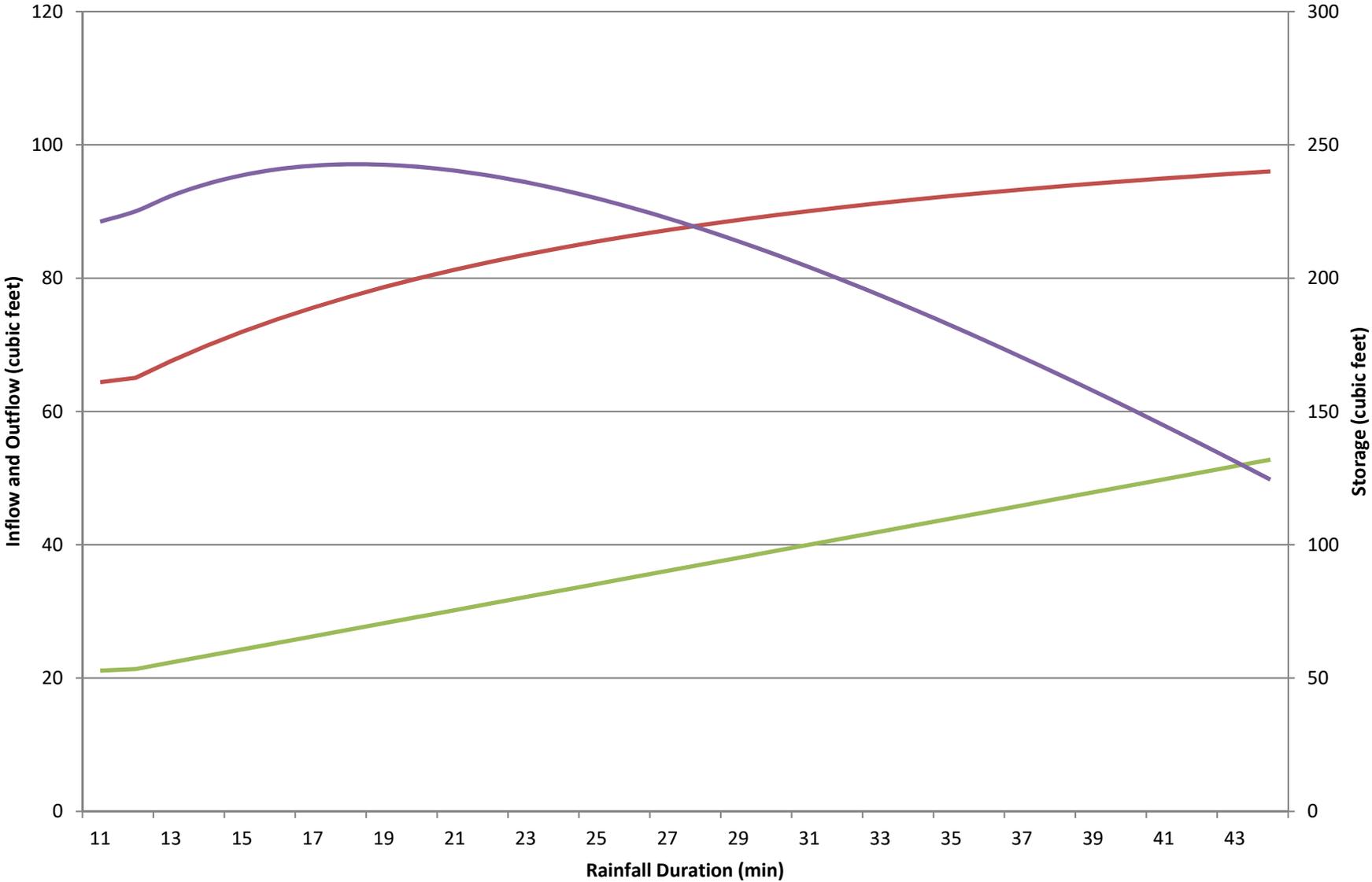
100-Year Rainfall Runoff Event

$$\begin{aligned} \text{Effective Area} &= \underline{0.077} \text{ acres} \\ P_{1, 100\text{-Year}} &= \underline{1.23} \text{ in} \\ Q_a &= \underline{0.263} \text{ cfs} \\ T_c &= \underline{10.76} \text{ min} \\ V_{d, 100\text{-Yr, max}} &= \underline{58.19} \text{ ft}^3 \end{aligned}$$

T_d (min)	I (in/hr)	V_i (ft ³)	V_o (ft ³)	V_d (ft ³)
10.76	2.34	64.39	21.12	43.27
11.00	2.31	65.05	21.36	43.69
12.00	2.20	67.57	22.34	45.23
13.00	2.10	69.86	23.32	46.54
14.00	2.01	71.94	24.31	47.64
15.00	1.92	73.84	25.29	48.55
16.00	1.85	75.58	26.27	49.31
17.00	1.77	77.18	27.25	49.93
18.00	1.71	78.65	28.23	50.42
19.00	1.64	80.01	29.21	50.80
20.00	1.59	81.27	30.20	51.07
21.00	1.53	82.44	31.18	51.26
22.00	1.48	83.53	32.16	51.37
23.00	1.44	84.54	33.14	51.40
24.00	1.39	85.49	34.12	51.37
25.00	1.35	86.38	35.10	51.27
26.00	1.31	87.21	36.09	51.12
27.00	1.27	87.99	37.07	50.92
28.00	1.24	88.73	38.05	50.68
29.00	1.20	89.42	39.03	50.39
30.00	1.17	90.07	40.01	50.06
31.00	1.14	90.69	41.00	49.69
32.00	1.11	91.27	41.98	49.29
33.00	1.09	91.82	42.96	48.86
34.00	1.06	92.34	43.94	48.40
35.00	1.04	92.84	44.92	47.91
36.00	1.01	93.31	45.90	47.40
37.00	0.99	93.75	46.89	46.87
38.00	0.97	94.18	47.87	46.31
39.00	0.95	94.58	48.85	45.73
40.00	0.93	94.97	49.83	45.14
41.00	0.91	95.33	50.81	44.52
42.00	0.89	95.68	51.80	43.89
43.00	0.87	96.02	52.78	43.24

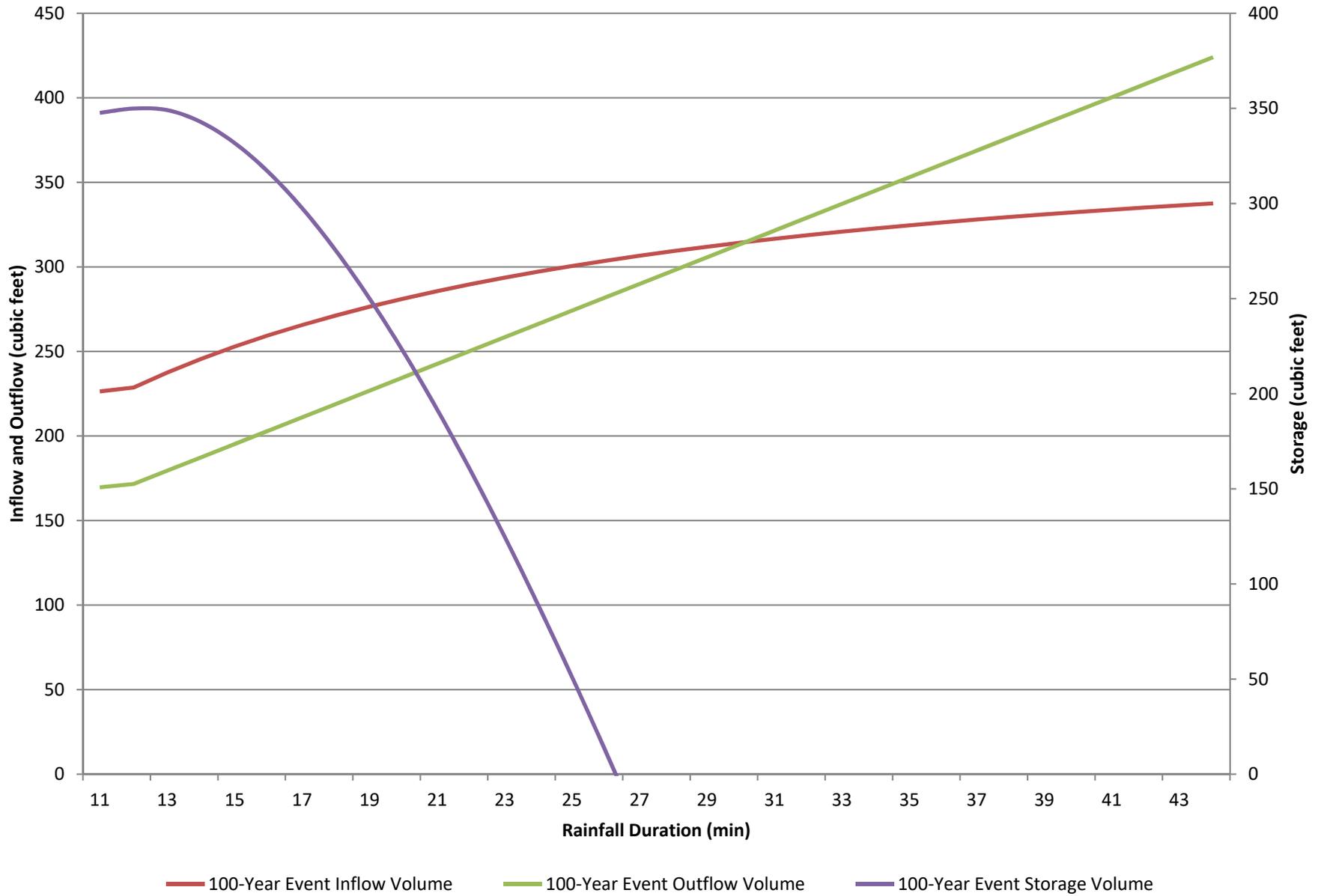
T_d (min)	I (in/hr)	V_i (ft ³)	V_o (ft ³)	V_d (ft ³)
10.76	4.49	226.35	169.68	56.68
11.00	4.44	228.67	171.61	57.06
12.00	4.23	237.54	179.49	58.04
13.00	4.03	245.58	187.38	58.19
14.00	3.86	252.89	195.27	57.62
15.00	3.70	259.56	203.16	56.40
16.00	3.55	265.67	211.05	54.63
17.00	3.41	271.29	218.93	52.36
18.00	3.28	276.47	226.82	49.65
19.00	3.16	281.25	234.71	46.54
20.00	3.05	285.68	242.60	43.08
21.00	2.95	289.79	250.49	39.31
22.00	2.85	293.62	258.37	35.25
23.00	2.76	297.19	266.26	30.93
24.00	2.67	300.52	274.15	26.37
25.00	2.59	303.64	282.04	21.60
26.00	2.52	306.57	289.93	16.64
27.00	2.45	309.31	297.81	11.50
28.00	2.38	311.89	305.70	6.19
29.00	2.31	314.33	313.59	0.74
30.00	2.25	316.62	321.48	-4.86
31.00	2.20	318.78	329.37	-10.58
32.00	2.14	320.83	337.25	-16.43
33.00	2.09	322.77	345.14	-22.38
34.00	2.04	324.60	353.03	-28.43
35.00	1.99	326.34	360.92	-34.58
36.00	1.95	327.99	368.81	-40.81
37.00	1.90	329.56	376.70	-47.13
38.00	1.86	331.05	384.58	-53.53
39.00	1.82	332.48	392.47	-59.99
40.00	1.78	333.83	400.36	-66.53
41.00	1.75	335.12	408.25	-73.13
42.00	1.71	336.35	416.14	-79.78
43.00	1.68	337.53	424.02	-86.49

5-Year Event Detention Volume Per The URMP At DP-2



— 5-Year Event Inflow Volume — 5-Year Event Outflow Volume — 5-Year Event Storage Volume

100-Year Event Detention Volume Per The URMP At DP-2



Water Quality Capture Volume (WQCV) Calculations

(Per the URMP)

The design event for Water Quality Capture Volume (WQCV) is the 80th percentile runoff event which corresponds to roughly a 6-month to 1-year storm event. The design brim-full emptying time for WQCV shall be a minimum of twelve hours. Eighty percent of all runoff events, on a volumetric basis, are expected to be less than or equal to this design event and will be fully treated by BMPs that provide the WQCV. Based on calculations for fine sand-sized particles (60 microns) using settling velocities for low temperatures, a drain time of 12 hours for the WQCV should provide a very high level of removal (greater than 90%) for this size of particles (USEPA 1986).

The following guidelines apply:

- The imperviousness used on the x-axis in Figure 8.13 is the imperviousness of the area tributary to a stormwater BMP. This imperviousness is determined from a site plan by determining the preliminary location of a BMP and then delineating the area that will contribute runoff to the BMP. Impervious areas within the tributary area (watershed) including roofs, walks, drives, roads, etc. can be identified and added to determine the total impervious area within the tributary area. The total imperviousness, as a percent is calculated as: $\text{Impervious Area in Tributary Watershed} / \text{Total Area in Tributary Watershed} \times 100$. If a BMP is sized to provide only on-site water quality treatment, the WQCV may be calculated based on only on-site impervious area; however, the BMP must be sized to pass off-site flows from impervious and pervious areas without causing downstream problems. It is preferable to size a BMP for all tributary impervious area (onsite and off-site) as this will provide the greatest water quality benefit for the community.
- For sites that employ runoff reduction measures such as swales, buffers, trees and other BMPs that minimize directly connected impervious area or the effect of the impervious area, the total imperviousness should be adjusted to effective imperviousness before using Figure 8.13 to determine the WQCV. Adjustment procedures for converting total imperviousness to effective imperviousness are described in Section 8.4.1.

Water Quality Capture Volume Calculations, DP-1

(Per the URMP)

The WQCV in Figure 8.13 has units of watershed-inches. To determine a volume in ft³, the following conversion applies:

$$\text{Volume (ft}^3\text{)} = \text{WQCV in Watershed inches} \times 1 \text{ ft}/12 \text{ in} \times \text{Area (ft}^2\text{)}$$

For a site that is 100 percent impervious the WQCV corresponds to 0.26 watershed-inches (i.e. the storage volume required for a BMP is equivalent to 0.26 inches of runoff distributed over the area tributary to the BMP). 0.26 watershed inches is equivalent to approximately 950 ft³/acre.

$$\text{Percent Imperviousness} = \text{Impervious Area}/\text{Total Area} = \underline{30.08} \%$$

$$\text{WQCV watershed inches} = \underline{0.063} \text{ in}$$

$$\text{Volume (ft}^3\text{)} = \text{WQCV in Watershed inches} \times 1 \text{ ft}/12 \text{ in} \times \text{Area (ft}^2\text{)} = \underline{332.13} \text{ ft}^3$$

Water Quality Capture Volume Calculations, DP-2

(Per the URMP)

The WQCV in Figure 8.13 has units of watershed-inches. To determine a volume in ft³, the following conversion applies:

$$\text{Volume (ft}^3\text{)} = \text{WQCV in Watershed inches} \times 1 \text{ ft}/12 \text{ in} \times \text{Area (ft}^2\text{)}$$

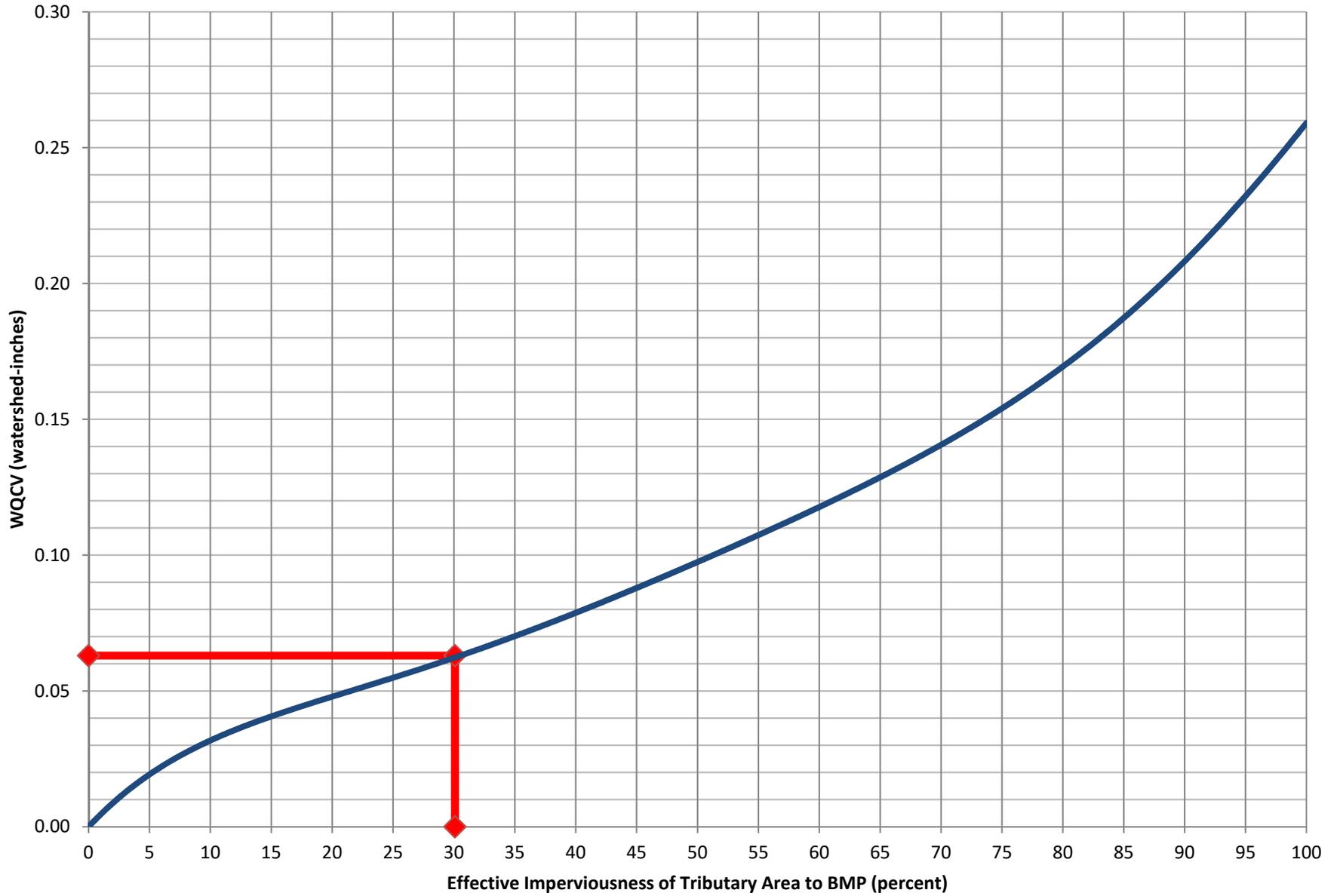
For a site that is 100 percent impervious the WQCV corresponds to 0.26 watershed-inches (i.e. the storage volume required for a BMP is equivalent to 0.26 inches of runoff distributed over the area tributary to the BMP). 0.26 watershed inches is equivalent to approximately 950 ft³/acre.

$$\text{Percent Imperviousness} = \text{Impervious Area}/\text{Total Area} = \underline{32.56} \%$$

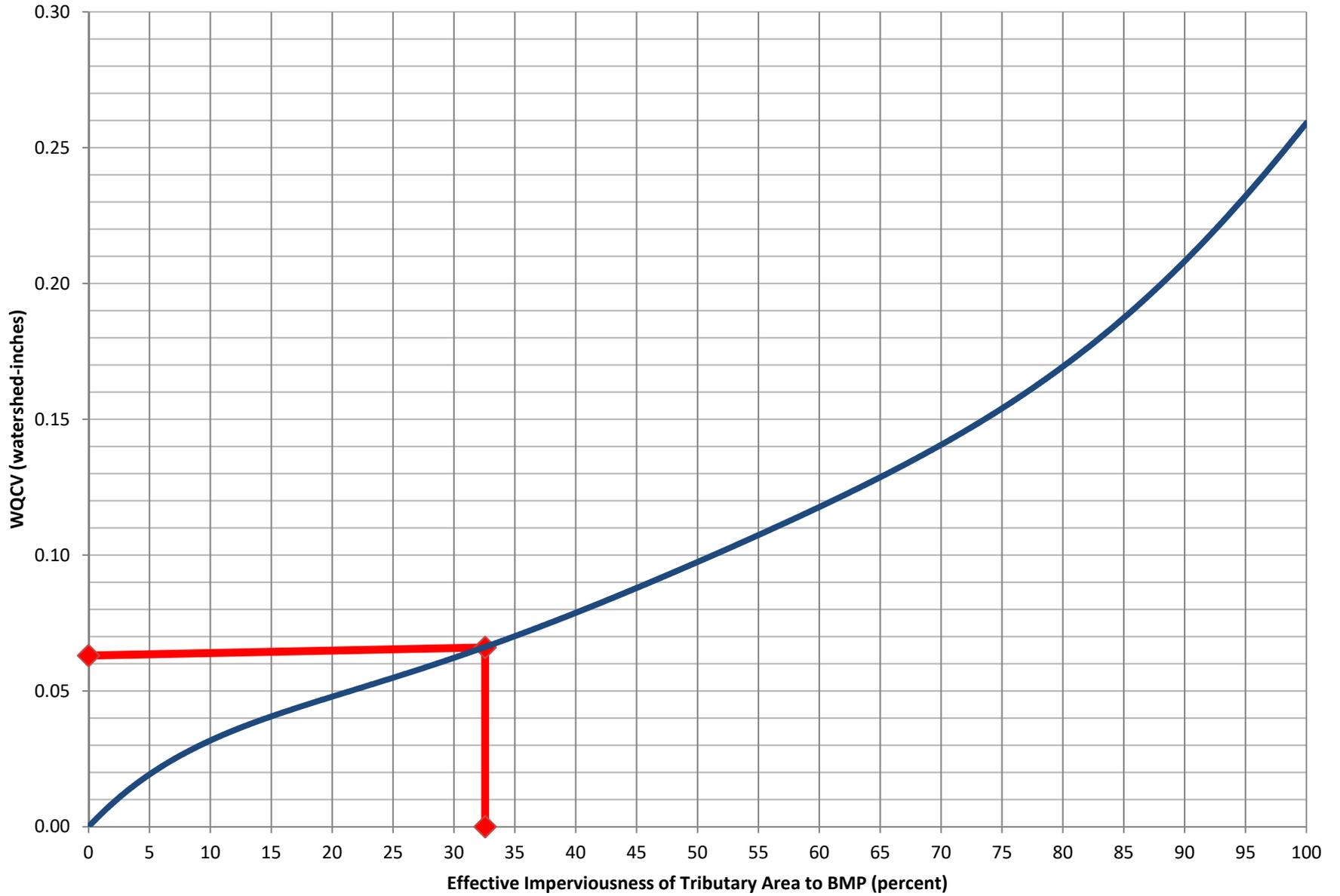
$$\text{WQCV watershed inches} = \underline{0.066} \text{ in}$$

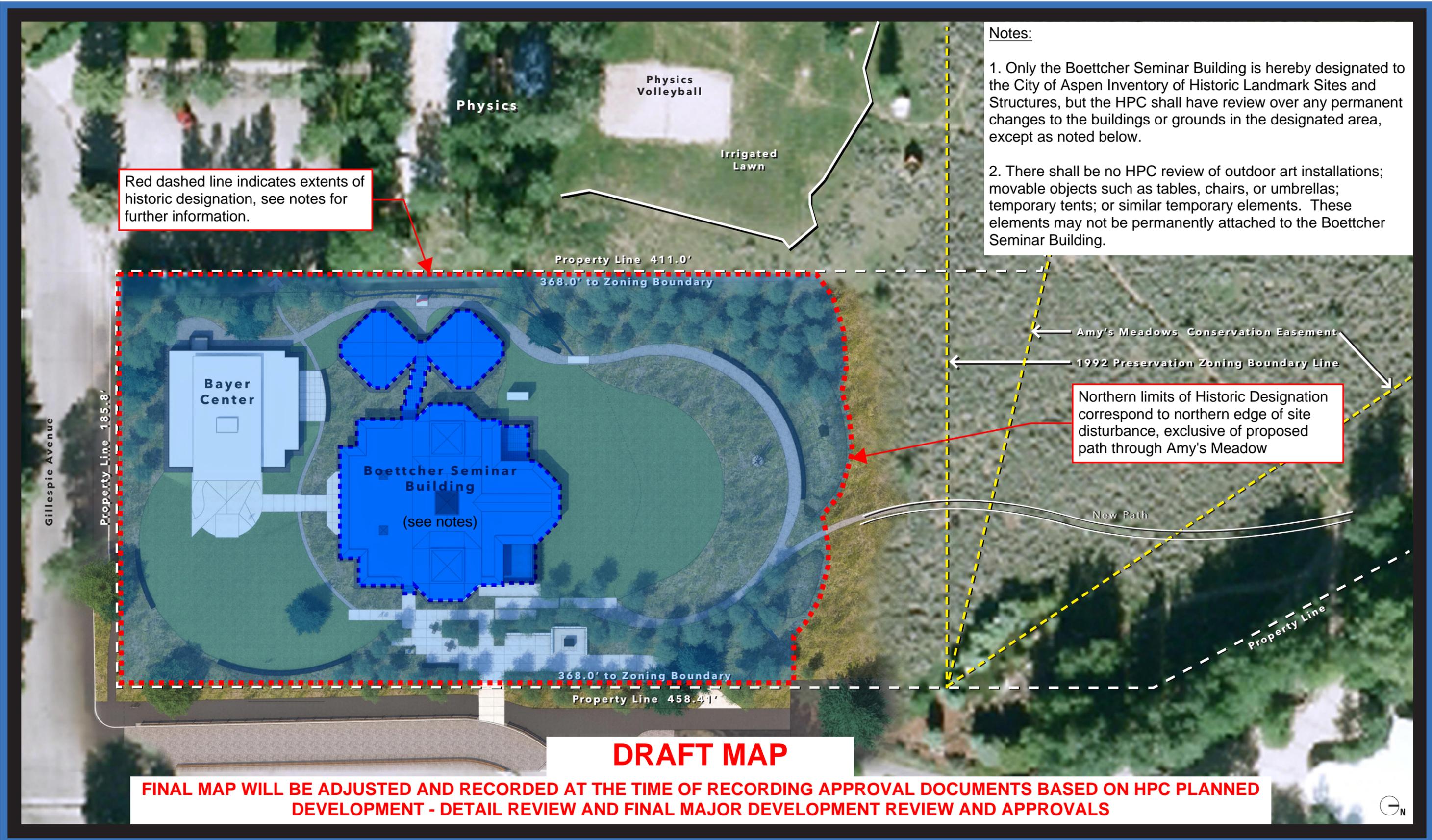
$$\text{Volume (ft}^3\text{)} = \text{WQCV in Watershed inches} \times 1 \text{ ft}/12 \text{ in} \times \text{Area (ft}^2\text{)} = \underline{38.49} \text{ ft}^3$$

WQCV Per The URMP, DP-1



WQCV Per The URMP, DP-2





- Notes:**
1. Only the Boettcher Seminar Building is hereby designated to the City of Aspen Inventory of Historic Landmark Sites and Structures, but the HPC shall have review over any permanent changes to the buildings or grounds in the designated area, except as noted below.
 2. There shall be no HPC review of outdoor art installations; movable objects such as tables, chairs, or umbrellas; temporary tents; or similar temporary elements. These elements may not be permanently attached to the Boettcher Seminar Building.

Red dashed line indicates extents of historic designation, see notes for further information.

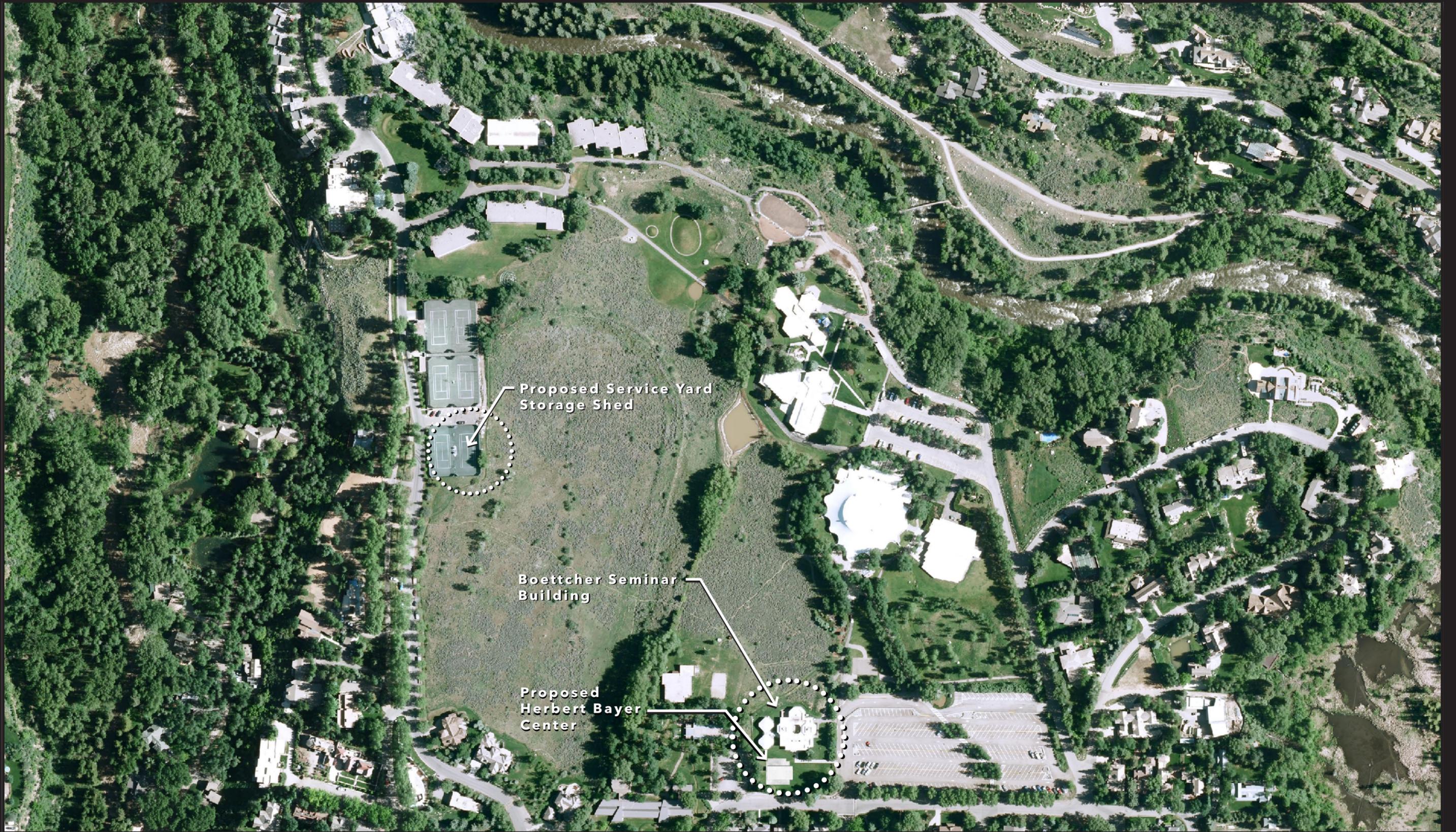
Northern limits of Historic Designation correspond to northern edge of site disturbance, exclusive of proposed path through Amy's Meadow

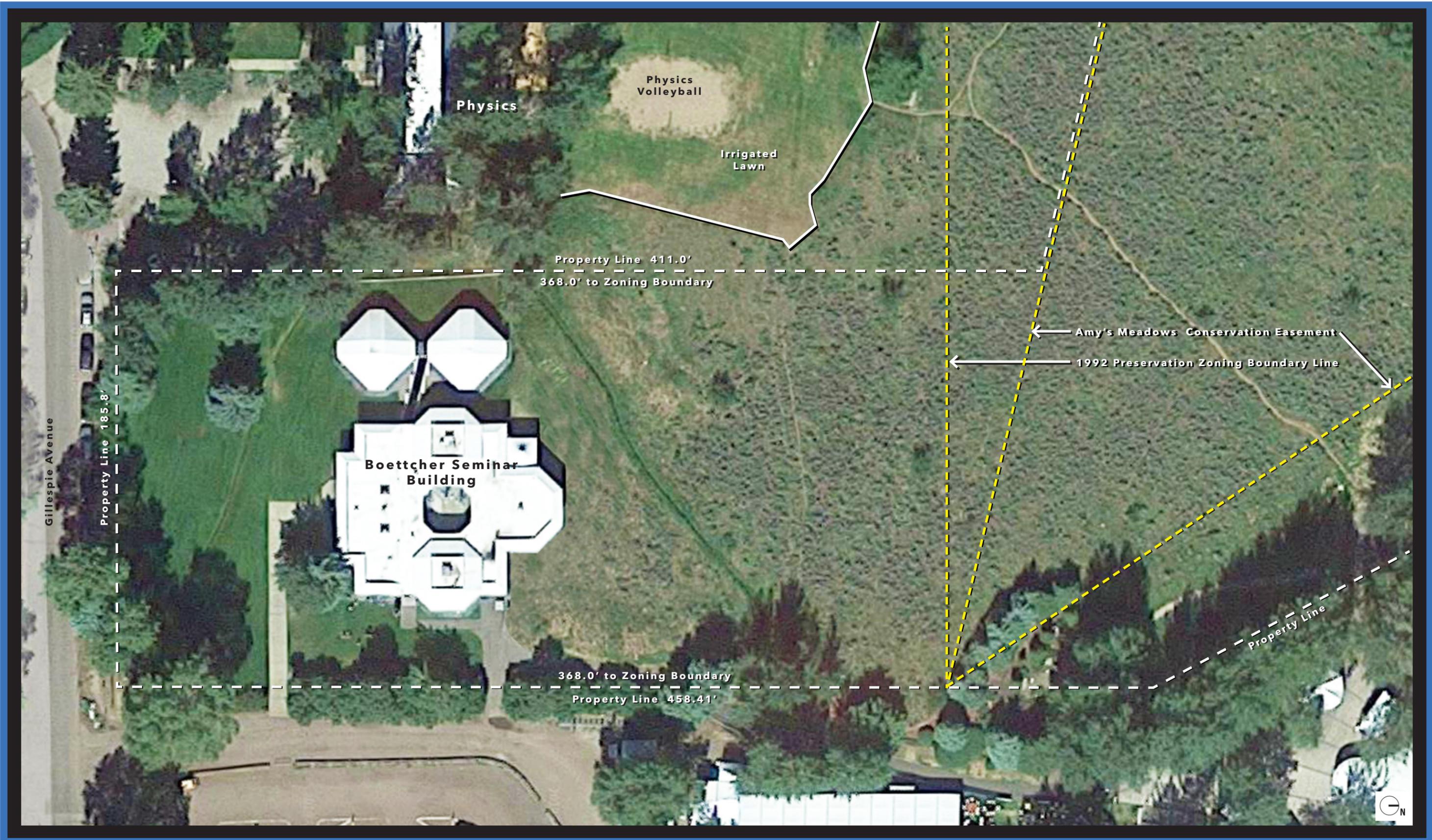
DRAFT MAP

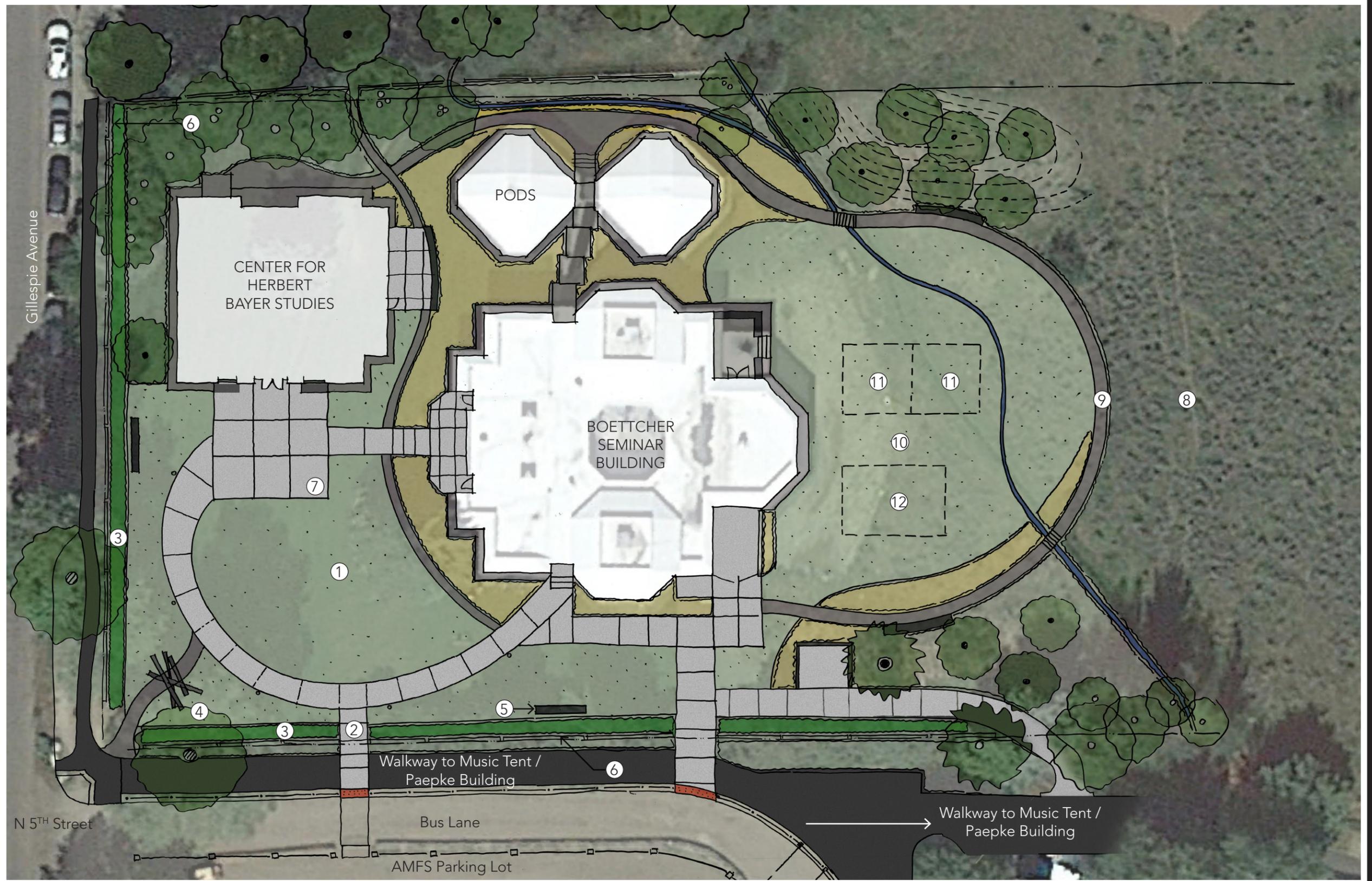
FINAL MAP WILL BE ADJUSTED AND RECORDED AT THE TIME OF RECORDING APPROVAL DOCUMENTS BASED ON HPC PLANNED DEVELOPMENT - DETAIL REVIEW AND FINAL MAJOR DEVELOPMENT REVIEW AND APPROVALS



Anaconda Sculpture designed by Herbert Bayer | Commissioned in 1978 for ARCO Building in Denver
Installed Aspen Institute grounds 2018

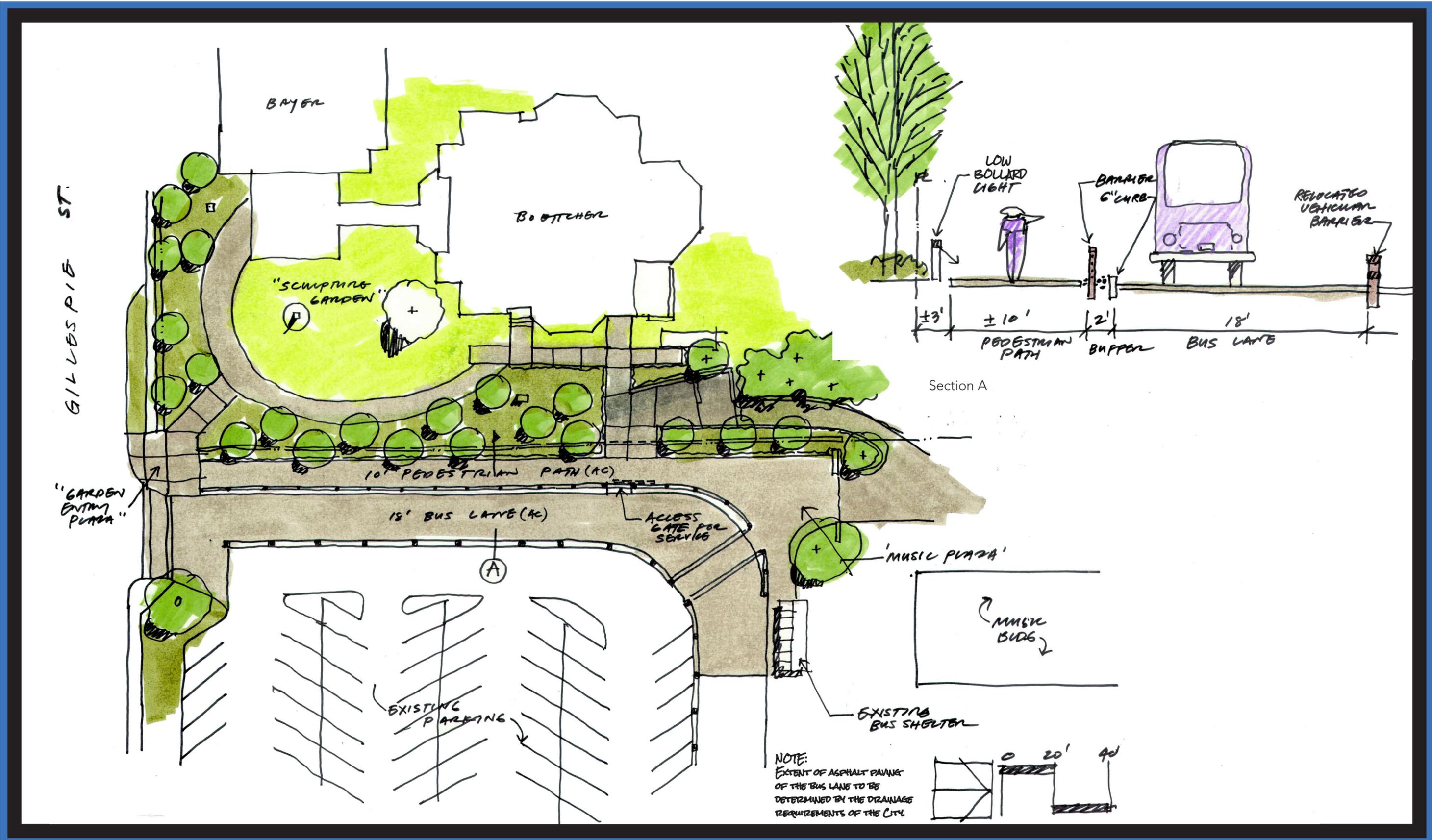


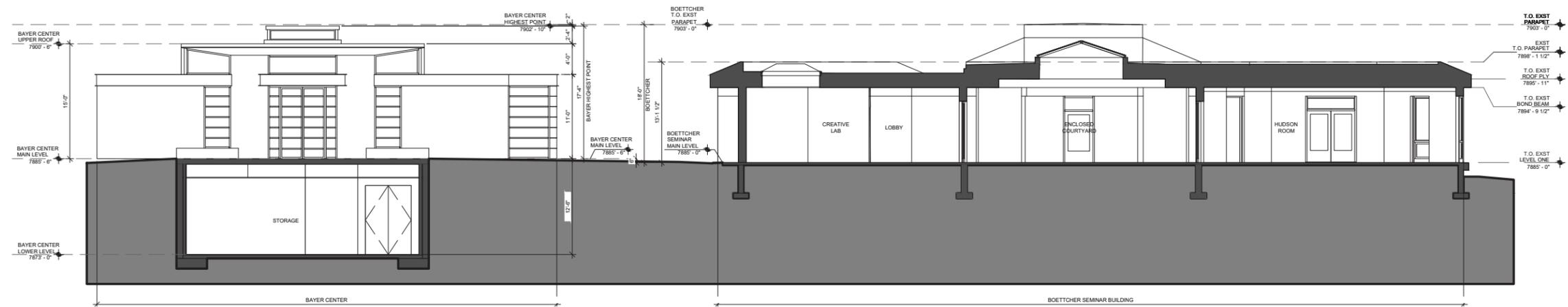




LEGEND

- ① Central Lawn
- ② Existing Entry Walk
- ③ Perimeter Hedge
- ④ Gateway Sculpture
- ⑤ Benches
- ⑥ Perimeter Fencing
- ⑦ Reception Plaza
- ⑧ North Meadow to Remain
- ⑨ North Meadow Perimeter Walk
- ⑩ Event Lawn
- ⑪ 20x20 Event Tent
- ⑫ 20x30 Event Tent





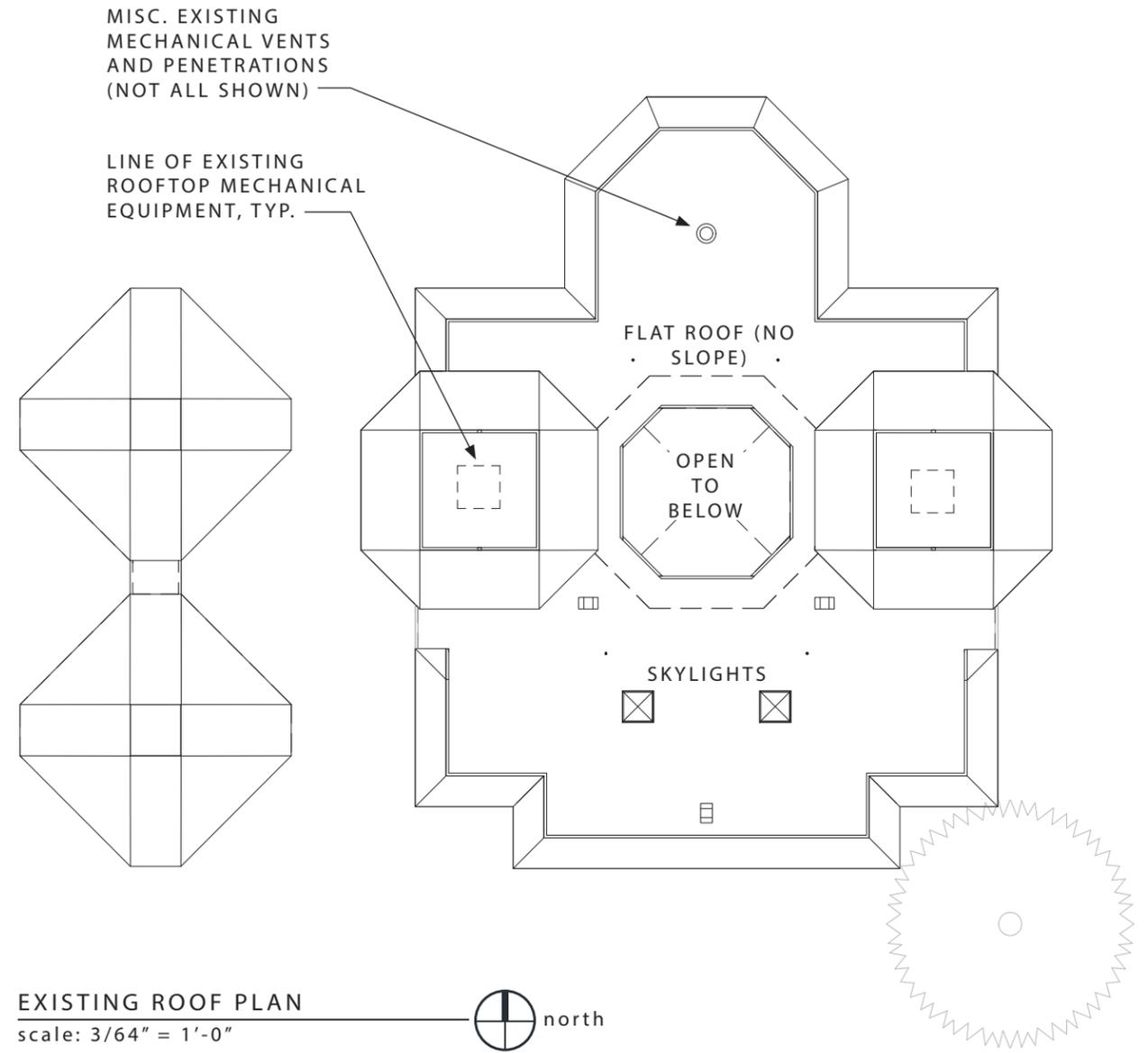
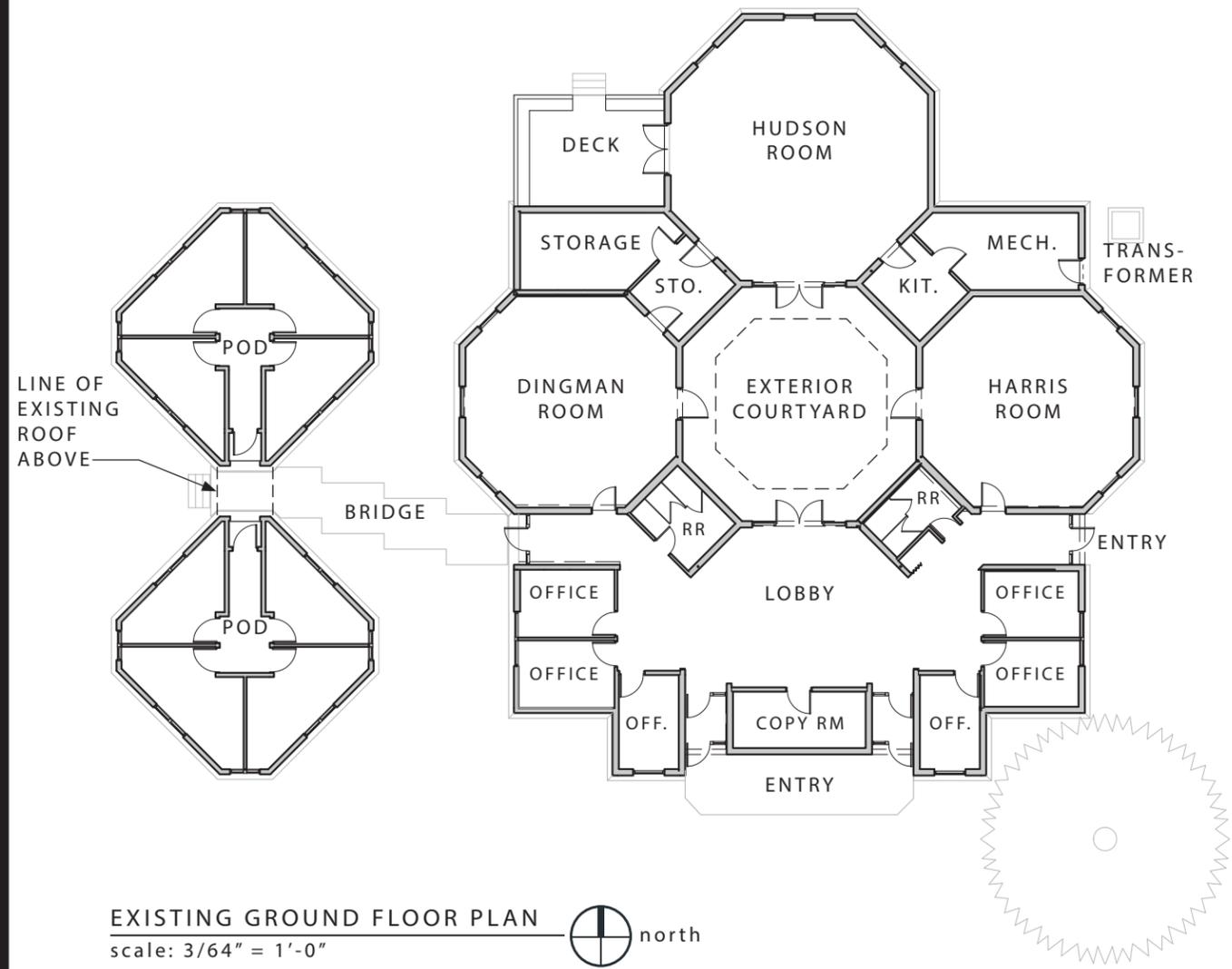


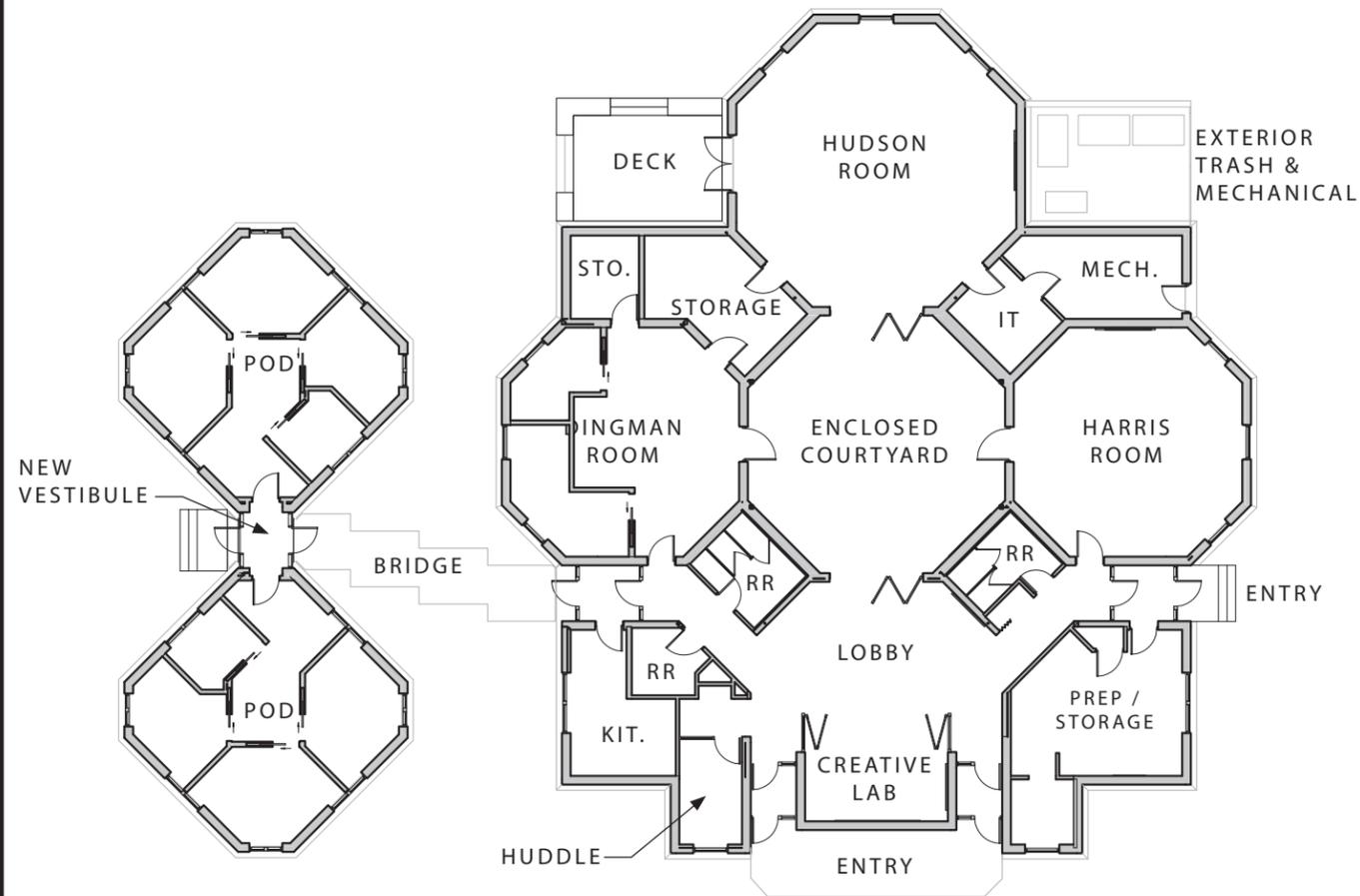
PROPOSED SCOPE NOTES

- BUILDING MASSING, ENTRY LOCATIONS, ETC. TO REMAIN. ALL ROOF FORMS TO REMAIN. FASCIA AND STRUCTURE TO BE REPAIRED/REPLACED AS REQUIRED
- ALL EXISTING WINDOWS TO BE REPLACED WITH NEW ALUMINUM CLAD WOOD WINDOWS IN CONFIGURATIONS, PROFILES, AND TRIM DETAILS SIM. TO EXISTING
- EXPOSED CONDUIT, WIRING, BOXES, ETC. TO BE REMOVED AND RELOCATED TO INTERIOR OF BUILDING
- NEW DOORS TO MATCH EXISTING
- EXISTING CONCRETE PLINTH, CMU BLOCK, AND CONCRETE BOND-BEAM TO REMAIN
- PROPOSED GRADE TO EMPHASIZE CONCRETE PLINTH AT ENTRY AND MEET BUILDING IN SIMILAR MANNER AS EXISTING FOR REMAINING BUILDING
- WOOD FLOOR FINISH ON "BRIDGE" ELEMENT TO BE REPLACED WITH DRIP-THROUGH GRATE. WOOD FASCIA TO REMAIN, REPAIR/REPLACE AS REQUIRED



- EXISTING ROOFTOP MECHANICAL UNITS TO BE REMOVED, ROOFS AT THESE LOCATIONS TO BE INFILLED WITH LOW-SLOPE ROOF (2" RISE)
- NEW OVERFRAMED ROOFS TO HOUSE MECHANICAL BEYOND. NEW SLOPED INSULATION TO BE ADDED TO FLAT ROOF BEYOND PARAPET. ALL NEW ROOF RIDGES SHALL BE LOWER THAN EXISTING PARAPET HEIGHTS. NEW SKYLIGHT TO BE ADDED, PEAK IS MINIMALLY VISIBLE (APPROX. 100' TO NORTH AND 200' TO SOUTH).
- STAINED WOOD DECK TO BE REPLACED WITH SIMILAR-SIZED DECK, BENCH TO BE REMOVED
- NEW VESTIBULE LINKING POD ENTRIES AT BRIDGE TO BE ADDED FOR GREATER ENERGY EFFICIENCY AND ACCESSIBLE ACCESS



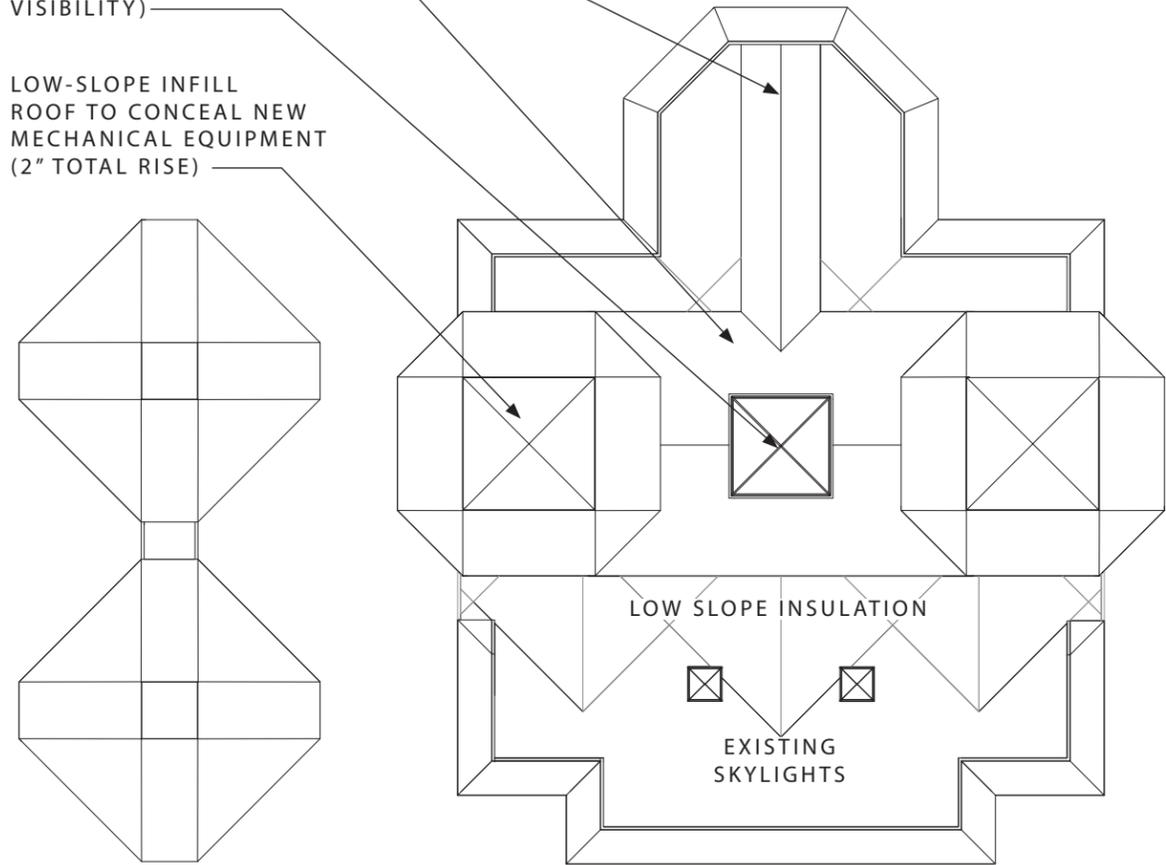


PROPOSED GROUND FLOOR PLAN
scale: 3/64" = 1'-0" north

OVERFRAMED ROOF,
RIDGE IS LOWER THAN
PARAPET WALLS

NEW SKYLIGHT, RISE
IS APPROX. 3' ABOVE
PARAPET WALLS (MINIMAL
VISIBILITY)

LOW-SLOPE INFILL
ROOF TO CONCEAL NEW
MECHANICAL EQUIPMENT
(2" TOTAL RISE)



PROPOSED ROOF PLAN
scale: 3/64" = 1'-0" north



View from East Walkway



Southeast View



Northeast View



Northwest View



Southwest View





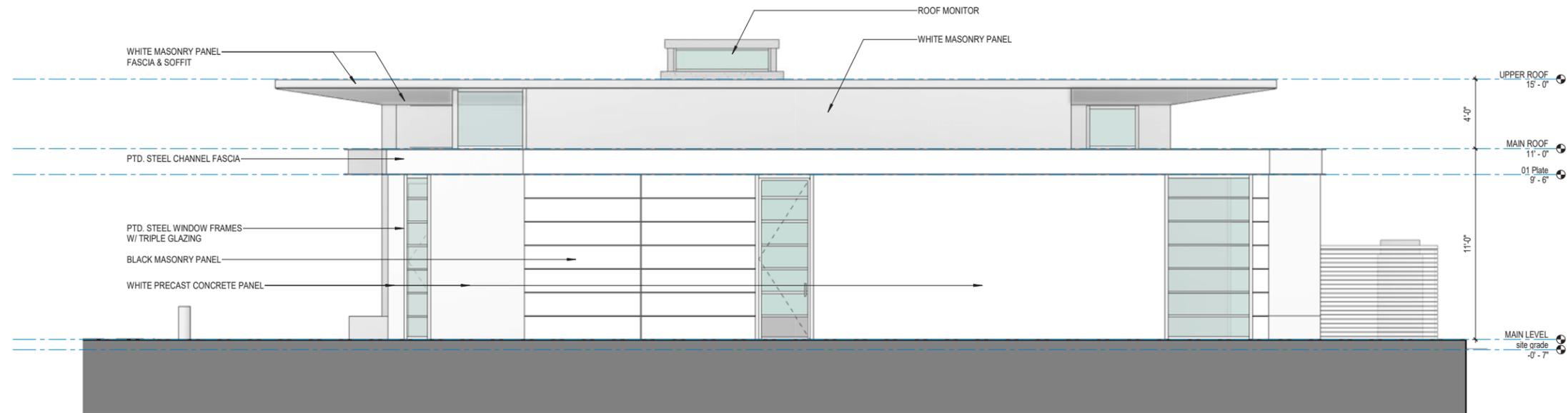




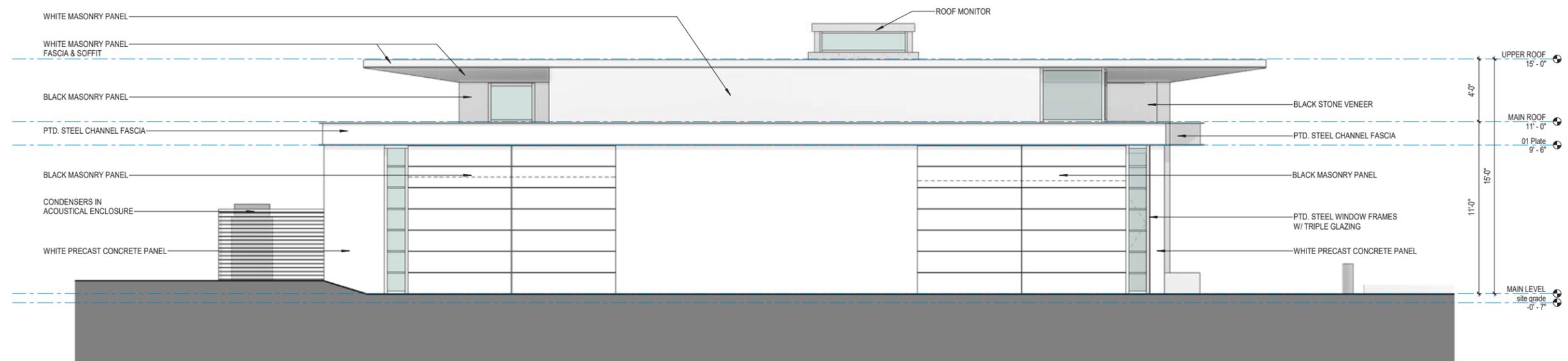
East Elevation



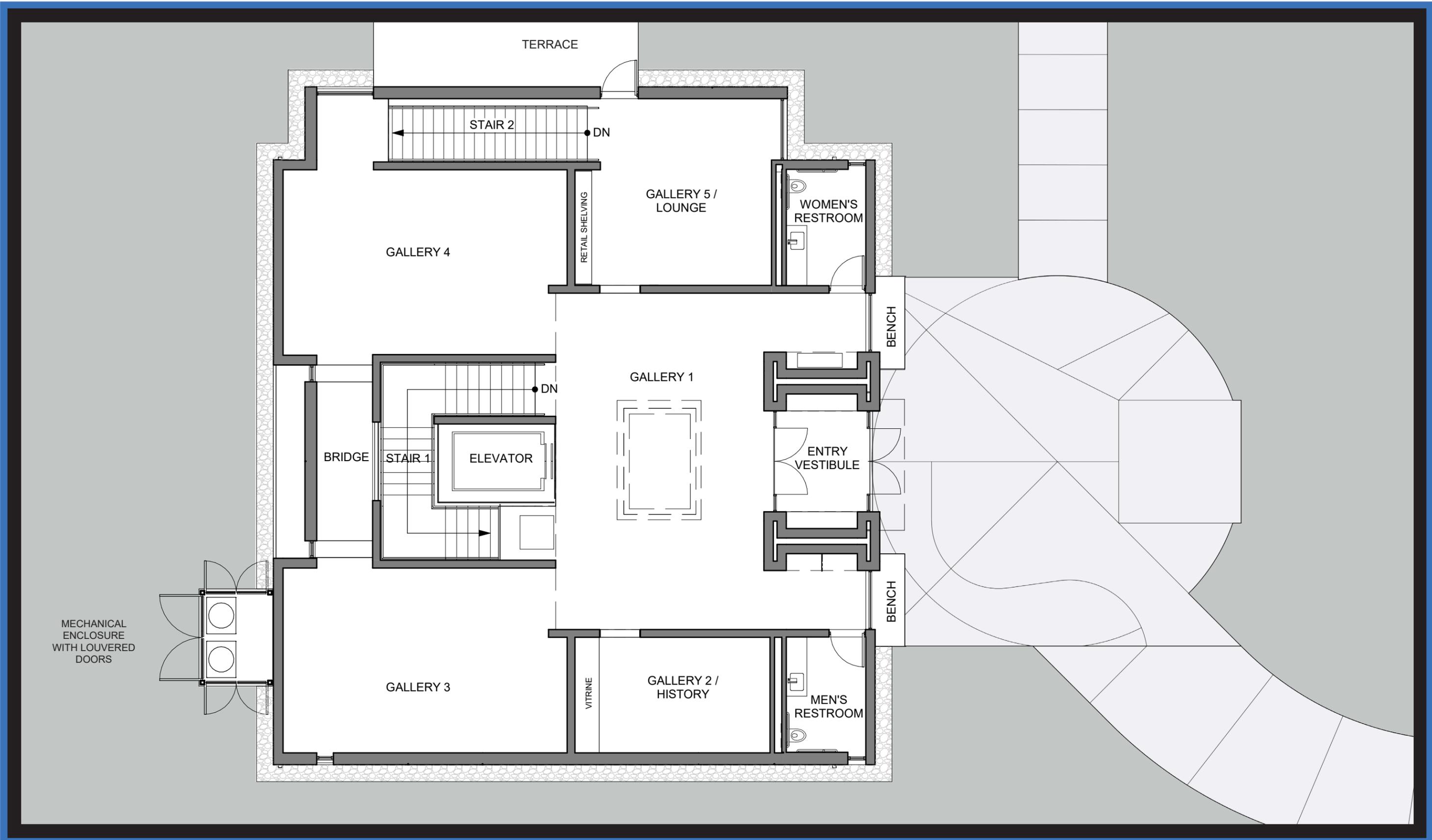
West Elevation

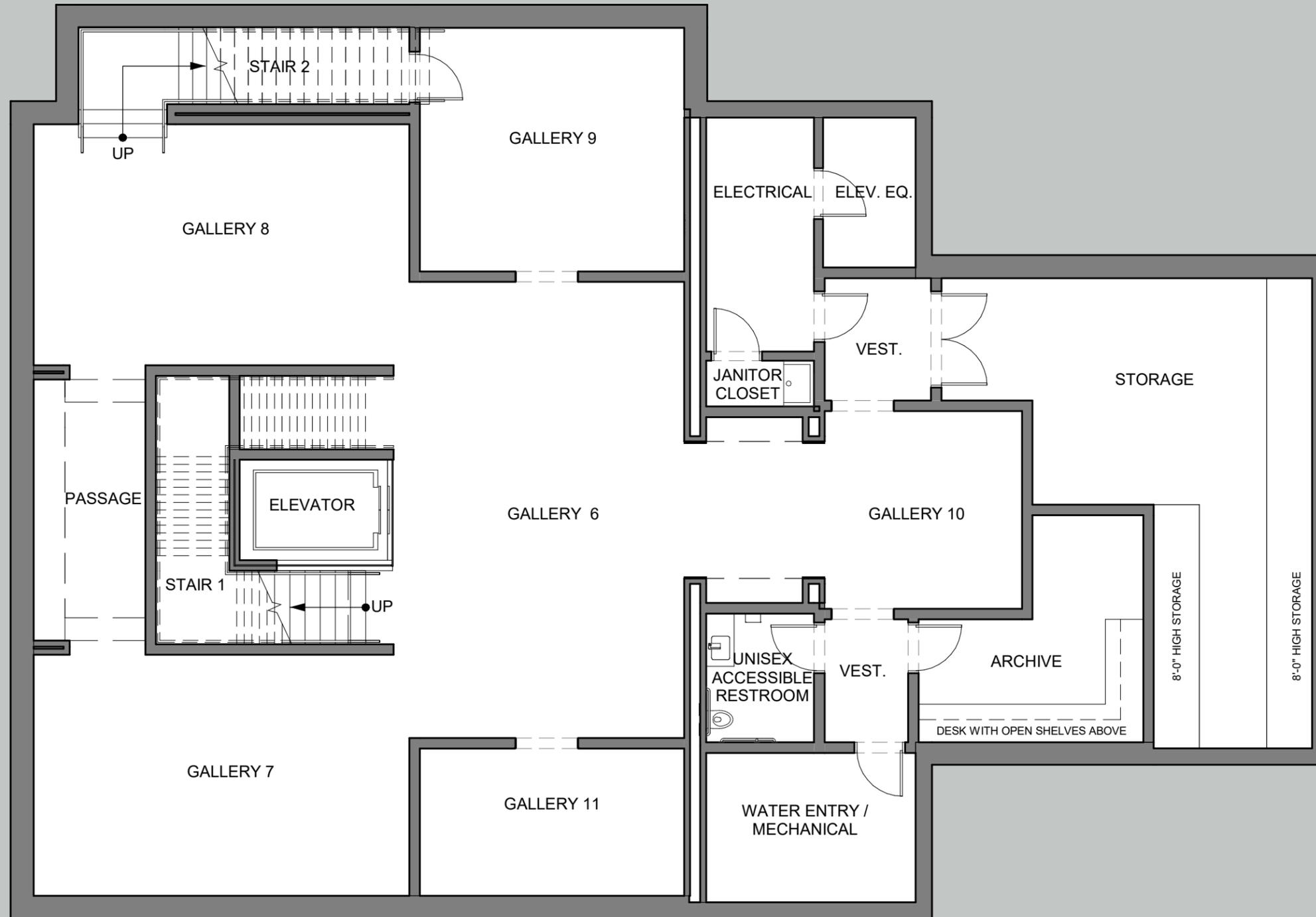


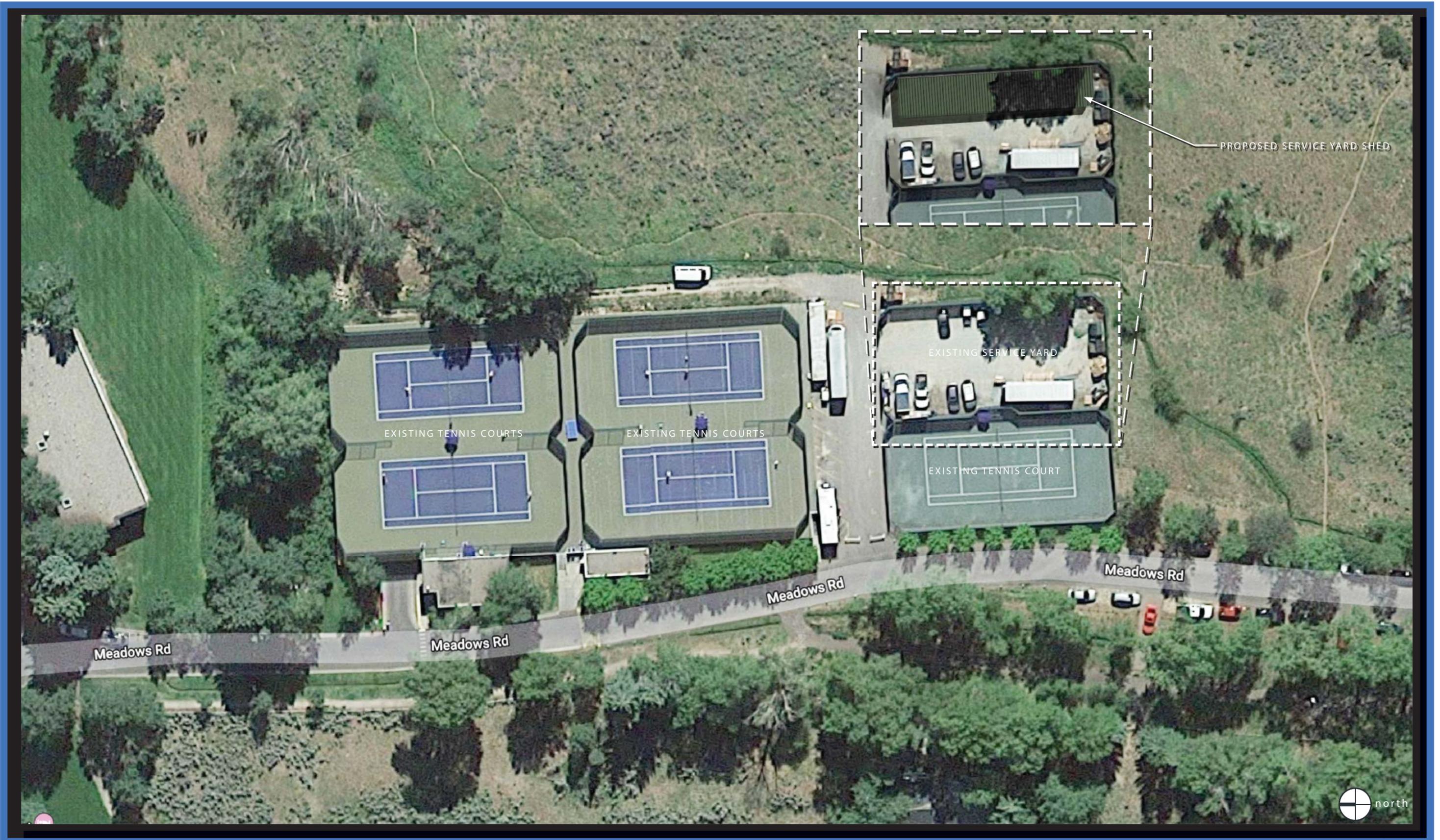
North Elevation



South Elevation





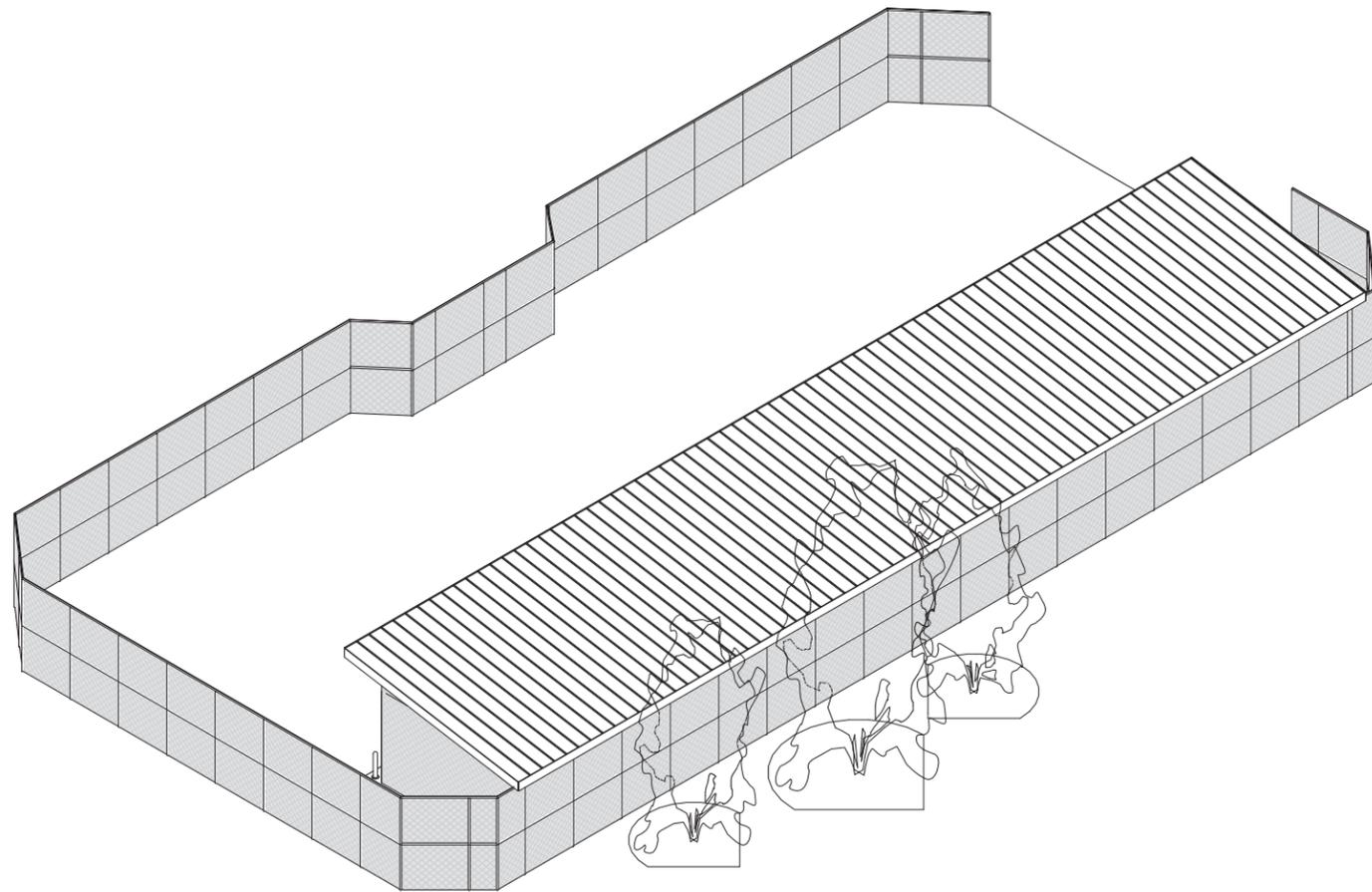




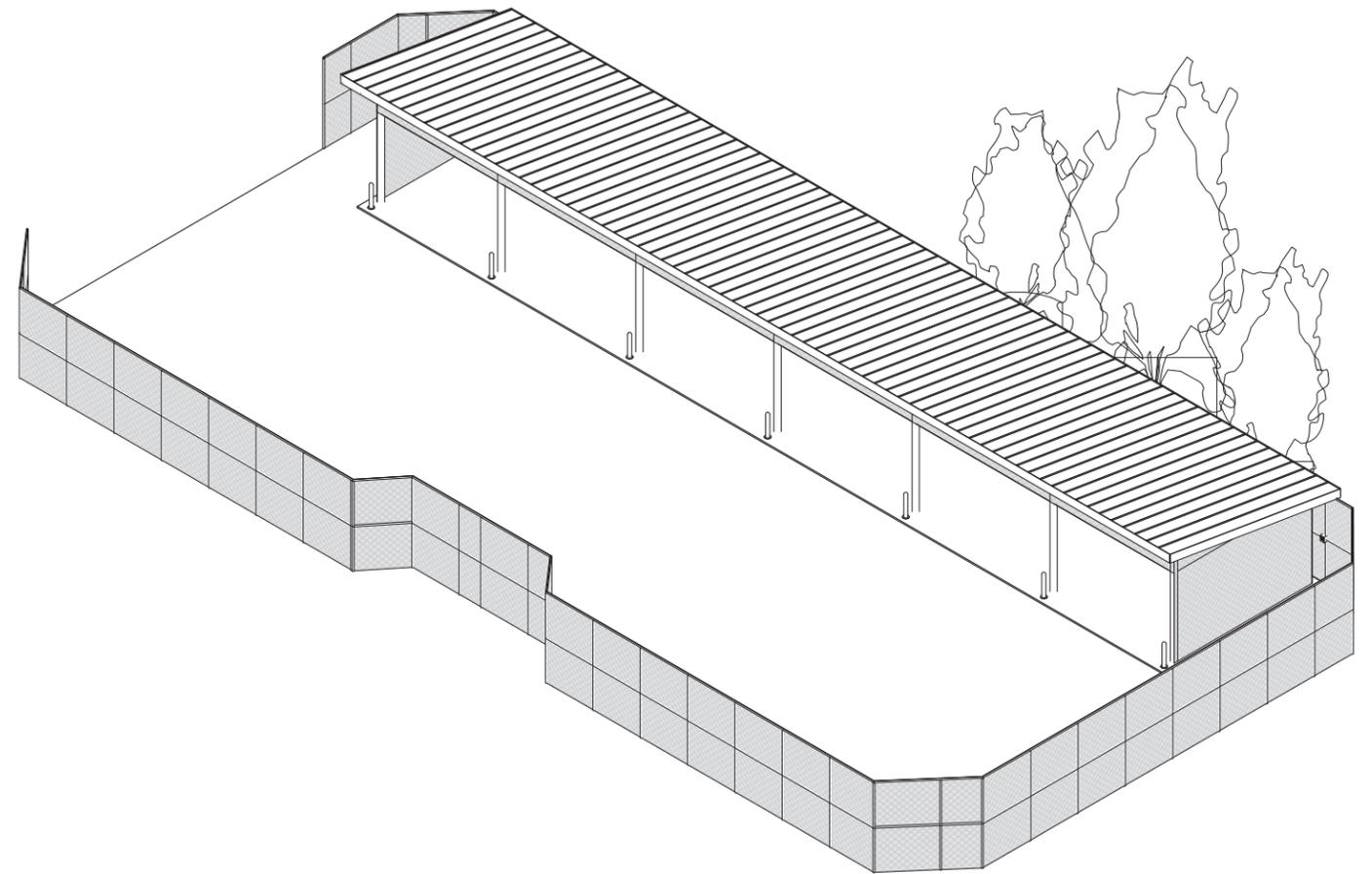
PROPOSED PERSPECTIVE VIEW LOOKING SOUTHWEST



PROPOSED PERSPECTIVE VIEW LOOKING NORTH



PROPOSED AXONOMETRIC LOOKING NORTHWEST
 scale: 1/16" = 1'-0"



PROPOSED AXONOMETRIC LOOKING NORTHEAST
 scale: 1/16" = 1'-0"

RACE TRACK OPEN SPACE

105' - 2"

2' - 4" 15' - 3" 17' - 6" 17' - 6" 17' - 6" 17' - 6" 15' - 3" 2' - 4"

EXISTING CHAIN-LINK FENCE WITH PRIVACY NETTING
EXISTING ELECTRICAL EQUIPMENT TO REMAIN

LINE OF EAVE ABOVE

PROPOSED SERVICE YARD SHED
2,050 SF FLOOR AREA
(BUILDING PAD)

EDGE OF CONCRETE PAD
(SLOPE AND DRAINAGE TBD W/ SITE SURVEY)

BOLLARD, TYP.

STEEL COLUMN (6"X6" HSS TUBE ASSUMED), TYP.

102' - 6" CONC. PAD

21' - 8"

20' - 0" CONC. PAD

APPROX. 60' - 3"

EXISTING PARKING LOT

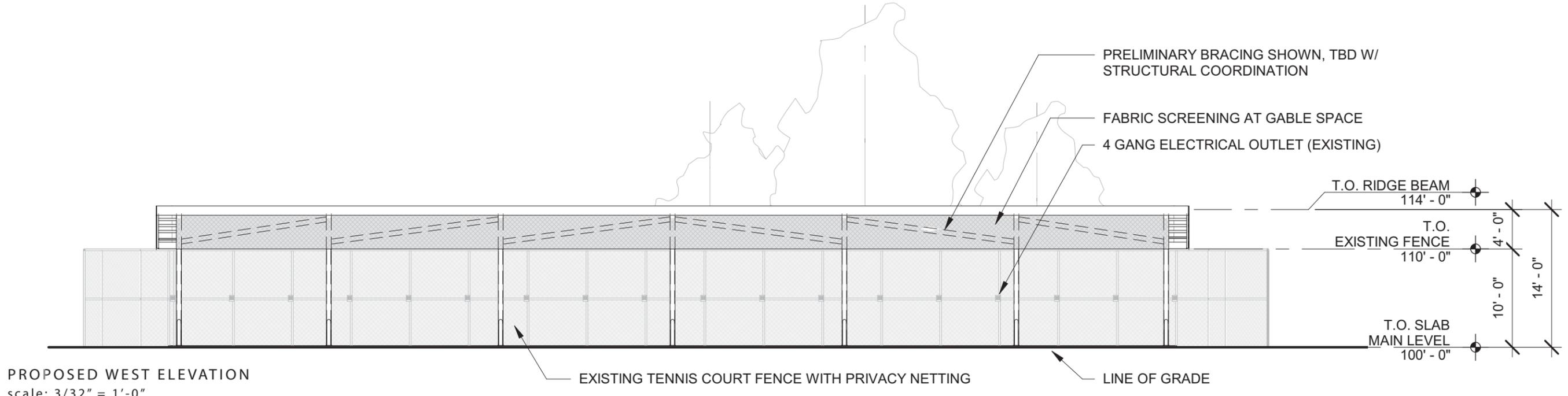
EXISTING SERVICE YARD

EXISTING TENNIS COURT

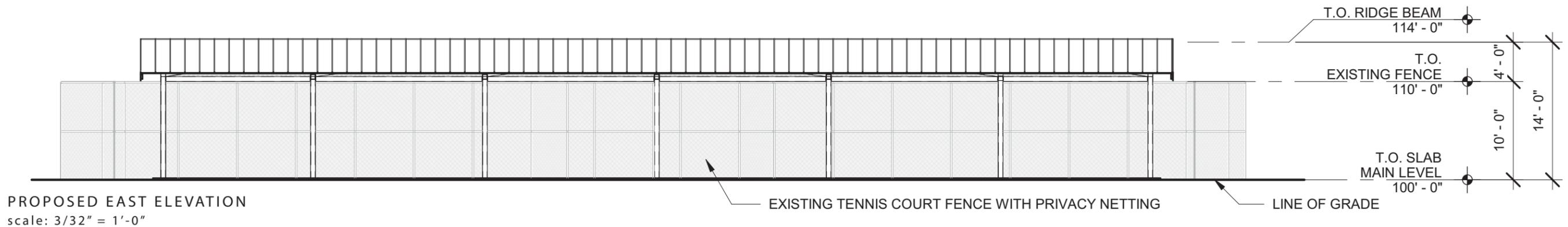
120' - 5 7/8"



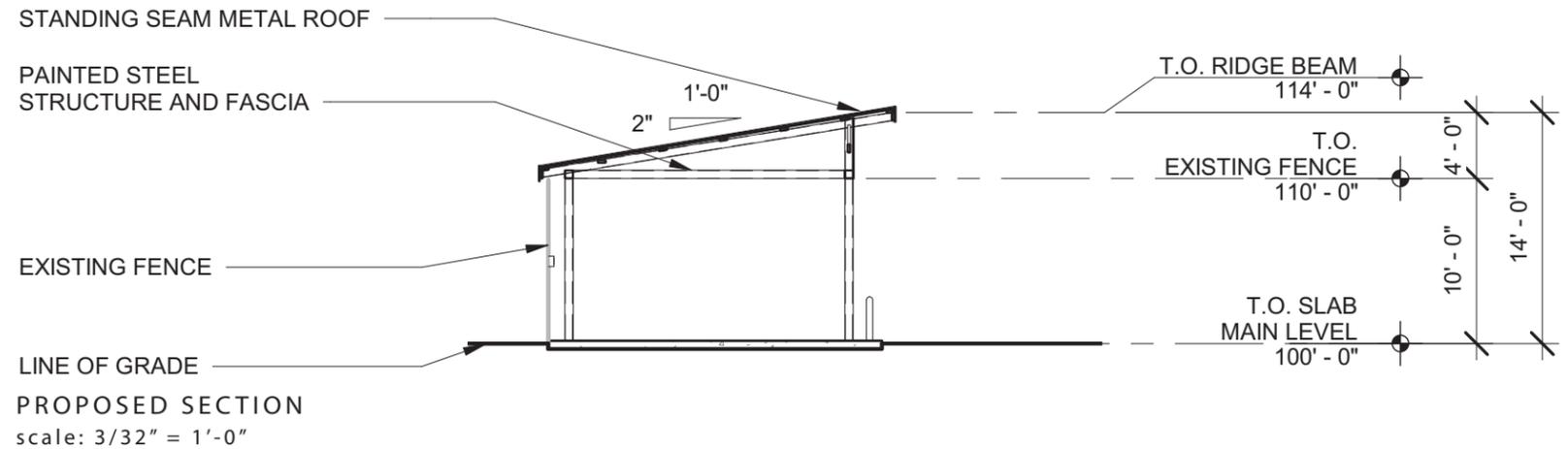
scale: 3/32" = 1'-0"



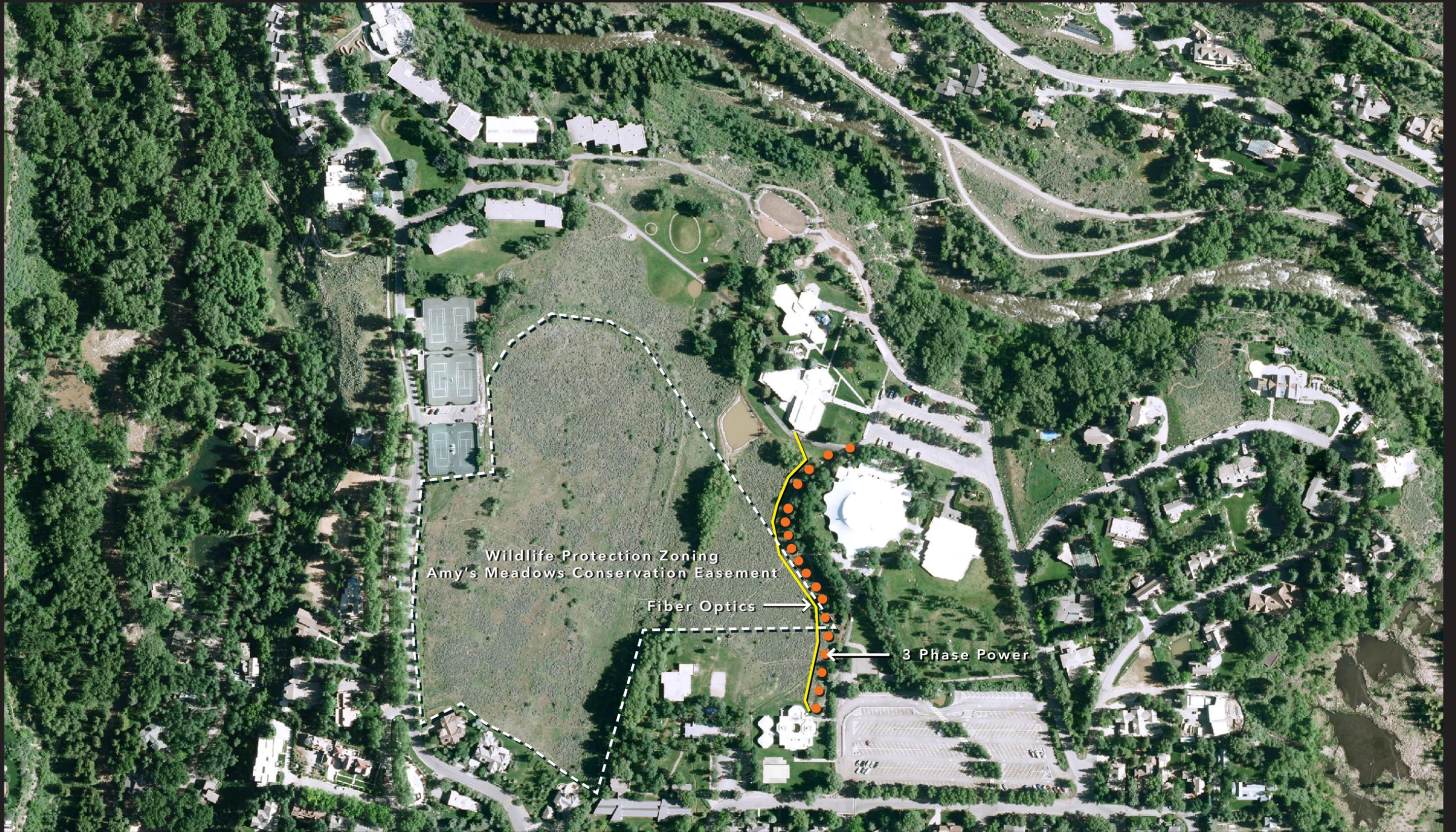
PROPOSED WEST ELEVATION
scale: 3/32" = 1'-0"



PROPOSED EAST ELEVATION
scale: 3/32" = 1'-0"



PROPOSED SECTION
scale: 3/32" = 1'-0"

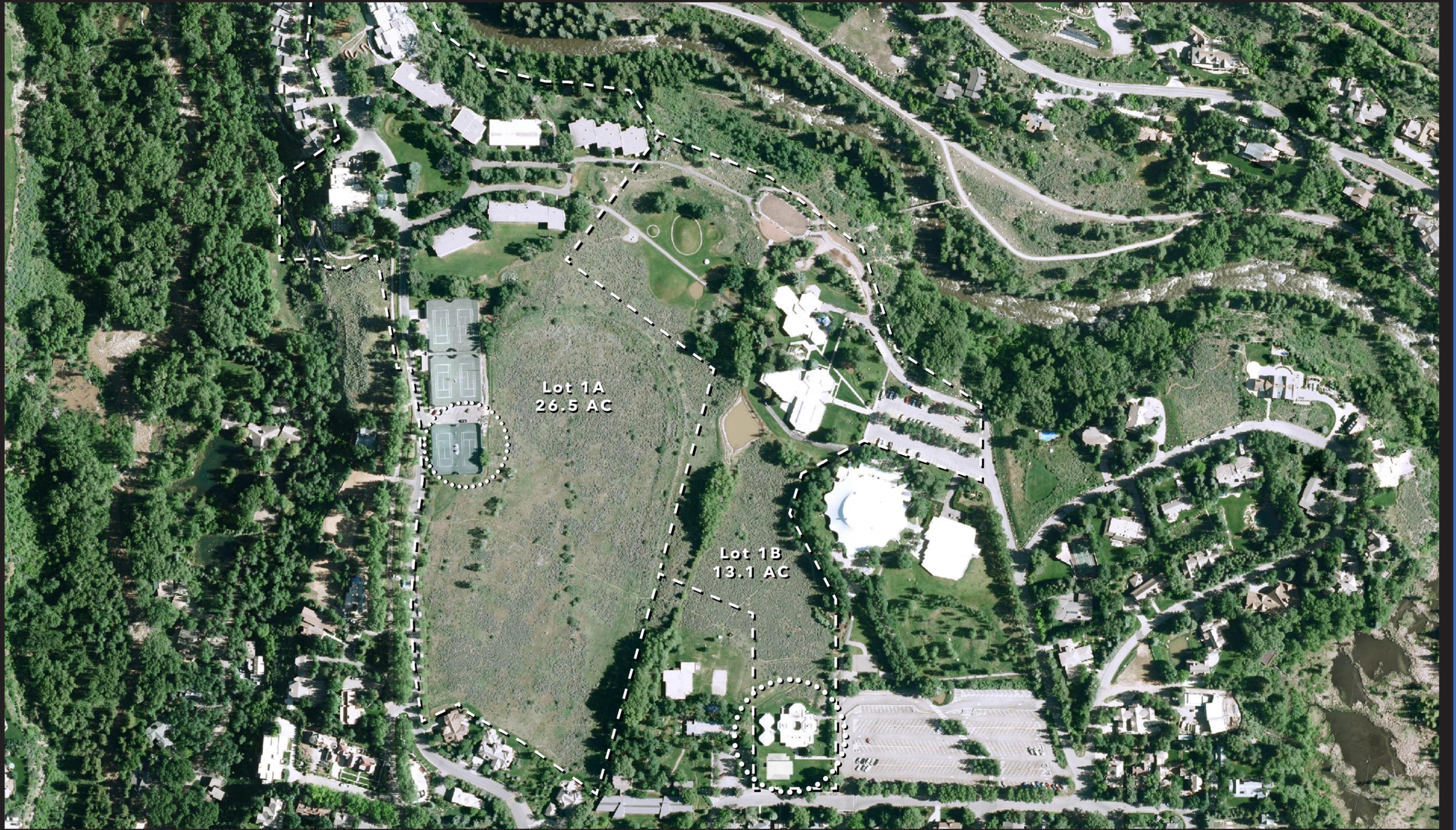


Wildlife Protection Zoning
Amy's Meadows Conservation Easement

Fiber Optics →

← 3 Phase Power





Lot 1A
26.5 AC

Lot 1B
13.1 AC

From: rfelder5606@cox.net
To: [Amy Simon](mailto:Amy.Simon)
Cc: falender@comcast.net
Subject: Aspen Institute Center for Bayer Studies
Date: Friday, January 10, 2020 4:38:13 PM

Amy,

My wife Debbie and I live at 615 West Gillespie Street which is directly across the street from the proposed Bayer Center. We are the next door neighbors of the Falenders who have raised a number of important issues about construction of the Bayer Center, which we agree with and support. We write these comments to emphasize the need for conditions and mitigations that we believe must be attached to any approval granted by the HPC and the City Council for construction of the Bayer Center.

The Institute has chosen to place the Bayer Center right on Gillespie Street. There is no setback of the Bayer Center as there is for all other Institute buildings and Music Festival facilities. Given this location, it is imperative that HPC and City Council approvals be conditioned on adequate safeguards to protect the residential neighborhood . The Bayer Center must be restricted to serving as a museum and research property. It must be restricted against serving as a social gathering place or conference center. Under no circumstances should any activities at the Bayer Center be conducted outside of the building. The Institute already has buildings that serve these purposes that do not infringe on the quiet enjoyment of the neighborhood. The improvements to the entrance to the Music Festival parking lot and bus lane must be extensive enough to address the longstanding health and safety issues caused by traffic induced dust.

Consideration should be given to ending truck parking on the north side of Gillespie street and to confining all loading and unloading to the parking lot. Restricting parking will also help guarantee that Gillespie Street does not become a safety hazard to residents and visitors to the Institute. Every effort should be made to protect Gillespie Street and the neighborhood from the additional burdens that the Bayer Center will place on this quiet corner of the West End.

We would appreciate it if you would forward our comments to the HPC and the City Council.

Thank you,

Debbie and Richard Felder

From: [Falender](#)
To: [Amy Simon](#); [Jim Curtis](#); richard.stettner@aspeninstitute.org; [Jannette Whitcomb](#); [Sara Ott](#)
Cc: [Steve Falender](#); [Debbi](#)
Subject: Center for Bayer Studies
Date: Wednesday, January 8, 2020 5:04:26 PM

Amy,

We received the formal notice today for the upcoming Aspen Institute public hearing including the proposed Center for Herbert Bayer Studies.

Debbi and I live at 603 W. Gillespie, which is directly across Gillespie from the proposed Bayer building. Jim Curtis, on behalf of the applicant, met with us on site and has kept us updated on the proposal, and we have discussed our concerns with him.

1. The extent of paving of the bus lane and entrance/exit to the parking lot has not been resolved. It is imperative to us that the bus lane be paved from Gillespie to the existing music tent bus shelter and that the entrance/exit to the parking lot onto Gillespie be paved a significant distance into the parking lot. We have been experiencing dust from the traffic lane and parking lot for years that exceeds city codes. Notices have been sent by the city to the Music Festival notifying them of the violation of environmental health standards, but evidently city drainage codes are resulting in costs to pave that are unacceptable to the Music Festival. It's way past time for the Festival, Institute, and city departments and management/ Council to reach a solution that results in paving as an absolute condition of any new building. We support the activity at the Festival and Institute, but the increased amount of events has resulted in increased truck set up traffic, big busses, and many cars and trucks using the lot. Paving is a necessity for the health of neighboring residents!
2. Exterior lighting should be similar to the low lights that now exist on Institute walks and consistent with residential lighting codes.
3. The approval should limit the use to a museum and activities directly related to the museum exhibits. Because the parking is limited, the approval shall specifically prohibit the building to be used as a general conference or event center. The parking agreement between the Festival and Institute has a short term end date which is a concern.
4. All construction parking and staging should be within the parking lot and construction vehicles should be prohibited from using the residential street parking. Significant mitigation should be required for dust, mud etc. to protect the neighboring residential properties during construction.

Thank you for your attention to these concerns.

Steve and Debbi Falender
603 W. Gillespie St
970-618-6660

Lisa Markalunas

15 Williams Ranch Court, Aspen, CO
Mailing: P.O. Box 8253
Aspen, CO 81612
970-925-8623

January 20, 2020

City of Aspen
Historic Preservation Commission
130 S. Galena Street
Aspen, CO 81611

Dear HPC Chairman & Commissioners:

I would like to offer comments on the proposal to add the new Center for Herbert Bayer Studies to the lawn of the Boettcher Building. I find the proposal, particularly the landscape design, to be ostentatious and a more heavily formalized landscape that does not befit the history of the Campus. The multi-colored archway, which I'm sure is intended as a homage to Bayer colors, is out of character with the subtleties of the adjoining buildings and the neighborhood and distracts from the buildings as a focal point themselves.

The siting and size of the new building, while compatible architecturally, feels crammed into too small a space. Perhaps the building size can be further reduced in size. Perhaps there are opportunities to display Bayer's works in existing Bayer buildings on the Campus. The siting and extensive fencing does not allow access to the property from logical parking areas.

As someone who accesses the property almost every day of the year and in all seasons, I appreciate the beauty and particularly the fall and winter solitude of the Aspen Institute Campus. Unfortunately, solitude is not an option any longer in the summer months due to the heavy use of the entire property. I also recognize the impacts of events and associated traffic on the neighborhood. While these events have historically been summer focused, more and more events are spreading into the off-season and winter months. I am afraid that the new Bayer Center will be another focus for events and their associated traffic year-round.

We must recognize that the Boettcher building and the new proposed Bayer Center have **no parking of their own**. They are at the mercy of the Music Associates or the Aspen Center for Physics for staff and visitor parking with just a few on-street parking spaces. Improvements and paving to the Music Festival lot, in its entirety, are long overdue. Dust and mud track onto neighborhood streets from the parking lots as bus, shuttle and vehicle traffic increase and create breathing hazards of exhaust and dust throughout the area.

I applaud what appears in the proposal to be the relocation of the conduit installed some years ago which is not in keeping with the exterior architectural integrity of the Boettcher building. I am pleased that the storage shed is enclosed within the existing or prior tennis court structure and not a further encroachment onto the historic meadow.

City of Aspen
Historic Preservation Commission
January 20, 2020
Page 2

I am the most saddened by the inevitable relocation and possible inevitable destruction of one of the most beautiful and perfectly formed spruce trees, on the entire Aspen Institute Campus, which has the unfortunate luck to be located squarely in the center of the proposed siting for the new Bayer Center. I hope that this can be avoided. I am heartened to learn that City Staff is opposing the removal of historic cottonwood street trees some of which are located on City property and hope that the City will stalwart in its protection of all of these large and beautiful trees, including mature aspen, spruce and cottonwood trees that exist on the site.

The promises and assurances to the neighborhood by the Aspen Institute and Aspen Meadows on their last round of approvals to utilize Seventh street as their primary access for truck and van service to the Meadows resort has fallen into the dustbin of history. I would venture to guess that current management of the Aspen Meadows is not even aware of the promises made and unkept as the Meadow van and shuttle service travels primarily down North Street, but also Gillespie Street, dozens of times per day to and from downtown and fails to use Seventh Street as promised. No one objects to some access when Main Street is clogged with rush-hour traffic or Seventh Street is barricaded by the police department but this access goes on down North Street by primarily Meadows van service (but also CME vans during large events and some delivery truck traffic) at all times of the day and night even when Main Street is a viable and easy option.

Construction and traffic are ruining the quality of life in this community and some mechanism to pace construction is a goal that the Aspen City Council really should put at the top of its list to address. While all of these impacts cannot be laid at the feet of the Aspen Institute, the renovation of the Boettcher Building and the construction of a new Center for Herbert Bayer Studies building adds more construction to the construction that is already overwhelming in the West End neighborhood. Construction is no longer an occasional burden but an on-going fact of life to be endured by neighbors for decades. Construction really never ends; it just moves to another part of the neighborhood.

It is true that offering an event hub for non-profits, at the far end of a residential neighborhood, that is also heavily impacted by the commuter traffic who elect to use the safety valve escape of Power Plant road to avoid the inadequacies of the large amount of traffic and congestion at the Entrance to Aspen, only exacerbates the impact on neighbors. While we are not able to solve the larger entrance problem and symptom of our every increasing growth, and a real estate development market that has eclipsed our tourist economy and community, we must recognize that there are real neighborhood impacts of traffic and parking, with associated dust and exhaust, for every new event venue constructed, every event scheduled and every construction project undertaken.

Sincerely,



Lisa Markalunas

From: [Matthew Brown](#)
To: [Amy Simon](#)
Subject: Bayer Center project comments
Date: Wednesday, January 22, 2020 2:15:07 PM

Hi Amy,

Hope you are well.

As a long-time town resident, member of the Institute and neighbor of the proposed site we are very excited with the Bayer Center renderings.

The Aspen Institute and its programming are a true gift for City residents as well as visitors alike. Honoring the contributions of Herbert Bayer with this new center is a great thing.

Being a neighbor to this site provides us with unique visibility. Our main suggestion to this project is infrastructure related. We encourage this project to include the paving of the bus lane and 5th street entry into the Institute parking lot. Currently the 5th street entry which is the main artery in and out of this massive parking lot is dirt. On a dry day which is quite common in Summer when usage is greatest the clouds of dust and sediment generated from each and every bus and vehicle really degrades our air quality as well as pedestrian experience and creates a general mess.

Additionally given the proposed improvements to the area in and around 5th and 6th streets, I would also encourage pedestrian foot path and landscaping between 4th and 5th on Gillespie Street on the street side facing the Institute/Music Festival parking lot. This area sees the greatest volume of street parking activity as well as foot traffic yet offers no off-street walking surface, no landscaping as the other bordering blocks do and receives little maintenance in spite of its function as the main off-street access for foot traffic. With such an amazing facility and beautifully designed campus it seems like an odd omission for this one block to be left out of the plans and remain in such an inadequate condition.

Thank you for your consideration.

Matt Brown
515 W. Gillespie Street

January 30, 2020

Aspen City Council members:

I would like to articulate my concern about the proposed museum on the Aspen Institute grounds, using the words of Herbert Bayer himself. Quoting from Herbert Bayer; the complete work by arthur a. cohen pg 152-153:

"Since the environment is the most universal term of social interaction, the environment in all its natural and man-made components is the substratum of the modern arts. As Bayer observed, supplying a coda and transition to this discussion, "my projects dealing with environments are not merely imaginative ideas such as the designs and symbols which today's earth artist scratch into the surface of the desert...my aim with environmental designs is to carry art and design from the privacy of the museum to the public realm (117:44)." Whatever the accuracy of Bayer's distinction of himself from the artists of earthworks (and we shall address this issue shortly), what emerges as the visionary insistence of his whole art-not simply in "earthworks" but in all domains of his activity-is that the artist is the form giver who elevates as he unifies. It is the ethical insistence of the Bauhaus and neoplasticism that culture is enhanced and man ennobled as the arts become commingled in the formation of pure and integral beauty. The corollary of such an ethical usage is the belief that the aesthetic unity has salvational value, that art "redeems" if its means are honest and truthful.

Gardens and Earthworks

The interaction of sculpture, architecture, and environments is most clearly asserted in the complex of projects that grew up around Bayer's design and building of the Aspen Institute for Humanistic Studies and the redevelopment of Aspen Colorado, following his move there in 1946. Remember that in 1944 following a winter visit to Vermont, Bayer began his remarkable "Mountains and Convolutions" series, which centered about the pictorialization of tectonic motion, the undulancy of landscape, the incredible dynamism of the earth's surface reflecting movements deep within the earth and far back in time. "in 1944, I suddenly saw the (the mountains) as simplified forms, reduced to sculptural surface motion (128:32)."

I am happy to share this book with you and walk you through the many illustrations of his work here in Aspen, which I remember clearly when they were being installed.

In the example of the Marble Gardens and the Anaconda on the Institute grounds – Bayer ensured that the environment was the centerpiece and the sculptured art was a compliment to the natural environment and not a focal point. The harshness of the colors of the proposed pillars and the location proposed for said pillars, are not compatible with the natural environment, which were essential principals of Bayer's development of the Aspen Institute property. Bayer's sensitivities to the environment as noted in the box above; are crucial elements to keep in mind when designing this new tribute to his work.

Retaining the existing natural environment (trees, honeysuckle bushes etc..) in the creation of a new building to house the museum is in keeping with Bayer's environmental philosophy. What I have seen of the proposed new building thus far seems to be complimenting the current Boettcher Buildings and the surrounding environment. The existing entrance location functions effectively with the existing parking lot and bus lanes. The proposed new entrance appears to be an eye sore and out of alignment with the existing parameters.

Please have the Aspen Historic Preservation Committee, the Aspen Institute, the architectural firm and the landscape consultants, reevaluate the proposed site plan with Herbert Bayer's fundamental philosophies as a guide.

Sincerely,



Janice Collins
531 West Gillespie St
Aspen, CO 81611
970 309-8885

RESOLUTION #4, SERIES OF 2019

A RESOLUTION OF THE ASPEN HISTORIC PRESERVATION COMMISSION GRANTING CONCEPTUAL MAJOR DEVELOPMENT AND COMMERCIAL DESIGN REVIEW APPROVAL, AND RECOMMENDING HISTORIC DESIGNATION AND BENEFITS, GROWTH MANAGEMENT, PLANNED DEVELOPMENT, SPECIAL REVIEW, TRANSPORTATION IMPACT AND TRASH STORAGE APPROVAL BY CITY COUNCIL FOR THE PROPERTY LOCATED AT 620 GILLESPIE AVENUE AND 845 MEADOWS ROAD, ASPEN INSTITUTE

PARCEL ID: 620 Gillespie Avenue, Parcel ID: 2735-121-29-809
and 845 Meadows Road, Parcel ID: 2735-121-29-008

WHEREAS, the Community Development Department received an application for historic designation and renovation of the Boettcher Building and construction of a new Center for Herbert Bayer Studies and a storage shed from The Aspen Institute, represented by Curtis and Associates, Jeffrey Berkus Architects and Rowland + Broughton Architects, which requires the following land use review approvals:

- Historic Designation and Benefits (Section 26.415.030.C) for voluntary historic designation of the Boettcher Building, as an example of AspenModern.
- Conceptual Commercial Design (Section 26.412.040) for remodel of the Boettcher Building, construction of the Center for Herbert Bayer Studies, and construction of a new storage building.
- Conceptual Historic Preservation Major Development (Section 26.415.070.D) for remodel of the Boettcher Building, construction of the Center for Herbert Bayer Studies, and construction of a new storage building.
- Growth Management Employee Generation Review for an Essential Public Facility (Section 26.470.050.C) to establish employee generation to be used as the basis for affordable housing mitigation.
- Planned Development, Project Review (Section 26.445.040.B) for allowed land uses, layout, mass and scale, and dimensions of the project.
- Transportation and Parking Management, Special Review (Section 26.515.080) to establish, vary or waive transportation, mobility, or off-street **parking** requirements to serve the project.
- Trash and Recycling Storage (Section 12.10) to incorporate the determination of the Environmental Health Department into the land use review; and

WHEREAS, all code citation references are to the City of Aspen Land Use Code in effect on the day of application completeness- December 10, 2019, as applicable to this Project; and,

WHEREAS, the Community Development Department received referral comments from City Engineering, Building Department, Environmental Health, Parks, Aspen/Pitkin County Housing Authority, and Zoning as a result of a Development Review Committee meeting; and,

WHEREAS, said referral agencies and the Aspen Community Development Department reviewed the proposed Application and recommended conditions; and,

WHEREAS, pursuant to Chapter 26.304.060 of the Land Use Code, the Community Development Director may combine reviews where more than one (1) development approval is being sought simultaneously; and,

WHEREAS, all required public noticing was provided as evidenced by an affidavit of public noticing submitted to the record, a summary of public outreach was provided by the applicant to meet the requirements of Land Use Code Section 26.304.035, and the public was provided a thorough and full review of the proposed development; and,

WHEREAS, the Historic Preservation Commission reviewed the Application at duly noticed public hearing on January 22, 2020, during which the recommendations of the Community Development Director and comments from the public were heard by the Historic Preservation Commission, and approved the application by a vote of 6 to 0.

NOW, THEREFORE BE IT RESOLVED BY THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ASPEN, COLORADO THAT:

Section 1: Approvals

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the Historic Preservation Commission hereby grants Conceptual Major Development and Commercial Design Review approval, and recommends City Council grant Historic Designation and Benefits, Growth Management, Planned Development, Special Review, Transportation Impact and Trash Storage approval subject to the following conditions.

1. The designation of the Boettcher building shall include the Center for Bayer Studies and the surrounding landscape. Only Boettcher itself will be considered a historic resource, but HPC will have purview over the future and current development of this area of the campus in perpetuity. A map of the designation must be included in the final Council ordinance. Language that exempts temporary tents, artwork and similar elements from HPC review can be developed for the Council ordinance at Second Reading.
2. Based on extensive comment at the January 22nd HPC meeting, the board recommends significant restudy of the site plan and landscape design for Final Review.
3. Regarding the applicant's request to complete all entitlements and to record all Approval Documents within 90 days, staff will work with the applicant to review drafts and record the documents in a timely manner. No applicant may apply for building permits until 30 days after a final approval is granted, due to the statutory appeal period. Preliminary review and consultation with permit reviewers will be provided to the extent possible.
4. Concerning the request to receive a building permit within 90 days of submission, the applicant and Building Department are developing mutually agreeable language on this point, which will be included in the Council ordinance at Second Reading.
5. The Parks Department has agreed to the removal of a large spruce tree that is

encroaching on the Boettcher Building, and the on-site relocation of a tree within the footprint of the proposed Center for Bayer Studies. The location for the moved tree must be approved by HPC at Final review.

6. The applicant proposes to complete all pre-construction site work in Spring 2020 and requests permits be issued to facilitate this. A condition acceptable to permitting agencies will be included in the Council ordinance at Second Reading.
7. The applicant requests exemption from Parks Development and Transportation Impact fees for the full project. Council must specifically take action to provide an exemption for a non-designated structure (the Bayer Center), and may do so when it wishes to exempt an essential public facility as a means of subsidizing construction or providing an economic development incentive. Staff defers to Council and will include the direction in the Council ordinance at Second Reading.
8. In order to ensure that the applicant's proposal for managing parking, trash, traffic, etc. as well as to ensure that appropriate affordable housing mitigation is provided, staff is working with the applicant on mutually agreeable language such that no private events shall be held on this area of the Institute campus. For the same reasons, no food preparation or kitchen facilities are proposed to be allowed in the Bayer Center. The wording of this condition of approval will be finalized in the Council ordinance at Second Reading.
9. The storage shed along Meadows Road may be used for storage and charging electric vehicles only. Heat and plumbing will not be provided to the building without further approvals.
10. The applicant's representation that the project generates 1.5 FTEs is approved. Those FTEs shall be mitigated at a rate of 65% through the payment of a cash-in-lieu fee at the Category 4 level, calculated at the time of building permit.

To ensure the FTE representation is accurate, a formal employee audit (the scope of which will be finalized in the Council ordinance at Second Reading) will be conducted prior to building permit approval and provided to APCHA to review and approve with a required follow-up employee audit to be conducted 2 years after Certificate of Occupancy and 5 years after Certificate of Occupancy. Any additional FTE's over the 1.5 that are directly related to the Boettcher Building or Center for Bayer Studies will need to be mitigated via credits through on-site mitigation, off-site mitigation or the Affordable Housing Credit Program if over 0.10, or by the current cash-in-lieu established at the time of that specific employee audit if under 0.10. APCHA does not recommend anything greater than 0.10 FTE's to be mitigated by cash-in-lieu. Cash-in-lieu for FTEs over 0.10 requires the approval of City Council.

Section 2: Subsequent Reviews

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the Applicant is required to obtain Planned Development - Detail Review and Final Major Development Review in order to proceed to building permit. The applicant shall combine these applications, and they shall be made no later than one (1) year following City Council approval of the reviews outlined herein. Failure to file such an application within this time

period shall render the Planned Development - Project Review, Conceptual Major Development approval and Growth Management approval null and void. This deadline may be extended by the Community Development Director, pursuant to Section 26.445.090.C of the Land Use Code.

In addition to the general documents required as part of a Planned Development - Detail Review, the following items shall be required as part of the Application's Planned Development - Detail Review:

- a. An Outdoor Lighting Plan, pursuant to section 26.575.150.
- b. An existing and proposed Landscaping Plan, identifying trees with diameters and values.
- c. A finalized Transportation Impact Analysis, approved by the City of Aspen Engineering Department.

Section 3: Engineering Department

The applicant must address the following to the satisfaction of the Engineering Department.

Public Improvements (all required at building permit):

1. All adjacent sidewalks and curb & gutter must be replaced as part of the project. The sidewalk along Gillespie St involves tree conflicts and must be vetted with the Parks and Engineering Departments.
2. The ADA ramps at the corner must be replaced and compliant. The TIA refers to ADA/pedestrian crossing improvements. Please ensure ramps and crossing are to be installed.
3. Curb and gutter will be required between the parallel parking along Gillespie and the parking lot entrance. Please adjust the plans.
4. Conveyance across parking lot entrance must be accounted for. Please adjust plans.

Drainage Improvements (all required at building permit):

1. Rain garden is located on opposite side of property than the Center for Bayer Studies. How will drainage be conveyed through the property? Please provide further conveyance information.
2. Porous asphalt will not be allowed for the parking lot at shed. The Urban Drainage and Flood Control District has done test studies on this pavement and due to the results does not allow this in any district. Please provide a pervious pavement type that is designated within the URMP.
3. Existing drywell must be cleaned, and the rim brought to finished grade as part of building permit. Please note that in permit plan set.
4. New asphalt must be treated and/or detained. Please develop plan for treatment of asphalt area.

Transportation Impact Analysis (required at HPC):

1. The MMLoS Input Page claims items under the category of Sidewalk Condition on Adjacent Blocks. The proposed site plans only depict attached sidewalks on the project frontage. Please adjust MMLoS to only address sidewalk conditions on the project frontage.

Utilities (required at building permit):

1. Extensive work is being proposed on the Si Johnson ditch. Please coordinate with ditch company and City to ensure work meets all existing agreements and ditch company requirements.
2. Water service line cannot be aligned within the sanitary easement. Only crossings will be allowed in easement. Please adjust alignments.
3. Fire suppression calculations must be submitted and demonstrate that 2" fails. Please submit fire flow calculations and see section 5.4 of the Water Distribution Standards.
4. Shared service lines are not recommended, but if allowed, Section 5.5 of the Water Distribution applies, and a common service line agreement must be entered. Further review of water service will occur prior to and at building permit.

An easement will be required for the fiber and electrical primary on neighboring properties.

Section 4: Parks Department

The applicant must address the following to the satisfaction of the Parks Department.

1. A tree removal permit will be required for both the removal of trees and excavation within the driplines of trees. Detailed tree preservation plan and tree mitigation plan with tree ID numbers will be required along with shoring plans (see comment 6, below).
2. The two large Cottonwoods on either side of the new entrance at the SE corner of the property will not be approved for removal based on current information provided. These trees are identified as tree # 6898 which is a 35" DBH Cottonwood in the city right-of-way, and the large multi-stem Cottonwood between the front lawn and the parking lot.
3. Application of fertilizers, growth regulator/inhibitors, and or root pruning may be required prior to start of excavation within the driplines of trees.
4. Tree Protection Zones (TPZ) will be required at the drip line of all trees that will be preserved. No storage of materials, storage of construction backfill, storage of equipment, foot or vehicle traffic is allowed within this TPZ. This TPZ must be inspected and approved by the City Forester or his designee prior to any construction activity commences.
5. Proposed sidewalks and curb and gutter will need to be of a "floating design" where driplines of trees are encroached upon and may need to be adjusted to achieve appropriate offset to the trees.
6. One-sided micro piling walls will be required along the south and west sides of the new Bayer building where tree driplines will be impacted.

7. More information is required to determine impacts from utility cuts coming in from the north side along the trail.
8. More details with regards to the proposed patio on the west side of the new building as they relate to tree roots. Sand set pavers on existing grade may be required for this patio.
9. Applicant to provide detailed information regarding the boxing and transplanting of the spruce tree to the courtyards sculpture garden.
10. All trenching and excavation for irrigation system installation within the driplines of trees will need City Forester approval. Plans will need to be submitted showing details.
11. The service yard shed posts that fall within the driplines of trees may need to shift left or right depending on the necessity to not sever structural roots.

Section 5: Environmental Health Department

The applicant must address the Trash Storage and Recycling requirements to the satisfaction of the Environmental Health Department.

In addition, the applicant must work with Environmental Health to propose options for an updated fugitive dust plan for the bus lane prior to building permit submittal, if directed by Council at Second Reading of the ordinance.

Section 6: Zoning

The applicant must address the following to the satisfaction of Zoning.

1. Any fences need to meet the land use code or need a specific variances. Any variance to height must be approved by Council.
2. All mechanical and venting equipment should meet the exceptions in 26.575.020.F.5, Allowed Exceptions to Height, or receive variances.

Section 7: Material Representations

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before the Community Development Department, the Historic Preservation Commission, or the Aspen City Council are hereby incorporated in such plan development approvals and the same shall be complied with as if fully set forth herein, unless amended by other specific conditions or an authorized authority.

Section 8: Existing Litigation

This Resolution shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 9: Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

APPROVED BY THE COMMISSION at its regular meeting on the 22nd day of January, 2020.

Approved as to Form:

Approved as to Content:

Andrea Bryan, Assistant City Attorney

Gretchen Greenwood, Chair

ATTEST:

Nicole Henning, Deputy City Clerk

Mr. Halferty stated that he concurs with the recommendations of staff and the guidelines are met. They've thought about the constructability and conservation of the trees. He could support this application as is.

Mr. Kendrick stated that he concurs with staff recommendations. The applicant has done a good job addressing the concerns.

Ms. Thompson stated that she agrees.

Ms. Sanzone asked if they are coming back for a Final.

Ms. Greenwood stated that this is a minor development, so this is their only hearing.

Ms. Sanzone asked if the irrigation control box is in a yard box.

Mr. Janion stated that it is.

Ms. Sanzone asked what will happen with the path lights if they straighten the path.

Mr. Janion stated that they will do whatever staff, the board, and the guidelines recommend.

Ms. Sanzone stated that, in general, the guidelines wouldn't support this marching of lights to the front door. She suggested eliminating those.

Ms. Greenwood stated that they have a lot to work out with the stormwater and landscaping. It might be a simple situation where a monitor could work with staff on it. They are more landscaping issues than they are building issues.

Ms. Sanzone stated that, with that, she would support the application and staff's recommendation.

Ms. Greenwood stated that she does not see any problem with this application.

Mr. Kendrick motioned to approve Resolution Three as written. Mr. Moyer seconded.

Role Call Vote: Ms. Greenwood, yes; Ms. Thompson, yes; Mr. Kendrick, yes; Mr. Halferty, yes; Mr. Moyer, yes; Ms. Sanzone.

Ms. Sanzone volunteered to be the monitor for this project.

620 Gillespie Avenue and 845 Meadows Rd, Aspen Institute – Historic Designation and Benefits, Conceptual Major Development and Commercial Design, Growth Management, Planned Development, Special Review, Transportation Impact and Trash Storage

APPLICANT PRESENTATION: Jim Curtis introduced himself as the Aspen Institute Owner's representative. He invited the commissioners and the public to look at the model he brought.

Mr. Curtis introduced the project team. He introduced Dr. Dan Porterfield, the CEO of the Aspen Institute. Richard Stadler, the Vice President for the Aspen Institute campus. Becky Ward, who has been working with Mr. Curtis on the day-to-day. Jeff Berkus and Norman Tai were the design architects for the Bayer Building. Sarah Broughton and Craig Lawrence have been the architects for the Bettcher renovation.

Dr. Porterfield thanked the Historic Preservation Commission for this project. He stated that he works out of their headquarters at the DC office. He is in Aspen typically over the summers and tries to come two or three times in the off season. He wanted to be at the meeting in person to present the Institute's vision for the Bettcher Seminar Building and for the proposed Center of Herbert Bayer Studies. He also wanted to convey the Institute's strong desire for this whole reimagined corner of the Aspen Meadows campus to be a new bridge connecting the Institute and the community. Since he joined the Institute in 2018, he has become increasingly aware of and inspired by the role of Herbert Bayer and his contemporaries such as Fritz Benedict in the development of Aspen as well as the Aspen Institute. The founders of the Institute, Walter and Elizabeth Paepcke, commissioned Herbert Bayer to design the Aspen Meadows campus in the early 1950's, which including the buildings, the earth works, landscapes, the sculptures, paintings, tapestries. It's a work of art. Since then, largely as a result of this remarkable history and Bayer's transformational role in Aspen, the Institute has become an important repository of Bayer's work, mostly with the acquisition in 2018 of the anaconda marble sculpture from the Denver Art Museum and a gift last year of more than 13 Bayer artworks from the Bayer family to the Institute. Because of this legacy, the Institute feels a very profound responsibility to preserve and celebrate Bayer's work in a facility that's befitting of his artistic genius. The new building that's proposed will allow the Institute to preserve and honor the art, to showcase, exhibit, and grow their collections. It will allow them to borrow from other major cultural institutions and to create new exhibitions that will educate the public about Bayer's living legacy in Aspen.

Mr. Curtis stated that, similarly, they see the renovation of the adjacent Bettcher Seminar Building and the surrounding landscaping as an integrated component of the vision of the Bayer Center. Designed by Herbert Bayer and Fritz Benedict, the Bettcher Building has not been updated since its completion in 1975 and is showing its age. Because of the historical significance of that building, the Institute has volunteered to designate it as part of the Aspen modern inventory. They see this a tremendous opportunity to renovate and preserve a key part of Aspen's historic heritage. The two buildings will deepen the Institute's contribution to the community of Aspen. Bayer's work is relevant to contemporary thinking and the processes of problem-solving that are central to what the Aspen Institute is today. The campus visitors and members of the Aspen community will be able to visit the Bayer Center to learn about the principals of design and creativity and see how they live on today in Aspen and at the Institute. Then they can go next door into the renovated Bettcher Building to apply those principals to their own work, which might be an art, entrepreneurship, social improvement. They plan to develop educational programs for small groups of local students and give residents a place if they want to inform themselves about design thinking in order to address local problems. The Aspen Meadows campus has always been a gathering place for the Aspen community, thought leaders,

speakers from around the world and the Institute is very proud of it. As a nonprofit people and community-serving organization, they take joy in the heritage, their mission of service, and their relationship with Aspen. The Bayer Center and the renovation of Bettcher will reinforce all three of those core elements: their aesthetic heritage, their mission of service, and their relationship with the Aspen community.

Mr. Curtis stated that Mr. Berkus is going to give an overview of the project.

Mr. Berkus stated that this project represents where Bayer came from at the Bauhaus about that total work of art. When the team first looked at the site, they looked at all of the surrounding elements, Gillespie Street, the Aspen Music Festival, and the Physics Center. They were very sensitive about Amy's Meadow to the north and how to center the Bettcher building in this site as the primary piece of art and surround it with a sculpture garden. How would the community interface in a better way than it's currently doing now. Come in from the corner where the bus lane drops off and where the community pedestrians interface. They are suggesting improving the bus lane and a pedestrian walkway since so many people use that way to get to the campus for the Music Festival in the summer.

Mr. Berkus stated that, stretching the project around Bettcher, they took the line of the existing lawn around the Physics Center. They are not going to go any farther into the sage than is already done along that side. Within that line, they started the landscape design using mounds to create the kind of space that Bayer would do around his buildings where he would define edges with landscape and buildings and in gathering spaces with a lawn in between. In his earlier works, there wasn't the budget or use for the lawns and there was more sage. As the Institute has grown into this iteration, there is a culture of gathering in the outdoor spaces directly adjacent to the buildings. The applicants feel that is an appropriate way of addressing the building from the north and south and to have the natural swaths of the sage still around the entire site. Now, with the Bayer retention ponds, that is starting to have the rain gardens come into effect, so they've made that part of the landscape of this building. The beauty is that you can see a side of Bettcher that hasn't really been shown to the community. It's been the backside where cars have parked for years. There's a walkway that comes around the back and is slightly raised so the community has a great place to look towards Ajax in the background and towards a nice side of the building. In the composition of the building, when they took Bayer as a centerpiece, they talked about where do they locate the Bettcher building. The most deferential place was to pull it back to the corner and open up the forecourt for the community to continue to see the resource of the building to establish a line from the side of the entry. It's a 54 by 54 foot square, which is fairly small for a building that's going to have this much art, but it was more important for the applicants to do the right thing on the site. They have 3100 square feet upstairs and 4200 square feet downstairs. The downstairs gallery continues out underneath the forecourt for the building. The idea of, when you approach on the angle, you are looking straight at the historic resource and at the entry of the resource. It's a nice view of the building. The applicants are suggesting to move the spruce further away from the building, opening up the façade to the street from where it is now. They've had great success in transplanting trees of that size.

Mr. Berkus stated that, regarding the architecture, Bayer is a very simple building based on the geometries of Bayer with the squares, circles, golden sections, all the principal geometries that he's

always worked with. It's very axial and symmetrical on the inside. The plate heights are deferential. They would have loved to have a 10-foot plate, but they've chosen the nine-foot six with a thinner assembly to be lower than the plate-height of the Bettcher building beside it. All the proportions of the building are lower than on Bettcher. As far as the materials, Bayer always kept materials to a simple palate and they are doing the same. They are very excited to be able to use steel windows in this project for the first time on campus. That is what was used on those buildings back in the day. Simple palate of grey and white and choosing not to use the exact grey of the Bettcher building.

STAFF PRESENTATION: Ms. Simon stated that she is going to give an overview of the process, then focus on the proposed resolution and conditions of approval. Staff is very excited about this project. From a historic preservation point-of-view, they're seeing the designation of one of the few remaining properties on the campus that are not protected, the Bettcher building, so that is a great thing to have come forward. Also, the idea of having a facility that is focused entirely on Herbert Bayer and will be a place where the existing collection will be displayed. New items may be brought to the community. It's extremely exciting, right on the heels of the Bauhaus 100 celebration. Staff are grateful for this project.

Ms. Simon stated that this is a multi-step review. The Commission's role is to make a recommendation on historic designation and benefits, because this is a voluntary designation of the Bettcher building. They are also asked to conduct their typical design review role. They are asked to make a recommendation to City Council about employee generation, planned development review, and transportation and parking management, trash and recycling, infrastructure improvements that aren't always the sort of thing that are in front of this board. Because this project involves a voluntary historic designation, it is on a big of a fast track. It was part of the agreements that were made when the Aspen Modern aspect of the program was created that, if someone volunteered for designation, they would go to the front of the line and the City would try to review their project and make a decision within 90 days. So if the applicant was not happy with the outcome, they hadn't lost an extraordinary amount of time. With that in mind, the conceptual review is occurring tonight. Council first reading is next Tuesday, the 28th. Second reading for City Council is February 11th. HPC final review is February 26th. If there is something that needs additional time, it will either need to be a condition of approval or the applicant would have to agree to any delay. Time is very important to them in this project, the idea being that there will be some site work conducted in the spring as soon as weather allows, no activity during the summer, and this project would be built from fall 2020 to summer 2021, roughly. This is a lot to accomplish in a short period of time.

Ms. Simon stated that, with the historic designation, staff have provided an analysis in the memo finding that the proposal to designation the Bettcher building meets four of the five designation criteria. The association with Bayer and Benedict, the total integrity of the building. Staff have a scoring system that they use where they analyze whether they have been any changes to the building, alternations over time. This scored 18 out of 20 points. The only place it got dinged is perhaps some window replacement and things like that over time. This is a really important building and it is the one closest to West End proper.

Ms. Simon stated that the institute property that was recognized very early on in the Aspen inventory process as significant and needing designation, but it's evolved over the years. Unlike most sites, where

the City designates the boundaries of the property, this is a 40-acre site that includes two lots. An agreement was made starting in '95 that only specific aspects of the campus would be designated: Anderson Park, the health club, the reception building are all designated with a very tight boundary around them. HPC has reviewed those properties as project have come in over the years. The Koch Seminar building, the Paepcke Auditorium, and this building are the only ones that are from the original era of the institute and are not protected. Staff hope down the road that they can advance the discussion about Koch Seminar and Paepcke, but this is a really great thing to come in front of the board now. One thing that staff have as a condition of approval in the ordinance is the application suggests that just Bettcher and maybe an inch around it would be designated. Staff would like to see that revised to include the whole area. They feel that the Center for Bayer Studies needs to clearly be under HPC's purview so that any change in the future would come to this board, any change to the landscape would also have the board's review. She believes that the applicant is alright with that, they just need to work together to create a map that shows the area.

Ms. Simon stated that, as far as HPC's design review role tonight, the property needs conceptual major development and conceptual major design review. The guidelines are all provided in the memo. Most of the guidelines are addressing development that would happen more in a downtown type of context. They're not entirely prepared for this campus-type setting. To the extent the guidelines apply, staff finds that they are all met. They agree with the applicant's analysis. Staff finds the siding of the Bayer building to be appropriate, the height, the scale, the footprint, all to be very sympathetic to the structure. This is an appropriate part of the campus to place the building. Staff like the idea of it being here with easy access for the public and engaging the Bettcher building, which previously has not been as active as other parts of the campus. That's another reason why this project is very positive and staff have supported the project as proposed. Obviously, there will be a final review. The landscape needs to be discussed in some detail. Staff want to make sure that the meadow and lawn character of the property is balanced.

Ms. Simon stated that she met with the applicant today and they came up with some changes for the commission to consider as part of their review. One of the things to discuss is relocation of a tree on the site. Right now, there's a large spruce tree that's very close to the Bettcher Building. The applicant has proposed to remove that and the Parks Department has agreed. Initially, they were concerned because it's a healthy tree. Staff suggested that it's really impacting the integrity of the building. It is going to be removed. The spruce tree on the model is located in the area of the proposed museum. It is to be relocated, which will be a challenge. Staff do have a condition that the specific place where it will land does need HPC review at final. They want to make sure they are not just recreating the condition they have now. They want to make sure that the mature size of this tree is not going to cause impacts 30 years from now. That's one of the conditions in the staff memo. In condition number four, the applicant had initially planned to talk to the Parks Department about removing some cottonwoods that are more on the perimeter of the property. The applicant has decided now to not ask anymore. They're just going to trim and maintain those trees. Condition number six in the memo has to do with some historic preservation benefits. The applicant is asking to be relieved of some fees that might be charged at time of building permit. This is something for Council to approve but it is included in the memo. Historic properties are always exempted, this is a little murkier because not the whole site is designated. Staff have suggested that Council should waive those fees. Number seven touches on a couple of topics.

The applicant is planning on this project not to have any onsite parking. The Commission may want to go into more discussion about this. There's going to be some new traffic coming to the site. The applicant has had to do a transportation analysis and talk with Engineering about how they'll mitigate impacts. Their plan for parking is to share parking in the adjacent MAA lot, which is a separate property. There are a number of things that come up with that discussion. It was mentioned that that parking lot, which is currently now all dirt, a portion of it will be paved where the busses come around, to cut down on dust. A better pedestrian path and access from Gillespie toward the tent will be created. The applicant needs to continue to work on that. Staff needs to make sure that all the mitigation and stormwater treatment is properly addressed. Condition seven touches on that. Staff is suggesting that there be a limit on any kind of private events that happen on this property. The museum itself may become an attractive site for weddings of events that have nothing to do with the Institute. Staff want to make sure that that is addressed so that they're not generating additional traffic, trash, employee generation. Number seven talks about how to deal with that and come up with some language that the applicant can live with that doesn't limit them from the sort of appropriate activities, like school groups coming to see the museum, versus someone having a party that's not part of their normal activities. Staff are suggesting a limit on the number of events, that there be no kitchen added to these buildings that doesn't already exist. One of the things that wasn't mentioned as a side part of this project is, on Meadows Road itself, some years ago some of the tennis courts that exist there were converted to a storage yard. The tennis fence is still around it. The applicant wants to build a storage shed on that lot just to contain all of that and winter-proof it. Condition number eight in the memo talks about that building. Staff don't find that it has any kind of visual impact. They want to make sure that it isn't provided with heat and plumbing and suddenly becomes a workspace or something else like that.

Ms. Simon stated that, regarding affordable housing, this property is considered an essential public facility. Unlike most commercial development that has a very specific calculation for how many employees staff think are generated per square foot of the project and what has to be mitigated, this applicant has the ability to make a proposal to the City regarding the number of employees they think are going to be generated by this space and how they'd like to mitigate. In 1991, an approval was granted for the Institute, the Music Associates, and Physics that tried to envision all of their future development and provide approvals so that they could move forward easily. All of that development was really approved with no affordable housing mitigation. All of that has been used up. This new project requires a discussion under today's tolerances for affordable housing. The applicant has suggested the Bayer Museum generates one-and-a-half employees: a full time curator and an additional half-time staff person. Typically, whatever number of employees are generated must be mitigated at 65%. It comes down to a calculation. The applicant would like to provide a cash-in-lieu payment to the City that the City would use to build housing. At this point, staff is agreeable to that. They would like to see some future auditing to make sure that three more people aren't added the day after the building opens. That's standard practice. The housing authority has agreed and is supporting this cash-in-lieu payment rather than sending the applicant off to find affordable housing credits. There is a spirit of compromise and agreement happening on that topic.

Ms. Simon stated that, on the topic of affordable housing mitigation and the audit, the applicant is a little uncomfortable with the scope of that. The resolution suggests that staff want a total employee calculation for the total Institute program. They want to narrow that in to make sure it's just related to

this project alone. The resolution suggests that a draft construction management plan needs to be provided to HPC at Final Review. They're not ready yet. That is typically a building permit process. They have asked that the Commission strike that wording and have it dealt with at permit. The resolution goes on after that to incorporate, pretty much verbatim, referral comments staff received from the Engineering, Parks, Environmental Health, Zoning Departments. The applicant's original proposal did not include any trash area for this part of the campus. They wanted to use the central location that's over by the reception center. Environmental Health was not comfortable with that. There's going to be a little service yard alongside Bettcher that is going to hold some mechanical equipment rather than put it on the roof. Now it will hold some dumpsters and things that are specific to this part of the campus. The resolution mentions the idea that there needs to be an updated fugitive dust mitigation plan developed for the Music Associates parking lot. The applicant is uncomfortable with the wording of that, so it's been revised. The applicant is trying to share parking with the MAA. They have done it on other occasions throughout the years cooperatively. It is an agreement that needs to be renewed every five years or so, but it is bringing good things in that there will be some paving and better control of dust on the site. The applicant is concerned with the wording as it was originally shown in the resolution, putting too much burden on them for the remaining dust concerns on that property. Staff want them to continue to work with Environmental Health on something reasonable.

Mr. Curtis stated that Ms. Simon has been great to work with. The applicants met with her this morning and went through the resolution. They are fine with all of the proposed amendments and the resolution as it stands. He and Ms. Ward met with the neighbors early on in the process to get their feedback. Consistently, they heard the neighbors say they were very concerned about dust coming from the Music Association bus lane and parking lot to the east. Given that concern, the applicants are proposing significant improvements to the east boundary, working with the Music Association to partially address that concern, but also to make a better entry for the total community coming into the tent. One of the issues that the Music Association has made the applicants aware of is that people walk in the bus lane as they're going to and leaving the performances. To address that, the applicants have created a well-defined pedestrian walkway that will go from 5th Street all the way to the tent. They want it to be between eight and ten feet. It will have boundaries on both sides. It will be lit at night with low bollard lights. In addition to a wonderful safety improvement, it will also clean up that side of the property visually and help people get to the tent. Concurrently, the applicants will do a five-foot sidewalk along Gillespie Avenue. He has been in conversation with the Parks Department on how to do that sidewalk and work it within the trees. There will be new curb and gutter, new sidewalk on Gillespie Avenue, a major improvement. They are proposing to asphalt pave the bus lane from the entrance at 5th Street to the east side of the bus shelter. When he was speaking with the neighbors, he was hesitant about what he could say. At that point in time, he had not been able to meet with the City Engineering Department and the Environmental Health air quality people. Subsequently, he has been able to meet with Engineering. The issue there is: how do you drain these improvements and meet the City requirements? He had a very good meeting with the Engineering Department. He feels comfortable that they have a conceptual drainage plan that works. The engineers are drawing the technical components of that plan up. He hopes to have the technical drawings and the signoff on that plan by City Council second reading on February 11th. At this point, he is not seeing a technical reason that would preclude them from making those improvements. He personally thinks the major improvements will clean up that boundary for everyone in the community.

Ms. Greenwood stated that the commissioners will do questions for staff and applicants together. She asked Mr. Curtis if they are going to do different materials for the bus lane versus the walkway.

Mr. Curtis stated that, at this point, they are proposing asphalt for both just because it seems to be in character with the past. The difference is that there will be a low-boundary railing separating the pedestrian way from the bus lane.

Mr. Moyer stated that he does not want more parking lots. It seems that there are different ways of making a surface that a person can walk on or car can drive on that's not asphalt, can drain properly, and does not have dust. He has Mr. Curtis if he has done any research into alternatives to asphalt.

Mr. Curtis stated that the applicants have not explored that in detail. In the initial conversations with Jeannette Witcomb from the Environmental Health Department, she stated that the primary dust issue is coming from the bus lane just because the bus traffics heavier vehicles. Two summers ago, the Music Association put down recycled asphalt with a dust controllant on top. People have said that that works quite well. The issue is long-term maintenance. They are open to looking at dust controllants, but at this point, in terms of a permanent solution that's known and doable, they are focusing on the asphalt.

Mr. Halferty asked if there will be any spaces lost for the Music Associates.

Mr. Curtis stated that there will be no reduction of spaces in the parking lot. Only sharing of spaces.

Mr. Halferty stated that, part of the atmosphere of getting to the tent is the gravel paving and patios. There are concrete patios near Harris Hall and the Music Tent. He asked if the applicants have considered other paving that's more historically representative of the meadows. Is there a way that they could incorporate what is there predominantly, which is the gravel patios that go through the meadow?

Mr. Curtis stated that they would be happy to consider crusher fines. At this point, the Building Department has said that will not be ADA compliant. The existing central spine in the music association parking lot today has trees on the other side. That is chip and seal, which they could consider. They were looking for a well-defined walkway, cleaning up the boundary, making it safe, reducing dust, and giving it proper drainage.

Mr. Halferty stated that the Bayer detailing with his typical roofs are pretty geometric and simple. The roof that's suggested for that top portion has a sharp angle. He asked if they have considered any other potential solutions.

Mr. Berkus stated that this is pretty heavy and the roof meets the sky in a much lighter way. At the pedestrian level, they are presented with the c channel all the way around. When they studied the building in 3D, it was decided to do a much lighter roof. They found that to be really successful. It has a very thin edge and it just goes away. They are not trying to call attention to any of the height of this building. In their minds, this was a much softer way.

Ms. Thompson asked the applicants to talk about what they're proposing on the Bettcher building regarding moving the utilities, enclosing the courtyard, and adding the utility yard. She asked if that is all of the improvements.

Mr. Berkus stated that that is correct, with the addition of adding a vestibule between the two pods and enclosing that with glass.

Ms. Thompson asked what they are proposing to do with the exterior walls that will be becoming interior walls in the courtyard.

Mr. Berkus stated that, for building function, four of them will become furred so that they can run power and not have the conduit exposed. They are still maintaining the CMU on the other four because it's octagonal-shaped.

Ms. Thompson asked if they are removing part of the CMU.

Mr. Berkus stated that they are just furring out.

Ms. Sanzone asked the applicants to show aerial or survey that shows existing conditions. She asked Mr. Curtis to point to the site and landscape features that they determined were historic or contributed to Bayer's work.

Mr. Berkus stated that this building didn't have defined edges other than the concrete walkway of the front and the paths. There was one sculpture out in front along the east side. That was really the only sculptural element. They didn't take the lawn out as far as the irrigated lawn of the Physics Center.

Ms. Sanzone stated that there are a couple of ditches that run through the project site. She asked if those were determined to not be historic or contributing to the site design at all.

Mr. Berkus replied yes.

Ms. Sanzone stated that the one is re-routed and seems to disappear. What happens to that?

Mr. Berkus stated that it goes back to the other one.

Ms. Sanzone stated that there are also some mounds that are on that side of the property. Were those constructed at the same time as the buildings?

Mr. Berkus stated that those were not considered to be part of the resource. The idea of adding the mounds to the back to really give it the defined character was where the applicants took off from the Anderson Park.

Ms. Sanzone asked if they know when the spruce trees were installed.

Mr. Curtis stated that the applicants have a photograph from 1991 and neither of the spruce trees show up in that. At that time, it did show a grass situation in front. They do have permission from the Parks Department to remove the tree that's infringing on the building. They would like to try to transplant the tree that's in the center, but the Parks Department has said go ahead and transplant it. If it dies, the applicants will mitigate for that upfront.

Mr. Berkus stated that there was some concern about the neighbors parking on the street and more people coming off of Gillespie. There will be a 42-inch high fence along that street that directs people down to the corner. That's a fence Herbert Bayer designed for the West End. They are taking that fence. It will discourage parking from the neighbors across the street.

Mr. Curtis stated that, when the applicants spoke with the neighbors, they had rows of Aspen trees on Gillespie Avenue and the proposed pedestrian walkway on the MAA parking lot. The feedback they got from the neighbors was that didn't want to see Aspen trees. They wanted to be able to look up above the building and see Red Mountain. What they've done is eliminated the proposed Aspen trees and they're proposing a low hedge, one or two feet above the fence, so pedestrians on Gillespie Avenue and the new pedestrian walkway can look into the complex and continue to see Red Mountain as the backdrop to the two buildings.

Ms. Sanzone stated that there are a lot of trees and large shrubs that are along the perimeter of the site. They show up in the Engineering drawings. It looks like there are a lot of utilities being routed through them. Is the intent that, if they're shown on the existing and proposed, they're going to stay?

Mr. Curtis stated that, to clarify, the trees on the south east corner of the Bayer building are existing and they're proposing not to touch any of those. At the corner of Gillespie and 5th, there's a cluster of three cottonwoods and one spruce. To get the five-foot sidewalk in, one of those trees may have to come out with permission from the Parks Department. On the proposed pedestrian walkway to the east, there are some smaller Aspen trees that would come out and a new hedge would go in. The Parks Department has said that they're fine with the smaller Aspen trees coming out, given that they are quadrupling the mitigation by planting 80-some Aspen trees on the backside of the building.

Ms. Sanzone asked if the trees and shrubs that run parallel to the new bus lane would be removed.

Mr. Curtis stated that that is correct. The comment they received from the neighbors was that the property doesn't look "cleaned up." They are proposing to take out the existing shrubbery, replace it with a more semi-formal hedge to better allow views into the two buildings.

Ms. Sanzone asked where the need for the sidewalk along Gillespie came from.

Mr. Curtis stated the Engineering Department.

Mr. Berkus stated that it's because of the people walking in the bus lane.

Mr. Curtis stated that, currently, there's maybe a two-and-a-half to three-foot crusher fine path that winds through there. The applicants would be happy to upgrade that crusher fine path with an edger and clean it up. He presented that proposal to the Engineering Department at design review comment. They said that it doesn't comply with City code.

Ms. Sanzone asked how the trash and recycling will be removed from the new service area. Will it be by a small cart?

Mr. Curtis stated that it will. The meadows behind the Isaacson center has a center has a central service yard with a compactor, dumpsters, a recycling bin all in one location. It works well for them. There's one dumpster on the property and they don't even use them because it's so much easier to manage the central facility. That was unacceptable to the Environmental Health Department. So what the applicants are proposing is to have this enclosure be a holding zone. They're not looking at big dumpsters. They're looking at 96-gallon containers. Any food product that's generated will be gone in one day. It's a holding zone, it's not a traditional dumpster. The paving into the mechanical room where the condensers are will be set up so that golf carts can back in there, pick up the 96-gallon containers, and take them to the central service yard. That's acceptable to Environmental Health and works better for the Meadows operations.

Ms. Sanzone asked if the sculpture at the corner is not a Bayer's sculpture.

Mr. Berkus stated that it is a Bayer sculpture. It is an interpretation of his chromatic gates from Santa Barbara that is currently being looked at as a commission elsewhere.

Mr. Curtis stated that there is an existing sculpture on the east side of Bettcher. That sculpture is a Rita Blitt. They are looking at donating that sculpture to another nonprofit in the valley with the consent of the artist.

PUBLIC COMMENTS: Susanna Reid introduced herself. She stated that she is representing the owner of 775 Meadows Road. She asked the applicant for more detail on the maintenance shed. Maybe a section and a plan showing its relationship to the street. Also how the lighting is going to be handled in that area. Beyond that, as a member of the community, she thinks it is a very exciting plan.

Lisa Markalunas introduced herself as a life-long Aspen resident. She walks the Aspen Institute property every day. She thinks the applicants have to be careful about representing the neighborhood as two neighbors who had input with Mr. Curtis. There is a broader spectrum of neighbors, many of whom feel like there's no point even putting up a comment. This will happen and they will have no say. Even people directly across the street have expressed that to her. She is concerned about the encroachment on the rear meadow. The encroachment onto the sage is much more significant than what's represented here. Matching the end of the Physics irrigated lawn, if you go out there, it's a much greater impact on that sage meadow. That sage meadow is a significant meadow. It's been conserved as part of Amy's Meadow with a conservation easement there and down on the historic racetrack and meadow. Encroaching into that with the degree to which they are to create an entertaining space is a concern. A rather large water feature. The neighborhood is concerned. They are heavily impacted by

traffic, by the increase in venue use at the Institute and Music Festival. With more events year-round in shoulder seasons is more traffic, more parking issues. The Bettcher building has no parking of its own. Their staff utilizes the Music Festival parking lot, which is shared. They often utilize the Physics parking lot but are restricted when the Physics is in session. Any access to that parking, there needs to be a certain amount of transparency for access for daily use to the building. She applauds the improvements to the bus lane and thinks they have to go with some kind of asphalt. They have to have access to that parking that people are going to use on a daily basis. She questions pushing all of the pedestrian access out to Gillespie Street. The transit picks up in the rear of the Music Festival lot. That's where all of the bus service stops, not on Gillespie. It's been an ongoing problem. Thirty years ago, Mary Martin said she does not want the Music Festival lot paved ever. At that time, they had gravel. For the last 25 years, it's been re-hashed, reproduction of a mess for their entire parking service. On a rainy day, that tracks all the way two blocks up 5th Street. Anytime a RFTA bus pulls out for the MAA students to go to the Bucksbaum campus, the dust just flies. While she applauds an alternative surface, it's long overdue that the entire parking area and the bus lanes are asphalted. In the winter, more ploughing than ever has occurred on the site. It creates a lot of impacts that Steve Fallender and Jan Collins feel being most directly across from the entrance. They need to have access to parking because pushing everybody on to Gillespie street is problematic, especially at concert hour. Regarding the sidewalk on Gillespie, she doesn't think she's ever seen anyone use that raised sidewalk that's there. She hesitates to encourage the applicants to take out existing landscape and foliage to provide a sidewalk to nowhere. It's a one-block side walk that doesn't go from anywhere to anywhere. Most of the people who access the property come through the Physics ground, down Gillespie, down 5th street, they walk in the street. They park in the neighborhood. Even at concert hour. Allowing that to push the landscape and take out those existing cottonwood trees, the existing mature Aspen trees that border the Physics lot are important to retain. She doesn't have any objection to taking out the honeysuckle bushes, but things they have to consider the landscape that is mature landscape and the sage meadow and the encroachment into the sage meadow. She applauds the fact that they are relocating one of the most beautiful trees on the whole campus, the spruce tree. She hopes it can be relocated, it's worth a try. She applauds the elimination of the conduit. Whenever that was added 20 or 25 years ago to the Bettcher building, it's an eyesore to the building, it's not in keeping with Herbert Bayer's design. It really needs to be cleaned up and rectified because it's a mess. The Aspen Institute, with its many events, has huge impacts to the neighborhood as does the traffic that the West End is subject to. There were representations made by the Aspen Institute when they developed the lots on the racetrack meadow, when they re-did the town homes that were torn down, when they re-did all of the buildings, that all of their access would go out 7th Street. That access doesn't go out 7th Street, those shuttles run through the neighborhood down North Street, just like all the commuter traffic does. They have to remember the representations they make to the neighbors and public and hold them accountable to using that. The Meadows van goes down North Street dozens of times a day, down Gillespie dozens of times a day. All of that was not represented to the neighborhood. It's important that there's some mechanism where representations that are made about venues, usage, receptions, private receptions, some of that is memorialized, not just forgotten about. She hopes they'll maintain the simplicity and beauty of Herbert Bayer's landscape. The beauty that he developed and not over-do the amount of sculpture and water feature and not complicate the site. Cramping that building between the Bettcher and Gillespie is a lot for that site to hold.

Jan Collins introduced herself as the closest neighbor to this property. She has been at this property for 55 years. She was there when they built the Bettcher and has been there through all the requirements for what the Bettcher was supposed to be and what it's turned out to be, which has been an asset to the Aspen community and she has loved it. She doesn't have a lot of criticisms, but she does have a few. She does not like the multi-colored entrance to the property. It's not Herbert's design. He did not ever put on the exterior multi-colors, he painted multi-colors. He did not put multi-colors on the exteriors of his buildings, as you can see in his designs. It just doesn't go, and she is going to have to look at it and know that he wouldn't like it. Regarding the bus lane, the neighborhood does suffer a lot from dust and she hopes that they can mitigate it. The dust comes from the busses coming and stopping and then spinning their wheels. It's not a healthy thing. Along the proposed walkway, there are now mature honeysuckles. They were deliberately put there. Unlike the applicants saying they want to see the building, when Bettcher went in, they didn't want to see the parking lot. That was their goal when they were designing. In 1975 when it was built, her husband was on P&Z and she was the business director of the Music Festival at that time. They were working together to mitigate anybody looking at the parking. The building was to be kept quiet, and behind that put in the honeysuckles. She would hate to see them go. She walks there everyday and it gives it a natural feeling as you walk along and you can't see the busses, cars, and parking lot. It's a wonderful property. For all its neglect, it's grown up to be a pleasant place. The neighbors enjoy it as a park. She questions the garden party business in the sage meadow. She is not sure they need more entertainment in that building. It's been a quiet, subtle, subdued place. It's worked hard for the Ideas conference. It's a great asset to the community. She worries about any changes in the water features because the water is so tenuous there. She thinks you have to exit that parking lot where it is right now, where the exit goes directly to the Bettcher. She wants to see an overlay of some kind that shows where things are now versus where they are proposed to be.

Mr. Berkus pulled up a rendering on the slide.

Ms. Collins stated that, one of the things that she can recall from 1965 is that it was important that the Bettcher be 100 feet from Gillespie. At the time, everyone thought that it was a good idea to keep it out of the existing neighborhood. She wants to see them put the building in and still make it a neighborhood feature, as it is today. The entrance should be where it is now and not at the corner. It can be more defined than it is now. If it were there, it would be a bigger utility because of bus access. The corner is high traffic. It should be moved away from there. She would like to be more involved and informed as this project comes down the line. She would like to share her knowledge from being there. She worries about the sage because it's an endangered species. The building itself looks very compatible. She loves the colors and the way they're doing it. It's going to be nice.

Steve Fallender introduced himself. He stated that he lives about as directly across the street as Jan Collins. He does not have anywhere near the history that she has. They have been there 15 years. He complimented Mr. Curtis and his efforts to contact the neighbors and keep them informed of the plans. He never really thought of where the entrance would be, but after Ms. Collins's comments he does have a little bit of concern that the entrance off the corner is going to discourage people who use the Bayer building from parking in the parking lot and rather parking on the street since that's where the entrance is going to be. They're not going to want to drive into the parking lot, go in towards the Bettcher

building and make a circle. He appreciates their efforts to clean up the right-of-way along Gillespie Street. The Music Festival and the Institute have beautiful ground that the neighbors enjoy walking through. Unfortunately, they have left Gillespie Street abandoned, and it's just not very attractive. It's not maintained well and it's really not a part of anything. That's inconsistent with the lawns and yards throughout the West End. It's encouraging that they're trying to do that. He does not know if they received a video from Jeannette Whitcomb of the dust that comes off of the parking lot. He recommended it. He has been talking to her for three years about the dust. His family understands that the Institute and the Music Festival are going to generate a lot of traffic during the times of their events. No matter how that parking lot is, they're going to get cars going through and parking in their neighborhood. They accept traffic. But the dust that comes off of the drive and the parking lot shouldn't be. The Music Festival has received notices from the City of violation of the City codes. It is critical that the bus lane be paved. It's not only a bus lane. It serves people who are dropped off by the vans, it serves the trucks that service the Festival and the Institute with tents and all the other stuff that comes during their events. Anything other than paving really won't work. It's a commercial vehicle path, it just needs to be paved. The same thing with the exit onto Gillespie Street. It needs to be paved back because now there's the gravel off of the chip and seal that comes off of the streets, dust from the parking lot. It's unrealistic to expect that the parking lot is going to be paved. But it could be paved far enough in that there's no dust. If anybody questions that they should look at the video that Jeannette did. It is a dust storm. It's a big deal to the neighbors that that be resolved.

Ms. Greenwood stated that they should form a neighborhood group and go to the entities separately and try to get that accomplished working with the City. It's really not the topic tonight.

Ms. Simon stated that it is part of what HPC is looking at as far as passing the project on to City Council for further review. Staff are recommending approval of that bus vehicle lane and there is a condition in the resolution that this fugitive dust issue be discussed in more detail. The Institute's concern is they don't want to be responsible for the entire problem when they're just using a portion of the lot. This does need to be revisited. It has come up as a violation recently. She is not sure if HPC needs to resolve anything other than that they have a condition in approval.

Ms. Greenwood stated that they can make a recommendation to City Council. With the increased traffic and things like that, because of this development, it's a situation that needs to be dealt with by someone. That would be something that they could discuss.

Mr. Fallender stated that he would just like to make sure that it gets resolved as Mr. Curtis has suggested. If it does, that's great.

Ms. Simon stated that the HPC resolution would include that drawing that shows the bus lane and the pedestrian path paved all the way out to Gillespie and the continued discussion about the fugitive dust issue. And a paved apron out to Gillespie.

Mr. Fallender stated that there are multiple houses in the neighborhood that are designated historic. He finds it a little strange that the dust from the parking lot doesn't affect the historic character of the neighborhood. It definitely effects the whole neighborhood.

Ms. Greenwood stated that nobody is saying that. There are just a lot of topics to consider.

Mr. Fallender stated that it just keeps getting pushed off.

Ms. Greenwood stated that she suggests Mr. Fallender go to the City Council meetings regarding this project. The Commission will discuss whether they want to pass on a recommendation that the City should start to think about paving that.

Ms. Simon stated that she has two letters to enter into the record in addition to the ones that are in the packet. She forwarded these to the Commissioners by email. Ms. Markalunas sent a letter yesterday after the packet was issued, which covers many of the points she spoke to in public comment tonight. Matt Brown, who also lives on Gillespie in an historic home sent an email today. He's excited about the project. He is, like other, mostly focused on how pedestrians access the site and the traffic issues. He feels that some improvements need to be made to the Institute or Meadows side of the Gillespie Street, more than has been shown in the plans so far. He is concerned about where people walk and that there is little maintenance of that area.

APPLICANT REBUTTAL: Mr. Curtis showed the location of the original preservation zoning line and the Amy's Meadows conservation line on a rendering on the slide. There was a comment that the public thought they were encroaching on those two boundaries. They are not.

Mr. Berkus stated that they are very excited about working with Rowland Broughton. There is a secondary access. That is something that would be used that is closer to the bus dropoff, probably be a primary access for anybody using the parking lot of the public transportation. They did look at keeping the existing path and it just cuts the space in half. They felt it was a much more elegant solution to the two buildings instead of a path that isn't really focused on anything. The path from the corner came after a lot of consideration. The secondary access to maintain exactly what was brought up.

Ms. Simon stated that there is a lot of discussion about the landscape tonight. Any comments about the site plan should be kept high-level. Landscape design is usually a final review discussion. They haven't really addressed the gate or fence, any of that sort of thing at this point. They would talk about it at final.

COMMISSIONER DELIBERATION: Ms. Greenwood stated that, in their packets, they have the conditions for approval. Ms. Simon has laid out exactly what kind of recommendations the Commission needs to make to City Council and they're included in that packet.

Mr. Halferty stated that he agrees with staff's memo as far as compliance with HPC guidelines, echoing a lot of the comments from the neighbors. The landscape part seems too formal and too specified. It's not as loose and artistically interesting as what Bayer initially did. The architecture and improvements to the Bettcher building are warranted. The new architecture for the Resnick Hall is compliant, though he did have some questions, but the architects have clearly described those. He feels it is compliant to HPC guidelines. He appreciates the volunteer designation. All of the architectural improvements as far

as removing all of the scabbed on conduit and things like that onto the Bettcher building. Listening to the parking and the surface and dust mitigation stuff definitely needs to be addressed but not necessarily by this board. He feels like he could support this for conceptual approval.

Ms. Greenwood stated that he thinks it's wonderful that the Bettcher is going to be designated historic. That's significant. This is conceptual and the project is really baked. It's difficult to give feedback given the schedule that's imposed upon this project. There are some definite problems. The landscaping is neither formal or informal. It doesn't have a strong concept with the rows of plants going along the pedestrian walkway. The corner entry to the property with non-Bayer sculpture going beneath it is really a miss. That's a very crowded intersection between the busses and the people, everyone coming in the narrow funnel to get to the rest of the campus. This is a glorious site with glorious buildings on it and there are very minimal entrances to these properties. You still feel like you're on the street when you're going past the new development. She doesn't think the solution is there yet. She especially dislikes the arches by another artist. That is a laughable idea for Aspen. There should be a Herbert Bayer sculpture incorporated into the entry of this parcel. It feels so wrong. There is a lot of circular movement and a lot of straight paths going places. Getting off the bus and taking the entry to where the trash is going to be, that doesn't really address how you use the buildings from a public standpoint. The curves on the site are really nice. They do emulate the Bayer building more so than they do the new building. The new building is very square and doesn't have the movement of the Bettcher building. Yet the landscape is circular. It doesn't feel like it's ready for that design yet. It would have been good to be able to have more input and public input into the design of the space given that the neighbors have lived next to it for a long time and it feels like it's been cooked within a small group of people. The results aren't there yet for her. She could move it on to City Council because that's where they are in the process, regardless of the fact that it has some design issues that should be resolved. That's the entry, landscaping, the relationship of the buildings with the landscaping. It seems very different. She supports staff's recommendation to move it forward. On a conceptual level, the Commission would typically want to look at some of the issues that were brought up and brought back to them. She doesn't know how the rest of the board feels, but she thinks that there are some issues that need to get resolved and aren't. She thinks they should, for the neighbors' sake, make a strong recommendation to City Council that, given the traffic that's going to be generated by this, which is hard to predict. She doesn't see how the City can dictate whether or not they can have private events, they're going to happen. Given that, the City should do whatever it takes to pave that parking lot. As a board, they could make strong recommendations.

Mr. Kendrick stated that he agrees with staff's recommendations for moving this forward. He sees a few issues with the landscaping. Instead of a water feature, he would rather see more of a natural transition between the historic property and the open space. He asked how they would try to direct people to the secondary entrance to the parking lot. How do you get people to use that instead of just walking down the bus lane again and around to the corner? He's not sure how they address that. He would rather see a Herbert Bayer entrance than a tribute to Herbert Bayer, but that's not something that could happen. He thinks the Commission should move this forward, but there are some things he would like to see in terms of the landscaping.

Ms. Thompson stated that she echoes a lot of Ms. Greenwood's comments. She is really excited about the designation of the Bettcher building and thinks that the placement of the Bayer Center on the site is appropriate. She thinks additional study for pedestrian access at final with the landscape plan would be extremely helpful. A little bit more consideration to the neighbors' concerns. She does agree that the sage garden and the formality of the lawn should be considered to be more appropriate to what was originally seen there.

Ms. Sanzone stated that she is excited that this building will be designated. She thinks the building is beautiful and it really complies with the guidelines and what they would hope to see adjacent to an historic building. She agrees with all the comments the board members have made so far about the site and landscape. It doesn't feel like it's appropriate here. There's a lot of opportunity in really highlighting some of the unique features that are on the property. Some that the neighbors have brought up, how people have used the property. It's a great, simple space. Dialing back what's proposed would go a long way to make this fit in the neighborhood. She would support not putting a formal sidewalk, not putting curbing cutter on Gillespie. They continually fight other departments to keep the West End historic and keep it as it is. She would support dialing back those features. Even though the plantings and vegetation that's onsite has come long incrementally over time, she thinks that there's a story to tell of how that's happened. The Commission has heard some from the neighbors about why the honeysuckle hedgerow is there. She would like to see a greater effort to try to incorporate the existing plant material into the design, especially at the corner. There are some significant trees that could create that gateway. They don't need to have the new sculpture to do that. There's an amazing opportunity there. Some of the details will get worked out but there are opportunities to relocate the transformer to make that experience stronger. The sage meadow, the value that those represent historically in the community, there aren't a lot of those left. Even though it's outside the preserved area, it would be really awesome if there was a way to incorporate that more deeply into the landscape design.

Mr. Moyer asked Lissa what her thoughts are on the entry sculpture.

Lissa stated that it is actually a Bayer sculpture. It's from a maquette that was never actually created into a larger sculpture. The way that Bayer designed his sculptures is that he had a lot of ideas as maquettes and he wasn't able to realize most of them. This is one that was never realized in human scale.

Mr. Moyer asked if the water portion of the landscaping is a practical or aesthetic concept.

Mr. Berkus stated that it's a mix, but it's more aesthetic. They could narrow it up to be the waterway that it was. But the landscape architect had a very strong feeling about the reflection of the sculpture floating in the water feature. There was a lot of thought on that but they knew it would be up for discussion.

Mr. Moyer stated that the more public comments they have, the better projects they have. Staff's recommendations are fine and the Commission should approve that. He stated that it's really obvious

that this whole landscaping plan is not ready. He asked Ms. Simon if that is going to interfere with having a better landscaping plan if they approve the resolution.

Ms. Simon stated that it won't. The memo notes that landscaping is a final review issue. The resolution is silent about it. If the Commission needs to add something to be more clear, they can. Her point of view is that none of it is approved at this level, that that is a final review issue. The only thing that concerns her is the gate element because it is over the height limit for any kind of fence or gate. It may be something that Council needs to bless. It sounds like the Commissioners have some concerns about it. It may need some resolution here.

Mr. Moyer stated that it's a great idea when the designer can walk around and say: "if I put this here, people are going to walk there" and feel what people are going to do when they move around and they enter a place or leave a place. In part of the reflection on the landscaping, it's important to reflect back to when they read *Pattern Language* and reflect upon that. He's ready to approve it conceptually.

Ms. Greenwood stated that she thinks they should add something about the landscaping, the entry, and the gate. It doesn't feel like the rest of the property. It feels very kitschy. Bayer's sculptures don't produce that.

Ms. Sanzone asked if they can broaden the comment to be that they have general concerns about the site and landscape rather than be specific about one element. As they look at it, they may come up with a different design solution that's more appropriate.

Ms. Greenwood stated that she thinks the whole general needs to be thought with the position that they've placed the buildings and the traffic in the neighborhood. It's an odd location. There's symmetry to the buildings and yet there is an entry that doesn't embrace that. If she wants to come up with a part of a condition for the general landscaping, she should go ahead.

Ms. Simon stated that someone needs to motion to extend the meeting for a little longer.

Mr. Moyer motioned to extend the meeting for another fifteen minutes.

Mr. Kendrick seconded.

Ms. Thompson asked Ms. Simon if setback requirements apply to this.

Ms. Simon stated that this is a planned development, so there are no rules. Their approval will represent what's allowed. There is no limit to square footage or setbacks or height or anything. It's just what the Commission finds meets the guidelines and is acceptable.

MOTION: Ms. Sanzone motioned to approve the resolution as staff has presented it with one additional condition that, based on the extensive comment by the board and even though the landscape and site plan wasn't formally presented to them, they would recommend significant restudy to address the comments that were made by the board and members of the public.

Ms. Thompson seconded.

Ms. Simon asked if they want their condition to read: “restudy of the landscape and site design” or just the “landscape plan.”

Ms. Sanzone stated that she would like it to say: “site plan and landscape design.”

Mr. Berkus asked how he might direct the landscape architect. This is a lot of pressure on him to come back at final and try to get it right. He is hearing that, if they were to pull back from the sage a little bit, everybody would be happy with that. He is hearing that the corner might want to be restudied. He’s hearing that they should have another solution for the gate. He asked if they all like coming off of the parking lot side better.

Ms. Greenwood stated that there’s an awkward relationship between the parking lot, the bus lane, the walking path, and the entry to that building. The curvature getting around to the buildings. It doesn’t flow. For her, she thinks it would be interesting to see different concepts.

Mr. Berkus stated that it was all about flow. The idea was to be able to walk around the buildings, because you typically can’t do that. It gives a very nice distance from the building. But he can see how it’s possible to come in through the sage easily. He asked if the curb on the northside is bothering them as well, or if it’s just the way that they approach the buildings.

Ms. Greenwood stated that it’s the approach.

Mr. Kendrick stated that it’s the flow from the parking lot to the site.

Ms. Greenwood stated that also from the street. The buildings are symmetrical and you don’t relate to the buildings.

Mr. Berkus stated that you come in on the center line of the two buildings. This is the way that both buildings are seen at once and you see Bettcher in its entirety.

Mr. Curtis stated that Mr. Berkus has to listen to the comments.

Ms. Sanzone stated that no one here is questioning the placement of the new building. That’s good. For her it’s more fundamental that there are elements of the existing landscape that rise to the top and start to form the structure of the landscape. It involves flow, structure, arrival. There is a lot of comment on this one area, but she doesn’t want him to go away and say that’s the only area they need to take a look at.

Ms. Thompson stated that it’s presented in a way that shows that the applicants have considered how the pedestrian flow would occur. She’s not saying she wants to see an access path in a specific location but she wants to see how they’ve come to that solution and how they anticipate it functioning.

Mr. Berkus asked if they need that for City Council or if that's for final review with HPC.

Ms. Simon stated that, the comments be entered as verbatim as possible into the minutes and that the minutes will be produced quickly so that they can get going.

Mr. Moyer stated that this is really important. Thinking of when he had lunch with Herbert at Nora Berko's parents place, sitting in the garden. What Herbert was like and what he did and so on. He asked if this is important enough that they should have another meeting, just about this design and landscape process. Many people knew Herbert Bayer. There's something about the whole landscaping thing that just isn't working. Maybe we should have another meeting before final.

Mr. Halferty stated that they should let them rethink it and simplify it.

Ms. Greenwood stated that they are always available.

Ms. Sanzone asked if Mr. Moyer is suggesting an informal meeting or another HPC board meeting.

Ms. Simon stated that, to be realistic, the applicant is already coming back on February 26th for final. She needs the packet at least a week before that. They already only have two and a half or three weeks to turn around. She does not want to try to cram another discussion in. It's clear what the Commission has concerns with. They have a talented team. They'll respond.

Ms. Thompson asked if the landscape needs to go through Council.

Ms. Simon stated that she doesn't think so. She thinks that she simply has to convey to Council that this was such an important issue to HPC and they want to maintain purview over it, in terms of the final design.

Mr. Curtis stated that they have no problem.

Ms. Greenwood stated that the applicant is definitely looking for direction. She asked if they would describe their recommendation to be towards a more natural landscape setting. A better flow for pedestrians. A better entry.

Mr. Sanzone stated that she thinks it's everything he's heard tonight. She doesn't know if they can summarize it.

Mr. Berkus stated that they have the direction.

Roll call vote: Ms. Greenwood: yes; Ms. Thompson: yes; Mr. Kendrick: yes; Mr. Halferty: yes; Mr. Moyer: yes; Mr. Sanzone: yes

OTHER BUSINESS: None.

MOTION: Mr. Halferty motioned to adjourn the meeting at 7:15 PM. Ms. Greenwood seconded. All in favor, motion carried.

Jeannine Stickle, Records Manager

DRAFT

EMPLOYEE AUDIT BASELINE

ASPEN INSTITUTE PLANNED DEVELOPMENT (PD) APPLICATION BOETTCHER SEMINAR BUILDING RENOVATION AND CENTER FOR HERBERT BAYER STUDIES

I. BOETTCHER SEMINAR BUILDING RENOVATION

See Exhibit 1 attached. Boettcher employees are:

- a. 16 Full-Time/Year-Round Employees split between Aspen Institute (AI) and Aspen Meadows (AM).
- b. 1 Part-Time/Year-Round Employee.
- c. 6 Summer Only Employees with varying work schedules.
- d. 2 Summer interns officed at Boettcher. The Aspen Institute secures housing for the interns and housing rent assistance is available based on need.

As shown in Exhibit 1, the Boettcher Building operates at 18.56 FTEs. The Boettcher Renovation will not result in any net new employee generation. The operation of the building will remain basically the same and the same number of full-time, part-time and summer intern employees will be officed in the building after the renovation.

II. CENTER FOR HERBERT BAYER STUDIES

The Center is projected to add 2.0 FTEs as follows:

- a. 1 full-time curator at 2,080 hrs./yr. = 1 FTE
- b. 1/2 part-time curator at 1,040 hrs./yr. = 1/2 FTE
- c. Added eng., maintenance, cleaning hours at 520 hrs./yr. = 1/4 FTE
- d. Added event, banquet servers' hours at 520 hrs./yr. = 1/4 FTE



MEMORANDUM

TO: Mayor Torre and Aspen City Council

FROM: Amy Simon, Historic Preservation Officer

THRU: Phillip Supino, Community Development Director

MEETING DATE: February 25, 2020

RE: Call Up of HPC’s approval for 1020 E. Cooper Avenue– Conceptual Major Development, Demolition, Relocation and Variation, HPC Resolution #21, Series of 2019

<p>APPLICANT: 1020 Cooper LLC</p> <p>REPRESENTATIVE: Brewster McLeod Architects</p> <p>LOCATION: <u>Street Address:</u> 1020 E. Cooper Avenue</p> <p><u>Legal Description:</u> The east 13.79 feet of Lot O and all of Lot P, Block 34, East Aspen Addition to the City of Aspen</p> <p><u>Parcel Identification Number:</u> PID# 2737-182-32-006</p> <p>CURRENT ZONING & USE RMF: Residential Multi-Family, developed with a single-family home</p> <p>PROPOSED LAND USE: No change</p>	<p>PROCESS SUMMARY: On January 28th staff provided Council with a Notice of Call Up regarding HPC’s review and conceptual approval of a land use application affecting 1020 E. Cooper Avenue. Council asked for additional explanation of the proposal, which will be provided at this meeting in the form of a detailed presentation by the applicant.</p> <p>Call Up is not a public hearing. After considering the additional project description, Council may uphold HPC’s decision or may remand it to require reconsideration of specific issues. HPC’s decision on remand, which will be publicly noticed, shall be final.</p> <p>BACKGROUND: HPC conducted hearings regarding 1020 E. Cooper Avenue on August 28th and December 11th, 2020 and granted Conceptual, Demolition, Relocation and Variation approval for a project which involves demolishing two non-Victorian era sheds, relocating the 19th century home forward and onto a new basement, and constructing an addition. The December 11th staff memo is attached and details the fact that this home, somewhat of an anomaly amongst larger adjacent multi-family development, is also unusual in its small size and design. It was constructed as two separate structures, butted together in the 1800s, and is not typical amongst the 125 miner’s cottages remaining in Aspen. The historic building is only 500 square feet in size, and all original exterior materials have been removed. No historic photographs have been found and most other research tools, like historic maps, do not cover this area. The property could qualify for delisting as a historic resource due to limited architectural integrity, but instead the owner, staff and HPC are pursuing preservation of the original building form and construction of an addition behind the resource, distanced from the miner’s cottage with a 10’ long one-story connector, as is standard for historic sites.</p>
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Because HPC required an existing non-historic addition to be removed as part of this project, the property crosses the threshold for demolition and is subject to a 20% floor area penalty for the establishment of a “new” single family home in the RMF zone district. To partially offset the resulting loss of 588 square feet of floor area, HPC granted a 250 square foot floor area bonus. The applicant had requested an additional 250 square foot bonus to be converted to a TDR, but this was denied.

The property is a legally established non-conforming lot size, below the 6,000 square foot threshold set for the neighborhood. Numerous properties of this size are located nearby. The previous owner acquired some of the lot through a Quit Claim action against the west neighbors, a circumstance that may aggravate some concerns with proximity to the adjacent, much larger structures. Nonetheless, this project meets all the required front, side and rear yard limitations and includes no setback variations or parking variations.

The HPC discussion of the project was detailed and resulted in a split vote of 4 in favor and 2 opposed, with two members concerned with the size and shape of the addition. Neighbors have expressed concerns, some of which do not pertain to HPC and relate to the Quit Claimed land, and a declining tree that straddles the east lot line. HPC’s Conceptual approval includes conditions that will address these concerns to the extent possible at Final Review.

The floor area, mass and scale of the project are more driven by standard residential floor area allowances than by HPC benefits, as the bonus area granted by HPC still leaves the project 338 square feet short of the by-right floor area per underlying zoning. HPC uses design review to mitigate the impacts of additions on smaller historic resources. A relatively new design guideline promotes limiting the size of the addition to no more than equal the size of the original resource. Criteria for exceptions are provided. Most projects have been granted a degree of leeway on this guideline, which is particularly restrictive in this case of a 500 square foot historic building. This project retains a historic resource, restored to the extent possible, as a contributing part of the streetscape along Cooper Avenue while allowing the owner reasonable development rights, similar to non-historic properties.

STAFF RECOMMENDATION: Staff recommended approval of the project and recommends that Council support HPC’s findings.



Existing and Proposed South Elevation

FINANCIAL IMPACTS: N/A

ENVIRONMENTAL IMPACTS: N/A

ALTERNATIVES: N/A

RECOMMENDED MOTION: "I move to uphold HPC's approval for 1020 E. Cooper Avenue- Conceptual Major Development, Demolition, Relocation and Variation."

CITY MANAGER COMMENTS:

EXHIBITS:

- A - Staff memo to HPC, December 11, 2019
- B - Application
- C - HPC meeting minutes, December 11, 2019
- D - HPC Resolution #21, Series of 2019
- E- Public comments, December 11, 2019


 CITY OF ASPEN
MEMORANDUM

TO: Aspen Historic Preservation Commission

FROM: Amy Simon, Historic Preservation Officer

MEETING DATE: December 11, 2019

RE: **1020 E. Cooper Avenue**- Conceptual Major Development Review, Demolition, Relocation, Variations, PUBLIC HEARING CONTINUED FROM OCTOBER 23rd

APPLICANT /OWNER:

1020 E. Cooper LLC

REPRESENTATIVE:

Brewster McLeod Architects

LOCATION:

Street Address:

1020 E. Cooper Avenue

Legal Description:

The east 13.79 feet of Lot O and all of Lot P, Block 34, East Aspen Addition to the City of Aspen

Parcel Identification Number:

PID# 2737-182-32-006

CURRENT ZONING & USE

Single-family home,
RMF: Residential Multi-Family

PROPOSED LAND USE:

No change

SUMMARY:

The applicant has requested Major Development, Demolition, Relocation and Variation review for a project which involves demolishing two sheds on the property, relocating the historic home forward and onto a new basement, and constructing a new addition. A floor area bonus is requested. HPC reviewed this proposal in July and continued the hearing for restudy.

STAFF RECOMMENDATION:

The applicant has responded to staff and board comments. Staff recommends approval of the revised design.



Site Locator Map - 1020 E. Cooper Avenue

BACKGROUND:

1020 E. Cooper Avenue is a 4,379 sq. ft. lot located in the RMF zone district. The site contains a Victorian era home and two sheds of an unknown construction date. The house has been heavily altered in terms of replacement of exterior materials and features and enclosure of the original front porch. This area of town was not included in the historic Sanborn maps and no historic photos of this house have been located. The home, in its current appearance is depicted at right.



REQUEST OF HISTORIC PRESERVATION COMMISSION (HPC)

The Applicant is requesting the following land use approvals:

- Major Development (Section 26.415.070.D) for removal of a non-historic lean-to, and construction of a new addition to the rear of the historic home. A 500 square foot floor area bonus is requested.
- Demolition (Section 26.415.080.A) to remove two outbuildings from the property.
- Relocation (Section 26.415.090.C) to move the historic home forward 7 feet and westward 2 feet.

The Historic Preservation Commission (HPC) is the final review authority, however this project is subject to Call-up Notice to City Council. The applicant intends to request Council approval to remove 250 square feet of floor area from the site as a TDR.

STAFF COMMENTS:

Following is a summary of staff findings. Please see Exhibits A, B and C for more detail.

Site Planning, Demolition, Relocation: The applicant proposes to demolish the non-historic addition to the resource, lift the historic house on this site, move it 7’ forward and 2’ westward, and place it on a new basement. Two sheds along the alley are to be demolished and two trees are proposed to be removed from the site.

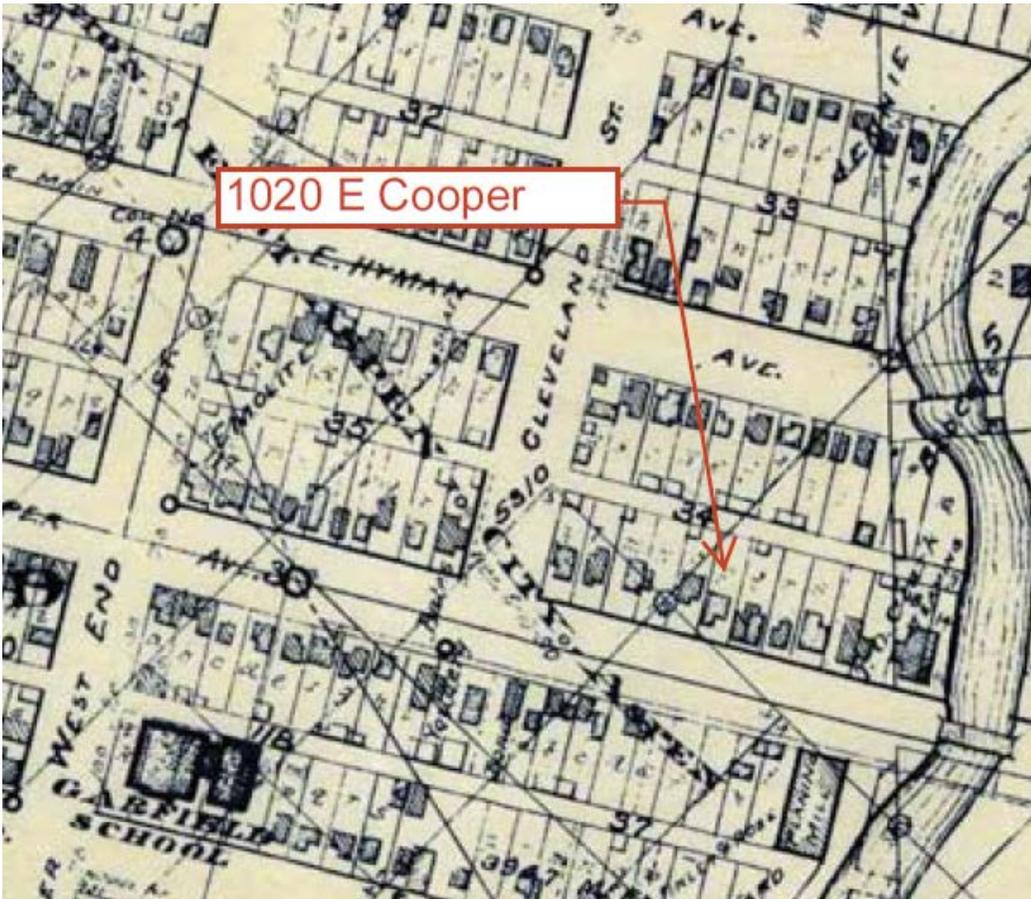
Staff supports the demolition of the sheds and the relocation of the historic resource as described in Exhibits B and C to this memo. The sheds appear to have been built in about the mid-20th century, based on the limited information that is available. They are not Victorian era and because of this they do not

contribute to the representation of the property as a 19th century home. Their preservation should not be required.

Staff finds that relocating the historic home forward on the site is appropriate and will not disturb any historic patterns on this block, which includes two large apartment buildings that are of a different scale and placement than the adjacent landmarks. The proposal meets the site planning guidelines which are applicable to Conceptual Review. Additional detail regarding landscape will be discussed at Final.

HPC indicated general support for these elements of the proposal at the July 24th hearing.

Historic Landmark Alterations and New Addition: The home on this site was constructed in the Victorian era, but it is not a classic miner’s cottage. Since the July meeting, the applicant has completed asbestos abatement, which has allowed greater access for the contractor to inspect and assess the building. An illustrated report is attached to the application. The contractor’s conclusion is that the home is two separately constructed forms which, early in their history, were butted against each other in an L form and “stitched” together. This creates some challenging conditions, including differing north-south and east-west ridge heights.

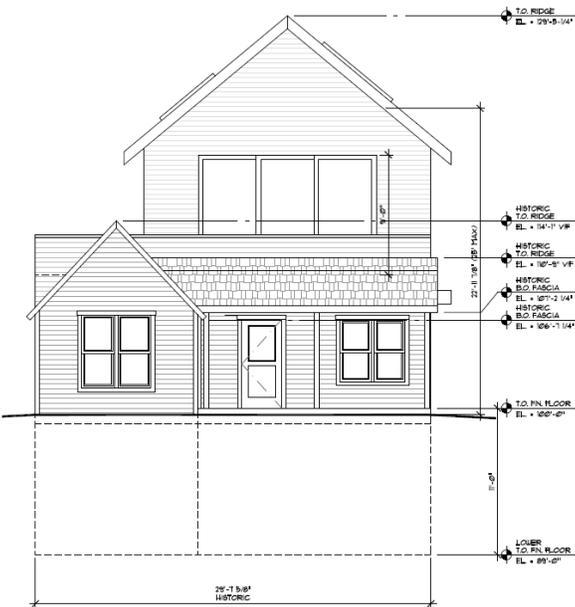


This property is outside of the area covered by the turn of the century fire insurance maps that are often relied on for documentation of changes to buildings. No historic photos have been located. The home has been in the current appearance since at least 1965.

The only record of the building, other than what can be discovered on-site, is the 1896 Willit’s Map at left, which shows the footprint of the structure.

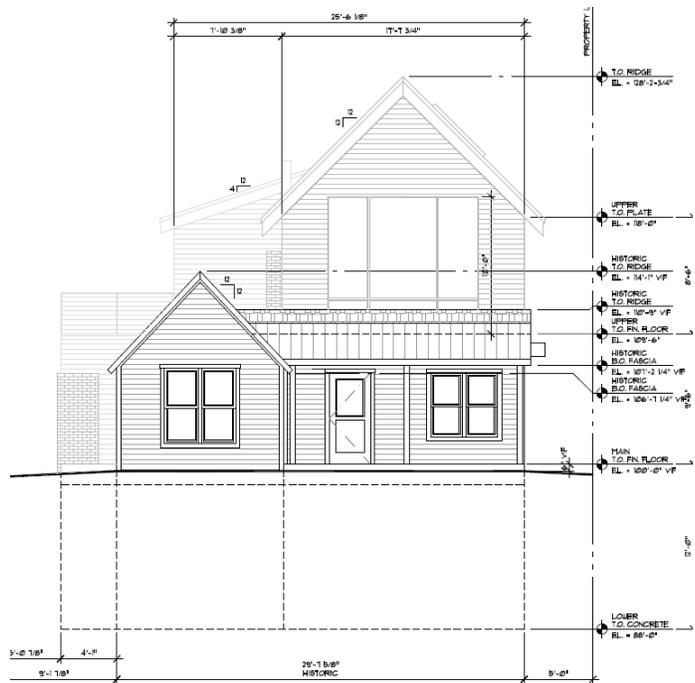
It is not possible to tell from this map whether or not the house had a front porch. The entry to the existing house, which appears to be an enclosed porch, is not Victorian era construction. Some original framing and sheathing remain, but all other features of the original building, including siding, trim, doors and windows have been removed. The July hearing included a brief discussion of the option to de-list the property as historic, but HPC did not support that, indicating that the resource still has value. The proposal is to reflect common characteristics of Aspen’s mining era homes in the redevelopment of this home. Physical inspection and careful review of any new evidence uncovered during the construction process will be part of the Final conditions of approval.

Based on staff and HPC feedback, the applicant has made a number of changes from the original proposal, including removing the non-historic rear lean-to from the house to create a lower profile connector that meets the design guidelines. The gable end of the addition has been made more narrow, with a steeper roof pitch to relate more strongly to the Victorian. Materials on the addition have been simplified and more reflective of the 19th century palette.



3 SOUTH ELEVATION - PROPOSED

July 2019



3 SOUTH ELEVATION - PROPOSED

December 2019



The addition remains large in comparison to the historic resource, however the 508 square foot resource is unusually small even amongst the miner's cottages. The 7'6" plate height on part of the home and east-west ridge height of less than 11' also create challenges to screening the new construction. The property is not big enough to allow for a lot split, or two detached homes, tools which are often successful in reducing addition size.

The above grade floor area of the addition is 1,862 square feet. HPC guideline 10.4 restricts an addition to no more than equal in size to the historic resource unless certain criteria are met, which staff finds is the case as follows:

The total above grade floor area of an addition may be no more than 100% of the above grade floor area of the original historic resource. All other above grade development must be completely detached. HPC may consider exceptions to this policy if two or more of the following are met:

- The proposed addition is all one story
- The footprint of the new addition is closely related to the footprint of the historic resource and the proposed design is particularly sensitive to the scale and proportions of the historic resource
- The project involves the demolition and replacement of an older addition that is considered to have been particularly detrimental to the historic resource
- The interior of the resource is fully utilized, containing the same number of usable floors as existed historically
- The project is on a large lot, allowing the addition to have a significant setback from the street
- There are no variance requests in the application other than those related to historic conditions that aren't being changed
- The project is proposed as part of a voluntary AspenModern designation, or
- The property is affected by non-preservation related site specific constraints such as trees that must be preserved, Environmentally Sensitive Areas review, etc.

This property is located in the Residential Multi-Family zone district. The alternative to development of a single-family home as proposed is a multi-family development that would be allowed approximately 1,000 additional square feet of floor area, or more. Given the context of the subject property, set between two substantially larger structures, staff finds that the addition is an acceptable backdrop to the historic resource, as rendered on the following page.



FAR BONUS

Because the applicant has taken HPC's direction to remove the non-historic rear lean-to on this home, zoning regulations will consider the house to be demolished and a 20% floor area penalty is imposed on the reconstruction. This amounts to a loss of 588 square feet of allowable floor area. The applicant requests a 500 square foot bonus to offset this penalty. 229 square feet of the bonus will be built on the site. The applicant will request Council allow for the creation of one 250 square foot TDR with the remaining square footage.

This project was submitted for review before new standards for floor area bonuses went into effect. In selected circumstances, the HPC may grant up to five hundred (500) additional square feet of allowable floor area for projects involving designated historic properties. To be considered for the bonus, it must be demonstrated that:

- a. The design of the project meets all applicable design guidelines;



- b. The historic building is the key element of the property and the addition is incorporated in a manner that maintains the visual integrity of the historic building;
- c. The work restores the existing portion of the building to its historic appearance;
- d. The new construction is reflective of the proportional patterns found in the historic building's form, materials or openings;
- e. The construction materials are of the highest quality;
- f. An appropriate transition defines the old and new portions of the building;
- g. The project retains a historic outbuilding; and/or
- h. Notable historic site and landscape features are retained.

Removal of the 60s addition is important to restoring the footprint of the historic building and allowing a buffer between it and the larger portion of the addition. The applicant has asked to regain a portion of the floor area penalty imposed as a result of this demolition in the form of on-site living area. The rest will be removed from the site. Staff supports this with the condition that the bonus in excess of 229 square feet must be removed as a TDR or it is invalidated.

REFERRAL COMMENTS:

The application was referred out to other City departments to preliminarily identify requirements that may affect permit review. Applicant follow-up on these comments is needed prior to the next hearing.

Building: Building will require a 1 hour fire resistance rating on any eaves or walls that are less than 5' from a property line.

Parks: The Parks Department will consider the issuance of tree removal permits as requested, however the input of the neighbors to the east of this site is needed regarding the tree that is located on the common lot line.

Zoning:

- Detailed Floor area calculations will be required at permit review.
- There appears to be a setback violation related to the depth of the eave at the north end of the building, as an eave may only project 18" into a required setback.
- A feature over a garage window on the east elevation may intrude into the setback.
- The proposed mechanical equipment on the roof of the garage may be a setback violation.

Engineering:

- Detention to 100 year will be required if not discharging to city stormwater conveyance system.
- Lightwells must drain separately from foundation drain.
- A Load Calc form will be required to determine if a transformer is needed.
- Applicant must provide a preliminary utility plan.



RECOMMENDATION:

Staff recommends the Historic Preservation Commission approve the project as outlined in the proposed Resolution.

ATTACHMENTS:

Resolution #_, Series of 2019

Exhibit A - Historic Preservation Design Guidelines Criteria /Staff Findings

Exhibit B - Relocation Criteria/Staff Findings

Exhibit C -Demolition Criteria/Staff Findings

Exhibit D- HPC Minutes, July 24, 2019

Exhibit E - Application



Exhibit A
Historic Preservation Design Guidelines Criteria
Staff Findings

Historic Preservation Design Guidelines Review Criteria for 1020 E. Cooper Avenue			
Chapter 1: Site Planning & Landscape Design	MET	NOT MET	DOES NOT APPLY
1.1 All projects shall respect the historic development pattern or context of the block, neighborhood or district.	MET		
1.2 Preserve the system and character of historic streets, alleys, and ditches.	MET		
1.5 Maintain the historic hierarchy of spaces.	MET		
1.6 Provide a simple walkway running perpendicular from the street to the front entry on residential projects.	MET		
1.7 Provide positive open space within a project site.	MET		
1.8 Consider stormwater quality needs early in the design process.	MET		
1.10 Built-in furnishings, such as water features, fire pits, grills, and hot tubs, that could interfere with or block views of historic structures are inappropriate.	MET		
1.11 Preserve and maintain historically significant landscaping on site, particularly landmark trees and shrubs.	MET		
1.17 No fence in the front yard is often the most appropriate solution.	MET		
1.18 When building an entirely new fence, use materials that are appropriate to the building type and style.	MET		
1.19 A new fence should have a transparent quality, allowing views into the yard from the street.	MET		
1.20 Any fence taller than 42" should be designed so that it avoids blocking public views of important features of a designated building.	MET		
Chapter 2: Rehabilitation - Building Materials	MET	NOT MET	DOES NOT APPLY
2.1 Preserve original building materials.			N/A
2.2 The finish of materials should be as it would have existed historically.	MET		
2.3 Match the original material in composition, scale and finish when replacing materials on primary surfaces.	MET		
2.4 Do not use synthetic materials as replacements for original building materials.	MET		
2.5 Covering original building materials with new materials is inappropriate.	MET		
2.6 Remove layers that cover the original material.	MET		



Chapter 3: Rehabilitation - Windows	MET	NOT MET	DOES NOT APPLY
3.2 Preserve the position, number, and arrangement of historic windows in a building wall.	CONDITION		
3.3 Match a replacement window to the original in its design.	CONDITION		
3.4 When replacing an original window, use materials that are the same as the original.	CONDITION		
3.5 Preserve the size and proportion of a historic window opening.	CONDITION		
3.6 Match, as closely as possible, the profile of the sash and its components to that of the original window.	CONDITION		
3.7 Adding new openings on a historic structure is generally not allowed.	MET		
Chapter 4: Rehabilitation - Doors	MET	NOT MET	DOES NOT APPLY
4.2 Maintain the original size of a door and its opening.			N/A
4.4 When replacing a door or screen door, use a design that has an appearance similar to the original door or a door associated with the style of the building.	MET		
4.5 Adding new doors on a historic building is generally not allowed.	MET		
Chapter 5: Rehabilitation - Porches & Balconies	MET	NOT MET	DOES NOT APPLY
5.4 If reconstruction is necessary, match the original in form, character and detail.	MET		
Chapter 6: Rehabilitation - Architectural Details	MET	NOT MET	DOES NOT APPLY
6.4 Repair or replacement of missing or deteriorated features are required to be based on original designs.	CONDITION		
6.5 Do not guess at "historic" designs for replacement parts.	CONDITION		
Chapter 7: Rehabilitation - Roofs	MET	NOT MET	DOES NOT APPLY
7.1 Preserve the original form of a roof.	MET		
7.2 Preserve the original eave depth.	MET		
7.8 New or replacement roof materials should convey a scale, color and texture similar to the original.	MET		
Chapter 9: New Construction - Excavation, Building Relocation & Foundations	MET	NOT MET	DOES NOT APPLY
9.2 Proposals to relocate a building will be considered on a case-by-case basis.	MET		
9.3 Site a relocated structure in a position similar to its historic orientation.	MET		
9.4 Position a relocated structure at its historic elevation above grade.	MET		
9.5 A new foundation shall appear similar in design and materials to the historic foundation.	MET		
9.6 Minimize the visual impact of lightwells.	MET		
9.7 All relocations of designated structures shall be performed by contractors who specialize in moving historic buildings, or can document adequate experience in successfully relocating such buildings.	CONDITION		



Chapter 10: New Construction - Building Additions	MET	NOT MET	DOES NOT APPLY
10.1 Preserve an older addition that has achieved historic significance in its own right.			N/A
10.2 A more recent addition that is not historically significant may be removed.	MET		
10.3 Design a new addition such that one's ability to interpret the historic character of the primary building is maintained.	MET		
10.4 The historic resource is to be the focus of the property, the entry point, and the predominant structure as viewed from the street.	MET		
10.6 Design a new addition to be recognized as a product of its own time.	MET		
10.8 Design an addition to be compatible in size and scale with the main building.	MET		
10.9 If the addition is taller than a historic building, set it back from significant façades and use a "connector" to link it to the historic building.	MET		
10.10 Place an addition at the rear of a primary building or set it back substantially from the front to minimize the visual impact on the historic structure and to allow the original proportions and character to remain prominent.	MET		
10.11 Roof forms shall be compatible with the historic building.	MET		
10.12 Design an addition to a historic structure that does not destroy or obscure historically important architectural features.	MET		

26.415.070.D Major Development. No building, structure or landscape shall be erected, constructed, enlarged, altered, repaired, relocated or improved involving a designated historic property or a property located within a Historic District until plans or sufficient information have been submitted to the Community Development Director and approved in accordance with the procedures established for their review. An application for a building permit cannot be submitted without a development order.

1. Conceptual Development Plan Review

b) The procedures for the review of conceptual development plans for major development projects are as follows:

- 1) The Community Development Director shall review the application materials submitted for conceptual or final development plan approval. If they are determined to be complete, the applicant will be notified in writing of this and a public hearing before the HPC shall be scheduled. Notice of the hearing shall be provided pursuant to Section 26.304.060.E.3 Paragraphs a, b and c.



- 2) Staff shall review the submittal material and prepare a report that analyzes the project's conformance with the design guidelines and other applicable Land Use Code sections. This report will be transmitted to the HPC with relevant information on the proposed project and a recommendation to continue, approve, disapprove or approve with conditions and the reasons for the recommendation. The HPC will review the application, the staff analysis report and the evidence presented at the hearing to determine the project's conformance with the City Historic Preservation Design Guidelines.
- 3) The HPC may approve, disapprove, approve with conditions or continue the application to obtain additional information necessary to make a decision to approve or deny.
- 4) A resolution of the HPC action shall be forwarded to the City Council in accordance with Section 26.415.120 - Appeals, notice to City Council, and call-up. No applications for Final Development Plan shall be accepted by the City and no associated permits shall be issued until the City Council takes action as described in said section.

Relevant Historic Preservation Design Guidelines:

1.1 All projects shall respect the historic development pattern or context of the block, neighborhood or district.

- Building footprint and location should reinforce the traditional patterns of the neighborhood.
- Allow for some porosity on a site. In a residential project, setback to setback development is typically uncharacteristic of the historic context. Do not design a project which leaves no useful open space visible from the street.

1.2 Preserve the system and character of historic streets, alleys, and ditches.

When HPC input is requested, the following bullet points may be applicable.

- Retain and preserve the variety and character found in historic alleys, including retaining historic ancillary buildings or constructing new ones.
- Retain and preserve the simple character of historic ditches. Do not plant flowers or add landscape.
- Abandoning or re-routing a street in a historic area is generally discouraged.
- Consider the value of unpaved alleys in residential areas.

1.5 Maintain the historic hierarchy of spaces.

- Reflect the established progression of public to private spaces from the public sidewalk to a semi-public walkway, to a semi private entry feature, to private spaces.

1.6 Provide a simple walkway running perpendicular from the street to the front entry on residential projects.



- Meandering walkways are not allowed, except where it is needed to avoid a tree or is typical of the period of significance.
- Use paving materials that are similar to those used historically for the building style and install them in the manner that they would have been used historically. For example on an Aspen Victorian landmark set flagstone pavers in sand, rather than in concrete. Light grey concrete, brick or red sandstone are appropriate private walkway materials for most landmarks.
- The width of a new entry sidewalk should generally be three feet or less for residential properties. A wider sidewalk may be appropriate for an AspenModern property.

1.7 Provide positive open space within a project site.

- Ensure that open space on site is meaningful and consolidated into a few large spaces rather than many small unusable areas.
- Open space should be designed to support and complement the historic building.

1.8 Consider stormwater quality needs early in the design process.

- When included in the initial planning for a project, stormwater quality facilities can be better integrated into the proposal. All landscape plans presented for HPC review must include at least a preliminary representation of the stormwater design. A more detailed design must be reviewed and approved by Planning and Engineering prior to building permit submittal.
- Site designs and stormwater management should provide positive drainage away from the historic landmark, preserve the use of natural drainage and treatment systems of the site, reduce the generation of additional stormwater runoff, and increase infiltration into the ground. Stormwater facilities and conveyances located in front of a landmark should have minimal visual impact when viewed from the public right of way.
- Refer to City Engineering for additional guidance and requirements.

1.10 Built-in furnishings, such as water features, fire pits, grills, and hot tubs, that could interfere with or block views of historic structures are inappropriate.

- Site furnishings that are added to the historic property should not be intrusive or degrade the integrity of the neighborhood patterns, site, or existing historic landscape.
- Consolidating and screening these elements is preferred.

1.11 Preserve and maintain historically significant landscaping on site, particularly landmark trees and shrubs.

- Retaining historic planting beds and landscape features is encouraged.
- Protect historically significant vegetation during construction to avoid damage. Removal of damaged, aged, or diseased trees must be approved by the Parks Department.
- If a significant tree must be removed, replace it with the same or similar species in coordination with the Parks Department.



- The removal of non-historic planting schemes is encouraged.
- Consider restoring the original landscape if information is available, including original plant materials.

1.17 No fence in the front yard is often the most appropriate solution.

Reserve fences for back yards and behind street facing façades, as the best way to preserve the character of a property.

1.18 When building an entirely new fence, use materials that are appropriate to the building type and style.

- The new fence should use materials that were used on similar properties during the period of significance.
- A wood fence is the appropriate solution in most locations.
- Ornate fences, including wrought iron, may create a false history and are not appropriate for Aspen Victorian landmarks unless there is evidence that a decorative fence historically existed on the site.
- A modest wire fence was common locally in the early 1900s and is appropriate for Aspen Victorian properties. This fence type has many desirable characteristics including transparency, a low height, and a simple design. When this material is used, posts should be simply detailed and not oversized.

1.19 A new fence should have a transparent quality, allowing views into the yard from the street.

- A fence that defines a front yard must be low in height and transparent in nature.
- For a picket fence, spacing between the pickets must be a minimum of 1/2 the width of the picket.
- For Post-WWII properties where a more solid type of fence may be historically appropriate, proposals will be reviewed on a case-by-case basis.
- Fence columns or piers should be proportional to the fence segment.

1.20 Any fence taller than 42" should be designed so that it avoids blocking public views of important features of a designated building.

- A privacy fence should incorporate transparent elements to minimize the possible visual impacts. Consider staggering the fence boards on either side of the fence rail. This will give the appearance of a solid plank fence when seen head on. Also consider using lattice, or other transparent detailing on the upper portions of the fence.
- A privacy fence should allow the building corners and any important architectural features that are visible from the street to continue to be viewed.
- All hedgerows (trees, shrub bushes, etc.) are prohibited in Zones A and B.

2.1 Preserve original building materials.

- Do not remove siding that is in good condition or that can be repaired in place.



- Masonry features that define the overall historic character, such as walls, cornices, pediments, steps and foundations, should be preserved.
- Avoid rebuilding a major portion of an exterior wall that could be repaired in place. Reconstruction may result in a building which no longer retains its historic integrity.
- Original AspenModern materials may be replaced in kind if it has been determined that the weathering detracts from the original design intent or philosophy.

2.2 The finish of materials should be as it would have existed historically.

- Masonry naturally has a water-protective layer to protect it from the elements. Brick or stone that was not historically painted shall not be painted.
- If masonry that was not painted historically was given a coat of paint at some more recent time, consider removing it, using appropriate methods.
- Wood should be painted, stained or natural, as appropriate to the style and history of the building.

2.3 Match the original material in composition, scale and finish when replacing materials on primary surfaces.

- If the original material is wood clapboard for example, then the replacement material must be wood as well. It should match the original in size, and the amount of exposed lap and finish.
- Replace only the amount required. If a few boards are damaged beyond repair, then only those should be replaced, not the entire wall. For AspenModern buildings, sometimes the replacement of a larger area is required to preserve the integrity of the design intent.

2.4 Do not use synthetic materials as replacements for original building materials.

- Original building materials such as wood siding and brick should not be replaced with synthetic materials.

2.5 Covering original building materials with new materials is inappropriate.

- Regardless of their character, new materials obscure the original, historically significant material.
- Any material that covers historic materials may also trap moisture between the two layers. This will cause accelerated deterioration to the historic material which may go unnoticed.

2.6 Remove layers that cover the original material.

- Once the non-historic siding is removed, repair the original, underlying material.

3.2 Preserve the position, number, and arrangement of historic windows in a building wall.

- Enclosing a historic window is inappropriate.
- Do not change the size of an original window opening.

3.3 Match a replacement window to the original in its design.

- If the original is double-hung, then the replacement window must also be double-hung. If the sash have divided lights, match that characteristic as well.



3.4 When replacing an original window, use materials that are the same as the original.

3.5 Preserve the size and proportion of a historic window opening.

- Changing the window opening is not permitted.
- Consider restoring an original window opening that was enclosed in the past.

3.6 Match, as closely as possible, the profile of the sash and its components to that of the original window.

- A historic window often has a complex profile. Within the window's casing, the sash steps back to the plane of the glazing (glass) in several increments. These increments, which individually only measure in eighths or quarters of inches, are important details. They distinguish the actual window from the surrounding plane of the wall.
- The historic profile on AspenModern properties is typically minimal.

3.7 Adding new openings on a historic structure is generally not allowed.

- Greater flexibility in installing new windows may be considered on rear or secondary walls.
- New windows should be similar in scale to the historic openings on the building, but should in some way be distinguishable as new, through the use of somewhat different detailing, etc.
- Preserve the historic ratio of window openings to solid wall on a façade.
- Significantly increasing the amount of glass on a character defining façade will negatively affect the integrity of a structure.

4.2 Maintain the original size of a door and its opening.

- Altering its size and shape is inappropriate. It should not be widened or raised in height.

4.4 When replacing a door or screen door, use a design that has an appearance similar to the original door or a door associated with the style of the building.

- A replica of the original, if evidence exists, is the preferred replacement.
- A historic door or screen door from a similar building also may be considered.
- Simple paneled doors were typical for Aspen Victorian properties.
- Very ornate doors, including stained or leaded glass, are discouraged, unless photographic evidence can support their use.

4.5 Adding new doors on a historic building is generally not allowed.

- Place new doors in any proposed addition rather than altering the historic resource.
- Greater flexibility in installing a door in a new location may be considered on rear or secondary walls.
- A new door in a new location should be similar in scale and style to historic openings on the building and should be a product of its own time.
- Preserve the historic ratio of openings to solid wall on a façade. Significantly increasing the openings on a character defining façade negatively affects the integrity of a structure.



5.4 *If reconstruction is necessary, match the original in form, character and detail.*

- Match original materials.
- When reconstructing an original porch or balcony without historic photographs, use dimensions and characteristics found on comparable buildings. Keep style and form simple with minimal, if any, decorative elements.

6.4 *Repair or replacement of missing or deteriorated features are required to be based on original designs.*

- The design should be substantiated by physical or pictorial evidence to avoid creating a misrepresentation of the building's heritage.
- When reconstruction of an element is impossible because there is no historical evidence, develop a compatible new design that is a simplified interpretation of the original, and maintains similar scale, proportion and material.

6.5 *Do not guess at "historic" designs for replacement parts.*

- Where scars on the exterior suggest that architectural features existed, but there is no other physical or photographic evidence, then new features may be designed that are similar in character to related buildings.
- Using ornate materials on a building or adding new conjectural detailing for which there is no documentation is inappropriate.

7.1 *Preserve the original form of a roof.*

- Do not alter the angle of a historic roof. Preserve the orientation and slope of the roof as seen from the street.
- Retain and repair original and decorative roof detailing.
- Where the original roof form has been altered, consider restoration.

7.2 *Preserve the original eave depth.*

- Overhangs contribute to the scale and detailing of a historic resource.
- AspenModern properties typically have very deep or extremely minimal overhangs that are key character defining features of the architectural style.

7.8 *New or replacement roof materials should convey a scale, color and texture similar to the original.*

- If a substitute is used, such as composition shingle, the roof material should be earth tone and have a matte, non-reflective finish.
- Flashing should be in scale with the roof material.
- Flashing should be tin, lead coated copper, galvanized or painted metal and have a matte, non-reflective finish.
- Design flashing, such as drip edges, so that architectural details are not obscured.



- A metal roof is inappropriate for an Aspen Victorian primary home but may be appropriate for a secondary structure from that time period.
- A metal roof material should have a matte, non-reflective finish and match the original seaming.

9.2 Proposals to relocate a building will be considered on a case-by-case basis.

- In general, on-site relocation has less of an impact on individual landmark structures than those in a historic district.
- In a district, where numerous adjacent historic structures may exist, the way that buildings were placed on the site historically, and the open yards visible from the street are characteristics that should be respected in new development.
- Provide a figure ground study of the surrounding parcels to demonstrate the effects of a building relocation.
- In some cases, the historic significance of the structure, the context of the site, the construction technique, and the architectural style may make on-site relocation too impactful to be appropriate. It must be demonstrated that on-site relocation is the best preservation alternative in order for approval to be granted.
- If relocation would result in the need to reconstruct a substantial area of the original exterior surface of the building above grade, it is not an appropriate preservation option.

9.3 Site a relocated structure in a position similar to its historic orientation.

- It must face the same direction and have a relatively similar setback. In general, a forward movement, rather than a lateral movement is preferred. HPC will consider setback variations where appropriate.
- A primary structure may not be moved to the rear of the parcel to accommodate a new building in front of it.
- Be aware of potential restrictions against locating buildings too close to mature trees. Consult with the City Forester early in the design process. Do not relocate a building so that it becomes obscured by trees.

9.4 Position a relocated structure at its historic elevation above grade.

- Raising the finished floor of the building slightly above its original elevation is acceptable if needed to address drainage issues. A substantial change in position relative to grade is inappropriate.
- Avoid making design decisions that require code related alterations which could have been avoided. In particular, consider how the relationship to grade could result in non-historic guardrails, etc.

9.5 A new foundation shall appear similar in design and materials to the historic foundation.

- On modest structures, a simple foundation is appropriate. Constructing a stone foundation on a miner's cottage where there is no evidence that one existed historically is out of character and is not allowed.



- Exposed concrete or painted metal flashing are generally appropriate.
- Where a stone or brick foundation existed historically, it must be replicated, ideally using stone salvaged from the original foundation as a veneer. The replacement must be similar in the cut of the stone and design of the mortar joints.
- New AspenModern foundations shall be handled on a case by case basis to ensure preservation of the design intent.

9.6 Minimize the visual impact of lightwells.

- The size of any lightwell that faces a street should be minimized.
- Lightwells must be placed so that they are not immediately adjacent to character defining features, such as front porches.
- Lightwells must be protected with a flat grate, rather than a railing or may not be visible from a street.
- Lightwells that face a street must abut the building foundation and generally may not “float” in the landscape except where they are screened, or on an AspenModern site.

9.7 All relocations of designated structures shall be performed by contractors who specialize in moving historic buildings, or can document adequate experience in successfully relocating such buildings.

- The specific methodology to be used in relocating the structure must be approved by the HPC.
- During the relocation process, panels must be mounted on the exterior of the building to protect existing openings and historic glass. Special care shall be taken to keep from damaging door and window frames and sashes in the process of covering the openings. Significant architectural details may need to be removed and securely stored until restoration.
- The structure is expected to be stored on its original site during the construction process. Proposals for temporary storage on a different parcel will be considered on a case by case basis and may require special conditions of approval.
- A historic resource may not be relocated outside of the City of Aspen.

10.1 Preserve an older addition that has achieved historic significance in its own right.

10.2 A more recent addition that is not historically significant may be removed.

- For Aspen Victorian properties, HPC generally relies on the 1904 Sanborn Fire Insurance maps to determine which portions of a building are historically significant and must be preserved.
- HPC may insist on the removal of non-historic construction that is considered to be detrimental to the historic resource in any case when preservation benefits or variations are being approved.

10.3 Design a new addition such that one’s ability to interpret the historic character of the primary building is maintained.



- A new addition must be compatible with the historic character of the primary building.
- An addition must be subordinate, deferential, modest, and secondary in comparison to the architectural character of the primary building.
- An addition that imitates the primary building's historic style is not allowed. For example, a new faux Victorian detailed addition is inappropriate on an Aspen Victorian home.
- An addition that covers historically significant features is inappropriate.
- Proposals on corner lots require particular attention to creating compatibility.

10.4 The historic resource is to be the focus of the property, the entry point, and the predominant structure as viewed from the street.

- The historic resource must be visually dominant on the site and must be distinguishable against the addition.
- The total above grade floor area of an addition may be no more than 100% of the above grade floor area of the original historic resource. All other above grade development must be completely detached. HPC may consider exceptions to this policy if two or more of the following are met:
 - The proposed addition is all one story
 - The footprint of the new addition is closely related to the footprint of the historic resource and the proposed design is particularly sensitive to the scale and proportions of the historic resource
 - The project involves the demolition and replacement of an older addition that is considered to have been particularly detrimental to the historic resource
 - The interior of the resource is fully utilized, containing the same number of usable floors as existed historically
 - The project is on a large lot, allowing the addition to have a significant setback from the street
 - There are no variance requests in the application other than those related to historic conditions that aren't being changed
 - The project is proposed as part of a voluntary AspenModern designation, or
 - The property is affected by non-preservation related site specific constraints such as trees that must be preserved, Environmentally Sensitive Areas review, etc.

10.6 Design a new addition to be recognized as a product of its own time.

- An addition shall be distinguishable from the historic building and still be visually compatible with historic features.
- A change in setbacks of the addition from the historic building, a subtle change in material, or a modern interpretation of a historic style are all techniques that may be considered to help define a change from historic construction to new construction.



- Do not reference historic styles that have no basis in Aspen.
- Consider these three aspects of an addition; **form, materials, and fenestration**. An addition must relate strongly to the historic resource in at least two of these elements. Departing from the historic resource in one of these categories allows for creativity and a contemporary design response.
- Note that on a corner lot, departing from the form of the historic resource may not be allowed.
- There is a spectrum of appropriate solutions to distinguishing new from old portions of a development. Some resources of particularly high significance or integrity may not be the right instance for a contrasting addition.

10.8 Design an addition to be compatible in size and scale with the main building.

- An addition that is lower than, or similar to the height of the primary building, is preferred.

10.9 If the addition is taller than a historic building, set it back from significant façades and use a “connector” to link it to the historic building.

- Only a one-story connector is allowed.
- Usable space, including decks, is not allowed on top of connectors unless the connector has limited visibility and the deck is shielded with a solid parapet wall.
- In all cases, the connector must attach to the historic resource underneath the eave.
- The connector shall be a minimum of 10 feet long between the addition and the primary building.
- Minimize the width of the connector. Ideally, it is no more than a passage between the historic resource and addition. The connector must reveal the original building corners. The connector may not be as wide as the historic resource.
- Any street-facing doors installed in the connector must be minimized in height and width and accessed by a secondary pathway. See guideline 4.1 for further information.

10.10 Place an addition at the rear of a primary building or set it back substantially from the front to minimize the visual impact on the historic structure and to allow the original proportions and character to remain prominent.

- Locating an addition at the front of a primary building is inappropriate.
- Additions to the side of a primary building are handled on a case-by-case basis and are approved based on site specific constraints that restrict rear additions.
- Additional floor area may also be located under the building in a basement which will not alter the exterior mass of a building.

10.11 Roof forms shall be compatible with the historic building.

- A simple roof form that does not compete with the historic building is appropriate.



- On Aspen Victorian properties, a flat roof may only be used on an addition to a gable roofed structure if the addition is entirely one story in height, or if the flat roofed areas are limited, but the addition is primarily a pitched roof.

10.12 *Design an addition to a historic structure that does not destroy or obscure historically important architectural features.*

- Loss or alteration of architectural details, cornices, and eavelines must be avoided.

Staff Finding: Since the previous hearing, the applicant has completed additional thorough investigation of the historic resource and has made a number of adjustments to the project, including complete removal of a non-contributing addition. This home is actually two small gable roofed structures that were placed against each other in the typical L-shaped configuration of an Aspen miner's cottage. This seems to have occurred in the 1800s and creates some challenging conditions, including differing north-south and east-west ridge heights. Original framing and sheathing remain, but all other features of the original building have been removed.

The revised application now meets many of the design guidelines that were in question at the last meeting related to restoration opportunities on the historic home. The architect proposes to reflect typical materials and features found on similar homes of the period.

Based on staff and HPC feedback, the architect has also made revisions to the design of the proposed addition to the resource. Removal of the 1960s rear lean-to addition allows for a better transition between the resource and addition in the form of a connector which is distinctly narrower than the resource and is one story with no deck on the roof. The addition is notably larger than the historic resource, but the resource is particularly small in footprint and diminutive in height, making it difficult to express the development rights allowed on the site in a similar form.

Staff supports the proposal finding that the appropriate gestures towards the historic resource have been made. The context of the property, and the fact that it is a mid-block lot, allow for the addition to appear as a backdrop to the resource.



Exhibit B
Relocation Criteria
Staff Findings

Review Criteria for 1020 E. Cooper Avenue			
Summary of Review Criteria for Relocation Request			
26.415.090.C - Relocation for a building, structure or object will be approved if it is determined that it meets any one of the following:	MET	NOT MET	DOES NOT APPLY
1. It is considered a noncontributing element of a historic district and its relocation will not affect the character of the historic district; or		NOT MET	
2. It does not contribute to the overall character of the historic district or parcel on which it is located and its relocation will not have an adverse impact on the Historic District or property; or		NOT MET	
3. The owner has obtained a certificate of economic hardship; or		NOT MET	
4. The relocation activity is demonstrated to be an acceptable preservation method given the character and integrity of the building, structure or object and its move will not adversely affect the integrity of the Historic District in which it was originally located or diminish the historic, architectural or aesthetic relationships of adjacent designated properties; and	MET		
Additionally, for approval to relocate all of the following criteria must be met:			
1. It has been determined that the building, structure or object is capable of withstanding the physical impacts of relocation;	MET		
2. An appropriate receiving site has been identified; and	MET		
3. An acceptable plan has been submitted providing for the safe relocation, repair and preservation of the building, structure or object including the provision of the necessary financial security.	CONDITION		

26.415.090.C. Standards for the relocation of designated properties. Relocation for a building, structure or object will be approved if it is determined that it meets any one of the following standards:

1. It is considered a noncontributing element of a historic district and its relocation will not affect the character of the historic district; or
2. It does not contribute to the overall character of the historic district or parcel on which it is located and its relocation will not have an adverse impact on the Historic District or property; or
3. The owner has obtained a certificate of economic hardship; or



4. The relocation activity is demonstrated to be an acceptable preservation method given the character and integrity of the building, structure or object and its move will not adversely affect the integrity of the Historic District in which it was originally located or diminish the historic, architectural or aesthetic relationships of adjacent designated properties; and

Additionally, for approval to relocate all of the following criteria must be met:

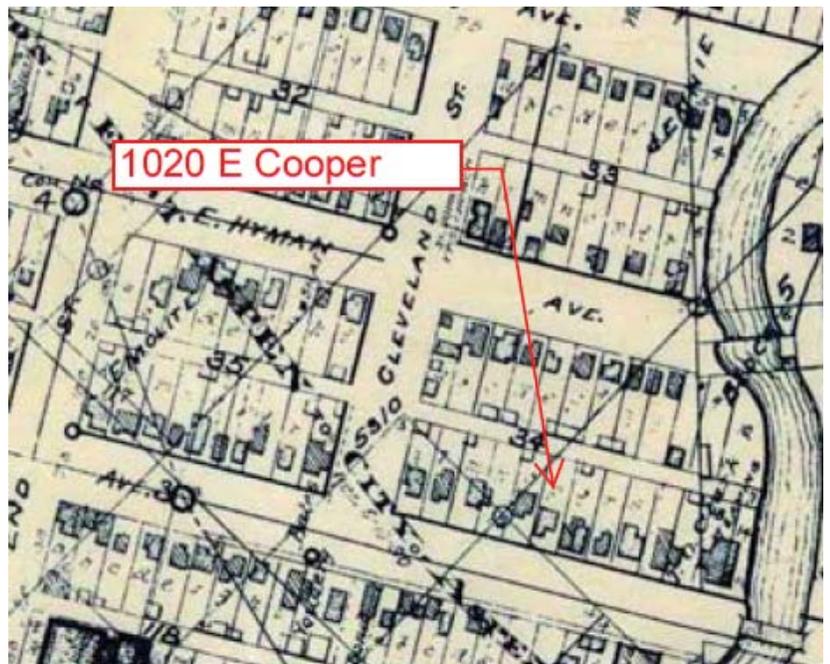
1. It has been determined that the building, structure or object is capable of withstanding the physical impacts of relocation;
2. An appropriate receiving site has been identified; and
3. An acceptable plan has been submitted providing for the safe relocation, repair and preservation of the building, structure or object including the provision of the necessary financial security.

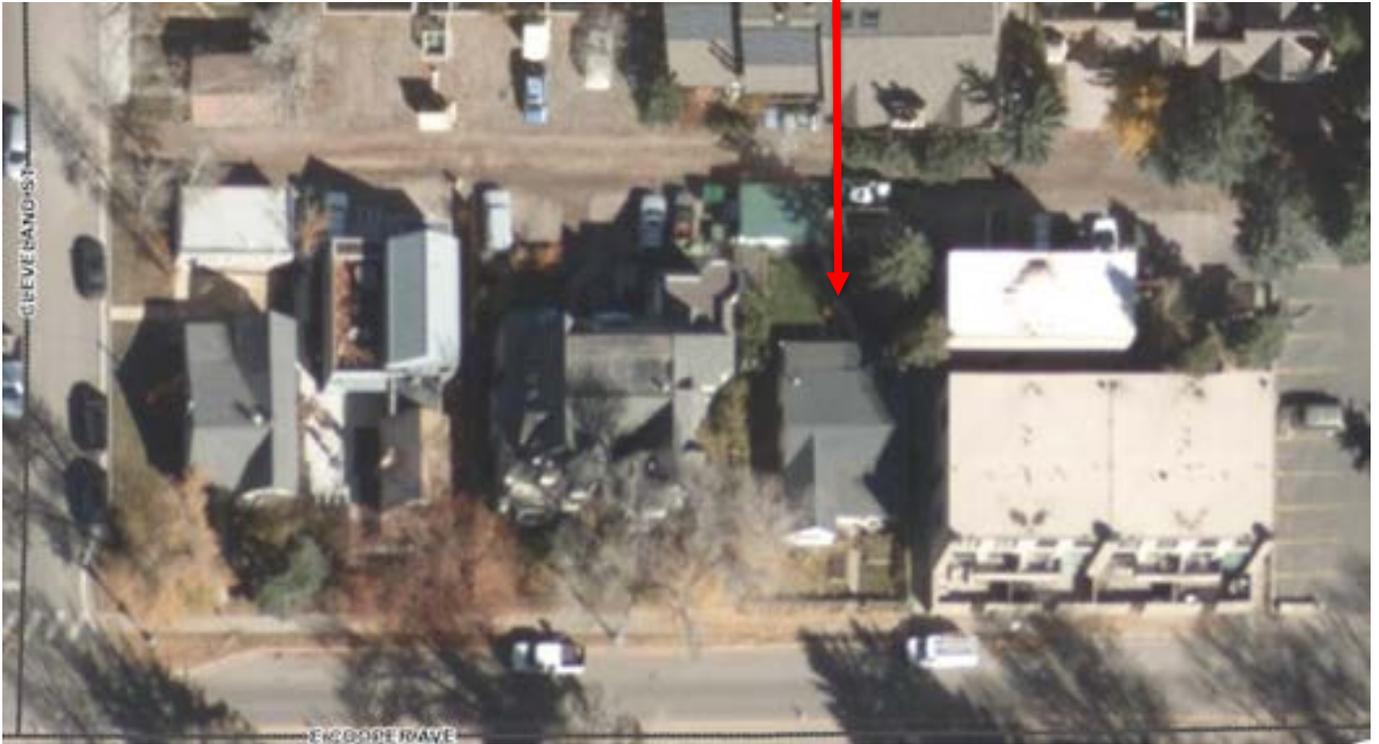
Staff Finding: The applicant proposes removal of the non-historic addition at the rear of the house and relocation of the remaining preserved structure approximately 10' towards the front lot line and 2' away from the east lot line. No variations are requested.

There are two other Victorian era homes on this blockface, though a non-historic apartment building sits between 1020 and those other resources, disrupting any strong relationship between them.

Based on the 1896 Willit's map seen at right, and the current aerial image below, buildings on this blockface have historically lacked a consistent front setback. (Please note that this map also demonstrates that the existing outbuildings were not present in the Victorian era.) Staff finds that the proposed on-site relocation of this home will provide more adequate space for an appropriately placed new rear addition, and will improve the visibility of the historic structure.

Staff finds that the criteria highlighted above are met and recommends HPC approve relocation. Standard conditions of approval regarding appropriate relocation techniques, and a security to be held by the City during construction are included in the resolution.







**Exhibit C
Demolition Criteria
Staff Findings**

Review Criteria for 1020 E. Cooper Avenue

Summary of Review Criteria for Demolition Request

26.415.080.A.4 - Demolition shall be approved if it is demonstrated that the application meets any one of the following criteria:	MET	NOT MET	DOES NOT APPLY
a) The property has been determined by the City to be an imminent hazard to public safety and the owner/applicant is unable to make the needed repairs in a timely manner,		NOT MET	
b) The structure is not structurally sound despite evidence of the owner's efforts to properly maintain the structure,		NOT MET	
c) The structure cannot practically be moved to another appropriate location in Aspen, or		NOT MET	
d) No documentation exists to support or demonstrate that the property has historic, architectural, archaeological, engineering or cultural significance.	MET		
Additionally, for approval to demolish all of the following criteria must be met:			
a) The structure does not contribute to the significance of the parcel or Historic District in which it is located and	MET		
b) The loss of the building, structure or object would not adversely affect the integrity of the Historic District or its historic, architectural or aesthetic relationship to adjacent designated properties and	MET		
c) Demolition of the structure will be inconsequential to the historic preservation needs of the area.	MET		



26.415.080. Demolition of designated historic properties or properties within a historic district.

It is the intent of this Chapter to preserve the historic and architectural resources that have demonstrated significance to the community. Consequently, no demolition of properties designated on the Aspen Inventory of Historic Landmark Site and Structures or properties within a Historic District will be allowed unless approved by the HPC in accordance with the standards set forth in this Section.

4. The HPC shall review the application, the staff report and hear evidence presented by the property owners, parties of interest and members of the general public to determine if the standards for demolition approval have been met. Demolition shall be approved if it is demonstrated that the application meets any one of the following criteria:
 - a) The property has been determined by the City to be an imminent hazard to public safety and the owner/applicant is unable to make the needed repairs in a timely manner,
 - b) The structure is not structurally sound despite evidence of the owner's efforts to properly maintain the structure,
 - c) The structure cannot practically be moved to another appropriate location in Aspen or
 - d) No documentation exists to support or demonstrate that the property has historic, architectural, archaeological, engineering or cultural significance and

Additionally, for approval to demolish, all of the following criteria must be met:

- a) The structure does not contribute to the significance of the parcel or Historic District in which it is located and
- b) The loss of the building, structure or object would not adversely affect the integrity of the Historic District or its historic, architectural or aesthetic relationship to adjacent designated properties and
- c) Demolition of the structure will be inconsequential to the historic preservation needs of the area.

Staff Finding: Two outbuildings at the rear of the property are proposed for demolition. The construction date of these buildings is unknown. Neither appear on historic maps from the Victorian era, demonstrating that they were not built concurrent with the primary home. The buildings are not seen in 1920s era photos of the site available from the Aspen Historical Society. They are in place in a 1974 aerial photo of the site.

The property was designated as a representation of the 19th century development of Aspen, therefore staff finds that removal of these structures meets the criteria highlighted above. Staff finds that the criteria highlighted above are met and recommends HPC approve demolition.

Chairperson Greenwood opened the meeting at 4:29 p.m.

Commissioners in attendance: Gretchen Greenwood, Bob Blaich, Roger Moyer, Kara Thompson, Sheri Sanzone, Richard Lai. Absent were Nora Berko, Jeffrey Halferty and Scott Kendrick.

Staff present:

Nicole Henning, Deputy City Clerk
Andrea Bryan, Assistant City Attorney
Amy Simon, Historic Planning Director
Sarah Yoon, Historic Preservation Planner

MINUTES: Mr. Moyer moved to approve the minutes of June 26th, Mr. Blaich seconded. All in favor, motion carried.

PUBLIC COMMENT: None.

COMMISSIONER COMMENTS: Ms. Greenwood said that Mr. Lai handed out something he would like to share with the board as a citizen of Aspen. Mr. Lai said this has nothing to do with this commission. He said he appeared before city council last night to make a comment on their deliberations regarding office space. He wanted to inform his colleagues on what transpired the previous night.

Mr. Blaich said the latest edition of the Aspen Sojourner has an article about building community and is all about Hunt's projects. He saw this yesterday and said he would give a copy to Ms. Simon to distribute to the board.

DISCLOSURES OF CONFLICT: None.

PROJECT MONITORING: None.

STAFF COMMENTS: Ms. Yoon said she went to Korea and attended a 3D documentation class while there, which she will do a presentation on at some point. Ms. Simon said at the end of the agenda, there are code amendments for tonight, but we can wait until there are more board members if they wish to hold off on the discussion.

CERTIFICATES OF NO NEGATIVE EFFECT: There was one for a replacement of all 3rd floor windows on the Elks building and have been upgraded to energy efficient windows and will be installed soon.

CALL UPS: None.

PUBLIC NOTICE: Ms. Bryan said all is in order.

NEW BUSINESS: 1020 E. Cooper

Amy Simon

Ms. Simon first wanted to acknowledge some things that were not conveyed in the memo. She said there are 300 historically landmarked properties in town, of which, 250 of those are Victorians and half of those are miners' cottages like this one. This one has to be one of the most altered of the 125. This property sat on the market for a long time and is not the easiest project to take on. We are all here as a team to preserve Aspen's history. There are staff and neighbor concerns, but she does want to emphasize the end goal for everyone. The historic resource appears to be an L shaped cross gabled cottage that has a porch which has long been enclosed with a lean-to addition on the back. There are

two sheds along the alley. The applicant would like to demolish the two sheds and staff supports this as they are not Victorian era. This part of town was considered the boonies, so the Sanborn maps did not reach that location. We have looked at other maps and photographs and have determined that the sheds are not Victorian era and are not historic. We don't know when they were built and do not show up in any photographs throughout the mid 1920's. They do show up in an aerial photo from the 1970's. The second part of the project is for an onsite relocation. The applicant hopes to remove a portion of the non-historic lean-to at the back of the miners' cottage, pick up the remaining structure and move it forward seven feet and westward two feet to more or less center it on the lot. They will put it on a new basement and put on a new addition. Staff supports the relocation request and said it is important to give as much room as possible for the addition and distance it somewhat from the resource. We don't feel that there is anything being lost by moving the building forward. We are struggling with the nature of the restoration and addition to the historic building. We have raised some questions about what is historic and what isn't and particularly a proposed change to the roof pitch. The applicant will present some photographs and we are not convinced about the accuracy of the way they want to reframe this part of the house. This is the main goal obviously. All of the historic windows are gone, and the front porch is enclosed. We want to expose the framing and learn, and in this case, it's hard to make assessments about what is right and wrong. Regarding the proposed addition, we are concerned that it doesn't meet most of the design guidelines. The resource that is being preserved is probably only about 500 square feet. The addition being proposed is about three times the size of the resource. They are also concerned about the connector transition between the new and the old. Staff doesn't feel that the relationship between the new addition and the resource is being achieved. Ms. Simon said they have reached out to other city departments to try to smooth out this project early on before submitting for permit. The neighbors are concerned with tree removals. There are two spruce trees in decline, which will be removed, but one of them is still being discussed. They are recommending continuation and have some dates available.

Ms. Greenwood asked where the 500 square foot number came from and Ms. Simon said that is an estimation, but they have requested more detail from the applicant. Ms. Thompson asked about the floor area penalty and Ms. Simon said they don't want to perpetuate single family homes, so if you are demolishing over 40% and trying to reestablish, you take a 20% penalty.

APPLICANT PRESENTATION: Teraissa McGovern and Jamie Brewster of Brewster McCleod.

Ms. Brewster said the owners are also in attendance, Tracy and David. She thanked the board for the HPC award on the Sardy House and for their time. She said this is a very unique building and recapped the history. She said they want to restore the front porch back to the original intent, replace the windows with double hung, remove the roof over framing and expose original roof line, remove non-historic addition of shed roof on the back of the property and remove the sheds as well as look at the addition of the rear of the house. She showed the various elevations on screen. The fence is not on the property line, but it's inset about a foot inside the property line. They want to relocate the historic resource to comply with today's codes. On the east side, they want to move it over 2.5 feet to make sure it meets 5-foot requirement. They want to renovate the historic resource and renovate the 1960's addition as well as add an addition to the rear of the property. The square footage that would be reduced is 557 square feet. She continued to show the plans on screen and walk through each.

Ms. Brewster addressed all of the staff findings by each section of the guidelines and explained why she feels they do meet each one. She said they are not asking for any variances on this project, but staff has said that the floor area bonus would be a variance, but we do not see it as such.

They feel they are compliant with five out of the 8 exceptions in order for HPC to approve the addition.

Mr. Moyer asked if they remove the 1960 addition completely, how it adversely affects the project in regard to square footage. Ms. Brewster said it reduces the square footage that they can build to by 550 square feet. We wouldn't be able to build the property we are asking for. Mr. Moyer asked if the shingles on the house are asbestos and Ms. Brewster said there are a lot of asbestos issues with the property and are starting the abatement program.

Ms. Greenwood asked if they want to retain their TDR. Ms. Brewster said they are designing to their current allowable square footage and floor area. They are looking for a 500 square foot bonus saying they've done a good job with restoration and will be rewarded for that.

Mr. Moyer said he sees the 60's as being a boondoggle. He asked if there is an opportunity for them to be creative to work around that so it can go away, and the connector be more to the boards liking. Ms. Simon said the issue with not being able to demolish more than 40 percent, without a penalty, is black and white. This is a calculation of surface that might be removed. She doesn't know how tight they are on it or how much of the addition they could remove before they would have a problem.

Ms. Thompson asked if this is under the current guidelines and Ms. Simon said yes, it is under the new guidelines, but they applied before the benefits were changed.

Ms. Sanzone asked about the mechanical aspect and where they imagine all of the pipes on the roof. Ms. Brewster said they are looking at having all of the pipes on the addition versus the historic entity. There will be a mechanical rooftop to be enclosed on all four sides so not to be disruptive to neighbors. Ms. Sanzone clarified that the fence is not historic, and Ms. Brewster said no. Ms. Sanzone asked about their plan to restore the miner's cottage and Ms. Brewster said they aren't trying to replicate, but just preserve the forms. Ms. Sanzone asked about the storm water plan and if they considered drywells and Ms. Brewster said they have started discussions with engineering and currently believe storm water is a better resolution than doing the drywell.

Ms. Thompson asked how close they are on the demo percentage and Ms. Brewster said very close. We are saying we're not reframing the roof, but only taking materials off one side and recreating the other side because that is part of the demo calcs. Ms. Greenwood asked if the front porch is part of this as well and Ms. Brewster said yes.

Mr. Lai said he was confused about them requesting a bonus and also asking for TDR and asked for an explanation and Ms. Brewster said they are looking at selling some square footage as well. She said they are not necessarily going to use the 500 square feet on the property but may just want to use as a TDR. Mr. Lai said he was still confused about the TDR and Ms. Simon explained it to him.

PUBLIC COMMENT:

Patrick Rawley of Stan Clauson Associates on behalf of Buck Carlton who is a neighbor at 1012 E. Cooper. He said he wants to seek collaboration because it is a very difficult project. He said everyone would like to see improvements to the existing conditions, however, they can improve upon the presented design.

He also provided an email for the record. The main issue is the massing and size. The addition is way too big for the historic resource and makes the resource the secondary feature of the site. Regarding section 10.4, they need to take into account both levels. The massing of the addition seems out of scale. Section 10.8 should be reconsidered because this could be much more compatible. They need to look at the alley a little more closely regarding the sheds because they are encroaching into the alleyway. Whether they are historic or not, the nature of the sheds speaks to historic relevance and that should be considered. An adaptive reuse as a parking area that works with the separation with the alley to the main addition, could be successful. They need more dimensional details which people need to know. The renderings presented today are helpful, but 3D models would be preferred. He also said the neighbors have not been reached out to for discussion and would like to be included to take a look at the proposal. This project needs to be refurbished and restored, but in a much more sensitive manner. This neighbor is directly to the west in the Victorian multi family.

Baron Concourse at 1024 E Cooper directly to the east. Mr. Concourse welcomed the new neighbors and said he is excited about the project. There is so much interest because there are 12-15 families and home owners affected by what happens here. Our home is our number one asset, so we are all aware of the historic preservation guidelines and don't want the value of our homes affected moving forward. He said he is in unit #10, the balcony on the east side. They will be impacted regarding sunlight coming into the master bedroom or whatever it is, he would like everyone to take into consideration the gravity of the decision being made.

Steve at 1012 E. Cooper. He welcomed the new neighbors and said one of their concerns is that their condo is a lot lower than the property at 1020. For the two people on the side of the building, it's a vision blocker. He said this is really about being cognizant of the neighbors and trying to work with the neighbors.

Kristy Genley at 1024 E. Cooper. She said she wants to see the new neighbors do the best thing and she agrees with the other commenters about being cognizant of their building and the light. She's in unit #8 and with a structure so big, it blocks all the light. She asked them to consider their views.

Ms. Simon said we do have three letters that arrived today and will be entered into the record. She believes all authors are here at the meeting.

Ms. Greenwood closed the public comment.

Ms. Brewster thanked all commenters and said they have not reached out to the neighbors yet because they wanted to see HPC first. We're glad you're here to be a part of the process. Regarding mass and scale, it is in line with the city regulations of height and scale and are trying to match the roof forms. The clients do not want a flat roof and do not like modern homes. We are looking at reusing the sheds, but they would have to reconstruct, and it would be detrimental and block access to the alley. We want to make sure we have a garage to access off the alley. We are happy to present dimensions as they are needed and were not requested in the HPC packet. In regard to elevation of the fence, it is a 6-foot fence and that is what the code allows. We do know there is a huge change in elevation, that fence helps us maintain the stormwater management because they will grade into the back yard.

Ms. Sanzone asked if there are other examples of this same type of project and Ms. Simon said she believes the Victorian to the west, triggered demo because they removed non-historic aspects of the

building. This is really case by case and hasn't come up that often. Mr. Moyer and Ms. Greenwood said they are not happy with the connector and how the building is exposed. Ms. Greenwood said there are creative ways to rework that. She said it very clearly doesn't meet the guideline, so that is one issue. She said they are headed down a wrong path regarding the mass and scale. She noticed that the buildings on either side have articulation of architectural elements both in windows and fenestrations. The addition they are proposing is a big box and inappropriate for that property. She is sensitive to the neighbors on either side especially the ones on the east. The city doesn't regulate scale but is really for an architect to design a building that isn't just a box.

Ms. Thompson agreed and said the only thing the Victorian has left is its massing because all the detail has been taken away from it, so she has a really hard time with the linking element as well. She understands the 40 percent, but you lose the form of the Victorian.

Ms. Greenwood said she doesn't feel this resource is being restored at all, but just getting windows that aren't appropriate for a miners' cabin.

Mr. Blauch said this might come as a surprise to Ms. Greenwood, but he agrees with all of her points. He said she hit the nail on the head. He said section 10.4 was a major point for him. He said it's a very difficult property. He said the design they've done must be rethought. What the owners are asking for is reasonable, but it creates bigger problems from a design point of view. He said he wouldn't favor an enclosed garage at all. It's really a design problem, but he is not going to tell them how to design it and they can take it from there.

Ms. Thompson said she supports the relocation and thinks it's a big improvement and likes that aspect and helps bring the Victorian to a bigger presence on the street.

Ms. Greenwood agreed that she supports moving it forward as well.

Mr. Lai said he has always been a proponent of buildings that are not so large in scale. However, looking at page 100, the property is flanked by two very large buildings. The site visit concerned him because he saw a cute little Victorian sandwiched between two very large buildings, especially the one on the east side. It makes no attempt to follow the Victorian form. He believes that most people who commented, live on the east side and worries that maybe they're complaining about a building that is trying to mimic the Victorian form, and yet, your building itself is a big shoebox. He worries about this kind of criticism from people who have a shoebox as a building, saying that the smaller building isn't to their liking. He said he knows he's treading on a lot of toes here, but he doesn't know what the solution is.

Ms. Greenwood said if you look at the west elevation, it appears to be the same as the boxy condo building. Mr. Lai said he doesn't have an answer for this, but just worries about the pot calling the kettle black and said it bothers him.

Ms. Greenwood said she doesn't feel the resource is the star player on the site and said the Victorian doesn't get to respond back in a huge way because the building on the east is huge too. Mr. Blauch agreed and said he feels the west elevation is misleading because you're looking at it as though there is nothing next to it. The solution lies in treating the original resource somewhat separately.

Ms. Sanzone said that additional study is warranted and thanked them for the presentation and detail. They need additional time to study because it's just not coming together. The most important aspect

for her, is 10.4 and the ability to go above 100 percent for the new addition. The connector is not providing the articulation that the board is looking for. They are just not convinced yet that we can see this amount of square footage on the site without the additional design refinement.

Ms. Greenwood summarized that a reduction in floor area is important and that 10.9 is also an important guideline to meet all aspects. The connector needs to be smaller. She thinks they would really enhance the design if there was a breakdown in scale. She thinks the garage and the five-foot setback is great. She said they should approach this from a pure restoration standpoint. She said the bonuses are determined on whether the restoration is good, bad or indifferent and she said it's indifferent at this point. Ms. Thompson commented on the linking element and said to consider more gracefully how it meets the roof of the historic structure. It appears to die into the historic roof, and she doesn't think that is appropriate.

Ms. Greenwood asked everyone if they were on board with the continuance vote and everyone agreed. She said they are trying to give them some direction. Ms. Sanzone said there are a lot of clarifications needed and Ms. Greenwood said Ms. Simon can probably give them more direction on how to handle the redesign.

Ms. Brewster asked a few questions to clarify what the board is looking for. She listed mass & scale, connector and drywell.

Ms. Brewster asked about delisting the property due to its poor condition. Ms. Greenwood said they are always in poor condition and the board is not interested in delisting. Mr. Moyer also echoed that the board doesn't delist, they save the resource, if at all possible. Ms. Greenwood said since it was not in the memo as something on the table for discussion, it's not an option. Ms. Simon said it's a question worth talking about because this property is on the threshold and what makes the most sense. Letting the resource disappear or doing a not so great restoration is the question at hand. There is more to find out on the property and there has to be more evidence to guide us for preservation.

Ms. Brewster reminded them that they can't explore until they do the abatement. Ms. Greenwood asked if they own the property and Ms. Brewster said yes. Ms. Greenwood said maybe they can do a site visit after the abatement process has started to take another look and said the board is here to help preserve the small-town quality as much as we can.

MOTION: Mr. Blauch motioned to continue to August 28th, Mr. Moyer seconded. All in favor, motion carried.

Ms. Simon summarized the changes to the HPC benefits for the board.

MOTION: Ms. Greenwood motioned to adjourn, Mr. Moyer seconded at 6:35 p.m.

Nicole Henning, Deputy City Clerk



MEMORANDUM

Date: November 27, 2019

To: Amy Simon, Historic Preservation Officer
City of Aspen
130 S Galena Street
Aspen, CO 81611

Project: 1020 E Cooper Ave

Re: Conceptual Application for HPC Major Development, Relocation, Demolition, Variations

From: Jamie L. Brewster McLeod
Brewster McLeod Architects, Inc.

Attachments:

- Exhibit 1: Steeplechase Construction Inc. Historic Resource Examination
- Exhibit 2: Preliminary Exterior Materials
- Exhibit 3: Dimensional Requirements Form
- Exhibit 4: 1020 E Cooper Plans and Elevations
- Exhibit 5: Exterior Renderings

Ms. Simon—

Enclosed please find our revised design and restudy of the project at 1020 E Cooper Ave for Conceptual review by HPC.

As we have previously discussed this is not a typical Miner's Cottage. From our research, it appears to be two smaller buildings that were put together resulting in an L-shape cottage. The roofs of the two buildings were at different heights and thus the roof heights of the east-west gable and the north-south gable on the L-shape cottage are very different. As the historic cottage is most similar to the Vernacular L-type or Miner's Cottage on the AspenVictorian website, we are using this style as our guide in the restoration for the window shapes and placement, exterior materials, and exterior trim details.

We have worked closely with you on changes to the proposed design to come to a project that not only meets the intent of the Historic Preservation Guidelines but also has staff support before bringing it back to the Historic Preservation Commission. Our responses to the feedback we received from staff, the board, and the neighbors are detailed below.

The following items that were discussed, and tentatively approved, at the initial HPC meeting on July 24, 2019, are not included in this restudy:

- Demolition of the two non-historic sheds at the rear of the property
- Relocation of the historic resource to comply with today's setback standards

The feedback we received from staff, the board, and the neighbors primarily pertained to the mass and scale of the proposed addition and the preservation of the 1960s addition. We addressed this

by removing the 1960s addition, reducing the proposed square footage, and reducing the width of the proposed addition.

The removal of the 1960s addition puts the total demolition over the 40% level which reduces the allowable square footage on the lot by 558 square feet and as a result, we are requesting a 500 square foot HPC floor area bonus. Approximately 250 square feet of the bonus will be utilized on site while the remaining 250 square feet will be retained as a Transferrable Development Right which has been positively discussed in detail with staff. The result is a total proposed floor area of 2,476.92 square feet.

Staff also provided feedback about the historic materials that may exist on the historic entity and requested a restudy of the structure and to provide further photographic evidence of the existing conditions. The applicant enlisted the contractor, Steve Waldeck of Steeplechase Construction, to conduct further review of the historic resource, which is included as Exhibit 1 in this application. As you know, there was a significant amount of asbestos throughout the property when this report was initially prepared, and the contractor has reviewed the findings after the interior abatement was complete and there were no changes to the findings included in the report but some of the images have been updated. We are including much of the information we received from Steve in the narrative below to address the specific HPC Design Guidelines.

We have updated the Preliminary Exterior Materials to address staff's feedback regarding the previously proposed use of synthetic roofing and clad windows. On the historic entity, we are proposing wood clapboard siding with traditional trim details, wood double-hung windows as is typical of Miner's Cottages, cedar shake roof on the gables, and a black metal roof on the shed roof over the front porch. On the addition, we are proposing wood clapboard siding with no trim details, aluminum clad windows, and black metal roofing. The revised materials are included as Exhibit 2.

We are also including the Dimensional Requirements Form as it was not requested with our initial application, see Exhibit 3.

Based on the previous memo we received from staff, the initial staff findings found that the following sections of the HPC Design Guidelines were not met and requested the following areas be restudied:

- Chapter 2: Rehabilitation – Building Materials
- Chapter 3: Rehabilitation – Windows
- Chapter 4: Rehabilitation – Doors
- Chapter 5: Rehabilitation – Porches & Balconies
- Chapter 6: Rehabilitation – Architectural Details
- Chapter 7: Rehabilitation – Roofs
- Chapter 10: New Construction – Building Additions

Below are the revised responses to the HPC Design Guidelines based on the restudy of the historic materials, demolition of the 1960s addition, and redesign of the proposed addition. Many of the sections that were previously determined by staff as not met related to historic materials and the documentation of the existing conditions. With the removal of the interior asbestos by the contractor, we have been able to clarify these areas with additional documentation.

- Chapter 2: Rehabilitation – Building Materials
 - 2.1 Preserve original building materials
 - Do not remove siding that is in good condition or that can be repaired in places
 - **BMA: There is small portion of original siding that remains on north end of the North-South gable. The siding is currently contained within the roof over framing and the contractor does not recommend reusing this siding as it is very brittle and damaged, this is noted in the report from Steeplechase Construction, Inc.**



North Window—All historic framing was removed

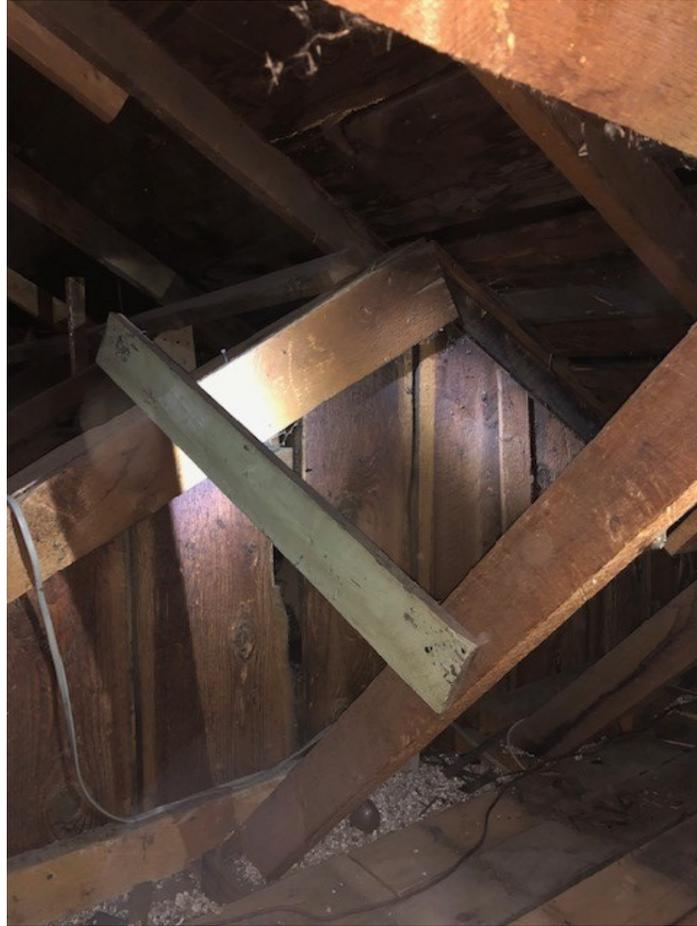


East Window—No historic framing is evident. Per the contractor's review, the sheathing was cut using a circular saw.

- Chapter 4: Rehabilitation – Doors
 - 4.2 Maintain the original size of a door and its opening
 - **BMA: The original front door was previously removed and there is no photographic reference to review. The proposed front door is a simple wood door with a window as was typical of the era.**
 - No evidence of the original entry door location or sizing was found during interior asbestos abatement.
 - If during exterior asbestos abatement, further details/ framing is found that locates the original entry door, BMA will work with staff to ensure the front door is properly located.
- Chapter 5: Rehabilitation – Porches & Balconies
 - 5.4 If reconstruction is necessary, match the original in form, character, and detail
 - **BMA: The front porch was previously enclosed, and all the existing framing was removed. The proposed reconstruction of the porch will include a shed roof and (3) wood posts.**
 - The style of the posts will be turned posts with simple details and square bases and crowns.



- Chapter 6: Rehabilitation – Architectural Details
 - 6.4 Repair or replacement of missing or deteriorated features are required to be based on the original designs.
 - **BMA: All original architectural details were previously removed. The restoration will use very simple details without too much embellishment as was typical of the era.**
 - 6.5 Do not guess at “historic” designs for replacement parts
 - **BMA: The proposed details were informed by using AspenVictorian as a reference as well as review of other Miner’s Cottages in Aspen.**
- Chapter 7: Rehabilitation – Roofs
 - 7.1 Preserve the original form of a roof
 - **BMA: The original roof form was previously over framed. The existing gables are contained within the roof framing and will be exposed. The original east-west gable is significantly lower in height than the north-south gable, this height difference will be re-established.**



West end of East-West gable

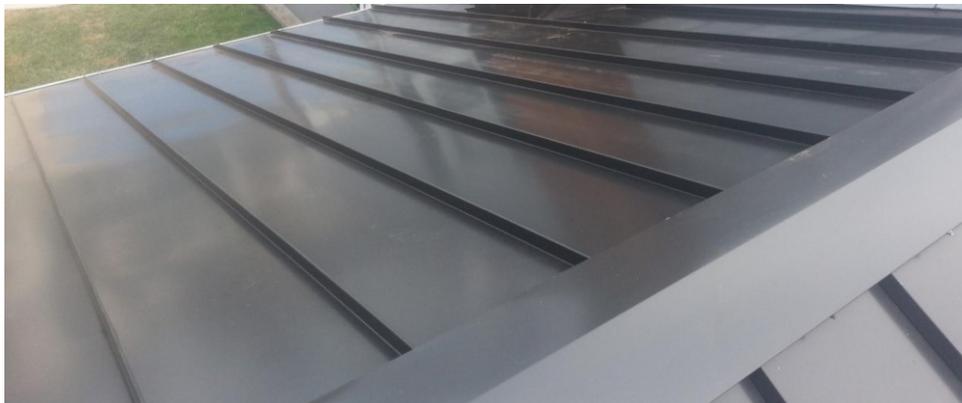


North end of North-South gable

- 7.2 Preserve the original eave depth
 - **BMA: The existing eave depth will be maintained. If during the removal of the existing roof coverings, it is found that the historic eaves remain, the historic eave depth will be used.**
 - **BMA will work with staff to review materials if they are found onsite.**
- 7.8 New or replacement roof materials should convey a scale, color, and texture similar to the original.
 - **BMA: The roof covering on the two historic gable roofs will be natural cedar shingles.**



- **BMA: The shed roof over the entry porch will be matte black metal.**



Chapter 10: New Construction – Building Additions

- 10.1 Preserve an older addition that has achieved historical significance in its own right
 - **BMA: The addition that was added in the 1960s has not achieved historical significance.**
- 10.2 A more recent addition that is not historically significant may be removed
 - **BMA: The 1960s addition and roof over framing will be removed. Much of the historic work that was compromised by this addition will be restored, including the north wall, front porch and the roof forms.**
- 10.3 Design a new addition such that one's ability to interpret the historic character of the primary building is maintained
 - **BMA: The proposed addition is separated from the historic resource by a connector element. This allows for the historic element to remain the focal**

- point of the property and will maintain the historic character of the Miner's Cottage.**
- 10.4 The historic resource is to be the focus of the property, the entry point, and the predominant structure as viewed from the street
 - **BMA: The Miner's Cottage will be the entry point and the focal point as viewed from the street. We are proposing to move the historic resource forward to allow the separation between the historic resource and the proposed addition.**
 - The total above grade floor area of an addition may be no more than 100% of the above grade floor area of the original historic resource.
 - **BMA: The historic resource is quite small at 508.83 square feet and based on previous discussions with staff, they are supportive of the larger addition as it is particularly sensitive to the historic resource.**
 - The footprint of the new addition is closely related to footprint of the historic resource and the proposed design is particularly sensitive to the scale and proportions of the historic resource.
 - **BMA: The historic resource is quite small at 508.83 square feet and the footprint of the proposed addition does exceed the floor area of the historic resource. Per the restudy, we have addressed staff and HPC's feedback by removing the 1960s addition which reduces our allowable floor area by 558 square feet and are proposing a one-story connector element that reveals all four corners of the historic resource and is more sensitive to the scale of the historic resource.**
 - The project involves demolition and replacement of an older addition that is considered to be particularly detrimental to the historic resource.
 - **BMA: The 1960s addition conceals much of the historic form of the original building including a front porch and the original roof forms of the gables. This addition will be removed.**
 - The interior of the resource is fully utilized, containing the same number of usable floors that existing historically.
 - **BMA: The historic resource is one floor and it will be fully utilized.**
 - The project is on a large lot, allowing the addition to have a significant setback from the street.
 - **BMA: Not applicable.**
 - There are no variance requests in the application other than those related to historic conditions that aren't being changed.
 - **BMA: No variance requests are included in this application**
 - The project is proposed as part of a voluntary AspenModern designation, or
 - **BMA: Not applicable.**
 - The property is affected by non-preservation related site-specific constraints such as trees that must be preserved, Environmental Sensitive Area reviews, etc.
 - **BMA: We believe the requirement for a stormwater management area that is fully contained within this lot is a site-specific constraint because of the small non-conforming size of the lot. We have explored the options of replacing the proposed stormwater pond area with a drywell, but the setback requirements for a drywall exceed those of a pond and render it infeasible.**
 - as a product of its own time
 - An addition shall be distinguishable from the historic building and still be visually compatible with historic features
 - **BMA: The proposed addition references the historic resource in its use of gable roof forms. It is easily distinguishable through the use of a connector element and contemporary fenestrations.**
 - A change in setbacks of the addition from the historic building, a subtle change in material, or a modern interpretation of a historic style are all techniques that may

be considered to help define a change from historic construction to new construction

- **BMA: The proposed addition can be recognized as a product of its own time through the change in the window material as well as the use of the connector element with changes in plane along both the east and west walls. We are also proposing a metal roof covering on all roofs of the addition.**
- Consider these three aspects of an addition: form, materials, fenestration. An addition must relate strongly to the historic resource in at least two of these elements. Departing from the historic resource in one of these categories allows for creativity and a contemporary response.
 - **BMA: We are proposing an addition that is strongly related to the historic resource in both form and materials. We are using both gable and shed roof forms as are present on the Miner's Cottage. We are proposing horizontal wood siding throughout both the restored Miner's Cottage and the addition. We are departing on fenestrations, proposing double-hung wood windows in the historic, and contemporary aluminum-clad woods in the addition.**
- 10.8 Design an addition to be compatible in size and scale with the main building
 - **BMA: The historic resource is quite small in both height and square footage. Based on the feedback we received from staff, the board and the neighbors, the restudy design includes removing the 1960s addition, adding a connector element, and a revised addition to more closely reflect the form and scale of the historic resource. The overall width of the south facing gable of the addition has been reduced by 3' 10-3/8" feet.**
- 10.9 If the addition is taller than the historic building, set it back from the significant facades and use a "connector" to link it to the historic building
 - Only a one-story connector is allowed
 - **BMA: The proposed connector is one-story in height.**
 - Usable space, including decks, is not allowed on top of the connector unless the connector has limited visibility and is shielded by a solid parapet wall
 - **BMA: Not applicable, usable space is not proposed on top of the connector.**
 - In all cases, the connector must attach to the historic resource underneath the eave.
 - **BMA: Per our discussion with staff, the current eave height, at 7' 2-1/4", is too low to allow the connection to be underneath the eave. We are proposing a 9'-6" height on the connecting element to allow the interior ceiling height to be consistent throughout the addition. Because the north walls of the historic resource were removed and rebuilt when the 1960s addition was added, staff supported this solution.**
 - The connector shall be a minimum of 10 feet long between the addition and the primary building.
 - **BMA: The connector is 10'-0" feet long as viewed from the east and between 17'-9" feet as viewed from the west.**
 - Minimize the width of the connector. Ideally it is no more than a passage between the historic resource and addition. The connector must reveal the original building corners. The connector may not be as wide as the historic resource.
 - **BMA: The connector is 15' 7-5/8" in width. Which exposes 14'-0" of the north wall on the historic entity which was rebuilt in the 1960s. All four corners of the historic entity will be revealed.**
 - Any street facing doors installed in the connector must be minimized in height and width and accessed by a secondary pathway.

- **BMA: Not applicable.**
- 10.12 Design an addition to a historic structure that does not destroy or obscure the historically important architectural features
 - **BMA: All architectural features were previously removed. The proposed addition re-exposes the four corners of the historic resource and restores the front porch that was previously removed.**

Sincerely,



Jamie L. Brewster McLeod, AIA
President
Brewster McLeod Architects, Inc.



STEEPLECHASE
CONSTRUCTION, INC.

Date: 8-6-2019

Job: 1020 E Cooper Avenue, Aspen, CO 81611

RE: Examination of foundation, framing, windows and siding

Some conclusions about this report:

A) The original home consisted of L-shaped home (north-south portion between gridlines 2 and 3, and A and D), (east-west portion between gridlines C and D, and 1 and 2), and (a front porch (gridlines 1 and 2, and B and C). The historic structure appears to be comprised of two buildings that were connected at some point based on the evidence of the exterior sheathing at the east end of the east-west gable and the floor system being completely independent of the north-south gable.

B) Front porch was enclosed at a later date. 2x4 dimensional lumber of the porch roof rests on top of the main roof shingled roof, and newer 1x6 v-groove boards were used to sheath portions of this porch roof. Opening the wall of the porch along Gridline C between Gridlines 1 and 2 was achieved by installing a steel header.

C) No exterior siding remains under the new siding. The only old siding that remains is on a portion of the original gable along gridline D between 2 and 3.

D) Windows do not appear to be historic based on the operating mechanisms, materials used, and construction. This was confirmed with Rich Koch of REK Services during a site visit. Rick has 30 years of experience in the window industry and specializes in repairs and replacement.

E) Window openings on historic house are cut in with modern tools, and framed with dimensional lumber.

Please don't hesitate to call me with any questions.

Sincerely,

Steven Waldeck

President

Steeplechase Construction, Inc.

steve@steeplechaseconstruction.com

970-379-6286



Crawl space - Transition from original construction to newer addition along gridline D



Original Rubble foundation transitions to concrete foundation at intersection of gridline D and gridline 3



Original gable at Gridline D between Gridlines 2 and 3. This is the only original siding remaining on the house, and is only on a portion of the gable wall. The siding is worn, damaged and in limited quantities. Re-using this siding would be challenging. I recommend using new wood siding with 3 ½" reveal to match the historic siding.



Drop beam at Gridline C between Gridlines 1 and 2. This represents the end of the east-west truss that spans between Gridlines C and D. The header spanning this opening is a steel beam.



Entry porch was framed with a combination of newer 2x4 dimensional lumber and 1x6 v-groove sheathing, along with some older wood, and was framed on top of an older roof.



Original truss roof between gridlines C and D, and Gridlines 1 and 2



Older sheathing is both below and above the original truss



Square and round nails penetrating roof sheathing below the peak of the truss



Only round nails found penetrating the older wood roof sheathing above the top of the truss



Gable along Gridline 2 between Gridlines C and D. This represents the end of the trusses for the east-west gable, and has exterior sheathing.



Nailer along the north-south ridge is broken at the point where the ridge of the east-west truss intersects it. This appears to be the point at which the original truss connection was made



Older 2x4s were nailed to the original truss to extend the ridge above the original truss. This has no relationship to the original bearing wall at gridline D



2x4s nailed to the original truss



Older 2x4 boards that extended the original truss have a plumb cut, but no ridge exists now. This ridge would have been at Gridline C.75 and no relation to the bearing wall at Gridline D. The sheathing along gridline 1 also has no relation to the bearing wall at Gridline D.



Gable along Gridline 2 between Gridlines C and D represents the end of the trusses for the east-west gable, and has exterior sheathing that extends down the main level walls behind the drywall. This indicates this portion of the home was separate, then attached to the original home.

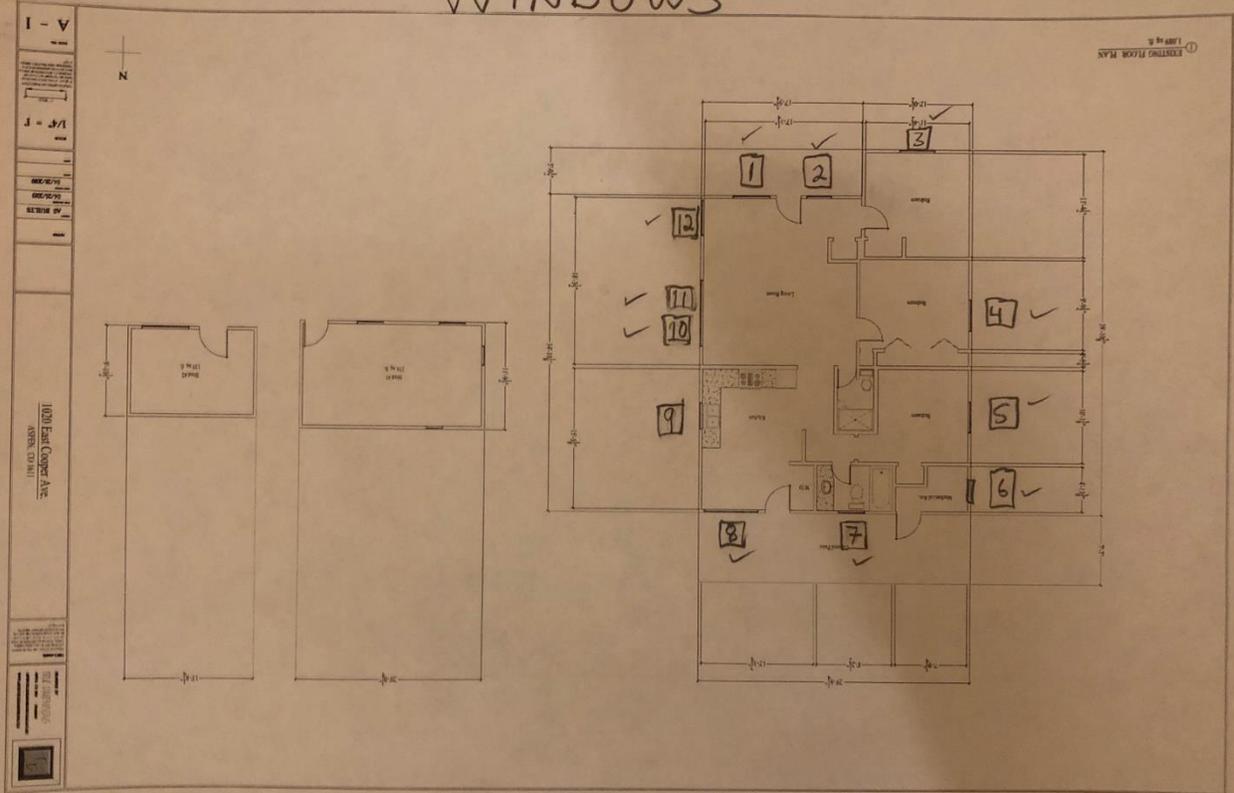


Structure defined by gridlines A and D, between 2 and 3 appears to be “original” based on the separate “older” floor framing, and exterior sheathing that extends to the bottom of the floor frame



Floor framing for the structure defined by gridlines C and D between 1 and 2 are attached to the “original” portion of the home defined above.

1020 E COOPER WINDOWS



Window Key



Window 10 and 11 facing east. Opening was cut using circular saw. Sheeting around window opening was secured with round, newer nails.



Window 4 facing west. Stud on north trimmer is older wood fastened with round newer nails. Blocking and cripples are dimensional lumber.



Window 3 facing north. Header, trimmers and cripples are framed out of dimensional lumber.



Windows 4,5,10 and 11 are awning wood windows with hinges on the top and operators on the interior.



Windows 4,5,10 and 11 are awning wood windows with cabinet hinges on the top and operators on the interior.



Window 3, 6, 7, 8 and 9 are aluminum windows



Windows 1, 2 and 3. Window 1 on the left is an aluminum slider. Window 2, center, is a wood slider. Window 3, right, is a fixed window.



Windows 4, 5, and 6 on the west elevation. Window 6 is aluminum. Windows 4 and 5 are awning wood windows with hinges on the top and operators on the interior.



Windows 7 and 8 on the north facing side of the house are aluminum sliders.



Window 9 is aluminum, windows 10 and 11 are wood awnings, and window 12 is a fixed wood window



Window 2 is a slider with latching hardware and screen or storm window latches



Windows I and 12 are both fixed windows. They appear on the home in the porch that was enclosed after the original home was built. These appear to be site built.



Exposed sheathing with tar paper and newer siding. No older siding remains under the new siding



MEMORANDUM

Date: November 27, 2019

To: Amy Simon, Historic Preservation Officer
City of Aspen
130 S Galena Street
Aspen, CO 81611

Project: 1020 E Cooper Ave

Re: Preliminary Exterior Materials—Revised

From: Jamie L. Brewster McLeod
Brewster McLeod Architects, Inc.

Ms. Simon—

Enclosed are preliminary images of the proposed exterior materials for 1020 E. Cooper Avenue. We will submit samples during the Final Design Review.

Wood Siding

Horizontal Wood, 3-1/2" reveal

Traditional clapboard style to be installed as all original siding was previously removed



Exterior Paint Color

Color: Benjamin Moore Custom White, SP16-138



Exterior Brick

Color would match exterior siding



Dimensions: 7-5/8" width x 2-1/4" height x 3-5/8" thick

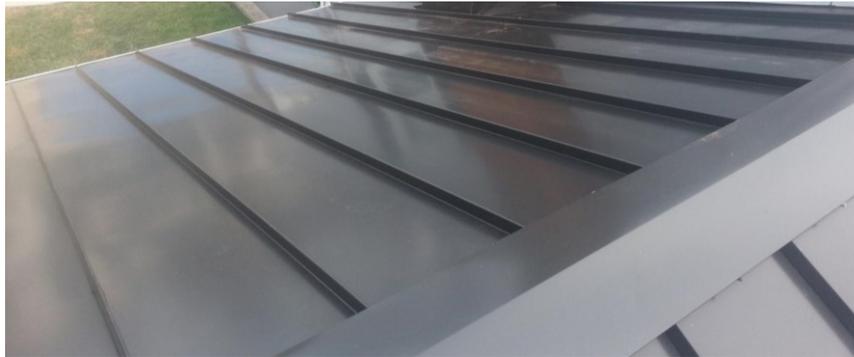
Roofing

Natural cedar shingles; second image shows how they will age in a few years



Metal Roofing

Color: matte black



Windows and Exterior Window Trim

Painted wood double-hung windows for the Historic resource



Front Porch Posts



Exterior Railing



Front Fence

42" High, White Wood Pickets

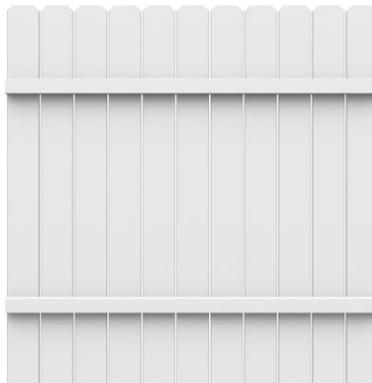
The picket spacing will provide a transparent quality per Historic Preservation Design Guideline 1.18



Privacy Fence

6' High, White Wood Pickets

Fence will be located such that it does not block the public views of the historic structure per Historic Preservation Design Guideline 1.20 and will comply with the Land Use Code



City of Aspen Community Development Department

Please check the appropriate boxes below and submit this page along with your application. This information will help us review your plans and, if necessary, coordinate with other agencies that may be involved.

YES **NO**

- Does the work you are planning include exterior work; including additions, demolitions, new construction, remodeling, rehabilitation or restoration?
- Does the work you are planning include interior work, including remodeling, rehabilitation, or restoration?
- Do you plan other future changes or improvements that could be reviewed at this time?
- In addition to City of Aspen approval for a Certificate of Appropriateness or No Negative Effect and a building permit, are you seeking to meet the Secretary of the Interior's Standards for Rehabilitation or restoration of a National Register of Historic Places Property in order to qualify for state or federal tax credits?
- If yes, are you seeking federal rehabilitation investment tax credits in conjunction with this project? (Only income producing properties listed on the National Register are eligible. Owner-occupied residential properties are not.)
- If yes, are you seeking the Colorado State Income Tax Credit for Historical Preservation?

Please check all City of Aspen Historic Preservation Benefits which you plan to use:

- Rehabilitation Loan Fund Conservation Easement Program Dimensional Variances
- Increased Density Historic Landmark Lot Split Waiver of Park Dedication Fees
- Conditional Uses Tax Credits
- Exemption from Growth Management Quota System

ATTACHMENT 3 - Dimensional Requirements Form

(Item #10 on the submittal requirements key. Not necessary for all projects.)

424

City of Aspen Community Development Department

Project: 1020 E Cooper
 Applicant: 1020 Cooper LLC
 Project
 Location: 1020 E Cooper Ave
 Zone District: RMF
 Lot Size: 4,379 sf
 Lot Area: 4,379 sf

(For the purposes of calculating Floor Area, Lot Area may be reduced for areas within the high water mark, easements, and steep slopes. Please refer to the definition of Lot Area in the Municipal Code.)

Commercial net leasable: Existing: N/A Proposed: N/A
 Number of residential units: Existing: 1 Proposed: 1

Proposed % of demolition: >40%

DIMENSIONS: (write N/A where no requirement exists in the zone district)

Floor Area:	Existing: <u>1,075</u> Allowable: <u>2,228*</u> Proposed: <u>2,456.92**</u>	*The allowable Floor area per the zone district is 2,786 sf, but because the demo exceeds 40% it is reduced by 20%.
Height		
Principal Bldg.:	Existing: <u>14'-8-3/4"</u> Allowable: <u>25'</u> Proposed: <u>24'-1-3/8"</u>	
Accessory Bldg.:	Existing: <u>***</u> Allowable: <u>N/A</u> Proposed: <u>N/A</u>	
On-Site parking:	Existing: <u>0</u> Required: <u>2</u> Proposed: <u>2</u>	
% Site coverage:	Existing: <u>N/A</u> Required: <u>N/A</u> Proposed: <u>N/A</u>	
% Open Space:	Existing: <u>N/A</u> Required: <u>N/A</u> Proposed: <u>N/A</u>	
Front Setback: South	Existing: <u>17.3'</u> Required: <u>10'</u> Proposed: <u>10'-1/2"</u>	
Rear Setback: North	Existing: <u>42'-2-3/4"</u> Required: <u>10'</u> Proposed: <u>10'-Residential Building</u>	
Combined Front/Rear:	*** 5'-Garage 5'-Garage	
Indicate N, S, E, W	Existing: <u>N/A</u> Required: <u>N/A</u> Proposed: <u>N/A</u>	**Historically designated projects are allowed to request a floor area bonus of up to 500 SF. The total bonus is requested.
Side Setback: East	Existing: <u>2.5'</u> Required: <u>5'</u> Proposed: <u>5'</u>	
Side Setback: West	Existing: <u>10'-11-1/8"</u> Required: <u>5'</u> Proposed: <u>5'-7/8"</u>	
Combined Sides:	Existing: <u>13'-5-1/8"</u> Required: <u>10'</u> Proposed: <u>10'-7/8"</u>	
Distance between buildings:	Existing: <u>Varies</u> Required: <u>5'</u> Proposed: <u>N/A</u>	

Existing non-conformities or encroachments and note if encroachment licenses have been issued: ***The non-historic sheds in the rear of the property extend over the property line and into the side setback. They are proposed to be demo'd.

The encroachments will be removed.

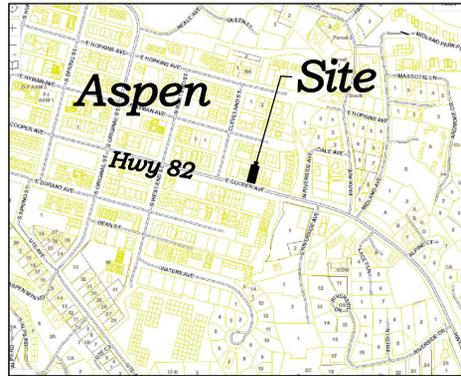
Variations requested (identify the exact variances needed): _____

Matrix of the City of Aspen's Historic Preservation Land Use Application Requirements

To review full procedures for all applications, reference 26.415 of the City of Aspen building code, Historic Preservation Ordin 425
 When submitting multiple step applications, do not replicate submission materials. Two copies of the application are required for a

IMPROVEMENT SURVEY MAP

The East 10 feet of Lot O and all of Lot P,
Block 34, East Aspen Addition to the City of Aspen,
Pitkin County, State of Colorado.



VICINITY MAP
SCALE: 1" = 500'

THE LAND REFERRED TO IN THIS LAND TITLE GUARANTEE COMPANY COMMITMENT DATED APRIL 12, 2019 IS LOCATED IN THE COUNTY OF PITKIN, STATE OF COLORADO, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A

THE EAST 10 FEET OF LOT O AND ALL OF LOT P,
BLOCK 34, EAST ASPEN ADDITION TO THE CITY OF ASPEN,
CONTAINING 4,000 SQUARE FEET OR 0.09 ACRES MORE OR LESS.

PARCEL B

BEGINNING AT THE SOUTHEAST CORNER OF COOPER AVENUE VICTORIANS CONDOMINIUMS AS RECORDED IN PLAT BOOK 6 AT PAGES 87-88, OF THE PITKIN COUNTY RECORDS, SAID CORNER BEING IDENTICAL WITH THE SOUTHEAST CORNER OF THE WESTERLY 20 FEET OF LOT O, BLOCK 34, EAST ASPEN ADDITION TO THE CITY OF ASPEN:
THENCE N 75°09'11" W 3.79 FEET ALONG THE SOUTHERLY LINE OF SAID LOT O;
THENCE N 14°50'49" E 100.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT O;
THENCE S 75°09'11" E 3.79 FEET
THENCE S 14°50'49" W 43.79 FEET TO THE POINT OF BEGINNING
COUNTY OF PITKIN, STATE OF COLORADO. CONTAINING 0.379 SQUARE FEET OR 0.01 ACRES MORE OR LESS.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING EXCEPTIONS PER SAID TITLE COMMITMENT NO. Q62010331-4
8. RIGHT OF PROPRIETOR OF A VEIN OF LOOSE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED OCTOBER 21, 1955, IN BOOK 180 AT PAGE 454. (Could affect subject - nothing to show)

9. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 29, 1958, IN BOOK 185 AT PAGE 69. (Could affect subject - nothing to show)

10. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EAST ASPEN ADDITION RECORDED AUGUST 24, 1959 IN BOOK 2 AT PAGE 252. (As shown hereon)

11. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON IMPROVEMENT LOCATION CERTIFICATE CERTIFIED MARCH 08, 2019 PREPARED BY TUTTLE SURVEYING SERVICES, JOB #PARCELS AB_1020 E COOPER SAID DOCUMENT STORED AS OUR IMAGE 1480261. (As shown hereon)

LEGEND AND NOTES:

- □ INDICATES FOUND 18" NO.5 REBAR WITH 1 1/4" RED PLASTIC CAP MARKED LS 33638
- ● INDICATES FOUND NO.5 REBAR WITH 1 1/4" YELLOW PLASTIC CAP MARKED LS 14111
- ○ INDICATES FOUND NO.5 REBAR WITH 1 1/4" YELLOW PLASTIC CAP (ILLIGIBLE)
- DATE OF SURVEY: March 08, 2019
- UNIT OF MEASUREMENT: US SURVEY FOOT
- THIS PROPERTY IS SUBJECT TO EASEMENTS, RIGHTS OF WAY AND/OR REQUIREMENTS AS NOTED OR SHOWN IN THE RECORDS OF THE PITKIN COUNTY CLERK & RECORDER.
- THE SET BACKS ARE: FRONT YARD PRINCIPLE BUILDINGS: 10 FT ACCESSORY BUILDINGS: 15.0' FT SIDE YARDS, 5.0' FT REAR YARD PRINCIPLE BUILDINGS: 10.0' FT. GARAGE & ACCESSORY BUILDINGS: 5 FT.
- BEARINGS ARE BASED UPON A NO.5 REBAR WITH YELLOW PLASTIC CAP (ILLIGIBLE) AT THE SOUTHWESTERLY CORNER OF LOT L AND A NO.5 REBAR WITH YELLOW PLASTIC CAP (ILLIGIBLE) ON THE SOUTHERLY LINE OF LOT M OF SAID ASPEN EAST ADDITION, USING A BEARING OF N 75°09'11" W BETWEEN THE TWO DESCRIBED MONUMENTS AS SHOWN HEREON.
- THE SUBJECT PROPERTY IS ZONED RMF PER PROVIDED BY BREWSTER MCLEOD ARCHITECTS, INC. FRONT YARD PRINCIPLE BUILDINGS: 10 FT, ACCESSORY BUILDINGS: 15 FT, SIDE YARDS: 5 FT, REAR YARD PRINCIPLE BUILDINGS: 10 FT, GARAGE & ACCESSORY BUILDINGS: 5 FT.
- THIS PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN) PER FEMA MAP PANEL NO. 08097C0204C DATED JUNE 04, 1987 TAKEN FROM THE FEMA MAP SERVICE CENTER AND THE CITY OF ASPEN ENGINEERING DEPARTMENT WEBSITE. THIS PROPERTY IS NOT LOCATED WITHIN A MUDFLOW HAZARD ACCORDING TO THE CITY OF ASPEN ENGINEERING DEPARTMENT ASPEN MOUNTAIN MUDFLOW HAZARD MAP. THE PROPERTY HAS DIRECT ACCESS TO EAST COOPER AVENUE A DEDICATED PUBLIC STREET.
- THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY THIS SURVEYOR TO DETERMINE OWNERSHIP OR TO DISCOVER EASEMENTS OR OTHER ENCUMBRANCES OF RECORD. ALL INFORMATION PERTAINING TO OWNERSHIP, EASEMENTS OR OTHER ENCUMBRANCES OF RECORD HAS BEEN TAKEN FROM TITLE INSURANCE COMMITMENTS ISSUED BY LAND TITLE GUARANTEE COMPANY, DATED EFFECTIVE APRIL 12, 2019 AS COMMITMENT NO. Q62010331-4.

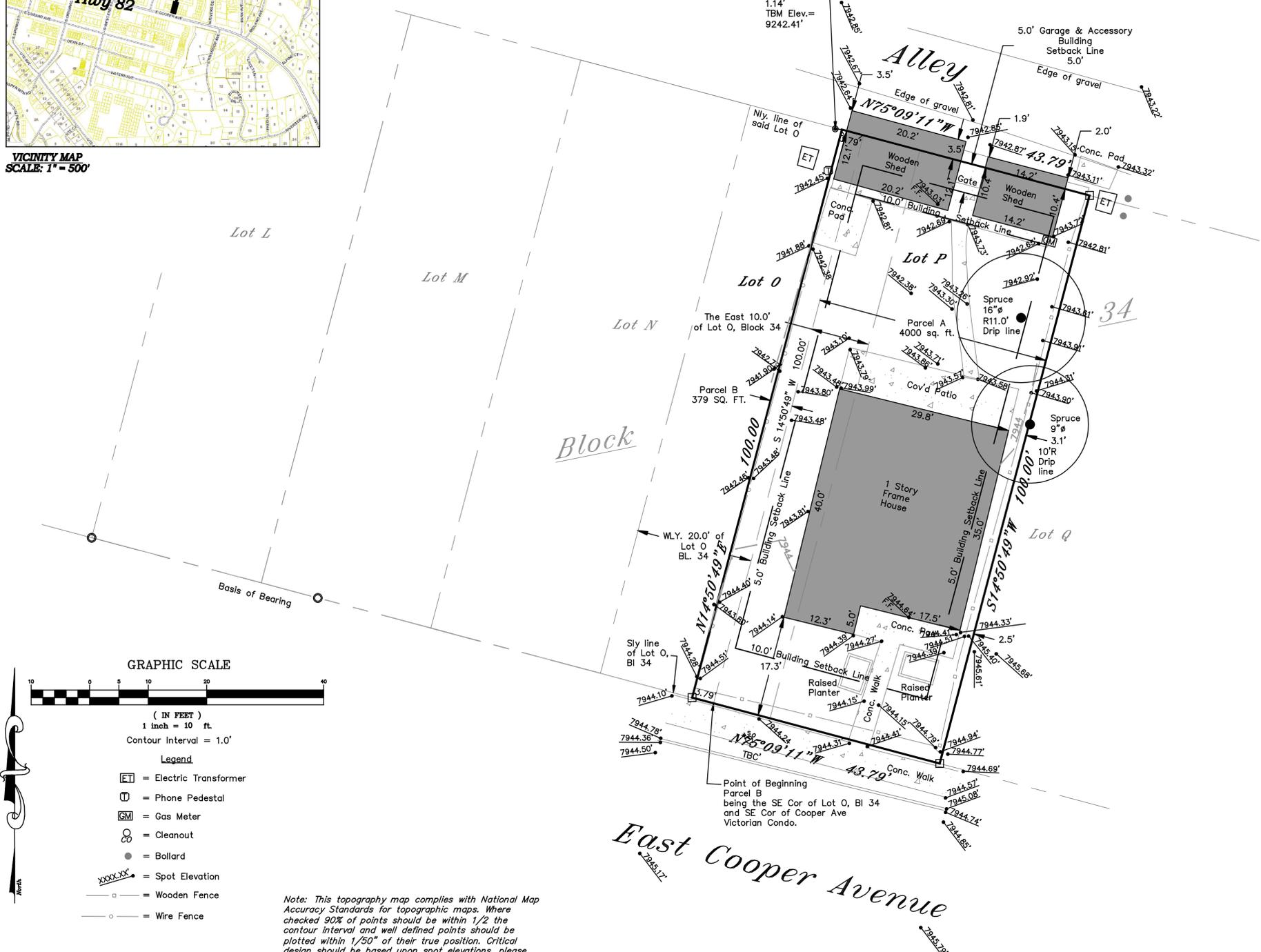
SURVEYOR'S CERTIFICATE:

I, JEFFREY ALLEN TUTTLE, BEING A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY TO 1020 COOPER LLC, A COLORADO LIMITED LIABILITY, PECK FEIGENBAUM PC, AND LAND TITLE GUARANTEE COMPANY THAT THIS IMPROVEMENT SURVEY WAS PREPARED FROM AN ACTUAL MONUMENTED LAND SURVEY OF THE PROPERTY CORNER MONUMENTS, BOTH FOUND AND SET, UNDER MY DIRECT SUPERVISION AND CHECKING; THAT IT IS CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE AND THAT ALL DIMENSIONS, BOTH LINEAR AND ANGULAR WERE DETERMINED BY AN ACCURATE CONTROL SURVEY IN THE FIELD WHICH BALANCED AND CLOSED WITHIN A LIMIT OF 1 IN 15,000 (WHICH COMPLIES WITH COLORADO PROFESSIONAL STANDARDS FOR A LAND SURVEY PLAT AND THE CURRENT ACCURACY STANDARDS FOR ALTA/ACSM LAND TITLE SURVEYS); I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, JUNE 04, 2019 EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL. PRICE IS NOTED.

Jeffrey Allen Tuttle
Professional Land Surveyor
No. 33638
Jeffrey Allen Tuttle
Professional Land Surveyor
No. 33638

06/04/2019
DATE

PDF Version



GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.
Contour Interval = 1.0'

Legend

- ET = Electric Transformer
- Ⓣ = Phone Pedestal
- GM = Gas Meter
- ⊙ = Cleanout
- = Bollard
- XXXXXX = Spot Elevation
- = Wooden Fence
- = Wire Fence

Note: This topographic map complies with National Map Accuracy Standards for topographic maps. Where checked 90% of points should be within 1/2 the contour interval and well defined points should be plotted within 1/50" of their true position. Critical design should be based upon spot elevations, please contact Tuttle Surveying Services for this spot elevation information.

Notice:
According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

TUTTLE SURVEYING SERVICES
923 Cooper Avenue
Glenwood Springs, Colorado 81601
(970) 928-9708 (FAX 947-9007)
Email- jeff@tss-us.com



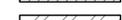
IMPROVEMENT SURVEY MAP

1020 E. Cooper Avenue
ASPEN, CO 81611

Drawn by: DMC
Date: 06/04/2019
Z: 2019\1020ECooper.dwg
JOBNO19053

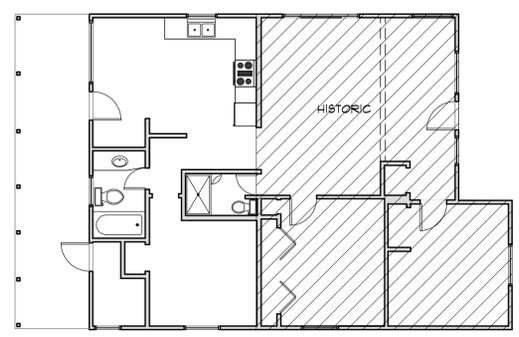
1
OF 1

LEGEND

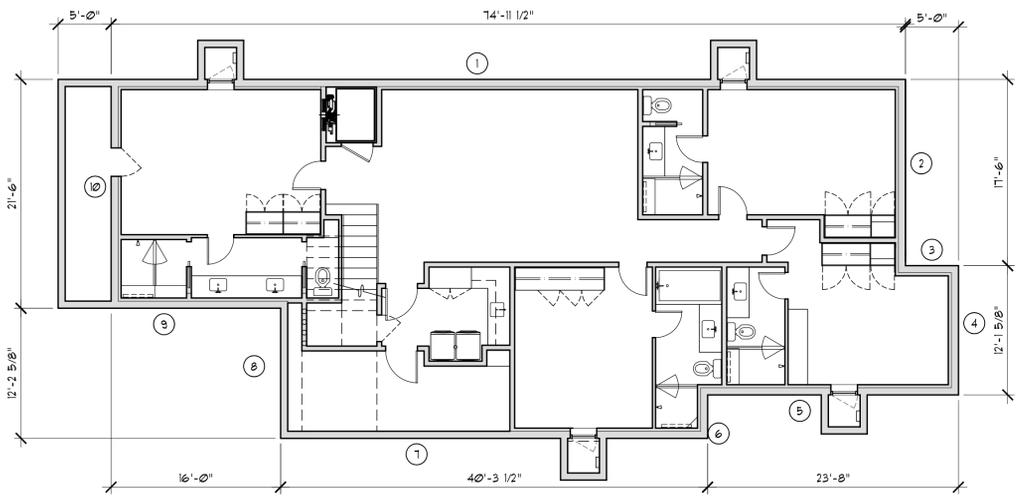
-  EXPOSED WALL BELOW GRADE
-  WALL BELOW GRADE
-  HISTORIC AREA
-  GARAGE AREA
-  DECK AREA

FLOOR AREA CALCULATIONS		
PROPOSED SUBGRADE LEVEL EXPOSED WALL CALCULATIONS		
SUBGRADE LEVEL WALL LABEL	TOTAL WALL AREA (S.F.)	EXPOSED WALL AREA (S.F.)
1	754.00	22.50 + 17.50 = 40
2	183.11	
3	52.50	
4	127.40	
5	248.50	22.50
6	42.87	
7	423.06	22.50
8	128.30	
9	168.00	
10	225.75	
OVERALL TOTAL WALL AREA (S.F.)	2,354.23	
EXPOSED WALL AREA (S.F.)		85
% OF EXPOSED WALL (EXPOSED / TOTAL)	3.6%	
PROPOSED SUBGRADE FLOOR AREA CALCULATIONS		
SUBGRADE GROSS- LOWER LEVEL (S.F.)	2,326.79	
SUBGRADE COUNTABLE (S.F.)	83.76	(2,326.79 x 3.6%)

TOTAL PROPOSED COUNTABLE FLOOR AREA CALCULATIONS		
DEMO OVER 40%	SQUARE FOOTAGE (S.F.)	FLOOR AREA (S.F.)
		ALLOWED: 2,228.00
LOWER LEVEL COUNTABLE FLOOR AREA (S.F.)	2,326.79	83.76
LOWER LEVEL CRAWL SPACE AREA (S.F.)	107.50	0
MAIN LEVEL COUNTABLE FLOOR AREA (S.F.)	890.87	890.87
HISTORIC COUNTABLE FLOOR AREA (S.F.)	500.83	500.83
GARAGE COUNTABLE FLOOR AREA (S.F.)	515.63	140.63
UPPER LEVEL COUNTABLE FLOOR AREA (S.F.)	894.56	832.73
TOTAL LIVING SPACE AREA (S.F.)	5,244.18	2,456.92
DECK SPACE AREA (S.F.) ALLOWED (15%) = 334.20		
PATIO FIREPLACE (S.F.)	20	0
DECK-1 COUNTABLE FLOOR AREA (S.F.)	76.65	0
DECK-2 COUNTABLE FLOOR AREA (S.F.)	195.00	0
TOTAL PROPOSED COUNTABLE DECK AREA (S.F.)	271.73	291.73 LESS 334.20 = 0
FRONT PORCH COUNTABLE FLOOR AREA (S.F.)	118.92	0
PATIO COUNTABLE FLOOR AREA (S.F.)	285.48	0
TOTAL PROPOSED COUNTABLE FLOOR AREA (S.F.)	5,940.31	2,456.92
HFC BONUS FLOOR AREA (S.F.)	0	228.92 = 229

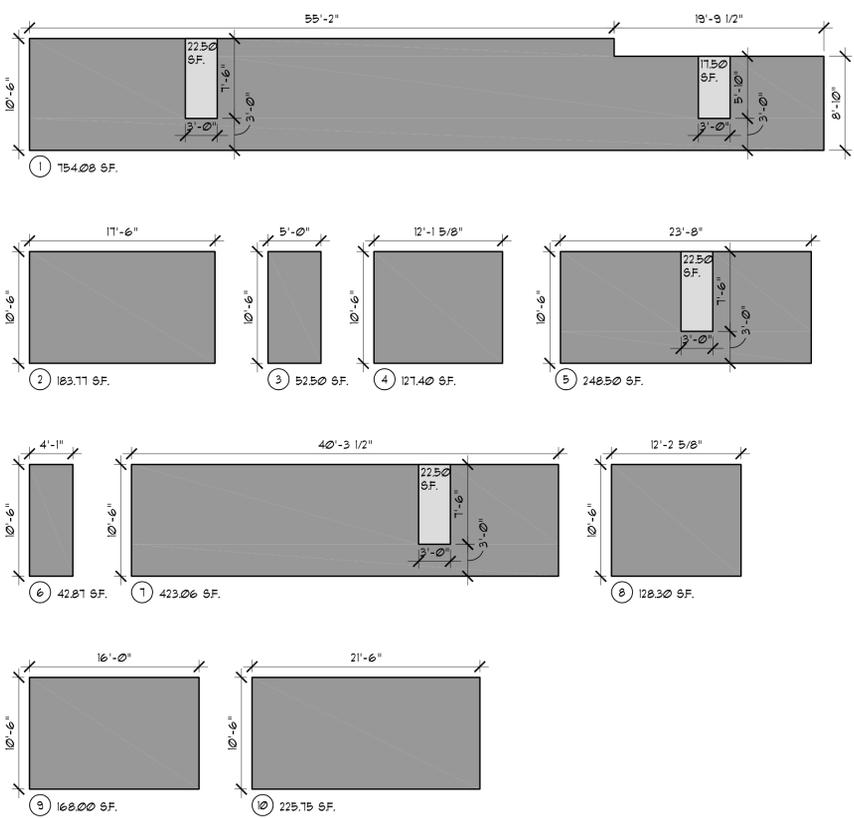


1 HISTORIC HOUSE

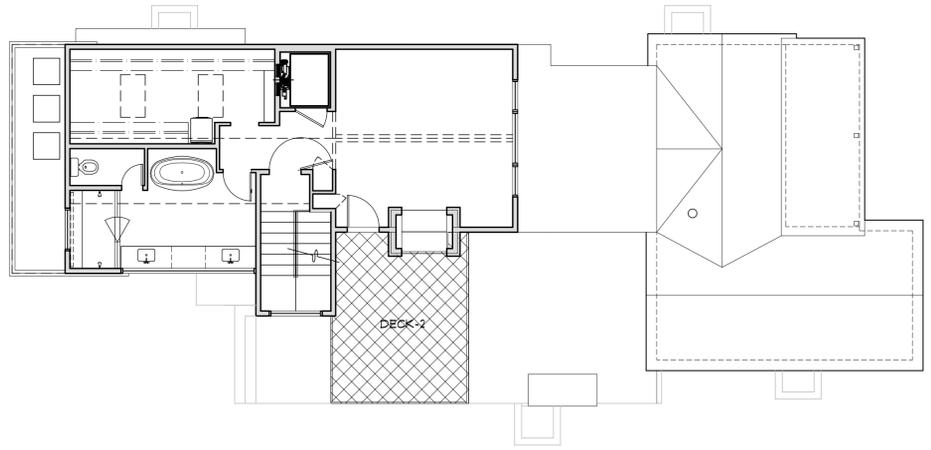


2 PROPOSED LOWER LEVEL FLOOR AREA

ELEVATION SF



3 PROPOSED MAIN LEVEL FLOOR AREA



4 PROPOSED UPPER LEVEL FLOOR AREA

1020 COOPER LLC
 1020 E. COOPER AVE
 ASPEN, CO

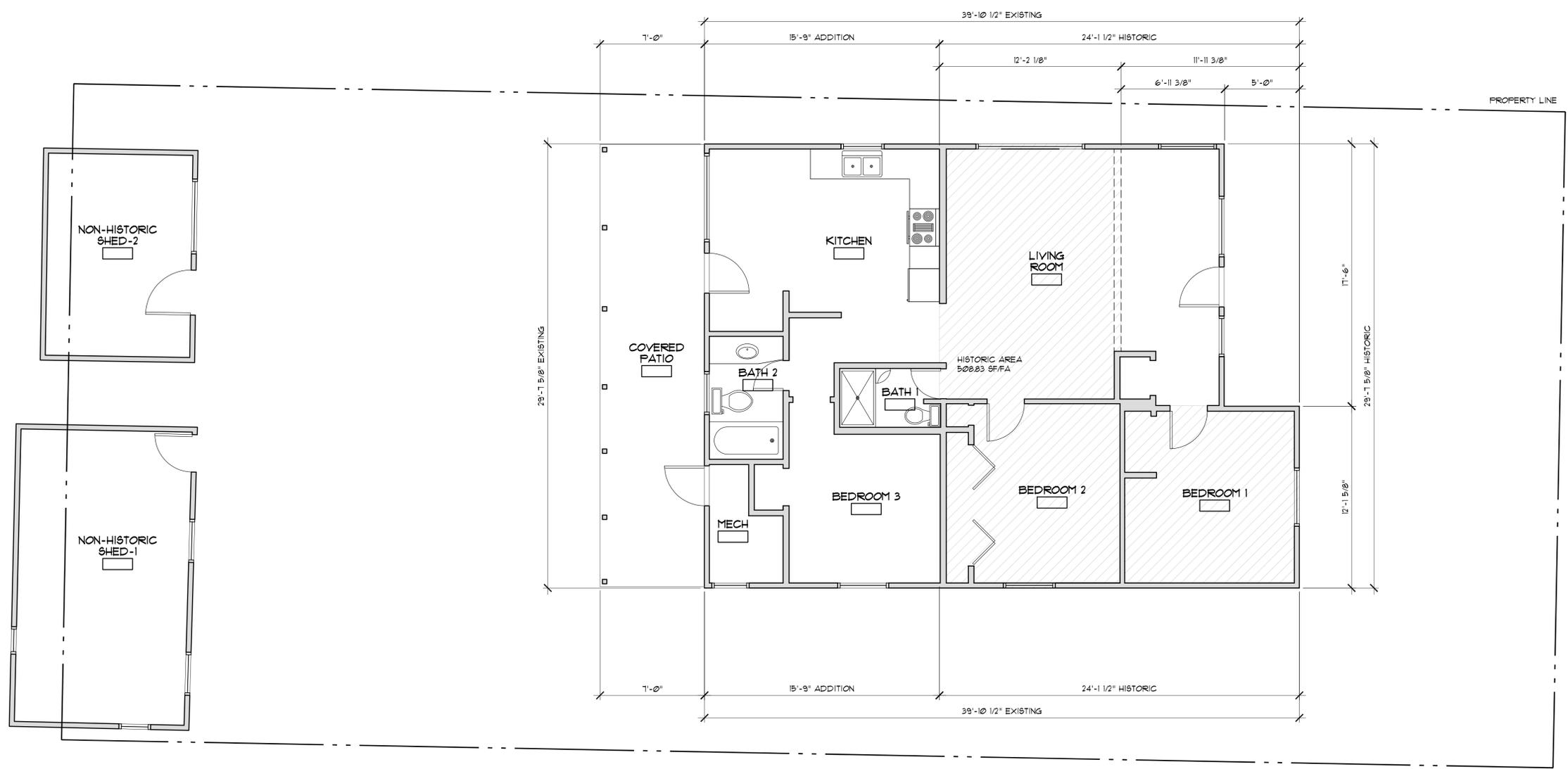
DATE	0/14/2019	HFC CONCEPT
	11/21/2019	HFC CONCEPT

SCALE
 1/8" = 1'
 DRAWN BY / CHECKED BY
 JBM
 COPYRIGHT © 2019
 BREWSTER McLEOD ARCHITECTS, INC

FLOOR AREA CALCULATIONS

A0.10

**1020 COOPER LLC
 1020 E. COOPER AVE
 ASPEN, CO**



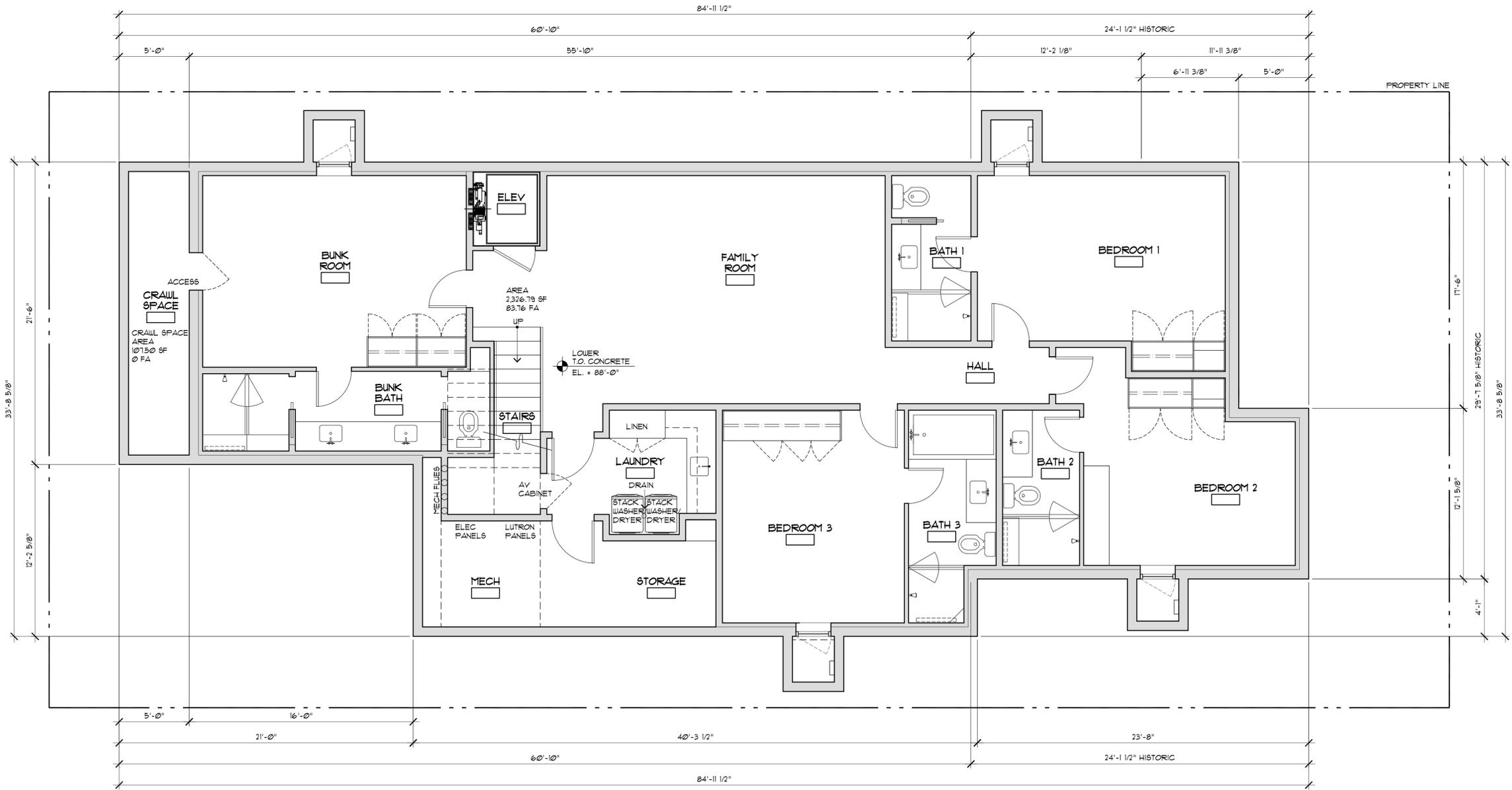
DATE	DESCRIPTION
6/6/2019	HPC CONCEPT
8/4/2019	HPC CONCEPT
11/7/2019	HPC CONCEPT

SCALE
 1/4" = 1'-0"
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 JBM
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1 MAIN FLOOR PLAN - EXISTING



**FLOOR PLAN
 EXISTING
 MAIN LEVEL
 A2.00**



1020 COOPER LLC
 1020 E. COOPER AVE
 ASPEN, CO

DATE	DESCRIPTION
6.6.2019	HPC CONCEPT
8.14.2019	HPC CONCEPT
11.21.2019	HPC CONCEPT

SCALE
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1 LOWER FLOOR PLAN - PROPOSED



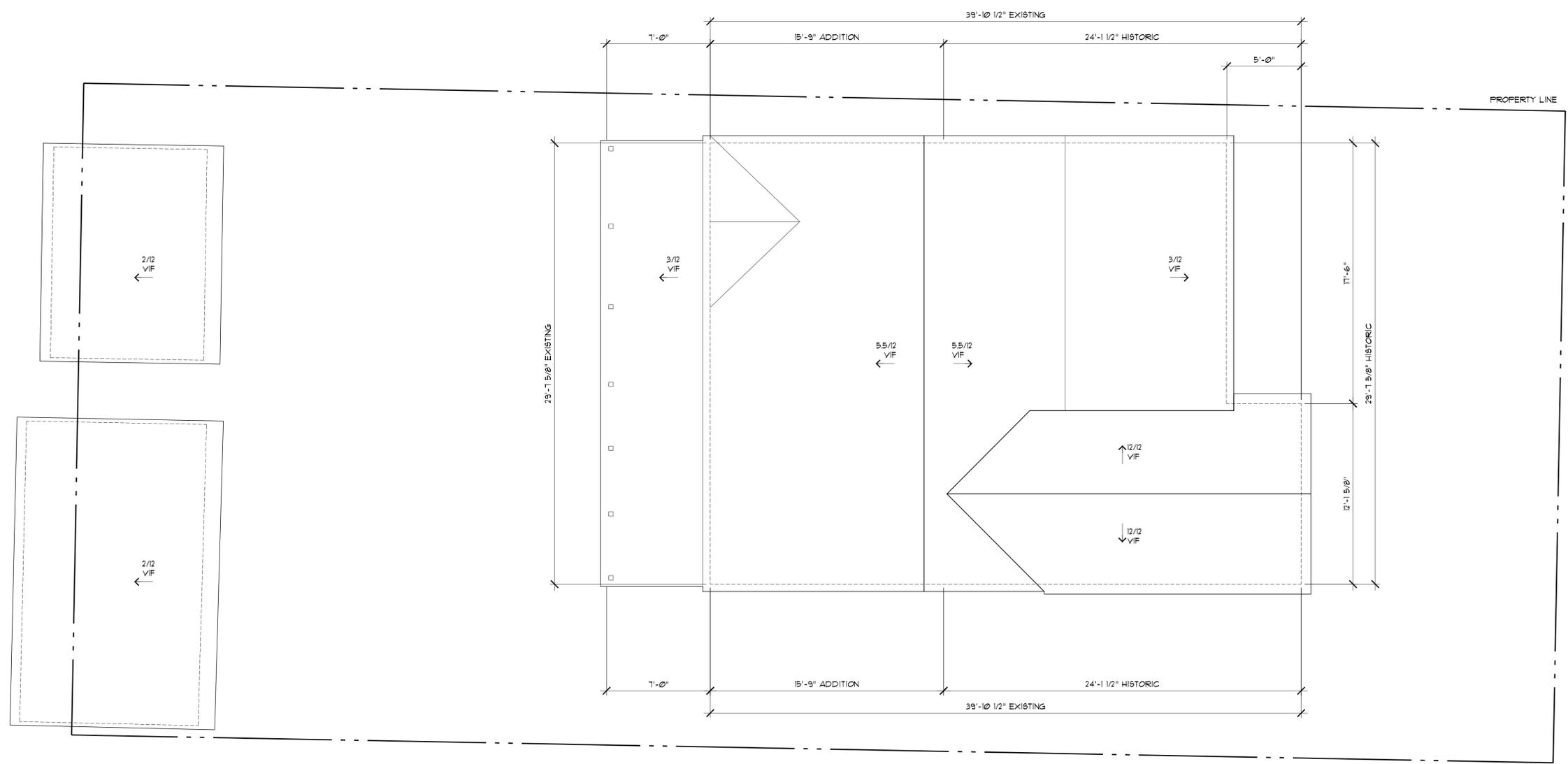
**FLOOR PLAN
 PROPOSED
 LOWER LEVEL
 A2.01**

**1020 COOPER LLC
 1020 E. COOPER AVE
 ASPEN, CO**

DATE	DESCRIPTION
6/6/2019	HPC CONCEPT
8/14/2019	HPC CONCEPT
11/21/2019	HPC CONCEPT

SCALE
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**ROOF PLAN
 EXISTING**
A2.10



1 ROOF PLAN - EXISTING



NOT FOR CONSTRUCTION

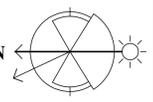
1020 COOPER LLC
1020 E. COOPER AVE
ASPEN, CO

DATE	DESCRIPTION
6/6/2019	HPC CONCEPT
8/4/2019	HPC CONCEPT
11/21/2019	HPC CONCEPT

SCALE
1/4" = 1'-0"
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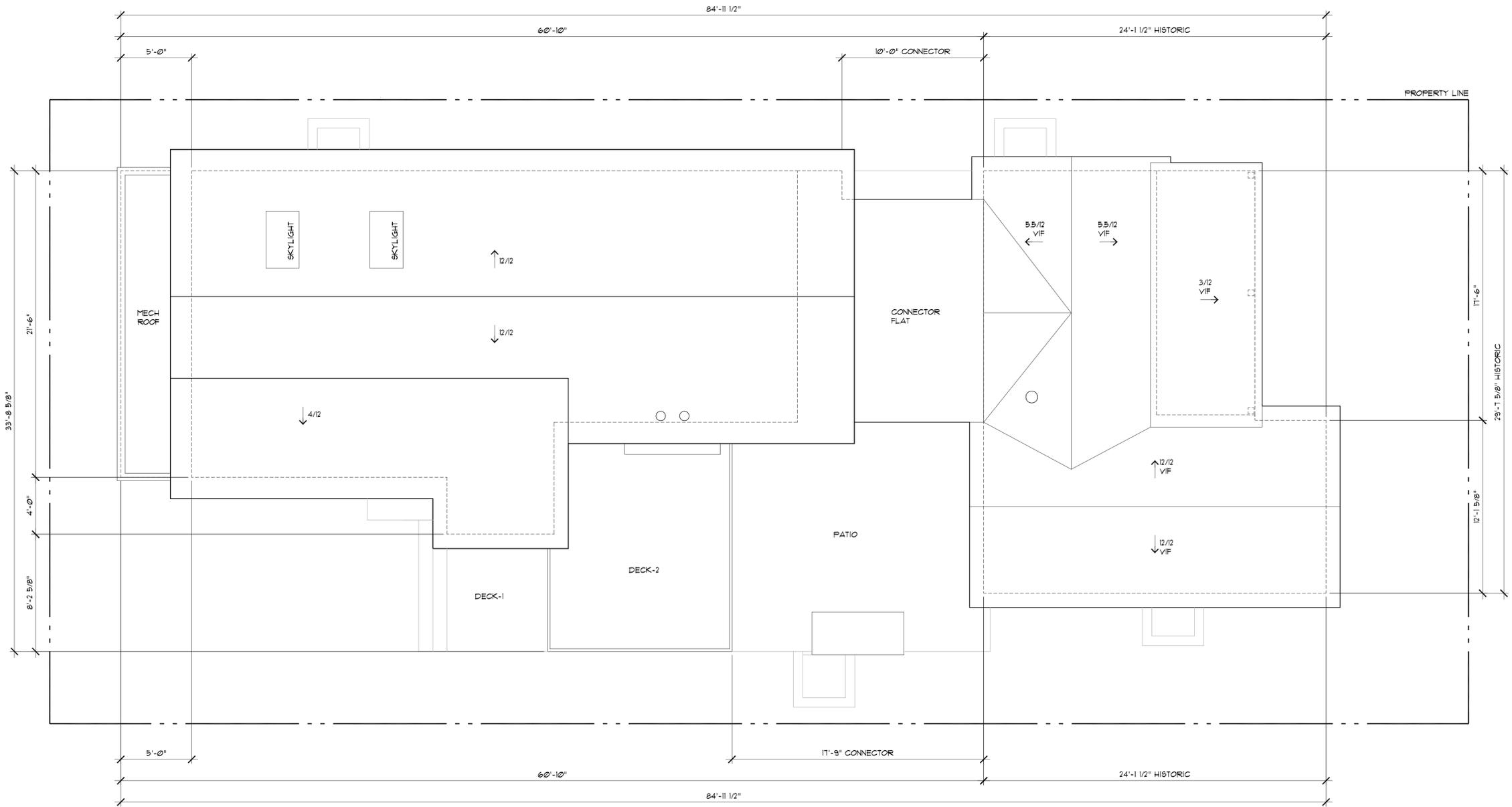
ROOF PLAN
PROPOSED

A2.11

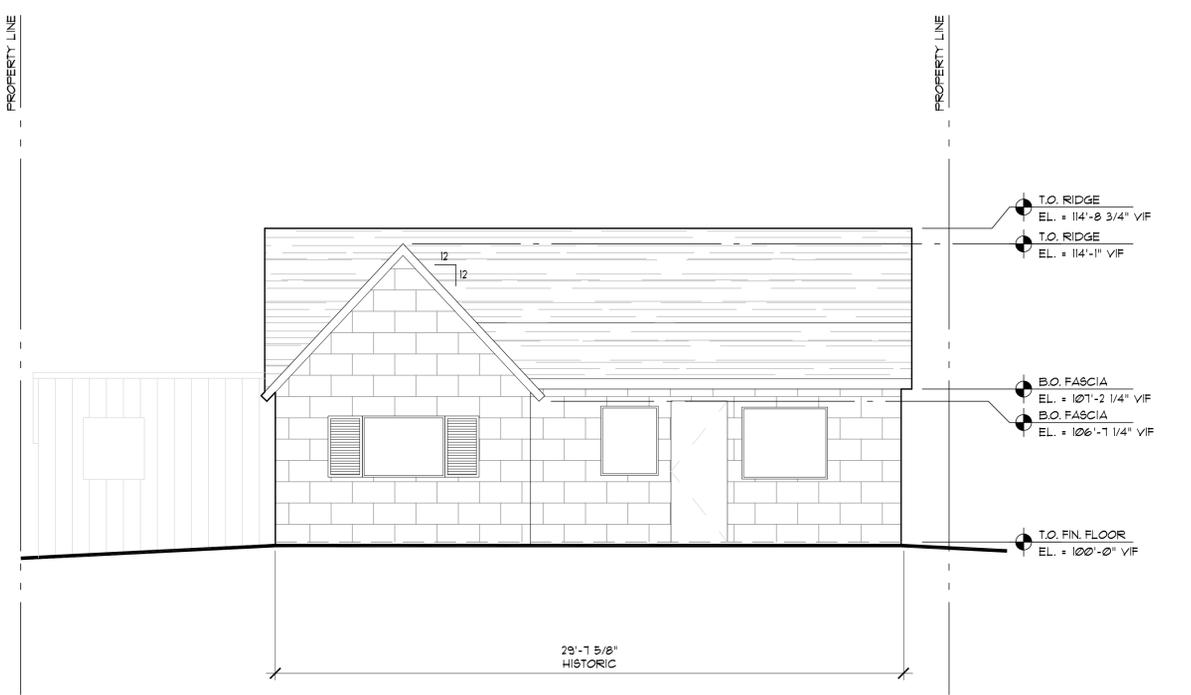


PROJECT N
TRUE N

NOT FOR CONSTRUCTION



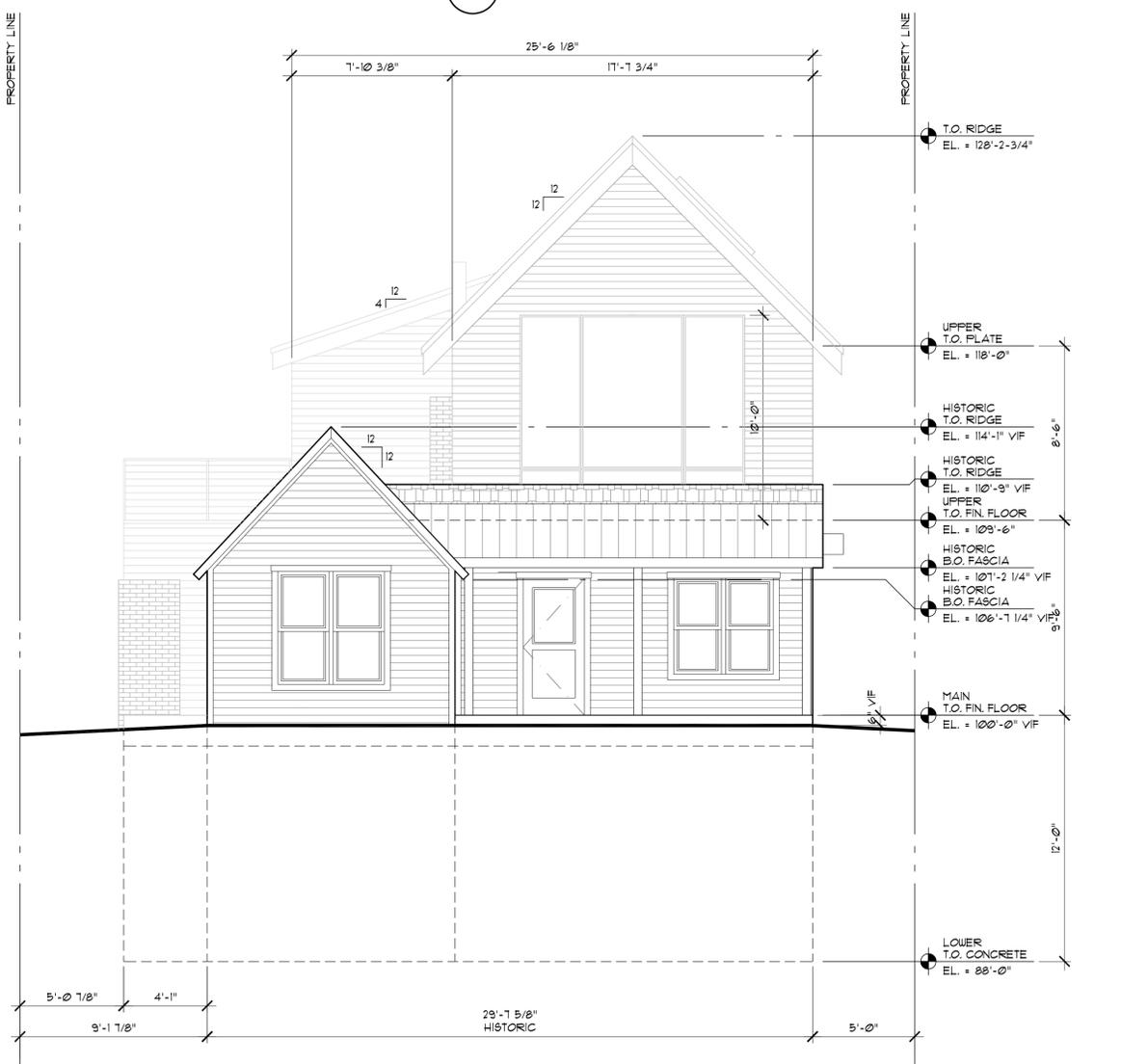
1 ROOF PLAN - PROPOSED



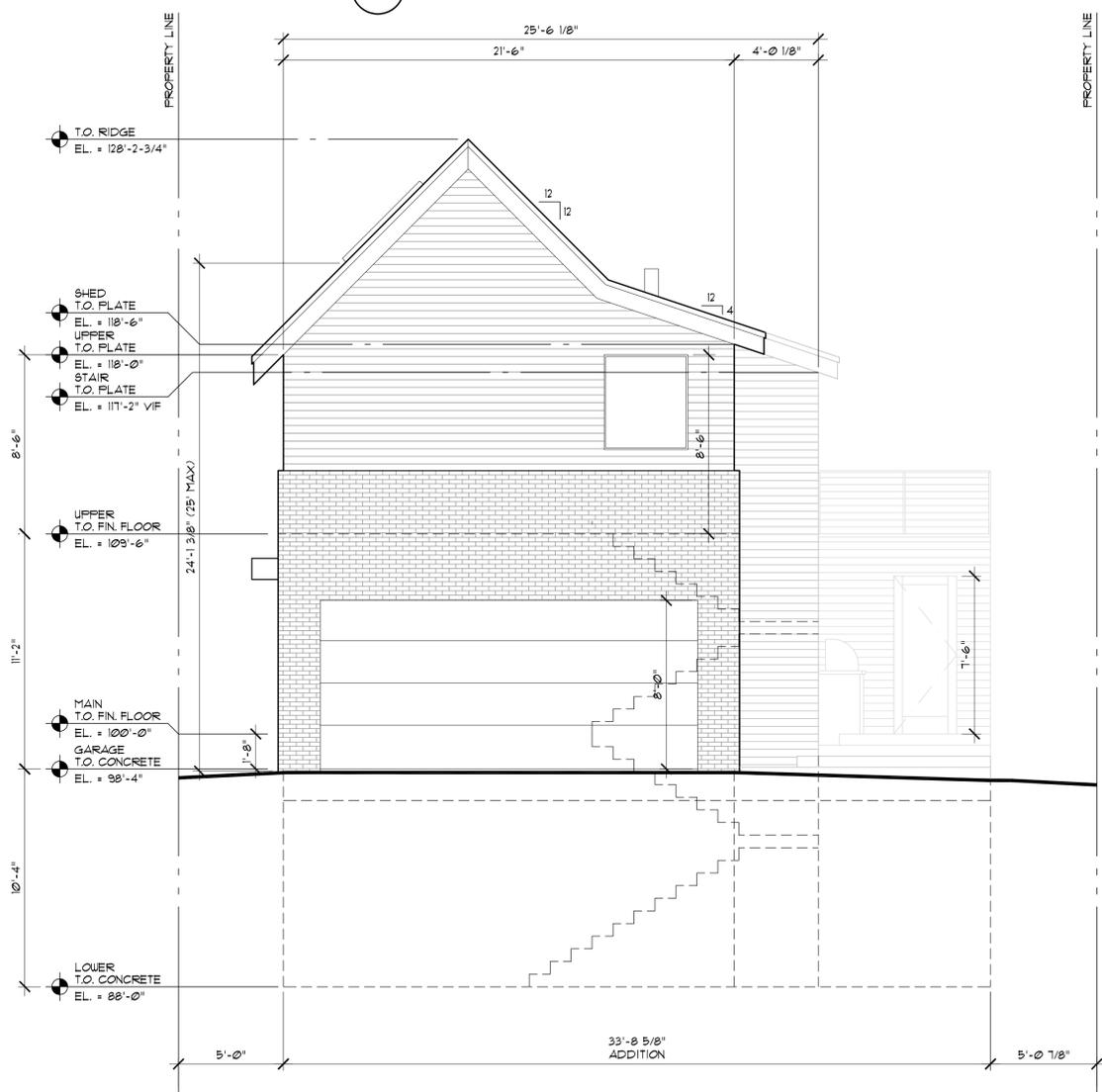
4 SOUTH ELEVATION - EXISTING



2 NORTH ELEVATION - EXISTING



3 SOUTH ELEVATION - PROPOSED



1 NORTH ELEVATION - PROPOSED

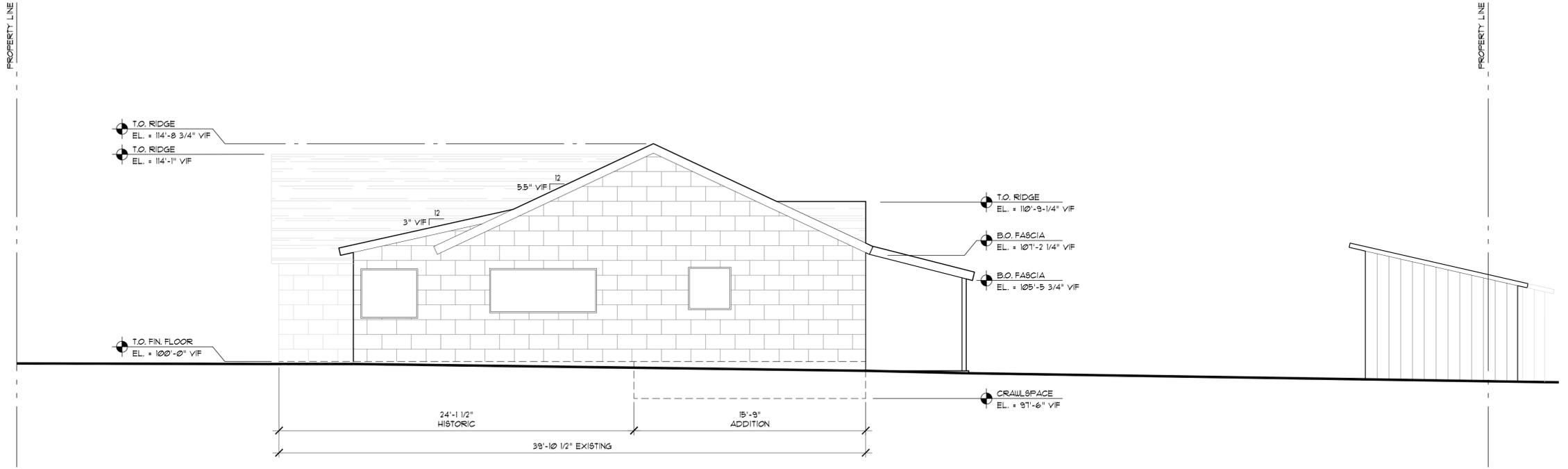
1020 COOPER LLC
 1020 E. COOPER AVE
 ASPEN, CO

DATE	DESCRIPTION
6.6.2019	HPC CONCEPT
8.14.2019	HPC CONCEPT
11.27.2019	HPC CONCEPT

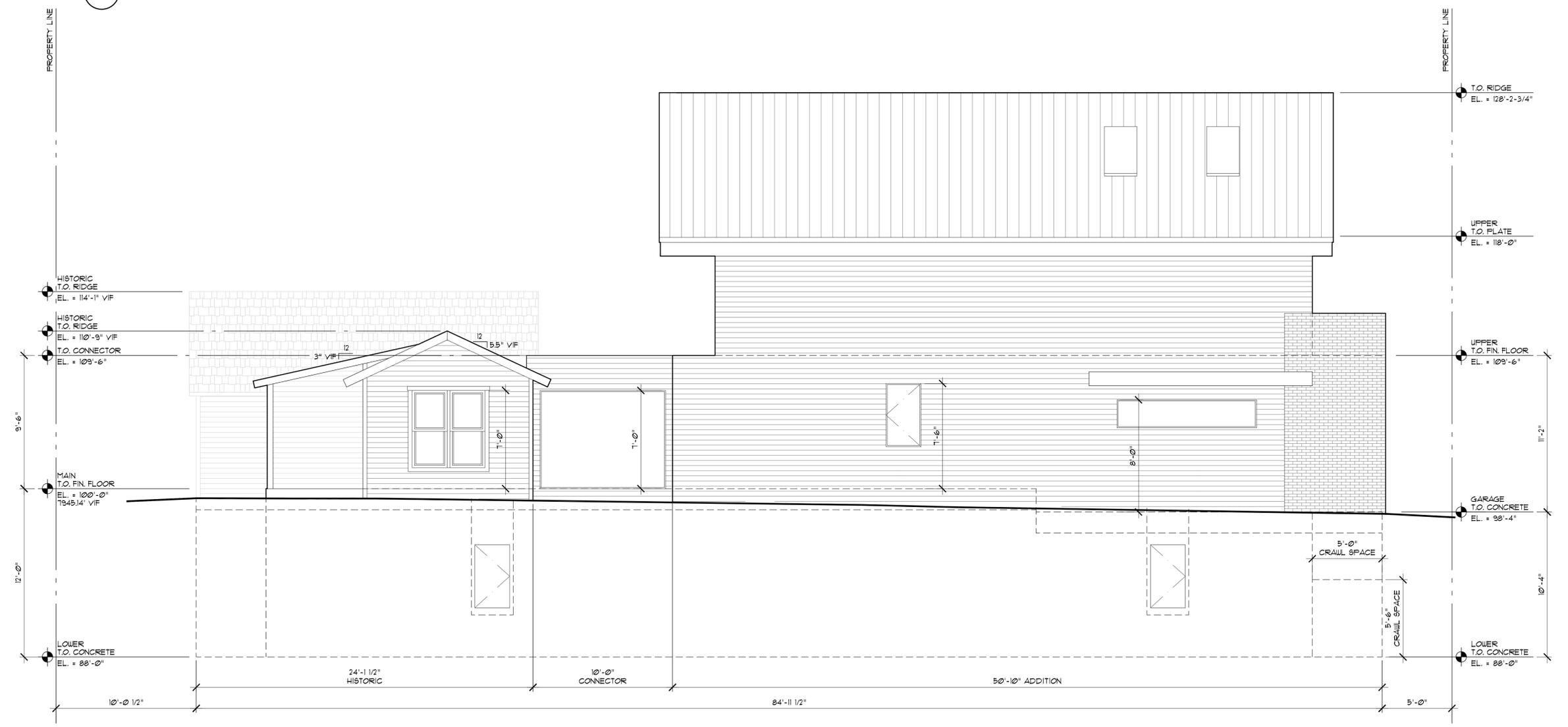
SCALE
 1/4" = 1'-0"
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ELEVATIONS
 NORTH-SOUTH

A3.00



2 EAST ELEVATION - EXISTING



1 EAST ELEVATION - PROPOSED

1020 COOPER LLC
 1020 E. COOPER AVE
 ASPEN, CO

DATE	DESCRIPTION
6.6.2019	HPC CONCEPT
8.14.2019	HPC CONCEPT
11.21.2019	HPC CONCEPT

SCALE
 1/4" = 1'-0"
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ELEVATIONS
 EAST

A3.01

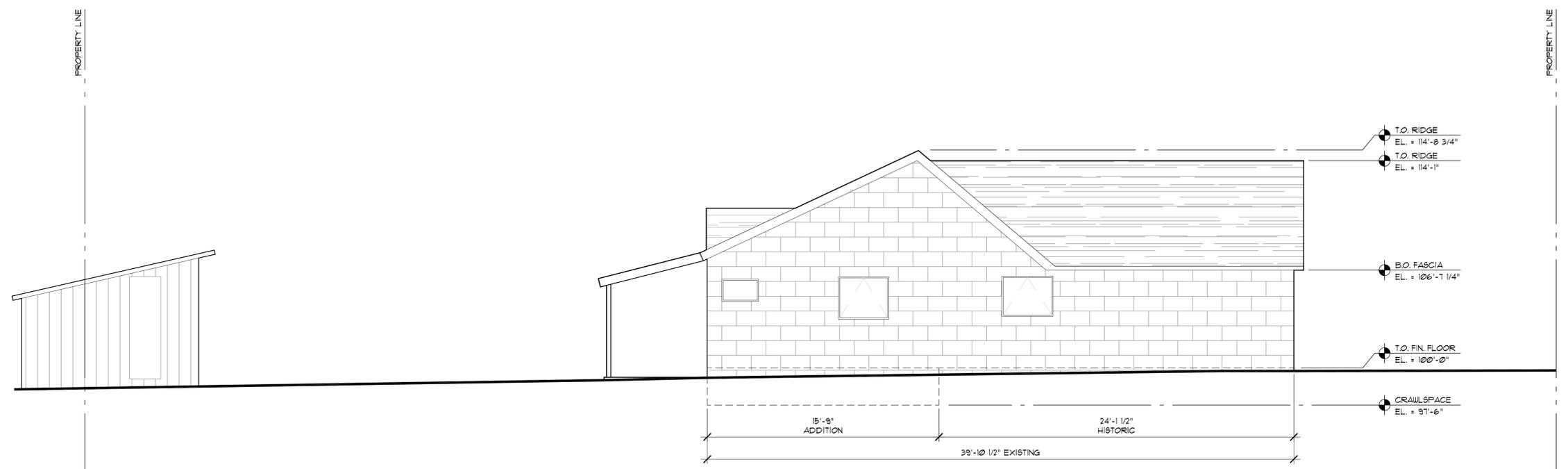
1020 COOPER LLC
 1020 E. COOPER AVE
 ASPEN, CO

DATE	DESCRIPTION
6.6.2019	HPC CONCEPT
8.14.2019	HPC CONCEPT
11.21.2019	HPC CONCEPT

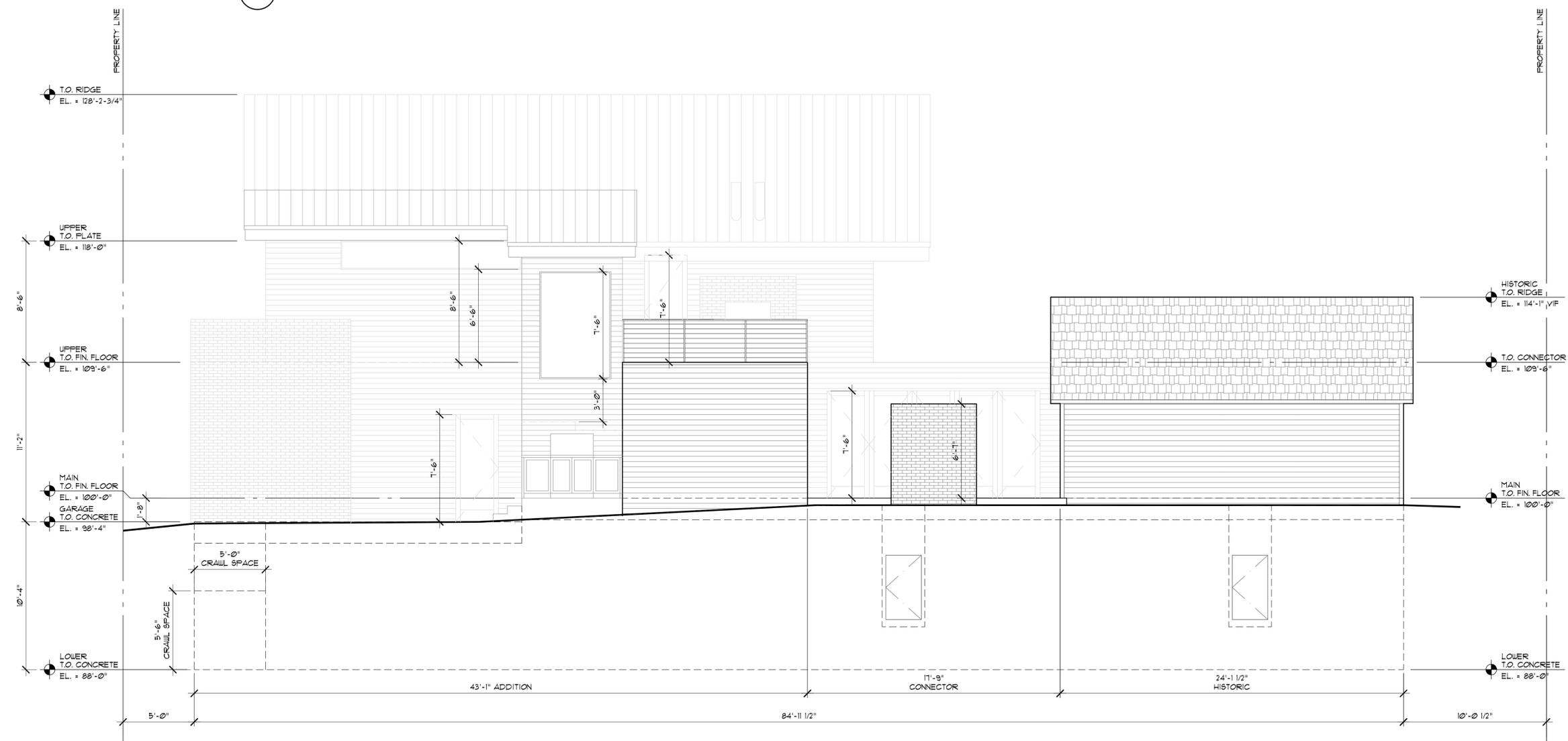
SCALE
 1/4" = 1'-0"
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ELEVATIONS
 WEST

A3.02



2 WEST ELEVATION - EXISTING



1 WEST ELEVATION - PROPOSED





PUBLIC NOTICE: Ms. Simon stated that they don't need to submit any tonight because they're continued hearings.

OLD BUSINESS: 234 W Francis – major development, floor area bonus, setback variations

MOTION: Mr. Moyer motioned to continue the hearing to February 12th. Mr. Halferty seconded. All in favor, motion carried.

NEW BUSINESS: 1020 E Cooper Avenue – conceptual major development review, demolition relocation, request for a variation

Ms. Simon stated that the Commission saw this project last on July 24th. The Commission continued it for re-study. The applicant thought they would come back in October, but needed additional time. This property was a longtime home of Su Lum. This house is designated and considered a representation of an Aspen miner's cottage, but it's pretty unusual. At the last hearing, there had been a lot of discussion about wanting to dig in to understand the building better and there was asbestos abatement pending. That held up the applicant's ability to take a good look at the structure. They've now finished the abatement and the contractor has stated that this is two separate structures that were pushed together in a cross gable form in the 1800's. They haven't come across this at all with any other property and it raises a number of issues. It's not exactly like most of the miner's cottages that make up the majority of the City's historic inventory. The ridgeline on the two gables is not of the same height. The roof pitches are not at the same height. These are two individual structures that were kind of sewn together and staff do not have a lot of information about the property. All staff have is physical evidence, which puts them at a disadvantage in terms of determining exactly what this building looked like historically. At the last meeting, one of the things that received a lot of discussion was that the applicant was planning to hang on to a 1960's era lean-to addition on the back of the house and add beyond that and the board was concerned with that because they preferred going back to the original footprint. The applicant has resolved that concern. They are proposing to remove that addition. Now the applicant is talking about just preserving the historic resource. It's a very small structure of only about 500 square feet. This building is even more challenging to add on to in a way that is similar in mass. The downside for the applicant in removing the '60's addition is that they had to take on a floor-area penalty. In this zone district, single-family homes aren't necessarily preferred, so if you have an existing one and you demolish more than 40% of it, you take an FAR penalty, which is part of the discussion tonight. They lost 588 square feet of their allowed floor area by following the Commission's recommendation to take that addition off.

Ms. Simon stated that the Commission was also concerned previously about the connector, how it met the back of the house and transitioned to the larger addition. That has made some progress because the '60's addition is gone, it's allowed some more flexibility for the architect in how to make a good connector. The house is being lifted up, moved forward slightly, and put on a new basement. There are two sheds along the alley that are not Victorian. It's not clear when they were built. Those are proposed to be removed. There are no variations as a part of this application tonight except there is a 500 square foot floor area bonus request. The applicant is asking for that to make up for the floor area penalty. They only want to use a portion of that, 279 square feet, on the site. They want to go to City Council and ask to sell the remaining part as a TDR. The staff memo includes a discussion about findings about the FAR bonus. This is under the old criteria. Staff finds that it is appropriate to help them

mitigate that FAR penalty. There are several criteria that staff believe are met, as noted in the memo. Staff have had to address the design guidelines. There's one in particular that the Commission should focus on, which is the one that says that an applicant can't more than double the size of the original building with your addition, and they are about tripling the size of the building. The historic resource is 500 square feet, the above-grade floor area of the addition is 1,800 square feet. These are the things the Commission needs to talk about and evaluate whether the property meets all the decision-making points that they need to take into consideration. Staff are supporting the project. This is a challenging site. They have talked to the applicant and the Commission about whether de-listing is the right solution here. This is a building with pretty limited historic integrity. The applicant's goal is to retain the original fabric and interpret the building the best they can as a 19th Century structure. But it's a very small building with a lot of unusual circumstances in a relatively small lot. Staff have provided the Commission with a resolution recommending approval. They have written it to say that, if City Council does not approve the TDR that's being requested, that portion of the bonus will become invalidated.

Mr. Halferty asked how their design would be affected if City Council does not allow the TDR.

Ms. Simon stated that, if Council does not approve the TDR, the bonus expires.

Mr. Kendrick asked what the purpose of the FAR penalty if there is an appropriate bonus to give that back. If it's not in the Commission's purview to make a project financially viable and they're not planning on using that, why would the Commission give them the TDR to sell?

Ms. Simon stated that, the fact that there's a penalty for tearing down more than 40% of the house has to do with Council having created a disincentive for single-family development in the neighborhood. That doesn't really have anything to do with HPC's criteria for a bonus. Those are two separate issues. The reason staff are making a finding that the FAR bonus is appropriate is that the applicant was planning to retain that addition and has decided to work with HPC, try to meet common goals, and take it off. That was a significant loss in square footage for them. Staff are recommending that the commission try to balance that impact. It's best for preservation. It is not that unusual that the Commission will have a request for a bonus where some of it is retained and some of it is converted to a TDR. That is allowable. Council makes the ultimate decision on whether or not the TDR is awarded.

Mr. Moyer stated that the Commission could potentially add a condition that the fence could be moved for construction and put back when it was done.

Ms. Simon stated that a lot of public comments received focus on a proposed fence on the west side of the property. At some point, this may have been only a 3,000 square foot lot and there was a decision to change the property boundary that moved the lot line westward and pretty close to the adjacent condominium building. That's the reason why there's a lot of concern about where the fence goes. It is, in fact, owned by this applicant. They're putting the fence on their property line.

Mr. Moyer asked Ms. Simon about the tree.

Ms. Simon stated that there are a couple of trees proposed to be removed. They are not healthy and not considered to be significant trees. One of them straddles the property line. At this point, staff look to Parks to make the decision about what's best for the health of the tree.

Mr. Moyer asked how complicated it would be to de-list the property.

Ms. Simon stated that de-listing requires a recommendation by HPC and a decision by Council. There are two criteria for a Victorian property to be designated. One is that it was built in the 19th Century and it is still standing. The other is a scoring process that has a 100 point system where you get a certain number of points for a variety of criteria. You have to get 50 out of 100. If you don't, the applicant or City Council should be considering de-listing as an option.

Ms. Greenwood asked how staff resolve the issue of the size of the addition.

Ms. Simon stated that that is a guideline that was a big change in the 2015 update to the Design Guidelines. You can't more than double the size of the historic resource, which is not hard when you're adding on to a bigger building. The smaller the resource gets and the difference between that and the allowed square-footage, this is a challenge.

Ms. Greenwood asked if they could get credit for the 550 square feet.

Ms. Simon stated that floor area of the addition can't be more than the same size of the original historic resource. They can't look at the building as it exists now, they have to look at the historic building.

Ms. Greenwood asked if the shed has ever been counted.

Ms. Simon stated that it hasn't and the City does not count detached buildings, just the building that is being added on to. Because that's a very strict rule, staff have created bullet points and the applicant needs to meet at least two to grant an exception. Staff are finding that demolition and replacement of that older addition is beneficial and they are fully using the interior of the house. They meet two of the criteria, so they qualify for an exception if the Commission would like to grant it.

APPLICANT PRESENTATION: Jamie Brewster Mcleod, Brewster Mcleod Architects

Ms. Brewster Mcleod introduced the applicants David and Tracy McMahan and their contractor Steve Waldeck.

Ms. Brewster Mcleod showed a photo of the existing property on the slide. She stated that this is not a typical miners cottage, unlike the applicants had originally thought. Through investigation, it has revealed itself to be just two buildings put together. The applicants are using the context of the miner's cottage for the reconstruction of this because they have no other resources to go off of. That's what the applicants have talked about with Ms. Simon.

Ms. Brewster Mcleod stated that their project intent is to restore the historic resource. They are planning to rectify the existing setback and non-conformities and are looking at adding an addition that

compliments the historic resource and makes it the focal point of the project. She showed some photos on the slide of what the existing building looks like. The proposed redevelopment is demolition of the existing non-historic sheds, demolition of the 1960's addition that was added on to the historic resource, renovation of the historic resource including the removal of the roof over-framing, reconstruction of the south elevation and the front porch, reconstruction of the north elevation, replacement of the non-historic windows with more historically-accurate wood, and replacement of the vesta siding with the historic clapboard siding. The applicants have not done the asbestos abatement on the outside of the house, only on the inside, because they were worried about the building falling over if they started taking off the exterior materials. They are also looking at an addition to the rear of the property using a connector and adding this to the historic resource.

Ms. Brewster Mcleod stated that, at their previous meeting, demolition to the non-historic sheds and relocation of the historic resource was something that the Commission was in favor of. As such, she will not cover those areas, she will move on to the other points. At the July 24th hearing, there were four items that the board had asked to look into. One was the investigation of the existing materials on the historic resource, demolition of the 1960's addition, adding a connector to the historic resource to the addition, and reducing the mass and scale of the addition. The applicants have worked closely with staff to go through what they believe the historic guidelines are as well as what the board, staff, and the neighbors have asked them to do. They have also had multiple conference calls with 1012 E Cooper, which is on the west side of the building, and 1024 E Cooper, which is on the east side of the building. They have met with both HOAs and people who were part of the HOA to get an idea of what their concerns were after the July meeting. In response, the applicants have re-designed their project. They are looking at the demolition of the 1960's addition which reduces the allowable floor area. They have added the connector, which meets the standards, and they have reduced the mass and scale of the addition.

Ms. Brewster Mcleod stated that the applicants have tried to find information about the historic context. They found that there's no existing framing for the windows and the doors. Some of the framing was re-used, but it wasn't re-used in a historic context. They believe that the entry port was removed, although they don't know what it looked like. The exterior sheathing does remain, which they are planning to keep. The exterior siding is non-historic and will be replaced. There is one small gable, which does show the historic siding. That's what they are replicating on the rest of the house.

Ms. Brewster Mcleod stated that they looked at demolition of the 1960's addition. HPC had asked the applicants to look at removing this even though it reduced their square footage. It does exceed the 40%. The accurate square footage is 558 square feet. It was reduced per the calculations that zoning does. They are asking for a 500 square foot HPC bonus. 250 will be used on site and 250 square feet will be used for a TDR. She showed a rendering of everything that is on site right now. She stated that the third item they're looking at is the connector. The proposed connector they are looking at exceeds the minimum dimensional requirements. It is a one-story element. They are looking at exceeding the 10 feet on one side. It would not be the full extent of the historic resource. They are proposing a connector at nine feet, six inches in height. There is an eave on the backside of the house that they will have to reconstruct, which will be about seven feet two inches. She showed a rendering on the slide to give an idea of where the connector would go. On the east side it is inset ten feet from the historic

resource and on the west side, they are looking at adding a courtyard that will make it 17 feet nine inches from the historic resource to the addition.

Ms. Brewster Mcleod stated that the fourth item they looked at was reducing the mass and scale of the addition, reducing the square footage of the overall addition, which they have done. The south gable pitch, they looked at changing that to a twelve feet twelve inches, so that it represented the historic resource more. They also set back the front south gable of the historic resource by thirteen feet one and a half inches so it creates even more space. They reduced the width of the south gable by three feet ten and three eighths inches, reducing the overall mass and scale. They added articulation on both the east and west elevations.

Ms. Brewster Mcleod showed the south and north elevations on a rendering on the slide. She stated that the historic resource will be prominent. On the backside, they are looking at moving the mass and scale to the back of the building and away from the historic resource. She showed a rendering of the west elevation on the slide. Right now, the sheds go over the property line and the resource is set back. There are large multi-family buildings to the east, west, and north. They are moving the building five feet off the property line. This is a small, non-conforming lot. They are setting everything back within the five-foot setbacks on each side.

Ms. Brewster Mcleod stated that they have done a re-study of the four major points that staff and the board had issues with. They are looking at the historic materials, which are all conforming. They are looking at the demolition of the 1960's addition. They are adding a connector and reducing the mass and scale of the addition on all sides. They are asking for the demolition of the two historic sheds. They are looking at re-locating the historic resource forward so that it complies with current zoning regulations and makes it the forefront of the project. They are looking at restoring the historic resource. They are looking at adding an addition to the north of the property through a connector. As Ms. Simon has pointed out, this project complies with three of the eight exceptions. They don't think of the floor area as a variance, it's a bonus. They are fully within the height limits and the setbacks. In the preservation benefits they are asking for, they have a floor area bonus of 500 square feet, an exemption from the growth management quota, waiver of the impact fees, and the TDR rights. She turned her presentation over to her clients who wanted to speak.

Mr. McMahon introduced himself and his wife Tracey McMahon. He thanked Ms. Simon for her patience with them during this project. He stated that this has been a difficult site and they are trying to get the balance right between reconstructing the historic property while still ensuring they have a family home to live in. They understand that there are historic guidelines to work within and they have put in a lot of time for that. They are pleased with the final design that they have come up with and think it will beautify this area of Aspen.

Mr. Halferty asked what the plate height on the front entry porch is.

Ms. Brewster Mcleod stated that it's about seven feet. It's right at code minimum.

Mr. Halferty asked about the relationship with the cross gable.

Ms. Brewster Mcleod stated that the cross gable is not at 12'12". It's much lower than that. That's why it looks out of context. They're coming up against a low-sloping roof.

Mr. Halferty asked if she thinks, historically, that the cross gable was that low-pitched roof.

Ms. Brewster Mcleod stated that yes, that is what the framing indicates.

Ms. Simon stated that she did put a condition in the resolution that, as this project goes under construction, they're going to want to talk with the contractor about whether he sees any scars and sheathing or anything that tells them more than they know now about where a porch might have been positioned or anything like that. They are just making best guesses right now at some of this.

Mr. Kendrick stated that the issue of the fence was not brought up in the presentation. The rendering shows a low white picket fence. He asked if that's what they are proposing now as opposed to originally.

Ms. Brewster Mcleod stated that that rendering represents what's actually on the drawings. They are looking at a white picket fence in the front that meets HPC and City guidelines. Towards the back of the house, they're looking at a six-foot fence to create privacy. In some of the renderings, they didn't show the fence. That would typically be brought up at the next meeting, during landscaping. They wanted to show the renderings without much of the fence so that they could see what the building looks like.

Ms. Sanzone asked if the gable height is ten feet on the historic resource.

Ms. Brewster Mcleod stated that, based on their drawings of what is as built out there, they have the historic resource. The 12'12" pitch has a ridge of 14' 8 3/8" .

Ms. Sanzone asked if the ridge of the addition is at 28.

Ms. Brewster Mcleod stated that the second gable, which is the lower one, which is basically a 5.5 has a height at 10'9".

Ms. Sanzone asked if the addition is at 28.

Ms. Brewster Mcleod stated that it's at 28.2' 3/4".

Ms. Sanzone asked what the floor to ceiling height is in the top floor.

Ms. Brewster Mcleod stated that it's an 8'6" plate.

Ms. Sanzone asked what the lot size is.

Ms. Brewster Mcleod stated that it's 4,379. A standard would be over 6,000.

Ms. Greenwood asked what the overall size of the project is from a finished floor area above-grade.

Ms. Simon stated that the addition is 1862 floor area and the house is 508. That that makes it 2,370.

Ms. Greenwood asked if that includes the 250 square foot bonus.

Ms. Brewster Mcleod stated that it does. Right now, what they're looking for is 229 square feet. They would like the 250. They don't plan on building anything above the 229, but what they're looking at is if the heights on the lower level change slightly, just because they don't have structural or mechanical drawings yet, they could use additional square footage for the below-grade space depending on what that calculation is. They are not looking at adding any more above-grade square footage.

Mr. Moyer asked if it will be onerous to make some sections of the fence removeable and then they can be reattached.

Ms. Brewster Mcleod asked Mr. and Mrs. McMahon if they are okay with someone else having access to their fence.

Mr. Moyer stated that it will be necessary at some point. He would make it a condition.

Ms. Greenwood stated that that can be handled between neighbors, but if Mr. Moyer wants to propose it she supposed they could discuss it as a condition.

Ms. Sanzone stated that, at their July meeting they talked about site utilities and how storm water would be removed. There was debate about a dry well versus a pond or detention area. She asked if the applicants have updated drawings that show that or if they could identify where the site water holding area would be on the site plan.

Ms. Brewster Mcleod showed a rendering on the slide and pointed out where the storm water management would happen, on the bottom left portion of the lot. Their civil engineer did talk to the Engineering Department and they would prefer storm water area versus a dry well. Right now they don't comply with dry well regulations. The Engineering Department asked them to design towards a storm water management. The designated area does comply with the regulation of a storm water management.

Ms. Sanzone asked if the applicants have been thinking about the utilities.

Ms. Brewster Mcleod stated that that was in their original application. She showed an area on the rendering and stated that it is a mechanical roof with a three foot barrier with a railing around it that's solid. They are looking at putting their condensing units there. They talked to Zoning about it and they were fine with it, instead of putting it right at the property lines.

Ms. Sanzone asked if they will be able to connect to the offsite transformer.

Ms. Brewster Mcleod stated that they have not done the electrical count yet. They're waiting for the mass and scale to be approved. They will do that for the next round.

Ms. Sanzone asked if they are under previous guidelines.

Ms. Brewster Mcleod stated that that is correct.

Ms. Sanzone stated that they are looking for more information and more study upfront so that they're not surprised at final review by some of the utility requirements.

Ms. Simon stated that they are under the current design guidelines. They submitted before the new floor area changes and the changes to the historic benefits went into effect. Under the new guidelines, the floor area bonus would be a little smaller than 500 square feet based on the lot size they would have to do more affordable housing mitigation.

Ms. Greenwood asked if that is the same for the other benefits.

Ms. Simon stated that they are still eligible for the exemptions and things that have been in place for 30 years. They are not subject to the changes that Council adopted last June.

Ms. Sanzone stated that they are requiring preliminary design for site drainage and utility placement. Is that something that was submitted that's just not in today's packet?

Ms. Simon stated that there is information in the packet about everything that Ms. Brewster Mcleod had indicated. There's not a drawing, but there is text. If the Commission wants staff to ask for a drawing, they can discuss that with applicants.

Ms. Brewster Mcleod stated that at their original submittal there was a letter from the Civil Engineer.

PUBLIC COMMENT: Baron Concors introduced himself as the representative of the HOA Board for 1024 E Cooper. He stated that there is a potential impact to the neighbors of a building of this. The de-listing is also something that the neighbors are concerned about. Regarding the tree, he stated that he has an email from David Coon, the City Forester, stating that they can do whatever they want with the tree on their property but touching the tree that's on the property line will require the permission of the owners of 1024 E Cooper. If that's not obtained then the canopy and the drop lines would have to be protected during the construction. On behalf of the HOA Board for 1024 E Cooper, he reached out to the architect a few days after the last meeting because they want to see this project be successful. They were told that the applicants would be back in touch with them, but he never heard back.

Patrick Rawley from Stan Clauson Associates introduced himself. He stated that he is here on behalf of Buck Carlton who is the owner of Unit 2 directly to the west. His windows would look directly onto the addition. His firm just wrapped up the Historic Preservation Plan of Colorado Springs and it was approved just the other day. A big component of that preservation plan was adaptive reuse. From that

standpoint, he is applauding the applicant for taking the historic resource, reusing it, and maintaining as much of the character as possible. He understands that they have a desire to use this property. However, compatibility is also a large thing to consider when adaptively reusing a historic resource. They have regulations in the books that say that the addition can be no more than 100%. He understands that the historic resource is small and limited, so maybe holding them to that requirement is not realistic. However, some reduction should be made to the overall mass and floor area of the building. The size of the historic resource is small because the site is small and that speaks to the compatibility. There should be a happy medium where the addition is pulled back from the north. Concerning the fence, it is a major issue. When you erect a six-foot fence, understanding that that is within the bounds of the code, his client will have a six-foot fence immediately outside his window. That poses a serious issue with maintenance of the building. When they talk about a removeable fence, that is one option. Historically, this picket fence is an historic condition. Having a transparent and lower fence would be more historically appropriate and much more amenable to his client. The size of the addition needs to be drastically reduced, the massing should be pulled off of the alley towards the south, and they'd like to take a look at the fence condition.

Ms. Greenwood stated that the setback is larger than what's typical.

Mr. Rawley stated that they appreciate the setback from east to west. The fence cancels that out because it is immediately outside the window. A potential solution is to bring the percentage of the addition much more in line with code.

Claude Salter introduced herself as a representative of some of the homeowners at 1024 E Cooper. They are supportive and excited about the changes and they do have concerns about the fence. She stated that the HPC standard that is item 1.20 suggests that it is important to have the 42 inch high fence to give the best view of the historic resource. They would very much like that to happen. There are a couple of slides that show a different location of the fence. This is of great importance and concern to her client because they have lost a quick claim deed litigation from a previous owner, not this owner. They don't dispute that they are, by right, allowed to build this privacy fence. Their concerns are the proximity, but there is also another challenge which is that the elevations between the two lots differ. The historic resource lot sits higher than her clients' lot by a foot and eight inches. That means that a six foot high fence on their property line makes it more like a seven and a half foot high fence from their neighbors side. They ask that the applicant be aware that that condition exists. She would like them to consider type of material or potentially not going to that six foot height. Also meeting the standard that asks that the 42 inch fence goes as far around as it can before the six foot high fence starts.

Ms. Greenwood asked how the grade can be resolved.

Ms. Salter stated that there is no real resolution to it.

Ms. Greenwood asked what keeps that grade higher.

Ms. Salter stated that there is a garden there now and there is an elevation change. There are some rocks along there, but it's a natural grade change. Her client's property sits a bit depressed on its lot. That's how it gets to be lower.

Ms. Sanzone asked Ms. Salter who she is representing.

Ms. Salter stated that she represents the rest of the homeowners. There are five of them in the Victorian. It's called Cooper Avenue Victorian Condominiums.

Ms. Greenwood asked Ms. Salter if the HOA she is representing had been meeting with the architects about this issue.

Ms. Salter stated that there was conversation with the architect, but she wasn't privy to that conversation.

Michael Smith introduced himself as president of the Cooper Avenue Victorian HOA. He stated that they had a call with the architect and expressed this concern. They've said they considered it, but they don't seem to have made any changes. The applicants put this privacy fence further forward than it should be, according to the design guidelines. The lot does slope significantly as Ms. Salter pointed out. The fence is close and, for maintenance, it would be helpful to have that section be removeable. It will also create a visual barrier.

Ms. Simon stated that she has more public comment to enter into the record. Staff received four letters, which she sent to the commissioners. Most of the comments in the email have been represented or re-stated at this meeting. One is from a number of neighbors who think the size and scale is too much and are concerned about the tree removal. Mr. Smith, who spoke, also sent a letter mostly focused on the fence and the conditions along the east lot line. He made a comment about the size of the addition. Buck Carlton sent two emails stating that he has concerns about the northwest corner of the site and the placement of the addition and of the fence.

Ms. Greenwood asked Ms. Brewster Mcleod if there were any public comments that she would like to address.

Ms. Brewster Mcleod stated that the applicants did reach out to the neighbors at both 1012 and 1024. They did say they would take their considerations into account when they were redesigning and working with staff. They believe that they did because they have worked with staff to try to reduce mass and scale to look at what they could do to address everybody's comments. Regarding what has been said today, they would really like to keep a privacy fence because it is a very small lot and they have three buildings on three sides looking down onto this property. They are not asking to build a fence that is beyond what is allowed. They'd be more than happy to look at the location of the six-foot fence on the west side at their next landscape site plan. They would look at moving that towards the connection of the back of the house. Regarding the tree that straddles the lot line to the east, they reached out to 1024 and talked to Mr. Concors. He had mentioned that he would like to get this through HPC first before he's willing to talk about the tree. At that point, they put the tree discussion on hold. At that

point, when they did have a conversation with the Parks Department on site, they asked for them to remove that tree. It was unhealthy and leaning and they were in favor of them removing both trees. Regarding the mass and scale, they have reduced the square footage from their original presentation by 353 square feet which is a lot compared to how small this lot is and what is allowed. They feel like they have taken measure and listened to the board and the staff on reducing that mass and scale and what can be allowed on site.

Ms. Greenwood asked how the tree effects their development. Are they able to proceed?

Ms. Brewster Mcleod stated that they would not be able to proceed with the development with the tree there.

Ms. Thompson asked if the building is within the dripline of the tree that they're discussing.

Ms. Brewster Mcleod stated that it is. It touches the building itself and Parks felt like it was deteriorating that building. That's why they wanted it to be removed, because of the health of it and how close it was to all the buildings.

Ms. Greenwood stated that there is considerable neighbor opposition to this project based on real issues that haven't been resolved in the design. The applicant has, from a visual standpoint, reduced the mass from the last time they were here in July. In terms of variations, one of the big issues is that they have a small lot, they're asking for a 500 square foot bonus, but only using 250 square feet, which they want to sell as a TDR. That's not really the definition of a TDR. They have identified the area for the civil drainage. The site is maxed out in terms of the uses that are going on the site, from the additions to the historic residence, to the requirements of civil engineering. There's considerable concern from the neighbors on both sides regarding the mass. The apartment building is affected by the mass development. That is a very difficult situation because that building is massive. If it were to come off the historic register, is a better building for the neighbors going to be built? Doubtful. The Commission should really address the neighbors' concerns. The most affected seems to be the balconies off the alley on the east side, directly adjacent to this addition, which is really affected by this design. Considerable effort has been made by neighbors on both sides to study this project and let the commissioners know how it affects them.

Mr. Moyer stated that, when he looks at the historic resource, something is missing. Most Victorians around town have their front door on the left. The room on the front was usually a parlor. It looks too clean and modern. It's a great project and it's marvelous that they're getting back to a historic real Victorian.

Ms. Greenwood stated that one of the reasons they changed their guidelines in 2015 was to not have massive additions on the back of small miner's cabins. Here we have a project that doesn't do that.

Ms. Sanzone stated that the applicants believe they've addressed the exemptions that allow them to come to the Commission and asked if the commissioners agree.

Ms. Greenwood stated that what's resulting is exactly what they are trying to prevent: a large addition on the back. When it affects neighbors, it's even more of a red flag. From the street, it masses out very nicely. But from a development, it affects a lot of people. She is having a difficult time with the design from the gable and back and the mass of it. It completely obliterates two peoples' experience of living on their property now. The Commission can't ignore that. The neighbors to the east, there's an easy solution, which is to not approve a fence on that property. They have designed a very private space for outdoor use that really does block the connecting element between the old and the new.

Ms. Sanzone stated that the fence was not presented tonight, it is part of final review.

Ms. Greenwood stated that they can make conditions and get it solved. Another issue is the bonus. She would approve a 250 square foot bonus but not taking the bonus and selling it for a TDR. She would not take this project to City Council in its current form because of the mass of the addition on the historic resource.

Mr. Kendrick stated that he is torn on this project. On the surface it looks nice, it's a beautiful house and design. The mass and scale is too large for that lot in general. The City does want multi-family housing on that lot, which is why there's a penalty for tearing down the extra square footage. The scale could be reduced a little bit. He is in favor of removing the historic designation as this project does not feel like it has a lot of history in it.

Ms. Greenwood asked if that really qualifies for a 250 square foot bonus. That's adding 20 by 20 square foot space onto the building which could result in part of that addition being a one-story, which could solve a lot of issues in mass on the property. Philosophically, they have moved away from bonuses. They're still getting the employee housing bonus, which is a huge number. These FAR bonuses have always resulted in larger projects and they haven't been happy with that in the end. A 250 square foot bonus would reduce 250 square feet out of the addition and likely be able to bring part of the addition to a one-story which may solve some issues on the east side. The Commission is here to solve those issues. She asked how they all feel about the bonus.

Mr. Moyer stated that, when the owners bought the units, they were fully aware that something could be developed on that lot. How much empathy should we give to people who that happens to? How much should that affect the Commission's decision?

Ms. Greenwood stated that it's a nice project but it's over-scaled.

Mr. Moyer stated that he is not in favor of giving extra bonuses to anyone.

Ms. Sanzone asked what the total square footage that would be allowed on this lot if this were not an historic property and someone were to build a home on it.

Ms. Simon stated that the only thing they would be allowed to build as a non-historic property is a single-family house. It would likely be a similar amount of square footage allowed.

Ms. Sanzone stated that, regarding the bonus, in the recent past the Commission has really pushed on the exemplary project and wanted something that's really amazing. This project is a little bit different because they have all of the additions that are on the site. The Commission asked them to take away the 1960's addition. In her opinion, they've done that, which is why she would consider granting them a bonus.

Ms. Greenwood stated that she doesn't have a problem with the bonus, she has a problem with the east side and the general massing. None of that roof line steps down or breaks up. She always feels that there is an architectural solution to problems like that. You have to consider the neighbors next door and be a good neighbor. She does not think this addition on the back does that and the mass is an issue.

Mr. Moyer asked if they would have to table the hearing to a date certain if they if they mandate that the applicants design that side a little better.

Ms. Simon stated that, if the applicant were asked to restudy the project and remove some square footage, the place to remove it is on the south-facing gable end to get away from the historic resource. She does not think that the HPC guidelines are focused on protecting views of a neighboring property. The project needs to be respectful, but there's a lot to juggle already on the site and their priority is historic preservation concerns. She is not certain that a continuation to reduce mass along the alley is something that serves HPC's purposes.

Ms. Greenwood stated that they do have a public comment portion of the meeting and she does not agree with Ms. Simon's interpretation. Mass is mass. They don't look at the building from one side, but from all over. Mass is affecting neighbors and they've been asked to comment. In good conscience, there are some architectural solutions that could be done easily to address that.

Ms. Thompson stated that she disagrees with Ms. Greenwood. The scale of the addition needs to consider the context. To have a single-story home throughout this entire lot would not be speaking to either building on either side. They're very large in scale and the addition kind of mitigates that and makes it feel more appropriate from the street. It does look significantly better than it did in July and it is reduced in its width and improves it. She would support what Ms. Sanzone said about the bonus being associated with their removal of the addition. The connector meets the Commission's guidelines and she thinks it really improves the connection to the addition. She would support the bonus.

Ms. Sanzone stated that it's not in their design guidelines, but thinks that the response to the neighbors seems appropriate. They have an articulated neighbor with the Victorian on the west side and this project is articulating their elevation to respond. On the east side, there's a very flat façade. This applicant has responded similarly. It's in kind. In urban design, that's an appropriate response.

Ms. Greenwood stated that the east side is nicely articulated and it creates a nice relationship between the two except for the fence. That's an easy solution for the two neighbors to come up with something that works. It is appropriate to have a two-story on this building. It looks very nice, but it's still a long massive roof. She asked how long the roof is.

Ms. Brewster-Mcleod stated that it's somewhere around 45 feet.

Mr. Moyer stated that he'd like to hear from Ms. Berko.

Ms. Berko stated that she'd like to see some tweaking that respects the neighbors' concerns. She thinks they've responded to three out of four, for her, but regarding 10.4 and 10.8, she does not feel that it's compatible. She feels as though there are solutions to make the backside, that eastern wall, more compatible. It may just be that all the square footage is too much for a tiny lot. As regrettable as it may seem to an applicant, if you have a small lot, you need a smaller addition. She finds it rather overwhelming and would love to see it reduced. They want that kind of a streetscape. They don't want another wall. To her, it's Su Lum's house.

Mr. Kendrick stated that, considering all the aspects, he would be in favor of enough bonus to cover what they need to do but not the additional bonus to sell off as a TDR. Table the fence discussion until the final. Approve the project as is without the extra TDR.

Ms. Greenwood stated that the reduction would probably happen in the rear of the house. She does not agree with staff that it would have to come off that south gable. They've stepped back that gable very nicely. She asked if it is a roof desk.

Ms. Brewster Mcleod stated that it's not, it's just a roof. They originally wanted a roof desk, but they didn't want to put railing or a parapet wall that would make it feel like an even bigger connection between the two buildings.

Ms. Greenwood asked the commissioners how they all feel about the additional 250 to sell. She does not think City Council is going to go for it.

Ms. Thompson asked if there is a precedent for selling TDRs on historic properties.

Ms. Simon stated that there is. You are allowed to earn a bonus and sell TDRs. It's the Commission's decision whether they think the bonus is appropriate which facilitates them being able to sell the TDR.

Ms. Sanzone stated that she is in favor of the 250 bonus. They listened to what the Commission recommended and came back with a plan doing what they asked them to do.

Mr. Moyer stated that he concurs with staff on everything. He would add a condition regarding the fence to the conditions in the resolution.

Ms. Sanzone stated that she would not support a condition on the fence at this time. She would encourage them to continue talking with the neighbors and come up with a solution.

Ms. Thompson stated that she thinks it should be considered with the landscape plan.

Ms. Sanzone stated that it should be the same with the tree.

Ms. Greenwood stated that the tree is something that could just stop this project. She was thinking that giving some concessions to 1024 might resolve that issue, design-wise. It would be nice if the applicants had come in with that resolved.

Ms. Sanzone stated that they need more time to resolve the issues of the tree and the fence.

Ms. Greenwood asked if she would do a condition.

Ms. Sanzone stated that she would not for those two items because, technically, they are not a part of this review. Technically they're a part of final review.

Ms. Greenwood stated that she doesn't have a problem with the 250 square foot bonus if there was more support for this from the community. She asked staff to remind her what their position is on the TDR.

Ms. Simon stated that they are supportive of it. They would award the bonus and leave it to City Council to approve the TDR. If they say no to the TDR, that aspect of the bonus would go away.

Ms. Greenwood stated that the tree issue needs to get resolved before City Council.

Ms. Simon stated that the tree issue has nothing to do with HPC's purview. That sounds like a complicated discussion that involves Parks and a dispute between neighbors. She does not think HPC should hinge its decision on that.

Ms. Sanzone stated that they have two paths forward. One is to continue and allow them time to restudy based on what they've heard today. Or they can approve, with the condition that they may ask them to look at the east elevation to see if there's any opportunity to create articulation there. It sounds like they can do that and still be able to create a conceptual approval that covers mass and scale. She asked if that's correct.

Ms. Simon stated that usually mass and scale is locked in at final. There certainly could be some adjustment of a wall or change of fenestration from what the applicants are presenting tonight. There should not be a noteworthy changing in massing after conceptual.

Ms. Greenwood stated that there may be different views as a board in terms of moving it forward.

Ms. Sanzone asked Ms. Simon if it would be okay if the volume or the mass is reduced.

Ms. Simon stated that the code actually says that HPC cannot ask for changes to the massing at final. They've agreed to it here. It doesn't say that the applicant can't make some adjustments. Typically, the Commission has looked for this to be an approval. They're just down to materials, windows, and landscape at final.

Ms. Greenwood stated that it seems like most of the board are in favor of moving this forward with the mass that's been presented and the 250 square foot bonus. She is not clear on the additional bonus with the 250 square foot bonus to sell for a TDR. She asked if they are making a recommendation to City Council.

Ms. Simon stated that they are not making a recommendation on the TDR. The Commission would be facilitating the bonus by granting the floor area, so they should decide whether the majority of them want to get behind that or not.

Ms. Berko stated that they can do an FAR bonus of 250.

Ms. Greenwood asked if they can still go to City Council if the Commission approves just the 250.

Mr. Kendrick stated that they wouldn't have the FAR to get the TDR.

Ms. Greenwood asked if they want to have a vote or have more discussion.

Ms. Sanzone stated that she'd like to have more discussion. She is confused about the TDR. The applicants can choose to use it on the property, which none of the commissioners support. In lieu of putting more square footage on the property, the applicants are saying they want to get the value of that because they've earned it and this is an avenue for them to pursue, which is to sell it and have someone else use it on another property. Ms. Sanzone stated that that's why she supports it because they've chosen not to put it on this property.

Ms. Greenwood stated that they don't have it on the property. It's not like the Commission is reducing the mass on the property. TDR works when people don't develop to their maximum potential. They are developing 250 square feet over their maximum potential to begin with. They took that area away, but that's their decision. The Commission still needs to give them 250 square feet because they like the project except for the massive roof. If something could be done there, she would be in favor. We're not going to grant them 500 square feet on an undersized lot.

Mr. Moyer asked what the TDR is worth.

Ms. Simon stated that it's worth about \$180,000.

Ms. Thompson stated that they're doing the 40% demolition, so they've taken away the 558 square feet. They're getting 250 back.

Ms. Greenwood stated that the site is undersized. It's maxed out.

Ms. Thompson stated that there are a bunch of lots in the west end that are 3,000 square feet that have historic homes on them. That's the standard lot size.

Ms. Simon stated that those homes have received 500 square foot bonuses and they've sold TDRs.

Ms. Thompson stated that she doesn't think this is very different from those.

Ms. Greenwood stated that there's a reason why they changed their guidelines.

Ms. Thompson stated that she does believe that they are doing a significant restoration effort by removing that '60's addition.

Ms. Sanzone stated that she agrees. If this were a larger lot, they would have the ability to use the 500 square feet on the property, but they've chosen not to. They still want to realize the value of what they're not putting in the design, which is the 250 that they would request from Council to sell.

Ms. Greenwood stated that that's exactly what they're asking for. For 250, she thinks that the project works. And they're getting a break from employee housing mitigation.

Mr. Kendrick stated that they're about 300% bigger than the historic resource. So they're getting stuff. It's not like they're not getting anything for their project.

Ms. Greenwood stated that they filled up the site.

Ms. Thompson stated that, if they approve the 500 square foot bonus, there's the condition that says if it's not sold as a TDR, it can't be put on the property.

Ms. Greenwood stated that she is not giving them a 500 square foot bonus for this property. She thinks 250 is appropriate. The building can't really have anymore square footage on it due to the constraints of the site and the size of it.

Ms. Berko stated that, for her it's philosophical, regarding what they are representing as a Commission going forward. Shouldn't we be the ones who are making the right decisions?

Ms. Greenwood stated that this board has a history of watching these small miner's buildings get these large additions on the back and it's been an issue for the Commission with bonuses because applicants automatically sought out the 500 square foot bonus and they automatically get it. When you see this come in over and over, City Council calls them up and moves to take away bonuses including employee housing and reduce the bonus, it's because that's the direction that the community wants to go. It is their job to be aware of that and be the ones to put that effort into decisions.

Ms. Greenwood would like to see that roof broken up and address the east side of the property.

Ms. Berko stated that she would too, but it either has to happen now or not happen. Unless it's continued.

Mr. True stated that the resolution states that HPC approves a 479 square foot floor area bonus.

Ms. Simon stated that the applicant needs 229 but wants to have the flexibility as they engineer the project. What if they need ten more square feet? They're asking for the whole 500. 250 would remain on site, 250 would go away as a TDR.

Mr. True stated that the number would change to 500 if that's the direction HPC wants to go. Or it could say 250, only to be used on site. What someone could do is make a motion to approve it one way or the other and any other conditions. They could propose amendments to see if they can move this forward. It seems like there are four votes to move it forward tonight. The remaining discussion is the floor area bonus. It might be productive to make a motion as they feel is appropriate for that paragraph in the resolution and whether anybody has any other conditions to add. They could do that through a motion or through amendment.

Ms. Greenwood stated that, if they move to approve the resolution, it's the 500 square foot bonus and they go to City Council.

Mr. True stated that they can make a motion to say that it's only 250 and there's no TDR part of it.

Ms. Greenwood stated that she would be in favor of that. She would like to have that roof restudied.

Ms. Thompson stated that the hearing would need to be continued.

Mr. Kendrick stated that he does not think there's enough support for that tonight.

Ms. Thompson asked if Ms. Greenwood would be in favor of the 500 if that roof was restudied.

Ms. Greenwood stated that she probably would because she doubts that City Council is going to approve that.

Mr. Moyer asked if we can receive a comment from the architect.

Ms. Greenwood gave her permission.

Ms. Brewster Mcleod stated that they would be willing to back away from the 250 TDR with what they've heard, if they board would be open to that.

Ms. Greenwood stated that this is not an example of what the Commission wants to see. They are doing what they can to move away from that. Granted, even under the old guidelines, they would continue a project to get a better design. They always get a better project when they ask for restudy.

MOTION: Ms. Thompson motioned to approve Resolution 21 with the revised floor area bonus of 250 square feet and the condition that the fence and tree will be addressed at final with additional study. Mr. Moyer seconded.

Roll call vote: Mr. Kendrick, yes; Ms. Greenwood, no; Mr. Moyer, yes; Ms. Berko, no; Ms. Sanzone, yes; Ms. Thompson, yes. 4-2, motion carried.

New Business: HPC Year in Review

Ms. Simon stated that they are doing a quick summary of the year in review. They just started doing this the last couple of years just to remind the Commission where they've been. In 2019, they've had 21 meetings. They've reviewed 28 projects, 21 resolutions, and eight staff approvals. They have their annual HPC awards. They had two projects this year, Mesa Store and Sardy House. A number of commissioners attended the annual conference. Other topics that have come in front of the board: small cell is continuing on. They've had some changes to the HPC benefits, which really dominated the early part of the year. They recently talked about the dockless mobility policy.

Ms. Simon gave a quick run through of the projects. 506 E Main, the courthouse looks like it's just really gone under construction for these accessibility improvements at the front. 931 Gibson is in for permit. Hotel Jerome, that was the discussion about the artificial grass in the front that was approved. 300 W Main, the remodel of the log cabin on Main Street is in for permit. 549 Race, this was really just an approval of a fence, the addition to the property was approved some years ago. 105 E Hallam across from the Red Brick is a recently approved addition. 302 E Hopkins was also a discussion of artificial grass that was not approved in front of their property because they had less public use of that space in the front. 304 E Hopkins, an infill project that's in for permit. 517 E Hyman came in as an enforcement issue. They had installed some speakers and wanted heaters in the front. 333 W Bleeker got a conceptual approval, the Commission will see that pretty soon for final. 135 E Cooper is an existing addition that went through an approval to be remodeled. 414, 422, that's Red Onion. That had some minor exterior changes but a major interior renovation of the upper floor for Jazz Aspen. 616 W Main was a discussion of TDRs being removed from the property. They got approval to remove three. 301 Lake Avenue was enforcement, they removed the planters that were perched on the wall. They moved them in front of the window in a location where HPC has less purview. 229 W Smuggler was a recent discussion of a change to a side deck. 202 E Main has conceptual approval, went through call-up review and will be coming back to the Commission for final soon. 314 W Main was a minor change to landscape and marking space in the back. 223 E Hallam is the renovation of Ms. Berko's old family home.

Ms. Simon addressed projects that have been completed in 2019 so far. 602 E Hyman, the Yellow Brick and commercial building diagonally across the street. The Mesa Store, Sardy House, renovation of St. Mary which was mostly interior but HPC did review some exterior work. 980 Gibson Avenue is the other project that received a CO in 2019 so far.

MOTION: Mr. Kendrick motioned to adjourn the meeting at 7:04 PM. Ms. Thompson seconded. All in favor, motion carried.

Jeannine Stickle, Records Manager

RESOLUTION #21, SERIES OF 2019

A RESOLUTION OF THE ASPEN HISTORIC PRESERVATION COMMISSION GRANTING CONCEPTUAL MAJOR DEVELOPMENT, DEMOLITION, RELOCATION AND A FLOOR AREA BONUS FOR THE PROPERTY LOCATED AT THE EAST 13.79 FEET OF LOT O AND ALL OF LOT P, BLOCK 34, EAST ASPEN ADDITION TO THE CITY OF ASPEN

PARCEL ID: 2737-182-32-006

WHEREAS, the applicant, 1020 Cooper LLC, represented by Brewster McLeod Architects, has requested HPC approval for Conceptual Major Development, Demolition, Relocation and a floor area bonus for the property located at 1020 E. Cooper Avenue, the east 13.79 feet of Lot O and all of Lot P, Block 34, East Aspen Addition to the City of Aspen; and

WHEREAS, Section 26.415.070 of the Municipal Code states that “no building or structure shall be erected, constructed, enlarged, altered, repaired, relocated or improved involving a designated historic property or district until plans or sufficient information have been submitted to the Community Development Director and approved in accordance with the procedures established for their review;” and

WHEREAS, for Conceptual Major Development Review, the HPC must review the application, a staff analysis report and the evidence presented at a hearing to determine the project’s conformance with the City of Aspen Historic Preservation Design Guidelines per Section 26.415.070.D.3.b.2 and 3 of the Municipal Code and other applicable Code Sections. The HPC may approve, disapprove, approve with conditions or continue the application to obtain additional information necessary to make a decision to approve or deny; and

WHEREAS, for approval of Demolition, the application shall meet the requirements of Aspen Municipal Code Section 26.415.080, Demolition of a Designated Property; and

WHEREAS, for approval of Relocation, the application shall meet the requirements of Aspen Municipal Code Section 26.415.090.C, Relocation of a Designated Property; and

WHEREAS, for approval of a floor area bonus, the application shall meet the requirements of Aspen Municipal Code Section 26.415.110.F, floor area bonus; and

WHEREAS, HPC reviewed the project on July 24th, 2019 and continued it for restudy. Restudy was presented to HPC on December 11, 2019 and staff recommended approval. HPC considered the application, the staff memo and public comments, and found the consistent with the review standards and granted approval with conditions by a vote of 4 to _2.



NOW, THEREFORE, BE IT RESOLVED:

Section 1: Conceptual Major Development Review, Demolition, Relocation and floor area bonus

HPC hereby approves the proposed project at 1020 E. Cooper Avenue with the following conditions:

1. Selection of exterior materials will be reviewed and approved at Final review. Samples shall be provided.
2. HPC hereby approves a 250 square foot floor area bonus.
3. During construction, a site inspection will be scheduled with staff and monitor to review any original materials or evidence of original door or window openings found on the building as demolition progresses. To the extent that this evidence indicates that the approved materials, door or window placement should be amended, revisions will be undertaken with the review and approval of staff and monitor.
4. As part of the approval to relocate the house on the site, the applicant will be required to provide a financial security of \$30,000 until the house is set on the new foundation. The financial security is to be provided with the building permit application, along with a detailed description of the house relocation approach.
5. The proposed fence design along the west property line, and the status of a request for the Parks Department to permit a tree removal along the east property line, must be addressed in more detail as part of the Final Development application.
6. A development application for a Final Development Plan shall be submitted within one (1) year of the date of approval of a Conceptual Development Plan. Failure to file such an application within this time period shall render null and void the approval of the Conceptual Development Plan. The Historic Preservation Commission may, at its sole discretion and for good cause shown, grant a one-time extension of the expiration date for a Conceptual Development Plan approval for up to six (6) months provided a written request for extension is received no less than thirty (30) days prior to the expiration date.

Section 2: Material Representations

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before the Community Development Department, the Historic Preservation Commission, or the Aspen City Council are hereby incorporated in such plan development approvals and the same shall be complied with as if fully set forth herein, unless amended by other specific conditions or an authorized authority.

Section 3: Existing Litigation

This Resolution shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or

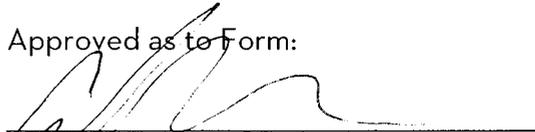
amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 4: Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

APPROVED BY THE COMMISSION at its regular meeting on the 11th day of December, 2019.

Approved as to Form:



Andrea Bryan, Assistant City Attorney

Approved as to Content:



Gretchen Greenwood, Chair

ATTEST:



Nicole Henning, Deputy City Clerk

December 9th, 2019

Re: 1020 E Cooper Ave Proposal

Dear Historic Preservation Commission Members,

This letter is in regards to the upcoming presentation on December 11th regarding 1020 E Cooper. As immediate neighbors to 1020 E Cooper, we came in front of the commission this past summer to express our concerns on the size and scale of the project. The commission shared our concerns at that time and asked the architect to make revisions to the plans including conforming to preservation regulations and making the exterior more pleasing to the neighbors. Since that time, we want to make sure the commission is aware of the following -

- We reached out to the architect in hopes of having a constructive discussion on how we could work together to shape plans that both sides would embrace. The architect was not interested in such a conversation.**
- The size and scale of the project is beyond what is allowed and no changes have been made to make the project more appealing to neighbors.**
- It has come to our attention the owners of the property are not intending to live in it and it is a real estate investment or a "flip." They purchased a property in the West End in August 2016, remodeled it and flipped it.**
- Their plans are dependent on the removal of a tree on the property line between 1020 and 1024 E Cooper. The homeowners of 1024 E Cooper have not approved removal of that tree.**

Sincerely,

Scott McDonald 1000 E Cooper

Mary Stover 1006 E Cooper

Greg Lucas 1024 E Cooper

Baron Concors 1024 E Cooper

Len Horowitz 1024 E Cooper

Laura Sumner 1007 E Hyman

Joelle McDonough 1007 E Hyman

From: [Gmail 2](#)
To: [Amy Simon](#)
Subject: 1020 E. Cooper
Date: Monday, December 9, 2019 10:23:27 AM

Hi Amy,

I have reviewed the November 27 memorandum to HPC from Brewster McLeod Architects for the proposed project at 1020 E. Cooper. It was my understanding that this would be reviewed by HPC at a public meeting on Wednesday December 11, but I find no such meeting scheduled on the city of Aspen website. The message on the website is "no meetings are currently scheduled for the week of 12/09/2019 - 02/07/2020." Will there be a public meeting on Wednesday to review this project? Also, has staff prepared a memo related to this project submittal, and if so, will you please provide a copy?

As a direct neighbor living at 1012 E. Cooper, and president of the Cooper Avenue Victorian's HOA, I have some serious concerns about the scale and design elements of this project:

- The 6' solid privacy fencing proposed on the west side, which then connects to this historic cottage at roughly the mid-point of the side of the house, seems inappropriate based on HPC's design guidelines and will create a visual barrier that detracts from the historic resource and is wholly inconsistent with historic design.
- The tall privacy fence will create a visual barrier on the west side that is particularly detrimental to our property owners due to the fact that a portion of our building adjacent to this property is only about 1.5 feet from the lot line. This situation exists because of a revised property line that resulted from an adverse possession action by the prior owners of 1020 E. Cooper. Our property on this side also slopes down from 1020 and the 6' solid barrier will have the appearance of being even taller from our perspective.
- The proposed tall (6'-7") outdoor brick fireplace wall is a visual barrier that will detract from the historic resource and is completely unnecessary given that a nice outdoor fire element for the patio area can easily be accomplished without such a structure.
- The west side addition for the proposed dining area extends will beyond the width of the historic resource which is not consistent with the design guidelines and should not be permitted given that there is no hardship to create reasonable dining space that fits within the width of the historic cottage.
- The overall above-ground additions, including connector, living space and garage, are well out of scale with the historic resource, encompassing 2,302 SF while this historic cottage is only 509 SF, a factor of 4.5 times this size of the historic. Again, this large addition is inconsistent with the design guidelines and inevitably creates a visual which dwarfs and detracts from the historic resource.

I have been told by some neighbors that if the applicants do not receive the approval for this project, they may seek to withdraw the historic designation and proceed with a project that would not require HPC approval. While I would think there is a high barrier to removing a house from the historic registry so that a development can proceed without the restrictions of HPC, the practical fact is that if the historic designation were to be removed, this 4,379 SF lot falls below the minimum size requirements (6,000 SF gross lot size) per the RMF zoning regulations. With the historic designation, these rules are reduced to 3,000 SF minimum size. I'm wondering how any possible development could proceed if the historic designation were

removed. Clearly, there would be no hardship argument, since the very act of removing the historic designation would create the hardship.

I look forward to your response. Thank you.

Michael Smith

713 703-6501 (cell)

msmith1012e@gmail.com

From: [Bukk Carleton](#)
To: [Sarah Yoon](#); [Amy Simon](#)
Subject: Appeal- 1020 E Cooper Plans
Date: Monday, December 9, 2019 9:53:55 AM

Dear HPC Committee:

As an abutter of 1020 E Cooper, I have reviewed their most recent round of plans. My initial reaction is that the owners are sophisticated buyers who knew fully well the limits to which they could expand prior to purchasing this property and now they have come in with requests for massive increases in the square footage.

It appears to me that their series of changes have been relatively insignificant (such as dropping the peak line by 1') and it seems their objective is to just wear out the staff until they agree to something way beyond the limits imposed by Aspen. If Aspen has limits and chooses to ignore them, then why have them at all? Why is the City not enforcing their limits?

All the reasons submitted by the developer and noted as "significant" by the staff for granting their request to provide excess SF is nothing more than what any developer would argue in trying to get a plan approved around City requirements.

I have other concerns:

- 1) An attached garage is certainly not historic, yet the staff is recommending approving it as a "modern necessity". By designing a massive master bedroom on top of the garage, is certainly far beyond anything historic.
- 2) While a high-pitched roof in the front might be warranted against in order to keep the feel of the existing building, a high-pitched roof in the back makes no sense. On the most recent rendition, the owners show a lower pitch for approximately 1/3 of the roof so all that high pitch does is block the neighbor's windows and views.
- 3) Finally, by placing the fence on their property line, they are now limiting the area to merely 1' between our 1012 building and their fence. This makes it impossible to use a ladder for painting or window work on that side of the building or even for a person to squeeze in between the fence and the building and of course, prevents even a lawn mower to be able to go from front to back. It should be noted that a) it makes our property's visibility non-conforming with Aspen regulations and b) that the former owner gained an extra 4.5' of land through a claim of adverse possession which was quite questionable at the time.

Hopefully, these comments will be addressed and will result in real changes by the applicant to design their building to be a positive addition to our neighborhood.

Best regards, Bukk Carleton

1012 E Cooper Avenue Unit #2

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Bukk G. Carleton President
Landtect Corporation
21 Technology Drive Suite 6
West Lebanon, NH 03784
603-298-9999
603-298-5065 (fax)
bgcarleton@gmail.com

From: [Bukk Carleton](#)
To: [Amy Simon](#)
Subject: Re: Appeal- 1020 E Cooper Plans
Date: Wednesday, December 11, 2019 8:38:43 AM

Dear HPC Committee Members:

As a follow up to my letter on Monday, the two major concerns that jump out at me (and I would hope to the HPC committee) are the following:

- 1) The additional floor above the garage being utilized for a large closet and another unnecessary use can easily be either eliminated or moved to the ground floor. While one does not want to tell a neighbor how to live their lives, it would be a great benefit to the remaining neighborhood if this floor was either eliminated or significantly reduced so that the property could become closer to compliance with regulations and also by removing this space from the 2nd floor, it allows neighbors to enjoy their present views.
- 2) The fence, as presently described, is not close to being compliant with historic fences which were only 3' high and did not block out the visibility between neighbors. There is no existing fence on the 1012 & 1020 property line at this point in time. It is certainly an unneighborly use of 1020's property to put a fence on its property line obtained under questionable methods so that 1012's property cannot be utilized for maintenance of its building with only one foot between the fence and the side of 1012. It is also unneighborly to construct a 6' high fence one foot away from the windows of 1012. We'd like to get that fence put back from 1020's property line if it is a major requirement of the owner and we'd like it reduced to a historic height of 3'.

We hope these comments will be given consideration at tonight's meeting.

Best regards, Bukk Carleton

Danny, Patrick

On Mon, Dec 9, 2019 at 6:03 PM Amy Simon <amy.simon@cityofaspen.com> wrote:

Hi- just letting you know that I received this and will forward to the HPC.

From: Bukk Carleton <bgcarleton@gmail.com>
Sent: Monday, December 9, 2019 9:54 AM
To: Sarah Yoon <sarah.yoon@cityofaspen.com>; Amy Simon <amy.simon@cityofaspen.com>
Subject: Appeal- 1020 E Cooper Plans

Dear HPC Committee:

As an abutter of 1020 E Cooper, I have reviewed their most recent round of plans. My initial reaction is that the owners are sophisticated buyers who knew fully well the limits to which they could expand prior to purchasing this property and now they have come in with requests for massive increases in the square footage.

It appears to me that their series of changes have been relatively insignificant (such as dropping the peak line by 1') and it seems their objective is to just wear out the staff until they agree to something way beyond the limits imposed by Aspen. If Aspen has limits and chooses to ignore them, then why have them at all? Why is the City not enforcing their limits?

All the reasons submitted by the developer and noted as "significant" by the staff for granting their request to provide excess SF is nothing more than what any developer would argue in trying to get a plan approved around City requirements.

I have other concerns:

- 1) An attached garage is certainly not historic, yet the staff is recommending approving it as a "modern necessity". By designing a massive master bedroom on top of the garage, is certainly far beyond anything historic.
- 2) While a high-pitched roof in the front might be warranted against in order to keep the feel of the existing building, a high-pitched roof in the back makes no sense. On the most recent rendition, the owners show a lower pitch for approximately 1/3 of the roof so all that high pitch does is block the neighbor's windows and views.
- 3) Finally, by placing the fence on their property line, they are now limiting the area to merely 1' between our 1012 building and their fence. This makes it impossible to use a ladder for painting or window work on that side of the building or even for a person to squeeze in between the fence and the building and of course, prevents even a lawn mower to be able to go from front to back. It should be noted that a) it makes our property's visibility non-conforming with Aspen regulations and b) that the former owner gained an extra 4.5' of land through a claim of adverse possession which was quite questionable at the time.

Hopefully, these comments will be addressed and will result in real changes by the applicant to design their building to be a positive addition to our neighborhood.

Best regards, Bukk Carleton

1012 E Cooper Avenue Unit #2

--

**Bukk G. Carleton President
Landtect Corporation**

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West Lebanon, NH 03784

603-298-9999

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bgcarleton@gmail.com

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Dear Council Members,

On behalf of the neighborhood, we would like to thank you for the objective discussion last night regarding 1020 E Cooper. Our concerns do not lie in the fact a much needed rehabilitation of the property is underway, but are based on the desire for the project to stay within the stated guidelines of the Historic Preservation Commission in order to ensure our neighborhood maintains a look and feel we all want for Aspen.

I've attached 3 photos and a document to this email. The "front" photo shows what was presented at the council meeting last night but it does not give a realistic picture of the mass and scale of the proposed project. Therefore, I have attached two more renderings of the East and West from the architect's proposal so everyone can accurately see what the final product will look like.

The attached document outlines the concerns raised by more than twenty neighbors at past HPC meetings. In this document you will see the current HPC guidelines and the exceptions being proposed. Thank you for your time and consideration.

Best, Baron



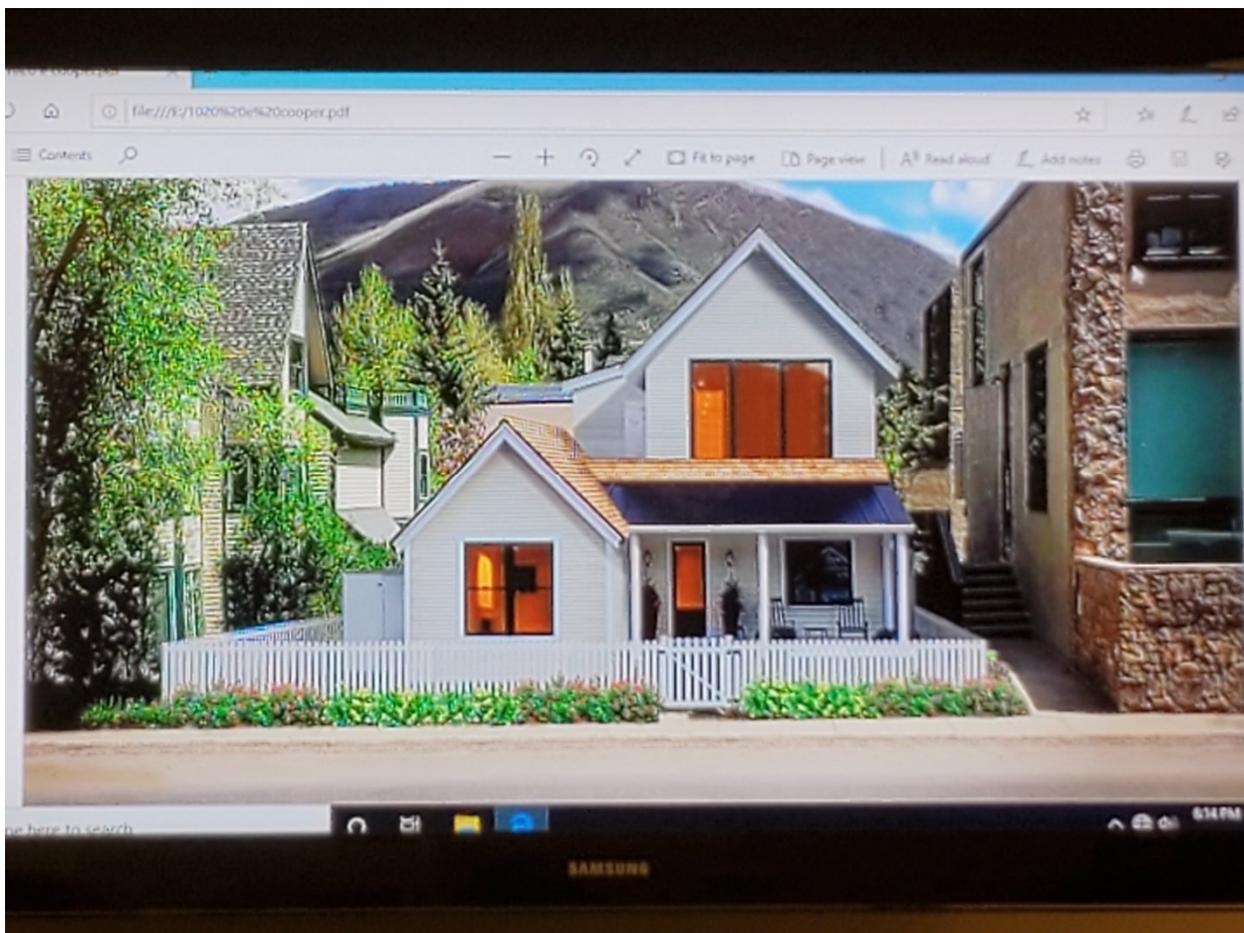
Proposed Renderings



South Elevation



West Elevation



The following concerns about the 1020 E Cooper project have been brought up by over twenty neighbors at previous HPC meetings. As neighbors, we fully understood there

would be a rehabilitation to this property but we expected the HPC to only allow something that was within their own guidelines. What has been approved is over 100% larger than what is allowed in the HPC guidelines and will be an eyesore in Aspen core and negatively affect the property values of many neighbors to the East, West and South. It should be noted that even the HPC chairwoman voted against this proposal due to its mass / scale and the large number of concerns from citizens of Aspen.

The following items in bold are take from the Aspen Historic Preservation Guidelines:

A front yard serves as a transitional space between the public sidewalk and the private building entry. In many blocks, front yards are similar in depth, resulting in a relatively uniform alignment of building fronts which contributes to the sense of visual continuity. Maintaining the established range of setbacks is therefore preferred.

Citizen Concerns: Builder wants to move the house forward which will put it further ahead of any other house on the street. This is the opposite of visual continuity and building fronts will not be uniformly aligned.

A new building must be compatible in mass and scale with its historic structure and not overwhelm it.

Citizen Concerns: HPC authorized a new 31' tall building behind the single-story historic structure - which is at least 10' higher than necessary for a typical 2 story building – and is massive compared to the historic structure. In addition, HPC approved 100% more square footage than what is allowable. The design also calls for a non-historical attached garage; and another whole floor on top of this garage. again, a non-historic feature. This results in blocking neighbors' air, sunlight and views and impacts the home values of 20+ neighbors to the East, West and South.

All projects shall respect the historic development pattern or context of the block neighborhood or district.

Citizen Concerns: HPC approved a 6-foot fence around the property which is unlike any other home on the street. All other homes have open 3-foot fences. This results in blocking neighbors' air, sunlight and views.

Preserve and maintain historically significant landscaping on site, particularly landmark trees and shrubs. If a significant tree must be removed, it must be replaced with the same or similar species in coordination with the Parks Department.

Citizen Concerns: The proposal is dependent on the removal of two trees. Removing a sixty-foot evergreen tree in the rear of the property without replacing it violates the HPC guideline above. This tree is the only one of its size and stature on the rear alley for the entire block (see attached pictures). The architect and builder have stated to HPC they can "convince" the Parks Department to allow removal of this tree. This raises an ethical question about how this is possible given the number of other similar requests in the neighborhood denied by the Parks Department. There is another tree on the property line to the East. The HOA of that property has told the architect that permission is not granted to remove that tree but the architect has chosen not to respond.