AGENDA

CITY COUNCIL REGULAR MEETING

May 24, 2022

5:00 PM, City Council Chambers
427 Rio Grande Place

CITY OF ASPEN

ZOOM

Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join.
https://zoom.us/j/95799823081?pwd=czlJS0ZMYitKdUVuaGVDOFFhbGt4dz09
Passcode: 81611

Or join by phone:
Dial:
US: +1 669 900 6833
Webinar ID: 957 9982 3081
Passcode: 81611

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

VA. Month of the Young Child Proclamation

VI. CONSENT CALENDAR

(These matters may be adopted together by a single motion)

VIA. Resolution #068, Series of 2022 - 949 W. Smuggler Extension of AspenModern Voluntary Landmark Designation Negotiation Period

VIB. Resolution #069, Series 2022 - Open Space Partnership Acquisition

Draft Minutes of May 10th, 2022

VII. NOTICE OF CALL-UP

VIII. FIRST READING OF ORDINANCES

VIIIA. Ordinance #12, Series of 2022 - 949 W. Smuggler AspenModern Voluntary Landmark Designation, Growth Management, Subdivision and TDR and Notice of Call-Up of HPC Resolution #7, Series of 2022

Ordinance #09, Series of 2022 - Short-term Rental Regulations

IX. PUBLIC HEARINGS

IXA. Ordinance #11, Series of 2022 - Municipal Code Revisions - Trails

X. ACTION ITEMS

XI. EXECUTIVE SESSION

Executive Session:

Pursuant to C.R.S. Section 24-6-402 (4)(a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. (4)(e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. (4)(f) Personnel

The specific items of discussion involve the following:

1) The Centennial Owners' Association, v. The City of Aspen, et al. Case No.: 2015CV030158.
2) The lease, transfer or acquisition of real property or property interests, contract negotiations, and communication with counsel regarding such subjects. Due to market forces, negotiation strategies and confidentiality demands of parties involved, and necessitated by the subject of the specific legal advice, which further disclosure would be a detriment to the City's strategic position, the exact properties cannot be disclosed.
3) City Attorney Review

XII. ADJOURNMENT

PROCLAMATION

City of Aspen, Colorado
Incorporated 1881

WHEREAS, The first years of a child's life are the period of the most rapid brain development and lay the foundation for all future learning; and

WHEREAS, 76% of children in Pitkin County have all available parents in the workforce; a high percentage of parents return to work in the first six weeks after the birth of a child when childcare is available; and

WHEREAS, Participation in high–quality early childhood education saves taxpayer dollars, makes working families more economically secure, and prepares children to succeed in school, earn higher wages, and live healthier lives; and

WHEREAS, High–quality early childhood education depends on high–quality early childhood educators who ensure that children, supported by families, have the early experiences they need for a strong foundation; and

WHEREAS, The average wage for child care providers, who are skilled and valuable front-line professionals who have risked their health to provide education and care during a global pandemic, averages $22 an hour, or $45,760 annual gross income in Pitkin County; and

WHEREAS, At the same time, the cost of one year of childcare averages over $18,000. These costs, which frequently exceed the cost of a year of college tuition, are often paid by new parents, who can least afford it; and

WHEREAS, We celebrate the 32nd Anniversary of the Month of the Young Child in Aspen, and the contributions of the City of Aspen and Kids First, so that we can continue to recognize and advance early childhood education.

NOW, THEREFORE BE IT PROCLAIMED, May 2022 as

Month of the Young Child

In the City of Aspen and urge all citizens to recognize and support the valuable and important contributions of early childhood educators and families in our community.

Nicole Henning, City Clerk

Torre, Mayor

CITY OF ASPEN

MEMORANDUM

TO: Mayor Torre and Aspen City Council

FROM: Amy Simon, Planning Director

THRU: Phillip Supino, Community Development Director

MEETING DATE: May 24, 2022

RE: Resolution #068, Series of 2022, 949 W. Smuggler Extension of AspenModern Voluntary Landmark Designation Negotiation Period

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SUMMARY: On March 31, 2022, Community Development declared complete a land use application for AspenModern historic landmark designation and redevelopment related to 949 W. Smuggler Street. The proposal is exempt from the applicability of Ordinance #27, Series of 2021 and Ordinance #6, Series of 2022, ordinances which generally placed a temporary moratorium on residential development, and has been allowed to proceed because land use reviews involving voluntary AspenModern landmark designation are specifically permitted to be processed at this time. Submittal of the application initiated a Land Use Code-mandated 90-day timeframe within which the review process and negotiation for any site-specific preservation benefits is to be finalized between the property owner and City Council.

Prior to Council review, designation requires recommendations from HPC. This process is complete. While Council First Reading of the AspenModern designation ordinance will occur during the 90-day window prescribed by code, Second Reading needs to be delayed until July 12th due to the schedule for Moratorium code amendment adoption, therefore an extension is necessary.

Staff and the applicant request Council extend the negotiation period by 14 days, from June 29, 2022 to July 13, 2022. Additional extensions may be granted by Council if necessary, if the applicant is amenable.

APPLICANT: Vandemoer Family, Inc., c/o Chris Vandemoer, P.O. Box 668, Sterling, Colorado 80751

PROJECT ADDRESS: 949 W. Smuggler Street, Lot 2, Vandemoer Hill Lot Split, City and Townsite of Aspen, Colorado, PID 2735-122-12-003.

PROPOSED MOTION: "I move to approve Resolution #068, Series of 2022, extending the AspenModern negotiation period for 949 W. Smuggler Street to July 13, 2022."

130 South Galena Street Aspen, CO 81611-1975 | P: 970.920.5197 | cityofaspen.com

CITY MANAGER COMMENTS: _____
_____
_____

EXHIBITS:
Resolution #068, Series of 2022
A. Applicant agreement to extension

130 South Galena Street Aspen, CO 81611-1975 | P: 970.920.5197 | cityofaspen.com

RESOLUTION #068
SERIES OF 2022

RESOLUTION OF THE ASPEN CITY COUNCIL EXTENDING THE ASPEN MODERN NEGOTIATION PERIOD RELATED TO THE PROPERTY LOCATED AT 949 W. SMUGGLER STREET, LOT 2, VANDEMOER HILL LOT SPLIT, CITY AND TOWNSITE OF ASPEN, COLORADO

PARCEL ID: 2735-122-12-003

WHEREAS, Vandemoer Family, Inc., c/o Chris Vandemoer, P.O. Box 668, Sterling, Colorado 80751, has requested approval for AspenModern historic designation for their property located at 949 W. Smuggler Street, Lot 2, Vandemoer Hill Lot Split, City and Townsite of Aspen, Colorado; and

WHEREAS, the AspenModern designation process is described at Section 26.415.025 and Section 26.415.030 of the Municipal Code; and

WHEREAS, pursuant to Section 26.415.025.C.1, a ninety-day timeframe within which the applicant and City Council agree to evaluate the proposed designation commenced on March 31, 2022 and will expire on June 29, 2022; and

WHEREAS, the property contains historic architectural resources, the preservation of which will support the historic preservation policies and objectives of the City of Aspen; and

WHEREAS, a public hearing cannot be scheduled before City Council until July 12, 2022, therefore staff and the property owner are in agreement that a 14-day extension of the negotiation to July 13, 2022 is appropriate to allow additional time to discuss options for the property; and

WHEREAS, City Council finds that the extension of the historic designation negotiation period 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:

The 949 W. Smuggler AspenModern landmark designation negotiation period established by Aspen Municipal Code Section 26.415.025.C is hereby extended to July 13, 2022.

APPROVED by the Aspen City Council at its regular meeting on May 24, 2022.

Approved as to form:

_____
James R. True, City Attorney

Attest:

_____
Nicole Henning, City Clerk

Mayor:

_____
Torre, Mayor

From:	Amy Simon
To:	Amy Simon
Subject:	949 Council meeting date change
Date:	Monday, May 16, 2022 9:16:12 AM

From: Chris Vandemoer <cvandemoer@outlook.com>
Sent: Tuesday, May 3, 2022 9:23 AM
To: mitch hlpaspen.com <mitch@hlpaspen.com>
Cc: Derek Skalko <derek@1friday.com>; Amy Simon <amy.simon@aspen.gov>
Subject: RE: 949 Council meeting date change

Amy an Mitch,
Although I am never thrilled about delays, it seems that the timing issue is somewhat out of your control and Amy needs to be present at the meeting. I agree to extent the 90 day Aspen Modern negotiation and Council's 2nd reading until July 12th.
Thank you all for your time spent on this process.

Chris

Sent from Mail for Windows

CITY OF ASPEN

MEMORANDUM

TO: Mayor and City Council

FROM: Matt Kuhn, Parks and Open Space Director

THROUGH: Austin Weiss, Director of Parks and Recreation
Diane Foster, Assistant City Manager

MEETING DATE: May 24, 2022

RE: Resolution #069, Series 2022 - Moore Ranch Acquisition Partnership Funding

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REQUEST OF COUNCIL:
Parks and Open Space staff seek Council support for a $1 million dollar contribution towards the acquisition of open space property in partnership with Pitkin County Open Space and Trails. The property under consideration is the Moore Ranch located north of Aspen along McClain Flats Road. If Council approves this partnership, staff will return to Council with a Memorandum of Understanding (MOU) with Pitkin County that will outline the final terms of the partnership.

SUMMARY / BACKGROUND:
Pitkin County Open Space and Trails staff have been working with the landowners, Tom and Carolyn Moore, to conserve the important and historic 274 acre property along McClain Flats Road. These discussions have resulted in an agreement that conserves the property in two general parts, with roughly 95 acres of property to the west of McClain Flats Road being conveyed directly to the County, while placing a conservation easement on the remaining 179 acres of land.

The agreement price is $10 million, and the Pitkin County Open Space and Trails Board have agreed to $9 million towards the acquisition. The Board of County Commissioners will consider the contract at their May 25, 2022 meeting.

The City's Open Space and Trails Board reviewed this request at a meeting on September 16th, and unanimously recommended that staff continue to work on the conservation of the parcel in collaboration with Pitkin County Open Space and Trails.

Partnerships between the City and the County have been somewhat common over the years. The City and County have partnered on projects such as Sky Mountain Park (City contribution $1m), James H. Smith parcel at North Star ($6.75m split), Smuggler Mountain Open Space ($7.5m each). Additionally, the City has solely acquired open space outside the City limits, notably at Cozy Point Ranch and the Aspen Mass properties.

DISCUSSION:
Staff reviewed the proposal with the Open Space and Trails Board during executive session in mid-September, and with City Council on September 28th. There are several elements of this proposed acquisition that benefit the City and our interest in open space and conservation. This parcel is positioned near several other City open space parcels, and the conservation of the agricultural uses on the property in this area is important and would emphasize the importance of agricultural heritage whilst maintaining the ability to produce hay for use at Cozy Point Ranch. Further, the lower bench of the 95 acre open space parcel is intact sagebrush habitat adjacent to the Rio Grande Trail. The preservation of this parcel adds to the conserved land within the Roaring Fork Gorge landscape, and also ensures that the County and the City are able to maintain the corridor for recreation and transit along the Rio Grande Trail. Finally, the partnership between the City and County Open Space and Trails program remains a strong collaboration, and a 10% contribution to this acquisition illustrates our commitment to joint projects and broader scale landscape management and conservation.

Staff have reviewed the most current Long Range Plan for the Parks (100) Fund. Based on the current LRP forecasts, and given projected capital projects and increasing sales tax revenue in consideration, a contribution of $1 million within the 2022 budget would not impact fund balance and target reserves negatively.

Staff propose that a $1 million dollar contribution be made for the acquisition of the parcel and conservation easement, and that this be added to the 2022 budget in the fall supplemental cycle. Additionally, staff will work with Pitkin County Open Space and Trails to draft a MOU that outlines the payment of funds to the County. There is precedent for this type of agreement and has been used in past acquisitions such as at Smuggler Mountain Open Space.

FINANCIAL/BUDGET IMPACTS:
The sale price of this parcel is $10,000,000, and Pitkin County has pledged $9,000,000 towards the acquisition. The proposed 2022 Parks and Open Space budget does not reflect this expenditure, and if Council directs staff to proceed with a partnership on this acquisition, staff will include this funding request in the 2022 Fall Supplemental request. The current Parks and Open Space fund has sufficient reserves to cover this acquisition at $1,000,000.

ENVIRONMENTAL IMPACTS:
There are many environmental benefits to preserving this land. Most notably, the preservation of this parcel will help maintain the integrity of an important wildlife corridor, for a variety of animals such as elk and migratory songbirds, and shall serve as a continued connection to numerous conserved lands in the surrounding area.

ALTERNATIVES
Council could choose to not pursue the acquisition of this property, and direct staff to not partner with Pitkin County for the conservation of the parcel. Council could direct staff to partner for an amount other than the proposed staff recommendation.

STAFF RECOMMENDATIONS:
Parks and Open Space Staff recommends a partnership contribution of $1,000,000 towards the contract to purchase the Moore Ranch parcel and conservation easement.

CITY MANAGER COMMENTS:

ATTACHMENTS:

Exhibit A – Vicinity Map
Exhibit B – Parcel Detail

RESOLUTION # 069
(Series of 2022)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, APPROVING A ONE MILLION DOLLAR CONTRIBUTION TO PITKIN COUNTY FOR THE PURCHASE OF REAL PROPERTY IN PITKIN COUNTY KNOWN AS THE MOORE RANCH.

WHEREAS, there has been submitted to the City Council a request to contribute $1,000,000 from the Parks Fund to Pitkin County Open Space and Trails for the acquisition of the Moore Ranch, that will be further detailed in a forthcoming Memorandum of Understanding between the City and Pitkin County; and

WHEREAS, the City of Aspen Open Space and Trails Board recommends the contribution of City funds towards the purchase of this property; and

WHEREAS, after due deliberation and consideration the City Council has determined that it is in the best interest of the City of Aspen to approve said contribution.

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

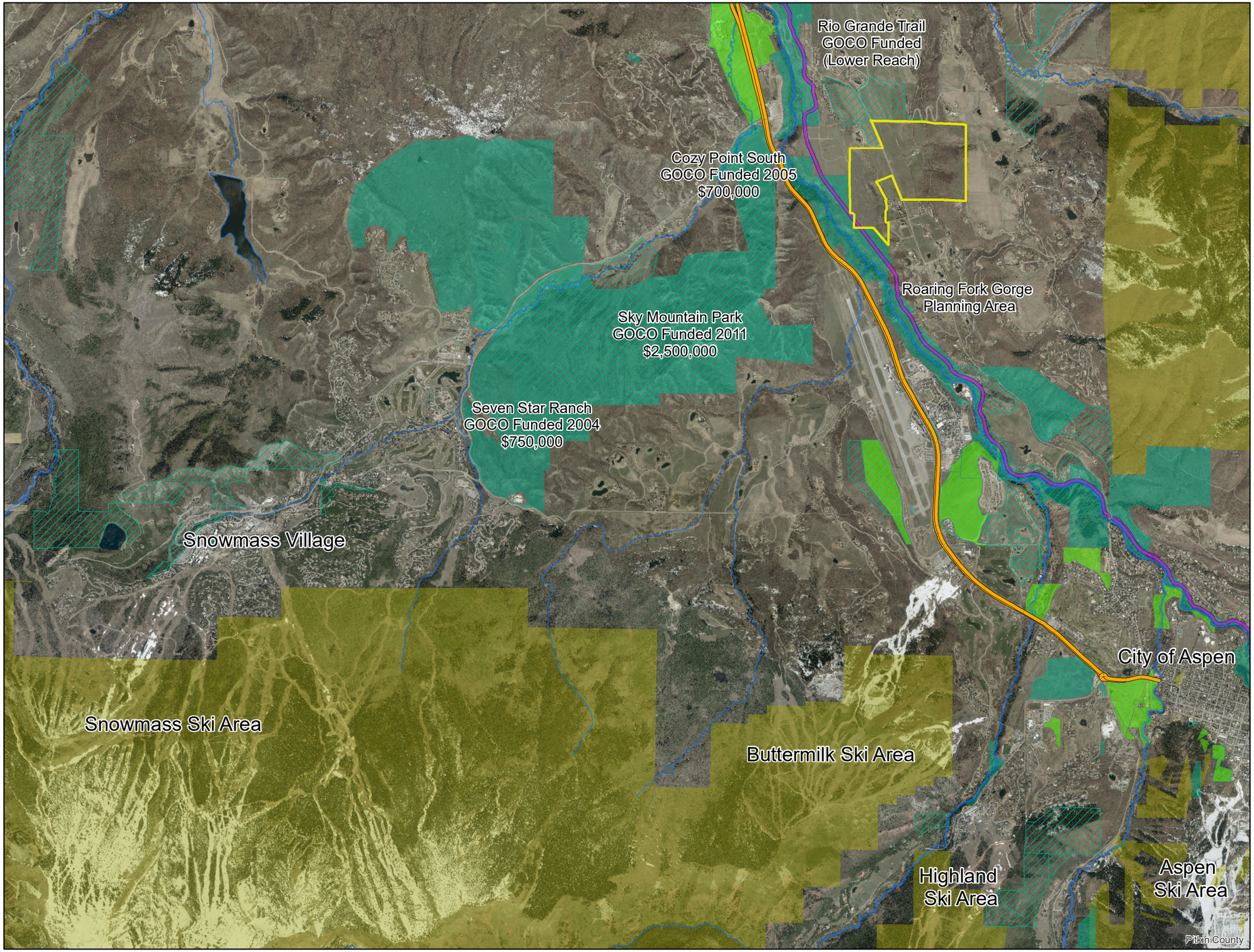
That the City Council of the City of Aspen hereby approves the contribution of one million dollars towards the acquisition of Moore Ranch, subject to the final approval of the acquisition by Pitkin County and approval of a Memorandum of Understanding between Pitkin County and the City of Aspen regarding the contribution.

INTRODUCED, READ AND ADOPTED by the City Council of the City of Aspen on the 24th day of May 2022.

_____
Torre, Mayor

I, Nicole Henning, duly appointed and acting City Clerk do certify that the foregoing is a true and accurate copy of that resolution adopted by the City Council of the City of Aspen, Colorado, at a meeting held, May 24, 2022.

_____
Nicole Henning, City Clerk



Moore Ranch

Vicinity Map

- Highway 82
- Rivers/Streams
- Moore Ranch
- Rio Grande Trail
- Pitkin County
- City of Aspen
- Conservation Easement

Federal

- BLM
- USFS
- State

Star Mesa access easement to Lot 3

access envelope if Star Mesa easement is not secured (1.7 acres±)

Future Potential 42 Acres

Lot 3
(5.4 acres±)
activity
envelope
(2.5 acres±)

Conservation
Easement
hatched area
(15.2 acres±)

access envelope (1.1 acres±)

Lot 2
(35.10 acres±)
activity envelope
(4.0 acres±)

Open Space
Parcel A
(95.1 acres±)

Conservation
Easement
hatched area
(100.2 acres±)

Open Space
Parcel B
(95.6 acres±)

Lot 1
(5.1 acres±)
activity
envelope
(2.4 acres±)

access envelope
(.4 acres±)

Moore Property - RS-20 Zone District

LOTS

Minimum Lot Area	20 acres
Minimum Lot Width	400 ft.

MINIMUM SETBACKS
From Major Roads

Structures / Outside Uses	100 ft. setback for buildings 50 ft. setback for outside uses
Front Setback	Lot Size ≤ 3 ac = 30 ft. Lot > 3 ac. and ≤ 10 acres = 50 ft. Lot > 10 acres = 100 ft. 50 ft. setback for outside uses NOTE 7 Lot > 10 acres = 100 ft.
Side Setback	Lot Size ≥ 30,000 & < 43,560 sq. ft. = 15 ft. Lot ≥ 43,560 & < 3 ac. = 20 ft. Lot ≥ 3 ac. & <20 ac. = 30 ft. Lot ≥ 20 ac. = 50 ft.
Rear Setback	Lot Size < 30,000 sq. ft. = 10 ft. Lot ≥ 30,000 sq. ft. & < 10 ac. = 30 ft. Lot ≥ 10 ac. = 50 ft.

MAXIMUM HEIGHT

Principal Structure	28' Maximum Height of
Accessory Structure	20' Maximum Height of Exempt Agricultural
Buildings	Refer to Sec. 5-20-70(j)

MAXIMUM FLOOR AREA
Gross Floor Area Exempt From GMQS (Without GMQS Allocation or TDR Purchase)
(Base Max.) Floor Area 5,750

slopes
0-15%
15-30%
30-45%
>45%

Notes:
- This plan is conceptual in nature and will continue to be refined.
- All activity envelopes shown are for primary residences, caretaker dwelling units, accessory structures, ag. buildings, access and utilities. As the plan continues to be developed additional activity envelopes may be defined for landscape, screening, underground utilities, agricultural access, etc.
- All parcel boundaries and acreages are from the Moore Property Boundary Exhibit prepared by Aspen Survey on 6/2021.
- The proposed maximum residential floor area for Lots 1, 2, and 3 is 8,250 SF each.
- The proposed exempt agricultural floor area in the Open Space Master Plan is _____SF for Lot 1, _____SF for Lot 2, and _____SF for Lot 3.

Moore Ranch Open Space Preservation Master Plan

Updated Survey w/ Pitkin County GIS Info. and Slopes

Updated May 16, 2022 by The Land Studio, Inc.

0 400 800 1200 2000 north

At 5:00 p.m. Mayor Torre called the regular meeting to order with Councilors Doyle, Mesirow present and Councilor Hauenstein joining via Zoom. Councilor Richards was absent.

Mayor Torre read a proclamation and introduced several employees: John French, Lee Liebmann, Steve Saunders, Thor Knutson, Pitkin County Sheriff Anthony Todaro, Dr. Giora Hahn, and Paige Shapiro. This group of people acted quickly and saved the life of an adult hockey league player during a game as the player went into cardiac arrest. He read the proclamation and recognized the professionals who saved the players life. Mayor Torre invited each person who was present to say a few words.

Mayor Torre introduced the swearing in of new officer Ethan Oster who graduated from the police academy last Friday. His family is here. Mayor Torre swore in officer Oster.

CITIZEN COMMENTS:

Gordon Leddingham – Mr. Leddingham said he is humbled to be here in person in the town that his family has been in for over a half century. He is here to make a request about short term rentals. He's owned a condo here in town for many years. His mother Norma Dahl built it in the 1970's. She had the Snow Queen Lodge. He is here trying to live in his unit and rent it part time. He's asking council to keep this unit short term without limitations. He is surrounded by multi lodging projects and really thinks his unit should be included in the without limitation category.

Councilor Mesirow said that Gordon reached out to him, and he understood that they had missed the deadline on getting a permit. Mr. Leddingham said their permit is inactive because when COVID happened, they started renting more long term. This was a special circumstance.

Councilor Hauenstein asked if they have a business license and he said yes, and they've also always paid tax. Councilor Hauenstein suggested they consider this as part of the extension. He's willing to listen and understands their circumstances. It's in a residential neighborhood. We'll look into this and discuss with staff. He said let's look at the proposed ordinances and take it one step at a time.

Junior from Mezzaluna – Mayor Torre introduced Junior and said he is back asking to waive the $500/day fine until his hearing in June. They have an existing roof structure over the patio and are in for permit for a similar roof structure. Tomorrow morning it will be reduced to 499 square feet from 566 square feet or so. The permit they are applying for is a patio covering of 499 sq ft. they are asking to leave the structure up, but to modify it down to the new amount. Philip Supino, Community Development Director, said it's his understanding that on the 21st, the Planning & Zoning Commission will review this request and either approve or deny on that date. If it's approved, they would submit a building permit and then have it reviewed and issued from there. The structure would stay up and they would reuse the existing roof.

Councilor Hauenstein said no one likes to say no and he has a long history of being a valued member of this community. His concern is that they are circumventing the process and his cursory look is that a street level public amenity needs to be open to the sky. He doesn't want to go to war over this but doesn't want to make an exception when everyone else complied.

Councilor Doyle said the last time this question was before us, there were three places asking for an exception, but making exceptions, makes more complexity. He said that Jing and Mi Chola were very gracious regarding the outcome of the last meeting and Mezzaluna was less than gracious. However, he

doesn't feel good about throwing material away that is perfectly good. He will let this go forward but is not happy about it.

Mr. Supino said there would be a mitigation fee, and Junior agreed that he is aware of that.

Councilor Mesirow said he is in support and comfortable with the request. If it's not approved, it's gone the next day and that seems perfectly reasonable.

James R. True, City Attorney, said it's important for the city to treat people equally. They have an application in and a hearing set. There may be others out there in a similar position and we would need to treat them the same way.

Councilor Mesirow said this is a unique situation.

Mr. Supino suggested that Mezzaluna sign another temporary waiver in the event of a life safety situation, so the liability would fall on them until the structure meets our requirements.

Councilor Hauenstein is going to object to this and make the rules apply equally. His heart says yes but his head and fairness say no.

Mayor Torre is going to support this. He said if he's wrong, he will be wrong. He's ok with allowing it.

Councilor Doyle said this is a tough one. He finds it hard playing favorites, but you're promising to use the stuff that's already there. He's reluctantly supporting.

Mr. Supino said that we will get inquiries from other businesses on private property. He doesn't know what to say to them. He's concerned about staff's ability to staff the COVID program.

Mayor Torre said the delineation is clear on this. It's existing. It's also important that they have been in this permit process for some time now.

Councilor Hauenstein asked Mr. True what the proper procedure is for this since it's not an action item. Mr. True reiterated that he doesn't want this to be a one off. If there are others in the same position, we need to do the same for them. Staff will treat everyone who is in a similar or equal position the same. We don't need a formal action, just understand intent and direction of staff. We will recognize or evaluate who else is in the same position.

COUNCIL COMMENTS:

Councilor Hauenstein, (calling in from Costa Rica), said vacations are necessary and everyone should take one.

Councilor Doyle gave his climate news from today's Guardian regarding snow and water. He spoke about Lake Powell. There is no escape from a third poor runoff year in a row. It's beautiful outside though.

Councilor Mesirow said he moved this weekend. Studios aren't for everyone, but they are for somebody. Diversity of housing is important. He loves his new place.

Mayor Torre read the Arbor Day proclamation presented by the Parks Department. Arbor Day is May 21st. A celebration will take place in Paepcke Park. Folks will need to show proof of residency for a free

tree. Hot dogs and drinks are available. This will be from 9-12pm on Saturday and the tree giveaway starts at 10 am. Our community is doing very well in terms of COVID, but people out there are still getting it and getting sick from it. Please be mindful and do what you can to stay safe. He would like to recognize some community members that we have recently lost. Michael and Susie Lee and Michael Reveal. Please keep them in your thoughts and prayers. They will be missed.

CITY MANAGER COMMENTS:

Diane Foster, Assistant City Manager, reminded folks it's wildfire season. We had a scare the other day, so it's a good reminder to have a go bag ready.

BOARD REPORTS:

Councilor Hauenstein said they are whittling down the list for the CORE director. He said he was on a tour today in the jungle and was informed that Costa Rica has 98% renewable energy.

Councilor Mesirow said he had APCHA and reviewed a variety of regulation changes. Yes, we want to consider them. They also held their first Facebook live and will also have a Spanish offering.

Mayor Torre said this Thursday he has RFTA and then a Board of Health retreat. He sent the agenda to the councilmembers, so if you have comments before the retreat, please share.

CONSENT CALENDAR:

Councilor Hauenstein said he would like a discussion on Resolution #067.

Resolution #067, Series of 2022 – Professional Services Agreement – Interim IT Director Services – Dian Foster

Ms. Foster said she will be handling this for Alissa Farrell. Councilor Hauenstein asked what assessments the staff will be doing and if IT will be staying in the old building. He asked if cyber security will be assessed. Ms. Foster said the expenses can be covered under departmental savings. We do have housing in available in Water Place. Staff is working with Sara Ott on staff location. Alissa Farrell has spent a lot of time recently with the IT staff and is starting to understand where they are and what their needs are. The firm being hired, will provide interim IT support and they recommend an evaluation.

Councilor Mesirow motioned to approve the consent calendar; Councilor Doyle seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Torre, yes. 4-0, motion carried.

FIRST READING OF ORDINANCES:

Ordinance #11, Series of 2022 – Municipal Code Revisions – Trails – Matt Kuhn, Parks Director and Brian Long, Open Space & Trails Supervisor

Mr. Kuhn said about nine months ago, they decided it was time to review the trail section. Mr. Long has worked with the Open Space & Trails Board and others to complete this. A special thanks to the attorney's office for their help as well.

Mr. Long said these are timeless and include: announcing as you pass, requiring bells on rental fleets, etc. and a lot of this was a long time in need. Some of it is in response to COVID regarding ebikes, etc. and a lot has to do with trail etiquette. There are changes to which vehicles are allowed on the trail

system. On advisement of the city's Open Space & Trails Board, it comes down to user behavior and not the device they are on. This code reflects that. Ranger staff is four this summer making sure everyone plays nice.

Councilor Hauenstein suggested limiting speed of ebikes on the trail system. He wants to know if that could also be implemented here for safety. Mr. Kuhn said that Mr. Long spent a lot of time on foot visiting all the bike shops in town and providing them with the code and discussing ebikes. Rental fleets larger than five bicycles, we would like to continue with the trend of requiring those users to watch a safety video that ACRA produced which provides etiquette and information.

Councilor Doyle motioned to read Ordinance #11; Councilor Mesirow seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Torre, yes. 4-0, motion carried.

Nicole Henning, City Clerk, read the ordinance.

Councilor Hauenstein motioned to approve Ordinance #11 on first reading; Councilor Mesirow seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Torre, yes. 4-0, motion carried.

ACTION ITEMS: – Food Truck Discussion – CJ Oliver, Environmental Health & Sustainability Director and Philip Supino, Community Development Director

Mr. Oliver said this discussion is a product of the April 18th work session regarding questions surrounding food trucks. Mr. Oliver summarized the current rules and regulations and said the current land use code only allows vending on private property and in commercial zone districts. Staff would work with selected vendors to ensure all other City of Aspen requirements are met including food service licensing, business licensing, local air quality regs, and safety protocols for the right of way. This could be very time bound. City council could amend land use approvals. This would impact only the section of town included in the City Hall campus PD. It would have to go to P&Z review and would take some time before they could enact this. Council could amend the land use code to potentially allow vending in more areas of town with similar vending.

Councilor Doyle said at first blush, he was very interested in food trucks, but with what Mr. Oliver just pointed out, that it would add more work to staff and with what's already going on, he's not interested in moving forward with this.

Mayor Torre said Councilor Richards sent him her thoughts earlier in the day. She would rather spend the time and dollars on getting Tasters open again, and she's aware of what this might do to other businesses in town.

Councilor Hauenstein said he doesn't want to open up a PD or go through the process of the land use code. He would like to just do this for the interim. The Armory could be part of the process. We could do RFP for the Taster's location. He's concerned how it would affect a number of affordable food locations within a short distance to this location.

Councilor Mesirow said he doesn't want to delay moratorium work for this, but he's excited that we are finally talking about food trucks. He's a little deflated by Councilor Doyle and Richards, but it's about time we do something that other communities have been doing. He said we can test it out before we go changing the code. We could have a couple different trucks, which would be welcome and overdue. He's had two operators reach out to him directly: an antique truck with ice cream and an Indian food truck.

We can seek out some creativity. He recognizes the concern with competition but said this is short sighted.

Mayor Torre said they are looking for a summer season term. A food truck wouldn't land there again, and this would just be through the summer. He would like this person to use compostables.

Ms. Foster said this is a yes or no from Philip as to whether it would take away from moratorium work. Mr. Supino said they can get there from a staffing perspective. He asked if we would have limited hours and limited days and Mayor Torre said that conversation would start with the vendors and a realistic view of what that would look like. Ms. Foster asked if it needs to be affordable and Mayor Torre said yes, but he doesn't know how to define that. She said they can do an RFP to figure out what's available and come back to you with this if that is what we're going to do. She said the goal is to provide affordable food options and that the police will thank you.

Mr. Supino said there are three parking spaces in front of Tasters and in the event that four or more responses are received, he asked if they should fill all of the available spots.

Mayor Torre said it depends on what we see for applicants.

Mr. Supino asked if they would like for them to come up with a fee structure and they all agreed, yes.

Ms. Foster asked about a local preference and council said yes.

Mayor Torre said hopefully this will be a fun adventure and bring back some messy vitality. Hopefully this will be fun and exciting.

Councilor Hauenstein motioned to adjourn; Councilor Mesirow seconded.

Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Torre, yes. 4-0, motion carried.

_____

Nicole Henning, City Clerk

CITY OF ASPEN

MEMORANDUM

TO: Mayor Torre and Aspen City Council

FROM: Amy Simon, Planning Director

THRU: Phillip Supino, Community Development Director

MEETING DATE: May 24, 2022

RE: First Reading, Ordinance #12, Series of 2022, 949 W. Smuggler AspenModern Voluntary Landmark Designation, Growth Management, Subdivision and TDR and Notice of Call-Up of HPC Resolution #7, Series of 2022

APPLICANT /OWNER:
Vandemoer Family, Inc., Chris Vandemoer

REPRESENTATIVE:
Haas Land Planning
1 Friday Design

LOCATION:
Street Address:
949 W. Smuggler Street

Legal Description:
Lot 2, Vandemoer Hill Lot Split, City and Townsite of Aspen, Colorado

Parcel Identification Number:
PID# 2735-122-12-003

CURRENT ZONING & USE:
Single-family home,
R-6: Medium Density Residential

PROPOSED ZONING & LAND USE:
Subdivision; Parcel A with two detached homes, Parcel B with one Single-family home.
R-6: Medium Density Residential

SUMMARY: The applicant has offered voluntary AspenModern historic designation of a 1946 Chalet style home, and requests Major Development, Relocation, Demolition, Variations, Growth Management, Subdivision and TDR, and other preservation benefits be approved for a project which involves preserving the resource in place and the development of two new adjacent homes in the future.

STAFF RECOMMENDATION: Staff recommends Council grant approval of Designation and benefits, Growth Management, Subdivision, and Transferable Development Rights, and recommends Council uphold Notice of Call Up as required by HPC's approval of Major Development, Relocation, Demolition and Variations.



Site Locator Map – 949 W. Smuggler

CITY OF ASPEN

BACKGROUND:

949 W. Smuggler is an 18,000 square foot lot located in the R-6 zone district. The site contains a 1946 Chalet home, which is essentially unaltered, and two related outbuildings, built by the family who has owned the property for 75 years. The site has no landmark protection in place and has long been identified as a priority for preservation through AspenModern.



REQUEST OF CITY COUNCIL

Council is asked to address the following:

- AspenModern Historic Designation (Section 26.415.025 and Section 26.415.030) for negotiation of a voluntary designation.
- Growth Management (Section 26.470.080 and 26.470.100) to provide an allotment for Parcel B, the corner lot.
- Major Subdivision (Section 26.480.070) to divide the existing parcel in two.
- Transferable Development Rights (Section 26.535.070) to allow one TDR to be severed from Parcel B, the corner lot.
- Notice of Call Up (Section 26.415.120.B) for Council to review HPC's approval of Major Development, Relocation, Demolition and Variations.

This application was permitted to be submitted during the current residential development moratorium because the Council ordinance specifically exempted voluntary AspenModern designations from being held up. The Historic Preservation Commission (HPC) provided decisions on review processes which are fully assigned to the board, and made a recommendation to Council on those processes which must be approved by Ordinance. This application has been designed to secure HPC Conceptual and Final review at one stage. Following Council approval, if granted, the proposed development will be eligible to proceed to building permit review.

Submittal of an AspenModern application triggers a 90 day negotiation period, during which the applicant and City attempt to find agreement and passage of a designation ordinance within three months. The negotiation is proposed to be extended by 14 days under a separate action by City Council. Extension is needed due to full Council agendas related to the Moratorium ordinances. The applicant has agreed to the delay.

STAFF COMMENTS:

As detailed in Exhibit A, Historic Designation and Benefits, Staff and HPC support the voluntary landmarking of this property as one of the best and most intact examples of a Chalet style home in Aspen. The City has adopted a scoring system to provide an objective analysis of the physical integrity of the structure under consideration for designation. The property has scored of 19 out of a possible 20 points, identifying 949 W. Smuggler as a particularly significant remaining

example of a modest housing type that was common and important to the early development of the ski resort.

Following is a summary of staff findings. Please see Exhibits A through E for findings on the reviews to be addressed by Council and Exhibits F and G for HPC's review of the processes subject to Notice of Call Up.

In exchange for designation the applicant has requested the following benefits:

1. A full waiver of compliance with the Residential Design Standards for a proposed new home on Parcel A, the Chalet lot.
2. A waiver of the requirement to comply with slope reduction on Parcel A, the Chalet lot.
3. A determination that the fence near the entry to the Chalet home is original and historically significant and should remain in place (with maintenance and repair as needed) and be granted a permanent encroachment license to sit in the public right-of-way.
4. Setback variations for development on Parcel A, the Chalet lot, and Parcel B, the corner lot, to place future development in a manner that preserves the integrity of the historic Chalet, and public views of it.
5. Removal of development rights on Parcel B, the corner lot, through the severing of one TDR. This is paired with the applicant forgoing 30 square feet of allowed floor area on that lot.
6. Deferral of affordable housing mitigation on Parcel A, the Chalet lot.
7. Negotiation of affordable housing mitigation requirements on Parcel B, the corner lot
8. 10 years vested rights.

Staff finds these requested benefits to be reasonable in consideration of the community benefit of preserving this home in perpetuity. HPC has recommended the applicant drop their request for benefit 2, waiver of slope reduction compliance. A small amount of floor area is removed from the allowable development of the property due to the presence of a small embankment on the west side of Parcel A. HPC finds that compliance with this reduction is appropriate.

HPC also recommended the applicant forgo benefit 6, a request to defer affordable housing mitigation on Parcel A.

Staff recommends the request for 10 years vested rights be eliminated as the land use code is being revised currently and if the property owner does not act on this approval within the three years of vested rights provided by state statute, the new provisions should apply.

Staff supports the voluntary designation of this property as one of the best and most intact examples of a Chalet in Aspen. This is likely among the first buildings constructed here after World War II and is therefore particularly illustrative of the early spirit of the ski resort. Staff finds that benefits for designation are very important in consideration of the community gain from preservation of this important piece of Aspen history.

The attached ordinance states the benefits recommended for approval. Two not listed above were deferred by HPC to Council and require evaluation.

The applicant requests approval to mitigate the affordable housing impacts on all development on this property as an Administrative Exemption, according to the land use code in place at the time of building permit application. Exhibit B illustrates that mitigation for Parcel B, as a lot requiring a Growth Management allotment, is approximately 4.5 times greater than provided in an Administrative Exemption. These provisions are all subject to amendment as part of the moratorium, and the applicant will mitigate according to the new ordinance, however the general premise that mitigation other than an Administrative process will be significantly higher is likely. Staff recommends Council consider all possible flexibility on the applicant's request as it is meaningful to their ability to offer designation.

The second topic for Council input is the idea of a possible City purchase of Parcel B, after Ordinance adoption. This is a staff generated idea that has been coordinated with Asset Management and the City Manager's office, and discussed with the applicant. It is in no way being suggested as a condition of the negotiation. With the idea that any opportunity to develop affordable housing in town should be explored, the applicant may be willing to offer the City a 30 day exclusive window to negotiate a purchase of Parcel B, the corner lot following the adoption of this Ordinance. If that were the case, language in the conditions of approval needs to be modified to ensure that affordable housing development is provided as an alternative to a single family home. Staff has provided a draft of such language in the proposed ordinance.

In summary, staff and HPC find that the designation and project approach model the ideal preservation outcome. The Chalet is preserved with no addition, and new construction is detached and located at the rear and side of it. Staff and HPC have no concerns with the alley house design. In order to ensure that the future development of the corner lot supports preservation and public visibility of the Chalet, staff and HPC supported setback variations to place that home towards the rear of the lot. The project has heritage preservation value to the community.

NOTICE OF CALL-UP

As is customary with HPC reviewed projects, Council is provided with a Notice of Call-Up for the development aspect of the project. As prescribed by code, following the adoption of a resolution approving, approving with conditions or denying a Conceptual Development Plan application for a certificate of appropriateness for major development, demolition approval or relocation approval of a designated property, HPC shall promptly notify the City Council of its action to allow the City Council an opportunity to avail itself of the call-up procedure. Council may uphold HPC's decision or may remand it to require reconsideration of specific issues. HPC's decision on remand, is a publicly noticed hearing, shall be final.

After careful review of the project relative to the historic preservation design guidelines, HPC approval was granted by a 6-0 vote with one abstention. The HPC memo, resolution, application and minutes are attached as Exhibit F. Staff recommends Council uphold the Commission's

decision and allow the project to proceed through the designation review which will be presented to Council for First Reading at this hearing.

RECOMMENDED MOTION: "I move to approve Ordinance #12, Series of 2022 on First Reading and to uphold HPC's approval for Major Development, Relocation, Demolition and Variations at 949 W. Smuggler Avenue."

CITY MANAGER COMMENTS:

_____
_____
_____

ATTACHMENTS:
Ordinance #12, Series of 2022
Exhibit A – Historic Designation and Benefits Criteria/Staff Findings
Exhibit B – Growth Management Criteria/Staff Findings
Exhibit C – Subdivision Criteria/Staff Findings
Exhibit D – TDR Criteria/Staff Findings
Exhibit E – Application
Exhibit F – HPC packet related to Notice of Call Up
Exhibit G – HPC draft resolution

130 South Galena Street Aspen, CO 81611-1975 | P: 970.920.5197 | cityofaspen.com

ORDINANCE #12
(Series of 2022)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO APPROVING ASPENMODERN HISTORIC DESIGNATION AND BENEFITS, SUBDIVISION, GROWTH MANAGEMENT AND A TRANSFERABLE DEVELOPMENT RIGHT FOR THE PROPERTY LOCATED AT 949 W. SMUGGLER STREET, LOT 2, VANDEMOER HILL LOT SPLIT, CITY AND TOWNSITE OF ASPEN, COLORADO

PARCEL ID: 2735-122-12-003

WHEREAS, the applicant, Vandemoer Family, Inc., c/o Chris Vandemoer, P.O. Box 668, Sterling, Colorado 80751, has requested review of AspenModern Historic Designation and Benefits, Major Development, Relocation, Demolition, Variations, Subdivision, Growth Management and a TDR for the property located at 949 W. Smuggler Street, Lot 2, Vandemoer Hill Lot Split, City and Townsite of Aspen, Colorado, PID 2735-122-12-003; and

WHEREAS, the proposal has been deemed to be exempt from the applicability of Ordinance #27, Series of 2021 and Ordinance #6, Series of 2022, ordinances which generally placed a temporary moratorium on residential development, and has been allowed to proceed because land use applications involving voluntary AspenModern landmark designation are specifically permitted to be processed at this time; and

WHEREAS, the application was deemed to be complete on March 31, 2022 and is to be reviewed according to the land use regulations in affect prior to the adoption of Ordinance #27, Series of 2021. The date of completeness commenced a code mandated 90 day period for the City to negotiate historic designation with the property owner. Since the review process could not be completed within 90 days, City Council, through Resolution #068, Series of 2022, granted a 14 day extension of the negotiation period, from June 29 to July 13, 2022; and

WHEREAS, the AspenModern designation process is described at Section 26.415.025 and Section 26.415.030 of the Municipal Code and allows for City Council approval of site specific benefits to secure voluntary historic designation; and

WHEREAS, Municipal Code Section 26.415.025.C(1)(b) states that, during the negotiation period, "the Community Development Director shall confer with the Historic Preservation Commission, during a public meeting, regarding the proposed building permit and the nature of the property. The property owner shall be provided notice of this meeting;" and

WHEREAS, the property owner and representatives met with the Historic Preservation Commission on April 13, 2022, April 27th, 2022 (site visit), and May 11, 2022, considered the application, the staff memo and public comments, and found that the property is a "best" example of AspenModern era architecture and the proposal is consistent with the review standards. HPC granted approval for Major Development, Relocation, Demolition, and Variations and recommended Council approval of AspenModern designation and Benefits, Subdivision, Growth

Management, and Transferable Development Rights, with conditions, by a vote of 6 to 0, with one abstention; and

WHEREAS, Section 26.415.025.C(1)(d), states that, during the negotiation period, "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"; and

WHEREAS, Section 26.415.025.C(1)d establishes that "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;" and

WHEREAS, the Community Development Department performed an analysis of the application for Landmark Designation and found that the review standards are met; and

WHEREAS, the City Council finds that the proposal meets or exceeds all applicable development standards and that the approval of the development proposal is consistent with the goals and elements of the Aspen Area Community Plan; 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 THE CITY OF ASPEN, COLORADO, AS FOLLOWS:

Section 1: Historic Landmark Designation

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the City Council hereby finds that 949 W. Smuggler Street, Lot 2, Vandemoer Hill Lot Split, City and Townsite of Aspen, Colorado meets the criteria for landmark designation as an AspenModern historic resource.

Upon the effective date of this ordinance, the City Clerk shall record with the real estate records of the Clerk and Recorder of the County, a certified copy of this ordinance. The location of the historic landmark property designated by this ordinance shall be indicated on the official maps of the City that are maintained by the Community Development Department.

Section 2: Aspen Modern Negotiation

Pursuant to the procedures and standards set forth in Title 26 of the Aspen Municipal Code, the City Council hereby approves the following associated with this historic designation.

1. Designation will affect the entire property; Parcel A, the Chalet lot and Parcel B, the corner lot. As such, future development of Parcel B is subject to HPC Major Development Review and Residential Design Standards Review.

2. A full waiver of compliance with the Residential Design Standards is granted for the new home on Parcel A, the Chalet lot, as a negotiated benefit. This house is not designed to relate to Smuggler Street and its character as an alley/back-drop structure is appropriate.
3. The applicant shall comply with slope reduction on Parcel A, the Chalet lot, rather than asking for a preservation benefit on this topic.
4. The fence near the entry to the Chalet home is original and historically significant and should remain in place (with maintenance and repair as needed) and shall be granted a permanent encroachment license to sit in the public right-of-way.
5. The applicant is asked to continue their excellent regular maintenance of the Chalet and to work closely with the Parks Department to preserve the significant trees adjacent to the home, while also taking note of the impacts of the tree roots and branches continually moving towards the historic structure.
6. For relocation of the chicken coop, a letter from an engineer or housemover demonstrating the structure is capable of withstanding the relocation, a plan for the safe relocation of the building, and a financial assurance in the amount of $15,000 will be required prior to building permit submission.
7. Setback variations are approved on Parcel A, the Chalet lot, for the "chicken-coop" and the proposed new home along the alley. The chicken-coop is permitted a 5 foot east setback where it should have 10 feet. The new house along the alley is permitted a 5 foot rear setback rather than the 10 feet required for proposed below grade space, a second floor deck, and a lightwell.
8. A combined sideyard of 15 feet is permitted on Parcel B, the corner lot, where 25 feet is required. A 30' front yard setback is required, only above grade. These requirements may be adjusted by an affirmative vote of HPC at the time that development is proposed.
9. One TDR shall be severed from Parcel B, the corner lot, and the property will thereafter forgo 30 square feet of otherwise allowable floor area and be permitted the development of a single- family home of 3,240 square feet. A duplex or other residential structure is only permitted if this condition is amended by future action of City Council. Should affordable housing become a by-right use on this property, this shall be a development option, however the setbacks established above remain applicable.
10. The applicant shall withdraw the request for deferral of affordable housing mitigation on Parcel A, the Chalet lot, as a preservation benefit.
11. The applicant shall be permitted to mitigate the affordable housing impacts on all development on this property as an Administrative Exemption, according to the land use code in place at the time of building permit application.
12. If the property owner is agreeable, the City accepts the opportunity for a 30 day exclusive window to negotiate a purchase of Parcel B, the corner lot following the adoption of this Ordinance.

Section 3: Vested Rights

The development approvals granted herein shall constitute a site-specific development plan and a vested property right attaching to and running with the Subject Property and shall confer upon the Applicant the right to undertake and complete the site specific development plan and use of said

property under the terms and conditions of the site specific development plan including any approved amendments thereto. The vesting period of these vested property rights shall be for three (3) years which shall not begin to run until the date of the publications required to be made as set forth below. 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 § 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 the adoption of 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 Chapter 26.308, *Vested Property Rights*. Pursuant to § 26.304.070(A), *Development Orders, s*uch 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: 949 W. Smuggler Street, Lot 2, Vandemoer Hill Lot Split, City and Townsite of Aspen, Colorado, PID 2735-122-12-003

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

The vested rights granted hereby shall be subject to all rights of referendum and judicial review. The period of time permitted by law to exercise the right of referendum to refer to the electorate this Section of this Ordinance granting vested rights; or, to seek judicial review of the grant of vested rights shall not begin to run until the date of publication of the notice of final development approval as set forth above. The rights of referendum described herein shall be no greater than those set forth in the Colorado Constitution and the Aspen Home Rule Charter.

Section 4: 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 Historic Preservation Commission or 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 an authorized entity.

Section 5: Litigation

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 6: Severability
If any section, subsection, sentence, clause, phrase, or portion of this ordinance 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 7: Public Hearing
A duly noticed public hearing on this Ordinance was held on the 12th day of July, 2022 in the City Council Chambers, Aspen City Hall, Aspen, Colorado, fifteen (15) days prior to which hearing a public notice of the same was 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 24th day of May, 2022.

FINALLY, adopted, passed, and approved by a __ to __ vote on this __ day of July, 2022.

Approved as to form: **Approved as to content:**

_____ _____

James R. True, City Attorney **Torre, Mayor**

Attest:

_____

Nicole Henning, City Clerk

26.415.030 Designation of Historic Properties. The designation of properties to an official list, that is known as the Aspen Inventory of Historic Landmark Sites and Structures which is maintained by the City, is intended to provide a systematic public process to determine what buildings, areas and features of the historic built environment are of value to the community. Designation provides a means of deciding and communicating, in advance of specific issues or conflicts, what properties are in the public interest to protect.

C. Aspen Modern

1. Criteria. 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 (2) 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.

CITY OF ASPEN

Designation of Historic Properties The Historic Preservation Commission (HPC) shall evaluate the application and forward their recommendation to City Council to make the final decision.		
Summary of Review Criteria for Section 26.415.030 - Historic Designation. The designation of properties to an official list, that is known as the Aspen Inventory of Historic Landmark Sites and Structures which is maintained by the City, is intended to provide a systematic public process to determine what buildings, areas and features of the historic built environment are of value to the community. Designation provides a means of deciding and communicating, in advance of specific issues or conflicts, what properties are in the public interest to protect.		
26.415.030.C.1 Aspen Modern **Criteria.** 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.	MET	NOT MET
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;	MET	
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;		NOT MET
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;	MET	
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		NOT MET
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.	MET	

Staff Finding: According to the Pitkin County Assessor, and corroborated by this applicant, the Chalet home at 949 W. Smuggler was built in 1946-47 and appears to be one of the first new homes constructed in Aspen following World War II. The applicant is the great grandson of the original builder and the family has owned the property and used it as a vacation home continuously for 75 years. It is an excellent and unaltered example of European chalet references being incorporated into the architecture of the ski resort town, more fully detailed in the City's historic context paper on the Chalet style of design in Aspen.

Regarding the designation review criteria, staff finds that three of the five criteria are met (only one is required.) The home demonstrates the early development patterns of the ski town and it clearly demonstrates the following key features of the Chalet Style in Aspen; low pitched roof with deep eaves, decorative fascia, balconies, and railings with cut out motifs from nature. To judge the integrity of the property, the City developed, and City Council adopted scoring sheets. Staff agrees with the assessment provided in the application, which indicates the integrity score for this

structure is a 19 out of 20, putting it in "best" range for historic integrity. Staff fully supports the designation of this property that contains the oldest and best example of a postwar Chalet style home in the community. Please note that although the applicant's original proposal was to designate only the Chalet lot, it is necessary and mutually agreeable to designate the entire subject property to proceed with awarding of preservation benefits and to satisfy HPC interests in the placement and character of development on the corner lot.

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 benefits related to voluntary designation, which are to be evaluated by HPC and recommended to Council.

Staff finds that the preservation approach in this project is ideal and deserving of the City's partnership. This is a voluntary landmark designation resulting in the Chalet being preserved in place with no addition, and all new construction completely detached.

Exhibit B
Growth Management Criteria
Staff Findings

The applicant has indicated that affordable housing mitigation required by Growth Management will be provided according to the code in place at the time of construction. The mitigation standards are currently being amended as part of the moratorium on residential development, so current code is referenced below, but not binding.

The proposal involves preserving one existing home without expansion, and the future construction of two new homes. As it stands, the subject property has the right to develop **one new home through an Administrative Exemption** to the Growth Management review system. This process will be applied to the home behind the Chalet. In order to receive the exemption, the owner must provide affordable housing mitigation. The existing code language at **Section 26.470.090.a** allows a property owner to select from a list of options which range from creating affordable housing on or off-site, to paying cash-in-lieu, or providing affordable housing credits. Full-time working residents may defer their mitigation until the time they sell to someone who is not. The applicant originally requested that, if they construct the unit behind the Chalet before the corner lot is sold, they would be allowed to defer affordable housing mitigation until one month after the corner lot is transferred to an unrelated party**.** If the corner lot is sold before the new house on the Chalet lot is built, mitigation will be paid when required at building permit issuance. APCHA has indicated that they are willing to accept this request by recording a binding agreement with the applicant, however, **because the applicant has expressed that this sequence of development is unlikely, staff and HPC recommend the deferral be dropped from the AspenModern negotiation.**

The request to subdivide the applicant's property into the Chalet parcel and a new corner parcel when it was itself recently created through a lot split action is required to be reviewed as **Major Subdivision.** According to Aspen's land use code, a site can only be split once through a simple lot split review process and Growth Management exemption. The review standards below must be met. The calculation of affordable housing mitigation is significantly different. **The applicant has requested that the corner lot be mitigated through the same methodology as the Chalet lot.**

26.470.080. General Review Standards.
All Planning and Zoning Commission and City Council applications for growth management review shall comply with the following standards.

A. Sufficient Allotments: Sufficient growth management allotments are available to accommodate the proposed development, pursuant to Subsection 26.470.040.B. Applications for multi-year development allotment, pursuant to Paragraph 26.470.110.A shall be required to meet this standard for the growth management years from which the allotments are requested.

Staff Finding: The Growth Management Quota System allows for 19 new free-market homes that do not qualify under the exemption language noted above, to be approved per year. No allotments have been granted for 2022, so there are sufficient allotments for this proposal. **Staff finds this review criterion to be met.**

B. Development Conformance: The proposed development conforms to the requirements and limitations of this Title, of the zone district or a site specific development plan, any adopted regulatory master plan, as well as any previous approvals, including the Conceptual Historic Preservation Commission approval, the Conceptual Commercial Design Review approval and the Planned Development – Project Review approval, as applicable.

Staff Finding: The development is being reviewed for conformance with the Municipal Code and is seeking Conceptual Historic Preservation Commission approval. **Staff finds this review criterion to be met.**

C. Public Infrastructure and Facilities. The proposed development shall upgrade public infrastructure and facilities necessary to serve the project. Improvements shall be at the sole costs of the developer. Public infrastructure includes, but is not limited to, water supply, sewage treatment, energy and communication utilities, drainage control, fire and police protection, solid waste disposal, parking and road and transit services.

Staff Finding: No required improvements to public infrastructure have been identified at this time. **Staff finds this review criterion to be met.**

D. Affordable Housing Mitigation.

1) For commercial development, sixty-five percent (65%) of the employees generated by the additional commercial net leasable space, according to Section 26.470.050.B, Employee generation rates, shall be mitigated through the provision of affordable housing.

2) For lodge development, sixty-five percent (65%) of the employees generated by the additional lodge pillows, according to Section 26.470.050.B, Employee generation rates, shall be mitigated through the provision of affordable housing. For the redevelopment or expansion of existing lodge uses, see section 26.470.100.G.

3) For the redevelopment of existing commercial net leasable space that did not previously mitigate (see Section 26.470.070.F), the mitigation requirements for affordable housing shall be phased at 15% beginning in 2017, and by 3% each year thereafter until 65% is reached, as follows:

Development Order applied for during calendar year -	Mitigation required *(percent of employees generated by the existing space that has previously not mitigated)*
2017	15%
2018	18%
2019	21%
2020	24%
2021	27%
2022	30%
2023	33%
2024	36%
2025	39%
2026	42%
2027	45%
2028	48%
2029	51%
2030	54%
2031	57%
2032	60%
2033	63%
2034	65%

4) Unless otherwise exempted in this chapter, when a change in use between development categories is proposed, the employee mitigation shall be based on the use the development is converting to. For instance, if a commercial space is being converted to lodge units, the mitigation shall be based on the requirements for lodge space, outlined in subsection 2, above. Conversely, if lodge units are being converted to commercial space, the mitigation shall be based on the requirements for commercial space, outlined in subsections 1 and 3, above.

5) For free-market residential development, affordable housing net livable area shall be provided in an amount equal to at least thirty percent (30%) of the additional free-market residential net livable area.

6) For essential public facility development, mitigation shall be determined based on Section 26.470.110.D.

7) For all affordable housing units that are being provided as mitigation pursuant to this chapter or for the creation of a Certificate of Affordable Housing Credit pursuant to Chapter 26.540, or for any other reason:

a. The proposed units comply with the Guidelines of the Aspen/Pitkin County Housing Authority, as amended.
b. Required affordable housing may be provided through a mix of methods outlined in this chapter, including newly built units, buy down units, certificates of affordable housing credit, or cash-in-lieu.
c. Affordable housing that is in the form of newly built units or buy-down units shall be located on the same parcel as the proposed development or located off-site within the City limits. Units outside the City limits may be accepted as mitigation by the City Council, pursuant to Section 26.470.110.B. When off-site units within City limits are proposed, all requisite approvals shall be obtained prior to approval of the growth management application.
d. Affordable housing mitigation in the form of a Certificate of Affordable Housing Credit, pursuant to Chapter 26.540, shall be extinguished pursuant to Section 26.540.120, Extinguishment and Re-Issuance of a Certificate, utilizing the calculations in Section 26.470.050.F, Employee/Square Footage Conversion.
e. If the total mitigation requirement for a project is less than 0.1 FTEs, a cash-in-lieu payment may be made by right. If the total mitigation requirement for a project is 0.1 or more FTEs, a cash-in-lieu payment shall require City Council approval, pursuant to Section 26.470.110.C.
f. Affordable housing units shall be approved pursuant to Paragraph 26.470.100.D, Affordable housing, and be restricted to a Category 4 rate as defined in the Aspen/Pitkin County Housing Authority Guidelines, as amended. An applicant may choose to provide mitigation units at a lower category designation.
g. Each unit provided shall be designed such that the finished floor level of fifty percent (50%) or more of the unit's net livable area is at or above natural or finished grade, whichever is higher. This dimensional requirement may be varied through Special Review, Pursuant to Chapter 26.430

8) Affordable housing units that are being provided absent a requirement ("voluntary units") may be deed-restricted at any level of affordability, including residential occupied (RO).

Staff Finding: As stated above, the applicant has indicated that mitigation for both new homes will be provided at time of building permit, according to the codes in effect at the time of building permit. This is the standard process.

Because this application is the second subdivision of the former Vandemoer/Hill property that stretched from 8th street to Power Plant Road, the form of required mitigation for the corner lot is significantly higher than a standard townsite lot. This additional subdivision is perceived as new growth in the way that an unsubdivided lot is not.

Under the current code provisions, mitigation for the corner lot would be approximately as follows: 3,240 of allowed floor area x 30%= 972 square feet. To convert the 972 square feet into employees to be mitigated, divide by a standard number established as 400 square feet of livable area needed per full-time equivalent employee, so the required mitigation would be 2.43 FTEs. Typically, this mitigation would be provided through the property owner purchasing Affordable Housing credits from a developer who produced them. Affordable Housing credits are currently very scarce. To the extent that the owner could mitigate by cash-in-lieu, the payment pre-moratorium would be approximately 2.43 x $302,879 (standard Category 4 cash-in-lieu rate per FTE) = $735,995. A lot which does not require a Growth Management allocation, such as the Chalet lot, which will be considered to be the fathering parcel already assigned a development right, mitigation for 3,240 square feet of new development would result in a cash in lieu fee of approximately 0.52 FTEs with a mitigation value of $157,012.

The applicant has asked to have the corner lot locked into the mitigation methodology for a lot that does not require a Growth Management allotment. This is a policy issue that Council must resolve in their negotiation with the applicant. The regulations which emerge from the moratorium are likely to increase both mitigation methodologies/fees described above.

Exhibit C
Major Subdivision Criteria
Staff Findings

26.480.070. Major subdivisions.
The following subdivisions shall be approved, approved with conditions, or denied by the City Council, after receiving a recommendation from the Planning and Zoning Commission. Major subdivisions are subject to Section 26.480.030 – Procedures for Review, the standards and limitations of Section 26.480.040 – General Subdivision Review Standards, and the standards and limitations of each type of subdivision, described below. All subdivisions not defined as administrative or minor subdivisions shall be considered major subdivisions.

A. Land Subdivision. The division or aggregation of land for the purpose of creating individual lots or parcels shall be approved, approved with conditions, or denied according to the following standards:

1. The proposed subdivision complies with the requirements of Section 26.480.040 – General Subdivision Review Standards.

Staff Finding: The General Subdivision Review Standards are addressed in the next section of this exhibit. **Staff finds this criterion is met.**

2. The proposed subdivision enables an efficient pattern of development that optimizes the use of the limited amount of land available for development.

Staff Finding: The proposal divides the subject parcel into two smaller lots that are consistent with the typical lot size of the surrounding neighborhood. **Staff finds this criterion is met.**

3. The proposed subdivision 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.

Staff Finding: Large trees are preserved around the historic resource, which will be protected in perpetuity for the benefit of the community. **Staff finds this criterion is met.**

4. The proposed subdivision 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 with specific design details and timing of implementation addressed through a Development Agreement pursuant to Chapter 26.490 – Approval Documents.

Staff Finding: The lot is relatively flat, and undeveloped. No mitigation of hazards is anticipated. **Staff finds this criterion is met.**

5. There has been accurate identification of engineering design and mitigation techniques necessary for development of the proposed subdivision 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 and documented within a Development Agreement.

Staff Finding: The density of the proposed development is typical of the surrounding neighborhood. No special mitigation efforts are anticipated beyond the standard stormwater requirements applied to all single family homes in Aspen. **Staff finds this criterion is met.**

6. The proposed subdivision shall upgrade public infrastructure and facilities necessary to serve the subdivision. Improvements shall be at the sole cost of the developer.

Staff Finding: Engineering has preliminary commented on upgrades needed for utilities on private property, but has not yet indicated public infrastructure improvements are required. **Staff finds this criterion is met.**

7. The proposed subdivision is exempt from or has been granted all growth management approvals pursuant to Chapter 26.470 – Growth Management Quota System, including compliance with all affordable housing requirements for new and replacement development as applicable.

Staff Finding: Growth Management review and findings are addressed as another exhibit to this packet. **Staff finds this criterion is met.**

8. The proposed subdivision meets the School Land Dedication requirements of Chapter 26.620 and any land proposed for dedication meets the criteria for land acceptance pursuant to said Chapter.

Staff Finding: The development proposed in the future on this property will be subject to impact fees, including Park Development fees and Transportation Demand Management fees. Only the historic resource and accessory building receive exemption from these assessments as a standing provision of the code. The City collects School Lands fees on behalf of the school district. The amount of payment required is related to the amount of new floor area developed and/or the value of the lot the development is occurring on. These calculations will occur at time of building permit. It is possible to

dedicate land to the School District instead of paying a cash-in-lieu fee but the applicant is not suggesting that option. **Staff finds this criterion is met.**

9. A Subdivision Plat shall be reviewed and recorded in the office of the Pitkin County Clerk and Recorder, pursuant to Chapter 26.490 – Approval Documents.

Staff Finding: A draft plat is provided in the application and will be finalized and recorded after the land use review is complete. **Staff finds this criterion will be met.**

10. A Development Agreement shall be reviewed and recorded in the office of the Pitkin County Clerk and Recorder, pursuant to Chapter 26.490 – Approval Documents.

Staff Finding: The proposal does not involve any unique obligations, responsibilities or improvements be committed for the benefit of the community, therefore a Development Agreement will not be required. **Staff finds this criterion is not applicable.**

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.

Staff Finding: The two lots resulting from this subdivision will front Smuggler Street and/or 8th Street, as well as an alley, and will therefore maintain their existing access to public ways. **Staff finds this criterion is met.**

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 Finding: The two new lots are orthogonal and divided north/south, following the pattern of the neighborhood. **Staff finds this criterion is met.**

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 Finding: The zoning for the newly created lots will remain as is; R-6 Medium Density Residential. **Staff finds this criterion is 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 Finding: The proposal includes moving a small existing structure to a new location that requires a setback variation. Setback variations are also required to accept the areas identified for future construction of new homes on each of the subdivision's lots. The merits of these variations will be addressed as part of the landmark designation review, and if approved, the conditions will not be considered to be non-conformities.

CITY OF ASPEN

Exhibit D
Transferable Development Rights Criteria
Staff Findings

Section 26.535.070
A historic TDR certificate may be established by the Mayor if the City Council, pursuant to adoption of an ordinance, finds all the following standards met:

A. The sending site is a historic landmark on which the development of a single-family or duplex residence is a permitted use, pursuant to Chapter 26.710, Zone Districts. Properties on which such development is a conditional use shall not be eligible.

Staff Findings: 949 W. Smuggler is proposed to be a designated a historic landmark and will therefore become an eligible sending site that can establish and sever transferable development rights (TDRs). Single-family and duplex residential are permitted uses in the R-6 zone district where this property is located.

B. It is demonstrated that the sending site has permitted unbuilt development rights, for either a single-family or duplex home, equaling or exceeding two hundred and fifty (250) square feet of floor area multiplied by the number of historic TDR certificates requested.

Staff Findings: One TDR is proposed to be removed from Parcel B, the corner site, which is currently vacant. Conditions of approval in the Council ordinance for this project will clarify the floor area that remains to be built on the site after the TDR is severed.

C. It is demonstrated that the establishment of TDR certificates will not create a nonconformity. In cases where a nonconformity already exists, the action shall not increase the specific nonconformity.

Staff Findings: The creation of the proposed TDR will not create or increase a nonconformity.

D. The analysis of unbuilt development right shall only include the actual built development, any approved development order, the allowable development right prescribed by zoning for a single-family or duplex residence, and shall not include the potential of the sending site to gain floor area bonuses, exemptions or similar potential development incentives. Properties in the MU Zone District which do not currently contain a single-family home or duplex established prior to the adoption of Ordinance #7, Series of 2005, shall be permitted to base the calculation of TDRs on 100% of the allowable floor area on an equivalent-sized lot in the R-6 zone district. This is only for the purpose of creating TDRs and does not permit the on-site development of 100% of the allowable floor area on an equivalent-sized lot in the R-6 zone district. If the additional 20% of allowable floor area exceeds 500 square feet, the applicant may not request a floor area bonus from HPC at any time in the future.

Any development order to develop floor area, beyond that remaining legally connected to the property after establishment of TDR Certificates, shall be considered null and void.

Staff Findings: The applicant's original proposal was to not designate the corner lot as a landmark and to offer it for sale as a single-family home site. The allowable floor area for the 8,000 square foot lot would be 3,520 sf. The applicant requested approval for one 250 square foot of floor area TDR as an AspenModern designation benefit and then planned to forgo 30 square feet of floor area to leave the lot with 3,240 square feet for a new home. This is what would be allowed for a lot 2,000 square feet smaller; meaning a 6,000 square foot lot which is the common module in the West End. Staff supports this proposal and the applicant's sensitivity to building scale adjacent to the resource.

Since the original proposal, the applicant is now amenable to designation of the corner lot, recognizing that this is necessary to receive TDR and setback benefits there, and also recognizing HPC's strong interest in having a design review role on this site. As a landmarked lot, the corner would technically be eligible for a duplex of 3,920 square feet. Staff does not support amending the development proposal to allow this option and recommends a condition that the property is limited to single family development unless amended by City Council.

E. The proposed deed restriction permanently restricts the maximum development of the property (the sending site) to an allowable floor area not exceeding the allowance for a single-family or duplex residence minus two hundred and fifty (250) square feet of floor area multiplied by the number of historic TDR certificates established.

   For properties with multiple or unlimited floor areas for certain types of allowed uses, the maximum development of the property, independent of the established property use, shall be the floor area of a single-family or duplex residence (whichever is permitted) minus two hundred fifty (250) square feet of floor area multiplies by the number of historic TDR certificates established.

   The deed restriction shall not stipulate an absolute floor area, but shall stipulate a square footage reduction from the allowable floor area for a single-family or duplex residence, as may be amended from time to time. The sending site shall remain eligible for certain floor area incentives and/or exemptions as may be authorized by the City Land Use Code, as may be amended from time to time. The form of the deed restriction shall be acceptable to the City Attorney.

Staff Findings: At the time of issuing a TDR certificate, the applicant will be required to file a deed restriction that will permanently reduce the allowable floor area on the corner lot by 250 sf. The applicant may obtain a template for the deed restriction from staff when needed. All documents shall be reviewed by the City Attorney prior to execution.

F. A real estate closing has been scheduled at which, upon satisfaction of all relevant requirements, the City shall execute and deliver the applicable number of historic TDR certificates to the sending site property owner and that property owner shall execute and deliver a deed restriction lessening the available development right of the subject property together with the appropriate fee for recording the deed restriction with the County Clerk and Recorder's office.

Staff Findings: This is a mandatory process that the applicant must pursue.

G. It shall be the responsibility of the sending site property owner to provide building plans and a zoning analysis of the sending site to the satisfaction of the Community Development Director. Certain review fees may be required for the confirmation of built floor area.

Staff Findings: The applicant will likely create and sell or retain the TDR prior to selling the corner lot. The plat will be labeled to indicate that no more than 3,240 square feet of floor area will be allowed to be built on that parcel, to be calculated at the time that a building permit is submitted.

H. The sale, assignment, conveyance or other transfer or change in ownership of transferable development rights certificates shall be recorded in the real estate records of the Pitkin County Clerk and Recorder and must be reported by the grantor to the City of Aspen Community Development Department within five (5) days of such transfer. The report of such transfer shall disclose the certificate number, the grantor, the grantee and the total value of the consideration paid for the certificate. Failure to timely or accurately report such transfer shall not render the transferable development right certificate void.

Staff Findings: This is a mandatory process that the applicant must pursue.

I. TDR certificates may be issued at the pace preferred by the property owner.

Staff Findings: N/A

J. City Council may find that the creation of TDRs is not the best preservation solution for the affected historic resource and deny the application to create TDRs. HPC shall provide Council with a recommendation.

Staff Findings: Staff and HPC recommend in favor of establishing one TDR with this application. HPC is a recommending body and City Council is the final authority for granting a TDR request.

HAAS LAND PLANNING, LLC

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March 18, 2022

Aspen Historic Preservation Commission and City Council
c/o Aspen Community Development Department
427 Rio Grande Place
Aspen, CO 81611

Dear HPC, City Council and Staff:

Please accept this application for voluntary AspenModern (hereinafter "AM") historic designation. As part of the AM negotiation, the following approvals are requested in this application: Combined Conceptual and Final Major Development Review, Demolition, Setback Variations, Historic Benefits, Major Subdivision, and Growth Management.

Introduction:

As detailed in "The Proposal" section below, this application volunteers Landmark Designation for proposed Parcel A of the "Vandemoer Lot 2 Subdivision," including the existing home and "chicken coop" outbuilding at 949 West Smuggler Street, and assurances of historic preservation in exchange for the granting of approvals and incentives available through AM negotiation.

AM is a program adopted by the City of Aspen to address, through negotiation of incentives for designation, the negative impacts that the loss of landmark eligible buildings would have on the health, peace, safety, and general well-being of the residents and visitors of Aspen, and the diminishment of Aspen's unique architectural character, livability, and attractiveness as a destination. Inherent in this negotiation process is a clear recognition by the City that incentives and benefits beyond the typical scope of the Land Use Code must be offered and conferred upon many property owners who would otherwise forego landmark designation in favor of demolition and replacement absent the restrictions and processes that come with historic designation. In other words, the willingness to accept not only permanent landmark designation but also the perpetual preservation and protection through the oversight of the HPC of a landmark property and the structure(s) located thereon are the benefits the City receives while the benefits to be conferred upon the applicant in exchange is what gets negotiated.

This application is submitted by Chris Vandemoer of Vandemoer Family, Inc. (hereinafter the "Applicant"), pursuant to Sections 26.415.025(c) and 26.415.030(c) of the Aspen Land Use Code (the Code). Given the codified terms and provisions of the AM program, those are the only directly applicable Sections of the Code. Since the AM program is a negotiated approval process through which preservation benefits and incentives beyond those identified in the

Code are available to an applicant, the applicable sections and provisions of the Code take on a flexibility that does not exist with other types of applications. The normally applicable Code Sections include: 26.304, Common Development Review Procedures, including 26.304.060(B)(1), Combined Reviews; 26.410, Residential Design Standards; 26.415.025(C), Identification of Historic Properties; 26.415.030, Designation of Historic Properties; 26.415.070, Development Involving Designated Historic Properties; 26.415.080, Demolition of Historic Properties; 26.415.110, Benefits; 26.470, Growth Management; 26.480, Subdivision; and 26.710.040, Medium-Density Residential (R-6) Zone District.

For the reviewer's convenience, all pertinent supporting documents relating to the project are provided in the various exhibits to the application, as follows:

- Exhibit 1: Land Use Application, Dimensional Requirements, Homeowners Association Compliance, Fee Agreement, and Chalet Historic Integrity Scoring Forms.
- Exhibit 2: Full Plans Set, including: Existing Lot Split Plat; Improvement Survey; Proposed Subdivision Plat; Grading, Drainage and Underground Piping Plan; Existing and Proposed Site Plans; Site Coverage Diagrams; Existing and Proposed Floor Area Plans and Calculations; Existing and Proposed Floor Plans; Existing and Proposed Elevations; Site Context Photos and Elevations; Proposed Exterior Lighting Plan; and Models/Renderings
- Exhibit 3: Pre-Application Conference Summary prepared by Amy Simon.
- Exhibit 4: Review Requirements/Code Standards and Responses.
- Exhibit 5: Previous Approvals (Ordinance No. 02-2020, Vandemoer Hill Lot Split Plat, and Notice of Exemption and Authorization to Apply During term of Moratorium).
- Exhibit 6: Proof of the Applicant's Ownership and Authority.
- Exhibit 7: 90-Day Negotiation Understanding Letter from Applicant.
- Exhibit 8: Vicinity Map.
- Exhibit 9: Authorization for Haas Land Planning, LLC and 1 Friday Design Collaborative to represent the Applicant.
- Exhibit 10: Mailing addresses of record for all property owners located within 300-feet of the subject property.

In addition, with the architectural plans and renderings prepared by Derek M. Skalko of 1 Friday Design Collaborative, a proposed "Final Subdivision Plat of The Vandemoer Lot 2 Subdivision" is included as part of Exhibit 2.

While the Applicant has attempted to address all relevant provisions of the Code, and to provide sufficient information to enable a thorough evaluation of the application, questions may arise which require further information and/or clarification. Upon request, Haas Land Planning, LLC and 1 Friday Design Collaborative will provide such additional information.

Background/History:

Back in the 1940s, just after the end of World War II, Herbert Robbins (H.R.) Vandemoer and his son Herbert (Herb) Vandemoer came to Aspen to purchase and develop land. The father and son built a 3-bed/2-bath home with an accompanying garage and "little house" on West Smuggler Street to welcome generations of their families into for decades to come.

H.R. would bring the entire family to the home on weekends, over holidays, and for various getaways throughout the years. Herb eventually had children of his own: Cory, Craig and Chris. They were raised between farming in Northeast Colorado and enjoying the nature in Aspen, hiking and camping throughout the area, climbing many of its notorious peaks, fishing every creek for fresh trout, and riding the area's first chairlifts. They experienced Aspen's development into a World Class ski resort and tourist destination.

Chris is now 65 years old and has spent every single Christmas holiday in Aspen, except in 2016 when his father (Herb) passed. The same is true of his daughters, Isabel and Phoebe, Herb's only two grandchildren and the fourth generation of Vandemoer's to cherish this property. Herb adored his grandchildren. Any day skiing with them was "the best day ever," and we know if he was here today, he would be right by Chris's side applying for the preservation of the Vandemoer's Aspen home.

Keeping and maintaining the property has not been easy. Increases in property value and the growing resort and tourism economies brought tax burdens and the pressure to sell. This led to the family selling a portion of the property on the north side of Smuggler Street many years back. That helped to lighten the pressures for some time, but not permanently.

The latest challenge was the internal pressure from the secondary family members to sell. That pressure grew to an uncomfortable degree that divided the family and evolved into an emotional and strenuous legal battle, eventually ending in an arbitration agreement that resulted in the land's current state: Lots 1 and 2 of the Vandemoer Hill Lot Split.

The Vandemoer's gave the Hill's the 39,129 square foot Lot 1 and kept only the 18,000 square foot Lot 2, even though the Vandemoer's owned the majority stake. The Hill's have since sold their lot and received the windfall they desired.

With only one modest cabin and three families (Chris and his two siblings) left owning the 18,000 square foot property, Chris's siblings recognized that ownership of the property should lie with Chris. Having the only Vandemoer grandchildren, Chris had too strong of an emotional connection to the property and Aspen itself to walk away from both, despite the large windfall he would have gained by selling.

Chris committed to undertake the huge financial burden that was necessary to pay his siblings fair market value to keep this legacy property in his family. However, Chris now finds himself in the same stressful position as his predecessors and needing to find a way to afford the property, preferably while preserving the historic significance of the home and

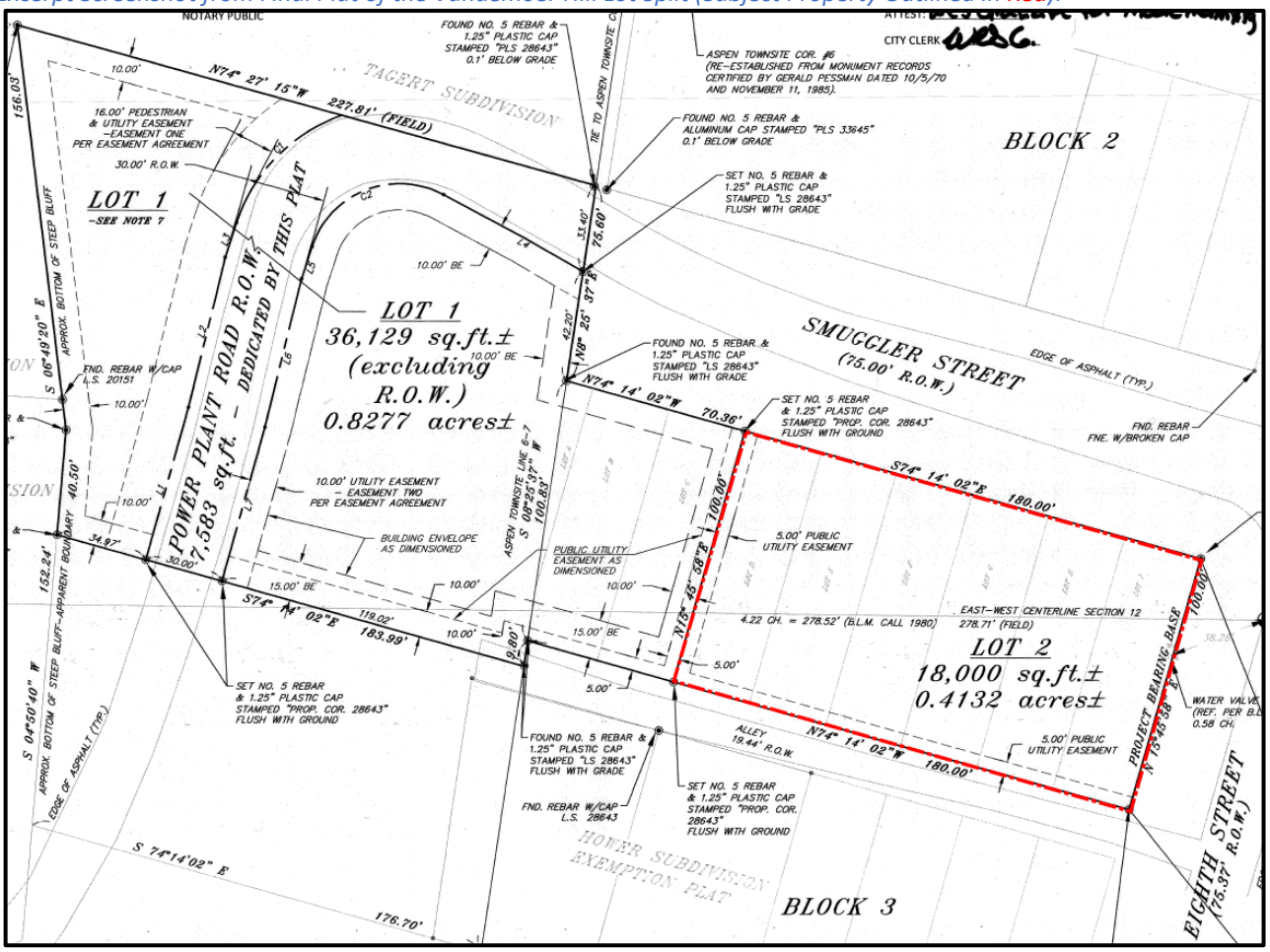
outbuilding --- thus, this Aspen Modern application. If this application is not successful, reality may force Chris to sell the property to the highest bidder, who is not likely to keep the historic 75-year-old structures that his father built.

Chris wants dearly to keep this property in his family for his daughters to have and cherish the way he has for 65 years. He also wants to keep his family legacy alive as a part of the Aspen community. It is hard to fathom just how deep the emotional ties are to the property the family has known and loved for their entire lives. It is the place of their dearest childhood and family memories, and a place for future memories and "best days ever" to be created. The home serves as a humble reminder of simpler times in Aspen, Colorado for visitors and residents alike.

Existing Conditions:

The subject property was recently created through a 2020 minor subdivision for a lot split that divided the original larger parcel into two. The property is a rectangular-shaped 18,000 square foot lot (180′ x 100′) in the R-6 Zone District. It is legally described as Lot 2, Vandemoer Hill Lot Split according to the final plat thereof recorded November 6, 2020, in Plat Book 129 at Page 11, and it includes Lots D-I of Block 3, City and Townsite of Aspen (see Exhibit 5). Lot 1 is a vacant parcel under separate ownership and is not part of this application. A Vicinity Map showing the property's general location relative to the surrounding area is attached to this application as Exhibit 7. Existing conditions are also summarized on the Dimensional Requirements Form included with Exhibit 1.

Excerpt Screenshot from Final Plat of the Vandemoer Hill Lot Split (Subject Property Outlined in Red):



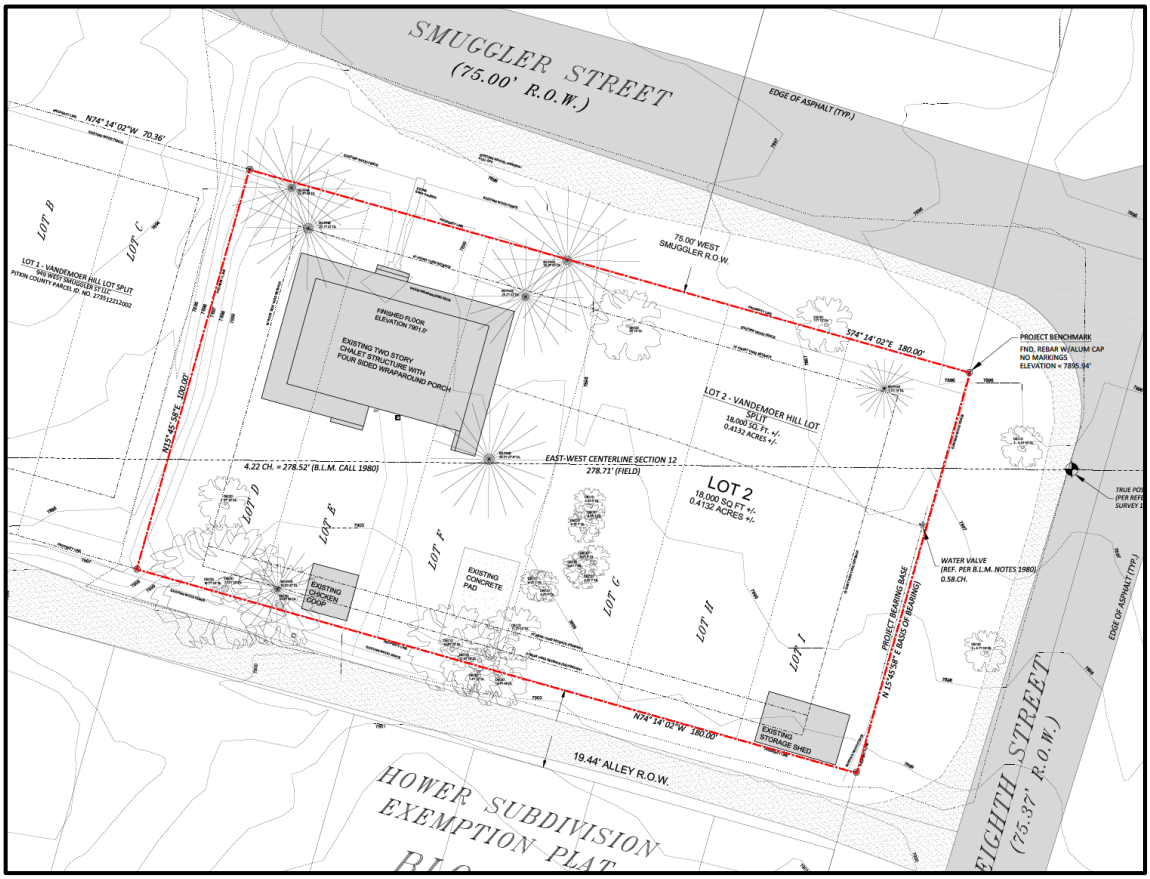
Modern architecture made its first appearance in Aspen after World War II. The period of historic significance for modernist buildings in Aspen is between 1945 and approximately 1975. according to the City's published Aspen Modern National Trust for Historic Preservation booklet, "*The Swiss-style is a favorite, with a range of homes tucked into neighborhoods like little Alpine cabins. Yet, this traditional look (such as the 1946 single-family chalet*

at 949 West Smuggler Street, possibly Aspen's oldest example of this style) mixes easily with the more contemporary versions, referred to locally as 'Modern Chalets'."

Furthermore, per the City of Aspen's website (http://www.aspenmod.com/places/949-w-smuggler/), the home at 949 West Smuggler Street "*is a highly decorative, classic example of the Chalet style, and was likely the first example built in town, just as the first chairlift was opening on Aspen Mountain. The house appears to be as originally designed. Built for a family from the Denver area, it is an example of an early ski vacation home in Aspen*." The home is considered representative of the period of ski industry development in Aspen and, having never changed hands, remains under the ownership of the Vandemoer family, its original developers.

Completely intact and unaltered, with an historic integrity score of 19 points (out of a possible 19 points), the home has often been referred to by City historic preservation staff and commissioners as the single "most important property" on the AM list of potentially historic structures. This application offers the chance to have this one-of-a-kind, important historic treasure forever preserved and protected against intentional loss, inappropriate alteration, or redevelopment.

In addition to the original chalet-style home built circa 1946, the lot also contains an historic "chicken coop" outbuilding as well as a storage shed. The screenshots pasted below depict an existing conditions site plan, as well as photos of the existing structures.



While the actual dates of the black-and-white photos below remain unknown, they are believed to be from shortly after the home was built in 1946. As can be seen in the more recent, color photo of the house (farther below), the same architectural form and detailing remains. It is also interesting to note that the same plantings remain, although the trees flanking the corners of the house have grown from maybe 8-feet tall in the black-and-white photo to more like 60-80 feet tall today. A pair of current photos of the associated "chicken coop" outbuilding are provided below as well, including a close-up of the original "HERBERT VANDEMOER" weathervane.










HERBERT VANDEMOER

As mentioned above, the current configuration of the subject property is the result of Ordinance No. 2 (Series of 2020) (hereinafter the "Ordinance") and the associated Final Plat (see Exhibit 5). The Ordinance did not historically designate the property or put any restrictions of note on it. Instead, any future development on Lot 2 is merely subject to the requirements of the R-6 zone district in place at such time as a development or redevelopment application is submitted (which time is now).

Due to setbacks resulting from the Lot Split, the two outbuildings (shed structures) are noted in the Ordinance as being subject to the Non-Conformities regulations in Land Use Code Section 26.312. Furthermore, the Ordinance provides that Lot 2 "*shall not be further subdivided through the Minor Subdivision – Lot Split process*." As such, this application does not seek a Minor Subdivision or Lot Split but instead requests Major Subdivision approval through the AM process to divide Lot 2 into Parcels A and B.

Under current Code and zoning, as an existing 18,000 square foot lot in the R-6 zone district, the subject property can be developed with two (2) detached single-family homes or a duplex using a combined 4,590 square feet of floor area (or roughly 9,000 square feet of gross area, including basements). The existing structures can be demolished and lost forever, there is no historic designation, and the redevelopment would not be subject to HPC purview. For the Applicant to willingly forego the relative ease and value of the status quo by landmarking the historic structures, this baseline development potential will need to be significantly improved.

The Proposal: (proposed incentives/benefits are indicated in purple font)

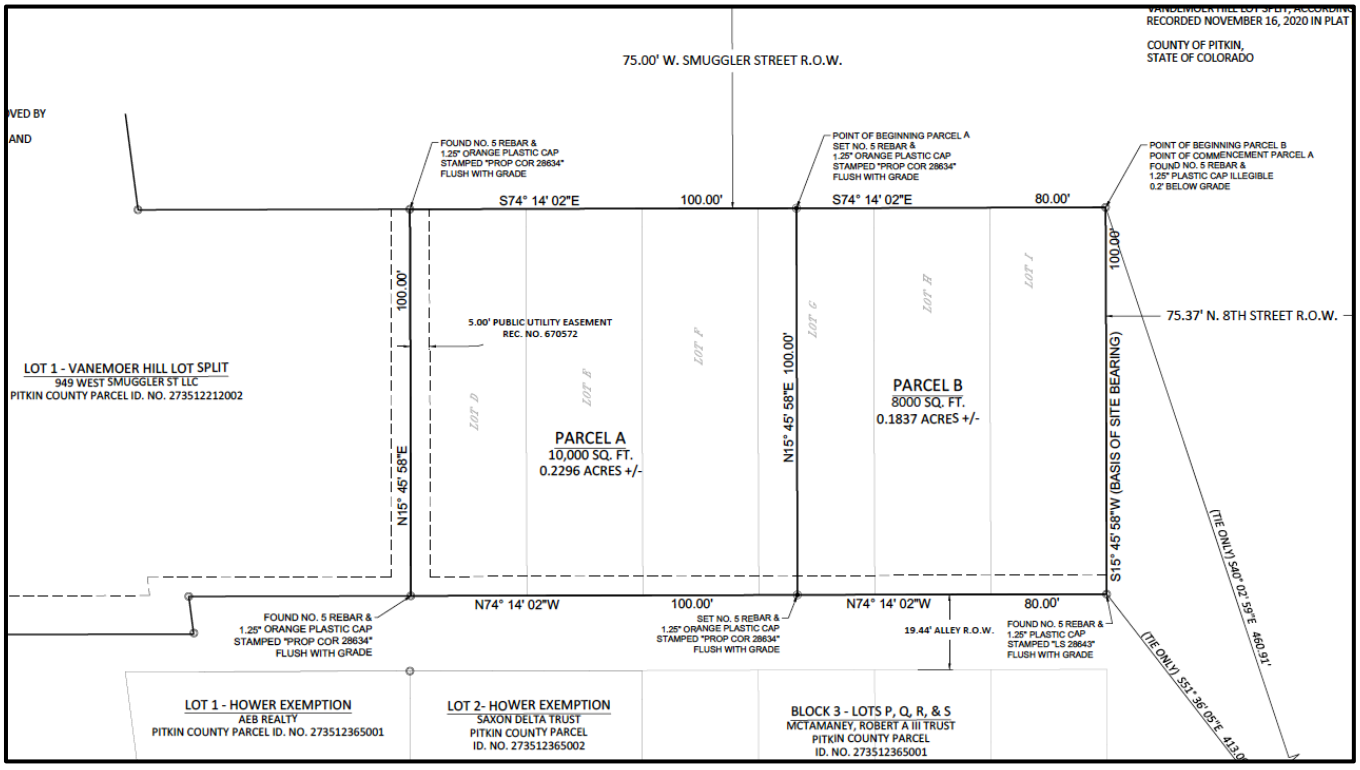
The applicant intends to subdivide the property into two lots, as follows:

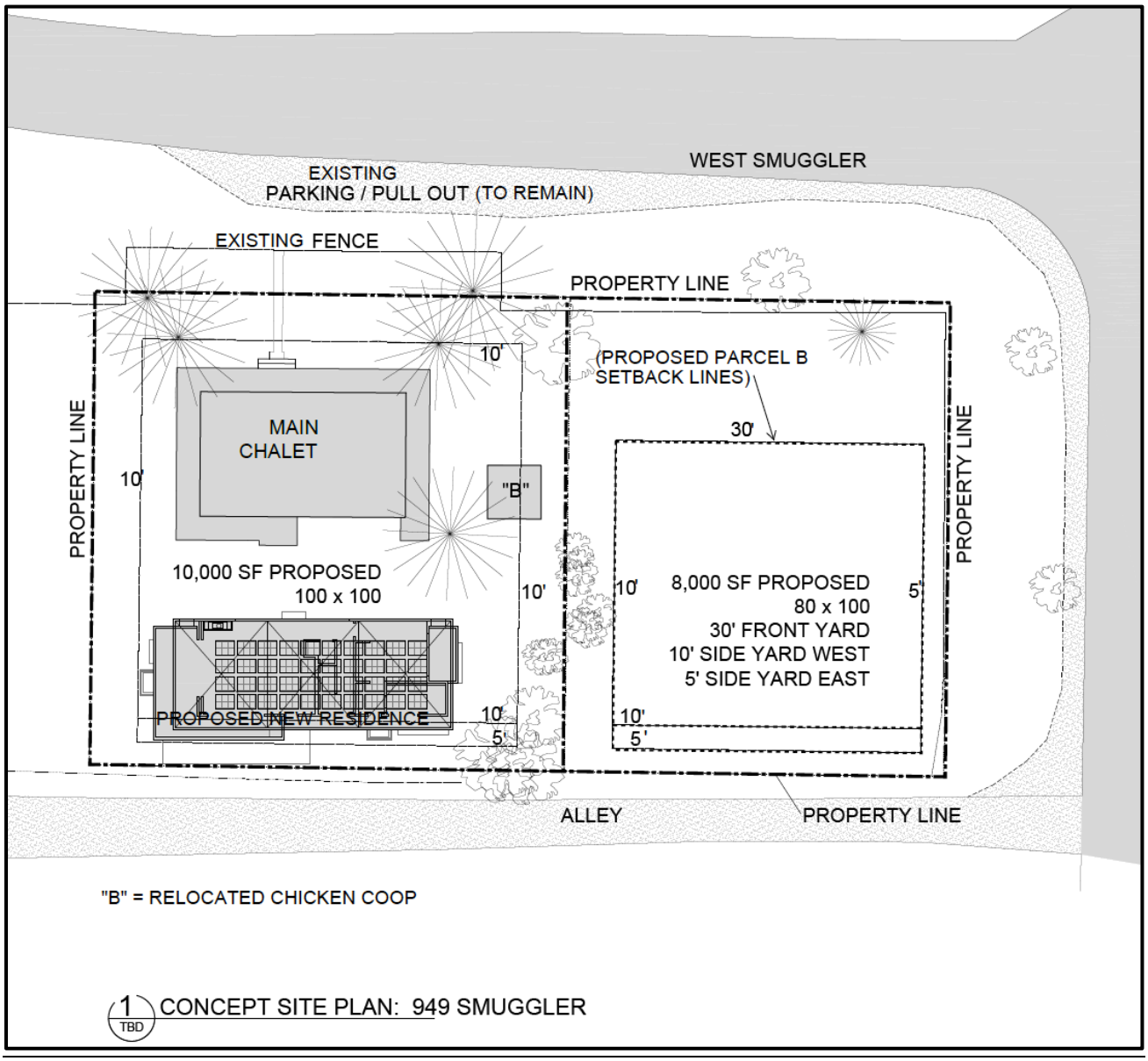
(A) Parcel A (also referred to herein as the "Chalet Lot" or "Historic Lot") to be a 10,000 square foot, historically designated lot (100' x 100') and contain the historic chalet and relocated chicken coop (Outbuilding "B"), as well as a new detached single-family residence along the alley frontage; and

(B) Parcel B (also referred to herein as the "Vacant Lot") to be a vacant 8,000 square foot lot (80' x 100') that will be given a residential growth management allotment but will not be designated or otherwise subject to HPC purview for future development of a single-family home. The existing storage building (Outbuilding "A") will be demolished.

The Applicant seeks approval to maintain the existing fence and parking pull-out area within the West Smuggler Street right-of-way, as these have existed since the 1940s. The principal historic chalet structure will be unaltered, and the large, mature evergreen trees marking its three main corners will be maintained as well. Relocating the circa 1940s fence to match the West Smuggler Street property line is not feasible or desirable as it would necessitate impacts to the historically significant trees.

The reduced-size diagrams provided below depict the proposed layout of the lots and structures as well as the proposed setback requirements.





It is proposed that the standard 10-foot front setback on the Vacant Lot be ***increased*** three-fold to 30-feet for above-grade improvements to assure maximum visibility of the historic structures from West Smuggler Street and its North 8th Street intersection (utilities and subgrade improvements would continue to be subject to the standard 10-foot front yard setback requirement). To accommodate this, it is also proposed that the east side yard setback for this 8,000 square foot lot be 5-feet, as required (adjacent to the nearly 30-feet of unoccupied right-of-way between the property line and the N. 8th Street roadway), and that the combined side yard setback requirement be waived or established at 15-feet (*a 10-foot variation* from the 25-foot requirement). The proposed side yard setbacks and the 5-foot/10-foot rear yard setback are consistent with the underlying R-6 zoning. If preferable to the City, the Applicant is amenable to establishing these setbacks as a formal "building envelope" to be delineated on the Final Subdivision Plat.

The proposed Vacant Lot, being 8,000 square feet in the R-6 zone district, would normally allow 3,520 square feet of Floor Area for a single-family residence. However, in another proactive effort to ensure sensitivity to the important historic resources on the Chalet Lot, the Applicant is volunteering that the Vacant Lot be limited to just 3,240 square feet of floor area, or the same floor area allowed for a lot of only 6,000 square feet. With this 280 square foot reduction, the Applicant is requesting one (1) 250 square foot historic TDR that can be sold for use on a different, eligible receiver site within the City. Except for the combined side yard setback variation discussed above, all other dimensional requirements of the R-6 zoning, as may be amended, would continue to govern development on the Vacant Lot. Such development will also remain subject to all other applicable codes, including but not necessarily limited to the Residential Design Standards (RDS).

These "benefits" related to the vacant lot are proposed in the context of the AM negotiation for the landmark designation of the chalet lot and its unique historic resources even though the vacant lot will not itself be historically designated. Given that the RDS will continue to apply and the minimum front yard setback for above grade structures will be established at three times the normal requirement, it is felt that the primary concerns of an HPC review of the eventual development on the vacant lot are proactively addressed since visibility of the historic resources and the inability for new development to overwhelm them in any meaning manner will already be guaranteed.

The Chalet Lot and its proposed development is consistent in virtually all respects with the underlying R-6 zone district dimensional requirements, including its limitations on floor area (see form included with Exhibit 1). The Applicant is ***not*** requesting a Floor Area Bonus from the HPC. As indicated and calculated on the attached plans, the existing chalet residence includes 1,888.44 square feet of Floor Area (including subgrade and decks), and the chicken coop (Outbuilding "B") to be maintained has a Floor Area of 127.5 square feet. The current Land Use Code and R-6 zoning allow the proposed 10,000 square foot Chalet Lot two detached residential dwellings with a combined Floor Area of 4,140 square feet. After deducting the Floor Area of the two historic structures to be maintained, there is 2,124.06 square feet of Floor Area available for use in the new residence (4140 – [1888.44 + 127.5]). Calculated pursuant to current Code, the proposed additional residence has a measured Floor Area of only 2,108.39 square feet. As such, the total proposed Floor Area to be located on the Chalet Lot is 4,124.33 square feet, or 15.67 square feet less than the 4,140 square feet of Floor Area the zoning allows.

The only Chalet Lot variations requested from the zoning involve (1) the relocated chicken coop having a five-foot east side yard setback where ten-feet would otherwise be required; (2) a five-foot rear yard setback variation to allow a lightwell that exceeds minimum size; and (3) five-foot rear setback for spaces that will not be used solely as garage, including both the new residence's below grade mechanical and laundry rooms under the garage (within the same foundation) and a deck area on top of the garage. The zoning allows a 5-foot rear yard setback for that portion of the principal structure used solely as a garage but otherwise requires a 10-foot rear yard setback; the applicant merely seeks to utilize the spaces above

and below those first five feet of garage. All above-grade massing and scale conditions for the proposed alley residence comply with R-6 dimensional requirements.

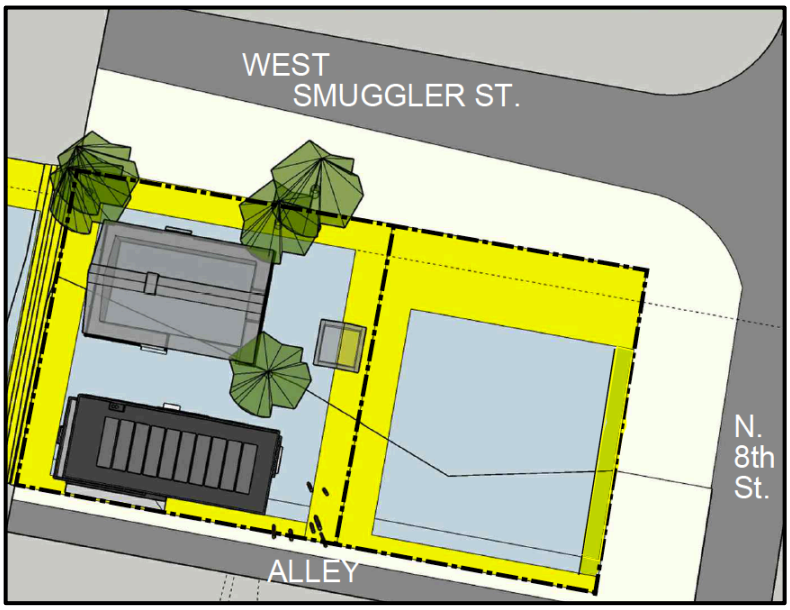
It is further requested that the AM negotiation include approval for all proposed aspects of development on the Chalet Lot, as depicted on the accompanying plans set, including Conceptual and Final Major Development and Residential Design Standards review. Similarly, the AM approval would include Major Subdivision, Growth Management, and acceptance of the proposed on-site parking for the Chalet Lot (one space pre residence, plus maintenance of the historic parking in the Smuggler Street right-of-way).

While this AM negotiation application seeks major subdivision approval, it is requested that both resulting lots be permitted to mitigate for affordable housing in accordance with and pursuant to the Codes in effect for the development of preexisting parcels or lots created through a Lot Split process, as such code provisions may exist at the time of building permit applications.

It is the Applicant's intention to keep the Chalet Lot, including its two historic structures and the new residence they will build thereon. It is unlikely but possible that the new residence at the rear of the Chalet Lot could be developed in advance of the Vacant Lot being sold to a third party. The developing of this new residence at the rear of the Chalet Lot will trigger a requirement for payment of an affordable housing mitigation fee. Even though the Vandemoer family does not permanently reside within Aspen, but in recognition of the family having owned the subject property for more than 75 years, it is requested that full payment of the required affordable housing mitigation associated with the new residence on the Chalet Lot be deferred until at least one month following the Vacant Lot being sold to a party unassociated with the Vandemoer family. If the Vacant Lot is sold prior to building permit for the new alley residence on the Chalet Lot, then full payment of the applicable mitigation fee will be made at the time of its permit issuance.

Finally, once the negotiated approvals are granted, the historic designation will take immediate and perpetual effect. However, the Applicant does not have the financial wherewithal to immediately develop the new residence at the rear of the Chalet Lot and seeks a reasonable time cushion to be able to realize this plan. Consequently, the Applicant requests a 10-year period of vested property rights with the approvals granted pursuant to this AM application. With this, it is recognized that fees due for mitigation requirements for development on a preexisting parcel or lot created through a Lot Split would be based on the Codes in affect at the time the fee is incurred (i.e., at the time of building permit application), that the vested rights would not protect against newly adopted or amended rules of general applicability (i.e., fire, energy, electrical codes, etc.), and that any duly adopted short-term rental restrictions would apply to the resulting properties.

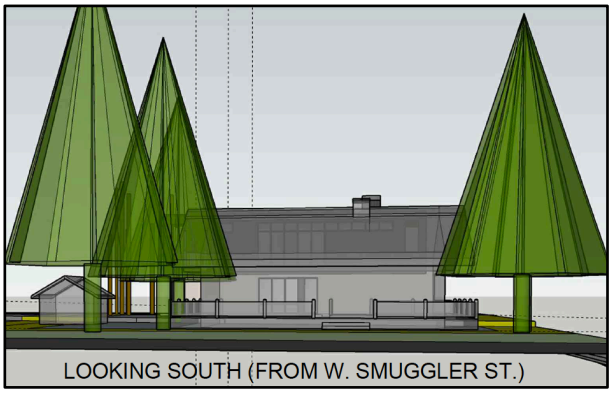
Please refer to the submitted plan sets for details and renderings of the proposed designs. The proposal envisions maintaining the historic buildings intact and without alteration other than the chicken coop's relocation, and there are no plans for development of the vacant lot.

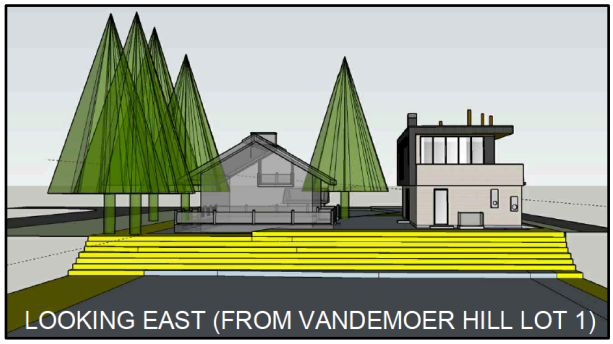


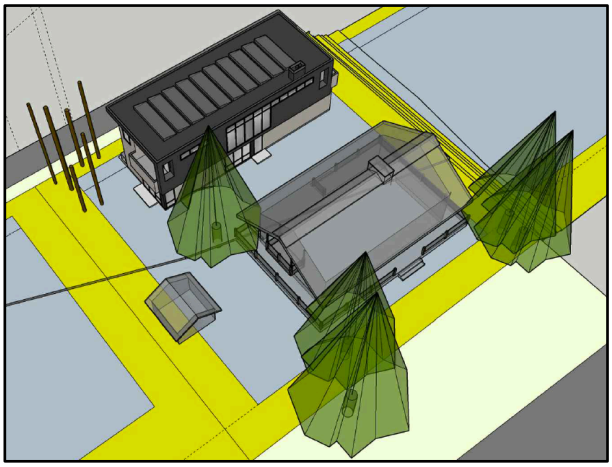
As proposed, the new alley residence will be set some 68-feet back from the front property line on a lot that is only 100′ deep. With its 5-foot rear yard setback, this means the new residence is only a modest 27-feet deep at its largest point from front to back. For sake of comparison, consider that the chalet structure, including roof overhangs, is 35′-8″ deep from front to back. In addition, the historic chalet structure and the new alley residence will be a very generous 23′-10″ apart (wall-to-wall) in a zone district that requires only 5-feet between detached structures. These ample distances, combined with the preservation of the extremely large evergreen trees, ensure that the proposed alley residence's 25-foot maximum height (including rooftop solar panels) will achieve a sympathetic and subservient relationship with the historic assets.

The compact design of the new residence is simply in form, scale, and massing. Combined with the separation distances described above, the simple and clean form of the proposed design serves to ensure that the new structure will not visually compete with or in any way overwhelm the historic resources. It also ensures that the old and new will be clearly and easily differentiated such that nobody will confuse the two.









The layout of the proposal has been very carefully considered to guarantee the design of the new residence is sympathetic and subservient to the historic resource while maintaining the prominence of the chalet and associated trees from West Smuggler and 8th Streets. The chalet's iconic north and east facades, including the second-floor deck facing 8th Street, will forever remain highly visible and unobstructed, especially given the proposed building envelope/setbacks on the Vacant Lot.

Pursuant to Code Section 26.415.025(C)(1), the submittal of this application initiates a negotiation period of up to ninety (90) days, which may be extended an additional thirty days upon resolution adopted by City Council, or longer if mutually acceptable to both Council and the Applicant. The City Council or the Applicant may choose to terminate the negotiations at any time.

The goal of the negotiation period is to reach a ***mutually acceptable agreement*** for the landmark designation of the property. As part of the mutually acceptable agreement, the City Council may, at its sole discretion, approve any land use entitlements or fee waiver permitted by the Municipal Code and may award any approval that is normally assigned to another Board or Commission, including variations. Inherent in this negotiation process is a clear recognition by the City that incentives and benefits beyond the typical scope of the Land Use Code must be offered and conferred upon many property owners who would otherwise forego landmark designation in favor of demolition and replacement absent the restrictions and processes that come with such designation.

Council's charge includes seeking compatibility with the neighborhood surrounding the subject property and weighing the benefits considering whether the property is identified as a "good, better, or best" example of Aspen's 20th century history. It is felt that the proposal is wholly compatible with the surrounding neighborhood. In addition, the requested incentives are fully appropriate and warranted in exchange for guaranteeing the perpetual preservation of a substantial community benefit and valuable community asset by landmark designating Aspen oldest remaining example of a chalet residence and associated outbuilding. These irreplaceable, "best" rated resources have remained under the ownership of the original family who built them, and their historic integrity assessment achieves a perfect score. It is earnestly hoped that demolition and redevelopment will be averted in

favor of the requested benefits and incentives allowing the subject property to be protected and preserved through its addition to the Aspen Inventory of Historic Landmark Sites and Structures.

Review Requirements

This application is submitted pursuant to Sections 26.415.025(c) and 26.415.030(c) of the Aspen Land Use Code (the Code). Given the codified terms and provisions of the AM program, those are the only directly applicable Sections of the Code.

Since the AM program is a negotiated approval process through which preservation benefits and incentives beyond those identified in the Code are available to an applicant, the applicable sections and provisions of the Code take on a flexibility that does not exist with other types of applications.

Direct compliance with the normally or otherwise applicable review criteria of the Code is not necessarily required. Nevertheless, those normally applicable Code Sections include: 26.304, Common Development Review Procedures, including 26.304.060(B)(1), Combined Reviews; 26.410, Residential Design Standards; 26.415.025(C), Identification of Historic Properties; 26.415.030, Designation of Historic Properties; 26.415.070, Development Involving Designated Historic Properties; 26.415.080, Demolition of Historic Properties; 26.415.110, Benefits; 26.470, Growth Management; 26.480, Subdivision; and 26.710.040, Medium-Density Residential (R-6) Zone District.

These Code provisions are addressed in the various portions of Exhibit 4, attached hereto, as well as in the Dimensional Requirements Forms attached as part of Exhibit 1.

Summary

It is the Applicant's desire to see the iconic historic chalet and associated outbuilding at 949 West Smuggler Street preserved in perpetuity via historic landmark designation under the AspenModern program. In exchange for this perpetual preservation guarantee, the Applicant seeks benefits that are warranted, necessary and/or enumerated in the Code as appropriate for designated landmarks. As stated in Code Section 26.415.110,

> *Benefits to encourage good historic preservation practices by owners of historic properties are an important aspect of Aspen's historic preservation program. Historic resources are a valuable community asset and their continued protection is the basic premise supporting the creation of an innovative package of preservation tools that are unlike any other in the country.*

AspenModern was adopted to address, through negotiation of incentives for designation beyond the scope of the codified regulations, the negative impacts that the loss of landmark eligible buildings would have on the health, peace, safety, and general well-being of the residents and visitors of Aspen, and the diminishment of Aspen's unique architectural character, livability, and attractiveness as a destination. The Applicant is offering assurances for the perpetual preservation of Aspen's oldest residential chalet in association with certain

land use entitlements. The proposal outlined herein is fully worthy of City and community support.

With a Code stating that, to be worthy of preservation incentives and to evaluate the equitability of such incentives, an AspenModern property must be rated on a "*good, better or best*" scale with regard to its contribution to and significance in Aspen's 20th century history, it seems more than clear --- and actually obvious --- that **the subject property should be rated as the single "best" of all historic residential chalet properties in Aspen. It is, therefore, felt that the requested incentives are not only reasonable but fully appropriate and warranted in an equitable exchange for providing the substantial community benefits described hereinabove and a valuable community asset by landmark designating a property that embodies the earliest days of Aspen's development as an international ski resort**.

It is hoped that the requested approvals will be granted, and the property will be forever protected through its addition to the Aspen Inventory of Historic Landmark Sites and Structures. If I can be of further assistance in any way, or if you should have any questions, please do not hesitate to contact me. I can be reached at (970) 309-2773 or by email to mitch@hlpaspen.com.

Yours truly,
Haas Land Planning, LLC

Mitch Haas
Owner/President

Exhibits:

- **1:** Land Use Application, Dimensional Requirements, Homeowners Association Compliance, Fee Agreement, and Chalet Historic Integrity Scoring Forms
- **2:** Full Plans Set, including: Existing Lot Split Plat; Improvement Survey; Proposed Subdivision Plat; Grading, Drainage and Underground Piping Plan; Existing and Proposed Site Plans; Site Coverage Diagrams; Existing and Proposed Floor Area Plans and Calculations; Existing and Proposed Floor Plans; Existing and Proposed Elevations; Site Context Photos and Elevations; Proposed Exterior Lighting Plan; and Models/Renderings
- **3:** Pre-Application Conference Summary prepared by Amy Simon
- **4:** Review Requirements/Code Standards and Responses
- **5:** Previous Approvals (Ordinance No. 02-2020, Vandemoer Hill Lot Split Plat, and Notice of Exemption and Authorization to Apply During term of Moratorium)
- **6:** Proof of the Applicant's Ownership and Authority
- **7:** 90-Day Negotiation Understanding Letter from Applicant
- **8:** Vicinity Map

9: Authorization for Haas Land Planning, LLC and 1 Friday Design Collaborative to represent the Applicant;

10: Mailing addresses of record for all property owners located within 300-feet of the subject property

EXHIBIT 1

CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMEN

LAND USE APPLICATION

Project Name and Address: 949 WEST SMUGGLER ASPENMODERN APPLICATION

Parcel ID # (REQUIRED) 2735-122-12-003

APPLICANT:

Name: VANDEMOER FAMILY, INC. (CHRIS VANDEMOER)

Address: PO BOX 668, STERLING, CO 80751

Phone #: (970) 580-5801 email: CVANDEMOER@OUTLOOK.COM

REPRESENTIVATIVE:

Name: MITCH HAAS - HAAS LAND PLANNING, LLC

Address: 420 E. MAIN ST., STE. 220, ASPEN, CO 81611

Phone#: (970) 309-2773 email: MITCH@HLPASPEN.COM

Description: Existing and Proposed Conditions

AspenModern 90-Day Negotiation to subdivide an 18,000sf Lot into two parcels of 10,000 and 8,000sf. The 10,000sf lot would be landmark designated and contain the historic structures as well as a new residence to be built along the alley. The 8,000sf lot would remain vacant and non-historic. Various AspenModern incentives/benefits are proposed and addressed in the application text.

Review: Administrative or Board Review

See application text: (Administrative/HPC/City Council)

Required Land Use Review(s):

See application text: Major Subdivision, Concp'l/Final HPC, GMQS Exemption, Vested Rights

Growth Management Quota System (GMQS) required fields:

Net Leasable square footage N/A **Lodge Pillows** N/A **Free Market dwelling units** 3

Affordable Housing dwelling units N/A **Essential Public Facility square footage** N/A

Have you included the following?

FEES DUE: $ 1,950.00

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

ATTACHMENT 3 - Dimensional Requirements Form

"EXISTING / AS IS" CONDITIONS FOR 18,000 SF LOT

(Item #10 on the submittal requirements key. Not necessary for all projects.)

Project: 949 WEST SMUGGLER STREET ASPENMODERN (Lot 2, Vandemoer Hill Lot Split; Parcel ID No. 2735-122-12-003)
Applicant: Vandemoer Family, Inc., a Colorado company
Project Location: 949 West Smuggler Street, Aspen, Colorado 81611
Zone District: R-6
Lot Size: 18,000 SF
Lot Area: 18,000 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:* NA *Proposed:* NA

Number of residential units: *Existing:* 1 SFR / 1 hab (out) / 1 garage *Proposed:* NA

Proposed % of demolition: Primary SFR (Chalet) -2,652 sf (gross): 0 sf demolition proposed % + Outbuilding (Chicken Coop) 127.5 sf (gross): 0 sf of demolition proposed + Outbuilding (Storage Shed / Non Compliant Garage) 253.75 sf (gross)

DIMENSIONS: (write N/A where no requirement exists in the zone district)

Floor Area:	*Existing:*	2,015.94 sf used (total)	*Allowable:*	4,590 sf total for 2 detached dwellings or one duplex	*Proposed:*	
Height						
Principal Bldg.:	*Existing:*	Chalet: 23'-1" Ridgeline / 24'-4" Chimney (v.i.f.)	*Allowable:*	25' maximum	*Proposed:*	
Accessory Bldg.:	*Existing:*	Coop-9'-9.5" Ridgeline / Shed - 8'-7" RL	*Allowable:*	25' maximum	*Proposed:*	
On-Site parking:	*Existing:*	0	*Required:*	2	*Proposed:*	
% Site coverage:	*Existing:*	8.44%	*Required:*	25% maximum	*Proposed:*	
% Open Space:	*Existing:*	NA	*Required:*	NA	*Proposed:*	
Front Setback:	*Existing:*	13'-10" (v.i.f.) to porch stair	*Required:*	10' minimum	*Proposed:*	
Rear Setback:	*Existing:*	46'-10" chalet /1'-10" coop / 1'-4" storage	*Required:*	10' habitable min. / 5' garage min.	*Proposed:*	
Combined Front/Rear:	*Existing:*	15'-2" (v.i.f.)	*Required:*	NA	*Proposed:*	
Indicate N, S, E, W						
Side Setback:	*Existing:*	(w) Chalet: 17'-3" (w) Coop: 43'-5" (w) Storage: 156'-7"	*Required:*	15' minimum	*Proposed:*	
Side Setback:	*Existing:*	(e) Chalet: 109'-3"/ Coop:125'-3"/ (e) Storage: 3'-1"	*Required:*	15' minimum	*Proposed:*	
Combined Sides:	*Existing:*	20'-4" combined	*Required:*	40' Minimum	*Proposed:*	
Distance between buildings	*Existing:*	33'-7" between Chalet & Coop 101' Coop / Storage	*Required:*	5' minimum	*Proposed:*	

Existing non-conformities or encroachments and note if encroachment licenses have been issued:

Existing Chicken Coop - Rear Yard (s) Encroachment : 1'-10" from Property Line / 10' Required (Habitable) // Existing Outbuilding / Shed East Side Yard Encroachment : 3'-1" from east side yard property line / 15' Required // Existing Outbuilding / Shed South Rear Yard Encroachment: 1'-4" from Rear Yard Property Line / 5' Required. No On Site Parking - 2 required per Existing Conditions / Existing Parking Area Off Smuggler Street (North) / COA ROW - Currently utilized for 949 W Smuggler Parking . It is unknown if any encroachment licenses have been granted at this time for the said existing conditions.

Variations requested (identify the exact variancesneeded): _____

ATTACHMENT 3 - Dimensional Requirements Form

"PROPOSED" CONDITIONS FOR 10,000 SF INTERIOR LOT (PROPOSED PARCEL A)

(Item #10 on the submittal requirements key. Not necessary for all projects.)

Project: 949 WEST SMUGGLER STREET ASPENMODERN (Lot 2, Vandemoer Hill Lot Split; Parcel ID No. 2735-122-12-003)
Applicant: Vandemoer Family, Inc., a Colorado company
Project Location: 949 West Smuggler Street, Aspen, Colorado 81611
Zone District: R-6
Lot Size: 10,000 SF
Lot Area: 10,000 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:* NA *Proposed:* NA

Number of residential units: *Existing:* 1 SFR / 1 hab (outbuilding) *Proposed:* 2 Detached SFR Dwellings (1 dedicated garage each residence/ 1 Outbuilding

Proposed % of demolition: Primary SFR (Chalet) -2,652 sf (gross): 0 sf demolition proposed ____% + Outbuilding (Chicken Coop) 127.5 sf (gross): 0 sf of demolition proposed + Outbuilding (Storage Shed / Non Compliant Garage) 253.75 sf (gross) 100% demolition proposed

3,033.25 sf ft total / 253.75 sq ft demo proposed = 8.37% demolition proposed

DIMENSIONS: (write N/A where no requirement exists in the zone district)

Floor Area:	*Existing:* 2,015.94 sf used (total)	*Allowable:* 4,140 sf total for 2 detached dwellings or one duplex	*Proposed:* 2,015.94 sf FA - existing + 2,108.39 sf FA - new /proposed = 4,124.33 sf FA proposed site total	
Height				
Principal Bldg.:	*Existing:* Chalet: 23'-1" Ridgeline / 24'-4" Chimney (v.i.f.)	*Allowable:* 25' maximum	*Proposed:* Chalet: 23'-1" Ridgeline / 24'-4" Chimney (v.i.f.) "as existing" Alley Res: (PROPOSED) 23'-11" Flat-roof / 24'-10" Solar Panels / 26'-7.75" Chimney	
Accessory Bldg.:	*Existing:* Coop-9'-9.5" Ridgeline / Shed - 8'-7" RL	*Allowable:* 25' maximum	*Proposed:* Coop: 9'-9.5" Ridgeline / 11'-9" Weather Vein (v.i.f.) "as existing"	
On-Site parking:	*Existing:* 0	*Required:* 2 per residence	*Proposed:* 2 On site Parking Spaces proposed / Requested use of Existing COA ROW Smuggler Parking	
% Site coverage:	*Existing:* 12.45%	*Required:* 37.33% maximum	*Proposed:* 1,137.40 Chalet + 127.75 Coop + 1,266.87 Alley = 2,532.02 sf, therefore: 25.32% site coverage	
% Open Space:	*Existing:* NA	*Required:* NA	*Proposed:* NA	
Front Setback:	*Existing:* 13'-10" (v.i.f.) to porch stair	*Required:* 10' minimum	*Proposed:* 13'-10" (v.i.f.) for Existing Chalet / 35'-6" proposed for Existing Coop/ 68' proposed for alley residence	
Rear Setback:	*Existing:* 46'-10" chalet /1'-10" coop / 1'-4" storage	*Required:* 10' habitable min. / 5' garage min.	*Proposed:* 46'-10" for Existing Chalet (hab) / 53' for Existing Coop (hab) 5'-4" for Proposed Garage (above grade + habitable below grade / deck above garage) / 10'-3" proposed alley habitable above grade	
Combined Front/Rear:	*Existing:* 15'-2" (v.i.f.)	*Required:* NA	*Proposed:* NA	
Indicate N, S, E, W				
Side Setback:	*Existing:* (w) Chalet: 17'-3" (w) Coop: 43'-5" (w) Storage: 156'-7"	*Required:* 10' minimum	*Proposed:* (w) Chalet (EX): 17'-3" (w) Coop (EX/ relocated): 83'-9" (w) Alley Res (PR): 10'-4" (lightwell) / 13'-4" Structure	
Side Setback:	*Existing:* (e) Chalet: 109'-3"/ Coop:125'-3"/ (e) Storage: 3'-1"	*Required:* 10' minimum	*Proposed:* (e) Chalet (EX): 29'-1" (3) Coop (EX / relocated): 5' building / 3'-5" roof overhang (e) Alley Res (PR) : 23'-3"	
Combined Sides:	*Existing:* 20'-4" combined	*Required:* NA - 2 detached > 10' seperation	*Proposed:* NA - 2 detached : > 10' separation	
Distance between buildings	*Existing:* 33'-7" between Chalet & Coop 101' Coop / Storage	*Required:* 5' minimum	*Proposed:* 19' Between Chalet & Alley Res 12'-1" Between Chalet & Coop	

Existing non-conformities or encroachments and note if encroachment licenses have been issued:

Existing Chicken Coop - Rear Yard (s) Encroachment : 1'-10" from Property Line / 10' Required (Habitable) // Existing Outbuilding / Shed East Side Yard Encroachment : 3'-1" from east side yard property line / 15' Required // Existing Outbuilding / Shed South Rear Yard Encroachment: 1'-4" from Rear Yard Property Line / 5' Required. No On Site Parking - 2 required per Existing Conditions / Existing Parking Area Off Smuggler Street (North) / COA ROW - Currently utilized for 949 W Smuggler Parking . It is unknown if any encroachment licenses have been granted at this time for the said existing conditions.
Existing fencing encroaches into W. Smuggler St ROW

Variations requested (identify the exact variancesneeded): _____

5' - East Side Yard Variation requested: Chicken Coop - Proposed Coop Structure 5' from property line (habitable structure) with 16" roof overhang
5' - Rear Yard variation requested for : Proposed mechanical area (habitable) below garage footprint / Lightwell that exceeds minimum size in rear yard setback / Usable deck "air space" above conforming garage massing. NOTE: all massing and scale conditions for proposed alley residence are in compliance above grade.
Maintain W. Smuggler Street fencing encroachment into ROW and parking areas that have been used since the 1940s.

ATTACHMENT 3 - Dimensional Requirements Form

"PROPOSED" CONDITIONS FOR 8,000 SF CORNER LOT (PROPOSED PARCEL B)

(Item #10 on the submittal requirements key. Not necessary for all projects.)

Project: 949 WEST SMUGGLER STREET ASPENMODERN (Lot 2, Vandemoer Hill Lot Split; Parcel ID No. 2735-122-12-003)
Applicant: Vandemoer Family, Inc., a Colorado company
Project Location: 949 West Smuggler Street, Aspen, Colorado 81611
Zone District: R-6
Lot Size: 8,000 SF
Lot Area: 8,000 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:* NA *Proposed:* NA

Number of residential units: *Existing:* NA *Proposed:* NA But no more than 1 unit of denisity

Proposed % of demolition: 100 %

Outbuilding (Storage Shed / Non Compliant Garage) 253.75 sf (gross)- assumes complete demolition

DIMENSIONS: (write N/A where no requirement exists in the zone district)

Floor Area:	*Existing:*	N/A (assumes shed demolition)	*Allowable:*	would be 3.520 sf	*Proposed:*	3,240 sf, plus 1 TDR	
Height							
Principal Bldg.:	*Existing:*	NA	*Allowable:*	25' maximum	*Proposed:*	No change per R-6 zoning	
Accessory Bldg.:	*Existing:*	N/A (assumes shed demolition)	*Allowable:*	25' maximum	*Proposed:*	No change per R-6 zoning	
On-Site parking:	*Existing:*	0	*Required:*	2 per residence	*Proposed:*	No change per R-6 zoning	
% Site coverage:	*Existing:*	N/A (assumes shed demolition)	*Required:*	43.33% maximum	*Proposed:*	No change per R-6 zoning	
% Open Space:	*Existing:*	NA	*Required:*	NA	*Proposed:*	NA	
Front Setback:	*Existing:*	N/A (assumes shed demolition)	*Required:*	10' minimum	*Proposed:*	30' (ABOVE GRADE) minimum proposed - variation for 20' ADDITION requested	
Rear Setback:	*Existing:*	N/A (assumes shed demolition)	*Required:*	10' principal min. / 5' accessory min.	*Proposed:*	No change per R-6 zoning	
Combined Front/Rear:	*Existing:*	NA	*Required:*	NA	*Proposed:*	NA	
Indicate N, S, E, W							
Side Setback:	*Existing:*	(w) N/A (assumes shed demolition)	*Required:*	5' minimum	*Proposed:*	(w) 10' proposed	
Side Setback:	*Existing:*	(e)N/A (assumes shed demolition)	*Required:*	5' minimum	*Proposed:*	(e) N/A 5' proposed	
Combined Sides:	*Existing:*	N/A (assumes shed demolition)	*Required:*	25' Minimum	*Proposed:*	15' proposed / 10' variation requested	
Distance between buildings	*Existing:*	N/A (assumes shed demolition)	*Required:*	5' minimum	*Proposed:*	NA	

Existing non-conformities or encroachments and note if encroachment licenses have been issued:

It is unknown if any encroachment licenses have been granted at this time for the said existing conditions.

Existing Storage Shed structure is non-conforming relative to east side yard and rear yard setback requirements, it encroaches upon a 5-foot public utility easement, and its roof overhangs encroach into the alley right-of-way

Variations requested (identify the exact variancesneeded):

VARIATIONS REQUESTED:
REDUCE Allowable FAR by 280SF in exchange for one TDR worth 250SF

INCREASE of Front Yard Setback Requirement (For above-grade structures only) from 10-feet to 30-feet
REDUCE Minimum Combined Side Yard Setbacks from 25-feet to 15-feet (10-foot variation)

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 that 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: CHRIS VANDEMOER OF VANDEMOER FAMILY, INC.	
	Email: CVANDEMOER@OUTLOO	Phone No.: (970) 580-5801
Address of Property: (subject of application)	949 WEST SMUGGLER STREET, ASPEN, CO	

I certify as follows: (pick one)

- [x] This property is not subject to a homeowner association or other form of private covenant.
- [ ] This property is subject to a homeowner 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: 2/8/22

Owner printed name: CHRIS VANDEMOER

or,

Attorney signature: _____ Date: _____

Attorney printed name: _____

CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

Agreement to Pay Application Fees

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

Address of Property: 949 WEST SMUGGLER STREET **Please type or print in all caps**

Property Owner Name: VANDEMOER FAMILY, INC. Representative Name (if different from Property Owner): CHRIS VANDEMOER

Billing Name and Address - Send Bills to:

VANDEMOER FAMILY, INC., C/O CHRIS VANDEMOER, PO BOX 668, STERLING, CO 80751

Contact info for billing: e-mail: CVANDEMOER@OUTLOOK.COM Phone: (970) 580-5801

I understand that the City has adopted, via Ordinance No. 20, Series of 2020, 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, 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 sent 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 non-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 processing my application at the hourly rates hereinafter stated.

$1,950.00 deposit for SIX (6) 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: _____

Phillip Supino, AICP
Community Development Director

City Use:
Fees Due: $_____Received $_____
Case #_____

Signature: _____

PRINT Name: CHRIS VANDEMOER

Title: OWNER

Character Defining Features of the Chalet Style

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

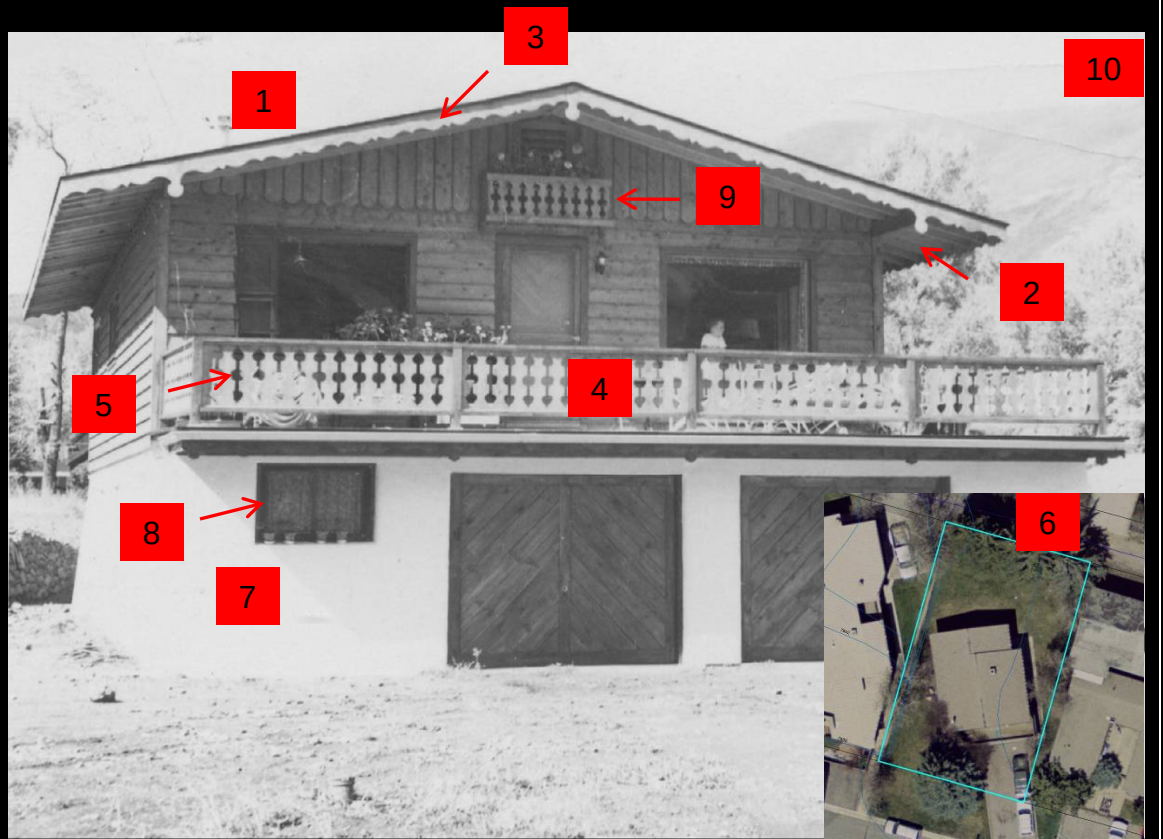
1) A large singular roof form, generally low in slope, with the ridge running along the short dimension of the structure covers the entire structure without interruption, the eave of the roof usually comes down to a low plate height at the upper level — X

2) Deep overhangs with the structure of the roof expressed on the underside — X

3) Eaves and rakes decorated with cutouts and fretwork bargeboards — X

4) Continuous porch or balcony running at least the length of the primary side — X

5) Decorative elements, usually two dimensional, such as balustrades with cut out shapes, generally hearts, edelweiss, snowflakes or other decorative themes from nature — X



6) Rectangular footprint sometimes oriented towards mountains — X

7) Stucco ground floor, may have battered walls, openings are minimal, with wood lintels

8) Windows are generally sliders or casements, horizontally proportioned and used sparingly — X

9) Decorative shutters or flowerboxes — X

10) Colors are restricted to the white of the stucco base, the dark brown of the wood walls, eaves, balustrades, etc., bright colors are used sparingly to accent eaves and balustrades and other decorative elements, murals and painted decorative details are sometimes found on the stucco surface — X

A building must have 6 of the 10 character defining features, either present or clearly documented through photographic of physical evidence to qualify as Chalet 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.

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: **10**

Character Defining Features Score (first page) maximum of 10 points: **9**

HISTORIC ASSESSMENT SCORE: **19**



EXHIBIT 2

"949 smuggler"

CHALET DESIGNATION / ALLEY RESIDENCE PROPOSAL :: ASPEN MODERN HISTORIC PRESERVATION

949 west smuggler | city of aspen :: colorado

H P C design review committee application package :: february 28th, 2022

derek m skalko

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

LAND PLANNING
Haas Land Planning LLC
240 East Main Street, Suite 220
Aspen, CO 81611
T: 970.925.7819
E: mitch@hlpaspen.com
Contact: Mitch Haas, Principal

PROJECT DESIGNER / CITY OF ASPEN REPRESENTATIVE
1 Friday Design
PO BOX 7928
Aspen, Colorado 81612
T: 970.309.0695
www.1friday.com
Contact: Derek Skalko, Principal

LAND SURVEY ENGINEER
Sopris Engineering Inc.
502 Main Street, Suite A-3
Carbondale, CO 81623
T: 970.704.0311
www.soprisengineering.com

CIVIL ENGINEER
Boundaries Unlimited Inc.
923 Cooper Avenue, Suite 201
Glenwood Springs, CO 81601
T: 970.945.5252
www.bu-inc.com

FOR CITY OF ASPEN USE

ISSUANCE	DATE

01 HPC- ASPEN MODERN
NEGOTIATION
COA - 949 W SMUGGLER

SCALE

PROJECT # 949 SMUG

DRAWING TITLE:
COVER PAGE

DRAWING NO:
"949-HOUSE" 949-COVER

ISSUANCE DATE:
FEB 2022

c 1 FRIDAY DESIGN, LLC 2022

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949 West Smuggler . Aspen . Colorado . 81611 :: " 949 "

Cover Letter/ Application Information Submission - Haas Land Planning C/O Mitch Haas / Architectural - 1 Friday Design C/O Derek Skalko

Easement / Agreements / Misc.	**TBD**

949 West Smuggler Application Architectural Related Drawings / Documents Package : Pages Index

949-COVER : 949 West Smuggler . Aspen . Colorado :: Aspen Modern Historic Preservation Application

949-INDEX : 949 West Smuggler Pages Reference , Conceptual Locate + Site Imaging / Context + Preliminary Legal Lot Descriptions (Existing & Proposed)

Survey + Civil Related Drawings / Documents	**Sopris Engineering Inc. - Surveyor // Boundaries Unlimited Inc. - Civil Engineer**

Final Recorded Plat - Vandemoer Hill Lot Split , Book 129, Page 11 - (1/30" Engineering Scale)

Stamped Improvement Survey Plat with 1' Topographic Representation - Lot 2, Vandemoer Hill Lot Split - (1/10" Engineering Scale)

Proposed Draft of Final Subdivision Plat - Vandemoer Lot 2 Subdivision - (1/ 20" Engineering Scale)

C.1 : 949 West Smuggler Grading, Drainage & Underground Piping Preliminary Planning Information & Specification (1/10" Engineering Scale)

Architectural Related Drawings / Documents	**1 Friday Design**

949-1.A : Lot 2 Vandemoer Hill Lot Split Existing (18,000 sf ft) & Proposed Vandemoer Lot 2 Subdivision (10,000 / 8,000 sq ft) Lot Site Plans + Existing 18,000 sq ft Floor Area Calculations - (1/16" Arch)

949-1.B : Existing Lot 2 Vandemoer Hill Lot Split with House + Outbuildings / Utilities Located / Site represented @ 1' Topographical Contour Intervals / - (1/10" Architectural)

949-1.C : Proposed Vandemoer Lot 2 Subdivision with House + Outbuildings (Existing & Proposed) / Utilities Located / Site represented @ 1' Topographical Contour Intervals / - (1/10" Architectural)

ZN-003 : Lot 2 Vandemoer Hill Lot Split Existing (18,000 sf ft) & Proposed Vandemoer Lot 2 Subdivision (10,000 / 8,000 sq ft) Lot Site Coverage Diagrammatic Plans & Calculations - (1/16" Arch)

ZN-004 : Existing Lower Lvl. (and Subgrade Wall Exposure Diagrams) + Existing Main Lvl. Floor Plans: Chalet Residence & Chicken Coop Outbuilding Diagrammatic Plans + Floor Area Calculations - (1/8" Arch)

ZN-005 : Existing Upper Lvl. Floor Plan: Chalet Residence & Roof Plans : Chalet Residence + Chicken Coop Outbuilding : Diagrammatic Plans + Floor Area Calculations - (1/8" Arch)

ZN-006 : Proposed Lower Lvl. (& Subgrade Wall Exposure Diagrams) Floor Plans: Chalet Residence : Diagrammatic Plans + Floor Area Calculations - (1/8" Arch)

ZN-007 : Proposed Lower Lvl. (& Subgrade Wall Exposure Diagrams) Floor Plans: Chalet Residence : Diagrammatic Plans + Floor Area Calculations - (1/8" Arch)

949-2 : Existing Lower Level (and Subgrade Wall Exposure Diagrams) + Existing Main Level Floor Plans: Chalet Residence - (3/16" Architectural)

949-3 : Existing Upper Level + Roof Plan : Chalet Residence // Existing Main Level Floor Plan + Roof Plan : Chicken Coop (Outbuilding) - (3/16" Architectural)

949-4 : Existing Elevations : Chalet Residence + Chicken Coop (Outbuilding) - (3/16" Architectural)

949-5 : Proposed Lower, Main & Upper Floor Plans / Roof Plan - Detached Alley Residence (3/16" Architectural)

949-6 : Proposed 949 W Smuggler North Elevation (Site Context-Street) & Proposed North Alley Residence Elevation with Materials Callouts / Schedules (3/16" Architectural)

949-7 : Proposed East & West Alley Residence Elevations + Site Existing / Proposed Relationship Context Elevations with Materials Callouts / Schedules (3/16" Architectural)

949-8 : Proposed South (Alley) Elevation - Alley Residence with Materials Callouts / Schedules (3/16" Architectural) / Materials Graphic Examples Description Provided

949-9 : Proposed Alley residence Exterior Lighting Plans & Callouts - Fixture Cut Sheets Provided (3/16" Architectural)

949-10 : Proposed Massing Models & Scale Perspectives - Alley Residence Site Concept - 10,000 sf lot (No Associative Scale)

949-11 : Proposed Massing Models & Scale Perspectives - Alley Residence Site Concept - 10,000 sf lot (No Associative Scale)

1 TBD INDEX + SHEET DESCRIPTION: 949 SMUGGLER

SCALE : N/A

PROPERTY DESCRIPTION LOT 2 – VANDEMOER HILL LOT SPLIT

A PARCEL OF LAND PREVIOUSLY DESCRIBED AS LOTS D, E, F, G, H AND I, CITY AND TOWNSITE OF ASPEN, AS DESCRIBED ON THE OFFICIAL MAP OF THE CITY OF ASPEN APPROVED BY THE CITY ENGINEER G.E. BUCHANAN DATED DECEMBER 15 1958, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTH EAST PROPERTY CORNER OF SAID BLOCK 3, WHENCE THE CITY OF ASPEN GPS-20 MONUMENT BEARS **S 40° 02' 59' E 460.91'** FEET (WITH ALL BEARINGS HEREIN RELATIVE TO A BEARING OF **S 74° 14' 15" E** BETWEEN CITY OF ASPEN GPS MONUMENT 20 AND CITY OF ASPEN GPS MONUMENT 9),

thence **S 15°45'58" W** a distance of **100.00** FEET;
thence **N 74°14'02" W** a distance of **180.00** FEET;
thence **N 15°45'58" E** a distance of **100.00** FEET;
thence **S 74°14'02" E** a distance of **180.00** FEET;

to THE POINT OF BEGINNING. SAID PARCEL OF LAND containing **18000.00** square feet or **0.413** acres.

PROPERTY DESCRIPTION PARCEL A – VANDEMOER LOT 2 SUBDIVISION

A PARCEL OF LAND PREVIOUSLY DESCRIBED AS PORTIONS LOTS D, E, F, AND G, CITY AND TOWNSITE OF ASPEN, AS DESCRIBED ON THE OFFICIAL MAP OF THE CITY OF ASPEN APPROVED BY THE CITY ENGINEER G.E. BUCHANAN DATED DECEMBER 15 1958, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTH EAST PROPERTY CORNER OF LOT 2, VANDEMOER HILL LOT SPLIT, AS DESCRIBED IN PLAT BOOK 129 AT PAGE 11 RECEPTION NUMBER 670572 OF PITKIN COUNTY RECORD, WHENCE THE CITY OF ASPEN GPS-20 MONUMENT BEARS **S 40° 02' 59' E 460.91'** (WITH ALL BEARINGS HEREIN RELATIVE TO A BEARING OF **S 74° 14' 15" E** BETWEEN CITY OF ASPEN GPS MONUMENT 20 AND CITY OF ASPEN GPS MONUMENT 9) THENCE N 74° 14" 02" W 80 FEET ALONG THE NORTHERLY PROPERTY LINE OF SAID LOT 2 TO THE TRUE POINT OF BEGINNING,

thence **S 15°45'58" W** a distance of **100.00** FEET;
thence **N 74°14'02" W** a distance of **100.00** FEET;
thence **N 15°45'58" E** a distance of **100.00** FEET ALONG THE EAST PROPERTY LINE OF LOT 1 VANDEMOER HILL LOT SPLIT AS DESCRIBED IN BOOK 129 PAGE 11 OF RECEPTION NUMBER 670572 OF PITKIN COUNTY RECORDS;
thence LEAVING SAID PROPERTY LINE **S 74°14'02" E** a distance of **100.00** FEET; to THE POINT OF BEGINNING. SAID PARCEL OF LAND containing **10000.00** square feet or **0.230** acres.

PROPERTY DESCRIPTION PARCEL B – VANDEMOER HILL SUBDIVISION

A PARCEL OF LAND PREVIOUSLY DESCRIBED AS PORTIONS OF LOTS G, H, AND I CITY AND TOWNSITE OF ASPEN, AS DESCRIBED ON THE OFFICIAL MAP OF THE CITY OF ASPEN APPROVED BY THE CITY ENGINEER G.E. BUCHANAN DATED DECEMBER 15, 1958, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTH EAST PROPERTY CORNER OF LOT 2, VANDEMOER HILL LOT SPLIT, AS DESCRIBED IN BOOK 129 AT PAGE 11 RECEPTION NUMBER 670572 OF PITKIN COUNTY RECORDS, WHENCE THE CITY OF ASPEN GPS-20 MONUMENT BEARS **S 40° 02' 59' E 460.91'** FEET (WITH ALL BEARINGS HEREIN RELATIVE TO A BEARING OF **S 74° 14' 15" E** BETWEEN CITY OF ASPEN GPS MONUMENT 20 AND CITY OF ASPEN GPS MONUMENT 9),

thence **S 15°45'58" W** a distance of **100.00** FEET;
thence **N 74°14'02" W** a distance of 80.**00** FEET;
thence **N 15°45'58" E** a distance of **100.00** FEET;
thence **S 74°14'02" E** a distance of **100.00** FEET; to THE POINT OF BEGINNING. SAID PARCEL OF LAND containing **8000.00** square feet or **0.184** acres.

2 TBD LEGAL PROPOSED PROPERTY DESCRIPTIONS (DRAFT): 949 SMUGGLER

SCALE : N/A







949 WEST SMUGGLER SITE CONTEXT IMAGES: TAKEN FROM WEST SMUGGLER STREET / POWER PLANT ROAD

3 TBD SITE IMAGES + CONTEXT : 949 SMUGGLER

SCALE : N/A

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

LAND PLANNING
Haas Land Planning LLC
240 East Main Street, Suite 220
Aspen, CO 81611
T: 970.925.7819
E: mitch@hlpaspen.com
Contact: Mitch Haas, Principal

PROJECT DESIGNER / CITY OF ASPEN REPRESENTATIVE
1 Friday Design
PO BOX 7928
Aspen, Colorado 81612
T: 970.309.0695
www.1friday.com
Contact: Derek Skalko, Principal

LAND SURVEY ENGINEER
Sopris Engineering Inc.
502 Main Street, Suite A-3
Carbondale, CO 81623
T: 970.704.0311
www.soprisengineering.com

CIVIL ENGINEER
Boundaries Unlimited Inc.
923 Cooper Avenue, Suite 201
Glenwood Springs, CO 81601
T: 970.945.5252
www.bu-inc.com

FOR CITY OF ASPEN USE

ISSUANCE DATE

01 HPC- ASPEN MODERN
NEGOTIATION
COA - 949 W SMUGGLER
SCALE
PROJECT # 949 SMUG
DRAWING TITLE:

949 INDEX, SITE CONTEXT, DESCRIPTIONS

DRAWING NO:

"949-HOUSE" 949-INDEX

ISSUANCE DATE:
FEB 2022

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c 1 FRIDAY DESIGN, LLC 2022

B129 P11

FINAL PLAT OF:

VANDEMOER HILL LOT SPLIT

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

PURPOSE STATEMENT

TO SUBDIVIDE THESE LANDS INTO LOT 1 AND LOT 2;
VANDEMOER HILL LOT SPLIT

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED BEING THE OWNER IN FEE SIMPLE OF CERTAIN LANDS IN THE CITY AND TOWNSITE OF ASPEN, PITKIN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

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

PARCEL 2 - THAT CERTAIN PARCEL OF LAND DESCRIBED IN QUIT CLAIM DEED DATED APRIL 20, 1959, AND RECORDED JUNE 2, 1959 AS RECEPTION NO. 108073 IN BOOK 187 AT PAGE 389 OF THE RECORDS OF PITKIN COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (FROM RECEPTION 108073): THAT PORTION OF THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, 6TH P.M., DESCRIBED IN QUIT CLAIM DEED DATED JULY 14, 1949 AND RECORDED AS RECEPTION 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 PARCEL OF LAND DESCRIBED IN SAID QUIT CLAIM DEED RECORDED AT RECEPTION NO. 96608;

DOES HEREBY PLAT THIS REAL PROPERTY UNDER THE NAME AND STYLE OF THE FINAL PLAT OF: VANDEMOER HILL LOT SPLIT, CITY OF ASPEN, PITKIN COUNTY, COLORADO; DIVIDE THE REAL PROPERTY INTO LOTS 1 AND 2 AS SHOWN HEREON; DEDICATE THE RIGHTS-OF-WAY AS SHOWN HEREON TO THE CITY OF ASPEN FOR NON-EXCLUSIVE PUBLIC USE; AND DEDICATES EASEMENTS TO THE CITY OF ASPEN AS SHOWN HEREON FOR THE USES AND PURPOSES MORE FULLY DESCRIBED IN THE EASEMENT AGREEMENT RECORDED AT RECEPTION NO. 670573 OF THE PITKIN COUNTY RECORDS.

EXECUTED THIS 8 DAY OF Oct, 2020.

949 WEST SMUGGLER STREET LLC,
A COLORADO LIMITED LIABILITY COMPANY

BY: _____
PRINT NAME: CRAIG VANDEMOER
TITLE:MANAGER

STATE OF COLORADO)
)SS
COUNTY OF Jefferson)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8TH DAY OF Oct, 2020, BY CRAIG VANDEMOER AS MANAGERS OF 949 WEST SMUGGLER STREET LLC,.

MY COMMISSION EXPIRES: 04/4/2021
WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC

KILA SAVASCIOS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174013467
MY COMMISSION EXPIRES 04/7/2021

BY: _____
PRINT NAME: GEOFFREY HILL
TITLE:MANAGER

STATE OF Florida)
)SS
COUNTY OF Seminole)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12 DAY OF October, 2020, BY GEOFFERY HILL AS MANAGERS OF 949 WEST SMUGGLER STREET LLC,.

MY COMMISSION EXPIRES: 1-30-2023
WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC

Notary Public State of Florida
Heather M. Osborne
My Commission GG 291101
Expires 1/30/2023

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 14 DAY OF July, 2020, BY ORDINANCE NO. 002, SERIES 2020, RECORDED ON THE 15 IN THE OFFICE OF THE CLERK AND RECORDER OF PITKIN COUNTY IN BOOK 11 PAGE 44 AS RECEPTION NO. 666991.

MAYOR, CITY OF ASPEN _____
DATE 10-3-20
ATTEST: Wes Graham for Nicole Henning
CITY CLERK WSG.

CITY OF ASPEN ACCEPTANCE OF RIGHTS-OF-WAY

THE UNDERSIGNED, A DULY AUTHORIZED REPRESENTATIVE OF THE CITY OF ASPEN, DOES HEREBY ACCEPT THE NON-EXCLUSIVE PUBLIC RIGHTS-OF-WAY AS SHOWN AND MORE PARTICULARLY DESCRIBED HEREON.

MAYOR, CITY OF ASPEN _____
DATE 10-3-20
ATTEST: Wes Graham for Nicole Henning
CITY CLERK WSG.

COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE

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 , 2020. 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 PROVISION OF APPLICABLE LAW INCLUDING BUT NOT LIMITED TO OTHER APPLICABLE LAND USE REGULATIONS OR BUILDING CODES, SUCH OTHER DEVELOPMENT ORDERS OR APPLICABLE BUILDING CODE SHALL CONTROL.

_____
COMMUNITY DEVELOPMENT DIRECTOR

CITY ENGINEER'S REVIEW

THIS PLAT WAS REVIEWED FOR THE DEPICTION OF THE ENGINEERING DEPARTMENT SURVEY REQUIREMENTS THIS 21ST DAY OF October, 2020.

_____
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 HEREON HOLD FEE SIMPLE TITLE TO THE PROPERTY FREE AND CLEAR OF LEINS, TAXES, AND ENCUMBRANCES EXCEPT FOR THE MATTERS OF RECORD LISTED ON THE TITLE COMMITMENT ISSUED BY LAND TITLE GUARANTEE COMPANY UNDER FILE NO. Q64002750-2, COMMITMENT DATE ~~OCTOBER 29, 2019~~ 9/28/2020 ALTHOUGH WE BELIEVE THE FACTS STATED ARE TRUE, THIS CERTIFICATE IS NOT TO BE CONSTRUED 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.

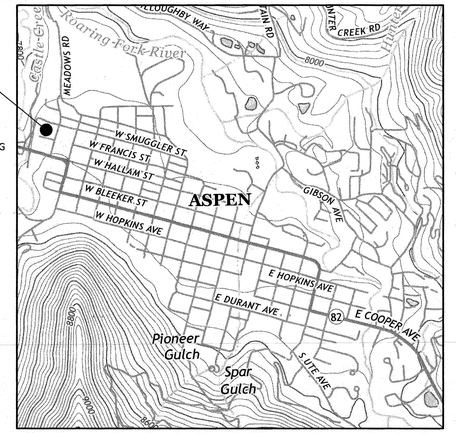
BY: _____
TITLE: Title Officer

STATE OF COLORADO)
) SS
COUNTY OF ~~PITKIN~~ Eagle)
THE TITLE CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 22ND DAY OF October, 2020, BY AS THE TITLE OFFICER OF LAND TITLE GUARANTEE COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL

_____

SITE



CITY OF ASPEN
VICINITY MAP

PROPERTY DESCRIPTION BEFORE LOT SPLIT
(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 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 TOWNSITE 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 PFISTER BY QUIT CLAIM DEED DATED JULY 14, 1949.

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 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 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, OCTOBER 2020.

2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER-NOVEMBER 2019, JUNE-OCTOBER, 2020.

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, 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. Q62002750-2 EFFECTIVE DATE SEPTEMBER 20, 2019.

6) SETBACKS FOR LOTS 1 ARE DEPICTED AS "BUILDING ENVELOPE". PURSUANT TO ORDINANCE NO. 002, SERIES OF 2020, THERE SHALL BE NO "COMBINED" SIDE YARD SETBACK REQUIREMENT.

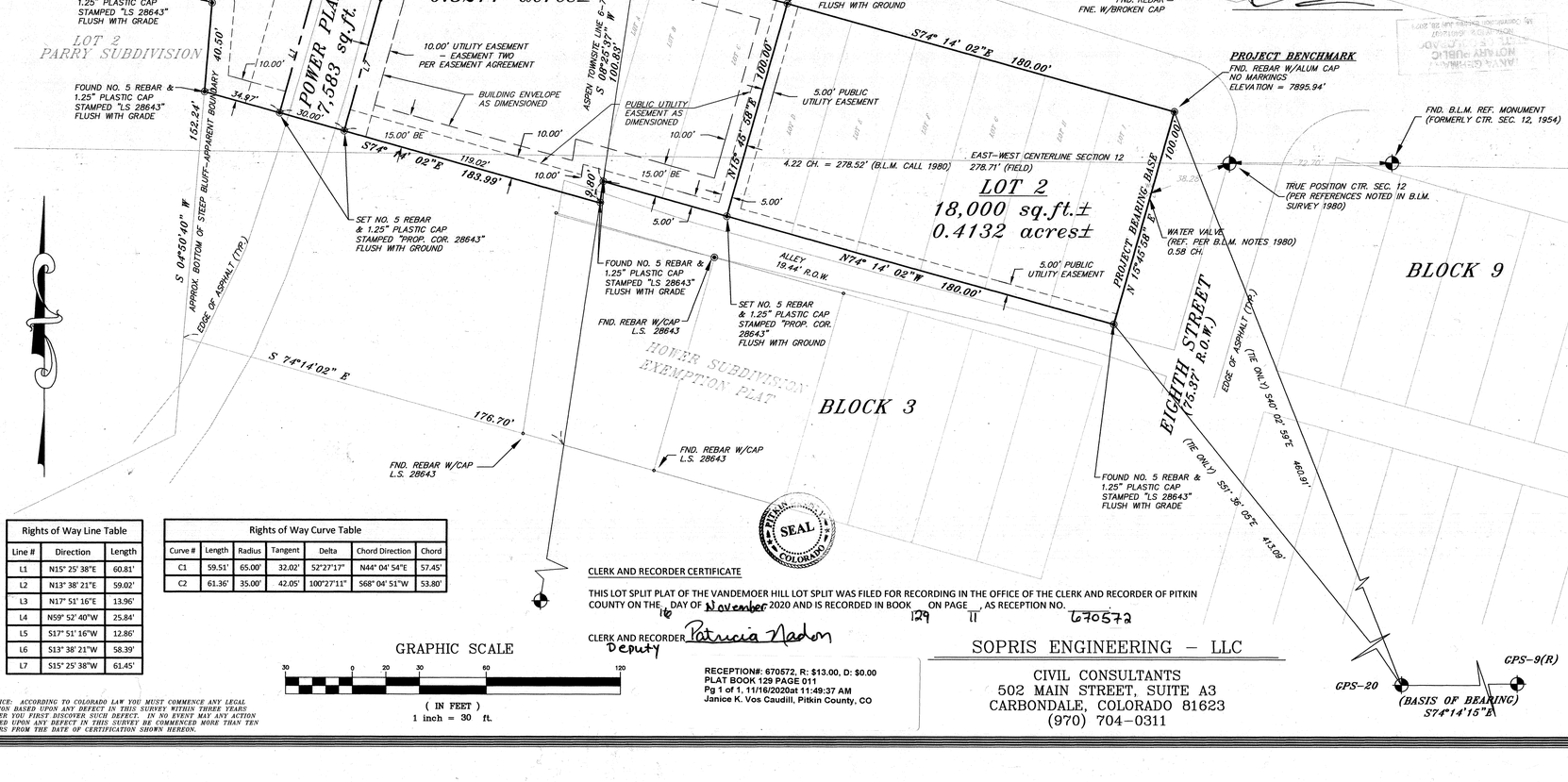
7) DEVELOPMENT RESTRICTIONS PROHIBITS DEVELOPMENT ON OF ALL LANDS WEST OF POWER PLANT ROAD RIGHTS-OF-WAY PER CITY OF ASPEN ORDINANCE NO. 002 SERIES OF 2020. THE SAID RIGHTS-OF-WAY DEDICATION DOES NOT FURTHER SUBDIVIDE LOT 1.

8) UPON DEVELOPMENT, LOT 1 SHALL INSTALL A SIDEWALK ALONG SMUGGLER STREET, WITHIN THE PUBLIC RIGHT-OF-WAY EAST OF THE TOWNSITE BOUNDARY. UPON DEVELOPMENT OR SUBSTANTIAL REDEVELOPMENT, LOT 2 SHALL INSTALL SIDEWALKS ALONG SMUGGLER STREET AND EIGHTH STREET, WITHIN THE PUBLIC RIGHTS-OF-WAY. SIDEWALK LOCATION, DIMENSIONS AND SPECIFICATIONS SHALL BE ACCORDING TO THE CITY OF ASPEN ENGINEERING DEPARTMENT.

PLAT 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 PLAIN, ROADS, TRAILS, VISIBLE UTILITIES, FENCES, HEDGES, OR WALLS SITUATED ON THE DESCRIBED PARCEL 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 BELOW, OR OTHER SOURCES AS SPECIFIED ON THIS IMPROVEMENT SURVEY PLAT.

_____
MARK S. BECKLER LS. 28643



Rights of Way Line Table		
Line #	Direction	Length
L1	N15° 25' 38"E	60.81'
L2	N13° 38' 21"E	59.02'
L3	N17° 51' 16"E	13.96'
L4	N59° 52' 40"W	25.84'
L5	S17° 51' 16"W	12.86'
L6	S13° 38' 21"W	58.39'
L7	S15° 25' 38"W	61.45'

Rights of Way Curve Table						
Curve #	Length	Radius	Tangent	Delta	Chord Direction	Chord
C1	59.51'	65.00'	32.02'	52°27'17"	N44° 04' 54"E	57.45'
C2	61.36'	35.00'	42.05'	100°27'11"	S68° 04' 51"W	53.80'

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 16 DAY OF November 2020 AND IS RECORDED IN BOOK 129 ON PAGE 11, AS RECEPTION NO. 670572

CLERK AND RECORDER Patricia Nadon
Deputy

GRAPHIC SCALE

30 0 20 30 60 120
(IN FEET)
1 inch = 30 ft.

RECEPTION#: 670572, R: $13.00, D: $0.00
PLAT BOOK 129 PAGE 011
Pg 1 of 1, 11/16/2020at 11:49:37 AM
Janice K. Vos Caudill, Pitkin County, CO

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 HEREON.

20153 7/7/2020 C:\2000\20153\SURVEY\Survey DWGs\Survey Plats and Exhibits\20153_AMENDED PLAT.dwg

IMPROVEMENT SURVEY PLAT WITH TOPOGRAPHY OF

LOT 2, VANDEMOER HILL LOT SPLIT

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

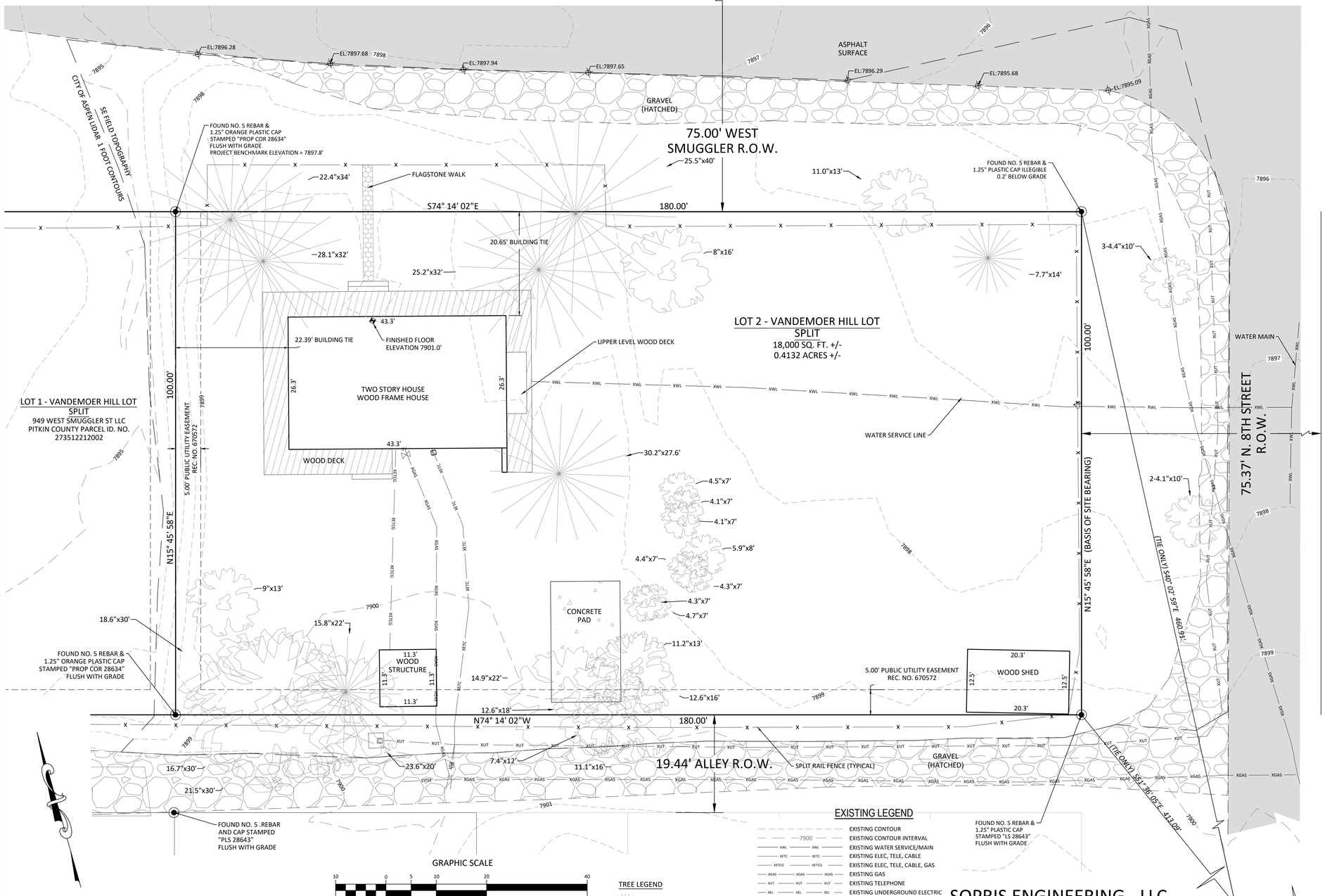
PROPERTY DESCRIPTION

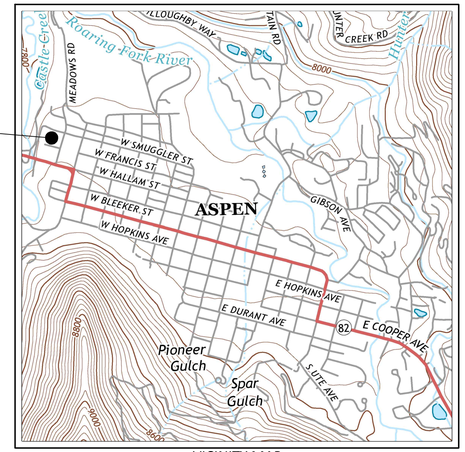
LOT 2,
VANDEMOER HILL LOT SPLIT, ACCORDING TO THE FINAL PLAT THEREOF
RECORDED NOVEMBER 16, 2020 IN PLAT BOOK 129 AT PAGE 11.

COUNTY OF PITKIN,
STATE OF COLORADO

PURPOSE STATEMENT

THE PURPOSE OF THIS IMPROVEMENT SURVEY PLAT WITH TOPOGRAPHY IS TO SHOW THE EXISTING PROPERTY BOUNDARIES, SITE CONDITIONS, ENCUMBRANCES, AND TOPOGRAPHY OF THE SUBJECT PROPERTY.





VICINITY MAP
SCALE: 1" = 2000'

GRAPHIC SCALE

10 0 5 10 20 40
(IN U.S. SURVEY FEET)
1 inch = 10 ft.

EXISTING LEGEND

- EXISTING CONTOUR
- 7900 EXISTING CONTOUR INTERVAL
- XWL EXISTING WATER SERVICE/MAIN
- XETC EXISTING ELEC, TELE, CABLE
- XETCG EXISTING ELEC, TELE, CABLE, GAS
- XGAS EXISTING GAS
- XUT EXISTING TELEPHONE
- XEL EXISTING UNDERGROUND ELECTRIC
- XTV EXISTING CABLE
- X EXISTING WOOD RAIL FENCE
- EXISTING CURB STOP
- EXISTING GAS METER
- EXISTING ELECTRIC METER
- CV EXISTING CATV PEDESTAL

TREE LEGEND

- CONIFEROUS TREE
- DECIDUOUS TREE

4.5" X 7' = 4.5" TRUNK DIAMETER WITH 7' DRIPLINE

NOTES

1) DATE OF FIELD WORK: DECEMBER, 2001-JUNE, 2001; SEPTEMBER 2019, SEPTEMBER 2020, AND SEPTEMBER, 2021.
2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER-OCTOBER 2019, AUGUST-SEPTEMBER, 2020, AND OCTOBER, 2021.
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°45'58" E BETWEEN THE NORTHEAST CORNER OF LOT 2 AND THE SOUTHEAST CORNER OF LOT 2, BEING FOUND MONUMENTS AS SHOWN.
4) BASIS OF SURVEY: THE VANDEMOER HILL LOT SPLIT, PLAT BOOK 129 AT PAGE 11, RECEPTION NO. 670572 OF PITKIN COUNTY RECORDS.
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 TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER No. Q62012373 EFFECTIVE DATE JUNE 3, 2021.
6) BASIS OF ELEVATION: BASIS OF ELEVATION - 2009 CITY OF ASPEN GPS MARCIN CONTROL MAP DATUM, WHICH IS BASED ON AN ELEVATION OF 7911.98 (NAVD 1988) ON THE NGS STATION "Q-159". THIS ESTABLISHED A SITE BENCHMARK ELEVATION OF 7897.8' ON THE TOP OF A #5 REBAR WITH CAP L.S. 28643 MONUMENTING THE NORTH WEST PROPERTY CORNER OF LOT 22, AS SHOWN HEREON. FIELD WORK SUPPLEMENTED WITH 1 FOOT CITY OF ASPEN LIDAR DATA TRANSLATE TO MARCIN COORDINATE SYSTEM.
7) CONTOUR INTERVAL ONE (1) FOOT.
8) PROPERTY ADDRESS: 949 WEST SMUGGLER STREET, ASPEN, CO 81611
9) PITKIN COUNTY PARCEL ID NUMBER 273512212003
10) PER CITY OF ASPEN MUDFLOW FIGURE 7.1 C -CASTLE CREEK/RED BUTTE MUDFLOW ZONES, REVISED 11/2014, THE SUBJECT PROPERTY IS NOT IN A MUD FLOW ZONE.
11) PER FIRM MAP 08097C0354E, EFFECTIVE DATE 08/15/2019, THE SUBJECT PROPERTY FALLS UNDER SHADED ZONE "X", (AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVEL. ZONE X IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.)

SOURCE DOCUMENTS:

- PLAT-VANDEMOER HILL LOTS SPLIT (BOOK 129-PAGE 11, RECEPTION NUMBER 670572)

ALL OF THE PITKIN COUNTY, COLORADO RECORDS-UNLESS OTHERWISE NOTED.

IMPROVEMENT SURVEY PLAT

I, MARK S. BECKLER, HEREBY CERTIFY TO ISABEL A. VANDEMOER, PHOEBE E. VANDEMOER, 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 , VISIBLE ROADS, UTILITIES, FENCES, OR WALLS SITUATED ON THE DESCRIBED PARCEL 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 LAND TITLE GUARANTEE COMPANY TITLE INSURANCE ORDER NO. Q62012373, OR OTHER SOURCES AS SPECIFIED ON THE IMPROVEMENT SURVEY PLAT.

THE ERROR OF CLOSURE FOR THIS SURVEY IS LESS THAN 1/15,000.

MARK S. BECKLER, L.S. 28643 — 10-05-21

GENERAL UTILITY NOTES:

The locations of underground utilities have been plotted based on utility maps, construction/design plans, other information provided by utility companies and actual field locations in some instances. These utilities, as shown, may not represent actual field conditions. It is the responsibility of the contractor to contact all utility companies for field location of utilities prior to construction.

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 SOPRISENG@SOPRISENG.COM

FINAL SUBDIVISION PLAT OF THE

VANDEMOER LOT 2 SUBDIVISION

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

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED BEING THE OWNER IN FEE SIMPLE OF CERTAIN LANDS IN THE CITY AND TOWNSITE OF ASPEN, PITKIN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

LOT 2, VANDEMOER HILL LOT SPLIT, ACCORDING TO THE FINAL PLAT THEREOF RECORDED NOVEMBER 16, 2020 IN PLAT BOOK 129 AT PAGE 11.

DOES HEREBY PLAT THIS REAL PROPERTY UNDER THE NAME AND STYLE OF THE FINAL PLAT OF: VANDEMOER HILL PARCELS A & B, CITY OF ASPEN, PITKIN COUNTY, COLORADO; DIVIDE THE REAL PROPERTY INTO PARCELS A AND B AS SHOWN HEREON; AND DEDICATES EASEMENTS TO THE CITY OF ASPEN AS SHOWN HEREON FOR THE USES AND PURPOSES MORE FULLY DESCRIBED IN THE EASEMENT AGREEMENT RECORDED AT RECEPTION NO. _____ OF THE PITKIN COUNTY RECORDS.

EXECUTED THIS _____ DAY OF _____ , 2022.

VANDEMOER FAMILY INC
A COLORADO INCORPORATION

BY:_____
PRINT NAME: CRAIG VANDEMOER
TITLE:MANAGER

STATE OF _____)
)SS
COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 202__, BY CRAIG VANDEMOER AS MANAGERS OF VANDEMOER FAMILY INC.

MY COMMISSION EXPIRES: _____.
WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC

ASPEN CITY COUNCIL APPROVAL

THIS FINAL PLAT OF THE VANDEMOER HILL PARCELS A & B WAS REVIEWED AND APPROVED BY THE CITY OF ASPEN CITY COUNCIL ON THE __DAY OF _____, 202__, BY ORDINANCE NO. ____, SERIES 202__, 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 CERTIFICATE

THIS LOT SPLIT PLAT OF THE VANDEMOER HILL PARCEL A & B WAS REVIEWED AND APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF ASPEN THIS ___ DAY OF _____ , 202___. 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 PROVISION OF APPLICABLE LAW INCLUDING BUT NOT LIMITED TO OTHER APPLICABLE LAND USE REGULATIONS OR BUILDING CODES, SUCH OTHER DEVELOPMENT ORDERS OR APPLICABLE BUILDING CODE SHALL CONTROL.

COMMUNITY DEVELOPMENT DIRECTOR

_____

CITY ENGINEER'S REVIEW

THIS PLAT WAS REVIEWED FOR THE DEPICTION OF THE ENGINEERING DEPARTMENT SURVEY REQUIREMENTS THIS ___ DAY OF _____, 202__.

CITY ENGINEER

_____

GENERAL UTILITY NOTES:

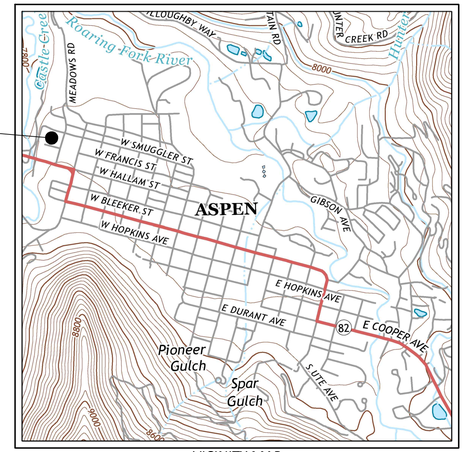
The locations of underground utilities have been plotted based on utility maps, construction/design plans, other information provided by utility companies and actual field locations in some instances. These utilities, as shown, may not represent actual field conditions. It is the responsibility of the contractor to contact all utility companies for field location of utilities prior to construction.

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.

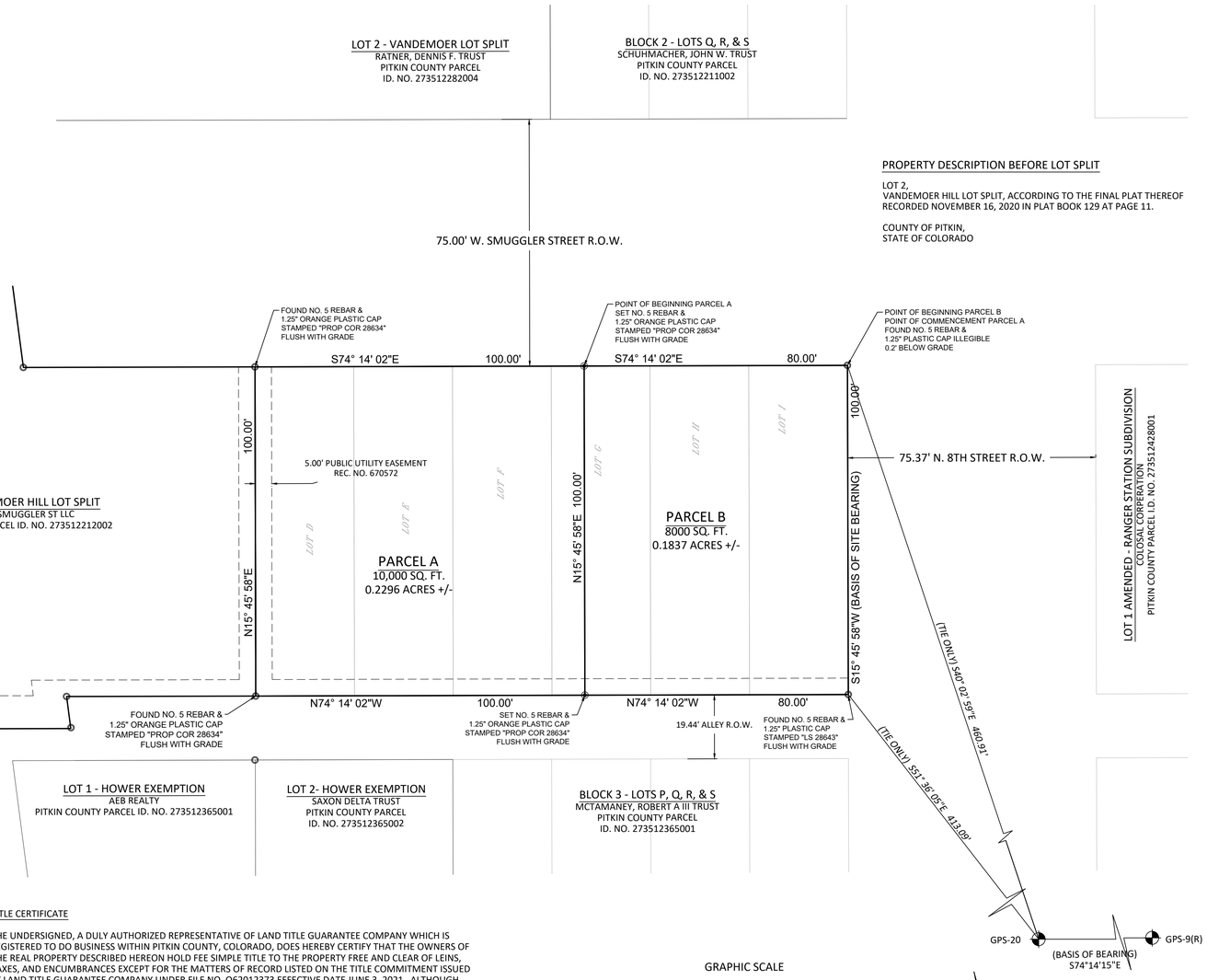
PURPOSE STATEMENT

THE PURPOSE OF THIS PLAT IS THE SUBDIVISION OF LOT 2, VANDEMOER HILL LOT SPLIT (RECORDED IN BOOK 129 AT PAGE 11, AS RECEPTION NO. 670572), INTO TWO NEW PARCELS TO HEREAFTER BE KNOWN AS PARCELS A AND B OF THE VANDEMOER LOT 2 SUBDIVISION.

SITE



VICINITY MAP
SCALE: 1" = 2000'



PROPERTY DESCRIPTION BEFORE LOT SPLIT

LOT 2,
VANDEMOER HILL LOT SPLIT, ACCORDING TO THE FINAL PLAT THEREOF RECORDED NOVEMBER 16, 2020 IN PLAT BOOK 129 AT PAGE 11.

COUNTY OF PITKIN,
STATE OF COLORADO

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 HEREON HOLD FEE SIMPLE TITLE TO THE PROPERTY FREE AND CLEAR OF LEINS, TAXES, AND ENCUMBRANCES EXCEPT FOR THE MATTERS OF RECORD LISTED ON THE TITLE COMMITMENT ISSUED BY LAND TITLE GUARANTEE COMPANY UNDER FILE NO. Q62012373 EFFECTIVE DATE JUNE 3, 2021. ALTHOUGH WE BELIEVE THE FACTS STATED ARE TRUE, THIS CERTIFICATE IS NOT TO BE CONSTRUED 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: _____

TITLE: _____

STATE OF COLORADO)
) SS
COUNTY OF PITKIN)
THE TITLE CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS _ DAY OF _____, 202__, BY ___ AS THE TITLE OFFICER OF LAND TITLE GUARANTEE COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL

_____

DRAFT

GRAPHIC SCALE

20 0 10 20 40 80

(IN U.S. SURVEY FEET)
1 inch = 20 ft.

NOTES

1) DATE OF FIELD WORK: DECEMBER, 2001-JUNE, 2001; SEPTEMBER 2019, SEPTEMBER 2020, AND SEPTEMBER, 2021.

2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER-OCTOBER 2019, AUGUST-SEPTEMBER, 2020, AND OCTOBER AND DECEMBER, 2021.

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°45'58" E BETWEEN THE NORTHEAST CORNER OF LOT 2 AND THE SOUTHEAST CORNER OF LOT 2, BEING FOUND MONUMENTS AS SHOWN.

4) BASIS OF SURVEY: THE VANDEMOER HILL LOT SPLIT, PLAT BOOK 129 AT PAGE 11, RECEPTION NO. 670572 OF PITKIN COUNTY RECORDS.

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 TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER No. Q62012373 EFFECTIVE DATE JUNE 3, 2021.

6) PROPERTY ADDRESS: 949 WEST SMUGGLER STREET, ASPEN, CO 81611

7) PITKIN COUNTY PARCEL ID NUMBER 273512212003

SOURCE DOCUMENTS:

- PLAT-VANDEMOER HILL LOTS SPLIT (BOOK 129-PAGE 11, RECEPTION NUMBER 670572)
- THE OFFICIAL MAP OF THE CITY OF ASPEN APPROVED BY THE CITY ENGINEER G.E. BUCHANAN DATED DECEMBER 15 1959

ALL OF THE PITKIN COUNTY, COLORADO RECORDS-UNLESS OTHERWISE NOTED.

SURVEYOR CERTIFICATE

I, MARK S. BECKLER, DO HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF THE FINAL SUBDIVISION PLAT OF VANDEMOER LOT 2 SUBDIVISION AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT MEETS THE REQUIREMENTS OF A LAND SURVEY PLAT AS SET FORTH IN C.R.S. SECTION 38-51-106, WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UP THE GROUND IN COMPLIANCE WITH STATE REGULATIONS COVERING THE SUBDIVISION OF LAND. RECORDED EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS ARE SHOWN HEREON AND ARE THE SAME AS THOSE SET FORTH IN THE TITLE COMMITMENT PREPARED TITLE COMPANY OF THE ROCKIES COMMITMENT NUMBER 0706274-C2, EFFECTIVE DATE JUNE 5TH, 2020 AND COMMITMENT ORDER NUMBER. Q62012373 EFFECTIVE DATE JUNE 3, 2021.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS ____ DAY OF _____, 2021.

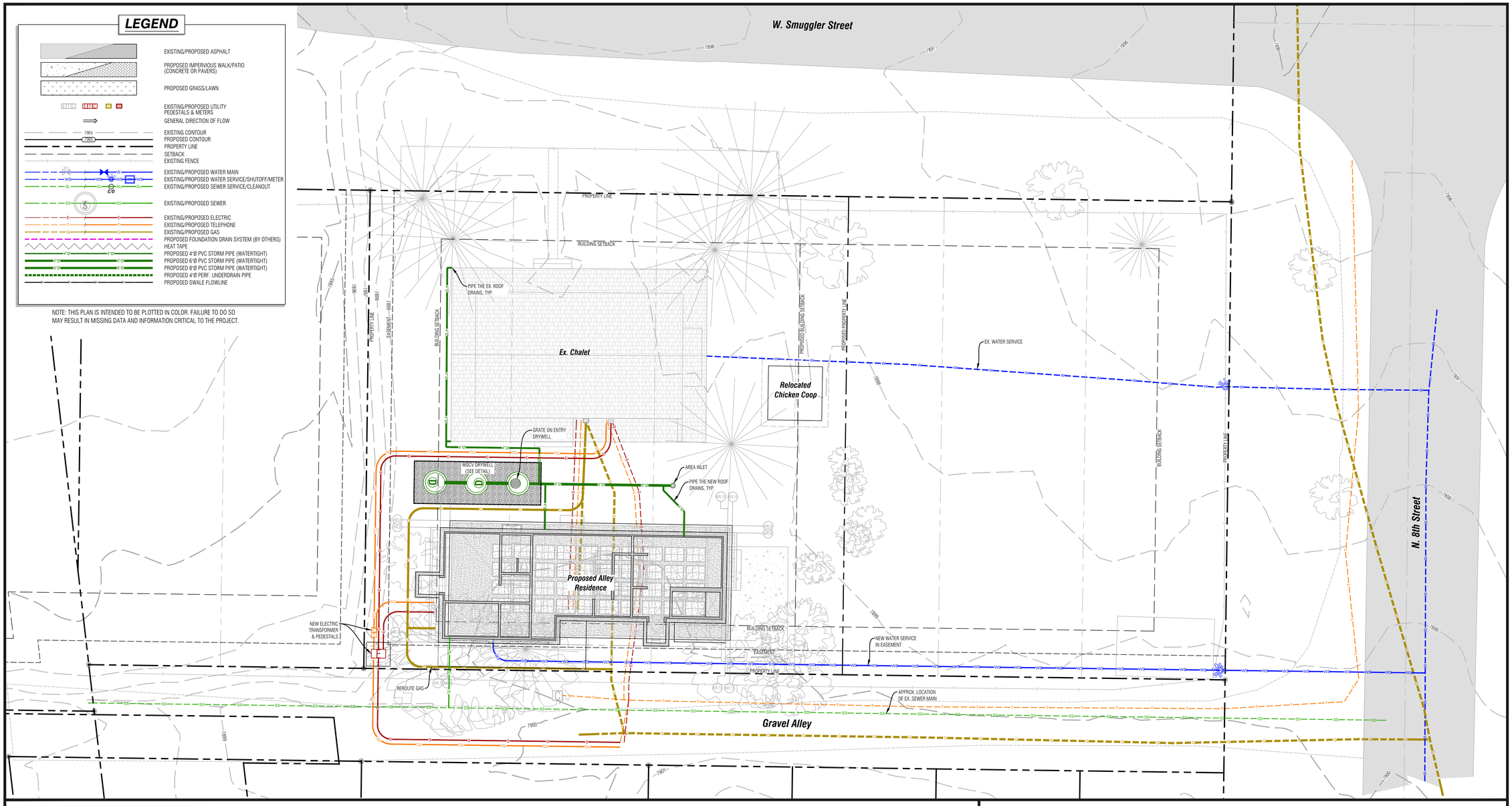
_____
MARK S. BECKLER, L.S. #28643

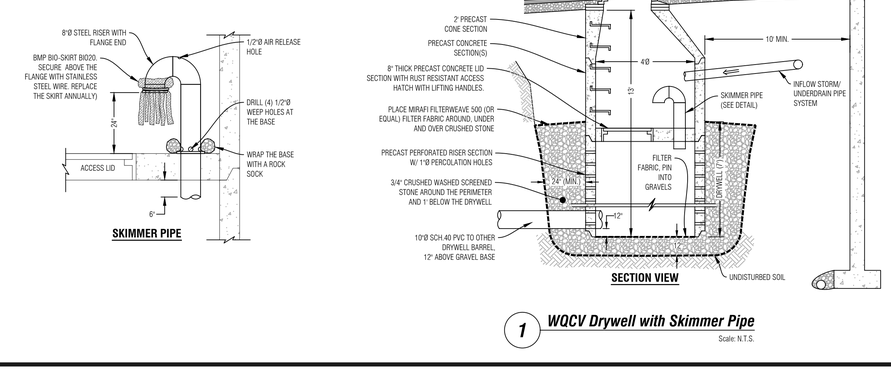
SOPRIS ENGINEERING - LLC
CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRISENG@SOPRISENG.COM

LEGEND

- EXISTING/PROPOSED ASPHALT
- PROPOSED IMPERVIOUS WALK/PATIO (CONCRETE OR PAVERS)
- PROPOSED GRASS/LAWN
- EXISTING/PROPOSED UTILITY PEDESTALS & METERS
- GENERAL DIRECTION OF FLOW
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPERTY LINE
- SETBACK
- EXISTING FENCE
- EXISTING/PROPOSED WATER MAIN
- EXISTING/PROPOSED WATER SERVICE/SHUTOFF/METER
- EXISTING/PROPOSED SEWER SERVICE/CLEANOUT
- EXISTING/PROPOSED SEWER
- EXISTING/PROPOSED ELECTRIC
- EXISTING/PROPOSED TELEPHONE
- EXISTING/PROPOSED GAS
- PROPOSED FOUNDATION DRAIN SYSTEM (BY OTHERS)
- HEAT TAPE
- PROPOSED 4"Ø PVC STORM PIPE (WATERTIGHT)
- PROPOSED 6"Ø PVC STORM PIPE (WATERTIGHT)
- PROPOSED 8"Ø PVC STORM PIPE (WATERTIGHT)
- PROPOSED 4"Ø PERF. UNDERDRAIN PIPE
- PROPOSED SWALE FLOWLINE

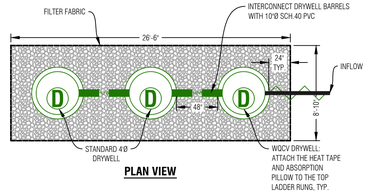
NOTE: THIS PLAN IS INTENDED TO BE PLOTTED IN COLOR. FAILURE TO DO SO MAY RESULT IN MISSING DATA AND INFORMATION CRITICAL TO THE PROJECT.



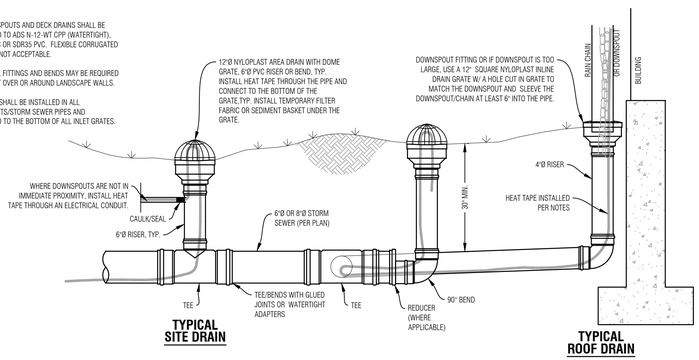


1 WQCV Drywell with Skimmer Pipe
Scale: N.T.S.

NOTES:
1. PRECAST MANHOLE SECTIONS SHALL MEET ASTM C-478 AND BE H-20 LOAD RATED.
2. THE EDGE OF THE DRYWELL (AT FILTER FABRIC) SHALL BE INSTALLED AT LEAST 10-FEET AWAY FROM ANY FOUNDATION WALL.
3. BACKFILL EXCAVATION AROUND THE STRUCTURE WITH COMPACTED 3/4" CRUSHED WASHED SCREENED STONE TO THE TOP OF THE DRYWELL AND WITH STRUCTURAL CLASS 2 ABC TO 12" BELOW FINISH GRADE.COMPACT BACKFILL TO 95% STANDARD PROCTOR.
4. PERFORATED SECTION TO BE INSTALLED 4 FT. MINIMUM INTO PERVIOUS ALLUVIUM. ENGINEER TO BE CONTACTED IMMEDIATELY IF GROUNDWATER OR BEDROCK IS ENCOUNTERED.
5. INLET AND OUTLET PIPES SHOULD ENTER DRYWELL AWAY FROM THE DRYWELL STEPS.



NOTES:
1. ALL DOWNSPOUTS AND DECK DRAINS SHALL BE CONNECTED TO ADS N-12-WT CPP (WATERTIGHT), SCH.40 PVC OR SDR35 PVC. FLEXIBLE CORRUGATED PLASTIC IS NOT ACCEPTABLE.
2. ADDITIONAL FITTINGS AND BENDS MAY BE REQUIRED TO DEFLECT OVER OR AROUND LANDSCAPE WALLS.
3. HEAT TAPE SHALL BE INSTALLED IN ALL DOWNSPOUTS/STORM SEWER PIPES AND CONNECTED TO THE BOTTOM OF ALL INLET GRATES.



2 Downspout Connection & Area Drain
Scale: N.T.S.

Boundaries Unlimited Inc.
Civil Engineering Surveying & Beyond
923 Cooper Avenue
Suite 201
Glenwood Springs, CO 81601
tele: 970.945.5252
fax: 970.384.2833

Engineer or Surveyor Seal

NOT FOR REVIEW CONSTRUCTION

Client Information:
Chris Vandemoer
949 W. Smuggler Street
Aspen, Coloroado 81611

NORTH
0 10' 20'
Scale: 1" = 10'

811 Know what's below. Call before you dig.

Aspen, Colorado

949 W. Smuggler Street

Grading, Drainage & Underground Piping Plan
HPC Review / Preliminary Plan

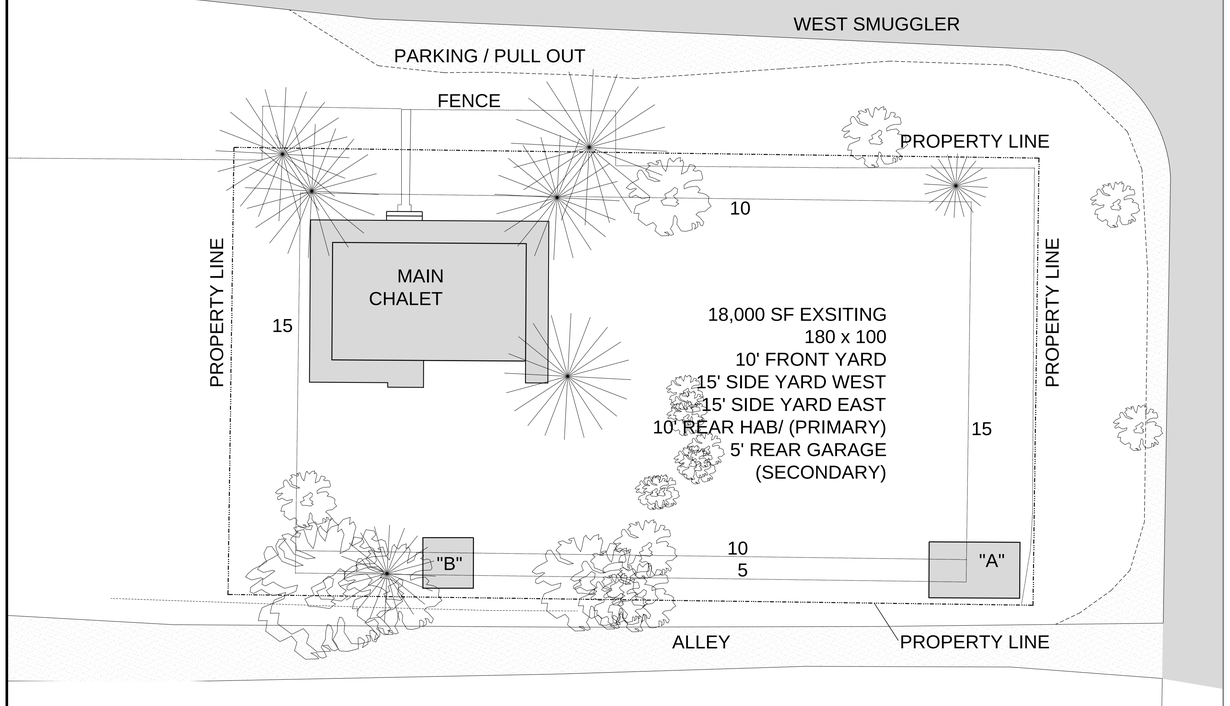
Date	Revision
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

PROJECT NO. *21066*
FILE NAME: *21066-v-topo.dwg*
Designer: *djw*
Drafter: *djw*
Date: *12/10/21*

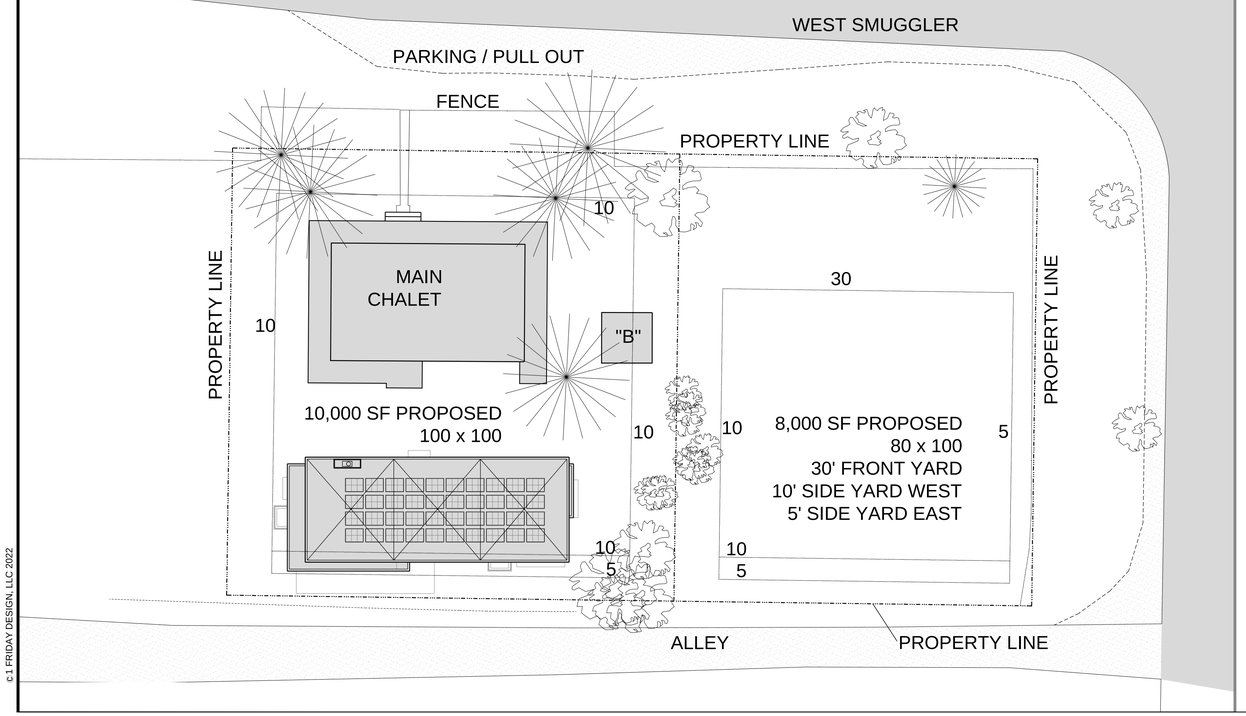
Sheet *C.1*

N:\PROJECTS\2021\21066-949 W Smuggler\dwg\21066-V-Topo.dwg 12/10/2021 3:35 PM

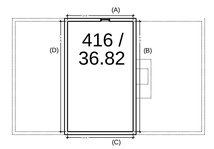
1 SITE PLAN EXISTING: 949 SMUGGLER
TBD SCALE : 1/16" = 1'-0"

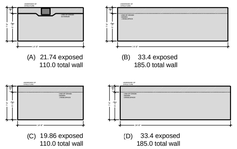


2 SITE PLAN PROPOSED: 949 SMUGGLER
TBD SCALE : 1/16" = 1'-0"

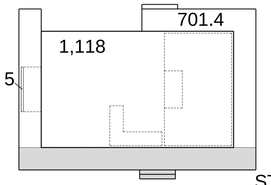


MAIN CHALET SUBGRADE LEVEL:
HABITABLE -
590.0 SQ FT TOTAL WALL
108.4 SQ FT EXPOSED WALL=
18.37% EXPOSURE
416.0 SQ FT SUBGRADE (18.37%) =
66.46 SQ FT COUNTABLE FA



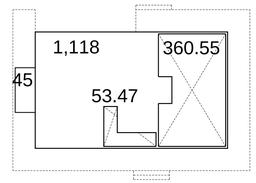


MAIN LVL:
HABITABLE -
1118.0 SQ FT
DECK (EXISTING) - 701.4
(EXEMPT FA) - 15% of 4,590 SQ FT
= 688.50 SQ FT DECK FA
MAIN DECK: 701.4 (281.2 EXEMPT) = 420.2
5 SQ FT DECK SURFACE
TOTAL MAIN DECK - 425.2 SF
1,118.0 SQ FT COUNTABLE (MAIN)



281.2 EXEMPT
STREET FACING

UPPER LVL:
HABITABLE -
1118.0 SQ FT/ 703.98 SF FA
(OPEN LIVING - 360.55)
(OPEN STAIR - 53.47)
DECK (EXISTING) - 45 SQ FT
(EXEMPT FA) - 15% of 4,490 SQ FT
= 688.50 SQ FT, THEREFORE
0 SQ FT COUNTABLE
703.98 SQ FT COUNTABLE (UPPER)



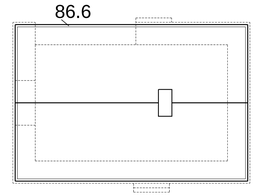
"A"

OUTBUILDING "A":
254 SF

"B"
127.5

OUTBUILDING "B":
127.5 SF

ROOF (OVERHANGS):
COUNTABLE FA -
86.6 SQ FT + 5 SF UPPER DECK = 91.6
OVERHANG 4'-6" AROUND CHALET
4' OVERHANG ALLOWABLE FOR FA
EXEMPTION, THEREFORE 6"
PERIMETER SURROUND COUNTABLE
= 0 SQ FT



DECK TOTALS:
ALLOWABLE FA - 688.5 SF
281.2 (EXM)/ 425.2 SF MAIN
45 SF UPPER
86.6 ROOF OVERHANG
THEREFORE ,
556.8 SQ FT USED
131.7 SF UNDER / 0 SF FA

MAIN CHALET TOTAL:
HABITABLE -
66.46 (L) + 1118 (M) + 703.98 (U) = 1,888.44 SQ FT
(DECK EXEMPT FA) - 15% of 4,490 SQ FT = 688.5 SQ FT
DECK (EXIST) - 746.4 SQ FT / 281.2 SF EXEMPT = 465.2 SF
ROOF / DECK OVERHANG = 5 + 86.6 = 91.6 SQ FT
556.8 SQ FT DECK / = O FA COUNTABLE (131.7 SF UNDER)
1,888.44 SQ FT COUNTABLE (TOTAL)

OUTBUILDINGS TOTAL:
"A" HABITABLE -
254 SQ FT

"B" HABITABLE -
127.5 SQ FT
381.5 SQ FT COUNTABLE (TOTAL)

FA TOTAL USED FOR 18,000 SF LOT R-6 ZONING:
4,490 SF POSSIBLE
2,269.94 SQ FT FA USED / 2,220.06 AVAILABLE

3 EXISTING (R-6 - 18,000 SF LOT) FLOOR AREA CONDITIONS: 949 SMUGGLER
TBD SCALE : 1/16" = 1'-0"

c1 FRIDAY DESIGN, LLC 2022

949 WEST SMUGGLER "CHALET RESIDENCE"
949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

LAND PLANNING
Haas Land Planning LLC
240 East Main Street, Suite 220
Aspen, CO 81611
T: 970.925.7819
E: mitch@hlpaspen.com
Contact: Mitch Haas, Principal

PROJECT DESIGNER / CITY OF ASPEN REPRESENTATIVE
1 Friday Design
PO BOX 7928
Aspen, Colorado 81612
T: 970.309.0695
www.1friday.com
Contact: Derek Skalko, Principal

LAND SURVEY ENGINEER
Sopris Engineering Inc.
502 Main Street, Suite A-3
Carbondale, CO 81623
T: 970.704.0311
www.soprisengineering.com

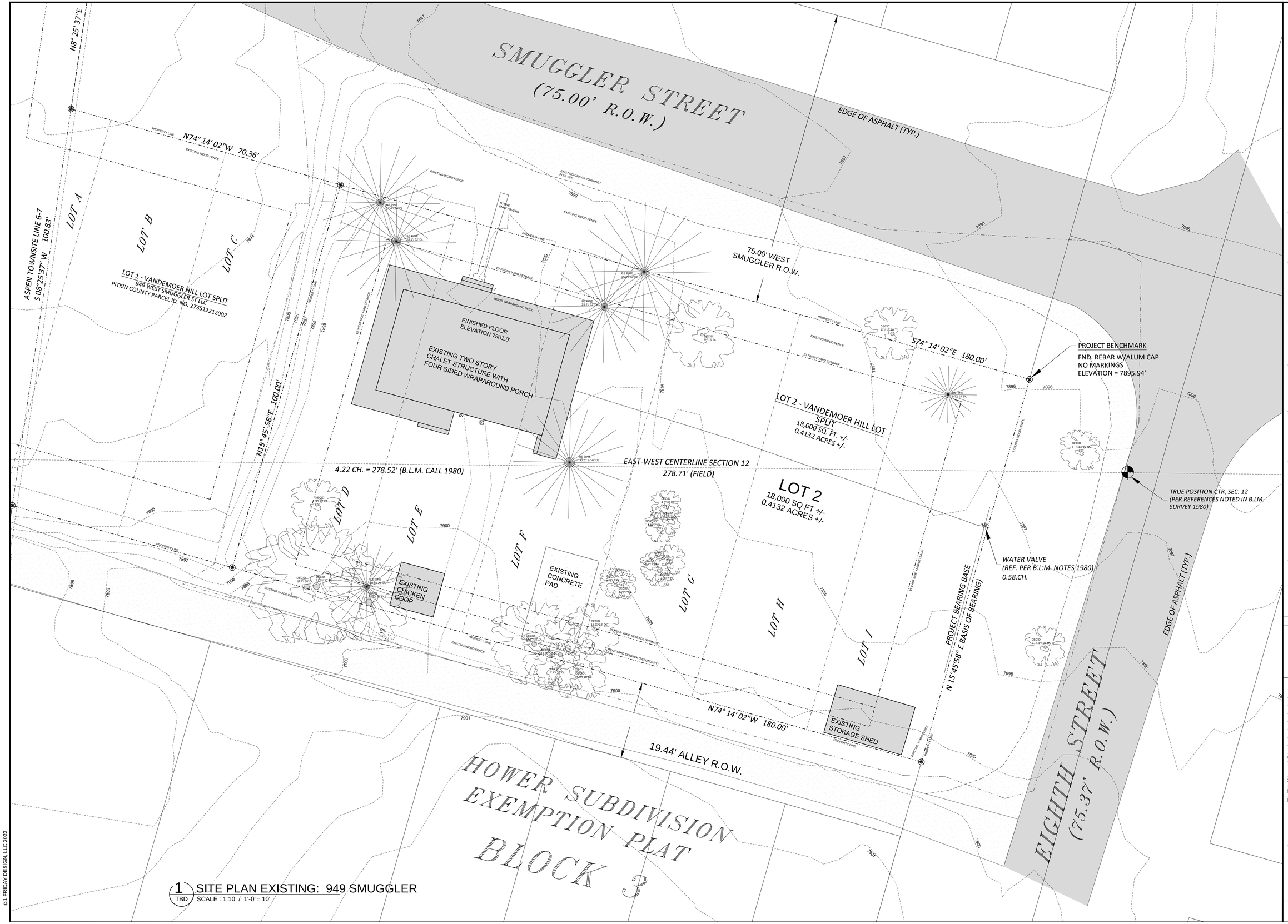
CIVIL ENGINEER
Boundaries Unlimited Inc.
923 Cooper Avenue, Suite 201
Glenwood Springs, CO 81601
T: 970.945.5252
www.bu-inc.com

FOR CITY OF ASPEN USE

ISSUANCE DATE

01 HPC- ASPEN MODERN NEGOTIATION
COA - 949 W SMUGGLER
SCALE
PROJECT # 949 SMUG
DRAWING TITLE:
CONCEPTUAL SITE PLANS PROPOSED
DRAWING NO:
"949-HOUSE" 949-1-"A"
ISSUANCE DATE:
FEB 2022

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1 SITE PLAN EXISTING: 949 SMUGGLER
TBD SCALE : 1:10 / 1'-0"= 10'

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

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240 East Main Street, Suite 220
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T: 970.925.7819
E: mitch@hlpaspen.com
Contact: Mitch Haas, Principal

PROJECT DESIGNER / CITY OF ASPEN REPRESENTATIVE
1 Friday Design
PO BOX 7928
Aspen, Colorado 81612
T: 970.309.0695
www.1friday.com
Contact: Derek Skalko, Principal

LAND SURVEY ENGINEER
Sopris Engineering Inc.
502 Main Street, Suite A-3
Carbondale, CO 81623
T: 970.704.0311
www.soprisengineering.com

CIVIL ENGINEER
Boundaries Unlimited Inc.
923 Cooper Avenue, Suite 201
Glenwood Springs, CO 81601
T: 970.945.5252
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FOR CITY OF ASPEN USE

ISSUANCE	DATE
01 HPC- ASPEN MODERN NEGOTIATION COA - 949 W SMUGGLER	

SCALE

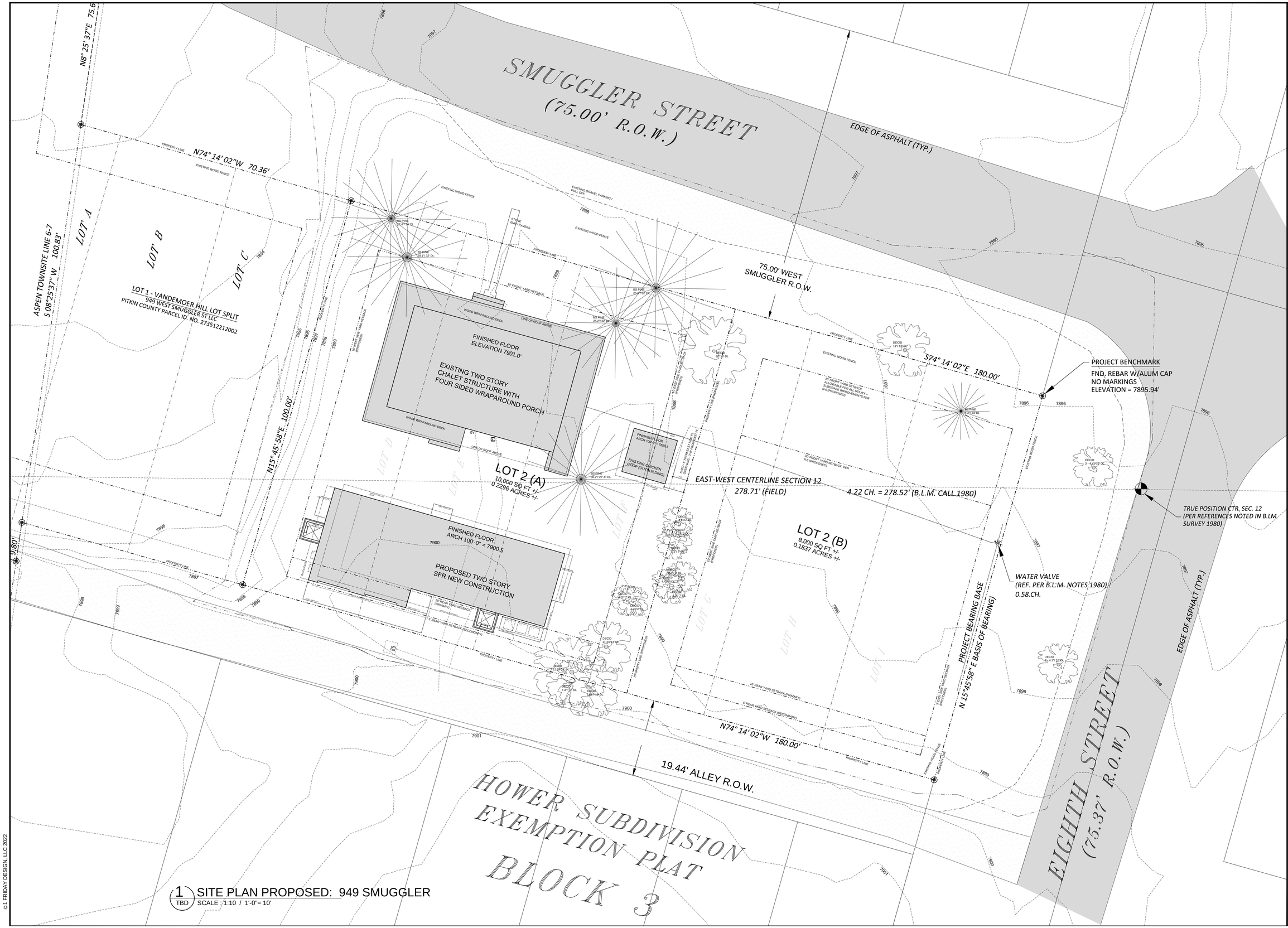
PROJECT # 949 SMUG

DRAWING TITLE:
EXISTING SITE PLAN

DRAWING NO:
"949-HOUSE" 949-1-"B"

ISSUANCE DATE:
FEB 2022

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1 SITE PLAN PROPOSED: 949 SMUGGLER
TBD SCALE : 1:10 / 1'-0"= 10'

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

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T: 970.309.0695
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FOR CITY OF ASPEN USE

ISSUANCE	DATE

01 HPC- ASPEN MODERN NEGOTIATION
COA - 949 W SMUGGLER

SCALE

PROJECT # 949 SMUG

DRAWING TITLE:
PROPOSED SITE PLAN

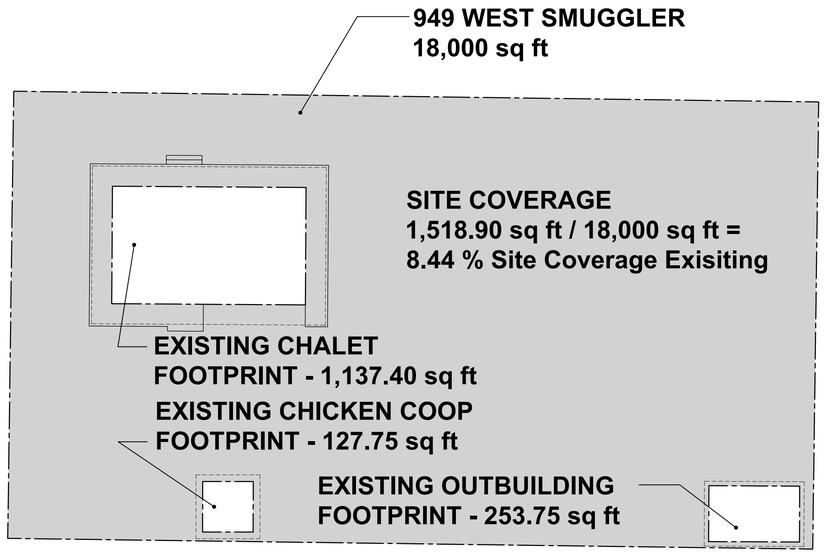
DRAWING NO:
"949-HOUSE" 949-1-"C"

ISSUANCE DATE:
FEB 2022

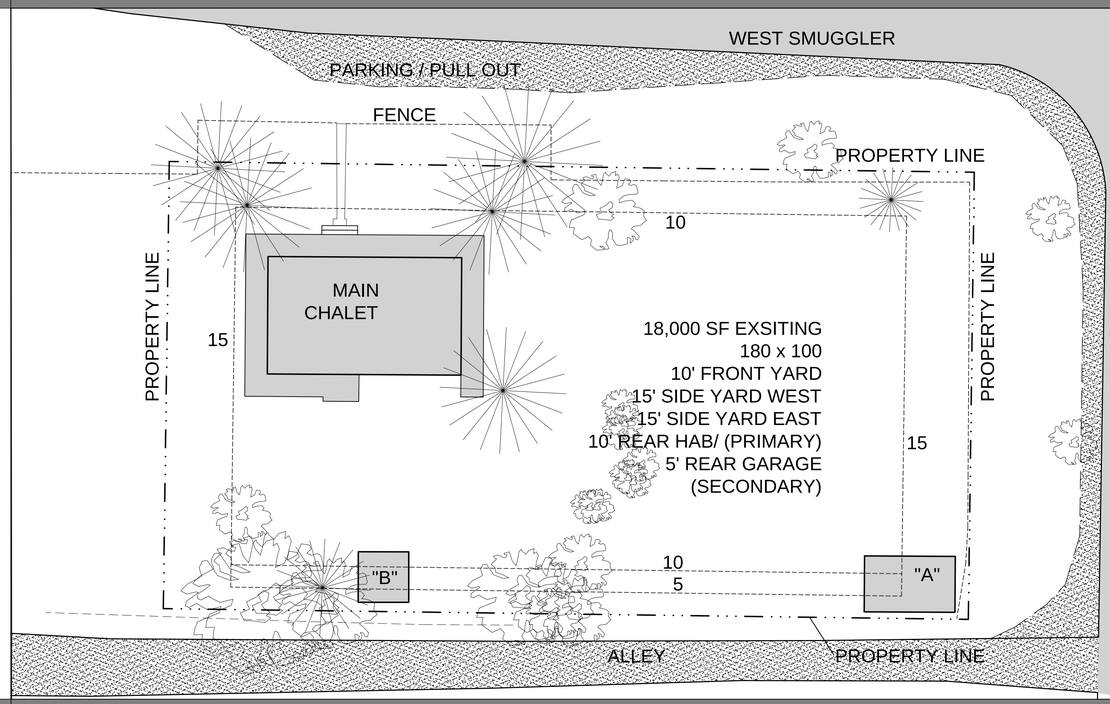
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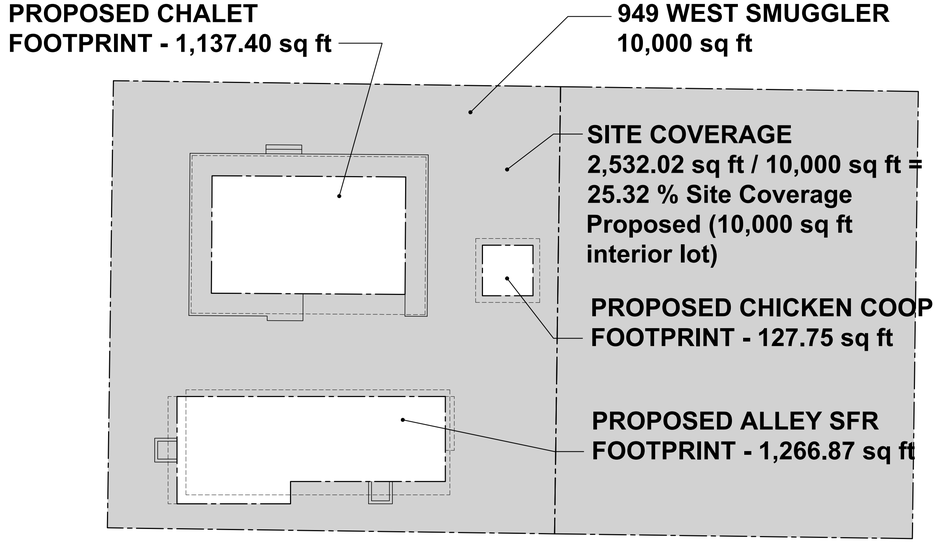
EXISTING SITE COVERAGE DIAGRAM (18,000 SF LOT) : 1/16" = 1'-0"



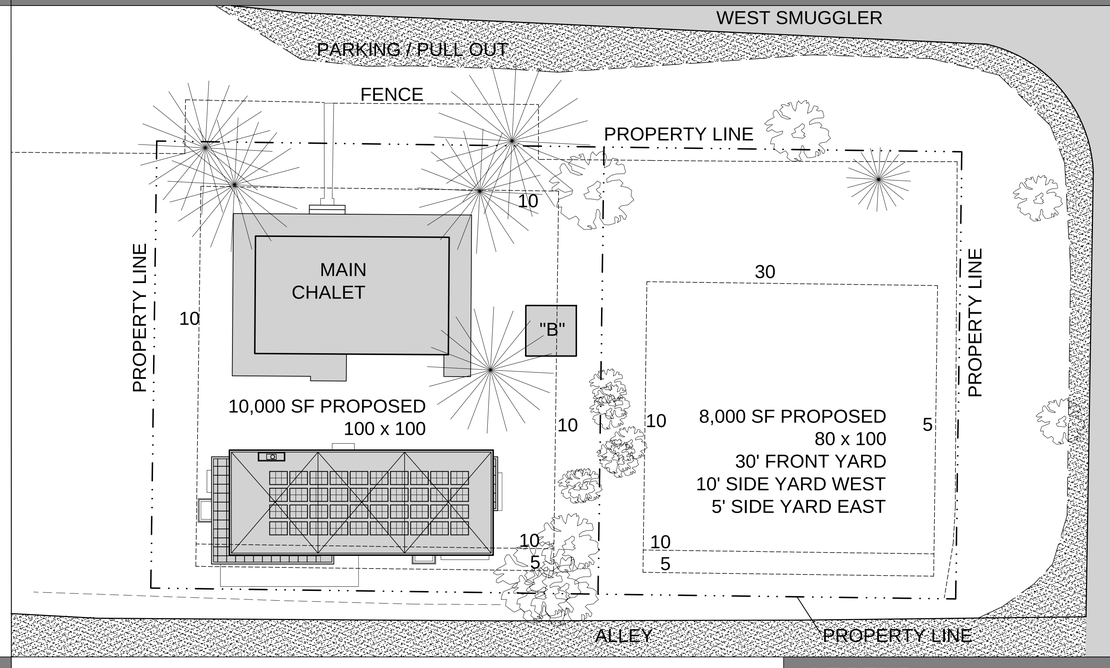
EXISTING SITE PLAN (SINGLE LOT 18,000 SF) : 1/16" = 1'-0"



PROPOSED SITE COVERAGE DIAGRAM (10,000 SF LOT) : 1/16" = 1'-0"



PROPOSED SITE PLAN (SLPIT LOTS - 10,000 SF LOT FOCUS) : 1/16" = 1'-0"



EXISTING SITE COVERAGE CALCULATIONS		PROPOSED SITE COVERAGE CALCULATIONS	
GROSS LOT SIZE / NET LOT SIZE (SQ FT)	18,000 (SF) / 18,000 (SF)	GROSS LOT SIZE / NET LOT SIZE (SQ FT)	10,000 (SF) / 10,000 (SF)
EXISTING 949 W SMUGGLER SITE COVERAGE (SQ FT)	1,518.90 (SF)	PROPOSED 949 W SMUGGLER SITE COVERAGE (SQ FT)	2,532.02 (SF)
TOTAL STRUCTURE FOOTPRINT AREA (SQ FT)	1,518.90 (SF)	TOTAL STRUCTURE FOOTPRINT AREA (SQ FT)	2,532.02 (SF)
EXISTING SITE COVERAGE (R-6 MAX = 25%)	8.44% (ALLOWABLE)	PROPOSED SITE COVERAGE (R-6 MAX = 37.33%)	25.32% (ALLOWABLE)

LEGEND

- ENCLOSED STRUCTURE
- EXPOSED SITE
- NON-ENCLOSED AREAS / CANOPY OVERHEAD

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

LAND PLANNING
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FOR CITY OF ASPEN USE

ISSUANCE	DATE

01 HPC- ASPEN MODERN NEGOTIATION
COA - 949 W SMUGGLER

SCALE 1/16" = 1'-0"

PROJECT # 949 SMUG

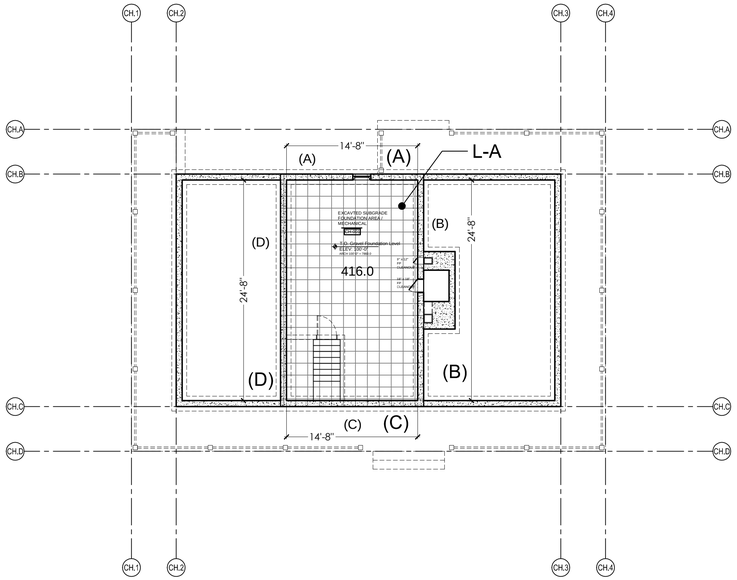
DRAWING TITLE:
SITE COVERAGE DIAGRAMS & NUMERIC BREAKDOWNS

DRAWING NO:
ZN-003

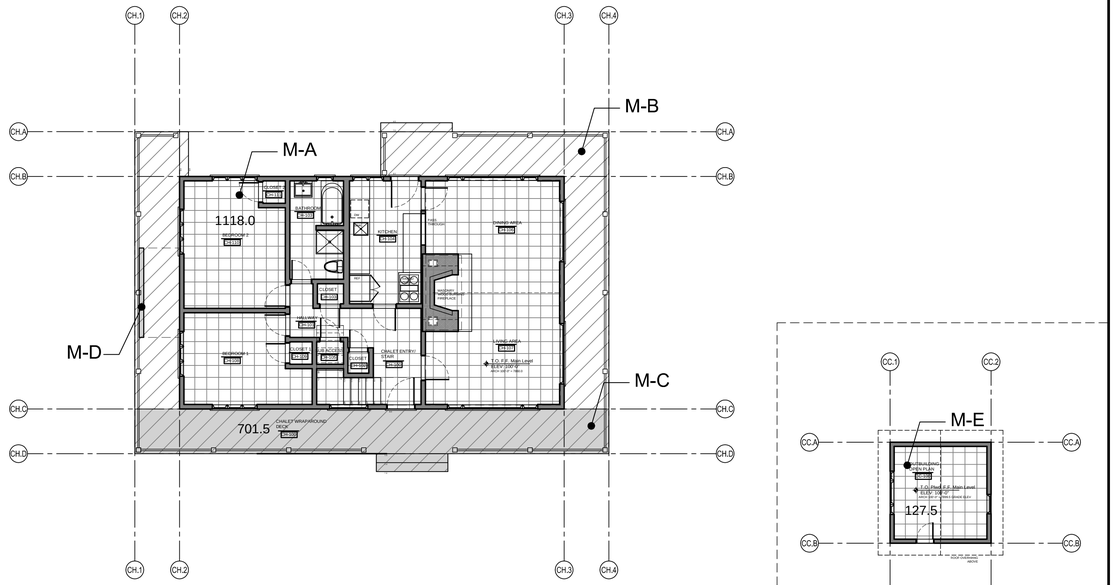
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EXISTING CHALET BASEMENT/ SUBGRADE FLOOR AREA PLANNING DIAGRAM : 1/8" = 1'-0"

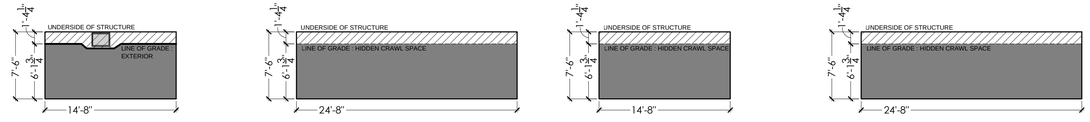


EXISTING CHALET / EXT. COOP MAIN LEVEL FLOOR AREA PLANNING DIAGRAM : 1/8" = 1'-0"



KEY - SUBGRADE LVL. / EXISTING SUBGRADE WALL DIAGRAMS (CHALET) : 1/8" = 1'-0"

L-A : 416.0 GROSS SQ FT TOTAL SUBGRADE:
18.37% WALL EXPOSURE MECHANICAL SUBGRADE EXCAVATION (3 OF 4 WALL HIDDEN TO EXTERIOR)
36.82 SQ FT FA COUNTABLE



(A) 110.0 sq ft / 21.74 sq ft ex (B) 185.0 sq ft / 33.4 sq ft ex (C) 110.0 sq ft / 19.86 sq ft ex (D) 185.0 sq ft / 33.4 sq ft ex

KEY - EXISTING MAIN / GROUND LVL. (CHALET + CHICKEN COOP)

M-A : 1118.0 GROSS SQUARE FEET AREA
1118.0 SF FA COUNTABLE (CHALET)

M-B : 701.4 GROSS SQUARE FEET AREA
WRAP-AROUND MAIN LEVEL PORCH (CHALET)

M-C : 281.2 SF EXT. ENTRY (PRIMARY) STEPS + FRONT PORCH: STREET FACING / (HISTORIC)
THEREFORE, 281.2 SF EXEMPT FROM FA TOTAL DECK CALCULATION

M-D : DECK OVERHANG ABOVE (OVERHANG EXCEEDS 48")
5.0 SF FA COUNTABLE

M-E : 127.5 GROSS SQUARE FEET AREA
127.5 SF FA COUNTABLE (CHICKEN COOP)

NOTE : FOR 10,000 SF TWO DETACHED DWELLING R-6 LOT, FLOOR AREA ALLOWABLE = 4,140 SF
THERFORE, DECKS FA EXEMPT TO 15% OF 4,140 SF, WHICH EQUALS 621 SF BEFORE COUNTABLE TOWARDS FA

MAIN LEVEL DECK / OVERHANG SF TOTAL:
701.4 (TOTAL) - 281.2 (FRONT) + 5 (OVERHANG) = 425.2 SF

EXISTING/ PROPOSED FLOOR AREA CALCULATIONS (CHALET & CHICKEN COOP)

EXISTING SUBGRADE / LOWER LVL. WALL AREA CALCULATIONS - 949 W SMUGGLER (CHALET + EXT. COOP)		
BASEMENT FLOOR WALL LABEL	TOTAL WALL AREA (SQ FT)	EXPOSED WALL AREA (SQ FT)
A	110.0	21.74
B	185.0	33.4
C	110.0	19.86
D	185.0	33.4
OVERALL TOTAL WALL AREA (SQ FT)	590.0	
EXPOSED WALL AREA (SQ FT)		108.4
SUBGRADE 949 WALL EXPOSURE CALCULATION	18.37%	

EXISTING & PROPOSED BASEMENT/ SUBGRADE FLOOR AREA CALCULATIONS - 949 CHALET + CHICKEN COOP		
MECHANICAL / SUBGRADE FLOOR AREA (SQ FT)	416.0	
949 SUBGRADE COUNTABLE FLOOR AREA (SQ FT)	(18.37% X 416.0)	66.46
TOTAL BASEMENT COUNTABLE FLR AREA (SQ FT)	18.37% (416.0 ACTUAL SF) = 66.46 SF FA COUNTABLE	

EXISTING MAIN / GROUND FLOOR AREA CALCULATIONS - 949 W SMUGGLER (CHALET +EXT. COOP)		
GROUND FLOOR AREA - CH (GROSS SQ FT HAB)	1,118.0 (GROSS)	
GROUND FLOOR STAIR & MISC. EXEMPTIONS: INT.	0 (GROSS)	
GROUND FLOOR AREA - CC (GROSS SQ FT HAB)	127.5 (FA)	
GROUND FLOOR STAIR & MISC. EXEMPTIONS: INT.	0 (GROSS)	
GROUND FLOOR AREA TOTAL HAB. (SQ FT) - FA	1,245.50 (FA)	Chalet / Ext. Coop Hab
GROUND PORCH/ DECK/OVERHANGS (GROSS SF)	701.4 (GROSS) / 281.2 EX	Entry Porch Area/ Stairs Exempt
GROUND PORCH/ DECK AREA (COUNTABLE FA)	420.2 -CH / 5.0 -OH (425.2)	(15% of 4,140.0) = 621 SF allow
TOTAL EXISTING GROUND FLOOR AREA (SQ FT)	1,245.5 (FA) CHALET + CHICKEN COOP	

TOTAL EXISTING FLOOR AREA CALCULATIONS - 949 W SMUGGLER (CHALET +EXT. COOP)		
BASEMENT FLOOR AREA (SQ FT)	416.0 / 66.46 (FA)	
GROUND FLOOR AREA - CHALET (SQ FT)	1,118.0 / 1,118.0 (FA)	
GROUND FLOOR AREA - EX. COOP (SQ FT)	127.5 / 127.5 (FA)	
2ND FLOOR AREA - CHALET (SQ FT)	1,118.0 / 703.98 (FA)	
PORCH/ DECK AREA TOTAL (SQ FT)	746.4 GROSS / 281.2 EX	(4,140 x .15%) = 621.0 allow
ROOF/ DECK OVERHANG AREA TOTAL (SF)	131.6 GROSS	(4,140 x .15%) = 621.0 allow
PORCH/ DECK AREA COUNTABLE (SQ FT)	425.2 -M / 131.6 -U = (556.8), therefore 0 FA	
TOTAL EXISTING FLOOR AREA (SQ FT)	2,015.94 (FA)	(2,015.94 FA < 4,140.0 FA)

Floor Area Breakdown: 949 West Smuggler (Historical / Existing Conditions)

Total Allowable FA For Two Detached Dwellings on10,000 square foot lot PER R-6 COA LAND USE CODE = 4,140.0 FA

Floor Area Summary	Existing Gross (Sq Ft)	Existing Floor Area (Sq Ft)	Existing Floor Area - Historic Chalet + Chicken Coop (Sq Ft)	Reference
Basement Habitable (Lower Subgrade Level)	416.0	66.46		ZN-004, ZN-006
Main Level Habitable Chalet (Ground Floor)	1,118.0	1,118.0		ZN-005, ZN-007
Main Level Habitable Chicken Coop	127.5	127.5		ZN-005, ZN-007
Upper Level Habitable Chalet	1,118.0	703.98		ZN-005, ZN-007
Porch/ Stair Access /Deck/ Roof Overhang Area	838.0 (Total) / 281.2 (Exempt)	0 FA Countable / 621.0 Allowable	556.8 SF Deck Area Used for Historic / 621.0 Allowable = 64.2 SF Deck Exemption Area Remaining for PROPOSED until countable @ 1:1	ZN-005, ZN-007
Exterior Storage Area - Mechanical Usage	NA	NA		ZN-005, ZN-007
Total	**2,779.5 Habitable / 0 Garage**	**2,015.94 (FA USED-HISTORIC)**	**2,124.06 (FA UNUSED: PROPOSED ALLOWABLE MAXIMUM FA)**	ZN-004 - ZN-007

LEGEND

HABITABLE

GARAGE

PORCH/ DECK

EXTERIOR STORAGE

LEGEND (WALLS)

EXPOSED WALL

WALL BELOW GRADE

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949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
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Aspen, CO 81611

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FOR CITY OF ASPEN USE

ISSUANCE	DATE

01 HPC- ASPEN MODERN
NEGOTIATION
COA - 949 W SMUGGLER

SCALE 1/8" = 1'-0"

PROJECT # 949 SMUG

DRAWING TITLE:
EXISTING FLOOR AREA DIAGRAMS & NUMERIC BREAKDOWNS

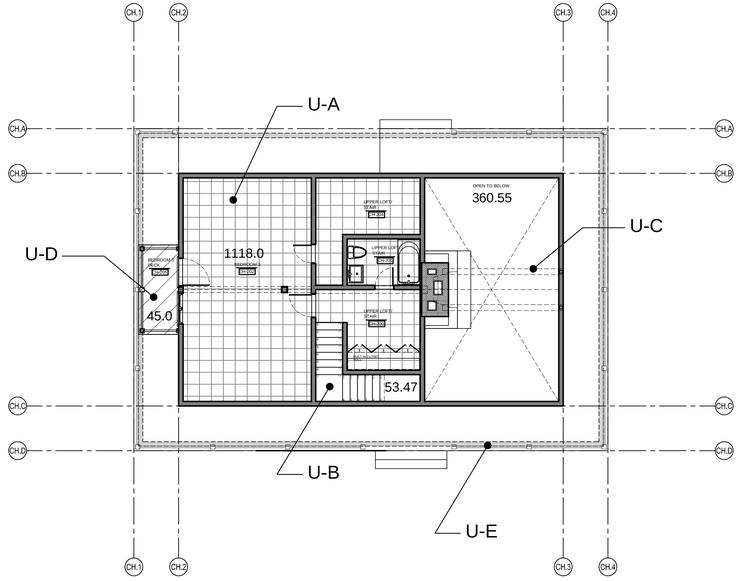
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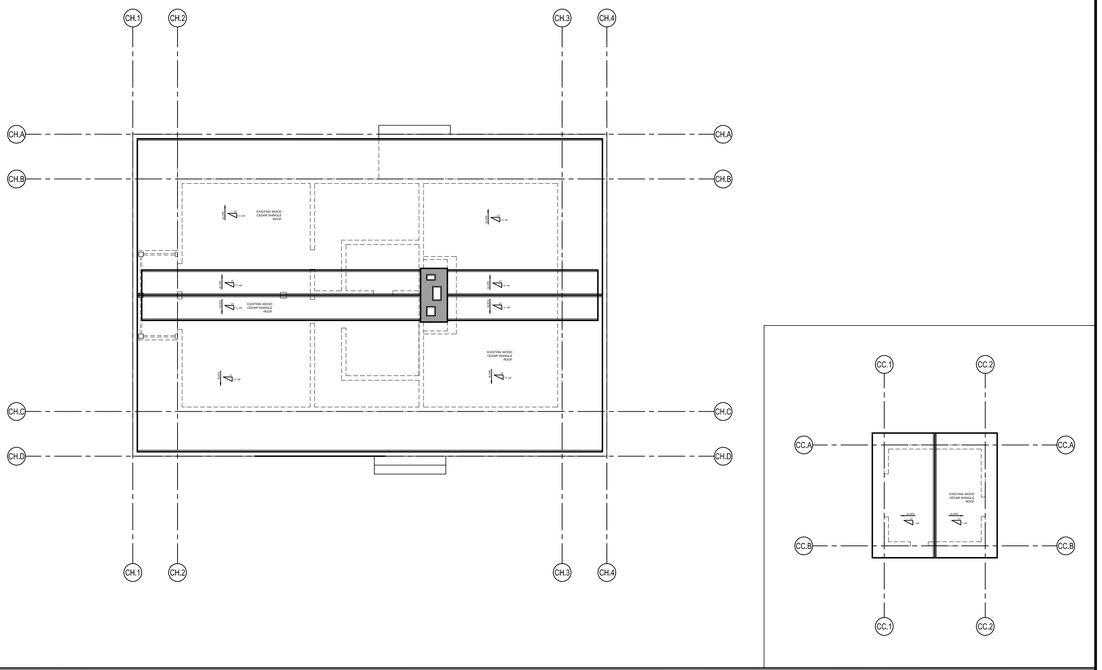
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EXISTING UPPER LVL. CHALET / FLOOR AREA PLANNING DIAGRAM : 1/8" = 1'-0"



EXISTING ROOF AREA DIAGRAMS (CHALET + EXT. COOP) : 1/8" = 1'-0"



KEY - EXISTING UPPER LEVEL - CHALET

U-A : 1118.0 GROSS SQUARE FEET AREA
703.98 SF FA COUNTABLE (CHALET)
UPPER LEVEL

U-B : 53.47 SQ FT EXEMPT AREA
FOR OPEN STAIR (CHALET)

U-C : 360.55 SQ FT EXEMPT AREA
FOR OPEN TWO STORY LIVING
AREA VOLUME

U-D : 45.0 GROSS SQUARE FEET AREA
UPPER LEVEL DECK AREA / 5.0 SF
AREA COUNTABLE PER 48" MAXIMUM
PROJECTION

U-E : 86.6 SQ FT ROOF (OVERHANG)
4'-6" OVERHANG AROUND CHALET, 4'
OVERHANG ALLOWABLE FOR FA
EXEMPTION, THEREFORE - 6"
PERIMETER SURROUND COUNTABLE
TOWARDS FA TOTAL

KEY - EXISTING ROOF LVLS.

NOTE : ALL SF (FA) COUNTABLE ROOF AREAS/ OVERHANGS REPRESENTED ON UPPER LEVEL PLANNING DIAGRAM FOR CHALET.

NO COUNTABLE FA REGARDING EXT. CHICKEN COOP ROOF

NOTE : FOR 10,000 SF TWO DETACHED DWELLING R-6 LOT, FLOOR AREA ALLOWABLE = 4,140 SF
THERFORE, DECKS FA EXEMPT TO 15% OF 4,140 SF, WHICH EQUALS 621 SF BEFORE COUNTABLE TOWARDS FA

MAIN LEVEL DECK / OVERHANG SF TOTAL:
701.4 (TOTAL) - 281.2 (FRONT EXEMPTION) + 5.0(OVERHANG) = 425.2 SF

UPPER LEVEL DECK SF TOTAL:
45.0 (TOTAL) + 86.6 (OVERHANG) = 131.6 SF

TOTAL DECK FA USED (HISTORIC PORTION) = 556.8 SF
(621.0 SF DECK EXEMPTION ALLOWABLE/ 64.2 SF REMAINING)

EXISTING FLOOR AREA CALCULATIONS

EXISTING UPPER FLOOR AREA CALCULATIONS - HISTORICAL CHALET		
UPPER FLOOR AREA- CHALET (GROSS SQ FT)	1102.60 (GROSS)	
UPPER FLOOR STAIR & MISC. EXEMPTIONS: INT.	53.47 (GROSS)	53.47 Open Stair Exemption
UPPER FLOOR STAIR & MISC. EXEMPTIONS: INT.	360.55 (GROSS)	360.55 Two Story Exemption
UPPER FLOOR AREA - VICTORIAN (SQ FT) - FA	703.98 (FA)	
UPPER PORCH/ DECK AREA CHALET (GROSS SQ FT)	45.0	(4,140.0 x .15%) = 621.0 allow
UPPER ROOF OVERHANGS > 48" (GROSS SQ FT)	86.6	(4,140.0 x .15%) = 621.0 allow
EXISTING UPPER FLOOR DECK AREA TOTAL (SQ FT)	425.2 -M / 304.35 -U (131.6) = 556.8 total < 621 allowable	
TOTAL EXISTING UPPER FLOOR AREA (SQ FT)	703.98 (FA)	

TOTAL EXISTING FLOOR AREA CALCULATIONS - 949 W SMUGGLER (CHALET +EXT. COOP)		
BASEMENT FLOOR AREA (SQ FT)	416.0 / 66.46 (FA)	
GROUND FLOOR AREA - CHALET (SQ FT)	1,118.0 / 1,118.0 (FA)	
GROUND FLOOR AREA - EX. COOP (SQ FT)	127.5 / 127.5 (FA)	
2ND FLOOR AREA - CHALET (SQ FT)	1,118.0 / 703.98 (FA)	
PORCH/ DECK AREA TOTAL (SQ FT)	746.4 GROSS / 281.2 EX	(4,140 x .15%) = 621.0 allow
ROOF/ DECK OVERHANG AREA TOTAL (SF)	131.6 GROSS	(4,140 x .15%) = 621.0 allow
PORCH/ DECK AREA COUNTABLE (SQ FT)	425.2 -M / 131.6 -U = (556.8), therefore 0 FA	
TOTAL EXISTING FLOOR AREA (SQ FT)	2,015.94 (FA)	(2,015.94 FA < 4,140.0 FA)

Floor Area Breakdown: 949 West Smuggler (Historical / Existing Conditions)

Total Allowable FA For Two Detached Dwellings on10,000 square foot lot PER R-6 COA LAND USE CODE = 4,140.0 FA

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Exterior Storage Area - Mechanical Usage	NA	NA		ZN-005, ZN-007
Total	**2,779.5 Habitable / 0 Garage**	**2,015.94 (FA USED-HISTORIC)**	**2,124.06 (FA UNUSED: PROPOSED ALLOWABLE MAXIMUM FA)**	ZN-004 - ZN-007

LEGEND

HABITABLE

GARAGE

PORCH/ DECK

EXTERIOR STORAGE

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COA - 949 W SMUGGLER	

SCALE 1/8" = 1'-0"

PROJECT # 949 SMUG

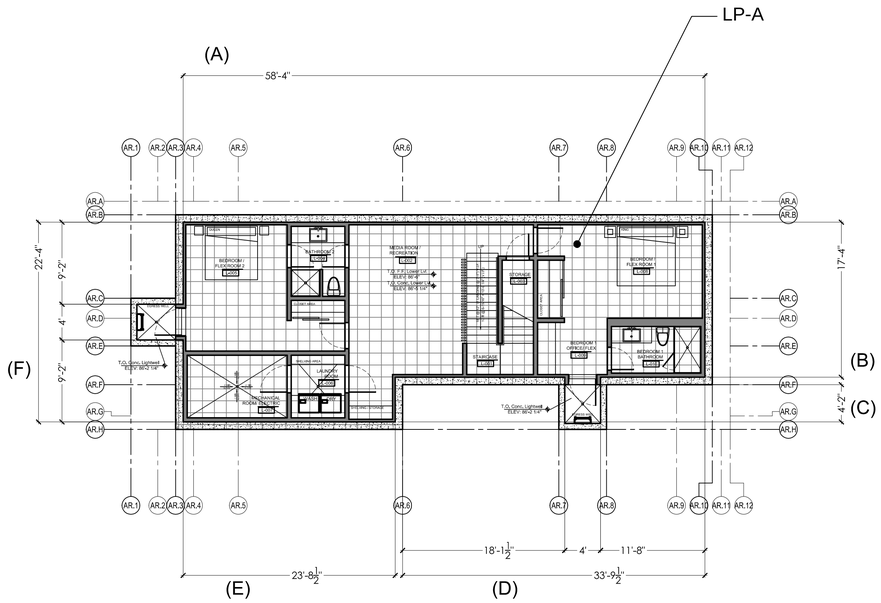
DRAWING TITLE:
EXISTING FLOOR AREA DIAGRAMS & NUMERIC BREAKDOWNS

DRAWING NO:
ZN-005

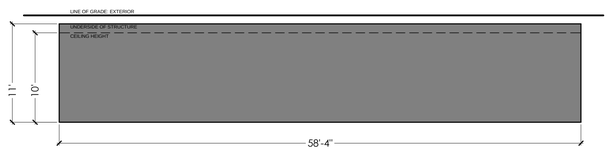
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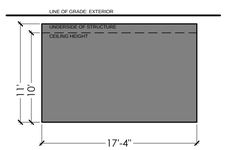
PROPOSED ALLEY RESIDENCE : BASEMENT FLOOR AREA DIAGRAM : 1/8" = 1'-0"



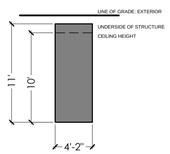
PROPOSED ALLEY RESIDENCE: SUBGRADE WALL DIAGRAMS : 1/8" = 1'-0"



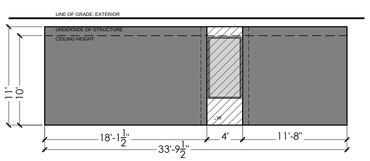
(A) 641.67 sq ft / 0 sq ft ex



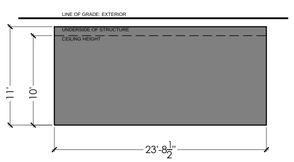
(B) 190.67 sq ft / 0 sq ft ex



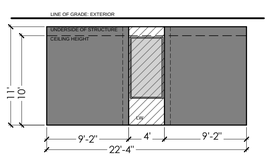
(C) 45.83 sq ft / 0 sq ft ex



(D) 371.71 sq ft / 44.0 sq ft ex



(E) 260.80 sq ft / 0 sq ft ex



(F) 245.67 sq ft / 44.0 sq ft ex

PROPOSED FLOOR AREA CALCULATIONS

LP-A : 1,266.85 GROSS SQUARE FEET
TOTAL SUBGRADE
PERIMETER CONSTRUCTION:
5.01% SUBGRADE WALL
EXPOSURE, THEREFORE
63.47 SQ FT FA COUNTABLE

PROPOSED (SUBGRADE) BASEMENT FLOOR EXPOSED WALL CALCULATIONS - 949 WEST SMUGGLER

BASEMENT FLOOR WALL LABEL	TOTAL WALL AREA (SQ FT)	EXPOSED WALL AREA (SQ FT)
A	641.67	0
B	190.67	0
C	45.83	0
D	371.71	44
E	260.80	0
F	245.67	44
OVERALL TOTAL WALL AREA (SQ FT)	1,756.35	
EXPOSED WALL AREA (SQ FT)		88.0
% OF EXPOSED WALL (EXPOSED / TOTAL)	5.01%	
PROPOSED SUBGRADE FA CALCULATION	5.01% (1,266.85 ACTUAL SF) = 63.47 SF FA COUNTABLE	

TOTAL BASEMENT COUNTABLE FLOOR AREA (SQ FT)	63.47 FA

TOTAL PROPOSED ALLEY RESIDENCE FLOOR AREA CALCULATIONS

BASEMENT FLOOR AREA (SQ FT)	1,266.85 / 63.47 (FA)	
GROUND MAIN FLOOR AREA (SQ FT)	669.78 / 669.78 (FA)	
GARAGE FLOOR AREA - ALLEY (SQ FT)	288.86 / 19.43 (FA)	
GARAGE FLOOR AREA - CHALET (SQ FT)	300.76 / 25.38 (FA)	
2ND FLOOR / UPPER LEVEL AREA (SQ FT)	1,027.14 / 940.55 (FA)	
PORCH/ DECK/ OVERHANGS AREA (SQ FT)	453.98 total / 389.78 (FA)	(4,140.0 x .15%) = 621.0 allowable
TOTAL PROPOSED FLOOR AREA (SQ FT)	2,108.39 (FA) for Proposed Alley Residence Utilized	
TOTAL PROJECT FLOOR AREA IF APPROVED	2,108.39 FA (AR) + 2,015.94 (HIS) = 4,124.33 SF FA TOTAL	

LEGEND

HABITABLE

EXPOSED WALL

WALL BELOW GRADE

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

LAND PLANNING
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FOR CITY OF ASPEN USE

ISSUANCE	DATE
01 HPC- ASPEN MODERN	
NEGOTIATION COA - 949 W SMUGGLER	

SCALE 1/8" = 1'-0"

PROJECT # 949 SMUG

DRAWING TITLE:
PROPOSED FLOOR AREA DIAGRAMS & NUMERIC BREAKDOWNS

DRAWING NO:

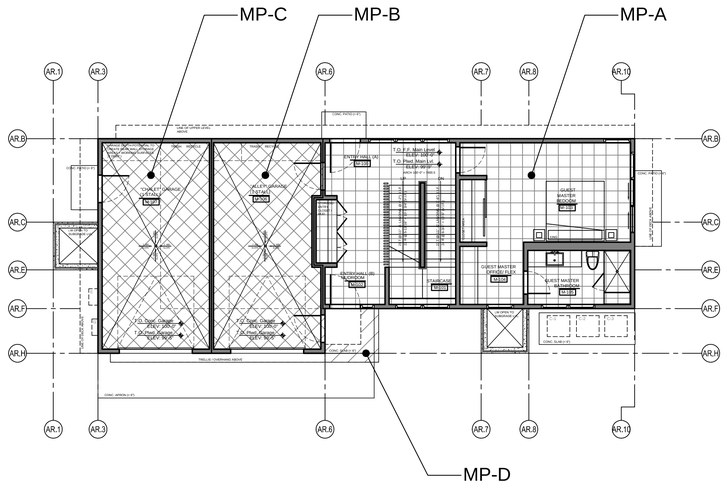
ZN-006

ISSUANCE DATE:
FEB 2022

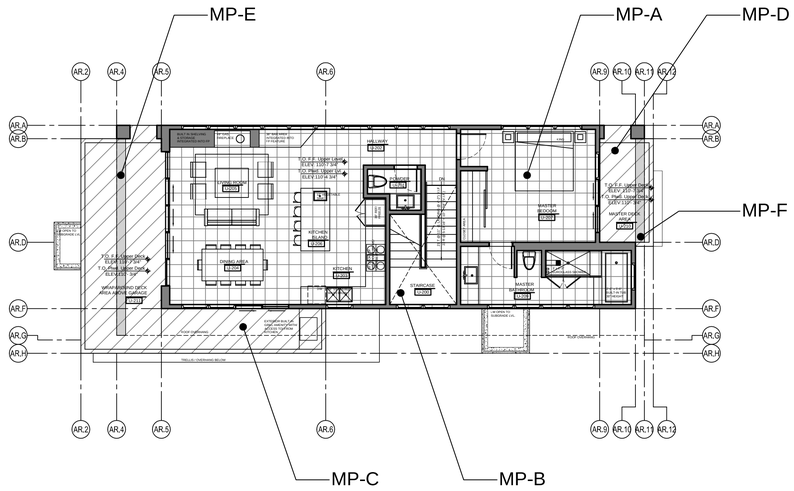
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PROPOSED ALLEY RESIDENCE MAIN FLOOR AREA PLANNING DIAGRAM : 1/8" = 1'-0"



PROPOSED ALLEY RESIDENCE UPPER FLOOR AREA PLANNING DIAGRAM: 1/8" = 1'-0"



KEY - PROPOSED ALLEY RESIDENCE MAIN LEVEL

MP-A : 669.78 GROSS SQ FT AREA
669.78 SF FA COUNTABLE
MAIN LVL. ALLEY RESIDENCE

MP-B : 288.86 SF GARAGE (DEDICATED TO PROPOSED ALLEY RESIDNCE)
1st 250 SF EXEMPT
2nd 250 SF @ 1/2 = 38.86 SF
19.43 SF FA COUNTABLE

MP-B : 300.76 SF GARAGE (DEDICATED TO EXISTING HISTORIC CHALET)
1st 250 SF EXEMPT
2nd 250 SF @ 1/2 = 50.76 SF
25.38 SF FA COUNTABLE

MP-D : 20.0 SQ FT EXTERIOR OVERHANG
4PROJECTION - 48" BEYOND
EXTERIOR WALL CONDITION
(COUNTABLE TOWARDS FA)

KEY - PROPOSED ALLEY RESIDENCE UPPER LEVELS

UP-A : 1,027.14 GROSS SQUARE FEET AREA
940.55 SF FA COUNTABLE

UP-B : 86.59 SQ FT EXEMPT AREA
FOR OPEN STAIR (ALLEY RESIDENCE)

UP-C : 322.48 GROSS SQUARE FEET AREA
LIVING / DINING DECK

UP-D : 77.9 GROSS SQUARE FEET AREA
MASTER BEDROOM DECK

UP-E : 22.0 GROSS SQUARE FEET AREA
LIVING AREA - 48"+ ROOF OVERHANG

UP-F : 11.6 GROSS SQUARE FEET AREA
MST. BEDROOM- 48"+ ROOF OVERHANG

NOTE : FOR 10,000 SF TWO DETACHED DWELLING R-6 LOT,
FLOOR AREA ALLOWABLE = 4,140 SF
THERFORE, DECKS FA EXEMPT TO 15% OF 4,140 SF, WHICH EQUALS 621 SF BEFORE COUNTABLE TOWARDS FA

MAIN LEVEL DECK / OVERHANG SF TOTAL:
0 (TOTAL DECK) + 20.0 (48" + OVERHANG) = 20.0 SF

UPPER LEVEL DECK / OVERHANG SF TOTAL:
400.38 (TOTAL DECK) + 33.6 (48"+ OVERHANGS) = 433.98 SF

TOTAL DECK FA USED (HISTORIC PORTION) = 556.8 SF
(621.0 SF DECK EXEMPTION ALLOWABLE/ 64.2 SF REMAINING)

THEREFORE; 20.0 + 433.98 = 453.98 SF DECK AREA USED TOWARDS ALLEY RESIDENCE / 453.98 (PR) - 64.2 (BALANCE)
DECK FLOOR AREA = 389.78 SF (COUNTABLE FA)

PROPOSED ALLEY RESIDENCE FLOOR AREA CALCULATIONS

PROPOSED ALLEY RESIDENCE MAIN LEVEL / GROUND FLOOR AREA CALCULATIONS		
GROUND FLOOR AREA (GROSS SQ FT HAB)	669.78 (GROSS)	
GROUND FLOOR STAIR & MISC. EXEMPTIONS: INT.	0	All SF 1:1 Countable
GROUND FLOOR AREA (SQ FT) - FA	669.78 (FA)	
GARAGE (PROPOSED)FLOOR AREA (GROSS SQ FT)	288.86 (GROSS)	Standard R-6 Zoning Allowance
GARAGE (PROPOSED) FLOOR AREA (SQ FT) - FA	19.43 (FA)	1st 250 Exempt / 2nd 250 - 50%
GARAGE (CHALET) FLOOR AREA (GROSS SQ FT)	300.76 (GROSS)	Standard R-6 Zoning Allowance
GARAGE (CHALET) FLOOR AREA (SQ FT) - FA	25.38 (FA)	1st 250 Exempt / 2nd 250 - 50%
GROUND PORCH/ DECK AREA (GROSS SQ FT)	64.2 (Exemption Remaining)	621.0 Lot Total Allowable
GROUND OVERHANG AREAS (COUNTABLE FA)	20.0 (Countable Towards FA)	621.0 Lot Total Allowable
TOTAL PROPOSED GROUND FLOOR AREA (SQ FT)	714.59 (FA) / 20 SF towards 64.2 Deck Exemption	

PROPOSED ALLEY RESIDENCE UPPER FLOOR AREA CALCULATIONS		
UPPER FLOOR AREA- FRONT (GROSS SQ FT HAB)	1,027.14 (GROSS)	
UPPER FLOOR STAIR & MISC. EXEMPTIONS: INT.	86.59 (GROSS)	86.59 Open Stair Exemption
UPPER FLOOR AREA - (SQ FT) - FA	940.55 (FA)	
UPPER PORCH/ DECK AREA (GROSS SQ FT)	400.38 (GROSS)	621.0 Lot Total Allowable
UPPER OVERHANG AREAS (COUNTABLE FA)	33.6 (Countable Towards FA)	621.0 Lot Total Allowable
TOTAL PROPOSED UPPER FLOOR AREA (SQ FT)	1,374.67 (FA)	

TOTAL PROPOSED ALLEY RESIDENCE FLOOR AREA CALCULATIONS		
BASEMENT FLOOR AREA (SQ FT)	1,266.85 / 63.47 (FA)	
GROUND MAIN FLOOR AREA (SQ FT)	669.78 / 669.78 (FA)	
GARAGE FLOOR AREA - ALLEY (SQ FT)	288.86 / 19.43 (FA)	
GARAGE FLOOR AREA - CHALET (SQ FT)	300.76 / 25.38 (FA)	
2ND FLOOR/ UPPER LEVEL AREA (SQ FT)	1,027.14 / 940.55 (FA)	
PORCH/ DECK/ OVERHANGS AREA (SQ FT)	453.98 total / 389.78 (FA)	(4,140.0 x .15%) = 621.0 allowable
TOTAL PROPOSED FLOOR AREA (SQ FT)	2,108.39 (FA) for Proposed Alley Residence Utilized	
TOTAL PROJECT FLOOR AREA IF APPROVED	2,108.39 FA (AR) + 2,015.94 (HIS) = 4,124.33 SF FA TOTAL	

Floor Area Breakdown: 949 West Smuggler (Proposed Alley Residence)

Total Allowable FA For Two Detached Dwellings on10,000 square foot lot PER R-6 COA LAND USE CODE = 4,140.0 FA

Floor Area Summary	Proposed Gross (Sq Ft)	Proposed Floor Area (Sq Ft)	Proposed Floor Area - Alley Residence (Sq Ft)	Reference
Basement Habitable (Lower Subgrade Level)	1,266.85	63.47		ZN-004, ZN-006
Main Level Habitable (Ground Floor)	669.78	669.78		ZN-005, ZN-007
Garage (Alley Residence Dedicated)	288.86	19.43	Each dedicated Side per R-6: 1st 250 sf exempt / 2nd 250 sf @ 1/2	ZN-005, ZN-007
Garage (Historical Chalet Dedicated)	300.76	25.38	Each dedicated Side per R-6: 1st 250 sf exempt / 2nd 250 sf @ 1/2	ZN-005, ZN-007
Upper Level Habitable	1,027.14	940.55	556.8 SF Deck Area Used for Historic / 621.0 Allowable = 64.2 SF Deck Exemption Area Remaining for PROPOSED until countable @ 1:1 Proposed Total (453.98 - 64.2 Remaining FA) = 389.78 FA Countable	ZN-005, ZN-007
Porch/ Stair Access /Deck/ Roof Overhang Area	453.98 (Total) / 389.78 (Countable)	64.2 FA Remaining / 621.0 Allowable		ZN-005, ZN-007
Total	**2,963.74 Habitable / 589.62 Garage**	**2,108.39 (FA PROPOSED - ALLEY)**	**4,124.33 SF FA TOTAL PROJECT PROPOSED / 4,140.0 ALLOWABLE**	ZN-004 - ZN-007

LEGEND

HABITABLE

GARAGE

PORCH/ DECK

EXTERIOR STORAGE

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

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FOR CITY OF ASPEN USE

ISSUANCE DATE

01 HPC- ASPEN MODERN NEGOTIATION
COA - 949 W SMUGGLER

SCALE 1/8" = 1'-0"

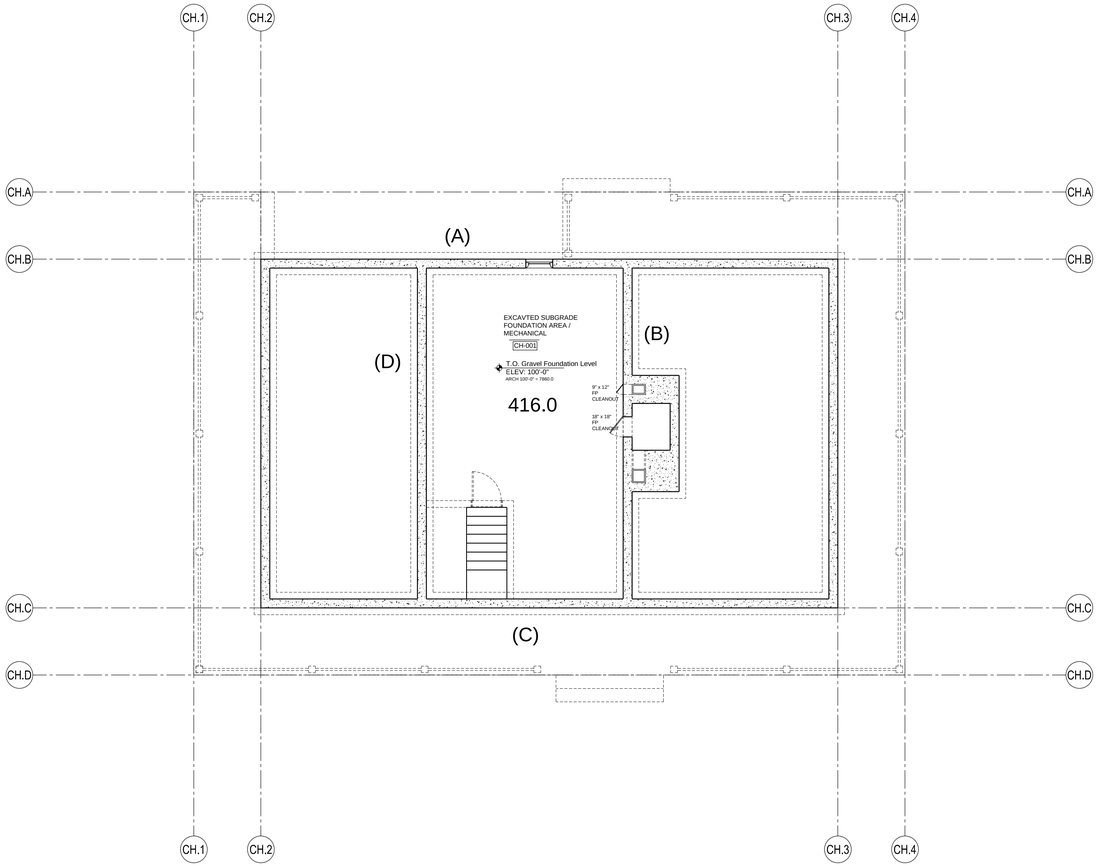
PROJECT # 949 SMUG

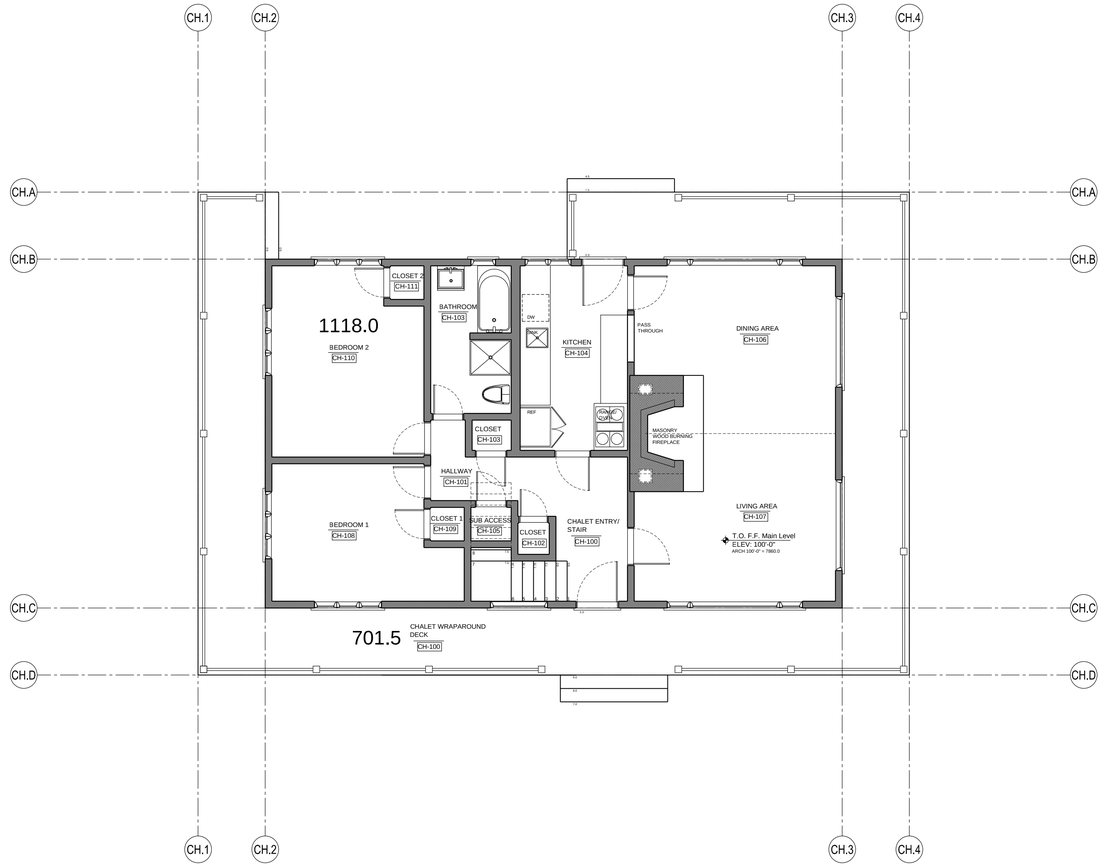
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PROPOSED FLOOR AREA DIAGRAMS & NUMERIC BREAKDOWNS

DRAWING NO:
ZN-007

ISSUANCE DATE:
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1 TBD EXISTING SUBGRADE FLOOR PLAN - CHALET: 949 SMUGGLER

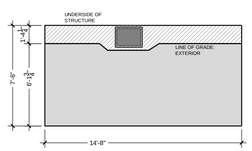
SCALE : 3/16" = 1'-0"

2 TBD EXISTING MAIN LEVEL FLOOR PLAN - CHALET: 949 SMUGGLER

SCALE : 3/16" = 1'-0"

3 TBD EXISTING SUBGRADE WALL SURFACE DIAGRAMS - CHALET: 949 SMUGGLER

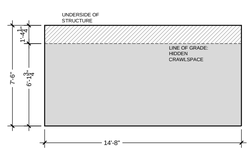
SCALE : 3/16" = 1'-0"



(A) 21.74 exposed
110.0 total wall



(B) 33.4 exposed
185.0 total wall



(C) 19.86 exposed
110.0 total wall



(D) 33.4 exposed
185.0 total wall

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

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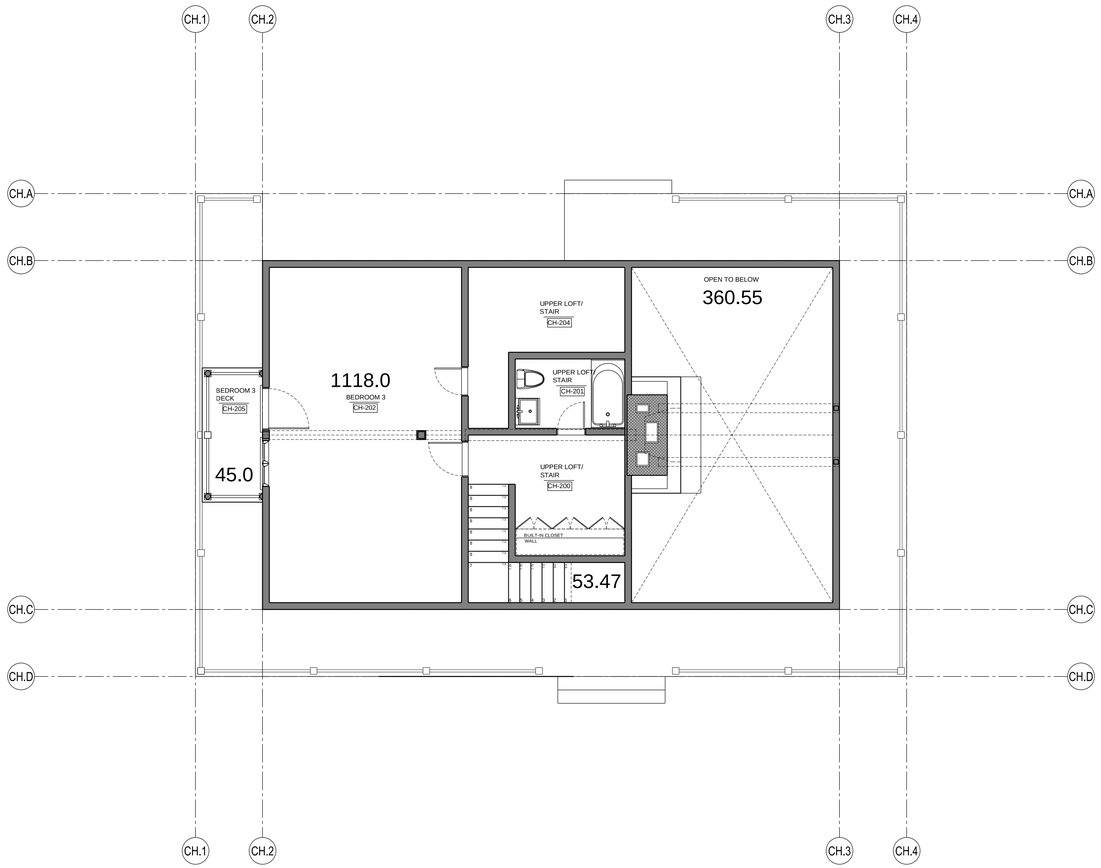
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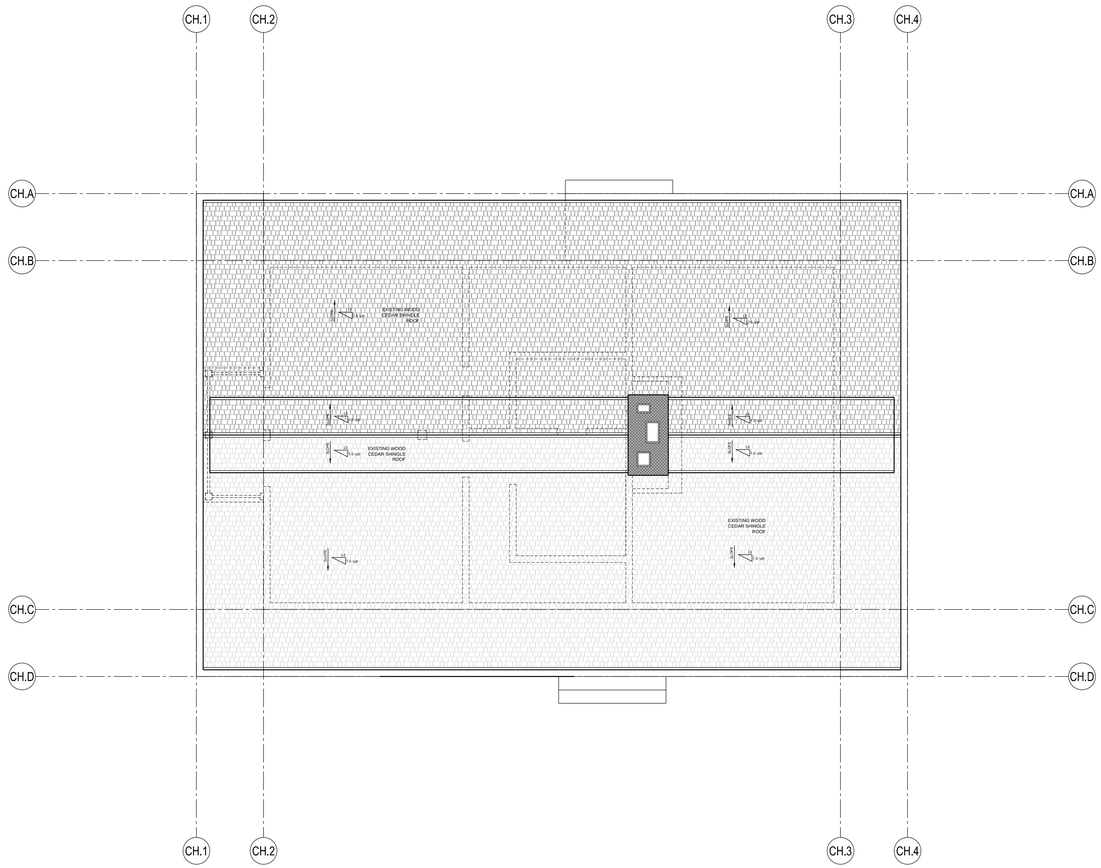
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NEGOTIATION
COA - 949 W SMUGGLER
SCALE
PROJECT # 949 SMUG
DRAWING TITLE:
EXISTING: CHALET FLOOR PLANS
DRAWING NO:
"949-HOUSE" 949-2
ISSUANCE DATE:
FEB 2022

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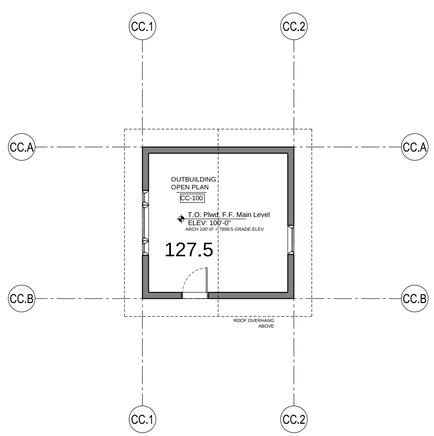
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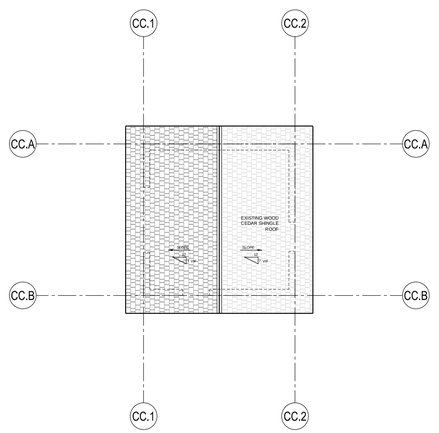
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SCALE : 3/16" = 1'-0"



2 TBD EXISTING ROOF PLAN - CHALET: 949 SMUGGLER
SCALE : 3/16" = 1'-0"



3 TBD EXISTING MAIN LEVEL FLOOR PLAN - CHICKEN COOP: 949 SMUGGLER
SCALE : 3/16" = 1'-0"



4 TBD EXISTING ROOF PLAN - CHICKEN COOP: 949 SMUGGLER
SCALE : 3/16" = 1'-0"

949 WEST SMUGGLER "CHALET RESIDENCE"

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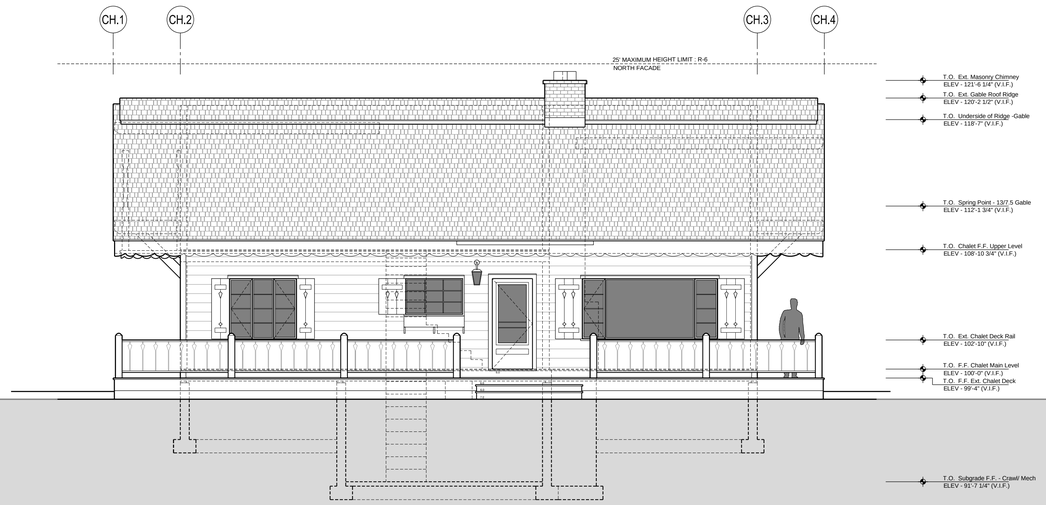
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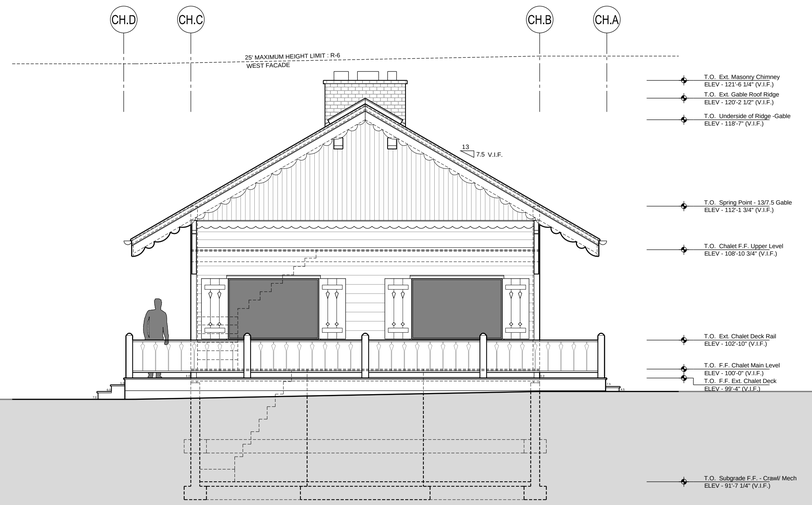
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NEGOTIATION
COA - 949 W SMUGGLER
SCALE
PROJECT # 949 SMUG
DRAWING TITLE:
EXISTING:
CHALET FLOOR
PLANS CONT.
/ CHICKEN COOP
DRAWING NO:
"949-HOUSE"
949-3
ISSUANCE DATE:
FEB 2022

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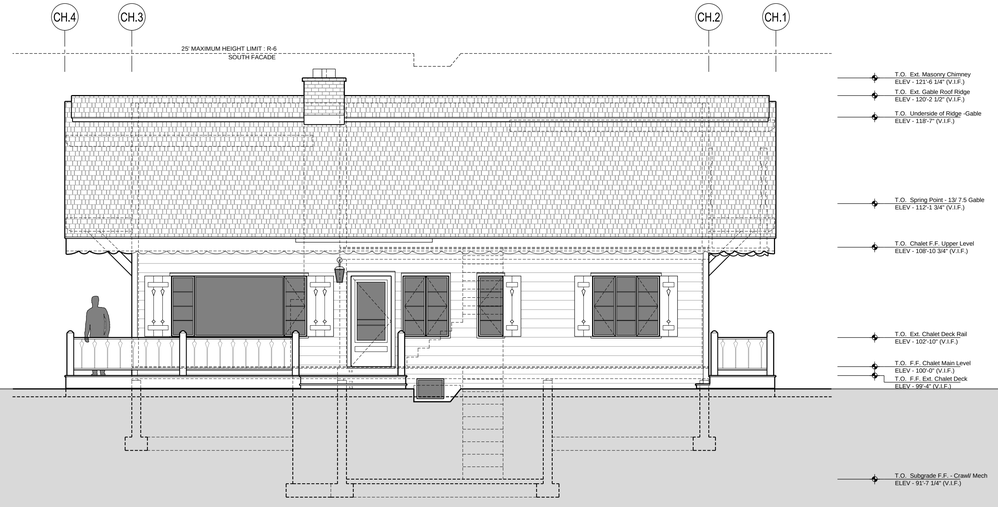
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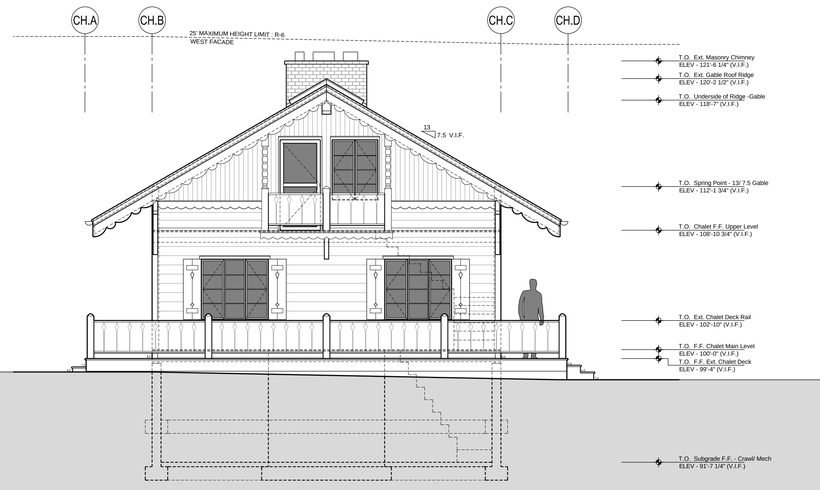
1 TBD EXISTING NORTH (949 WEST SMUGGLER) ELEVATION - CHALET: 949 SMUGGLER
SCALE : 3/16" = 1'-0"



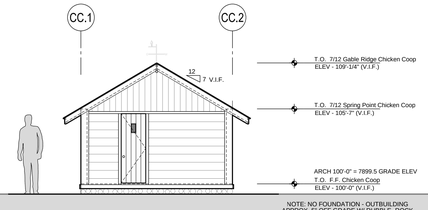
2 TBD EXISTING WEST ELEVATION - CHALET: 949 SMUGGLER
SCALE : 3/16" = 1'-0"



3 TBD EXISTING SOUTH (REAR YARD / ALLEY) ELEVATION - CHALET: 949 SMUGGLER
SCALE : 3/16" = 1'-0"

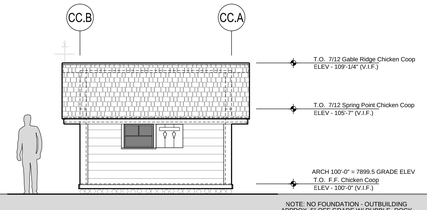


4 TBD EXISTING EAST ELEVATION - CHALET: 949 SMUGGLER
SCALE : 3/16" = 1'-0"



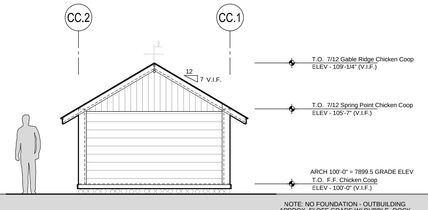
NOTE: NO FOUNDATION - OUTBUILDING
APPROX. 5" OFF GRADE W/ RUBBLE -ROCK
BUILT UP CONDITION

5 TBD EXISTING NORTH ELEVATION - CHICKEN COOP
SCALE : 3/16" = 1'-0"



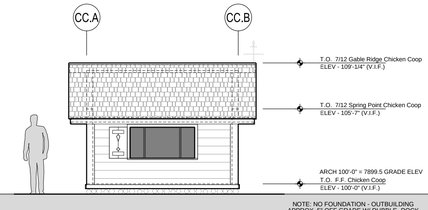
NOTE: NO FOUNDATION - OUTBUILDING
APPROX. 5" OFF GRADE W/ RUBBLE -ROCK
BUILT UP CONDITION

6 TBD EXISTING WEST ELEVATION - CHICKEN COOP
SCALE : 3/16" = 1'-0"



NOTE: NO FOUNDATION - OUTBUILDING
APPROX. 5" OFF GRADE W/ RUBBLE -ROCK
BUILT UP CONDITION

5 TBD EXISTING SOUTH ELEVATION - CHICKEN COOP
SCALE : 3/16" = 1'-0"



NOTE: NO FOUNDATION - OUTBUILDING
APPROX. 5" OFF GRADE W/ RUBBLE -ROCK
BUILT UP CONDITION

5 TBD EXISTING EAST ELEVATION - CHICKEN COOP
SCALE : 3/16" = 1'-0"

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

LAND PLANNING
Haas Land Planning LLC
240 East Main Street, Suite 220
Aspen, CO 81611
T: 970.925.7819
E: mitch@hlpaspen.com
Contact: Mitch Haas, Principal

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Glenwood Springs, CO 81601
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FOR CITY OF ASPEN USE

ISSUANCE	DATE

01 HPC- ASPEN MODERN NEGOTIATION
COA - 949 W SMUGGLER

SCALE

PROJECT # 949 SMUG

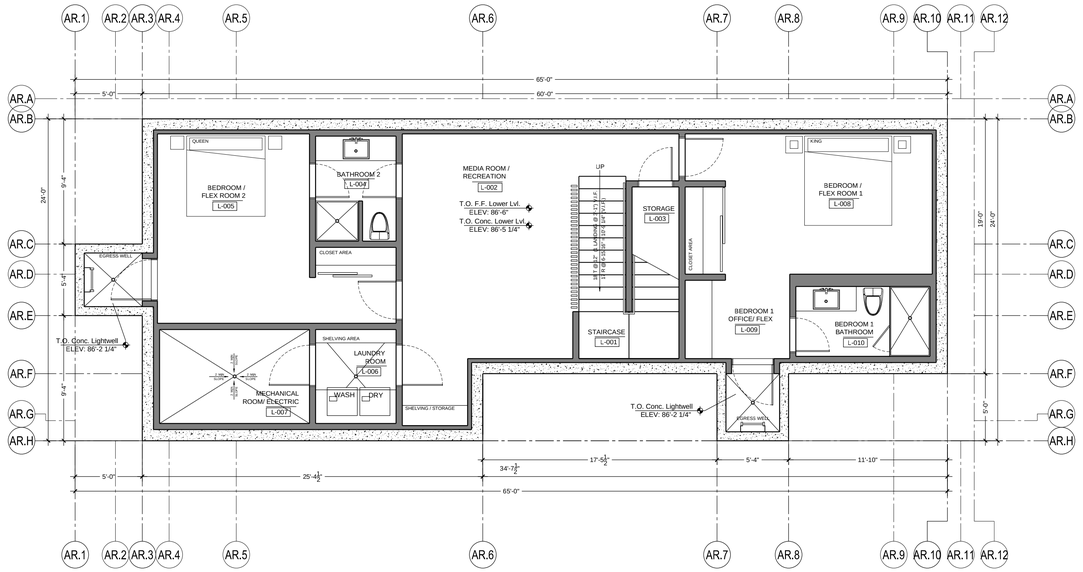
DRAWING TITLE:
EXISTING: CHALET ELEVATIONS. / CHICKEN COOP

DRAWING NO:
"949-HOUSE" 949-4

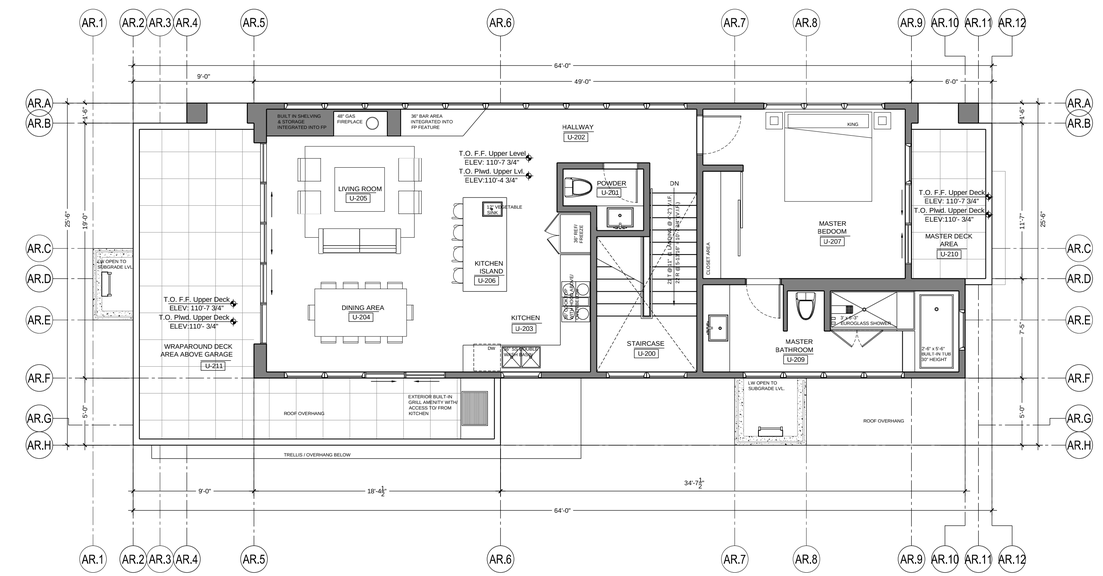
ISSUANCE DATE:
FEB 2022

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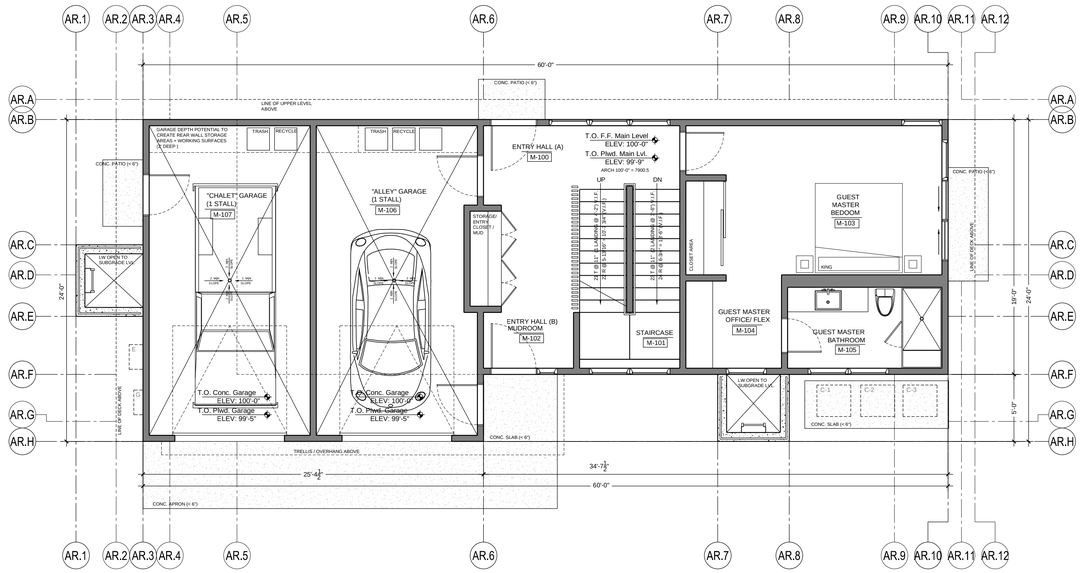
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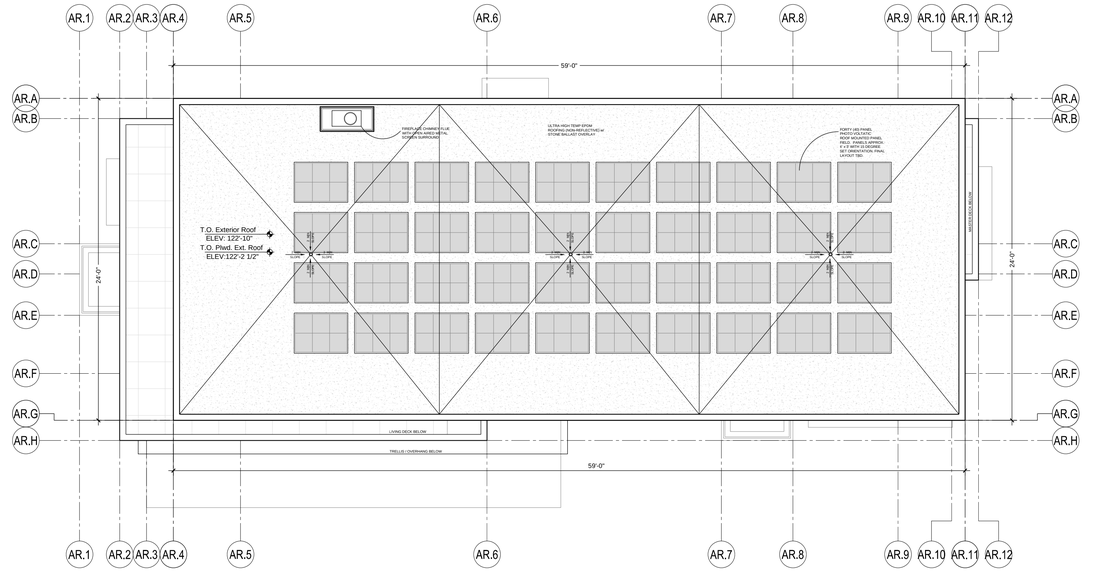
1 TBD PROPOSED LOWER / SUBGRADE FLOOR PLAN - ALLEY RESIDENCE: 949 SMUGGLER
SCALE : 3/16" = 1'-0"



3 TBD PROPOSED UPPER LEVEL FLOOR PLAN - ALLEY RESIDENCE: 949 SMUGGLER
SCALE : 3/16" = 1'-0"



2 TBD PROPOSED MAIN / ENTRY LEVEL FLOOR PLAN - ALLEY RESIDENCE: 949 SMUGGLER
SCALE : 3/16" = 1'-0"



4 TBD PROPOSED ROOF PLAN - ALLEY RESIDENCE: 949 SMUGGLER
SCALE : 3/16" = 1'-0"

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FOR CITY OF ASPEN USE

ISSUANCE	DATE

01 HPC- ASPEN MODERN
NEGOTIATION
COA - 949 W SMUGGLER
SCALE
PROJECT # 949 SMUG
DRAWING TITLE:

PROPOSED:
ALLEY RESIDENCE
FLOOR PLANS

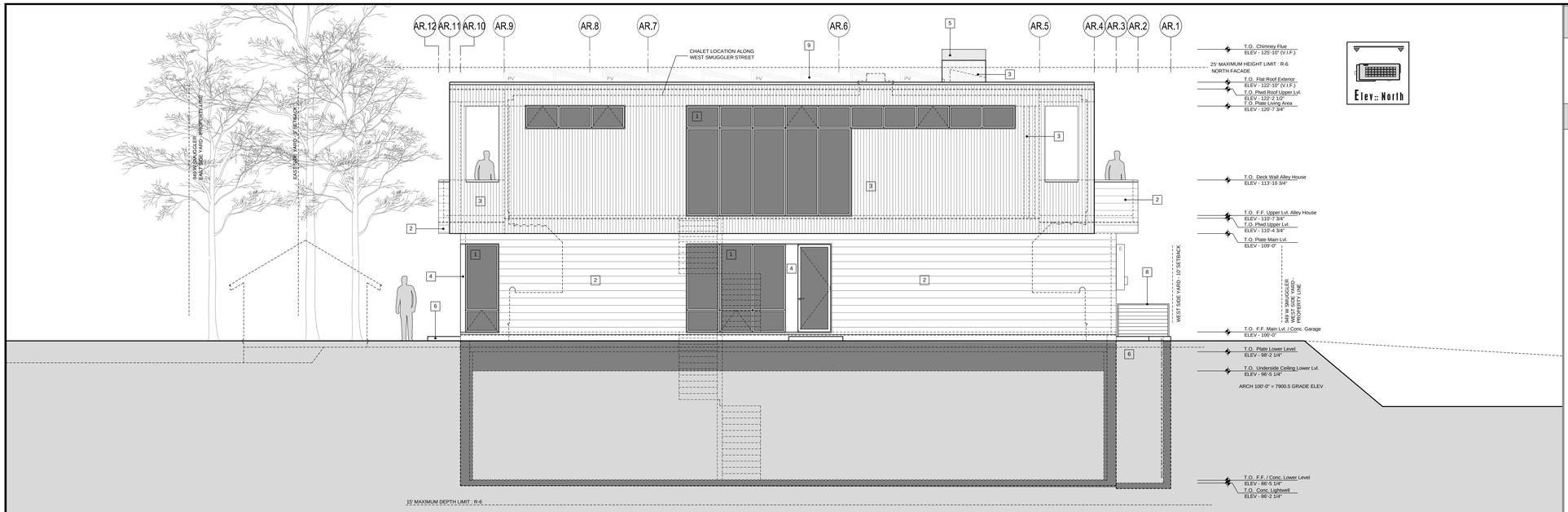
DRAWING NO:

"949-HOUSE"
949-5

ISSUANCE DATE:
FEB 2022

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1 TBD PROPOSED NORTH (949 WEST SMUGGLER) ELEVATION - ALLEY RESIDENCE: 949 SMUGGLER

SCALE : 3/16" = 1'-0"



2 TBD PROPOSED NORTH (949 WEST SMUGGLER) ELEVATION - ALLEY RESIDENCE (W/ SITE CONTEXT): 949 SMUGGLER

SCALE : 3/16" = 1'-0"

LEGEND:

- C-2 — WINDOW TAG
- 110 / A — WINDOW TAG
- 1 — RECESSED WALL LIGHTING / FIXTURE LOCATE - DOWN DIRECTIONAL ONLY
- 1 — RECESSED SOFFIT LIGHTING / FIXTURE LOCATE - DOWN DIRECTIONAL ONLY
- 1 — WALL MOUNTED LIGHTING / FIXTURE LOCATE - DOWN DIRECTIONAL ONLY

HPC PROVISIONS:

1. GENERAL NOTE: IT IS TO BE UNDERSTOOD ALL MATERIALS & SPECIFICATIONS AS DESCRIBED ARE SUBJECT TO PRODUCT AVAILABILITY AND COST CONSIDERATIONS AT THE TIME OF ACTUAL CONSTRUCTION. IF FOR REASONS OUT OF OUR CONTROL ALTERNATIVE MATERIALS, MEANS OR METHODS NEED BE CONSIDERED, THE HPC STAFF & MONITOR IS TO BE NOTIFIED ACCORDINGLY FOR SOLUTION DIALOGUE & APPROVAL AT SAID TIME

MATERIAL LIST:

MATERIALS ELEVATION TAG:

1

1. PROPOSED GLAZING & DOOR SYSTEMS. BASIS OF DESIGN : WEILAND LIFT AND SLIDE ALUMINUM FRAME SYSTEM WINDOWS & DOORS. GLAZING BASIS OF DESIGN VIRICON INSULATED GLASS GLAZING. ALTERNATE : PANORAMAH AH60 PERFORMANCE SERIES. HIGH ALTITUDE GLAZING SYSTEM WITH ANODIZED ALUMINUM FRAME FINISH. ALL NEW WINDOWS + DOORS WILL HAVE A FACTORY APPLIED NFRC STICKERED LABEL LISTING THE U-FACTOR OF THE ENTIRE ASSEMBLY. ALL GLAZING SHALL BE TEMPERED SAFETY GLAZING U.O.N.
2. 8" HORIZONTALLY APPLIED PARKLEX PRODEMA "RUSTIK -NATURSIDING-W" RAIN-SCREEN SIDING APPLICATION OVER FURRING STRIPS @ 16" O.C. PARKLEX PRODEMA EXTERIOR EXPOSED MOUNTING SYSTEM ADVISED. GENERAL NOTE: SOFFIT AREAS PRPOSED AS PARKLEX PRODEMA "GREY AYOUS / NATURSOFFIT-W"
3. BRIDGERSTEEL VERTICALLY APPLIED 3/4" MODERN CORRUGATED SIDING IN BLACK PAINT LOCK FINISH. ALTERNATE: NAKOMOTO FORESTRY "SHOU SIGU BAN" SUYAKI FINISH. SELECT CLEAR GRADE 1 X 4 X 12 MATERIAL. METAL 1.5" FLASH CAP UTILIZED WHEREVER NEEDED.
4. DEKTON EXTERIOR FACADE SURFACE PANELING OR METAL COLD ROLLED STEEL PANEL SYSTEM AT MIN. 20 GAUGE OR PER RECOMMENDATION OF MANUFACTURER TO FACILITATE NO OIL CANNING OF SURFACE. PANELS TO FOLD ALL EDGES TO DEPTH MIN. OF 1". BLUE STEEL FINISH OR EQUIVALENT TO BE DETERMINED.
5. FIREPLACE FLUE / VENT SHROUD - METAL FRAME AUTOMOTIVE PAINT LOCK FINISH (BLACK) WITH MCNICHOLS DESIGNER PERFORATED ALUMINUM METAL SCREEN PANELS - DIAMOND PATTERN / GRECIAN ALLOY TYPE 3003-H14 - MILL FINISH.
6. POURED CONCRETE STAIR AND PATIO AREAS WITH CHAMFERED EDGE AND ACID ETCH FINISH. COLOUR T.B.D. ALTERNATE: BASALT GRANITE CUT STONE SLABS - FLAMED FINISH- 2-1/4 " THICK MINIMUM. POURED IN PLACE CONCRETE FOUNDATION. INDUSTRY STANDARD CONCRETE AGGREGATE MIX AND FORM FINISH.
7. FLASHING AND TRELLIS AREAS TO BE BRIDGERSTEEL PAINT LOCK METAL FINISH. 29 GAUGE MINIMUM - BLACK OR GUNMETAL GREY PER DIRECTION OF SIDING TBD / APPROVED.
8. AUTOMOTIVE PAINT LOCK FINISH METAL RAILING WITH ALUMINUM CABLE RAIL HORIZONTAL CROSS MEMBERS - 4" MAX. SPACING PER IRC CODE.
9. SOLAR PANELS PER MANUFACTURER TBD. TILT NOT TO EXCEED 45 DEGREE INSTALLATION AND ORIENTATION TBD. REPRESENTATION FOR GRAPHIC PURPOSES / FUTURE INTENT OF APPROVAL.
10. FOUR PANEL FROSTED GLAZED OVERHEAD GARAGE DOOR SYSTEMS - FABRICATOR: OVERHEAD GARAGE DOOR COMPANY.

GENERAL NOTE: IF DEEMED NECESSARY, ALL CHALET WINDOWS TO BE RESTORED / REPAIRED AS NECESSARY BY AN HPC APPROVED SUBCONTRACT ENTITY. ASPEN RESTORATION COMPANY AND/ OR PHOENIX RESTORATION RECOMMENDED FOR ALL HISTORICAL WINDOW AND DOOR CONSIDERATIONS IF NECESSARY AT A FUTURE TIME.

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GENERAL NOTE: PAINTED WOOD FASCIA AND SOFFIT CONDITIONS. MATCH EXISTING HISTORICAL CONSTRUCTION AS NECESSARY SHOULD REPAIR / REPLACEMENT BE DEEMED NECESSARY.

NOTES:

1. FOR DOOR AND WINDOW SCHEDULES SEE A-80.00 SERIES

SAFETY GLAZING

ALL GLASS SHALL BE TEMPERED/SAFETY GLASS UNLESS OTHERWISE NOTED

EMERGENCY ESCAPE

ALL EMERGENCY ESCAPE EGRESS WINDOWS SHALL HAVE SILLS 40" A.F.F. UNLESS OTHERWISE NOTED (SEE ELEVATION AND SECTION DWGS).

KEY PLAN

1. TAG BELOW RESPECTIVE ELEVATION



0 2'–8" 5'–4" 10'–8"

SCALE: 3/16" = 1'–0"

LEGEND

TRUE NORTH 16.0°

N

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

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FOR CITY OF ASPEN USE

ISSUANCE	DATE

01 HPC- ASPEN MODERN
NEGOTIATION
COA - 949 W SMUGGLER
SCALE
PROJECT # 949 SMUG
DRAWING TITLE:

PROPOSED: ALLEY RESIDENCE ELEVATIONS + SITE CONTEXT

DRAWING NO:

"949-HOUSE" 949-6

ISSUANCE DATE: FEB 2022

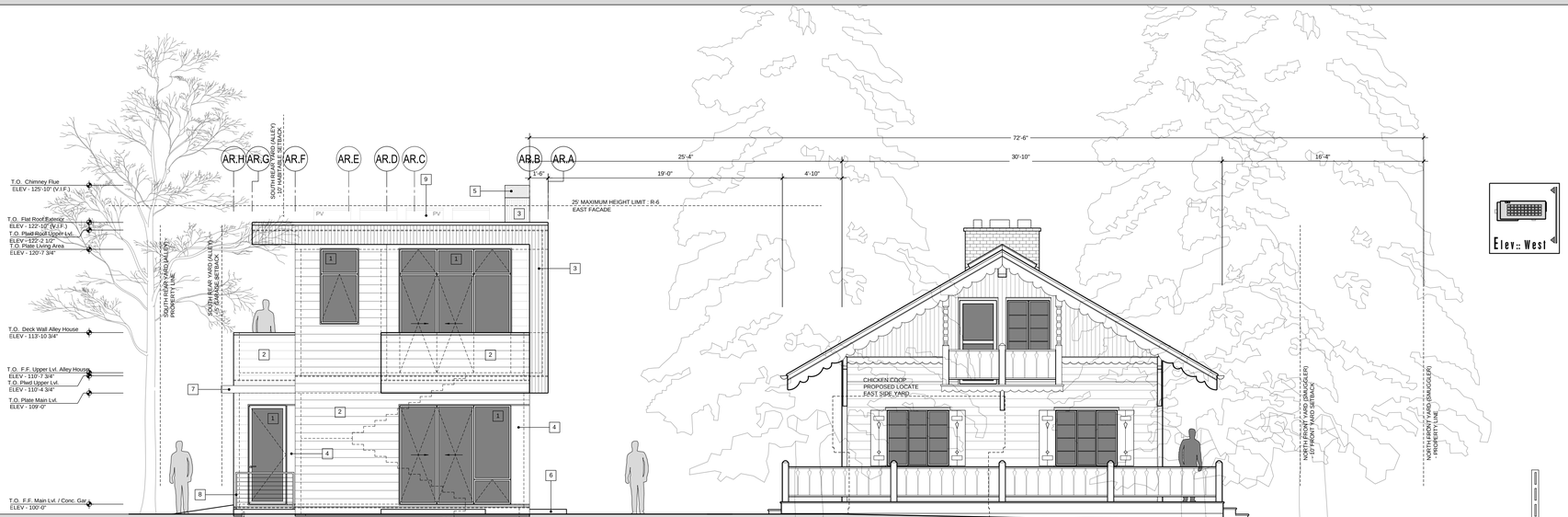
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c.1 FRIDAY DESIGN, LLC 2022



1 TBD PROPOSED WEST ELEVATION - ALLEY RESIDENCE: 949 SMUGGLER

SCALE : 3/16" = 1'-0"



2 TBD PROPOSED EAST ELEVATION - ALLEY RESIDENCE (W/ SITE CONTEXT): 949 SMUGGLER

SCALE : 3/16" = 1'-0"

LEGEND:

- C-2 — WINDOW TAG
- 110 / A — WINDOW TAG
- 1 — RECESSED WALL LIGHTING / FIXTURE LOCATE - DOWN DIRECTIONAL ONLY
- 1 — RECESSED SOFFIT LIGHTING / FIXTURE LOCATE - DOWN DIRECTIONAL ONLY
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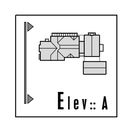
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KEY PLAN

1. TAG BELOW RESPECTIVE ELEVATION



0 2'-8" 5'-4" 10'-8"

SCALE: 3/16" = 1'-0"

LEGEND

TRUE NORTH 16.0°



MATERIAL LIST:

MATERIALS ELEVATION TAG:



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FOR CITY OF ASPEN USE

ISSUANCE	DATE

01 HPC- ASPEN MODERN
NEGOTIATION
COA - 949 W SMUGGLER

SCALE

PROJECT # 949 SMUG

DRAWING TITLE:
PROPOSED:
ALLEY RESIDENCE
ELEVATIONS +
SITE CONTEXT

DRAWING NO:
"949-HOUSE"
949-7

ISSUANCE DATE:
FEB 2022

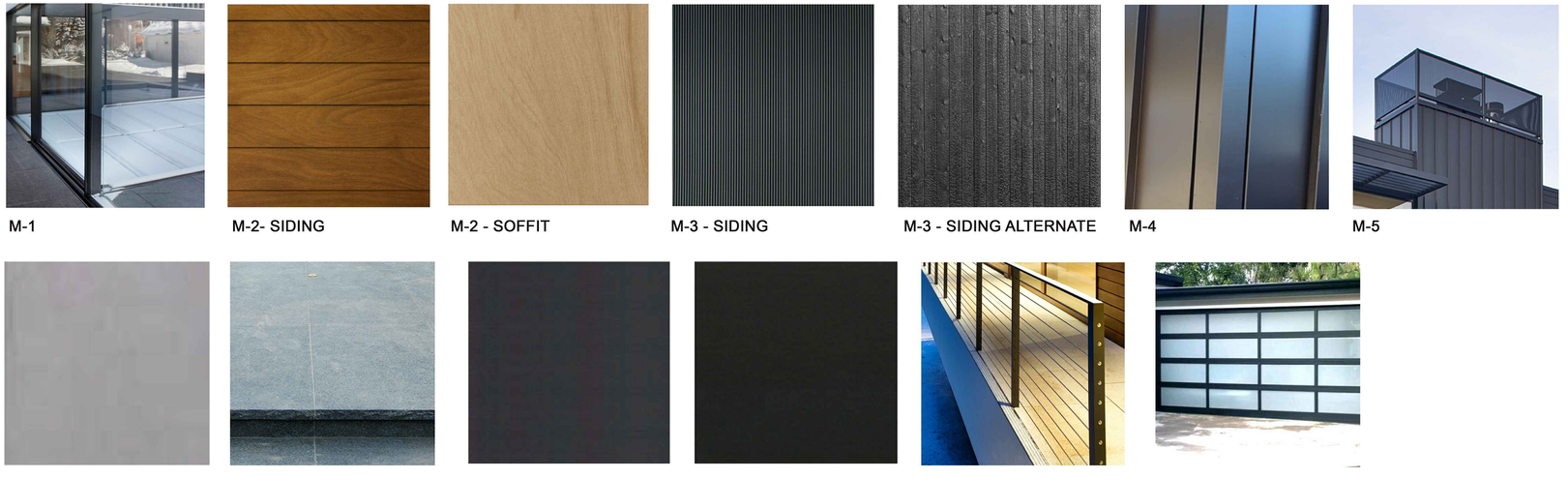
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1 TBD PROPOSED SOUTH (REAR YARD / ALLEY) ELEVATION - ALLEY RESIDENCE: 949 SMUGGLER

SCALE : 3/16" = 1'-0"



2 TBD PROPOSED MATERIALS KEY - ALLEY RESIDENCE: 949 SMUGGLER

SCALE : NO SCALE

LEGEND:

- C-2 — WINDOW TAG
- 110 / A — WINDOW TAG
- 1 — RECESSED WALL LIGHTING / FIXTURE LOCATE - DOWN DIRECTIONAL ONLY
- 1 — RECESSED SOFFIT LIGHTING / FIXTURE LOCATE - DOWN DIRECTIONAL ONLY
- 1 — WALL MOUNTED LIGHTING / FIXTURE LOCATE - DOWN DIRECTIONAL ONLY

HPC PROVISIONS:

1. GENERAL NOTE: IT IS TO BE UNDERSTOOD ALL MATERIALS & SPECIFICATIONS AS DESCRIBED ARE SUBJECT TO PRODUCT AVAILABILITY AND COST CONSIDERATIONS AT THE TIME OF ACTUAL CONSTRUCTION. IF FOR REASONS OUT OF OUR CONTROL ALTERNATIVE MATERIALS, MEANS OR METHODS NEED BE CONSIDERED, THE HPC STAFF & MONITOR IS TO BE NOTIFIED ACCORDINGLY FOR SOLUTION DIALOGUE & APPROVAL AT SAID TIME

MATERIAL LIST:

MATERIALS ELEVATION TAG:

1

1. PROPOSED GLAZING & DOOR SYSTEMS. BASIS OF DESIGN : WEILAND LIFT AND SLIDE ALUMINUM FRAME SYSTEM WINDOWS & DOORS. GLAZING BASIS OF DESIGN VIRICON INSULATED GLASS GLAZING. ALTERNATE : PANORAMAH AH60 PERFORMANCE SERIES. HIGH ALTITUDE GLAZING SYSTEM WITH ANODIZED ALUMINUM FRAME FINISH. ALL NEW WINDOWS + DOORS WILL HAVE A FACTORY APPLIED NFRC STICKERED LABEL LISTING THE U-FACTOR OF THE ENTIRE ASSEMBLY. ALL GLAZING SHALL BE TEMPERED SAFETY GLAZING U.O.N.
2. 8" HORIZONTALLY APPLIED PARKLEX PRODEMA "RUSTIK -NATURSIDING-W" RAIN-SCREEN SIDING APPLICATION OVER FURRING STRIPS @ 16" O.C. PARKLEX PRODEMA EXTERIOR EXPOSED MOUNTING SYSTEM ADVISED. GENERAL NOTE: SOFFIT AREAS PRPOSED AS PARKLEX PRODEMA "GREY AYOUS / NATURSOFFIT-W"
3. BRIDGERSTEEL VERTICALLY APPLIED 3/4" MODERN CORRUGATED SIDING IN BLACK PAINT LOCK FINISH. ALTERNATE: NAKOMOTO FORESTRY "SHOU SIGU BAN" SUYAKI FINISH. SELECT CLEAR GRADE 1 X 4 X 12 MATERIAL. METAL 1.5" FLASH CAP UTILIZED WHEREVER NEEDED.
4. DEKTON EXTERIOR FACADE SURFACE PANELING OR METAL COLD ROLLED STEEL PANEL SYSTEM AT MIN. 20 GAUGE OR PER RECOMMENDATION OF MANUFACTURER TO FACILITATE NO OIL CANNING OF SURFACE. PANELS TO FOLD ALL EDGES TO DEPTH MIN. OF 1". BLUE STEEL FINISH OR EQUIVALENT TO BE DETERMINED.
5. FIREPLACE FLUE / VENT SHROUD - METAL FRAME AUTOMOTIVE PAINT LOCK FINISH (BLACK) WITH MCNICHOLS DESIGNER PERFORATED ALUMINUM METAL SCREEN PANELS - DIAMOND PATTERN / GRECIAN ALLOY TYPE 3003-H14 - MILL FINISH.
6. POURED CONCRETE STAIR AND PATIO AREAS WITH CHAMFERED EDGE AND ACID ETCH FINISH. COLOUR T.B.D. ALTERNATE: BASALT GRANITE CUT STONE SLABS - FLAMED FINISH- 2-1/4 " THICK MINIMUM. POURED IN PLACE CONCRETE FOUNDATION. INDUSTRY STANDARD CONCRETE AGGREGATE MIX AND FORM FINISH.
7. FLASHING AND TRELLIS AREAS TO BE BRIDGERSTEEL PAINT LOCK METAL FINISH. 29 GAUGE MINIMUM - BLACK OR GUNMETAL GREY PER DIRECTION OF SIDING TBD / APPROVED.
8. AUTOMOTIVE PAINT LOCK FINISH METAL RAILING WITH ALUMINUM CABLE RAIL HORIZONTAL CROSS MEMBERS - 4" MAX. SPACING PER IRC CODE.
9. SOLAR PANELS PER MANUFACTURER TBD. TILT NOT TO EXCEED 45 DEGREE INSTALLATION AND ORIENTATION TBD. REPRESENTATION FOR GRAPHIC PURPOSES / FUTURE INTENT OF APPROVAL.
10. FOUR PANEL FROSTED GLAZED OVERHEAD GARAGE DOOR SYSTEMS - FABRICATOR: OVERHEAD GARAGE DOOR COMPANY.

GENERAL NOTE: IF DEEMED NECESSARY, ALL CHALET WINDOWS TO BE RESTORED / REPAIRED AS NECESSARY BY AN HPC APPROVED SUBCONTRACT ENTITY. ASPEN RESTORATION COMPANY AND/ OR PHOENIX RESTORATION RECOMMENDED FOR ALL HISTORICAL WINDOW AND DOOR CONSIDERATIONS IF NECESSARY AT A FUTURE TIME.

GENERAL NOTE: ALL ORNATE DETAILING SPECIFIC TO EXISTING HISTORICAL CHALET & CHICKEN COOP TO BE MAINTAINED. REPAIR AND REPLACE ELEMENTS AS DETERMINED NECESSARY PER ALL ASPEN HPC APPROVALS. MATCH EXISTING CONDITIONS WHEREVER POSSIBLE.

GENERAL NOTE: PAINTED WOOD FASCIA AND SOFFIT CONDITIONS. MATCH EXISTING HISTORICAL CONSTRUCTION AS NECESSARY SHOULD REPAIR / REPLACEMENT BE DEEMED NECESSARY.

NOTES:

1. FOR DOOR AND WINDOW SCHEDULES SEE A-80.00 SERIES

SAFETY GLAZING

ALL GLASS SHALL BE TEMPERED/SAFETY GLASS UNLESS OTHERWISE NOTED

EMERGENCY ESCAPE

ALL EMERGENCY ESCAPE EGRESS WINDOWS SHALL HAVE SILLS 40" A.F.F. UNLESS OTHERWISE NOTED (SEE ELEVATION AND SECTION DWGS).

KEY PLAN

1. TAG BELOW RESPECTIVE ELEVATION



0 2'-8" 5'-4" 10'-8"

SCALE: 3/16" = 1'-0"

LEGEND

TRUE NORTH 16.0°

N

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
949 West Smuggler
Aspen, CO 81611

LAND PLANNING
Haas Land Planning LLC
240 East Main Street, Suite 220
Aspen, CO 81611
T: 970.925.7819
E: mitch@hlpaspen.com
Contact: Mitch Haas, Principal

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1 Friday Design
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FOR CITY OF ASPEN USE

ISSUANCE	DATE
01 HPC- ASPEN MODERN NEGOTIATION	
COA - 949 W SMUGGLER	

SCALE

PROJECT # 949 SMUG

DRAWING TITLE:

PROPOSED:
ALLEY RESIDENCE
ELEVATIONS +
SITE CONTEXT

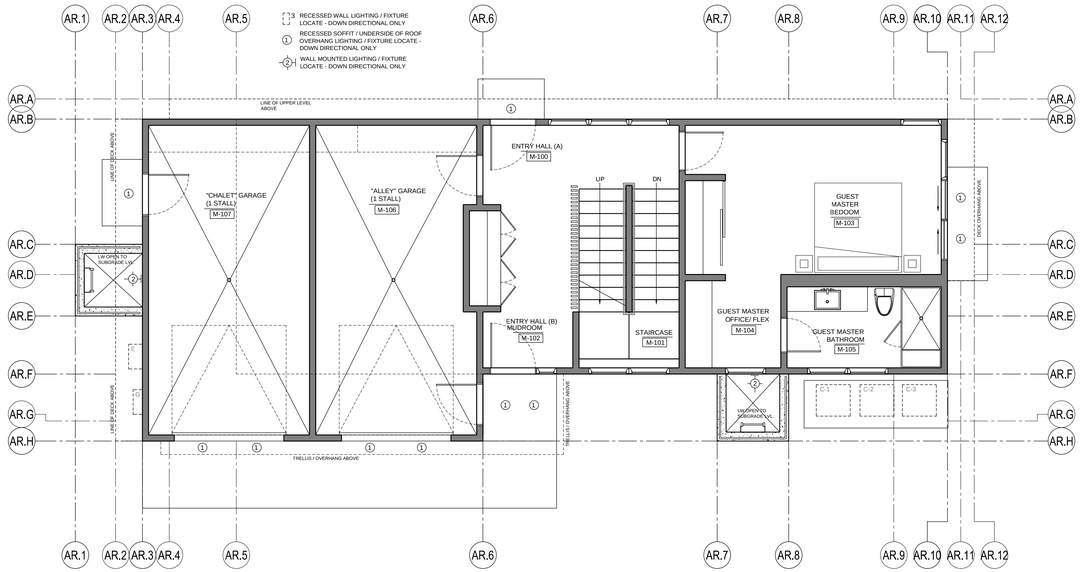
DRAWING NO:

"949-HOUSE"
949-8

ISSUANCE DATE:
FEB 2022

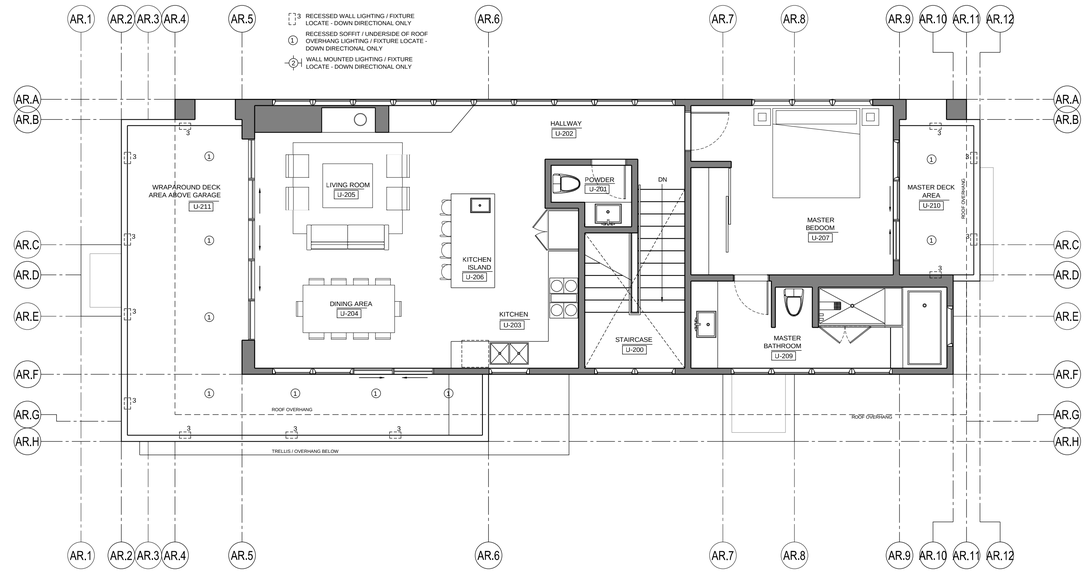
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1 TBD PROPOSED SUBGRADE + MAIN LEVEL EXTERIOR LIGHTING PLAN - ALLEY RESIDENCE: 949 SMUGGLER

SCALE : 3/16" = 1'-0"



2 TBD PROPOSED UPPER LEVEL EXTERIOR LIGHTING PLAN - ALLEY RESIDENCE: 949 SMUGGLER

SCALE : 3/16" = 1'-0"

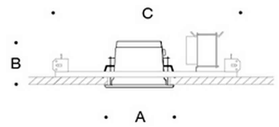
1

BEGA

BEGA » Products » Exterior » Recessed Ceiling » Downlight

Downlight

Stainless steel





2

BEGA

BEGA » Products » Exterior » Wall » Wall luminaire

Wall luminaire

Directed light







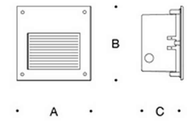
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BEGA

BEGA » Products » Exterior » Recessed Wall » Recessed wall luminaire

Recessed wall luminaire

Shielded







3 TBD PROPOSED EXTERIOR LIGHTING FIXTURES - ALLEY RESIDENCE: 949 SMUGGLER

SCALE : 3/16" = 1'-0"

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

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Aspen, CO 81611

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FOR CITY OF ASPEN USE

ISSUANCE DATE

01 HPC- ASPEN MODERN NEGOTIATION
COA - 949 W SMUGGLER

SCALE

PROJECT # 949 SMUG

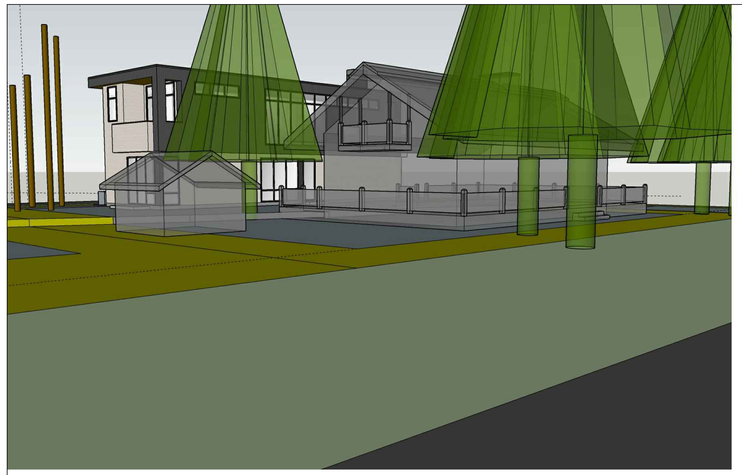
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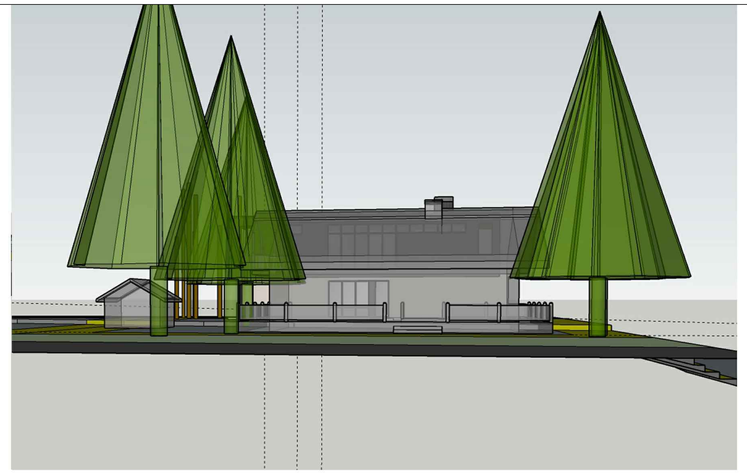
DRAWING NO:
"949-HOUSE" 949-9

ISSUANCE DATE:
FEB 2022

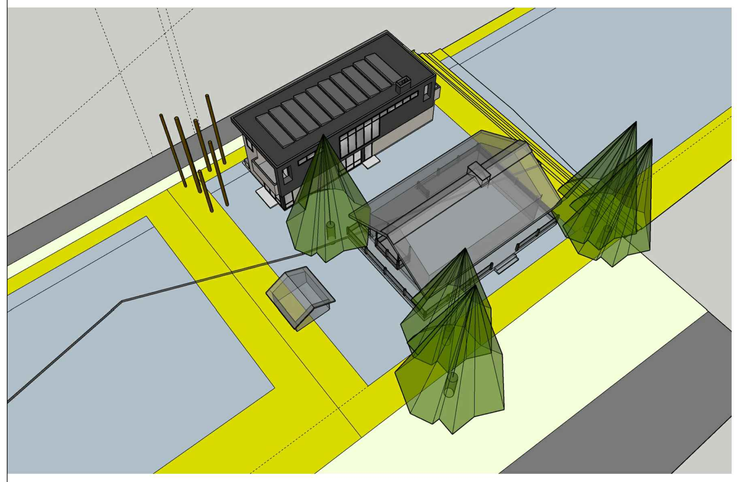
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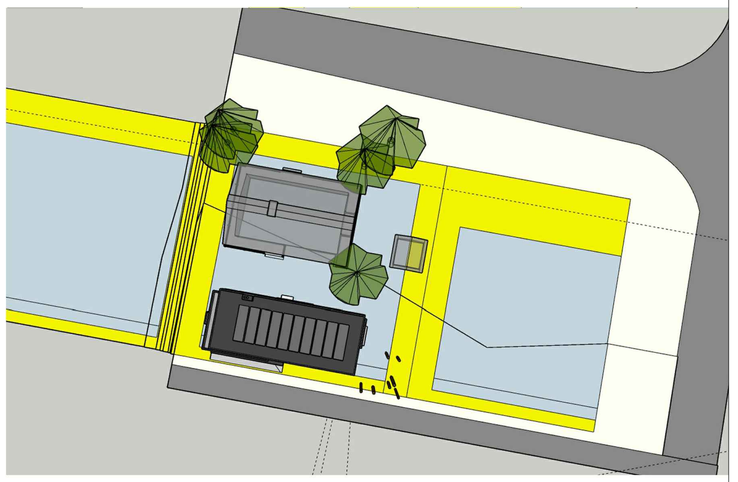


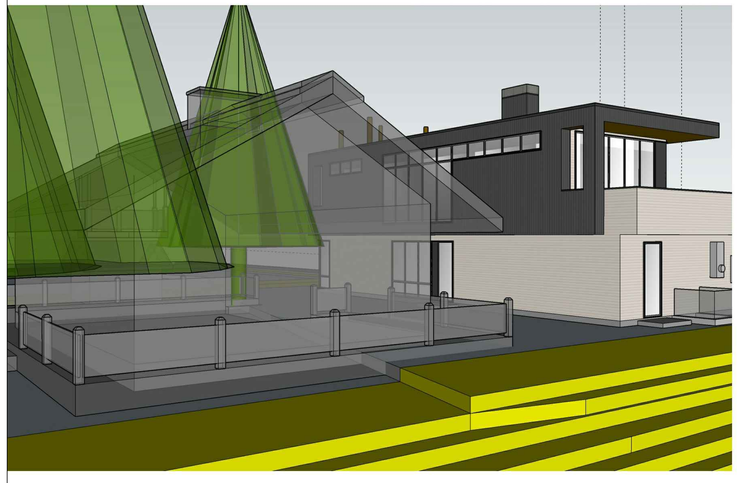




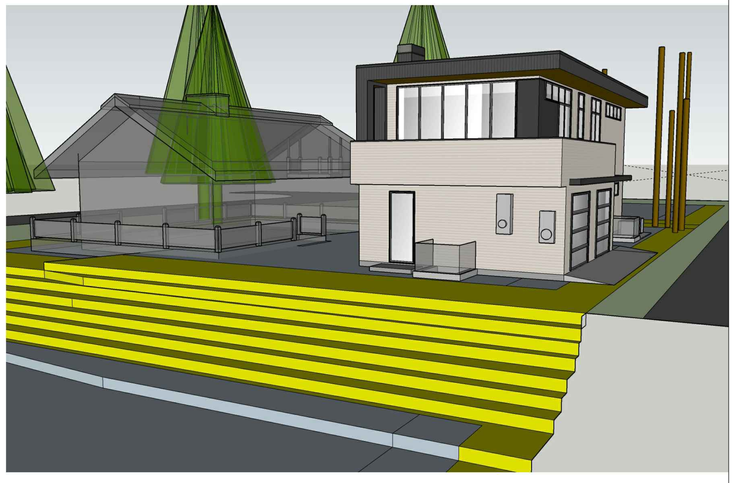












1 TBD PROPOSED MODELING SITE CONCEPTS (C-5) CHALET + ALLEY RESIDENCE: 949 SMUGGLER

SCALE : NOT APPLICABLE

949 WEST SMUGGLER "CHALET RESIDENCE"

949 West Smuggler :: West End, City of Aspen, CO

Owner:
Mr. Chris Vandemoer, Manager
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FOR CITY OF ASPEN USE

ISSUANCE DATE

01 HPC- ASPEN MODERN NEGOTIATION
COA - 949 W SMUGGLER

SCALE

PROJECT # 949 SMUG

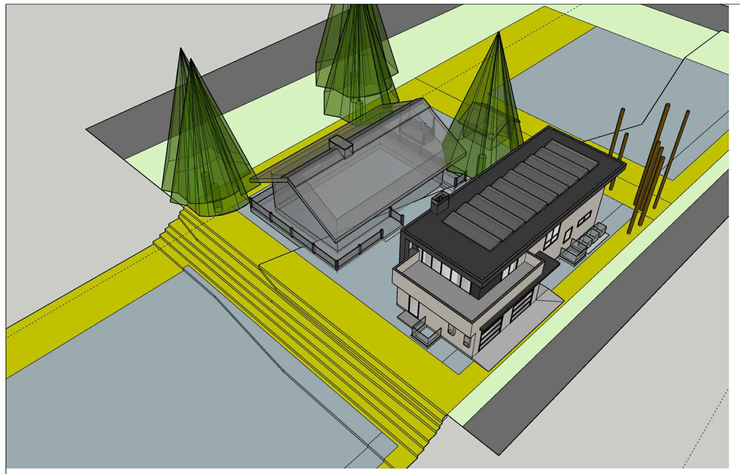
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PROPOSED: MODELING SITE CONCEPT

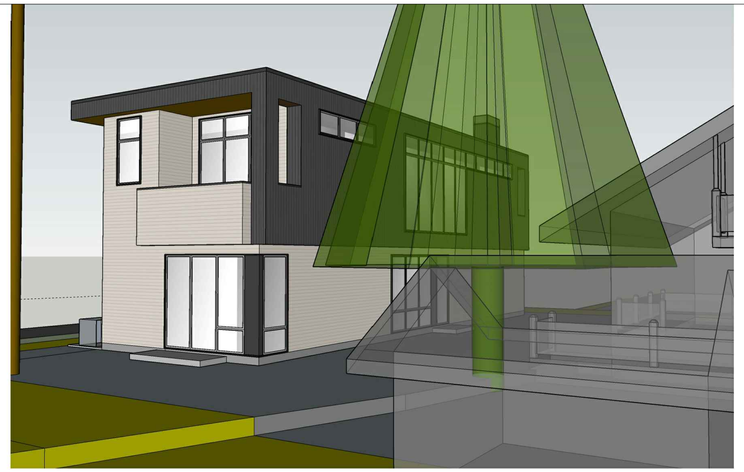
DRAWING NO:
"949-HOUSE" 949-10

ISSUANCE DATE:
FEB 2022

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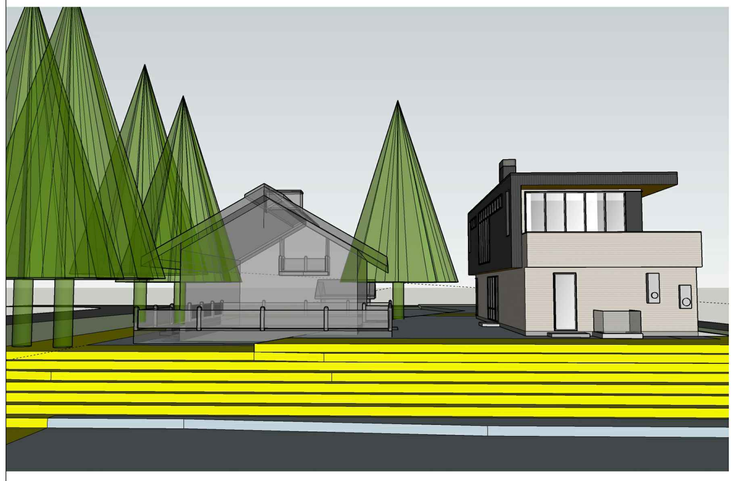




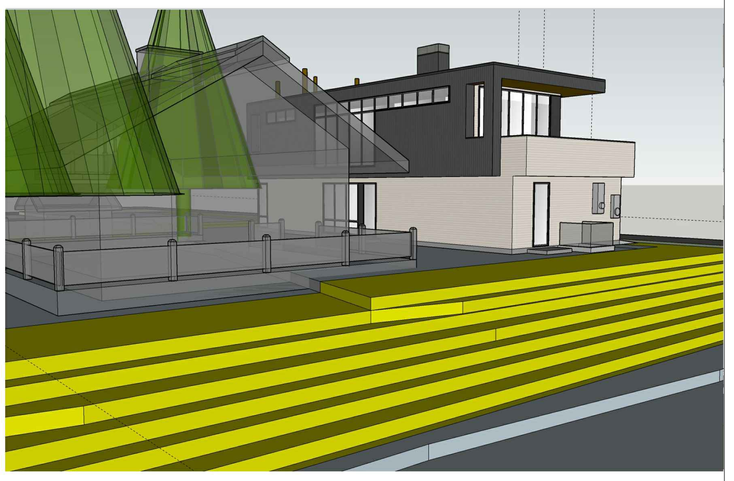












1 TBD PROPOSED MODELING SITE CONCEPTS (C-5) CHALET + ALLEY RESIDENCE: 949 SMUGGLER

SCALE : NOT APPLICABLE

949 WEST SMUGGLER "CHALET RESIDENCE"

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FOR CITY OF ASPEN USE

ISSUANCE DATE

01 HPC- ASPEN MODERN NEGOTIATION
COA - 949 W SMUGGLER

SCALE

PROJECT # 949 SMUG

DRAWING TITLE:
PROPOSED: MODELING SITE CONCEPT

DRAWING NO:
"949-HOUSE" 949-11

ISSUANCE DATE:
FEB 2022

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EXHIBIT 3

CITY OF ASPEN

PRE-APPLICATION CONFERENCE SUMMARY

PLANNER: Amy Simon, amy.simon@cityofaspen.com
DATE: September 10, 2020 (updated December 8, 2021)
PROPERTY: 949 W. Smuggler
REPRESENTATIVE: Chris Vandemoer, cvandemoer@outlook.com

DESCRIPTION: 949 W. Smuggler, Lot 2 of the Vandemoer Hill Lot Split, was recently created through a subdivision that divided the original larger parcel into two. Lot 2 contains a home built in 1946 and is therefore eligible for voluntary historic designation through the City's AspenModern program. This designation process allows the property owner to negotiate site specific benefits to be awarded by City Council in response to the owner's commitment to historic preservation.

The property owner plans to divide Lot 2, with the historic resource and a new detached dwelling unit on one parcel, and a right to develop a new single family home on the other parcel.

Benefit requests must be specified in the application. The first review step will be a hearing with HPC, who will provide a recommendation to City Council on the appropriateness of landmark designation, land use requests and the benefits package. Council will make the final determination. The Municipal Code provides that the process should be accomplished within 90 days, unless the City and applicant agree to a longer timeframe. The applicant may withdraw from the process at any time until a designation ordinance is passed. Final review will be required by HPC but will occur after the 90 day designation period.

Below are links to the Land Use Application form and Land Use Code:

Historic Preservation Land Use Application Land Use Code

Land Use Code Section(s)

26.304	Common Development Review Procedures
26.410	Residential Design Standards
26.415.025.C	Identification of Historic Properties
26.415.030	Designation of historic properties
26.415.070	Development involving designated historic properties
26.415.080	Demolition of designated historic properties
26.415.110	Benefits
26.470	Growth Management
26.480	Subdivision

Review by: Staff for completeness and recommendations
HPC for recommendations
Council for decisions

Public Hearing: Yes, at HPC and Council

Referrals: Staff will seek referral comments from the Building Department, Zoning, Engineering and Parks regarding any relevant code requirements or considerations. There will be no Development Review Committee meeting or referral fees.

Planning Fees: **$1,950** for 6 billable hours of staff time. (Additional/ lesser hours will be billed/ refunded at a rate of $325 per hour.) This fee will be due at Conceptual and Final submittal. Voluntary historic designation is exempt from land use fees, however the development aspect of the application is billable

Total Deposit: **$1,950.00**

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.
- ☐ List of adjacent property owners within 300' for public hearing. To create labels go to: https://maps.pitkincounty.com/gvh/?viewer=portal
- ☐ A written description of the proposal and an explanation of how the proposed development complies with the review standards relevant to the development application.
- ☐ A 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.
- ☐ A proposed site plan.
- ☐ 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.
- ☐ Supplemental materials to provide a visual description of the context surrounding the designated historic property including photographs and other exhibits, as needed, to accurately depict location and extent of proposed work.

For **Conceptual,** the following items will need to be submitted in addition to the items listed above:

- ☐ Graphics identifying preliminary selection of primary exterior building materials.
- ☐ A preliminary stormwater design.

For **Final Review,** the following items will need to be submitted in addition to the items listed above:

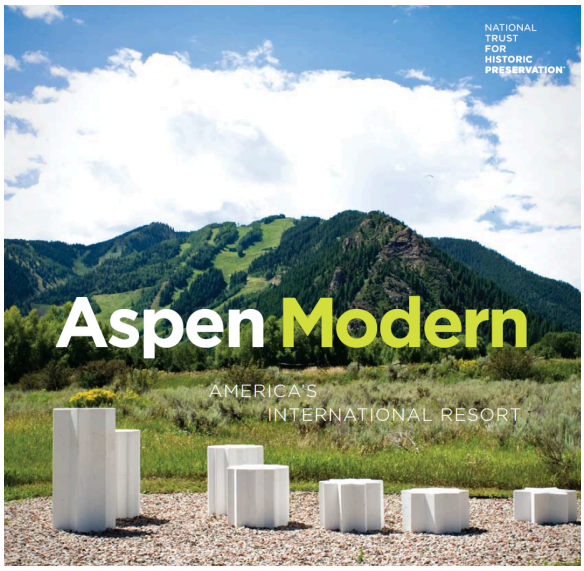
- ☐ Drawings of the street facing facades must be provided at ¼" scale.
- ☐ Final selection of all exterior materials, and samples or clearly illustrated photographs. Samples are preferred for the presentation to HPC.
- ☐ A lighting plan and landscape plan, including any visible stormwater mitigation features.

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.

Since the AspenModern program is a negotiated approval process through which preservation benefits and incentives beyond those identified in the Code are available to an applicant, the applicable sections and provisions of the Code take on a flexibility that does not exist with other types of applications. Direct compliance with the normally or otherwise applicable review criteria of the Code is not necessarily required in the context of an AM negotiation. Nevertheless, the normally applicable Code Sections are addressed below. Proposed incentives/benefits are indicated in purple font.

A. DESIGNATION OF ASPENMODERN PROPERTIES, SECTIONS 26.415.025 AND 0.30

With respect to Code Section 26.415.025, the 949 West Smuggler Street property is identified on the AspenModern map, referenced in the adopted Chalet Style Buildings context paper, and has been included in City of Aspen surveys since at least 2000. In addition, the National Trust for Historic Preservation sponsored a booklet on AspenModern properties that features the 949 West Smuggler Street chalet, as shown below.





RESIDENTIAL

Although Aspen hosts a number of year-round residents, housing in this area caters primarily to those who arrive seasonally to enjoy the snowy winters or the pastorally-green summers. The Swiss-style is a favorite, with a range of homes tucked into neighborhoods like little Alpine cabins. Yet, this traditional look (such as the 1946 single-family chalet at 949 West Smuggler Street, possibly Aspen's oldest example of this style) mixes easily with the more contemporary versions, referred to locally as "Modern Chalets."

First appearing in the 1960s, the Modern Chalet is less decorative and more robust in scale than its forebears. With low-to-moderately pitched roofs based on a 3:12 ratio and broad façades of rectilinear glass and solid panels, these homes opened up to the outdoors and were considered more conducive to the mid-century resort lifestyle. Excellent examples can be seen in the West End, on Francis Street and along Bleeker Street.

Edmundson House; Fritz Benedict, 1960, demolished 1993. Photo courtesy City of Aspen.
949 West Smuggler Street, 1946.
1102 Waters Avenue; Fritz Benedict; 1967.

The designation of AspenModern properties to the Aspen Inventory of Historic Landmark Sites and Structures (the Inventory) is governed by Section 26.415.030(c) of the Code. To be eligible for designation, an individual building, site, structure, or object, or a collection of buildings, sites, structures, or objects must have a demonstrated quality of significance. Furthermore, to be worthy of preservation incentives and to evaluate the equitability of such incentives, an AspenModern property must be rated on a "*good, better or best*" scale regarding its contribution to and significance in Aspen's 20th century history. Section 26.415.030(C)(1) of the Code states that,

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, craftsmen, or design philosophy that is deemed important and the specific physical design, designed, or philosophy is documented in an adopted context paper;*
d. *The property possesses such singular significance to the City, as documented by the opinions or 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 criteria.*

949 West Smuggler Street represents the post-war ski industry and resort economy development of Aspen, and the chalet buildings were directly related to this as a way of mimicking the styles commonly associated with established European ski and tourism destinations. The 949 West Smuggler Street property embodies the chalet style aesthetic that symbolizes the local, state, regional and national level importance that was placed on rejuvenating picturesque mountain towns by replacing the long-lost silver mining era with a tourism-based economy that could compete with Europe's traditional ski resorts.

Modern architecture made its first appearance in Aspen after World War II. The period of historic significance for modernist buildings in Aspen is between 1945 and approximately 1975. According to the City's published Aspen Modern National Trust for Historic Preservation booklet, "*The Swiss-style is a favorite, with a range of homes tucked into neighborhoods like little Alpine cabins. Yet, this traditional look (such as the 1946 single-family chalet at 949 West Smuggler Street, possibly Aspen's oldest example of this style) mixes easily with the more contemporary versions, referred to locally as 'Modern Chalets'*."

Furthermore, per the City of Aspen's website (http://www.aspenmod.com/places/949-w-smuggler/), the home at 949 West Smuggler Street "*is a highly decorative, classic example of the Chalet style, and was likely the first example built in town, just as the first chairlift was opening on Aspen Mountain. The house appears to be as originally designed. Built for a family from the Denver area, it is an example of an early ski vacation home in Aspen*." The home is considered representative of the period of ski industry development in Aspen and, having never changed hands, remains under the ownership of the Vandemoer family, its original developers.

Completely intact and unaltered (even its interiors), with an historic integrity score of 19 points (out of a possible 19 points), the home has often been referred to by City historic preservation staff and commissioners as the single "most important property" on the AM list of potentially historic structures. The chalet house and outbuilding are irreplaceable, "best" rated resources that have remained under the ownership of the original family who built them, and their historic integrity assessment achieves a perfect score. Preservation of this disappearing type of construction and important style is imperative to Aspen's post War

heritage, as noted in the City's chalet style context paper. This application offers the chance to have this one-of-a-kind, important historic treasure forever preserved and protected against intentional loss, inappropriate alteration, or redevelopment.

B. Major Development Review (Conceptual & Final)

Any development involving historic properties designated on the Aspen Inventory of Historic Landmark Site and Structures requires the approval of a development order and a certificate of appropriateness before a building permit or any other work authorization will be issued by the City.

No additions or alterations are proposed to a historic resource other than the on-site relocation of the small chicken coop outbuilding. Only a new, completely detached structure is proposed, and said structure is sufficiently in character with and sympathetic to the historic structure without mimicry. The historic buildings are retained on the property, and they will maintain visual prominence from West Smuggler and North 8th Streets. The proposed detached structure runs entirely on the alley side of the property, separated from the historic chalet by a distance approximating the ridge height of the resource.

Given the lack of change proposed on or for the historic chalet structure and as a negotiated AspenModern incentive, this application seeks combined Conceptual and Final Major Development Review approvals. Furthermore, in the context of the negotiation, the proposed designs are supplied as being consistent with more than enough of the potentially applicable HPC Design Guidelines to warrant the requested approvals regardless of whether there may be individual Guidelines that are not met. To the extent that the proposal may be interpreted as inconsistent with any of the Guidelines, waiver of the "requirement" to be found consistent with such Guideline is necessary as part of the AspenModern negotiated approval.

Regarding the Streetscape Guidelines:

- The buildings reinforce the traditional grid pattern of the neighborhood.
- The open spaces around and in front of the chalet are preserved and the visual porosity of the site is maintained.
- No changes to the streets or alleys are proposed and there are no ditches on the property.
- The 8th Street driveway access will be removed and only alley access will remain; however, it is proposed that the parking in the West Smuggler Street right-of-way be maintained as it has been since the chalet was originally built in 1946.
- The historic hierarchy of spaces is unchanged in the proposal; the simple walkways and the same fencing that have existed since the 1940s will be maintained and these succeed in distinguishing between public, semi-public, and private spaces.
- A preliminary stormwater plan is provided with this application, and a more detailed plan will be provided at building permit application.
- No built-in furnishings or features are proposed.
- The impressively large trees flanking the chalet are being preserved, and the only anticipated tree removals involve insignificant and/or poor-condition trees along the alley.
- No new landscaping is proposed as a way of honoring the existing, simple but mature landscape around the chalet, maintaining the existing degree of porosity.

- No landscape lighting exists, and none is proposed.
- There are no retaining walls existing or proposed on the site, and existing grades will be maintained through and after the development of the new, detached residence along the alley.

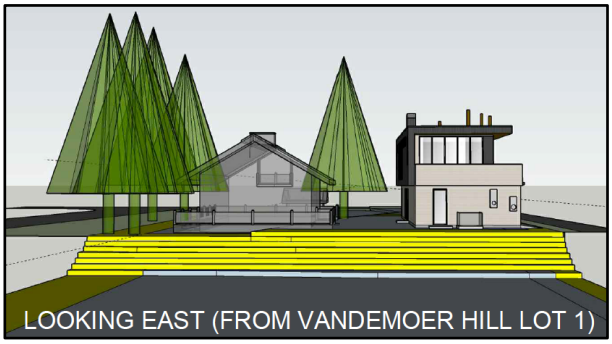
The Restoration Guidelines of Chapters 2-7 are not applicable. The chalet structure is intact, will not be altered, and requires no restoration. The building materials, windows, doors, porch and decks, architectural details, and roofs will be unaffected. The same is true of the chicken coop outbuilding that will merely be relocated from its obscure location along the alley to a more prominent spot where it will better compliment the historic significance of the chalet.

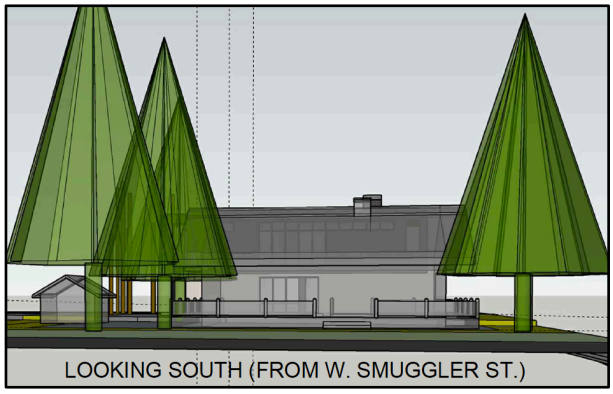
Moving on to the Chapter 11 Guidelines normally applicable to the new detached residence, the following applies:

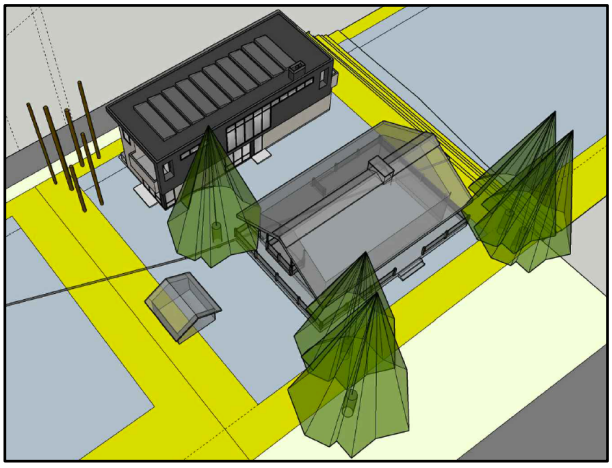
- The new building is oriented parallel to the lot lines to maintain the traditional grid and to relate to the chalet.
- The idea is for the chalet to remain the "front" building, with its primary entrance defined by a simple walkway and a front porch. To maintain this prominence, the new structure will have a secondary feeling, exemplified by its less-defined entrance and primary access. Although the structures are amply detached, this property is intended to function as one.
- The new building relates to the size of the historic chalet. As proposed, the new alley residence will be set some 68-feet back from the front property line on a lot that is only 100' deep. With its 5-foot rear yard setback, this means the new residence is only a modest 27-feet deep at its largest point from front to back. For sake of comparison, consider that the chalet structure, including roof overhangs, is 35'-8" deep from front to back. In addition, the historic chalet structure and the new alley residence will be a very generous 23'-10" apart (wall-to-wall) in a zone district that requires only 5-feet between detached structures. These ample distances, combined with the preservation of the extremely large evergreen trees, ensure that the proposed alley residence's 25-foot maximum height (including rooftop solar panels) will achieve a sympathetic and subservient relationship with the historic assets.

  The compact design of the new residence is simply in form, scale, and massing. Combined with the separation distances described above, the simple and clean form of the proposed design serves to ensure that the new structure will not visually compete with or in any way overwhelm the historic resources. It also ensures that the old and new will be clearly and easily differentiated such that nobody will confuse the two. See images pasted below.









- The layout of the proposal has been very carefully considered to guarantee design of the new residence is sympathetic and subservient to the historic resource while maintaining the prominence of the chalet and associated trees from West Smuggler and 8th Streets. The chalet's iconic north and east facades, including the second-floor deck facing 8th Street, will forever remain highly visible and unobstructed, especially given the proposed building envelope/setbacks on the Vacant Lot.

C. Demolition of Designated Historic Properties

Section 26.415.080 of the Code provides the standards for the review of any request to demolish a structure within a designated historic property. Of course, the subject property is not yet designated historic and any of its structures can still be demolished by right. The applicant intends to maintain the primary chalet structure as well as the associated "chicken coop" outbuilding after its relocation (addressed below). However, the 20.3' x 12.5', one-story shed that currently sits at the southeast corner of the property will be demolished.

Per Section 26.415.080(a)(4), 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;*

Additionally, for approval to demolish, all the following criteria would normally need to be met, although not necessarily in the case of an AspenModern negotiated designation:

a. *The structure does not contribute to the significance of the parcel or Historic District in which it is located;*
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.*

The shed structure cannot practically be moved to another appropriate location on-site, but if, prior to its demolition, someone would like to move it to another appropriate location in Aspen, the Applicant is willing to allow it to be taken. Moreover, there is no known documentation to demonstrate that this outbuilding has historic, architectural, archaeological, engineering or cultural significance. It is felt that the structure does not contribute to the historic significance of the parcel, and it resides on the proposed, non-historic vacant lot. The loss of the shed will not adversely affect the perfect integrity scoring of this property. There are no adjacent designated properties, and demolition of the shed will be inconsequential to the historic preservation effort proposed herein or to the needs of the area.

D. Relocation of Historic Chicken Coop (Outbuilding)

Code Section 26.415.090 explains its intent as being the preservation of designated historic properties in their original locations, as much of their significance is embodied in their setting and physical relationship to their surroundings. However, it is also recognized that occasionally the relocation of a property may be appropriate as it provides an alternative to demolition or because it only has a limited impact on the attributes that make it significant.

In the current case, the primary historic resource of the chalet residence will not be relocated or altered in any fashion. Instead, only the small "chicken coop" outbuilding currently located along the alley is proposed for on-site relocation. The applicable review criteria for this proposal are found in Section 26.415.090(c) and HPC Design Guidelines 9.1 through 9.8, as addressed below.

(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.

As stated above, only the small "chicken coop" outbuilding is proposed for on-site relocation. The outbuilding is original to the site but its small stature and its location along the alley and within/under vegetation is such that it is barely noticeable.

This outbuilding measures just 11.3' x 11.3', is less than a full story in height, and sits on a rock foundation. It will be stabilized, lifted, and moved some 50 or so feet to the northeast, where it will reside adjacent to and east of the rear half of the chalet, partially beneath the branches of the large conifer that marks the back corner of the resource. It will be sensitively placed back on a new slab that will help to better support the structure while avoiding impacts to the tree's root system. This small structure is capable of being lifted and its new base will provide structural stability ensuring its future. Other than this relocation, the structure will not be altered. The new location assures not only increased stability but also a greater degree of prominence and association with the historic chalet structure.

HPC Design Guideline 9.1 is not applicable since the proposal does not involve the development of a basement beneath the relocated outbuilding. Regarding Guidelines 9.2 through 9.7, this on-site relocation is for only a small outbuilding -- not relocation of the primary resource – that is not within a historic district. The accompanying plans show the existing and proposed locations for the structure. Its existing location is not much contributing to the historic significance of the property since it is hardly even noticeable, and the proposed relocation will enhance the relationship between the primary and accessory structures. The outbuilding's orientation will be maintained (i.e., the door facing north), as will its historic elevation above grade. Its new foundation will appear similar in design and materials to the historic "foundation;" simply laying small rocks around its base will accomplish this. Similarly, its original exterior will be unaltered and require no reconstruction. There will be no lightwells as the structure will not have any subgrade area. The relocation will be accomplished by experienced and qualified contractors. Guideline 9.8 is inapplicable since the proposed relocation is on-site.

E. SECTION 26.415.110 - BENEFITS

Section 26.415.110 of the Code explains that the City is committed to providing support to property owners to assist their efforts to maintain, preserve, and enhance their historic properties. Recognition that these properties are valuable community assets is the basic premise underlying the provision of special procedures and programs for designated

properties, and the same recognition goes even further in underlying the AspenModern program through which the City negotiates the granting of benefits and incentives beyond those specified in the Code to convince an owner to willingly landmark their property.

The Applicant is not requesting a historic landmark lot split but is instead utilizing the AspenModern negotiation to request a subdivision and associated GMQS exemption that would result in one additional unit of density (these are separately addressed below). Of the "benefits" provided for in Section 26.415.110 of the Code, the Applicant is requesting only minor setback variations, a slight on-site parking reduction, and the issuance of a transferable development right (TDR). The Applicant is ***not*** requesting a Floor Area bonus, any conditional uses, or any funds or fee waivers.

In relevant part, the HPC is empowered to grant variations to allow:

(a) development within the side, rear and front setbacks;
(b) development that does not meet the minimum distance requirements between buildings; and
(c) up to 5% additional site coverage.

The proposed development complies with the R-6 zone district requirements for front setbacks, minimum distance between detached buildings on a lot, and site coverage limitations. That said, to the extent that any such requirements are later determined to be unmet, it is proposed that the provided site plan be established as approved under the terms of the AspenModern designation.

Setbacks.

In granting a variation, the HPC must determine that the variation "*Is similar to the pattern, features and character of the historic property…and/or Enhances or mitigates an adverse impact to the historic significance or architectural character of the historic property…*"

The only Chalet Lot variations requested from the zoning involve (1) the relocated chicken coop having a five-foot east side yard setback where ten-feet would otherwise be required; (2) a five-foot rear yard setback variation to allow a lightwell that exceeds minimum size; and (3) five-foot rear setback for spaces that will not be used solely as garage, including both the new residence's below grade mechanical and laundry rooms under the garage (within the same foundation) and a deck area on top of the garage. The zoning allows a 5-foot rear yard setback for that portion of the principal structure used solely as a garage but otherwise requires a 10-foot rear yard setback; the applicant merely seeks to utilize the spaces above and below those first five feet of garage. All above-grade massing and scale conditions for the proposed alley residence comply with R-6 dimensional requirements.

As proposed, the new alley residence will be set some 68-feet back from the front property line on a lot that is only 100' deep. With its 5-foot rear yard setback, this means the new residence is only a modest 27-feet deep at its largest point from front to back. For sake of comparison, consider that the chalet structure, including roof overhangs, is 35'-8" deep from front to back. In addition, the historic chalet structure and the new alley residence

will be a very generous 23'-10" apart (wall-to-wall) in a zone district that requires only 5-feet between detached structures. These ample distances, combined with the preservation of the extremely large evergreen trees, ensure that the proposed alley residence's 25-foot maximum height (including rooftop solar panels) will achieve a sympathetic and subservient relationship with the historic assets.

The compact design of the new residence is simply in form, scale, and massing. Combined with the separation distances described above, the simple and clean form of the proposed design serves to ensure that the new structure will not visually compete with or in any way overwhelm the historic resources. It also ensures that the old and new will be clearly and easily differentiated such that nobody will confuse the two.

On the Vacant Lot, it is proposed that the standard 10-foot front setback be ***increased*** three-fold to 30-feet for above-grade improvements to assure maximum visibility of the historic structures from West Smuggler Street and its North 8th Street intersection (utilities and subgrade improvements would continue to be subject to the standard 10-foot front yard setback requirement). To accommodate this, it is also proposed that the east side yard setback for this 8,000 square foot lot be 5-feet, as required (adjacent to the nearly 30-feet of unoccupied right-of-way between the property line and the N. 8th Street roadway), and that the combined side yard setback requirement be waived or established at 15-feet (*a 10-foot variation* from the 25-foot requirement). The proposed side yard setbacks and the 5-foot/10-foot rear yard setback are consistent with the underlying R-6 zoning. If preferable to the City, the Applicant is amenable to establishing these setbacks as a formal "building envelope" to be delineated on the Final Subdivision Plat.

The proposal is wholly compatible with the surrounding neighborhood. In addition, the requested variations are fully appropriate and warranted in exchange for guaranteeing the perpetual preservation of a substantial community benefit and valuable community asset by landmark designating Aspen oldest remaining example of a chalet residence and associated outbuilding. The layout of the proposal has been very carefully considered to guarantee the design of the new residence is sympathetic and subservient to the historic resource while maintaining the prominence of the chalet and associated trees from West Smuggler and 8th Streets. The chalet's iconic north and east facades, including the second-floor deck facing 8th Street, will forever remain highly visible and unobstructed, especially given the proposed building envelope/setbacks on the Vacant Lot.

On-Site Parking.

Per Code Section 26.415.110(d), on-site parking reductions are permitted for designated historic properties unable to contain the number of parking spaces required by the underlying zoning due to the existence of a historic resource. When the parking waiver will enhance or mitigate an adverse impact on the historic significance or architectural character of the designated property, the HPC may also waive any otherwise required cash-in-lieu of on-site parking for residential development.

Since the Chalet Lot will contain two detached single-family residences, the Code would require four on-site parking spaces, or two per dwelling. The Applicant is requesting a parking waiver of two spaces to allow one on-site parking space per dwelling. The

proposed plans include two one-car garages within the new detached structure. One of these spaces is to be dedicated to the chalet structure and the other is for the new residence. The two garages are separated by an interior wall and only one of the two spaces is accessible from within the attached residence. In addition, the Applicant seeks approval to maintain the existing fence and parking pull-out area within the West Smuggler Street right-of-way, as these have existed since the 1940s. Relocating the circa 1940s fence to match the West Smuggler Street property line is not feasible or desirable as it would necessitate impacts to the historically significant trees. This pull-out area within the West Smuggler Street right-of-way provides an additional 3-4 off-street parking spaces.

Placing two additional parking spaces on-site would require the removal of additional trees and greater impact on/crowding of the historic resources. A waiver of the requirement for two additional on-site spaces allows the two historic assets to stand-alone, without additions or alterations, surrounded by the massive trees that have always added to the character of the property and an appropriate, ample amount of open ground. As such, the waiver will enhance or mitigate an adverse impact on the historic significance or architectural character of the designated property; therefore, the fee in-lieu should be waived as well.

Transferable Development Rights (TDR).

Section 26.415.110(k) provides that owners of properties listed on the Inventory may sever and convey, as a separate development right, undeveloped floor area to be developed on a different property within the City. The proposed Vacant Lot, being 8,000 square feet in the R-6 zone district, would normally allow 3,520 square feet of Floor Area for a single-family residence. However, in another proactive effort to ensure sensitivity to the important historic resources on the adjacent Chalet Lot, the Applicant is volunteering that the Vacant Lot be limited to just 3,240 square feet of floor area, or the same floor area allowed for a lot of only 6,000 square feet. With this 280 square foot reduction, the Applicant is requesting one (1) 250 square foot historic TDR that can be sold for use on a different, eligible receiver site within the City.

All other dimensional requirements of the R-6 zoning, as may be amended, would continue to govern development on the Vacant Lot. Such development will also remain subject to all other applicable codes, including but not necessarily limited to the Residential Design Standards.

F. Residential Design Standards, Chapter 26.410

As codified at Section 26.410.010(a),

> *The City's Residential Design Standards are intended to ensure a strong connection between residences and street; ensure buildings provide articulation to break up bulk and mass; and preserve historic neighborhood scale and character. The standards do not prescribe architectural style, but do require that each home, while serving the needs of its owner, contribute positively to the streetscape.*

The Code further provides that the Residential Design Standards (RDS) are intended to achieve an environment where homes have a connection to the street, respond to neighboring properties, and reflect traditional building scale. The proposal preserves the historic chalet that has engaged the street for some 75 years and provides articulation by breaking up available bulk and mass into three small-to-modest, detached structures. It also not only preserves historic neighborhood scale and character, but its buildings are critical in defining the neighborhood's historic character and scale. Obtaining HPC approval of the proposed development inherently guarantees achieving of the objectives and intent of the RDS.

As such, to the extent that the proposed development and design of the new structure on the Chalet Lot fails to comply with any of the applicable RDS, it is proposed that such standard be waived under the umbrella of the negotiated AspenModern approval. The future development of the Vacant Lot, on the other hand, will be subject to consistency with any then applicable RDS.

G. Growth Management, Chapter 26.470

While this AM negotiation application seeks Major Subdivision approval and the granting of a residential development allotment for the Vacant Lot, it is requested that both resulting lots be permitted to mitigate for affordable housing in accordance with and pursuant to the Codes in effect for the development of preexisting parcels or lots created through a Lot Split process, as such code provisions may exist at the time of building permit applications.

Development of a second residential dwelling on the proposed 10,000 square foot Chalet Lot, as allowed by the R-6 zoning dimensional requirements, is exempt from growth management pursuant to Code Section 26.470.090(a) and will provide affordable housing mitigation accordingly. As requested, the Vacant Lot will allow the future development of a single-family home that is similarly exempt from growth management pursuant to Section 24.470.090(a). The existing lot was created by a Lot Split, and the new lots will have been subdivided and found to comply with the provisions of Subsection 26.480.020 (addressed later herein). As such, both resulting lots will mitigate for affordable housing in accordance with and pursuant to the Codes in effect at the time of building permit applications and no related fee waivers are requested.

It is the Applicant's intention to keep the Chalet Lot, including its two historic structures and the new residence they will build thereon. It is unlikely but possible that the new residence at the rear of the Chalet Lot could be developed in advance of the Vacant Lot being sold to a third party. The developing of this new residence at the rear of the Chalet Lot will trigger a requirement for payment of an affordable housing mitigation fee.

The Vandemoer family does not permanently reside within Aspen. Nevertheless, in recognition of the family having owned the subject property for more than 75 years, it is requested that, in the event the new residence on the Chalet Lot is to be developed in advance of the Vacant Lot having been sold, payment of the required affordable housing mitigation fee associated with the new residence on the Chalet Lot be allowed to be

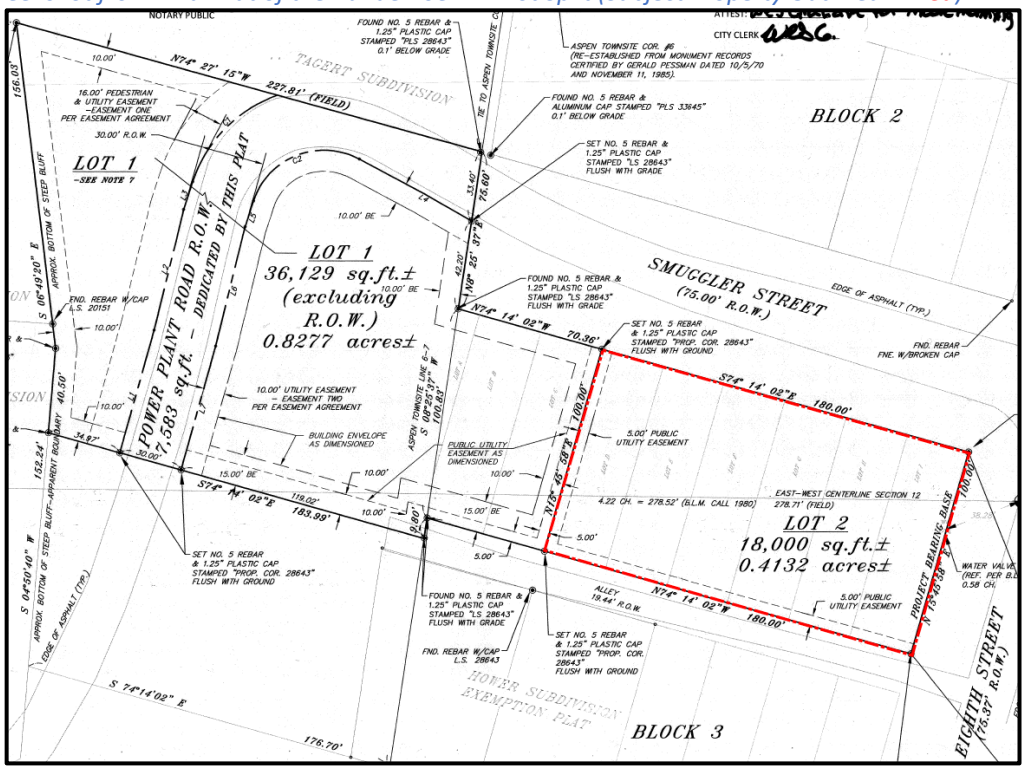
deferred until at least one month following the Vacant Lot being sold to an unassociated third party. If the Vacant Lot is sold prior to building permit for the new alley residence on the Chalet Lot, then full payment of the applicable mitigation fee will be made at the time of its permit issuance.

H. SUBDIVISION, CHAPTER 26.480

The purpose of Chapter 26.480, Subdivision, of the Aspen Land Use Code is to: (a) assist in the orderly and efficient development of the City; (b) ensure the proper distribution of development; (c) encourage the well-planned subdivision of land by establishing standards for the design of a subdivision; (d) safeguard the interests of the public and the subdivider and provide consumer protection for the purchaser; (e) provide procedures so that development encourages the preservation of important and unique natural or scenic features, including but not limited to mature trees or indigenous vegetation, bluffs, hillsides or similar geologic features or edges of rivers and other bodies of water; and (f) promote and protect the health, safety and general welfare of the residents of the City of Aspen.

The subject property was recently created through a 2020 Minor Subdivision for a Lot Split that divided the original larger, merged parcel into two. The property is a rectangular-shaped 18,000 square foot lot (180' x 100') in the R-6 Zone District. It is legally described as Lot 2, Vandemoer Hill Lot Split according to the final plat thereof recorded November 6, 2020, in Plat Book 129 at Page 11, and it includes Lots D-I of Block 3, City and Townsite of Aspen (see Exhibit 5). Lot 1 is a vacant parcel under separate ownership and is not part of this application.

Excerpt Screenshot from Final Plat of the Vandemoer Hill Lot Split (Subject Property Outlined in Red):



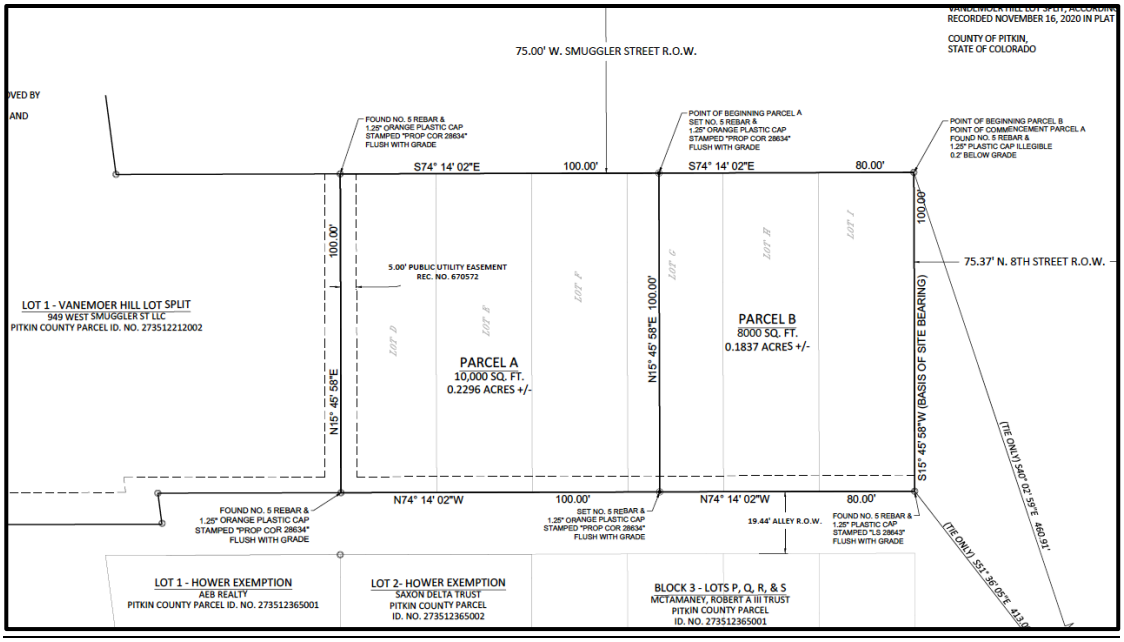
The current configuration of the subject property is the result of Ordinance No. 2 (Series of 2020) (hereinafter the "Ordinance") and the associated Final Plat. The Ordinance did not historically designate the property or put any significant restrictions on it. Instead, the Ordinance provides that any future development on Lot 2 is merely subject to the requirements of the R-6 zone district in place at such time as a development or redevelopment application is submitted (which time is now). However, the Ordinance provides that Lot 2 "*shall not be further subdivided through the Minor Subdivision – Lot Split process*." As such, this application does not seek a Minor Subdivision or Lot Split but instead requests Major Subdivision approval through the AM process to divide Lot 2 into Parcels A and B. Nonetheless, it is requested that both resulting lots be permitted to mitigate for affordable housing in accordance with and pursuant to the Codes in effect for the development of preexisting parcels or lots created through a Lot Split process, as such code provisions may exist at the time of building permit applications.

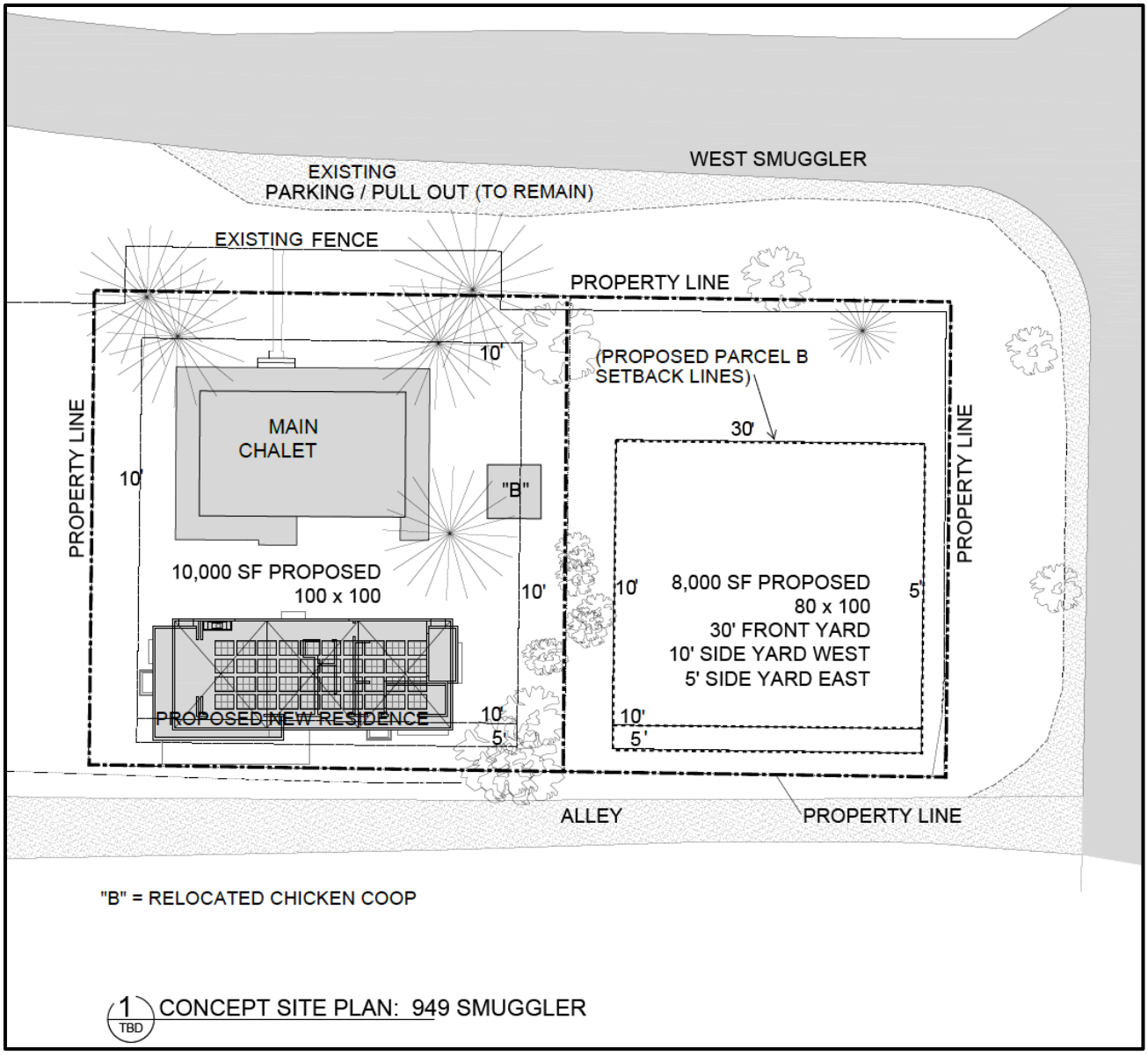
More specifically, the applicant intends to subdivide the property into two lots, as follows:

(A) Parcel A (also referred to herein as the "Chalet Lot" or "Historic Lot") to be a 10,000 square foot, historically designated lot (100' x 100') and contain the historic chalet and relocated chicken coop (Outbuilding "B"), as well as a new detached single-family residence along the alley frontage; and

(B) Parcel B (also referred to herein as the "Vacant Lot") to be a vacant 8,000 square foot lot (80' x 100') that will be given a residential growth management allotment but will not be designated or otherwise subject to HPC purview for future development of a single-family home. The existing storage building (Outbuilding "A") will be demolished.

The reduced-size diagrams provided below depict the proposed layout of the lots and structures as well as the proposed setback requirements.





Because this application does not involve a request for condominiumization, timesharing, a boundary adjustment, a lot split, or a historic landmark lot split, and because of the terms of the Ordinance, the review is Major Subdivision. Accordingly, the Applicant has provided information below relevant to and addressing the requirements in Code Sections 26.480.040, General Subdivision Review Standards, and 26.480.070, Major Subdivision.

Sec. 26.480.040, General Subdivision Review Standards.

All subdivisions are required to meet the following general standards and limitations in addition to the specific standards applicable to each type of subdivision. The applicable standards are provided below in indented and *italicized text,* and each is immediately followed by the Applicant's response demonstrating compliance or consistency therewith, as applicable.

(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.

The proposal allows for guaranteed perpetual and unobstructed legal vehicular access to the alley at the rear of the property as well as both North Eighth Street and West Smuggler Street. All other properties utilizing these public rights-of-way will maintain unobstructed access as well. There are and will not be any streets within the subdivision. No security or privacy gates across access points or driveways are proposed.

(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.

The proposed lot line runs in a straight line from the alley to West Smuggler Street, As such, it conforms to and aligns with the platting of the Original Aspen Townsite.

(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.

The proposed lots will contain 10,000 and 8,000 square feet where the underlying R-6 zoning stipulates a minimum lot area of 6,000 square feet. The lots will also have a 100- and 80-foot lot widths where the required minimum is 60-feet. As such, the result will be two fully conforming lots of record. A rezoning is not required or requested, and both lots will remain zoned R-6.

(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.

The structures to be maintained are in conformance with the requirements of the underlying R-6 zoning, as such requirements are being varied through the AM process. The proposed single-family residential uses and densities are consistent with the R-6 zoning as well. The shed structure located along the southeast property lines where the alley meets N. 8th Street, is proposed for demolition. Thus, the proposed subdivision, with concurrent approval of the proposed setback provisions, will not result in any nonconformities.

Sec. 26.480.070, Major Subdivisions.

Code Section 26.480.070 provides that major subdivisions shall be approved, approved with conditions, or denied by the City Council, after receiving a recommendation from the Historic Preservation Commission. Major subdivisions are subject to Section 26.480.030, Procedures for Review, the standards and limitations of Section 26.480.040, General Subdivision Review Standards (addressed above), and the standards and limitations applicable to a land subdivision, as addressed below.

(a) ***Land Subdivision****. The division or aggregation of land for the purpose of creating individual lots or parcels shall be approved, approved with conditions, or denied according to the following standards:*

(1) The proposed subdivision complies with the requirements of Section 26.480.040—General Subdivision Review Standards.

The proposed division of land for purposes of creating individual lots is considered a major subdivision. Compliance with the requirements of Section 26.480.040 has been demonstrated above.

(2) The proposed subdivision enables an efficient pattern of development that optimizes the use of the limited amount of land available for development.

The existing 18,000 square foot lot is not fully built out in terms of allowable floor area or density. The underlying R-6 zoning carries a minimum gross lot size of 6,000 square feet. Therefore, it is theoretically possible to subdivide the property into three conforming lots. However, such subdivision into three 6,000 square foot lots would not be possible without moving or demolishing the historic chalet that currently sits on three original townsite lots. Further, given the requirement for the subdivision to align with the original townsite plat, it would also be necessary to remove several of the exceptional trees from the property to make room for development of the three lots that would result. These are not acceptable or appropriate outcomes.

It would be possible to subdivide the 18,000 square feet of land into two lots of 9,000 square feet each, which would enable development of four single-family dwellings instead of the three proposed. While such a subdivision would optimize density, it is felt that it would also inappropriately crowd and overwhelm the historic community assets and the large trees. As such, it is believed that the proposed subdivision enables an appropriately efficient pattern of development that sensitively optimizes the use of the limited amount of land available.

(3) The proposed subdivision 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.

The proposed subdivision would guarantee the perpetual preservation of two vital historic structures. It has also been carefully planned to maximize preservation of the important mature vegetation on the property. These features to be preserved have historic, cultural, visual, and ecological importance, all of which greatly and indisputably contributes to the identity of the town. There are no known geologic features on the property.

(4) The proposed subdivision 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 thirty percent (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 with specific design details and timing of implementation addressed through a Development Agreement pursuant to Chapter 26.490—Approval Documents.

The subject property is not known to be subject to or in any way affected by flooding, mudflow, debris flow, fault ruptures, landslides, rock or soil creep, rock falls, rockslides, mining activity, avalanche or snowslides, slopes greater than 30% or any other hazard or condition that could harm the health, safety or welfare of the community or any inhabitants of the property itself. The only "unsuitable" land for development on the property is the areas beneath the large conifer trees and these areas are being sufficiently avoided to ensure no harm to these resource trees.

(5) There has been accurate identification of engineering design and mitigation techniques necessary for development of the proposed subdivision 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 and documented within a Development Agreement.

All identification of engineering design and mitigation techniques for development of the proposed subdivision was considered with the Vandemoer Hill Lot Split. All new development will require the same types of engineering studies and design considerations that are typical throughout the West End area. A new home was recently developed immediately across North Eighth Street and the subject property is not significantly different from an engineering or URMP perspective. All new development will comply with adopted engineering standards.

(6) The proposed subdivision shall upgrade public infrastructure and facilities necessary to serve the subdivision. Improvements shall be at the sole cost of the developer.

It is not anticipated that the proposed subdivision would generate impacts that would necessitate significant upgrades to public infrastructure and facilities. However, should any such improvements prove necessary, the developer will bear all associated costs.

(7) The proposed subdivision is exempt from or has been granted all growth management approvals pursuant to Chapter 26.470—Growth Management Quota System, including compliance with all affordable housing requirements for new and replacement development as applicable.

As part of the AM negotiated benefits, it is requested that the Vacant Lot be granted a residential development allotment. Further, while this AM negotiation application seeks major subdivision approval, it is requested that both resulting lots be permitted to mitigate for affordable housing in accordance with and pursuant to the Codes in effect for the development of preexisting parcels or lots created through a Lot Split process, as such code provisions may exist at the time of building permit applications. In effect, the Vacant Lot will allow the future development of a single-family home that is similarly exempt from growth management pursuant to Section 24.470.090(a). As such, the necessary administrative growth management exemptions have been requested concurrent with this subdivision and AM approval.

(8) The proposed subdivision meets the School Land Dedication requirements of Chapter 26.620 and any land proposed for dedication meets the criteria for land acceptance pursuant to said Chapter.

The subject property does not include adequate area for the dedication of land. As such, fees in lieu of school land dedication will be paid in association with development of the resulting Vacant Lot. Such fees will be paid at the time of building permit issuance for the new home on the Vacant Lot.

(9) A Subdivision Plat shall be reviewed and recorded in the office of the Pitkin County Clerk and Recorder, pursuant to Chapter 26.490—Approval Documents.

A proposed Final Subdivision Plat of The Vandemoer Lot 2 Subdivision is provided herewith for review, as part of the attached proposed plans package. The Final Subdivision Plat will be recorded in the office of the Pitkin County Clerk and Recorder, pursuant to Chapter 26.490, Approval Documents.

(10) A Development Agreement shall be reviewed and recorded in the office of the Pitkin County Clerk and Recorder, pursuant to Chapter 26.490—Approval Documents.

Should this application be approved, a Development Agreement memorializing the terms of the approval will be provided to the City for review and recording in the office of the Pitkin County Clerk and Recorder, pursuant to Chapter 26.490, Approval Documents. As is customary, it is requested that a draft Development Agreement be required to be submitted to the City for review within 180-days of this application's final approval.

I. MEDIUM-DENSITY RESIDENTIAL (R-6) ZONING, SECTION 26.710.040

The proposal provides areas for long-term residential purposes and customary accessory uses. Recreational and institutional uses are found in proximity to the property and its existing and intended detached residential dwellings. The property is within the original Aspen Townsite and will contain an appropriately dense settlement of detached residences within walking distance of both the center of the City and locally and regionally serving transit stops. Therefore, the proposal is completely consistent with the codified Purpose of the underlying R-6 zone district.

The proposed detached residential dwellings are a permitted use, and no conditional uses are being considered. The proposed lots comply with the 6,000 square foot minimum gross lot area and the 60-foot minimum lot width requirements. The proposed residential densities on each of the lots are consistent with the minimum net lot area per dwelling unit requirements of the R-6 zone.

The Chalet Lot (proposed Parcel A) and its proposed development is consistent in virtually all respects with the underlying R-6 zone district dimensional requirements, including its limitations on floor area. The Applicant is ***not*** requesting a Floor Area Bonus from the HPC. Minimum front yard setback requirements are and will continue to be exceeded.

The Chalet Lot will have two detached residential dwellings and, since these will be separated by more than ten (10) feet, they are not subject to a combined side yard setback requirement. The Chalet Lot will comply with the 10-foot minimum west side yard setback requirement, but an east side yard setback variation is requested from the HPC to allow the small chicken coop outbuilding to be relocated such that it would have a 5-foot east side yard setback.

The R-6 zoning allows a 5-foot rear yard setback for accessory buildings and for the portion of a principal building used solely as a garage; this application requests that the HPC grant a rear yard setback variation to allow the principal residence to benefit from the same 5-foot rear yard setback requirement and to have a lightwell of more than minimum size in the rear yard setback.

The existing and proposed structures on the Chalet Lot comply with the 25-foot maximum height, and all structures will have more than 5-feet of separation between them. The 10,000 square foot Chalet Lot will have a maximum site coverage requirement of 36.66%, or 3,666 square feet. The proposed site plan and its 25.32% site coverage complies with this limitation.

As indicated and calculated on the attached plans, the existing chalet residence includes 1,888.44 square feet of Floor Area (including subgrade and decks), and the chicken coop (Outbuilding "B") to be maintained has a Floor Area of 127.5 square feet. The current Land Use Code and R-6 zoning allow the proposed 10,000 square foot Chalet Lot two detached residential dwellings with a combined Floor Area of 4,140 square feet. After deducting the Floor Area of the two historic structures to be maintained, there is 2,124.06 square feet of Floor Area available for use in the new residence (4140 – [1888.44 + 127.5]).

Calculated pursuant to current Code, the proposed additional residence has a measured Floor Area of 2,108.39 square feet. As such, the total proposed Floor Area to be located on the Chalet Lot is 4,124.33 square feet, or 15.67 square feet less than the 4,140 square feet of Floor Area the R-6 zoning allows.

On the Vacant Lot (proposed Parcel B), it is proposed that the standard 10-foot front setback be ***increased*** three-fold to 30-feet for above-grade improvements to assure maximum visibility of the historic structures from West Smuggler Street and its North 8th Street intersection (utilities and subgrade improvements would continue to be subject to the standard 10-foot front yard setback requirement). To accommodate this, it is also proposed that the east side yard setback for this 8,000 square foot lot be 5-feet, as required (adjacent to the nearly 30-feet of unoccupied right-of-way between the property line and the N. 8th Street roadway), and that the combined side yard setback requirement be waived or established at 15-feet (*a 10-foot variation* from the 25-foot requirement). The proposed side yard setbacks and the 5-foot/10-foot rear yard setback are consistent with the underlying R-6 zoning. If preferable to the City, the Applicant is amenable to establishing these setbacks as a formal "building envelope" to be delineated on the Final Subdivision Plat.

The proposed Vacant Lot, being 8,000 square feet in the R-6 zone district, would normally allow 3,520 square feet of Floor Area for a single-family residence. However, in another proactive effort to ensure sensitivity to the important historic resources on the Chalet Lot, the Applicant is volunteering that the Vacant Lot be limited to just 3,240 square feet of floor area, or the same floor area allowed for a lot of only 6,000 square feet. With this 280 square foot reduction, the Applicant is requesting one (1) 250 square foot historic TDR that can be sold for use on a different, eligible receiver site within the City. All other dimensional requirements of the R-6 zoning, as may be amended, would continue to govern development on the Vacant Lot. Such development will also remain subject to all other applicable codes, including but not necessarily limited to the Residential Design Standards.

Also, please refer to the Dimensional Requirements Forms included with Exhibit 1.

J. COMBINED REVIEWS, SECTION 26.304.060(B)(1)

Section 26.304.060(b)(1) of the Code provides that,

> *The procedures for reviewing development plans and applications where more than one (1) development approval is being sought simultaneously may be combined or modified whenever the Community Development Director determines, in consultation with the applicant, that such combination or modification would eliminate or reduce duplication and ensure economy of time, expense and clarity; provided, however, that all public noticing normally associated with the subject development application(s) is maintained and that a thorough and full review of the application and proposed development as otherwise required by this Title is achieved.*

An AspenModern proposal such as that provided in this application inherently requires a comprehensive, combined review where all requests are considered concurrently.

Combining the various reviews that are requested will eliminate or reduce duplication while ensuring the economy of time, expense and clarity required under Code Section 26.415.025(c)(1), *Ninety-Day Negotiation Period*. Duly public noticed public hearings will continue to take place before the HPC as well as the Aspen City Council, and a thorough and full review of the application and proposed development will be achieved.

As part of this Combined Review and AM negotiation, the Applicant seeks to obtain both Conceptual and Final Major Development approval from the HPC. A thorough and full review of the application and proposed development will be achieved since the historic assets are not being added to or otherwise altered. The architectural detailing of the proposed new residence along the alley are sufficiently represented to enable Final Review to occur concurrently with the Conceptual Review, and the Vacant Lot will not be subject to HPC purview. Nothing worthwhile would be gained by separating the Conceptual and Final Reviews into two applications and two processes but doing so would cause duplication and unnecessary increases in time and expense for the Applicant, who has willfully entered a 90-Day AspenModern Negotiation.

K. Extension of Vested Rights, Section 26.308.010(c)

Once the negotiated approvals are granted, the historic designation will take immediate and perpetual effect. However, the Applicant does not have the financial wherewithal to immediately develop the new residence at the rear of the Chalet Lot and seeks a comfortable time cushion to be able to realize this plan.

Consequently, the Applicant requests a 10-year period of vested property rights with the approvals granted pursuant to this AM application. With this, it is recognized that fees due for mitigation requirements would be based on the Codes in affect at the time the fee is incurred (i.e., at the time of building permit application), that the vested rights would not protect against newly adopted or amended rules of general applicability (i.e., fire, energy, electrical codes, etc.), and that any duly adopted short-term rental restrictions would apply to the resulting properties.

Per Section 26.308.010(c) of the Code, the City Council may approve an extension of vested rights. In reviewing such a request, the City Council shall consider, but not be limited to, the following criteria (each is cited below in indented and *italicized text* and immediately followed by the Applicant's response):

a. *The applicant's compliance with any conditions requiring performance prior to the date of application for extension or reinstatement;*

This standard is not applicable given that the request is for an extended period of initial vested rights, not a reinstatement or extension. Nevertheless, as stated above, the City will immediately have its part of the deal (the historic designation) guaranteed in perpetuity.

b. *The progress made in pursuing the project to date including the effort to obtain any other permits, including a building permit and the expenditures made by the applicant in pursuing the project;*

This standard is also not applicable given that the request is for an extended period of initial vested rights, not a reinstatement or extension. Regardless, the Applicant has voluntarily incurred and covered all costs associated with preparing this application (including but not limited to legal, planning, surveyor, engineering and architectural fees). There have also been substantial "soft costs" incurred and risked by the Applicant in making this AM negotiation possible, including but not limited to the extended period of incurring taxes and the carry/opportunity costs of having kept and not sold the property.

c. The nature and extent of any benefits already received by the City as a result of the project approval such as impact fees or land dedications;

The guaranteed and perpetual nature and substantial benefits that will be received by the City because of the project approval have been addressed at length throughout the foregoing. The City has demonstrated a very high level of decades-long interest in historically designating the subject property. Only now, with this Applicant as the sole remaining owner of the property, does the City finally find itself in a position where there is an earnest opportunity to achieve the public goals of historic preservation at 949 West Smuggler Street. Although entitled to make such requests, the Applicant is not requesting any fee waivers beyond those normally allowed for historic properties (i.e., a residential parking waiver without a fee in-lieu).

d. The needs of the City and the applicant that would be served by the approval of the extension or reinstatement request.

The Applicant does not have the financial wherewithal to immediately develop the new residence at the rear of the Chalet Lot and seeks a comfortable time cushion to be able to realize this plan. The Applicant will also need to sell the Vacant Lot and needs adequate time to get this done before the remaining vested rights period is too short or hurried. In short, the Applicant does not want to be hurried to act upon the approval while the historic designation granted in exchange is guaranteed in perpetuity.

The Applicant is not requesting an equal exchange in the form of perpetual vested rights, although one might argue that such would be warranted. Instead, the Applicant is requesting just ten years of vested rights to act upon the approvals but with the public-benefitting caveats that:

(1) The historic preservation needs of the City will be immediately and perpetually satisfied;
(2) The affordable housing mitigation required will remain subject to whatever is current at the time of building permit application (i.e., not vesting against changes to affordable housing mitigation requirements);
(3) The vested rights will not protect against newly adopted or amended rules of general applicability (i.e., fire, energy, electrical codes, etc.); and
(4) Any duly adopted short-term rental restrictions will apply to the resulting properties.

These recognized and understood caveats ensure that important City needs will continue to be served.

EXHIBIT
5

ORDINANCE NO. 02
(SERIES OF 2020)

AN ORDINANCE OF THE ASPEN CITY COUNCIL APPROVING THE VANDEMOER HILL 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 July 14th, 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 the dedication of this portion of the Road as Right of Way from the Applicant to the City of Aspen for public use will establish its ongoing 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:

RECEPTION#: 666991, R: $33.00, D: $0.00
DOC CODE: ORDINANCE
Pg 1 of 5, 08/14/2020 at 09:22:50 AM
Janice K. Vos Caudill, Pitkin County, CO

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. The lot to the east containing the existing improvements is designated Lot 2. The newly created western lot is designated Lot 1. These designations shall be shown in the final plat.

Section 2: Future City Review Required
Prior to building permit submittal for any future development or redevelopment on Lots 1 or 2, further City of Aspen review, including but not limited to, Residential Design Standards Review is required.

Section 3: Zoning
At the time of this subdivision, portions of Lot 1 are zoned R-6 and R-30. Therefore, future development of Lot 1 is subject to the Split Zoning requirements of the Land Use Code Section 26.710.022 in place at such time as a development application is made. Any future development on Lot 2 is subject to the requirements of the R-6 zone district in place at such time an application is made.

Section 4: 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. A building envelope, pursuant to Land Use Code 26.575.110 and described on the final plat, shall be placed on that portion of the newly created Lot 1 zoned R-6 and located east of the Power Plant Road to identify that area of Lot 1 permitted for future development in accordance with the requirements of this ordinance and applicable Zone District standards.

Section 5: Future Development and Floor Area
The development restriction on Lot 1 described in Section 4 of this ordinance does not reduce the gross lot area used for the purposes of Floor Area calculations. Such calculations shall be made in accordance with the requirements and calculation methods of the Land Use Code in place at the time a development application is made for Lot 1.

Section 6: Power Plant Road Right-of-Way and Easements – Dedication to the City of Aspen
The City Council hereby accepts for public use the dedication from the Applicant to the City of Aspen of Power Plant Road Right-of-Way at a width of 30-feet as it traverses the subject property. Additionally, City Council hereby accepts the dedication of a 16-foot wide utility and pedestrian easement on the west side of the Power Plant Road dedication area and a 10-foot utility easement on the east side of the Power Plant Road dedication area. These dedications shall be depicted and legally described in a note on the final subdivision plat and in accordance with Engineering Standards in place at the time of approval.

Section 7: 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 8: Lot Spanning Right-of-Way
Dedication of Power Plant Road Right-of-Way from the Applicant to the City of Aspen does not further subdivide Lot 1, now or in the future.

Section 9: Setbacks
The setbacks for Lot 1 are as follows: south – 15 feet, all other lot lines – 10 feet, and the combined side yard setback does not apply. The Lot 2 setbacks are subject to the zoning requirements for R-6 in place at such time as a development or redevelopment application is submitted.

Section 10: Non-conforming sheds
Structures located on Lot 2 at the time of this lot split plat filing, consisting of a home and two wooden shed structures, and which may conflict with zoning setback requirements, are subject to the Non-Conformities regulations in Land Use Code Section 26.312.

Section 11: Utility Easements
The portion of the utility easement dedicated on the south side of Lot 2, shall be limited to five (5) feet in width.

Section 12: Final Plat
Within 60 days of final approval of the Vandemoer Hill Lot Split, the Applicant shall submit for review, approval, and recordation a final plat depicting the approved subdivision.

Section 13:
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 14:
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 15:
A duly noticed public hearing on this Ordinance was held on the 14th day of July, 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 14th day of July, 2020.

Approved as to form:

James R. True, City Attorney

Approved as to content:

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.

B129 P11

FINAL PLAT OF:

VANDEMOER HILL LOT SPLIT

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

PURPOSE STATEMENT

TO SUBDIVIDE THESE LANDS INTO LOT 1 AND LOT 2;
VANDEMOER HILL LOT SPLIT

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED BEING THE OWNER IN FEE SIMPLE OF CERTAIN LANDS IN THE CITY AND TOWNSITE OF ASPEN, PITKIN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

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

PARCEL 2 - THAT CERTAIN PARCEL OF LAND DESCRIBED IN QUIT CLAIM DEED DATED APRIL 20, 1959, AND RECORDED JUNE 2, 1959 AS RECEPTION NO. 108073 IN BOOK 187 AT PAGE 389 OF THE RECORDS OF PITKIN COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (FROM RECEPTION 108073): THAT PORTION OF THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, 6TH P.M., DESCRIBED IN QUIT CLAIM DEED DATED JULY 14, 1949 AND RECORDED AS RECEPTION 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 PARCEL OF LAND DESCRIBED IN SAID QUIT CLAIM DEED RECORDED AT RECEPTION NO. 96608;

DOES HEREBY PLAT THIS REAL PROPERTY UNDER THE NAME AND STYLE OF THE FINAL PLAT OF: VANDEMOER HILL LOT SPLIT, CITY OF ASPEN, PITKIN COUNTY, COLORADO; DIVIDE THE REAL PROPERTY INTO LOTS 1 AND 2 AS SHOWN HEREON; DEDICATE THE RIGHTS-OF-WAY AS SHOWN HEREON TO THE CITY OF ASPEN FOR NON-EXCLUSIVE PUBLIC USE; AND DEDICATES EASEMENTS TO THE CITY OF ASPEN AS SHOWN HEREON FOR THE USES AND PURPOSES MORE FULLY DESCRIBED IN THE EASEMENT AGREEMENT RECORDED AT RECEPTION NO. 670573 OF THE PITKIN COUNTY RECORDS.

EXECUTED THIS 8 DAY OF Oct, 2020.

949 WEST SMUGGLER STREET LLC,
A COLORADO LIMITED LIABILITY COMPANY

BY: _____
PRINT NAME: CRAIG VANDEMOER
TITLE:MANAGER

STATE OF COLORADO)
)SS
COUNTY OF Jefferson)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8TH DAY OF OCT, 2020, BY CRAIG VANDEMOER AS MANAGERS OF 949 WEST SMUGGLER STREET LLC,.

MY COMMISSION EXPIRES: 04/4/2021
WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

KILA SAVASCIUS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174013467
MY COMMISSION EXPIRES 04/7/2021

BY: _____
PRINT NAME: GEOFFREY HILL
TITLE:MANAGER

STATE OF Florida)
)SS
COUNTY OF Seminole)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12 DAY OF October, 2020, BY GEOFFERY HILL AS MANAGERS OF 949 WEST SMUGGLER STREET LLC,.

MY COMMISSION EXPIRES: 1-30-2023
WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

Heather M. Osborne
Notary Public
Commission # GG 291161
My Commission Expires
January 30, 2023

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 14 DAY OF July, 2020, BY ORDINANCE NO. 002, SERIES 2020, RECORDED ON THE 12 IN THE OFFICE OF THE CLERK AND RECORDER OF PITKIN COUNTY IN BOOK 129 PAGE 11 AS RECEPTION NO. 666991.

MAYOR, CITY OF ASPEN Torre

DATE 10-3-20

ATTEST: Wes Graham for Nicole Henning

CITY CLERK WESG.

CITY OF ASPEN ACCEPTANCE OF RIGHTS-OF-WAY

THE UNDERSIGNED, A DULY AUTHORIZED REPRESENTATIVE OF THE CITY OF ASPEN, DOES HEREBY ACCEPT THE NON-EXCLUSIVE PUBLIC RIGHTS-OF-WAY AS SHOWN AND MORE PARTICULARLY DESCRIBED HEREON.

MAYOR, CITY OF ASPEN Torre

DATE 10-3-20

ATTEST: Wes Graham for Nicole Henning

CITY CLERK WESG.

COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE

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 , 2020. 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 PROVISION OF APPLICABLE LAW INCLUDING BUT NOT LIMITED TO OTHER APPLICABLE LAND USE REGULATIONS OR BUILDING CODES, SUCH OTHER DEVELOPMENT ORDERS OR APPLICABLE BUILDING CODE SHALL CONTROL.

COMMUNITY DEVELOPMENT DIRECTOR

CITY ENGINEER'S REVIEW

THIS PLAT WAS REVIEWED FOR THE DEPICTION OF THE ENGINEERING DEPARTMENT SURVEY REQUIREMENTS THIS 21ST DAY OF October, 2020.

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 HEREON HOLD FEE SIMPLE TITLE TO THE PROPERTY FREE AND CLEAR OF LEINS, TAXES, AND ENCUMBRANCES EXCEPT FOR THE MATTERS OF RECORD LISTED ON THE TITLE COMMITMENT ISSUED BY LAND TITLE GUARANTEE COMPANY UNDER FILE NO. Q64002750-2, COMMITMENT DATE OCTOBER 29, 2019 9/25/2020 ALTHOUGH WE BELIEVE THE FACTS STATED ARE TRUE, THIS CERTIFICATE IS NOT TO BE CONSTRUED 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.

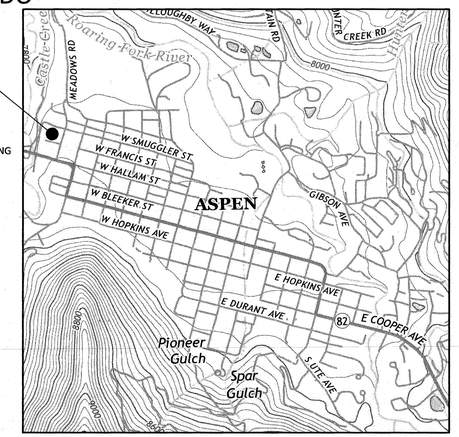
BY: _____

TITLE: Title Officer

STATE OF COLORADO)
) SS
COUNTY OF PITKIN)

THE TITLE CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 20 DAY OF October, 2020, BY AS THE TITLE OFFICER OF LAND TITLE GUARANTEE COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL



CITY OF ASPEN
VICINITY MAP

PROPERTY DESCRIPTION BEFORE LOT SPLIT (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 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 TOWNSITE 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 PFISTER BY QUIT CLAIM DEED DATED JULY 14, 1949.

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 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 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, OCTOBER 2020.

2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER-NOVEMBER 2019, JUNE-OCTOBER, 2020.

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, 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. Q62002750-2 EFFECTIVE DATE SEPTEMBER 20, 2019.

6) SETBACKS FOR LOTS 1 ARE DEPICTED AS "BUILDING ENVELOPE". PURSUANT TO ORDINANCE NO. 002, SERIES OF 2020, THERE SHALL BE NO "COMBINED" SIDE YARD SETBACK REQUIREMENT.

7) DEVELOPMENT RESTRICTIONS PROHIBITS DEVELOPMENT ON OF ALL LANDS WEST OF POWER PLANT ROAD RIGHTS-OF-WAY PER CITY OF ASPEN ORDINANCE NO. 002 SERIES OF 2020. THE SAID RIGHTS-OF-WAY DEDICATION DOES NOT FURTHER SUBDIVIDE LOT 1.

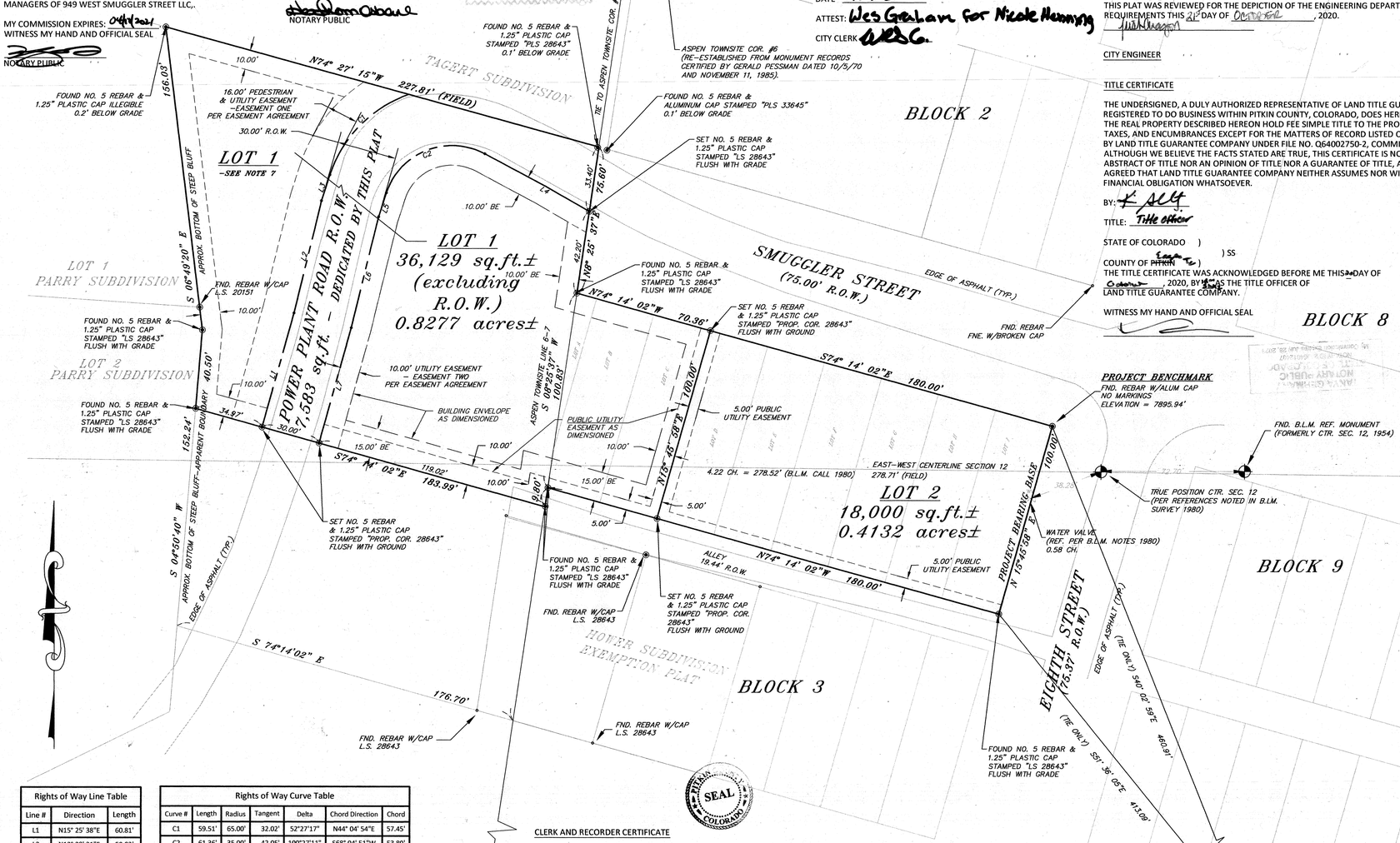
8) UPON DEVELOPMENT, LOT 1 SHALL INSTALL A SIDEWALK ALONG SMUGGLER STREET, WITHIN THE PUBLIC RIGHT-OF-WAY EAST OF THE TOWNSITE BOUNDARY. UPON DEVELOPMENT OR SUBSTANTIAL REDEVELOPMENT, LOT 2 SHALL INSTALL SIDEWALKS ALONG SMUGGLER STREET AND EIGHTH STREET, WITHIN THE PUBLIC RIGHTS-OF-WAY. SIDEWALK LOCATION, DIMENSIONS AND SPECIFICATIONS SHALL BE ACCORDING TO THE CITY OF ASPEN ENGINEERING DEPARTMENT.

PLAT 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 PLAIN, ROADS, TRAILS, VISIBLE UTILITIES, FENCES, HEDGES, OR WALLS SITUATED ON THE DESCRIBED PARCEL 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 BELOW, OR OTHER SOURCES AS SPECIFIED ON THIS IMPROVEMENT SURVEY PLAT.

MARK S. BECKLER LS. #28643

20153 7/7/2020 C:\2000\20153\SURVEY\Survey DWGs\Survey Plats and Exhibits\20153_AMENDED PLAT.dwg



Rights of Way Line Table		
Line #	Direction	Length
L1	N15° 25' 38"E	60.81'
L2	N13° 38' 21"E	59.02'
L3	N17° 51' 16"E	13.96'
L4	N59° 52' 40"W	25.84'
L5	S17° 51' 16"W	12.86'
L6	S13° 38' 21"W	58.39'
L7	S15° 25' 38"W	61.45'

Rights of Way Curve Table						
Curve #	Length	Radius	Tangent	Delta	Chord Direction	Chord
C1	59.51'	65.00'	32.02'	52°27'17"	N44° 04' 54"E	57.45'
C2	61.36'	35.00'	42.05'	100°27'11"	S68° 04' 51"W	53.80'

GRAPHIC SCALE

30 0 20 30 60 120
(IN FEET)
1 inch = 30 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 BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

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 16 DAY OF November 2020 AND IS RECORDED IN BOOK 129 ON PAGE 11, AS RECEPTION NO. 670572

CLERK AND RECORDER Patricia Nadon
Deputy

RECEPTION#: 670572, R: $13.00, D: $0.00
PLAT BOOK 129 PAGE 011
Pg 1 of 1, 11/16/2020at 11:49:37 AM
Janice K. Vos Caudill, Pitkin County, CO

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

CITY OF ASPEN
427 Rio Grande Place, Aspen, CO 81611
(970) 920.5090
www.aspen.gov

NOTICE OF EXEMPTION AND AUTHORIZATION TO APPLY FOR LAND USE/BUILDING PERMITS DURING THE EFFECTIVE TERM OF ORDINANCE #27, SERIES OF 2021

Property Address: 949 W. Smuggler Street

Parcel ID Number: 2735-122-12-001

Property Owner: VANDEMOER FAMILY INC.

Representative/email: Mitch Haas: mitch@hlpaspen.com

Scope of Work (Provide narrative here and a separate pdf which is a succinct and clear set of supporting documents, to be attached to this form as Exhibit A, such as Letters of Completeness, Resolutions, Development Orders, Land Use Case numbers, Building Permit numbers etc. If the representation being made is that the work does not involve dimensional changes prohibited by the moratorium provide existing and proposed calculations, floor Plans and and elevations to be attached:

Voluntary Aspen Modern historic designation proposal with negotiated approvals.

_____

_____

Due to the circumstances noted below, the above referenced project as defined by the Scope of Work is exempt from the application of Ordinance #27, Series of 2021, and is authorized to pursue a land use review and/or building permit review during the effective term of Ordinance #27, Series of 2021, an ordinance which generally places a moratorium on residential development. This authorization does not guarantee issuance of a building permit or approval of any land use application. The applicant must submit complete information and pursue all authorized approvals in a timely fashion, adhering to all deadlines for submission, terms of Vested Rights, response times required to maintain an active building permit, and all other Land Use Code and Building Code requirements in effect as of December 8, 2021. Any amendments and or additional approvals not addressed or identified in the application, may be subject to Ordinance #27, Series of 2021.

The project described above is permitted to proceed with land use review because (check all that apply):

- ☐ A land use application for a Development Order or Notice of Approval was submitted to the Community Development Department prior to final passage of the ordinance on December 8, 2021, and was subsequently deemed to be complete by the Community Development Department Director.
- ☐ The land use application is seeking a Development Order or Notice of Approval for a project consisting of 100% Affordable Housing as that term is defined at §26.104.100 of the Aspen Municipal Code, or as may be deemed necessary for the issuance of Certificates of Affordable Housing for a 100% Affordable Housing project, or as determined by the Community Development Director.
- ▪ The land use application involves Voluntary AspenModern designation processes that meet the requirements of Section 26.415.025.C and 26.415.030.
- ☐ The land use application or administrative request may be necessary to issue exempt building permits as described below, and as determined by the Community Development Director.

The project described above is permitted to submit for building permit review because (check all that apply):

- ☐ A building permit application was submitted to the Community Development Department prior to final passage of the ordinance on December 8, 2021, and was subsequently deemed to be complete by the Chief Building Official.
- ☐ It is a building permit for a project that will not increase the gross square footage of development, Net leasable area, or Net livable area of any building and does not meet the definition of demolition.
- ☐ It is a building permit for a project that will not increase the Height of any building. This includes additions to or replacement of mechanical equipment or energy efficiency systems pursuant to height exemptions as set forth at §26.575.020 of the Aspen Municipal Code, or as determined by the Community Development Director.
- ☐ It is a building permit for commercial and lodge development as stand-alone uses on a parcel or property.
- ☐ The project has received or is eligible to receive a Development Order or Notice of Approval on the effective date of this ordinance.
- ☐ It is a building permit for 100% affordable housing projects as that term is defined at §26.104.100 of the Aspen Municipal Code.
- ☐ It is a building permit for demolition or repair of non-habitable structures.

Issued on January 18, 2022, this certificate is valid through the effective date of Ordinance #27, Series of 2021, or any Ordinance which supersedes a provision of Ordinance #27, Series of 2021 in a manner which is relevant to the Scope of Work. A copy of this certificate is required when applying for any land use review or building permit. This Notice is not a Development Order or Administrative Determination that is subject to appeal.

Amy Simon Planning Director, for
_____
Phillip Supino
Community Development Director

Disclaimer: This exemption is given based on the information provided by the applicant. If changes are made, or the scope, after a more detailed review, is found to be subject to Ordinance 27, 2021, the exemption may be revoked.

Exhibit A: Floor plans and elevations representing scope of work

EXHIBIT 6

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: **Q62013800** Date: **12/10/2021**

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
VANDEMOER FAMILY INC,
Delivered via: Delivered by Realtor

MITCH
Attention: MITCH
mitch@hlpaspen.com
Delivered via: Electronic Mail

VANDEMOER FAMILY, INC
Attention: CHRIS VANDEMOER
PO BOX 668
STERLING, CO 80751
(970) 580-5801 (Work)
Delivered via: Electronic Mail

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: Q62013800

Property Address:

949 W SMUGGLER ST, ASPEN, CO 81611

1. **Effective Date:**

   12/03/2021 at 5:00 P.M.

2. **Policy to be Issued and Proposed Insured:**

   "TBD" Commitment $0.00
   Proposed Insured:
   A BUYER 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:**

   VANDEMOER FAMILY INC., A COLORADO S-CORP

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

   LOT 2,
   VANDEMOER HILL LOT SPLIT, ACCORDING TO THE FINAL PLAT THEREOF RECORDED NOVEMBER 16, 2020 IN PLAT BOOK 129 AT PAGE 11.

   COUNTY OF PITKIN,
   STATE OF COLORADO.

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: Q62013800

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. EVIDENCE SATISFACTORY TO THE COMPANY THAT THE TERMS, CONDITIONS AND PROVISIONS OF THE CITY OF ASPEN TRANSFER TAX HAVE BEEN SATISFIED.
2. LAND TITLE WILL REQUIRE EVIDENCE OF THE RETT BEING SATISFIED ON DEED RECORDED DECEMBER 3, 2020 AS RECEPTION NO. **671156**.
3. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF VANDEMOER FAMILY INC., A COLORADO S-CORP AS A CORPORATION. THE STATEMENT OF AUTHORITY MUST STATE 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 AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

   NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.
4. GOOD AND SUFFICIENT DEED FROM VANDEMOER FAMILY INC., A COLORADO S-CORP TO A BUYER 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.

   THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: Q62013800

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.
10. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS OF ORDINANCE BY THE ASPEN CITY COUNCIL, NO. 02, SERIES OF 2020 RECORDED AUGUST 14, 2020 AS RECEPTION NO. **666991**.
11. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF VANDEMOER HILL LOT SPLIT RECORDED NOVEMBER 16, 2020 IN BOOK 129 AT PAGE **11**.
12. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS OF EASEMENT AGREEMENT RECORDED NOVEMBER 16, 2020 AS RECEPTION NO. **670573**.

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.

Note: Pursuant to CRS 10-1-11(4)(a)(1), Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

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 Company

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

Craig B. Rants, 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 Old Republic National Title Insurance Company. 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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STATEMENT OF AUTHORITY
(Section 38-30-172, C.R.S.)

Pursuant to C.R.S. 38-30-172, the undersigned hereby executes this Statement of Authority on behalf of VANDEMOER FAMILY, INC., a Colorado corportaion, an entity other than an individual, capable of holding title to real property (the "Entity"), and states as follows:

1. This Statement of Authority relates to an entity named Vandemoer Family, Inc.

2. The type of entity is a Colorado corporation.

3. The entity is formed under the laws of Colorado.

4. The mailing address for the entity is P.O. Box 668, Sterling, CO 80751.

5. The name of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is Chris Vandemoer.

6. The authority of the foregoing person(s) to bind the entity is not limited.

7. Other matters concerning the manner in which the entity deals with interests in real property: None

8. This Statement of Authority is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

9. This Statement of Authority amends and supersedes in all respects any prior Statement of Authority executed on behalf of the entity.

Executed this 1st day of June, 2021.

Chris Vandemoer

STATE OF COLORADO)
) ss.
COUNTY OF LOGAN)

The foregoing instrument was acknowledged before me this 1st day of June, 2021, by Chris Vandemoer

WITNESS MY HAND AND OFFICIAL SEAL.
My commission expires: August 27, 2023

COLEEN ANN LEIBERT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19954012460
MY COMMISSION EXPIRES 8-27-2023

Notary Public

EXHIBIT 7

VANDEMOER FAMILY, INC.
P.O. BOX 668
STERLING, CO 80751

February 9, 2022

City of Aspen Community Development Department
427 Rio Grande Place, Main Floor
Aspen, Colorado 81611

Re: 949 WEST SMUGGLER STREET ASPENMODERN 90-DAY NEGOTIATION (Lot 2, Vandemoer Hill Lot Split; Parcel ID No. 2735-122-12-003)

To whom it may concern:

On behalf of Vandemoer Family, Inc., a Colorado corporation, which is the owner of the above Property, I hereby submit this letter pursuant to Section 26.415.025(c)(1) of the Aspen Land Use Code. I am willfully entering into a 90-Day AspenModern Negotiation period, which period may be extended an additional thirty (30) days upon a resolution adopted by the Aspen City Council, or longer if mutually acceptable to both the City Council and I, as the property owner. It us further understood that nothing herein shall prevent the City from reviewing any land use application or building permit affecting the subject property during the 90-day negotiating period.

Within the 90-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.

VANDEMOER FAMILY, INC.
P.O. BOX 668
STERLING, CO 80751

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 ninety (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.

Please contact the undersigned with any questions.

VANDEMOER FAMILY, INC., a Colorado corporation
By: Chris Vandemoer



949 W. SMUGGLER STREET (LOT 2, VANDEMOER HILL LOT SPLIT; PID# 2735-122-12-003)

EXHIBIT 8

VICINITY MAP

SITE

NORTH

Pitkin County | Pitkin County, Colorado | City of Aspen GIS, Maxar, Microsoft

EXHIBIT 9

VANDEMOER FAMILY, INC.
P.O. BOX 668
STERLING, CO 80751

June 9, 2021

City of Aspen
Community Development Department
427 Rio Grande Place, Main Floor
Aspen, Colorado 81611

Re: 949 WEST SMUGGLER STREET ASPENMODERN (Lot 2, Vandemoer Hill Lot Split; Parcel ID No. 2735-122-12-003)

To whom it may concern:

I am writing on behalf of Vandemoer Family, Inc., a Colorado corporation, which is the owner of the above Property.

In its capacity as owner of the Property, Vandemoer Family, Inc. desires to apply for, pursue and obtain at its own expense the City of Aspen's approval of certain proposed modifications to the Property.

This letter shall confirm that Vandemoer Family, Inc. authorizes Mitch Haas of Haas Land Planning, LLC, and Derek Skalko of 1 Friday Design Collaborative to apply for, pursue and obtain the City of Aspen's approval of modifications to the Property, which approvals may include but not be limited to AspenModern Negotiation and Designation, Major Subdivision, HPC Major Development, including relocation, demolition and benefits, Residential Design Review, GMQS approvals, Historic Preservation Commission approval, City Council approval, and any other approvals and land use approvals, which may be incidental and associated with the foregoing and required by the City of Aspen.

Please contact the undersigned with any questions.

VANDEMOER FAMILY, INC., a Colorado corporation

By: Chris Vandemoer

EXHIBIT 10

Pitkin County Mailing List of 300 Feet Radius
From Parcel: 273512212003 on 02/07/2022

PITKIN COUNTY

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. The information maintained by the County may not be complete as to mineral estate ownership and that information should be determined by separate legal and property analysis.

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

WERNER DANA HERSCHMANN REV TRUST
3065 S JONES BLVD
LAS VEGAS, NV 89146

LOT 1 VANDEMOER HILL LOT SPLIT LLC
PO BOX 1470
ASPEN, CO 81612

FRANCIS STREET TOWNHOMES CONDO ASS
COMMON AREA
901 W FRANCIS ST
ASPEN, CO 81611

GOLDRICH MELINDA REV TRUST
825 W NORTH ST
ASPEN, CO 81611

CURTON CONDO ASSOC
COMMON AREA
939 W FRANCIS ST
ASPEN, CO 81611

CURLEE CYNTHIA A FAM TRUST
PO BOX 692
ASPEN, CO 81612

COLOSAL CORP
715 W MAIN ST #201
ASPEN, CO 81611

817 WEST NORTH STREET LLC
518 PEOPLES ST
CORPUS CHRISTI, TX 78401

MASS ANN M
225 N MILL ST #116
ASPEN, CO 81611

NALADHU LLC
901 W FRANCIS ST
ASPEN, CO 81611

WALDECK TOM & VIVIAN G
915 W NORTH ST
ASPEN, CO 81611

CAROLYN PARRY CONDO ASSOC
505 S SNEAKY LN
ASPEN, CO 81611

AEB REALTY
239 GREENWICH AVE
GREENWICH, CT 06830

NEWMAN JOEL
355 OCEAN BLVD
GOLDEN BEACH, FL 33160

CITY OF ASPEN
130 S GALENA ST
ASPEN, CO 81611

SHARP DESIGNS INC
936 W FRANCIS
ASPEN, CO 81611

SCHUHMACHER JOHN W TRUST
505 N 8TH ST
ASPEN, CO 81611

RATNER DENNIS F TRUST
1577 SPRING HILL RD # 500
VIENNA, VA 22182

FRANCIS STREET LLC
PO BOX 1365
ASPEN, CO 81612

HARRIS JOAN W REV TRUST
209 E LAKE SHORE DR
CHICAGO, IL 60611

POWELL WILLIAM E TRUST
11 LYNN BATTS LN #100
SAN ANTONIO, TX 78218

BRIEN ALICE
PO BOX 10521
ASPEN, CO 81612

STARODOJ BETSY H & THOMAS S II
PO BOX 2298
ASPEN, CO 81612

DRAMATIC VIEW HOLDINGS LLC
PO BOX 3053
DENVER, CO 80201

JAMIE ALEXANDER LLC
720 PARK AVE #4A
NEW YORK, NY 10021

ASPEN FOREST 8TH STREET LLC
113999 SUMMIT CLUB DR
LAS VEGAS, NV 89135

BAIRD STEPHEN W & SUSAN MERRITT
120 S LASALLE ST # 2000
CHICAGO, IL 60603

CAMP ROBERT C REV TRUST
PO BOX 692
ASPEN, CO 81612

WERNER MICHAEL B REV TRUST
3065 S JONES BLVD
LAS VEGAS, NV 89146

810 WEST SMUGGLER STREET LLC
101 S MILL ST #200
ASPEN, CO 81611

SAXON FAMILY DELTA TRUST
6677 S EVANSTON CIR
TULSA, OK 74136

SAXON BRUCE CHARLES
6677 S EVANSTON CIR
TULSA, OK 74136

FOREST LOOKOUT II LLC
605 W MAIN ST #2
ASPEN, CO 81611

SCHWAB LOUISE H NON-EXEMPT MARITAL
10940 WILSHIRE BLVD #2250
LOS ANGELES, CA 90024

NEWMAN JOEL
355 OCEAN BLVD
GOLDEN BEACH, FL 33160

TREEHOUSE CONDO ASSOC
COMMON AREA
822 W SMUGGLER ST
ASEPN, CO 81611

BEN-HAMOO PATRICE CONYERS
PO BOX 2902
ASPEN, CO 81612

KEILIN KIM MILLER TRUST
PO BOX 10064
ASPEN, CO 81612

SCHWAB ROBERT H SURVIVORS TRUST
10940 WILSHIRE BLVD #2250
LOS ANGELES, CA 90024

NEWMAN FAMILY TRUST
355 OCEAN BLVD
GOLDEN BEACH, FL 33160

POWELL WILLIAM E TRUST
11 LYNN BATTS LN #100
SAN ANTONIO, TX 78218

FOREST SERVICE ASPEN HEADQUARTERS
806 HALLAM ST
ASPEN, CO 81611

RUBEY ROBERT
3465 BELCARO DR
DENVER, CO 80209

TALENFELD ELIZABETH G
915 W FRANCIS ST
ASPEN, CO 81611

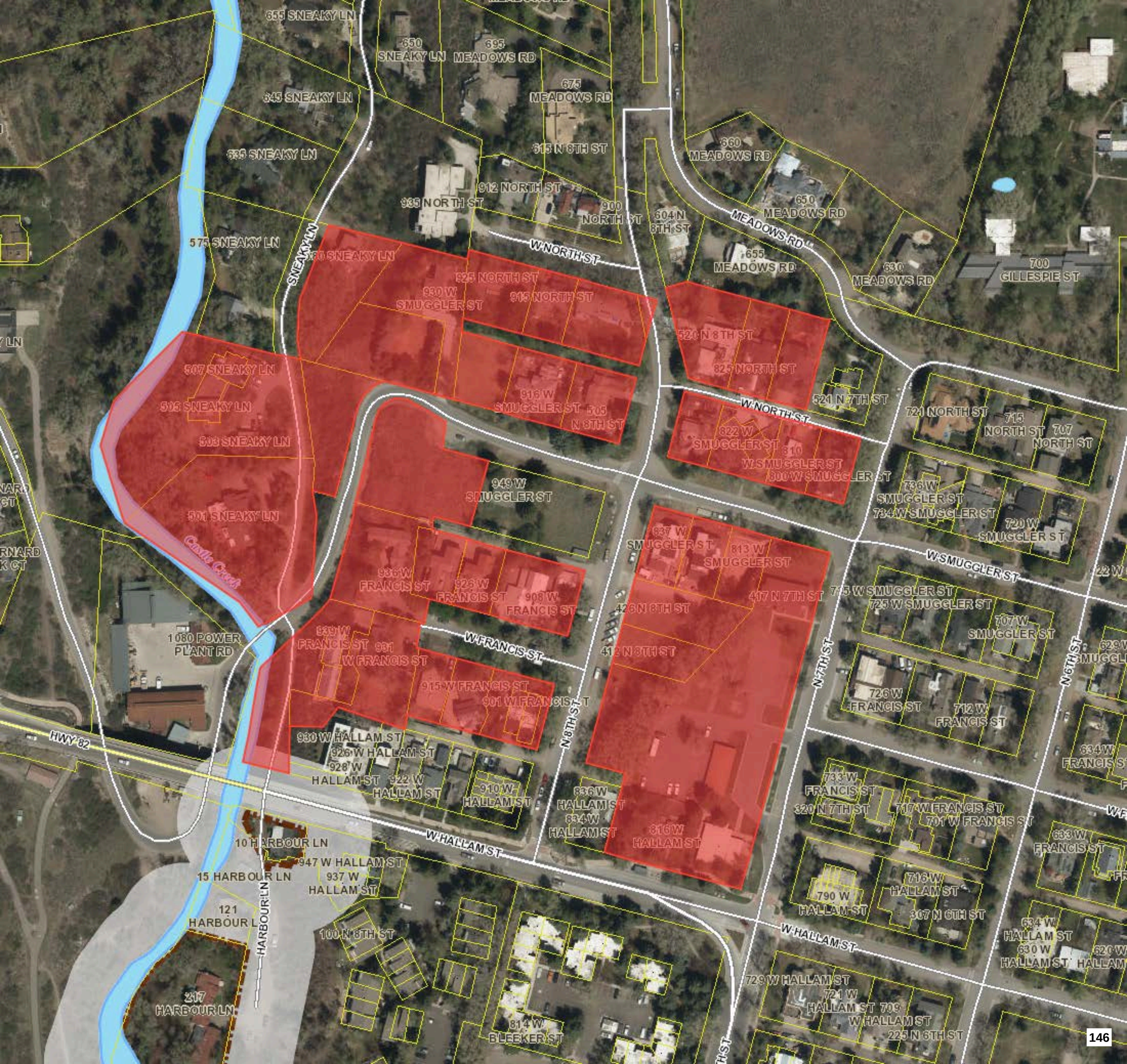
HARRIS JOAN W REMAINDER TRUST
209 E LAKE SHORE DR
CHICAGO, IL 60611

5 STRING LLC
PO BOX 1709
GATLINBURG, TN 37738

SCHUHMACHER MARIANNE H TRUST
505 N 8TH ST
ASPEN, CO 81611

SOPRIS INVESTMENT HOLDINGS CORP
715 W MAIN ST #201
ASPEN, CO 81611

MCTAMANEY ROBERT A III TRUST
908 W FRANCIS ST
ASPEN, CO 816113104


655 SNEAKY LN
650 SNEAKY LN
695 MEADOWS RD
675 MEADOWS RD
645 SNEAKY LN
635 SNEAKY LN
615 N 8TH ST
912 NORTH ST
935 NORTH ST
900 NORTH ST
604 N 8TH ST
660 MEADOWS RD
650 MEADOWS RD
655 MEADOWS RD
630 MEADOWS RD
700 GILLESPIE ST
575 SNEAKY LN
SNEAKY LN
W NORTH ST
925 NORTH ST
930 W SMUGGLER ST
915 NORTH ST
520 N 8TH ST
825 NORTH ST
521 N 7TH ST
507 SNEAKY LN
515 SNEAKY LN
916 W SMUGGLER ST
505 N 8TH ST
503 SNEAKY LN
822 W SMUGGLER ST
810 W SMUGGLER ST
800 W SMUGGLER ST
721 NORTH ST
715 NORTH ST
707 NORTH ST
949 W SMUGGLER ST
501 SNEAKY LN
736 W SMUGGLER ST
734 W SMUGGLER ST
720 W SMUGGLER ST
837 W SMUGGLER ST
813 W SMUGGLER ST
417 N 7TH ST
936 W FRANCIS ST
926 W FRANCIS ST
908 W FRANCIS ST
W SMUGGLER ST
715 W SMUGGLER ST
725 W SMUGGLER ST
707 W SMUGGLER ST
426 N 8TH ST
939 W FRANCIS ST
901 W FRANCIS ST
915 W FRANCIS ST
W FRANCIS ST
N 8TH ST
N 7TH ST
N 6TH ST
726 W FRANCIS ST
712 W FRANCIS ST
1080 POWER PLANT RD
930 W HALLAM ST
926 W HALLAM ST
928 W HALLAM ST
922 W HALLAM ST
910 W HALLAM ST
836 W HALLAM ST
834 W HALLAM ST
816 W HALLAM ST
733 W FRANCIS ST
320 N 7TH ST
717 W FRANCIS ST
701 W FRANCIS ST
633 W FRANCIS ST
HWY 82
W HALLAM ST
10 HARBOUR LN
947 W HALLAM ST
15 HARBOUR LN
937 W HALLAM ST
121 HARBOUR LN
HARBOUR LN
100 N 8TH ST
716 W HALLAM ST
790 W HALLAM ST
307 N 6TH ST
634 W HALLAM ST
630 W HALLAM ST
729 W HALLAM ST
721 W HALLAM ST
709 W HALLAM ST
225 N 6TH ST
217 HARBOUR LN
814 W BLEEKER ST

CITY OF ASPEN

MEMORANDUM

TO: Aspen Historic Preservation Commission

FROM: Amy Simon, Planning Director

MEETING DATE: May 11, 2022

RE: **949 W. Smuggler**– AspenModern Historic Designation and Benefits, Conceptual and Final Major Development, Relocation, Demolition, TDR, Subdivision, Growth Management- **PUBLIC HEARING CONTINUED FROM APRIL 27TH SITE VISIT**

APPLICANT /OWNER:
Vandemoer Family, Inc., Chris Vandemoer

REPRESENTATIVE:
Haas Land Planning
1 Friday Design

LOCATION:
Street Address:
949 W. Smuggler Street

Legal Description:
Lot 2, Vandemoer Hill Lot Split, City and Townsite of Aspen, Colorado

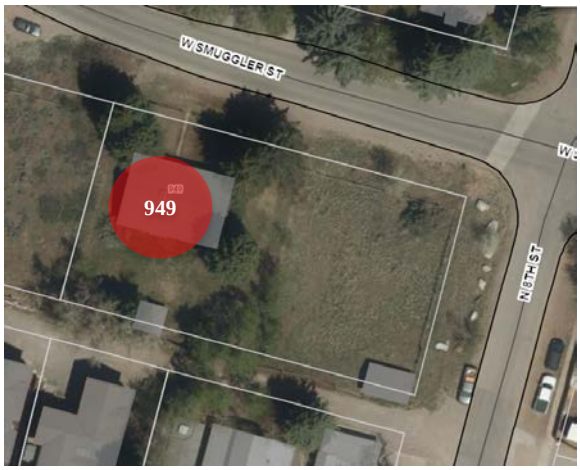
Parcel Identification Number:
PID# 2735-122-12-003

CURRENT ZONING & USE:
Single-family home,
R-6: Medium Density Residential

PROPOSED ZONING & LAND USE:
Subdivision; Parcel A Two detached homes, Parcel B Single-family home
R-6: Medium Density Residential

SUMMARY:
The applicant has offered voluntary AspenModern historic designation of a 1946 Chalet style home, and requests Major Development, Relocation, Demolition, Variations, TDR, Subdivision, Growth Management and other preservation benefits be approved for a project which involves preserving the resource in place and the development of two new adjacent homes in the future.

STAFF RECOMMENDATION:
Staff recommends HPC grant Major Development, Relocation, Demolition and Variations as requested and recommends Council uphold Notice of Call Up required by those processes, and grant approval of Designation and benefits, Transferable Development Rights, Subdivision, and Growth Management.



Site Locator Map – 949 W. Smuggler

130 South Galena Street Aspen, CO 81611-1975 | P: 970.920.5197 | cityofaspen.com

BACKGROUND:

949 W. Smuggler is an 18,000 square foot lot located in the R-6 zone district. The site contains a 1946 Chalet home, which is essentially unaltered, and two related outbuildings, built by the family who has owned the property for 75 years. The site has no landmark protection in place and has long been identified as a priority for preservation through AspenModern.

This application was permitted to be submitted during the current residential development moratorium because the Council ordinance specifically exempted voluntary AspenModern designations from being held up. The Historic Preservation Commission (HPC) is providing decisions on the review processes which are fully assigned to the board, and making a recommendation to Council on those processes which must be approved by Ordinance. This application has been designed to request HPC Conceptual and Final review at one stage. Following HPC, the review will proceed to Council with no further HPC discussion other than project monitoring.

Submittal of an AspenModern application triggers a 90 day negotiation period, during which the applicant and City attempt to find agreement and passage of a designation ordinance within three months. The negotiation may be extended, but expedited review is intended. For HPC's information, the final reading of the Council ordinance has been delayed to July 11th due to full Council agendas. The applicant has agreed to that timeframe.

STAFF COMMENTS:

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

Staff supports the voluntary designation of this property as one of the best and most intact examples of a Chalet in Aspen. This is likely among the first buildings constructed here after World War II and is therefore particularly illustrative of the early spirit of the ski resort. Staff finds the benefits requested for designation to be reasonable in consideration of the community gain from preservation of this important piece of Aspen history.

Staff finds the project approach to model the ideal preservation outcome. The Chalet is preserved with no addition, and new construction is detached and located at the rear and side of it. Staff has no concerns with the alley house design. In order to ensure that the future development of the corner lot supports preservation and public visibility of the Chalet, a site visit was held on April 27th and the primary focus of this meeting should be setting parameters for a successful outcome on that lot.

Staff's recommended conditions of approval are below and provided in the attached draft resolution.

REFERRAL COMMENTS:

The application was referred out to other City departments to preliminarily identify requirements that may affect permit review. Comments from Engineering and Zoning are attached. Parks has supported the proposal as defined so far. Housing is supportive of a request for deferral of

affordable housing mitigation if a specific circumstance discussed in the Growth Management exhibit would occur. The applicant is working to follow-up on the comments and no significant impacts to the proposal are expected.

RECOMMENDATION:

Staff recommends the Historic Preservation Commission grant Major Development (Conceptual and Final), Relocation of the chicken coop, Demolition of the garage, and Variations as requested and that the board recommend Council uphold Notice of Call Up and grant approval of Designation and benefits, Transferable Development Rights, Subdivision, and Growth Management with the following conditions:

1. Designation will affect the entire property; Parcels A and B.
2. A full waiver of compliance with the Residential Design Standards is recommended for the new home on the Chalet lot as a negotiated benefit. This house is not designed to relate to Smuggler Street and staff finds that it's character as an alley/back-drop structure is appropriate.
3. Staff recommends the applicant comply with slope reduction on the Chalet lot rather than asking for a preservation benefit on this topic.
4. HPC finds that the fence near the entry to the Chalet home is original and historically significant and should remain in place, and should be granted a permanent encroachment license to sit in the public right-of-way.
5. The applicant is asked to continue their excellent regular maintenance of the Chalet and to take note of the impacts of the adjacent tree roots and branches continually moving towards the historic structure.
6. For relocation of the chicken coop, a letter from an engineer or housemover demonstrating the structure is capable of withstanding the relocation, a plan for the safe relocation of the building, and a financial assurance in the amount of $15,000 will be required prior to building permit submission.
7. Setback variations are approved on the Chalet lot for the "chicken-coop" and the proposed new home along the alley. The chicken-coop is permitted a 5 foot east setback where it should have 10 feet. The new house along the alley is permitted a 5 foot rear setback rather than the 10 feet required for proposed below grade space, a second floor deck, and a lightwell.
8. A combined sideyard of 15 feet is permitted on the corner lot where 25 feet is required. A 30' front yard setback is required, only above grade. These requirements may be adjusted by an affirmative vote of HPC at the time that redevelopment is proposed.
9. HPC recommends one TDR be approved for the corner lot and that the applicant thereafter forgo 30 square feet of otherwise allowable floor area and restrict the lot to the development of a single- family home of 3,240 square feet. A duplex or other residential structure is only permitted if this condition is amended by City Council.
10. Staff recommends the applicant drop the request for deferral of affordable housing mitigation as a preservation benefit.

11. Staff recommends the negotiation of affordable housing mitigation requirements be left to Council to resolve in their negotiation with the applicant.
12. It is acknowledged that as part of the applicant's proposed negotiation with the City, they have offered the City an exclusive 30 day timeframe after adoption of the Council ordinance to attempt to secure a public purchase of the corner lot from the applicant.

ATTACHMENTS:

Resolution #__, Series of 2022
Exhibit A – Historic Designation and Benefits Criteria/Staff Findings
Exhibit B – Historic Preservation Design Guidelines Criteria /Staff Findings
Exhibit C – Relocation Criteria/Staff Findings
Exhibit D – Demolition Criteria/Staff Findings
Exhibit E – Setback Variation Criteria/Staff Findings
Exhibit F – Parking Variation Criteria/Staff Findings
Exhibit G –TDR Criteria/Staff Findings
Exhibit H – Subdivision Criteria/Staff Findings
Exhibit I – Growth Management Criteria/Staff Findings
Exhibit J – Referral Comments
Exhibit K – Application

Exhibit B
Historic Preservation Design Guidelines Criteria
Staff Findings

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.

This applicant has requested that Conceptual and Final design review be combined. No alterations are planned for the Chalet and no significant landscape changes are envisioned at this time. The only new construction that has been prepared for review is the new home proposed to the south of the Chalet, along the alley.

Following are the relevant 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.

1.5 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.

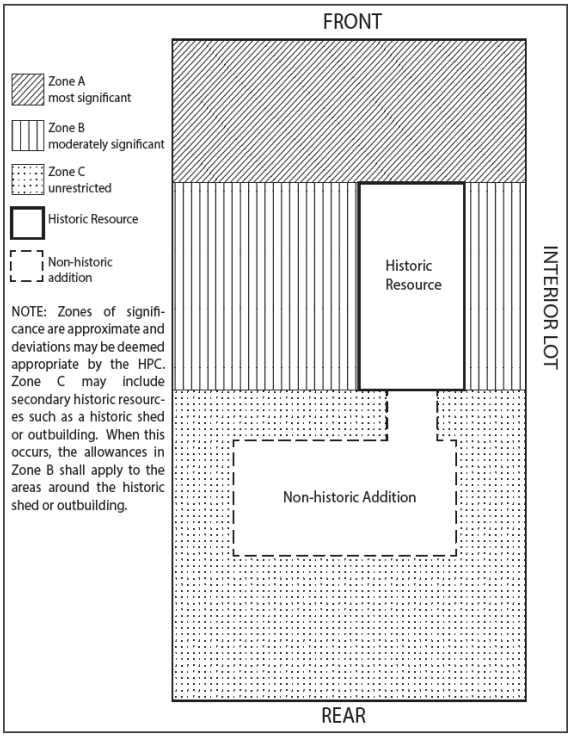
1.9 Landscape development on AspenModern landmarks shall be addressed on a case by case basis.

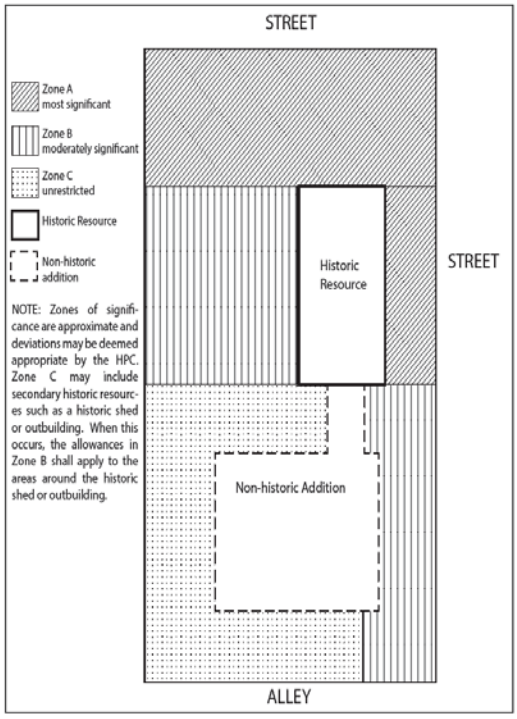
1.11 Preserve and maintain historically significant landscaping on site, particularly landmark trees and shrubs.

- 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.

1.12 Provide an appropriate context for historic structures. See diagram.

- Simplicity and restraint are required. Do not overplant a site, or install a landscape which is overtextured or overly complex in relationship to the historic resource, particularly in Zone A. In Zone A, new planting shall be species that were used historically or species of similar attributes.
- In areas immediately adjacent to the landmark, Zone A and Zone B, plants up 42” in height, sod, and low shrubs are often appropriate.
- Contemporary planting, walls and other features are not appropriate in Zone A. A more contemporary landscape may surround new development or be located in the rear of the property, in Zone C.
- Do not cover areas which were historically unpaved with hard surfaces, except for a limited patio where appropriate.
- Where residential structures are being adapted to commercial use, proposals to alter the landscape will be considered on a case-by-case basis. The residential nature of the building must be honored.
- In the case of a historic landmark lot split, careful consideration should be given so as not to over plant either property, or remove all evidence of the landscape characteristics from before the property was divided.
- Contemporary landscapes that highlight an AspenModern architectural style are encouraged.





1.13 Additions of plant material to the landscape that could interfere with or block views of historic structures are inappropriate.

- Low plantings and ground covers are preferred.
- Do not place trees, shrubs, or hedgerows in locations that will obscure, damage, or block significant architectural features or views to the building. Hedgerows are not allowed as fences.
- Consider mature canopy size when planting new trees adjacent to historic resources. Planting trees too close to a landmark may result in building deteriorate or blocked views and is inappropriate.
- Climbing vines can damage historic structures and are not allowed.

1.14 Minimize the visual impacts of landscape lighting.

- Landscape and pathway lighting is not permitted in Zone A (refer to diagram) on Aspen Victorian properties unless an exception is approved by HPC based on safety considerations.
- Landscape, driveway, and pathway lighting on AspenModern properties is addressed on a case-by-case basis.
- Landscape light fixtures should be carefully selected so that they are compatible with the building, yet recognizable as a product of their own time.
- Driveway lighting is not permitted on Aspen Victorian properties.
- Landscape uplighting is not allowed.

1.15 Preserve original fences.

- Fences which are considered part of the historic significance of a site should not be moved, removed, or inappropriately altered.
- Replace only those portions of a historic fence that are deteriorated beyond repair.
- Replacement elements must match the existing.

1.24 Preserve historically significant landscapes with few or no alterations.

- An analysis of the historic landscape and an assessment of the current condition of the landscape should be done before the beginning of any project.
- The key features of the historic landscape and its overall design intent must be preserved.

1.25 New development on these sites should respect the historic design of the landscape and its built features.

- Do not add features that damage the integrity of the historic landscape.
- Maintain the existing pattern of setbacks and siting of structures.
- Maintain the historic relationship of the built landscape to natural features on the site.
- All additions to these landscapes must be clearly identifiable as recent work.
- New artwork must be subordinate to the designed landscape in terms of placement, height, material, and overall appearance. Place new art away from significant landscape features.
- Avoid installing utility trenches in cultural landscapes if possible.

1.27 Preserve and maintain significant landscaping on site.

- Protect established vegetation during any construction.
- If any tree or shrub needs to be removed, replace it with the same or similar species.
- New planting should be of a species used historically or a similar species.
- Maintain and preserve any gardens and/or ornamental planting on the site.
- Maintain and preserve any historic landscape elements.

8.1 If an existing secondary structure is historically significant, then it must be preserved.

- When treating a historic secondary building, respect its character-defining features. These include its materials, roof form, windows, doors, and architectural details.
- If a secondary structure is not historically significant, then its preservation is optional. The determination of significance is based on documentation of the construction date of the outbuilding and/or physical inspection. A secondary structure that is related to the period of significance of the primary structure will likely require preservation.

8.2 Preserve a historic secondary building as a detached structure.

- Any proposal to attach a secondary structure is reviewed on a case-by-case basis.
- The position and orientation of the structure
- should be maintained except when HPC finds that an alternative is the best preservation option.
- Some AspenModern properties incorporated garages and carports into the architecture. This pattern should be maintained.

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.

9.7 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.

11.1 Orient the new building to the street.

- Aspen Victorian buildings should be arranged parallel to the lot lines, maintaining the traditional grid pattern.
- AspenModern alignments shall be handled case-by-case.
- Generally, do not set the new structure forward of the historic resource. Alignment of their front setbacks is preferred. An exception may be made on a corner lot or where a recessed siting for the new structure is a better preservation outcome.

11.2 In a residential context, clearly define the primary entrance to a new building by using a front porch.

- The front porch shall be functional, and used as the means of access to the front door.
- A new porch must be similar in size and shape to those seen traditionally.

11.3 Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel.

- Subdivide larger masses into smaller “modules” that are similar in size to the historic buildings on the original site.
- Reflect the heights and proportions that characterize the historic resource.

11.4 Design a front elevation to be similar in scale to the historic building.

- The primary plane of the front shall not appear taller than the historic structure.

11.6 Design a new structure to be recognized as a product of its time.

- Consider these three aspects of a new building; **form, materials, and fenestration**. A project 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.
- When choosing to relate to building form, use forms that are similar to the historic resource.
- When choosing to relate to materials, use materials that appear similar in scale and finish to those used historically on the site and use building materials that contribute to a traditional sense of human scale
- When choosing to relate to fenestration, use windows and doors that are similar in size and shape to those of the historic resource.

12.4 Minimize the visual impacts of utilitarian areas, such as mechanical equipment and trash storage.

- Place mechanical equipment on the ground where it can be screened.
- Mechanical equipment may only be mounted on a building on an alley façade.
- Rooftop mechanical equipment or vents must be grouped together to minimize their visual impact. Where rooftop units are visible, it may be appropriate to provide screening with materials that are compatible with those of the building itself. Use the smallest, low profile units available for the purpose.
- Window air conditioning units are not allowed.
- Minimize the visual impacts of utility connections and service boxes. Group them in a discrete location. Use pedestals when possible, rather than mounting on a historic building.
- Paint mechanical equipment in a neutral color to minimize their appearance by blending with their backgrounds
- In general, mechanical equipment should be vented through the roof, rather than a wall, in a manner that has the least visual impact possible.
- Avoid surface mounted conduit on historic structures.

Staff Finding: The basic concept of this project, preserving the Chalet with no addition or alterations, and placing all new construction in detached units is ideal in terms of the preservation guidelines.

Staff finds the new structure to be appropriate. The building area is limited in footprint and well distanced from the historic resource. The flat roof is sympathetic by keeping the height of the structure as low as possible. The materiality, fenestration and detailing of the new unit make gentle references to the Chalet, but are clearly distinct and provide a simple backdrop to that highly decorative home. Staff does not propose any areas for restudy.

At the previous meeting, staff expressed some concerns with the design of parking in the public right of way in the foreground of the Chalet, and the possibility of constructing a sidewalk in front of the historic house. The sidewalk is not required by Engineering after all. The board indicated that the parking area is not impactful enough to the historic resource to require their further input.

At that meeting the applicant expressed concerns about the applicability of floor area reductions for an embankment on the west side of the Chalet lot. Applying this standard deduction has a minimal (approximately 40 square foot) impact on the Chalet lot. Staff recommends the applicant comply rather than asking for a preservation benefit on this topic.

The new home is subject to compliance with the Residential Design Standards, but it does not comply in several ways. It is simply not designed to be a building strongly related to the street. It does not break down its massing in the ways the standards require because the project has already separated the allowed development into two halves, smaller than most structures in the

neighborhood. It is approached from the alley, to leave the setting of the Chalet intact. Below are some of the standards that are not met. Staff recommends a full waiver of RDS be accepted for the new unit as part of the AspenModern negotiation.

Articulation of Building Mass

Standard. A principal building shall articulate building mass to reduce bulk and mass and create building forms that are similar in scale to those seen in historic Aspen residential buildings.

Build to lines

Standard. At least sixty percent (60%) of the front façade of a principal building shall be within five (5) feet of the minimum front yard setback line. On a corner lot, this standard shall be met on at least one (1) of the two intersecting streets. A front porch may be used to meet this requirement. See Figure 9.

One story element

Standard. A principal building shall incorporate a one-story element on the front façade. Duplexes in a side-by-side configuration are required to have a one-story element per dwelling unit.

Entry connection

Standard. A building shall provide a visual and/or physical connection between a primary entry and the street. On a corner lot, an entry connection shall be provided to at least one (1) of the two intersecting streets. Duplexes in a side-by-side configuration shall have one (1) entry connection per dwelling unit.

CITY OF ASPEN

Exhibit C
Relocation Criteria
Staff Findings

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.

CITY OF ASPEN

Review Criteria for 949 W. Smuggler			
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			N/A
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			N/A
3. The owner has obtained a certificate of economic hardship; or			N/A
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:	**MET**	**NOT MET**	**DOES NOT APPLY**
1. It has been determined that the building, structure or object is capable of withstanding the physical impacts of relocation;	CONDITION		
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		

Staff Finding: There are two structures on this property that exemplify Chalet style architecture: the main house and an outbuilding identified as the “chicken coop.” Currently located south of the main home, the applicant proposes to move the contributing outbuilding towards the northeast. No change in location is proposed for the main home. The proposed location for the outbuilding maintains the contextual relationship between the two structures while providing adequate room for the new home proposed along the alley.

Staff finds the proposed relocation does not diminish the historic integrity of the resource and supports the relocation of the outbuilding. A letter from an engineer or housemover demonstrating the structure is capable of withstanding the relocation, a plan for the safe relocation of the building, and a financial assurance in the amount of $15,000 will be required prior to building permit submission.

Staff finds the relocation criteria are met.

Exhibit D
Demolition Criteria
Staff Findings

Section 26.415.080 – Demolition of Designated Historic Properties:
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:
   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.

CITY OF ASPEN

Review Criteria for 949 W. Smuggler The applicant proposes to demolish a non-contributing detached shed structure.			
Summary of Review Criteria for Demolition Request			
26.415.080 - Demolition. 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. 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;			N/A
b. The structure is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;			N/A
c. The structure cannot practically be moved to another appropriate location in Aspen; or			N/A
d. No documentation exists to support or demonstrate that the property has historic, architectural, archaeological, engineering or cultural significance; and	MET		
Additionally, for approval to demolish, all of the following criteria must be met:	**MET**	**NOT MET**	**DOES NOT APPLY**
a. The structure does not contribute to the significance of the parcel or Historic District in which it is located:	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		

Staff Findings: A total of three structures are located on this lot. The applicant proposes to preserve the main house and the small outbuilding, known as the chicken coop, but demolish the one-story shed structure on the southeast corner of the property. This one-story shed structure has a simple gable roof form with minimal architectural detailing.

Staff finds that the structure makes a limited contribution to the historic significance of the development on the site. The applicant does not offer its preservation, even in a different position on the site. The demolition of this structure is deemed inconsequential to the preservation needs of the area.

Staff finds the criteria are met to demolish the shed structure as proposed.

CITY OF ASPEN

Exhibit E
Setback Variations Criteria
Staff Findings

26.415.110.C: Variations:
Dimensional variations are allowed for projects involving designated properties to create development that is more consistent with the character of the historic property or district than what would be required by the underlying zoning's dimensional standards.

1. The HPC may grant variances of the Land Use Code for designated properties to allow:
   a) Development in the side, rear and front setbacks;
   b) Development that does not meet the minimum distance requirements between buildings;
   c) Up to five percent (5%) additional site coverage;
   d) Less public amenity than required for the on-site relocation of commercial historic properties.

2. 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.

Review Criteria As a historically designated property, HPC may grant dimensional variations of the Land Use Code to allow for development in the side, rear and front setbbacks. The applicant is requesting Setback Variations for the new house on the rear of the lot.			
Summary of Review Criteria for Setback Variation Request			
26.415.110.C - Variances. Dimensional variations are allowed for projects involving designated properties to create development that is more consistent with the character of the historic property or district than what would be requried by the underlying zoning's dimensional standards.			
2. In granting a variance, the HPC must make a finding that such a variance:	MET	NOT MET	DOES NOT APPLY
a.) Is similar to the pattern, features and character of the historic property or district; and/or	MET		
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.	MET		

Staff Finding: The application accommodates the Chalet in its original location and protects the significant trees in front of it. No variations are needed to accomplish this, however it affects where other development can occur on the site, and influences the need for setback variations.

Setback variations are requested on the Chalet lot for the “chicken-coop” and the proposed new home along the alley. The chicken-coop has a 5 foot east setback where it should have 10. The

new house along the alley provides a 5 foot rear setback rather than the 10' required for some of the proposed below grade space, a second floor deck, and a lightwell. Staff supports this request.

On the corner lot, the applicant's proposal is for a reduction in the combined side yard setback and a larger than standard front yard setback to protect some of the view of the historic house from 8th Street. A combined sideyard of 15 feet is proposed where 25 feet is required.

Staff finds that in general, these setback reductions are in character with the neighborhood and are for the express purpose of distancing the new structures from the resource.

HPC conducted a site visit on April 27th to view the conditions. At the May 11th meeting, the board should discuss their observations as a group. The applicant has indicated a willingness to designate the corner lot historic and allow HPC design review. The board could rely on that process to properly place development on the corner lot, or could accept the applicant's setback proposals and allow these boundaries to be modified if appropriate during future review.

If a 30' front setback were provided at least above grade, based on the site visit the view of the Chalet directly from 8th street would be approximately as shown at right. Staff recommends HPC take action to ensure a significant amount of this view is protected.



As a further consideration, during Council discussion, the possibility of requesting the City be granted a "right of first refusal" to purchase the corner lot at market rate for affordable housing will be raised. HPC should indicate whether that idea affects setback considerations.

Staff recommends HPC discussion guide an appropriate finding on the criteria for setback variations on the corner lot.

CITY OF ASPEN

Exhibit F
Parking Variations Criteria
Staff Findings

26.415.110. D. Parking. On-site parking reductions are permitted for designated historic properties unable to contain the number of parking spaces required by the underlying zoning due to the existence of a historic resource. In these circumstances, alternative mitigation in the form of cash-in-lieu, pursuant to Chapter 26.515, may be accepted by HPC for commercial development. HPC may waive cash-in-lieu for residential development.

In addition to the review criteria listed in Chapter 26.515, the parking reduction and waiver of payment-in-lieu fees may be approved upon a finding by the HPC that it will enhance or mitigate an adverse impact on the historic significance or architectural character of a designated historic property, an adjoining designated property or a historic district.

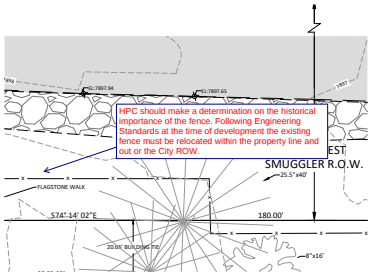
Staff finding: There is currently no on-site parking for this property. The owner has parked in the City right-of-way along Smuggler Street. As an AspenModern benefit, they would like to continue to utilize that area, although the Engineering Department has indicated that the parking configuration will have to be parallel rather than head-in for safety.

The Chalet does not require any parking to be provided. The new home along the alley requires two spaces. The applicant plans to create two garaged spots along the alley and assign one to each home. Because they are meeting the requirement for two spots on site, and the City does not monitor how the on-site parking spaces are used, their representation is noted, but a parking variation is not technically required.

Staff finds that no parking variation is needed.

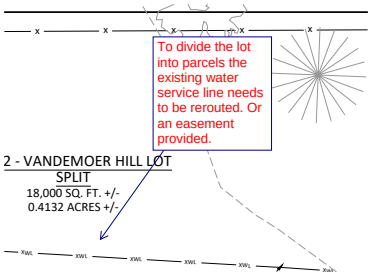
Engineering1 - 949 W Smuggler - LPA-22-029

APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf (14)



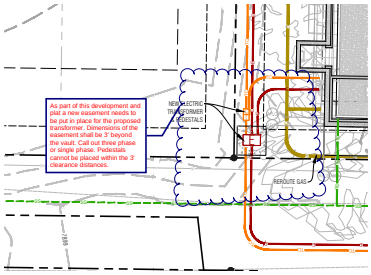
Page: 29
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

HPC should make a determination on the historical importance of the fence. Following Engineering Standards at the time of development the existing fence must be relocated within the property line and out or the City ROW.



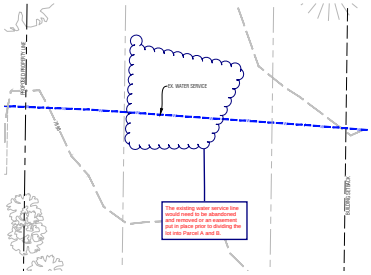
Page: 29
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

To divide the lot into parcels the existing water service line needs to be rerouted. Or an easement provided.



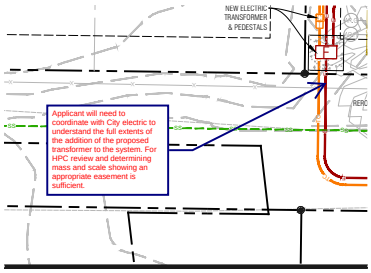
Page: 31
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

As part of this development and plat a new easement needs to be put in place for the proposed transformer. Dimensions of the easement shall be 3' beyond the vault. Call out three phase or single phase. Pedestals cannot be placed within the 3' clearance distances.



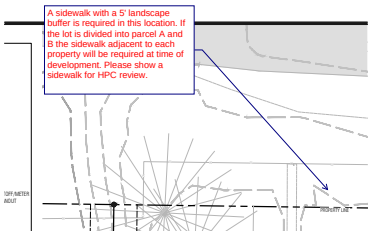
Page: 31
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

The existing water service line would need to be abandoned and removed or an easement put in place prior to dividing the lot into Parcel A and B.



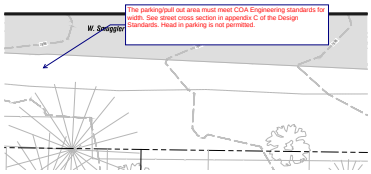
Page: 31
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

Applicant will need to coordinate with City electric to understand the full extents of the addition of the proposed transformer to the system. For HPC review and determining mass and scale showing an appropriate easement is sufficient.



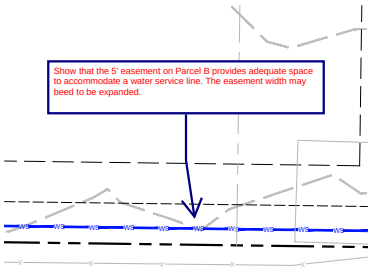
Page: 31
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

A sidewalk with a 5' landscape buffer is required in this location. If the lot is divided into parcel A and B the sidewalk adjacent to each property will be required at time of development. Please show a sidewalk for HPC review.



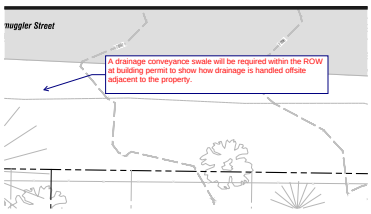
Page: 31
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

The parking/pull out area must meet COA Engineering standards for width. See street cross section in appendix C of the Design Standards. Head in parking is not permitted.



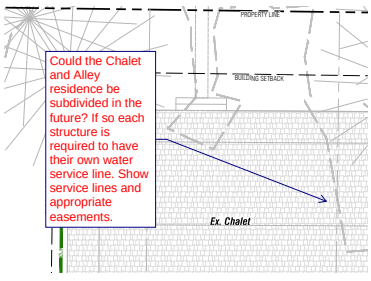
Page: 31
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

Show that the 5' easement on Parcel B provides adequate space to accommodate a water service line. The easement width may beed to be expanded.



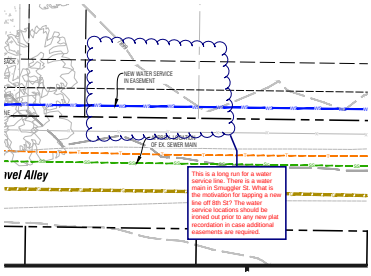
Page: 31
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

A drainage conveyance swale will be required within the ROW at building permit to show how drainage is handled offsite adjacent to the property.



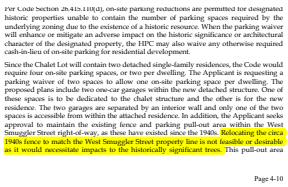
Page: 31
File Name: APPLICATION PACKAGE (FINAL)-AspenModern949 W Smuggler.pdf
Author: haileyg

Could the Chalet and Alley residence be subdivided in the future? If so each structure is required to have their own water service line. Show service lines and appropriate easements.



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Author: haileyg

This is a long run for a water service line. There is a water main in Smuggler St. What is the motivation for tapping a new line off 8th St? The water service locations should be ironed out prior to any new plat recordation in case additional easements are required.

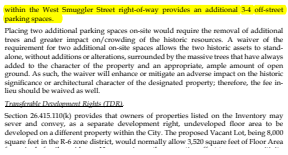


Per Code Section 26.415.110(d), on-site parking reductions are permitted for designated historic properties unable to contain the number of parking spaces required by the underlying zoning due to the existence of a historic resource. When the parking waiver will enhance or mitigate an adverse impact on the historic significance or architectural character of the designated property, the HPC may also waive any otherwise required cash-in-lieu of on-site parking for residential development.

Since the Chalet Lot will contain two detached single-family residences, the Code would require four on-site parking spaces, or two per dwelling. The Applicant is requesting a parking waiver of two spaces to allow one on-site parking space per dwelling. The proposed plans include two one-car garages within the new detached structure. One of these spaces is to be dedicated to the chalet structure and the other is for the new residence. The two garages are separated by an interior wall and only one of the two spaces is accessible from within the attached residence. In addition, the Applicant seeks approval to maintain the existing fence and parking pull-out area within the West Smuggler Street right-of-way, as these have existed since the 1940s. Relocating the circa 1940s fence to match the West Smuggler Street property line is not feasible or desirable as it would necessitate impacts to the historically significant trees. This pull-out area

Page 4-10

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Author: haileyg



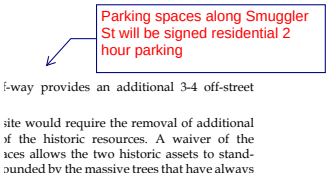
within the West Smuggler Street right-of-way provides an additional 3-4 off-street parking spaces.

Placing two additional parking spaces on-site would require the removal of additional trees and greater impact on/crowding of the historic resources. A waiver of the requirement for two additional on-site spaces allows the two historic assets to stand-alone, without additions or alterations, surrounded by the massive trees that have always added to the character of the property and an appropriate, ample amount of open ground. As such, the waiver will enhance or mitigate an adverse impact on the historic significance or architectural character of the designated property; therefore, the fee in-lieu should be waived as well.

Transferable Development Rights (TDR).

Section 26.415.110(k) provides that owners of properties listed on the Inventory may sever and convey, as a separate development right, undeveloped floor area to be developed on a different property within the City. The proposed Vacant Lot, being 8,000 square feet in the R-6 zone district, would normally allow 3,520 square feet of Floor Area

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Author: haileyg



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Author: haileyg

Parking spaces along Smuggler St will be signed residential 2 hour parking

B129 P11

FINAL PLAT OF:

VANDEMOER HILL LOT SPLIT

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

PURPOSE STATEMENT

TO SUBDIVIDE THESE LANDS INTO LOT 1 AND LOT 2;
VANDEMOER HILL LOT SPLIT

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED BEING THE OWNER IN FEE SIMPLE OF CERTAIN LANDS IN THE CITY AND TOWNSITE OF ASPEN, PITKIN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

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

PARCEL 2 - THAT CERTAIN PARCEL OF LAND DESCRIBED IN QUIT CLAIM DEED DATED APRIL 20, 1959, AND RECORDED JUNE 2, 1959 AS RECEPTION NO. 108073 IN BOOK 187 AT PAGE 389 OF THE RECORDS OF PITKIN COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (FROM RECEPTION 108073): THAT PORTION OF THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 85 WEST, 6TH P.M., DESCRIBED IN QUIT CLAIM DEED DATED JULY 14, 1949 AND RECORDED AS RECEPTION 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 PARCEL OF LAND DESCRIBED IN SAID QUIT CLAIM DEED RECORDED AT RECEPTION NO. 96608;

DOES HEREBY PLAT THIS REAL PROPERTY UNDER THE NAME AND STYLE OF THE FINAL PLAT OF: VANDEMOER HILL LOT SPLIT, CITY OF ASPEN, PITKIN COUNTY, COLORADO; DIVIDE THE REAL PROPERTY INTO LOTS 1 AND 2 AS SHOWN HEREON; DEDICATE THE RIGHTS-OF-WAY AS SHOWN HEREON TO THE CITY OF ASPEN FOR NON-EXCLUSIVE PUBLIC USE; AND DEDICATES EASEMENTS TO THE CITY OF ASPEN AS SHOWN HEREON FOR THE USES AND PURPOSES MORE FULLY DESCRIBED IN THE EASEMENT AGREEMENT RECORDED AT RECEPTION NO. 670573 OF THE PITKIN COUNTY RECORDS.

EXECUTED THIS 8 DAY OF Oct, 2020.

949 WEST SMUGGLER STREET LLC,
A COLORADO LIMITED LIABILITY COMPANY

BY: _____
PRINT NAME: CRAIG VANDEMOER
TITLE:MANAGER

STATE OF COLORADO)
)SS
COUNTY OF Jefferson)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8TH DAY OF Oct, 2020, BY CRAIG VANDEMOER AS MANAGERS OF 949 WEST SMUGGLER STREET LLC,.

MY COMMISSION EXPIRES: 04/4/2021
WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

KILA SAVASCIOS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174013467
MY COMMISSION EXPIRES 04/7/2021

BY: _____
PRINT NAME: GEOFFREY HILL
TITLE:MANAGER

STATE OF Florida)
)SS
COUNTY OF Seminole

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12 DAY OF October, 2020, BY GEOFFERY HILL AS MANAGERS OF 949 WEST SMUGGLER STREET LLC,.

MY COMMISSION EXPIRES: 1-30-2023
WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

Notary Public State of Florida
Heather M. Osborne
My Commission GG 291101
Expires 1/30/2023

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 14 DAY OF July, 2020, BY ORDINANCE NO. 002, SERIES 2020, RECORDED ON THE 15 IN THE OFFICE OF THE CLERK AND RECORDER OF PITKIN COUNTY IN BOOK 129 PAGE 11 AS RECEPTION NO. 669991.

MAYOR, CITY OF ASPEN _____

DATE 10-3-20

ATTEST: Wes Graham for Nicole Henning
CITY CLERK

CITY OF ASPEN ACCEPTANCE OF RIGHTS-OF-WAY

THE UNDERSIGNED, A DULY AUTHORIZED REPRESENTATIVE OF THE CITY OF ASPEN, DOES HEREBY ACCEPT THE NON-EXCLUSIVE PUBLIC RIGHTS-OF-WAY AS SHOWN AND MORE PARTICULARLY DESCRIBED HEREON.

MAYOR, CITY OF ASPEN _____

DATE 10-3-20

ATTEST: Wes Graham for Nicole Henning
CITY CLERK

COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE

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 _, 2020. 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 PROVISION OF APPLICABLE LAW INCLUDING BUT NOT LIMITED TO OTHER APPLICABLE LAND USE REGULATIONS OR BUILDING CODES, SUCH OTHER DEVELOPMENT ORDERS OR APPLICABLE BUILDING CODE SHALL CONTROL.

COMMUNITY DEVELOPMENT DIRECTOR

CITY ENGINEER'S REVIEW

THIS PLAT WAS REVIEWED FOR THE DEPICTION OF THE ENGINEERING DEPARTMENT SURVEY REQUIREMENTS THIS 21ST DAY OF October, 2020.

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 HEREON HOLD FEE SIMPLE TITLE TO THE PROPERTY FREE AND CLEAR OF LEINS, TAXES, AND ENCUMBRANCES EXCEPT FOR THE MATTERS OF RECORD LISTED ON THE TITLE COMMITMENT ISSUED BY LAND TITLE GUARANTEE COMPANY UNDER FILE NO. Q64002750-2, COMMITMENT DATE ~~OCTOBER 29, 2019~~ 9/28/2020 ALTHOUGH WE BELIEVE THE FACTS STATED ARE TRUE, THIS CERTIFICATE IS NOT TO BE CONSTRUED 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.

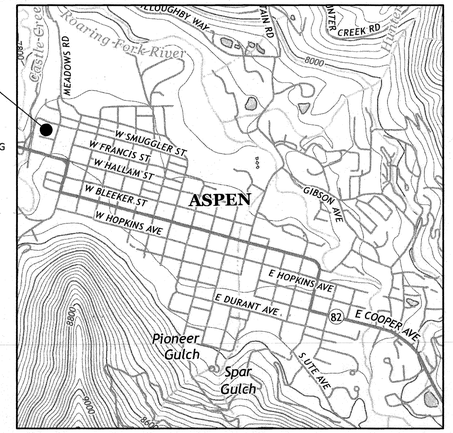
BY: _____

TITLE: Title Officer

STATE OF COLORADO)
) SS
COUNTY OF ~~PITKIN~~ Eagle)

THE TITLE CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 22 DAY OF October, 2020, BY AS THE TITLE OFFICER OF LAND TITLE GUARANTEE COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL



PROPERTY DESCRIPTION BEFORE LOT SPLIT
(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 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 TOWNSITE 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 PFISTER BY QUIT CLAIM DEED DATED JULY 14, 1949.

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 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 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, OCTOBER 2020.

2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER-NOVEMBER 2019, JUNE-OCTOBER, 2020.

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, 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. Q62002750-2 EFFECTIVE DATE SEPTEMBER 20, 2019.

6) SETBACKS FOR LOTS 1 ARE DEPICTED AS "BUILDING ENVELOPE". PURSUANT TO ORDINANCE NO. 002, SERIES OF 2020, THERE SHALL BE NO "COMBINED" SIDE YARD SETBACK REQUIREMENT.

7) DEVELOPMENT RESTRICTIONS PROHIBITS DEVELOPMENT ON OF ALL LANDS WEST OF POWER PLANT ROAD RIGHTS-OF-WAY PER CITY OF ASPEN ORDINANCE NO. 002 SERIES OF 2020. THE SAID RIGHTS-OF-WAY DEDICATION DOES NOT FURTHER SUBDIVIDE LOT 1.

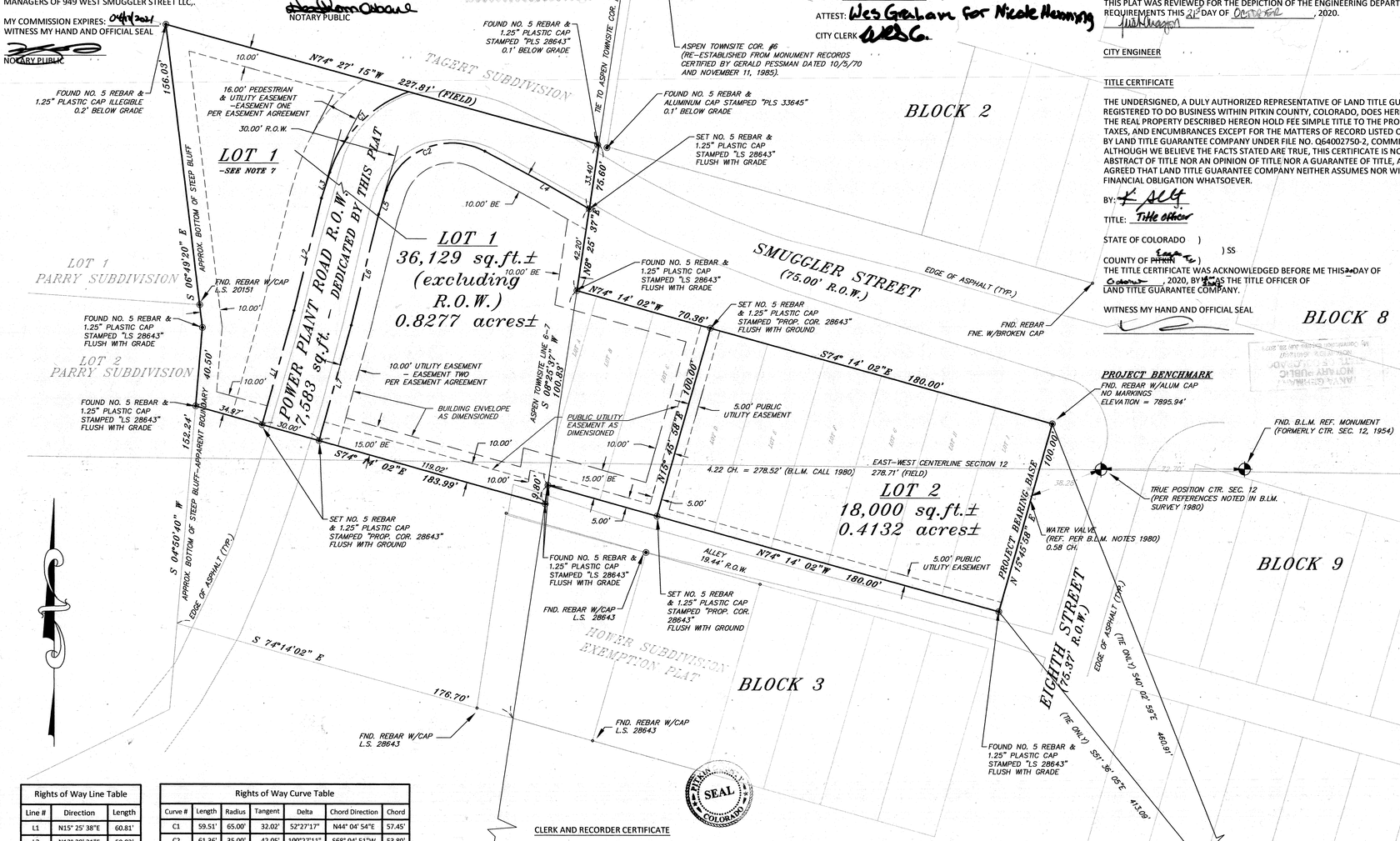
8) UPON DEVELOPMENT, LOT 1 SHALL INSTALL A SIDEWALK ALONG SMUGGLER STREET, WITHIN THE PUBLIC RIGHT-OF-WAY EAST OF THE TOWNSITE BOUNDARY. UPON DEVELOPMENT OR SUBSTANTIAL REDEVELOPMENT, LOT 2 SHALL INSTALL SIDEWALKS ALONG SMUGGLER STREET AND EIGHTH STREET, WITHIN THE PUBLIC RIGHTS-OF-WAY. SIDEWALK LOCATION, DIMENSIONS AND SPECIFICATIONS SHALL BE ACCORDING TO THE CITY OF ASPEN ENGINEERING DEPARTMENT.

PLAT 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 PLAIN, ROADS, TRAILS, VISIBLE UTILITIES, FENCES, HEDGES, OR WALLS SITUATED ON THE DESCRIBED PARCEL 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 BELOW, OR OTHER SOURCES AS SPECIFIED ON THIS IMPROVEMENT SURVEY PLAT.

MARK S. BECKLER LS. #28643

20153 7/7/2020 C:\2000\20153\SURVEY\Survey DWGs\Survey Plats and Exhibits\20153_AMENDED PLAT.dwg



Rights of Way Line Table		
Line #	Direction	Length
L1	N15° 25' 38"E	60.81'
L2	N13° 38' 21"E	59.02'
L3	N17° 51' 16"E	13.96'
L4	N59° 52' 40"W	25.84'
L5	S17° 51' 16"W	12.86'
L6	S13° 38' 21"W	58.39'
L7	S15° 25' 38"W	61.45'

Rights of Way Curve Table						
Curve #	Length	Radius	Tangent	Delta	Chord Direction	Chord
C1	59.51'	65.00'	32.02'	52°27'17"	N44° 04' 54"E	57.45'
C2	61.36'	35.00'	42.05'	100°27'11"	S68° 04' 51"W	53.80'

GRAPHIC SCALE

30 0 20 30 60 120
(IN FEET)
1 inch = 30 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 BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

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 16 DAY OF November 2020 AND IS RECORDED IN BOOK 129 ON PAGE 11, AS RECEPTION NO. 670572

CLERK AND RECORDER Patricia Nadon
Deputy

RECEPTION#: 670572, R: $13.00, D: $0.00
PLAT BOOK 129 PAGE 011
Pg 1 of 1, 11/16/2020at 11:49:37 AM
Janice K. Vos Caudill, Pitkin County, CO

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

IMPROVEMENT SURVEY PLAT WITH TOPOGRAPHY OF

LOT 2, VANDEMOER HILL LOT SPLIT

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

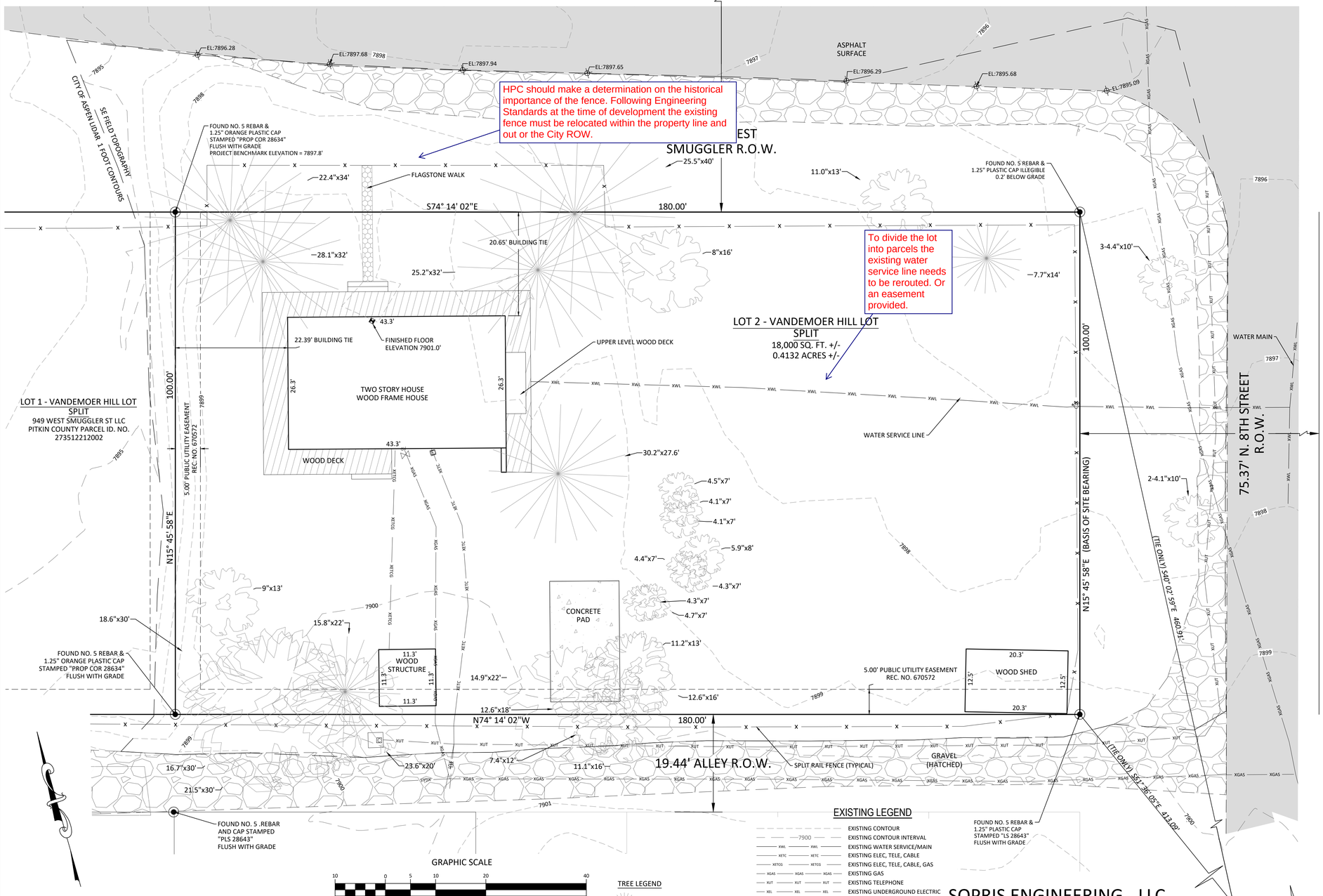
PROPERTY DESCRIPTION

LOT 2,
VANDEMOER HILL LOT SPLIT, ACCORDING TO THE FINAL PLAT THEREOF
RECORDED NOVEMBER 16, 2020 IN PLAT BOOK 129 AT PAGE 11.

COUNTY OF PITKIN,
STATE OF COLORADO

PURPOSE STATEMENT

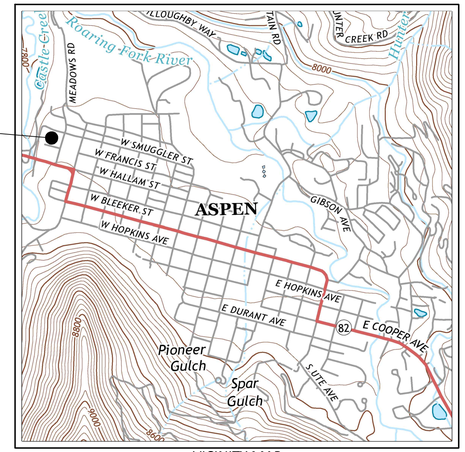
THE PURPOSE OF THIS IMPROVEMENT SURVEY PLAT WITH TOPOGRAPHY IS TO SHOW THE EXISTING PROPERTY BOUNDARIES, SITE CONDITIONS, ENCUMBRANCES, AND TOPOGRAPHY OF THE SUBJECT PROPERTY.



GRAPHIC SCALE

10 0 5 10 20 40

(IN U.S. SURVEY FEET)
1 inch = 10 ft.



VICINITY MAP
SCALE: 1" = 2000'

NOTES

1) DATE OF FIELD WORK: DECEMBER, 2001-JUNE, 2001; SEPTEMBER 2019, SEPTEMBER 2020, AND SEPTEMBER, 2021.
2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER-OCTOBER 2019, AUGUST-SEPTEMBER, 2020, AND OCTOBER, 2021.
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°45'58" E BETWEEN THE NORTHEAST CORNER OF LOT 2 AND THE SOUTHEAST CORNER OF LOT 2, BEING FOUND MONUMENTS AS SHOWN.
4) BASIS OF SURVEY: THE VANDEMOER HILL LOT SPLIT, PLAT BOOK 129 AT PAGE 11, RECEPTION NO. 670572 OF PITKIN COUNTY RECORDS.
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 TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER No. Q62012373 EFFECTIVE DATE JUNE 3, 2021.
6) BASIS OF ELEVATION: BASIS OF ELEVATION - 2009 CITY OF ASPEN GPS MARCIN CONTROL MAP DATUM, WHICH IS BASED ON AN ELEVATION OF 7911.98 (NAVD 1988) ON THE NGS STATION "Q-159". THIS ESTABLISHED A SITE BENCHMARK ELEVATION OF 7897.8' ON THE TOP OF A #5 REBAR WITH CAP L.S. 28643 MONUMENTING THE NORTH WEST PROPERTY CORNER OF LOT 22, AS SHOWN HEREON. FIELD WORK SUPPLEMENTED WITH 1 FOOT CITY OF ASPEN LIDAR DATA TRANSLATE TO MARCIN COORDINATE SYSTEM.
7) CONTOUR INTERVAL ONE (1) FOOT.
8) PROPERTY ADDRESS: 949 WEST SMUGGLER STREET, ASPEN, CO 81611
9) PITKIN COUNTY PARCEL ID NUMBER 273512212003
10) PER CITY OF ASPEN MUDFLOW FIGURE 7.1 C -CASTLE CREEK/RED BUTTE MUDFLOW ZONES, REVISED 11/2014, THE SUBJECT PROPERTY IS NOT IN A MUD FLOW ZONE.
11) PER FIRM MAP 08097C0354E, EFFECTIVE DATE 08/15/2019, THE SUBJECT PROPERTY FALLS UNDER SHADED ZONE "X", (AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVEL. ZONE X IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.)

SOURCE DOCUMENTS:

- PLAT-VANDEMOER HILL LOTS SPLIT (BOOK 129-PAGE 11, RECEPTION NUMBER 670572)

ALL OF THE PITKIN COUNTY, COLORADO RECORDS-UNLESS OTHERWISE NOTED.

IMPROVEMENT SURVEY PLAT

I, MARK S. BECKLER, HEREBY CERTIFY TO ISABEL A. VANDEMOER, PHOEBE E. VANDEMOER, 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 , VISIBLE ROADS, UTILITIES, FENCES, OR WALLS SITUATED ON THE DESCRIBED PARCEL 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 LAND TITLE GUARANTEE COMPANY TITLE INSURANCE ORDER NO. Q62012373, OR OTHER SOURCES AS SPECIFIED ON THE IMPROVEMENT SURVEY PLAT.

THE ERROR OF CLOSURE FOR THIS SURVEY IS LESS THAN 1/15,000.

10-05-21

MARK S. BECKLER, P.L.S. 28643

EXISTING LEGEND

- EXISTING CONTOUR
- 7900 EXISTING CONTOUR INTERVAL
- XWL EXISTING WATER SERVICE/MAIN
- XETC EXISTING ELEC, TELE, CABLE
- XETCG EXISTING ELEC, TELE, CABLE, GAS
- XGAS EXISTING GAS
- XUT EXISTING TELEPHONE
- XEL EXISTING UNDERGROUND ELECTRIC
- XTV EXISTING CABLE
- X EXISTING WOOD RAIL FENCE
- EXISTING CURB STOP
- EXISTING GAS METER
- EXISTING ELECTRIC METER
- EXISTING CATV PEDESTAL

TREE LEGEND

- CONIFEROUS TREE
- DECIDUOUS TREE

4.5" X 7' = 4.5" TRUNK DIAMETER WITH 7' DRIPLINE

GENERAL UTILITY NOTES:

The locations of underground utilities have been plotted based on utility maps, construction/design plans, other information provided by utility companies and actual field locations in some instances. These utilities, as shown, may not represent actual field conditions. It is the responsibility of the contractor to contact all utility companies for field location of utilities prior to construction.

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 SOPRISENG@SOPRISENG.COM

Please have the surveyor add a slope table to this survey. The table should list the area of the parcel with a 0-20% slope, 20-30% slope, and 30%+ (as applicable).

FINAL SUBDIVISION PLAT OF THE

VANDEMOER LOT 2 SUBDIVISION

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

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED BEING THE OWNER IN FEE SIMPLE OF CERTAIN LANDS IN THE CITY AND TOWNSITE OF ASPEN, PITKIN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

LOT 2, VANDEMOER HILL LOT SPLIT, ACCORDING TO THE FINAL PLAT THEREOF RECORDED NOVEMBER 16, 2020 IN PLAT BOOK 129 AT PAGE 11.

DOES HEREBY PLAT THIS REAL PROPERTY UNDER THE NAME AND STYLE OF THE FINAL PLAT OF: VANDEMOER HILL PARCELS A & B, CITY OF ASPEN, PITKIN COUNTY, COLORADO; DIVIDE THE REAL PROPERTY INTO PARCELS A AND B AS SHOWN HEREON; AND DEDICATES EASEMENTS TO THE CITY OF ASPEN AS SHOWN HEREON FOR THE USES AND PURPOSES MORE FULLY DESCRIBED IN THE EASEMENT AGREEMENT RECORDED AT RECEPTION NO. _____ OF THE PITKIN COUNTY RECORDS.

EXECUTED THIS _____ DAY OF _____ , 2022.

VANDEMOER FAMILY INC
A COLORADO INCORPORATION

BY:_____
PRINT NAME: CRAIG VANDEMOER
TITLE:MANAGER

STATE OF _____)
)SS
COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 202__, BY CRAIG VANDEMOER AS MANAGERS OF VANDEMOER FAMILY INC.

MY COMMISSION EXPIRES: _____.
WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC

ASPEN CITY COUNCIL APPROVAL

THIS FINAL PLAT OF THE VANDEMOER HILL PARCELS A & B WAS REVIEWED AND APPROVED BY THE CITY OF ASPEN CITY COUNCIL ON THE __DAY OF _____, 202__, BY ORDINANCE NO. ____, SERIES 202__, 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 CERTIFICATE

THIS LOT SPLIT PLAT OF THE VANDEMOER HILL PARCEL A & B WAS REVIEWED AND APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF ASPEN THIS ___ DAY OF _____, 202___. 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 PROVISION OF APPLICABLE LAW INCLUDING BUT NOT LIMITED TO OTHER APPLICABLE LAND USE REGULATIONS OR BUILDING CODES, SUCH OTHER DEVELOPMENT ORDERS OR APPLICABLE BUILDING CODE SHALL CONTROL.

COMMUNITY DEVELOPMENT DIRECTOR

_____

CITY ENGINEER'S REVIEW

THIS PLAT WAS REVIEWED FOR THE DEPICTION OF THE ENGINEERING DEPARTMENT SURVEY REQUIREMENTS THIS ___ DAY OF _____, 202__.

CITY ENGINEER

_____

GENERAL UTILITY NOTES:

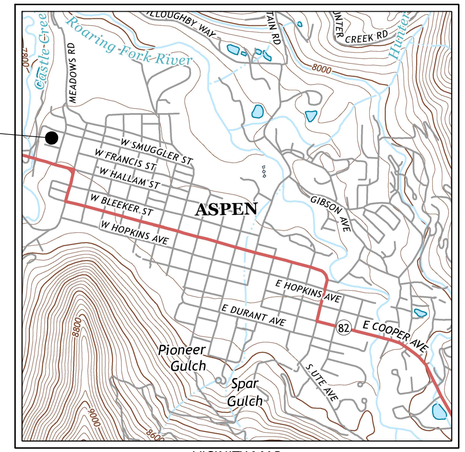
The locations of underground utilities have been plotted based on utility maps, construction/design plans, other information provided by utility companies and actual field locations in some instances. These utilities, as shown, may not represent actual field conditions. It is the responsibility of the contractor to contact all utility companies for field location of utilities prior to construction.

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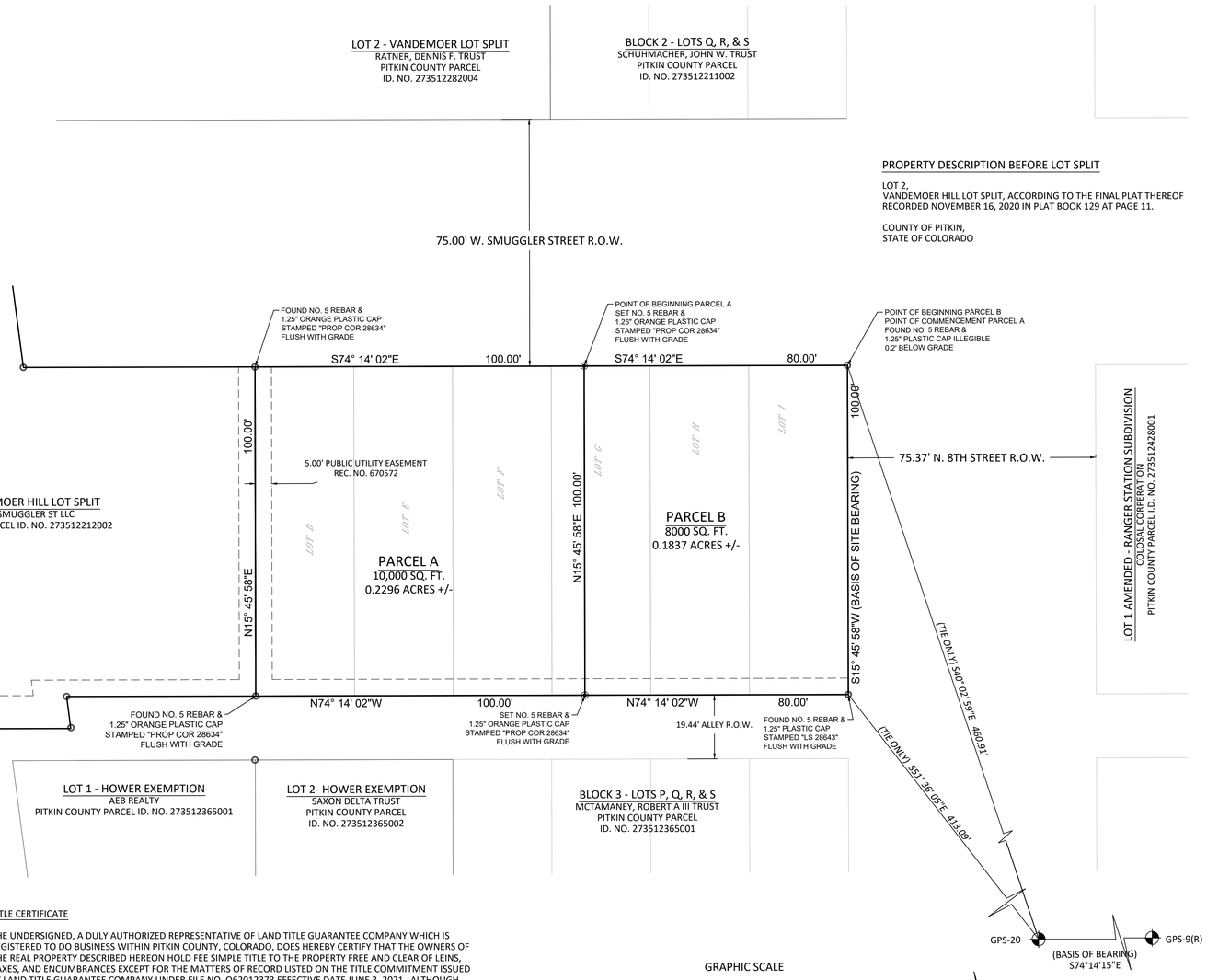
PURPOSE STATEMENT

THE PURPOSE OF THIS PLAT IS THE SUBDIVISION OF LOT 2, VANDEMOER HILL LOT SPLIT (RECORDED IN BOOK 129 AT PAGE 11, AS RECEPTION NO. 670572), INTO TWO NEW PARCELS TO HEREAFTER BE KNOWN AS PARCELS A AND B OF THE VANDEMOER LOT 2 SUBDIVISION.

SITE



VICINITY MAP
SCALE: 1" = 2000'



PROPERTY DESCRIPTION BEFORE LOT SPLIT

LOT 2,
VANDEMOER HILL LOT SPLIT, ACCORDING TO THE FINAL PLAT THEREOF RECORDED NOVEMBER 16, 2020 IN PLAT BOOK 129 AT PAGE 11.

COUNTY OF PITKIN,
STATE OF COLORADO

NOTES

1) DATE OF FIELD WORK: DECEMBER, 2001-JUNE, 2001; SEPTEMBER 2019, SEPTEMBER 2020, AND SEPTEMBER, 2021.
2) DATE OF PREPARATION: DECEMBER, 2001--JUNE, 2001; UPDATED SEPTEMBER-OCTOBER 2019, AUGUST-SEPTEMBER, 2020, AND OCTOBER AND DECEMBER, 2021.
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°45'58" E BETWEEN THE NORTHEAST CORNER OF LOT 2 AND THE SOUTHEAST CORNER OF LOT 2, BEING FOUND MONUMENTS AS SHOWN.
4) BASIS OF SURVEY: THE VANDEMOER HILL LOT SPLIT, PLAT BOOK 129 AT PAGE 11, RECEPTION NO. 670572 OF PITKIN COUNTY RECORDS.
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 TITLE COMMITMENT PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER No. Q62012373 EFFECTIVE DATE JUNE 3, 2021.
6) PROPERTY ADDRESS: 949 WEST SMUGGLER STREET, ASPEN, CO 81611
7) PITKIN COUNTY PARCEL ID NUMBER 273512212003

SOURCE DOCUMENTS:

- PLAT-VANDEMOER HILL LOTS SPLIT (BOOK 129-PAGE 11, RECEPTION NUMBER 670572)
- THE OFFICIAL MAP OF THE CITY OF ASPEN APPROVED BY THE CITY ENGINEER G.E. BUCHANAN DATED DECEMBER 15 1959

ALL OF THE PITKIN COUNTY, COLORADO RECORDS-UNLESS OTHERWISE NOTED.

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 HEREON HOLD FEE SIMPLE TITLE TO THE PROPERTY FREE AND CLEAR OF LEINS, TAXES, AND ENCUMBRANCES EXCEPT FOR THE MATTERS OF RECORD LISTED ON THE TITLE COMMITMENT ISSUED BY LAND TITLE GUARANTEE COMPANY UNDER FILE NO. Q62012373 EFFECTIVE DATE JUNE 3, 2021. ALTHOUGH WE BELIEVE THE FACTS STATED ARE TRUE, THIS CERTIFICATE IS NOT TO BE CONSTRUED 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: _____

TITLE: _____

STATE OF COLORADO)
) SS
COUNTY OF PITKIN)
THE TITLE CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS _ DAY OF _____, 202__, BY ___ AS THE TITLE OFFICER OF LAND TITLE GUARANTEE COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL

_____

DRAFT

GRAPHIC SCALE

20 0 10 20 40 80

(IN U.S. SURVEY FEET)
1 inch = 20 ft.

SURVEYOR CERTIFICATE

I, MARK S. BECKLER, DO HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE PLAT OF THE FINAL SUBDIVISION PLAT OF VANDEMOER LOT 2 SUBDIVISION AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT MEETS THE REQUIREMENTS OF A LAND SURVEY PLAT AS SET FORTH IN C.R.S. SECTION 38-51-106, WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UP THE GROUND IN COMPLIANCE WITH STATE REGULATIONS COVERING THE SUBDIVISION OF LAND. RECORDED EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS ARE SHOWN HEREON AND ARE THE SAME AS THOSE SET FORTH IN THE TITLE COMMITMENT PREPARED TITLE COMPANY OF THE ROCKIES COMMITMENT NUMBER 0706274-C2, EFFECTIVE DATE JUNE 5TH, 2020 AND COMMITMENT ORDER NUMBER. Q62012373 EFFECTIVE DATE JUNE 3, 2021.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS ____ DAY OF _____, 2021.

_____
MARK S. BECKLER, L.S. #28643

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

A sidewalk with a 5' landscape buffer is required in this location. If the lot is divided into parcel A and B the sidewalk adjacent to each property will be required at time of development. Please show a sidewalk for HPC review.

The parking/pull out area must meet COA Engineering standards for width. See street cross section in appendix C of the Design Standards. Head in parking is not permitted.

A drainage conveyance swale will be required within the ROW at building permit to show how drainage is handled offsite adjacent to the property.

Could the Chalet and Alley residence be subdivided in the future? If so each structure is required to have their own water service line. Show service lines and appropriate easements.

As part of this development and plat a new easement needs to be put in place for the proposed transformer. Dimensions of the easement shall be 3' beyond the vault. Call out three phase or single phase. Pedestals cannot be placed within the 3' clearance distances.

Applicant will need to coordinate with City electric to understand the full extents of the addition of the proposed transformer to the system. For HPC review and determining mass and scale showing an appropriate easement is sufficient.

The existing water service line would need to be abandoned and removed or an easement put in place prior to dividing the lot into Parcel A and B.

Show that the 5' easement on Parcel B provides adequate space to accommodate a water service line. The easement width may beed to be expanded.

This is a long run for a water service line. There is a water main in Smuggler St. What is the motivation for tapping a new line off 8th St? The water service locations should be ironed out prior to any new plat recordation in case additional easements are required.

LEGEND

- EXISTING/PROPOSED ASPHALT
- PROPOSED IMPERVIOUS WALK/PATIO (CONCRETE OR PAVERS)
- PROPOSED GRASS/LAWN
- EXISTING/PROPOSED UTILITY PEDESTALS & METERS
- GENERAL DIRECTION OF FLOW
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPERTY LINE
- SETBACK
- EXISTING FENCE
- EXISTING/PROPOSED WATER MAIN
- EXISTING/PROPOSED WATER SERVICE/SHUTOFF/METER
- EXISTING/PROPOSED SEWER SERVICE/CLEANOUT
- EXISTING/PROPOSED SEWER
- EXISTING/PROPOSED ELECTRIC
- EXISTING/PROPOSED TELEPHONE
- EXISTING/PROPOSED GAS
- PROPOSED FOUNDATION DRAIN SYSTEM (BY OTHERS)
- HEAT TAPE
- PROPOSED 4"Ø PVC STORM PIPE (WATERTIGHT)
- PROPOSED 6"Ø PVC STORM PIPE (WATERTIGHT)
- PROPOSED 8"Ø PVC STORM PIPE (WATERTIGHT)
- PROPOSED 4"Ø PERF. UNDERDRAIN PIPE
- PROPOSED SWALE FLOWLINE

NOTE: THIS PLAN IS INTENDED TO BE PLOTTED IN COLOR. FAILURE TO DO SO MAY RESULT IN MISSING DATA AND INFORMATION CRITICAL TO THE PROJECT.

W. Smuggler
PROPERTY LINE
BUILDING SETBACK
EASEMENT
Ex. Chalet
Relocated Chicken Coop
PROPOSED BUILDING SETBACK
PROPOSED PROPERTY LINE
EX. WATER SERVICE
GRATE ON ENTRY DRYWELL
WQCV DRYWELL (SEE DETAIL)
AREA INLET
PIPE THE NEW ROOF DRAINS, TYP
Proposed Alley Residence
NEW ELECTRIC TRANSFORMER PEDESTALS
REROUTE GAS
BUILDING SETBACK
NEW WATER SERVICE IN EASEMENT
PROPERTY LINE
EASEMENT
NEW LOCATION OF EX. SEWER MAIN
Gravel Alley
BUILDING SETBACK
PROPERTY LINE
N. 8th Street

SKIMMER PIPE

8"Ø STEEL RISER WITH FLANGE END
1/2"Ø AIR RELEASE HOLE
BMP BIO-SKIRT BIO20. SECURE ABOVE THE FLANGE WITH STAINLESS STEEL WIRE. REPLACE THE SKIRT ANNUALLY)
DRILL (4) 1/2"Ø WEEP HOLES AT THE BASE
WRAP THE BASE WITH A ROCK SOCK
ACCESS LID
24"
6"

SECTION VIEW

24"Ø DUCTILE IRON FRAME AND SOLID LID (H-20). SHIM TO MATCH THE SURFACE GRADE
RIM: PER PLAN @ CENTER OF MANHOLE
2' PRECAST CONE SECTION
PRECAST CONCRETE SECTION(S)
8" THICK PRECAST CONCRETE LID SECTION WITH RUST-RESISTANT ACCESS HATCH WITH LIFTING HANDLES.
PLACE MIRAFI FILTERWEAVE 500 (OR EQUAL) FILTER FABRIC AROUND, UNDER AND OVER CRUSHED STONE
PRECAST PERFORATED RISER SECTION W/ 1"Ø PERCOLATION HOLES
3/4" CRUSHED WASHED SCREENED STONE AROUND THE PERIMETER AND 1' BELOW THE DRYWELL
10"Ø SCH.40 PVC TO OTHER DRYWELL BARREL. 12" ABOVE GRAVEL BASE
4'Ø
10' MIN.
SKIMMER PIPE (SEE DETAIL)
INFLOW STORM/ UNDERDRAIN PIPE SYSTEM
FILTER FABRIC, PIN INTO GRAVELS
DRYWELL (TYP)
24" (MIN.)
12"
UNDISTURBED SOIL

1 WQCV Drywell with Skimmer Pipe

Scale: N.T.S.

NOTES:

1. PRECAST MANHOLE SECTIONS SHALL MEET ASTM C-478 AND BE H-20 LOAD RATED.
2. THE EDGE OF THE DRYWELL (AT FILTER FABRIC) SHALL BE INSTALLED AT LEAST 10-FEET AWAY FROM ANY FOUNDATION WALL.
3. BACKFILL EXCAVATION AROUND THE STRUCTURE WITH COMPACTED 3/4" CRUSHED WASHED SCREENED STONE TO THE TOP OF THE DRYWELL AND WITH STRUCTURAL CLASS 2 ABC TO 12" BELOW FINISH GRADE.COMPACT BACKFILL TO 95% STANDARD PROCTOR.
4. PERFORATED SECTION TO BE INSTALLED 4 FT. MINIMUM INTO PERVIOUS ALLUVIUM. ENGINEER TO BE CONTACTED IMMEDIATELY IF GROUNDWATER OR BEDROCK IS ENCOUNTERED.
5. INLET AND OUTLET PIPES SHOULD ENTER DRYWELL AWAY FROM THE DRYWELL STEPS.

PLAN VIEW

FILTER FABRIC
INTERCONNECT DRYWELL BARRELS WITH 10'Ø SCH.40 PVC
26'-6"
24" TYP.
INFLOW
48"
8'-10"
STANDARD 4'Ø DRYWELL
WQCV DRYWELL: ATTACH THE HEAT TAPE AND ABSORPTION PILLOW TO THE TOP LADDER RUNG, TYP.

NOTES:

1. ALL DOWNSPOUTS AND DECK DRAINS SHALL BE CONNECTED TO ADS N-12-WT CPP (WATERTIGHT), SCH.40 PVC OR SDR35 PVC. FLEXIBLE CORRUGATED PLASTIC IS NOT ACCEPTABLE.
2. ADDITIONAL FITTINGS AND BENDS MAY BE REQUIRED TO DEFLECT OVER OR AROUND LANDSCAPE WALLS.
3. HEAT TAPE SHALL BE INSTALLED IN ALL DOWNSPOUTS/STORM SEWER PIPES AND CONNECTED TO THE BOTTOM OF ALL INLET GRATES.

12"Ø NYLOPLAST AREA DRAIN WITH DOME GRATE, 6'Ø PVC RISER OR BEND, TYP. INSTALL HEAT TAPE THROUGH THE PIPE AND CONNECT TO THE BOTTOM OF THE GRATE.TYP. INSTALL TEMPORARY FILTER FABRIC OR SEDIMENT BASKET UNDER THE GRATE.
DOWNSPOUT FITTING OR IF DOWNSPOUT IS TOO LARGE, USE A 12" SQUARE NYLOPLAST INLINE DRAIN GRATE W/ A HOLE CUT IN GRATE TO MATCH THE DOWNSPOUT AND SLEEVE THE DOWNSPOUT/CHAIN AT LEAST 6" INTO THE PIPE.
RAIN CHAIN
DP DOWNSPOUT
BUILDING
WHERE DOWNSPOUTS ARE NOT IN IMMEDIATE PROXIMITY, INSTALL HEAT TAPE THROUGH AN ELECTRICAL CONDUIT.
CAULK/SEAL
6'Ø RISER, TYP.
6'Ø OR 8'Ø STORM SEWER (PER PLAN)
4'Ø RISER
HEAT TAPE INSTALLED PER NOTES
30" MIN.
TEE
TEE/BENDS WITH GLUED JOINTS OR WATERTIGHT ADAPTERS
TEE
REDUCER (WHERE APPLICABLE)
90° BEND

TYPICAL SITE DRAIN

TYPICAL ROOF DRAIN

2 Downspout Connection & Area Drain

Scale: N.T.S.

Boundaries Unlimited Inc.
Civil Engineering Surveying & Beyond
923 Cooper Avenue
Suite 201
Glenwood Springs, CO 81601
tele: 970.945.5252
fax: 970.384.2833

Engineer or Surveyor Seal

NOT FOR REVIEW CONSTRUCTION

Client Information:
Chris Vandemoer
949 W. Smuggler Street
Aspen, Coloroado 81611

NORTH
0 10' 20'
Scale: 1" = 10'

811 Know what's below. Call before you dig.

Aspen, Colorado

949 W. Smuggler Street

Grading, Drainage & Underground Piping Plan
HPC Review / Preliminary Plan

Date	Revision
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

PROJECT NO. *21066*
FILE NAME: *21066-v-topo.dwg*
Designer: *djw*
Drafter: *djw*
Date: *12/10/21*

Sheet *C.1*

N:\PROJECTS\2021\21066-949 W Smuggler\dwg\21066-v-Topo.dwg 12/10/2021 3:35 PM

with or in any way overwhelm the historic resources. It also ensures that the old and new will be clearly and easily differentiated such that nobody will confuse the two.

On the Vacant Lot, it is proposed that the standard 10-foot front setback be ***increased*** three-fold to 30-feet for above-grade improvements to assure maximum visibility of the historic structures from West Smuggler Street and its North 8th Street intersection (utilities and subgrade improvements would continue to be subject to the standard 10-foot front yard setback requirement). To accommodate this, it is also proposed that the east side yard setback for this 8,000 square foot lot be 5-feet, as required (adjacent to the nearly 30-feet of unoccupied right-of-way between the property line and the N. 8th Street roadway), and that the combined side yard setback requirement be waived or established at 15-feet (*a 10-foot variation* from the 25-foot requirement). The proposed side yard setbacks and the 5-foot/10-foot rear yard setback are consistent with the underlying R-6 zoning. If preferable to the City, the Applicant is amenable to establishing these setbacks as a formal "building envelope" to be delineated on the Final Subdivision Plat.

The proposal is wholly compatible with the surrounding neighborhood. In addition, the requested variations are fully appropriate and warranted in exchange for guaranteeing the perpetual preservation of a substantial community benefit and valuable community asset by landmark designating Aspen oldest remaining example of a chalet residence and associated outbuilding. The layout of the proposal has been very carefully considered to guarantee the design of the new residence is sympathetic and subservient to the historic resource while maintaining the prominence of the chalet and associated trees from West Smuggler and 8th Streets. The chalet's iconic north and east facades, including the second-floor deck facing 8th Street, will forever remain highly visible and unobstructed, especially given the proposed building envelope/setbacks on the Vacant Lot.

On-Site Parking.

Per Code Section 26.415.110(d), on-site parking reductions are permitted for designated historic properties unable to contain the number of parking spaces required by the underlying zoning due to the existence of a historic resource. When the parking waiver will enhance or mitigate an adverse impact on the historic significance or architectural character of the designated property, the HPC may also waive any otherwise required cash-in-lieu of on-site parking for residential development.

Since the Chalet Lot will contain two detached single-family residences, the Code would require four on-site parking spaces, or two per dwelling. The Applicant is requesting a parking waiver of two spaces to allow one on-site parking space per dwelling. The proposed plans include two one-car garages within the new detached structure. One of these spaces is to be dedicated to the chalet structure and the other is for the new residence. The two garages are separated by an interior wall and only one of the two spaces is accessible from within the attached residence. In addition, the Applicant seeks approval to maintain the existing fence and parking pull-out area within the West Smuggler Street right-of-way, as these have existed since the 1940s. Relocating the circa 1940s fence to match the West Smuggler Street property line is not feasible or desirable as it would necessitate impacts to the historically significant trees. This pull-out area

Parking spaces along Smuggler St will be signed residential 2 hour parking

within the West Smuggler Street right-of-way provides an additional 3-4 off-street parking spaces.

Placing two additional parking spaces on-site would require the removal of additional trees and greater impact on/crowding of the historic resources. A waiver of the requirement for two additional on-site spaces allows the two historic assets to stand-alone, without additions or alterations, surrounded by the massive trees that have always added to the character of the property and an appropriate, ample amount of open ground. As such, the waiver will enhance or mitigate an adverse impact on the historic significance or architectural character of the designated property; therefore, the fee in-lieu should be waived as well.

Transferable Development Rights (TDR).

Section 26.415.110(k) provides that owners of properties listed on the Inventory may sever and convey, as a separate development right, undeveloped floor area to be developed on a different property within the City. The proposed Vacant Lot, being 8,000 square feet in the R-6 zone district, would normally allow 3,520 square feet of Floor Area for a single-family residence. However, in another proactive effort to ensure sensitivity to the important historic resources on the adjacent Chalet Lot, the Applicant is volunteering that the Vacant Lot be limited to just 3,240 square feet of floor area, or the same floor area allowed for a lot of only 6,000 square feet. With this 280 square foot reduction, the Applicant is requesting one (1) 250 square foot historic TDR that can be sold for use on a different, eligible receiver site within the City.

All other dimensional requirements of the R-6 zoning, as may be amended, would continue to govern development on the Vacant Lot. Such development will also remain subject to all other applicable codes, including but not necessarily limited to the Residential Design Standards.

F. Residential Design Standards, Chapter 26.410

As codified at Section 26.410.010(a),

> *The City's Residential Design Standards are intended to ensure a strong connection between residences and street; ensure buildings provide articulation to break up bulk and mass; and preserve historic neighborhood scale and character. The standards do not prescribe architectural style, but do require that each home, while serving the needs of its owner, contribute positively to the streetscape.*

The Code further provides that the Residential Design Standards (RDS) are intended to achieve an environment where homes have a connection to the street, respond to neighboring properties, and reflect traditional building scale. The proposal preserves the historic chalet that has engaged the street for some 75 years and provides articulation by breaking up available bulk and mass into three small-to-modest, detached structures. It also not only preserves historic neighborhood scale and character, but its buildings are critical in defining the neighborhood's historic character and scale. Obtaining HPC approval of the proposed development inherently guarantees achieving of the objectives and intent of the RDS.

CITY OF ASPEN

MEMORANDUM

TO: Amy Simon, Planning Director
FROM: Sophie Varga, Zoning Enforcement Officer
DATE: 03/31/2022

RE: 949 W Smuggler Referral Comments

Floor Area Calculations:
Decks: per a conversation with Derek Skalko, we will work through deck calculations before final review. Subgrade Exposure on Historic Resource: The math for calculated subgrade floor area is inaccurate and will be fixed before final review.
Application Sheets: "Existing Floor Area" (pgs. 36-37), "Proposed Floor Area" (pgs. 38-39). Code Section: 26.575.020(d)

Parking Requirements:
Note: two parking spaces are required per dwelling unit, for a total of four parking spaces. The parking spaces in the Right of Way cannot be used to fulfill this requirement.
Application Sheets: Dimensional Requirements Form (pg. 20), "Proposed Site Plan" (pg. 34), "Proposed: Alley Residence Floor Plans" (pg. 43). Code Sections: Table 26.515-1, 26.515.070.

Setback Variations:
Note: Since the two detached residential dwelling units have a setback of more than 10 feet between them, the 10,000 SF Lot is not subject to combined side yard setbacks. Please add the 10' setback to the site plan. If the applicant does not want a setback of 10' between the two residential units, please request a variation to the combined side yard setbacks.
Application Sheet: "Proposed Site Plan" (pg. 34). Code Section: 26.710.040(5)

Survey: Please have the surveyor add a slope table. The table should list the area of the parcel with a 0-20% slope, 20-30% slope, and 30% slope (as applicable). If any portion of the parcel has a slope of more than 20%, it will impact allowable floor area calculations.
Application Sheet: Survey (pg. 29). Code Section: 26.575.020(c).

This memorandum summarizes major items. A variety of other requirements will be necessary for building permit submittal and zoning review.

NEW BUSINESS:

949 W. Smuggler – AspenModern Historic Designation and Benefits, Conceptual and Final Major Development, Relocation, Demolition, TDR, Subdivision, Growth Management – PUBLIC HEARING

Applicant Presentation: Mitch Haas, Haas Land Planning LLC & Derek Skalko, 1 Friday Design Collaborative

Mr. Haas introduced himself and Mr. Skalko and mentioned that Chris Vandemoer, their client was listening in. He then showed a vicinity map highlighting the site at 949 W. Smuggler St. and mentioned that they were applying for AspenModern landmark designation. He then described the negotiated approval process of the AspenModern program through which preservation benefits and incentives beyond those identified in the code are available and applicable sections in the code take on a flexibility that does not normally exist. Mr. Haas then thanked Ms. Simon for her hard work and inspiration and for her thorough but fair review of their proposal.

Mr. Haas went on to describe the history of the Vandemoer family on the property. He then described the reasoning for and details of the eventual Vandemoer lot split which was finalized in 2020. The project that is being discussed is located on the 18,000 square foot "lot 2". In order to afford to keep this legacy property in the family and to preserve the historic significance of the home, Mr. Vandemoer is seeking the AspenModern designation. Mr. Haas mentioned that if this application is not successful, Mr. Vandemoer would have to sell the property to the highest bidder, who would most likely not keep the historic structures.

Mr. Haas then went over the existing conditions of the property. It is an 18,000 square foot lot which includes a chalet style structure that sits on the western side with a four-side wrap around porch. The structure is flanked by two huge evergreen trees on each front corner and one at the back corner. There is also a wooden structure at the back of the property, referred to in the application as the "chicken coop" which was built at the same time as the house. Mr. Haas then showed a few historic pictures of the house as well as a current picture, noting that nothing has changed since it was built in the 1940s. He also went over the historical significance of the property and house. He then went into describing the proposed site plan, which includes subdividing the property into two lots, Lot 2(a) and Lot 2(b). Parcel A will be a 10,000 square foot lot (100x100) and will include the historic chalet, the relocated "chicken coop" and a new detached single-family residence to be built along the alley front. Parcel B will be a vacant 8,000 square foot lot which will be given a residential growth management allotment but will not be designated or be subject to HPC purview for future development. He mentioned that there are no proposed changes to the historic chalet on parcel A. Per the AspenModern negotiations and incentives, they are asking to combine conceptual and final reviews with HPC. The applicant seeks to maintain the existing historic fence in its existing location as shown in the existing conditions and also maintain the existing parking pull out on W. Smuggler St. The standard 10 foot set back on the north side of Parcel B is proposed to increase to a 30-foot setback for any above grade development in order to assure maximum visibility of the historic structure on Parcel A from W. Smuggler and 8th street. They are proposing a combined side yard setback of 15 feet instead of the required 25 feet of combined setbacks on Lot 2(b) which will need an HPC variation. If preferable to the City they would memorialize these setbacks as a building envelope on the final plat. They are also proposing to drop the normally allowed 3,520 square feet of floor area for an 8,000-foot lot to 3,240 square feet which is what is allowed on a

6,000-foot lot. Because of this reduction they are asking for a 250 square foot TDR be issued to the applicant.

Mr. Haas then addressed the Chalet lot (Lot 2(a)) and that they are not requesting any Floor Area Bonus (FAB) from HPC. He stated that for this 10,000-foot lot a total of 4140 square feet is allowed, but that the combined square footage of the historic structures and the new building would be less than that. He mentioned that the proposed new location of the "chicken coop" would require a 5-foot side yard setback variation and that they are also requesting a 5-foot rear yard setback variation on the new building to allow for the light well and room for a laundry space and mechanicals. He then mentioned that language in the original Vandemoer lot split mentioned no further lot splits can occur on the divided lots, they are calling this a major subdivision, but that is really in name only. He said that they are requesting that the applicant be able to sell the vacant lot before paying the cash-in-leu for affordable housing mitigation on the new building.

Mr. Skalko started by showing the proposed elevations of the new building noting that the new building basically hides behind the historic asset when looking from W. Smuggler. This was achieved by pushing the distance between old and new structures to the greatest extent possible (approx. 26 feet). He then showed a 3D rendering of the property (Lot 2a) to get a better look at the mass and scale of the structures.

In closing Mr. Haas said that the applicant desires to see the historic chalet and outbuilding preserved in perpetuity via historic landmark designation under AspenModern in exchange for the associated benefits within the code for designated landmarks.

Mr. Halferty asked about what appears to be a water line going through the vacant lot. Mr. Haas pointed out this line on the utility plat and said that is a home service line that runs from 8th St. to the chalet and mentioned that it will need to be removed at some point.

Mr. Halferty asked that the variations for the "chicken coop" be gone over again, which Mr. Haas did.

Mr. Halferty wanted to clarify if the proposal meant that HPC wouldn't have purview of any design review on Lot 2b. Mr. Haas said that is what is proposed in order for the applicant to sell the lot and maximize the value.

Mr. Fornell asked if the "chicken coop" was heated living space and part of the FAR calculation. Mr. Haas said they are counting it as part of the FAR calculation because it is enclosed but it is not heated nor is it habitable under building code. Mr. Fornell wanted to extend his gratitude to the applicant, Chris, and his family for their stewardship of the property over the many years. He then mentioned that the request for a deferral of affordable housing mitigation is a loophole in the requirements that is designed for people who live and work at a job in Aspen. He asked for more of an explanation of the request. Mr. Haas said they have only conditionally requested a deferral. That condition is only in the unlikely event that the applicant decides to build the new structure before the lot has sold. Mr. Fornell wanted to state for the record that a deferral should be reserved for those who qualify under the guidelines. Mr. Haas mentioned that the housing office has supported the deferral request.

Ms. Thompson asked if Mr. Skalko could go over the proposed materials for the new building. Mr. Skalko proceeded to go over the various proposed material options on different parts of the building.

Staff Presentation: Amy Simon, Planning Director

Ms. Simon started by going over the history of the Preservation program and the voluntary AspenModern program. She also went over the timing of this application and the scheduling of HPC meetings set for it. Also noted were various incentives that have been part of different AspenModern applications in the past. She then reviewed some of staff's thoughts that are laid out in the memo, regarding the historic resource and the new building, noting that as far as design review staff is not raising any objections. Staff also finds the relocation of the "chicken coop" an acceptable way to keep it part of the property and maintain its relationship. She then went over a few points for HPC discussion. One related to the parking in front of the Chalet on City property in the Right of Way that has always been there. Normally Engineering would say that needs to go in order to reclaim the public space. In trying to accommodate the owner, no one finds this a necessity as it has been a traditional element. Engineering did ask for the parking to become parallel. She wanted HPC to discuss this and make sure that the view of the house is not impacted by the number of cars parking there. The next item she wanted discussion on was the adjacent lot. Staff greatly appreciates the deep setback on the front and is in support of widening the building envelope to balance things out. She asked the commissioners to discuss possibly increasing the front setback for above grade development in order to maximize the view of the chalet from 8th St. She also asked for discussion of the fact that the application asks that the lot not be designated which is a concern because of the benefits being requested. She did not think we can forgo designating the lot because of the TDR being requested. A discussion was also requested about the growth management calculations for the lot since it was technically a second lot split of the property. Ms. Simon wanted to make clear that there is an exception being asked for to mitigate for this as if it were an existing lot and while it is not a deal breaker, a balance is wanted to be found. She pointed out that the City is asking for a first right of refusal to purchase the lot at a market rate to potentially build affordable housing.

Mr. Halferty asked if the right of first refusal would be a conflict of interest. Ms. Simon said because it would be at market rate it would not be. Ms. Johnson mentioned that since HPC members wouldn't be directly benefited financially it would not be a conflict.

Ms. Thompson asked if they had ever approved a limitation of height on a part of a lot. Ms. Simon said not for AspenModern, but that this is a negotiation.

Ms. Thompson said she was surprised that Engineering would allow parking in the right of way and asked if it would be reasonable to limit that to a specific number of spots. Ms. Simon said that there are other parking spaces in the right of way around town and that this parking would be signed for use by the general public.

Mr. Fornell gave his support to the project and was looking forward to seeing it again at the next meeting, but that something had come up that he had to attend to and would be leaving the meeting. Mr. Fornell then left the meeting.

Mr. Moyer asked if the City were to buy the lot if they would be treated like any other developer or person. Ms. Simon confirmed that yes, they would and that HPC could decide that if the City ended up buying the lot that it would come under HPC design review.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

Ms. Thompson asked how Ms. Pitchford was doing. Ms. Pitchford said she was learning a lot but does appreciate the property and the applicant's intent to preserve it.

Ms. Thompson went over the items for discussion. The first being the fence and its encroachment into the right of way. Mr. Halferty said he was ok with it but was concerned about consistency when it comes to other projects.

Ms. Pitchford asked if the fence in discussion includes the fence on the alley side of the property as well. Mr. Haas said it was really just about the one in the front of the Chalet lot.

Ms. Thompson said she would be supportive of the encroachment to keep the fence in its current location and allow maintenance of it, but to limit the amount of landscaping between the property line and the fence.

Mr. Moyer said he wasn't opposed to the fence and that if the parking is parallel, it won't overwhelm the view of the fence or the house.

Ms. Thompson agreed with Mr. Moyer on the parking given the location of the property. She then asked for someone to start the discussion about the new structure.

Mr. Halferty said he thought the new structure complies with their guidelines and that the requested setbacks related to the garage is fine because it helps maintains a nice distance between the historic resource and the new structure. He thought it is a product of its own time.

Ms. Surfas agreed with Mr. Halferty and that it complements the existing structure.

Mr. Moyer had no issues with the new structure.

Ms. Thompson also agreed and supported the variance for the deck and below grade.

Ms. Pitchford said that she thought it was a product of its time but didn't necessarily complement the existing structure but realized that it didn't have to. She asked a question about 30-foot setback of the proposed building envelope and if everything was approved that any new owner of the lot would have to adhere to that setback. Ms. Thompson said yes.

Ms. Thompson then moved the discussion to the items related to the vacant lot, including the sub-division agreement, Growth Management Quota System (GMQS), and the developable area. She said she was concerned about the 30-foot setback while allowing all that floor area to be built on a smaller footprint. She asked Ms. Simon if she was correct in the assumption that if the 30-foot setback was approved that it would still be the same amount of floor area for a lot of that size and that the mass could be larger than if they did something to limit a future project. Ms. Simon said those type of things is what they are here to discuss and reminded HPC that even though the lot is 8,000 square feet, the applicant is restricting themselves to the floor area allowed for a 6,000 square foot lot.

Mr. Halferty agreed with Ms. Thompson's concerns over the potential massing of future development. He thought it would help if any future development did a lot of sub-grade floor area.

Mr. Moyer thought it would be helpful to go over and stake out a few scenarios. He also suggested that sub-grade floor be able to go toward the front and be below the yard and above-grade be allowed to move closer to the east property line.

Ms. Thompson agreed that a site visit would be helpful.

Mr. Moyer asked Mr. Haas if it was a disadvantage to a developer to be next to a landmark building and what would come with that and if it would it be that much harder to sell. Ms. Haas said he wasn't a realtor, but that the members were bringing up some good points and things he hadn't thought about. He knew they were coming back for another meeting and wanted to further discuss the topics with the applicant and City staff and hopefully come back with everyone on the same page.

Ms. Thompson said that she is generally supportive of the TDR but noted that she did not know the last time the City Council approved a TDR. Mr. Moyer and Mr. Halferty was also supportive of the TDR.

Ms. Thompson asked Ms. Simon if the newly created lot could not be a receiving site of the TDR. Ms. Simon said that a site that is not designated historic can be a landing site for TDRs which is why the discussion of landmarking the lot could be part of any conditions of approval. Ms. Thompson said she would be in favor of whatever they can do to limit the ability for a TDR to land on this site if it's not landmarked.

Ms. Pitchford asked to clarify if the fence on the east side of the second lot is inside the property line. Mr. Haas said it was about 1-2 feet inside the line.

Ms. Thompson said she was in favor of the relocation of the "chicken coop" and the related setbacks. Other members agreed.

There was a short discussion of the requested 10-year vesting rights.

Ms. Thompson said that if they were deferring payment on employee housing until the adjacent property is sold, that they include some time limits on how long it could be deferred.

There was discussion on administrating and scheduling a site visit.

MOTION: Ms. Thompson moved to continue this hearing to Wednesday, April 27th at noon at 949 W. Smuggler St. Mr. Moyer seconded. Roll call vote: Mr. Moyer, yes; Ms. Surfas, yes; Ms. Pitchford, yes; Mr. Halferty, yes; Ms. Thompson, yes. All in favor, motion passes.

ADJOURN: Ms. Thompson motioned to adjourn. Mr. Moyer seconded. All in favor; motion passed.

_____

Mike Sear, Deputy City Clerk

Chairperson Thompson opened the meeting of the Aspen Historic Preservation Commission at 4:30pm.

Commissioners in attendance: Jeffrey Halferty, Kara Thompson, Jodi Surfas, Peter Fornell, Roger Moyer, Sheri Sanzone and Barb Pitchford.

Staff present:
Amy Simon, Planning Director
Natalie Feinberg Lopez, Historic Preservation Officer
Sarah Yoon, Historic Preservation Planner
Kate Johnson, Assistant City Attorney
Mike Sear, Deputy City Clerk
Risa Rushmore, Administrative Assistant II

MINUTES: Ms. Thompson motioned to approval the minutes from 4/13/22 with the grammatical revision on page 7 made. Mr. Fornell seconded. Roll call vote: Mr. Fornell, yes; Mr. Moyer, yes; Ms. Sanzone, abstained; Ms. Surfas, yes; Ms. Pitchford, yes; Mr. Halferty, yes; Ms. Thompson, yes. All in favor, with one member abstaining, motion passes.

PUBLIC COMMENTS: None.

COMMISSION MEMBER COMMENTS: Mr. Halferty thanked everyone for the work session two weeks ago and for the many great concepts that were brought up.

DISCLOSURE OF CONFLICTS OF INTEREST: None.

PROJECT MONITORING: Ms. Yoon said there was one item to bring before the HPC board for project monitoring. 930 King St. which was approved by the board through a minor development hearing is being brought forward because of a slight massing change from what was approved. The project monitors for this project reviewed the application and agreed that it was acceptable, but because it a slight floor area and massing change, staff thought it was important for the board to see it in its entirety. She introduced Wheeler Clancy who is representing the applicant. Mr. Clancy showed some images of the project and described the proposed changes. The initial Floor Area Ratio calculations were around 75 square feet and during the permitting process it was determined that they were entitled to about 85 square feet. He then described the slight changes to the west side expansion, increasing the area by 10 square feet, showing images of the original and proposed layouts.

Ms. Yoon mentioned that this does not constitute a new approval or resolution, it is just a modification of the original approval. Ms. Thompson said that her and Mr. Fornell are the project monitors on this project and that they reviewed the proposed changes and said that from the rendering that the massing changes are insignificant. Both Ms. Thompson and Mr. Fornell were satisfied with the changes after having their questions answered. Ms. Johnson then went over the board's options, which were to, after review, accept the changes or to bring it back to a public hearing. Mr. Halferty, Mr. Moyer, Ms. Surfas, Ms. Pitchford and Ms. Sanzone were all ok with the changes.

STAFF COMMENTS: Ms. Feinberg Lopez mentioned that her and staff have set up the schedule so that the second meeting of each month will be in person and that it will include a work session. She

DRAFT

requested that potential work session topics be emailed to her. She then mentioned that May is Preservation month and that a progressive bike tour is scheduled for the 31st of May. She then went over the details of the tour. Ms. Yoon mentioned that she would be leaving the meeting a bit early.

CERTIFICATE OF NO NEGATIVE EFFECT: Ms. Feinberg Lopez went over a number of these including:

- 706 W. Main – basement addition that is within the setbacks.
- 400 E. Cooper – change in doors and siding.
- 520 E. Hyman – addition of a side and alleyway door.
- 305 & 307 S. Mill – interior changes.
- Temporary structure at Aspen Tap.

CALL UP REPORTS: None.

SUBMIT PUBLIC NOTICE FOR AGENDA ITEMS: Ms. Johnson said that she reviewed public notice and that notice was provided per the code for the agenda item.

OLD BUSINESS:

949 W. Smuggler – AspenModern Historic Designation and Benefits, Conceptual and Final Major Development, Relocation, Demolition, TDR, Subdivision, Growth Management – PUBLIC HEARING CONTINUED FROM APRIL 27th SITE VISIT

Applicant Presentation: Mitch Haas, Haas Land Planning LLC & Derek Skalko, 1 Friday Design Collaborative

Mr. Haas provided a summary of the project, including some of the history of the property, the previous lot split and showed the existing conditions. He described the historic chalet, surrounding fence, a "chicken coop" structure and an outbuilding that is proposed to be demolished. He noted that most of the surrounding fence can go away because it lies within the property line or is in the alley. He then showed a few historic pictures of the chalet from the 1940s. He showed a comparison of the existing and the proposed site plans, highlighting the new proposed lot line separating the historic "Chalet" lot (10,000 square feet) and the new vacant lot (8,000 square feet), the new detached structure to be built behind the historic chalet, and the repositioning of the "chicken coop". He then went on to describe the proposed front setbacks of the vacant lot. He mentioned that to the best of his memory, the HPC members present at the last meeting did not have any real issues or concerns with what is proposed on the "Chalet" lot. He said that the vacant lot was the main focus at the last meeting, including concerns about potential massing issues because of the reduced building envelope and the proposal of the vacant lot not being landmarked and not subject to HPC review. He also went over a few other topics of discussion from the last meeting. He reminded the members that the applicant was proposing that the vacant lot be limited to the allowable floor area for a 6,000 square foot lot, reducing the floor area by 280 square feet compared to an 8,000 square foot lot. In exchange for this the applicant is asking for a 250 square foot Transferable Development Right (TDR).

Mr. Haas said that since the last meeting he had been working with Ms. Simon and that they are fully ok with the resolution as written, which he said seems to address most if not all the concerns raised. He

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then went over in some detail the staff conditions included in the Resolution, noting that he hoped that these would all be written as recommendations to City Council from HPC because this is ultimately a negotiated process.

Staff Presentation: Amy Simon, Planning Director

Ms. Simon started by focusing on the Resolution and reviewing each condition in detail with the HPC members. She then opened her presentation to questions.

Ms. Thompson asked Ms. Simon to review and confirm the math in condition #9 regarding the allowable floor area on the vacant lot be set at 3,240 square feet. Ms. Simon confirmed this and noted that the recommendation also states that only a single-family home is allowed unless the condition is amended by City Council.

There was then some discussion on the details and intentions of condition #11.

Mr. Fornell asked for clarity on why in this case HPC is a "recommending" body and not the deciding body. Ms. Simon described how the AspenModern is a very different program, being a negotiated process and that the final decision is in City Council's court. There are also many processes that are part of this proposal that are never in HPC's purview.

There was some discussion around the reason and importance of preserving this historic property and since this is currently not designated a historic property what could happen to the property if this AspenModern designation does not go through.

Ms. Surfas asked about what HPC would have say over if the vacant lot is designated historic. Ms. Simon explained that it would be the same as any other historically designated property that was under HPC review.

Mr. Moyer asked if the City purchased the vacant lot, what could they or could they not out on the lot. Ms. Thompson said that her understanding was that whatever was proposed would come before HPC for review.

Ms. Sanzone did not understand where the potential for a multiple unit project could show up on the lot and if it was a possibility of the major subdivision process. Ms. Simon said a lot would have to happen to allow anything more than a duplex on the lot, but it was up to City Council.

Ms. Sanzone asked a few questions about grading, drainage and utilities plans in regard to their impact on existing trees. Mr. Haas said that they had been on the property with the Parks department and most of the trees that could be impacted do not require mitigation and are either in bad health, a hazard or too small to be City regulated.

PUBLIC COMMENT: None.

BOARD DISCUSSION:

Mr. Halferty complimented the project and its importance to Aspen history. He emphasized the importance of the HPC's recommendation to City Council. He brought up some concerns over the proposed "right of first refusal" for the vacant lot, but said if the City's legal team was ok with it he was as well from a consistency stand point.

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Ms. Thompson thought that the applicant had addressed every concern since the first meeting, and she fully supports this resolution.

Mr. Fornell agreed that this is a good project. He strongly objected to condition #12 in the Resolution regarding the 30-day option for the City. He did not think what was proposed was legal, ethical, or proper. He went on to explain his thoughts. Ms. Thompson asked if Mr. Fornell would be comfortable deferring that to City Council. Mr. Fornell said no and would like to see condition #12 removed. Ms. Thompson said that she would like to defer this to City Council. Ms. Johnson went over some of the legal aspects of the topic and mentioned that if the rest of the board is in agreement, then you can move to strike it or state that HPC takes no position and refer it to Council.

Ms. Thompson stressed the importance of HPC's unanimous support of this to Council and if removing condition #12 means that Mr. Fornell will support it, she would be ok with that. Ms. Sanzone agreed that it should be removed. Ms. Pitchford agreed as well. Mr. Moyer did not care whether it was included or not but agreed that HPC needs to be all in agreement on their recommendations to avoid making things more complicated for Council to allow this to happen.

Ms. Sanzone thought that the original lot split was a huge incentive to the applicant and was really struggling with the creation of the additional lot and how it will affect the context of the lot including the existing sage brush. She did not agree with staff's comments that this application is meeting the criteria for a major subdivision.

Mr. Haas expressed his concerns with saddling the vacant lot with too many restrictions, which could lead to the whole thing falling apart by losing the value that makes this all possible. Ms. Thompson wanted to make sure the project is viable for the applicant and Mr. Fornell did not want HPC to do something that makes the applicant walk away for their effort.

HPC members then worked with Ms. Simon to make suggested edits to the language of the Resolutions and the conditions therein. These included better emphasizing HPC's recommendation of approval and clarifying the difference between the two lots, as well as other clarifying details. Condition #12 was also removed as part of the edits to conditions.

MOTION: Ms. Thompson moved to approve the Resolution with the edits made. Mr. Moyer seconded. Roll call vote: Mr. Fornell, yes; Mr. Moyer, yes; Ms. Sanzone, no; Ms. Surfas, yes; Ms. Pitchford, yes; Mr. Halferty, yes; Ms. Thompson, yes. 6-1, motion passes.

Ms. Thompson asked Ms. Sanzone why she objected. Ms. Johnson mentioned that a member does not need to disclose why they voted the way they voted but can if they choose. Ms. Sanzone did not prefer to answer now.

Mr. Fornell wondered if there was a threshold by which that vote may change for the benefit of moving to City Council. Ms. Sanzone wondered if she could change her vote to abstained. Ms. Johnson said someone could call for a reconsideration and another vote.

Mr. Moyer called for reconsideration. Ms. Thompson seconded.

Ms. Sanzone explained that it was hard for her to vote yes on this, and it is inappropriate because she didn't attend the first meeting or the site visit. She fundamentally had a problem with the subdivision, in

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the fact that this lot is getting divided up further. She said we lost the context on the west side with the original lot split a few years ago, and now were losing the rest of it. She had hoped her vote wouldn't count as the alternate member so that she could say that and feel good about her values and what she feels is important.

Ms. Johnson said that if Ms. Sanzone felt that she did not have sufficient information to vote on this, she could always abstain. She said that someone would have to make another motion to approve the Resolution as amended, because things had somewhat reset.

Mr. Fornell motioned to approve the Resolution as amended. Ms. Pitchford seconded. Mr. Fornell, yes; Mr. Moyer, yes; Ms. Sanzone, abstain; Ms. Surfas, yes; Ms. Pitchford, yes; Mr. Halferty, yes; Ms. Thompson, yes. 6-0, with one abstention. Motion passes.

ADJOURN: Ms. Thompson motioned to adjourn. Mr. Moyer seconded. All in favor; motion passed.

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Mike Sear, Deputy City Clerk

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RESOLUTION #7, SERIES OF 2022

A RESOLUTION OF THE ASPEN HISTORIC PRESERVATION COMMISSION GRANTING MAJOR DEVELOPMENT REVIEW, RELOCATION, DEMOLITION, AND VARIATION APPROVAL, AND RECOMMENDING CITY COUNCIL GRANT ASPENMODERN HISTORIC DESIGNATION AND BENEFITS, TDR, SUBDIVISION, AND GROWTH MANAGEMENT FOR THE PROPERTY LOCATED AT 949 W. SMUGGLER STREET, LOT 2, VANDEMOER HILL LOT SPLIT, CITY AND TOWNSITE OF ASPEN, COLORADO

PARCEL ID: 2735-122-12-003

WHEREAS, the applicant, Vandemoer Family, Inc., c/o Chris Vandemoer, P.O. Box 668, Sterling, Colorado 80751, has requested review of AspenModern Historic Designation and Benefits, Major Development, Relocation, Demolition, Variations, TDR, Subdivision and Growth Management for the property located at 949 W. Smuggler Street, Lot 2, Vandemoer Hill Lot Split, City and Townsite of Aspen, Colorado, PID 2735-122-12-003; and

WHEREAS, the proposal has been deemed to be exempt from the applicability of Ordinance #27, Series of 2021 and Ordinance #6, Series of 2022, ordinances which generally placed a temporary moratorium on residential development, and has been allowed to proceed because land use applications involving voluntary AspenModern landmark designation are specifically permitted to be processed at this time; and

WHEREAS, the application was deemed to be complete on March 31, 2022 and is to be reviewed according to the land use regulations in affect prior to the adoption of Ordinance #27, Series of 2021. The date of completeness commenced a code mandated 90 day period for the City to negotiate historic designation with the property owner, which may be extended; and

WHEREAS, the AspenModern designation process is described at Section 26.415.025 and Section 26.415.030 of the Municipal Code and allows for City Council approval of site specific benefits to secure voluntary historic designation; and

WHEREAS, for approval of Major Development, 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 of the Municipal Code. In the case of this project, HPC must also apply the Residential Design Standards of Section 26.410.040 to proposed new construction. 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 Relocation, HPC must find the application meets the requirements of Aspen Municipal Code Section 26.415.090.C, Relocation of a Designated Property; and

WHEREAS, for approval of Demolition, HPC must find the application meets the requirements of Aspen Municipal Code Section 26.415.080.A, Demolition of historic properties; and

WHEREAS, for approval of Setback Variations, HPC must find the application meets the requirements of Aspen Municipal Code Section 26.415.110.C, Setback Variations; and

WHEREAS, to recommend Council approval of a TDR, HPC must find the application meets the requirements of Aspen Municipal Code Section 26.535.070, Transferable Development Rights; and

WHEREAS, to recommend Council approval of Subdivision, HPC must find the application meets the requirements of Aspen Municipal Code Section 26.480.070, Major Subdivision; and

WHEREAS, to recommend Council approval of a Growth Management allotment, HPC must find the application meets the requirements of Aspen Municipal Code Section 26.470.080 and 26.470.100, Planning and Zoning Commission Growth Management review; and

WHEREAS, Community Development Department staff reviewed the application for compliance with applicable review standards, sought referral comments from other City Departments with requirements relevant to the proposal, and recommended approval with conditions; and

WHEREAS, HPC reviewed the project on April 13, 2022, April 27th, 2022 (site visit), and May 11, 2022, considered the application, the staff memo and public comments, and found the proposal consistent with the review standards. HPC supports the voluntary designation of this property as one of the best and most intact examples of a Chalet in Aspen. This is likely among the first buildings constructed here after World War II and is therefore particularly illustrative of the early spirit of the ski resort. HPC granted approval for Major Development, Relocation, Demolition, and Variations and recommended Council approval of AspenModern designation and Benefits, TDR, Subdivision and Growth Management, with conditions, by a vote of 6 to 0, with one abstention.

NOW, THEREFORE, BE IT RESOLVED:

Section 1: Approvals
HPC supports the application and hereby states the following conditions:

1. HPC recommends that designation will affect the entire property; Parcel A, the Chalet lot and Parcel B, the corner lot. As such, future development of Parcel B is subject to HPC Major Development Review and Residential Design Standards Review.
2. A full waiver of compliance with the Residential Design Standards is recommended for the new home on Parcel A, the Chalet lot, as a negotiated benefit. This house is not designed to relate to Smuggler Street and its character as an alley/back-drop structure is appropriate.
3. HPC recommends the applicant comply with slope reduction on Parcel A, the Chalet lot, rather than asking for a preservation benefit on this topic.

4. HPC finds that the fence near the entry to the Chalet home is original and historically significant and should remain in place (with maintenance and repair as needed) and should be granted a permanent encroachment license to sit in the public right-of-way.
5. The applicant is asked to continue their excellent regular maintenance of the Chalet and to work closely with the Parks Department to preserve the significant trees adjacent to the home, while also taking note of the impacts of the tree roots and branches continually moving towards the historic structure.
6. For relocation of the chicken coop, a letter from an engineer or housemover demonstrating the structure is capable of withstanding the relocation, a plan for the safe relocation of the building, and a financial assurance in the amount of $15,000 will be required prior to building permit submission.
7. Setback variations are approved on Parcel A, the Chalet lot, for the "chicken-coop" and the proposed new home along the alley. The chicken-coop is permitted a 5 foot east setback where it should have 10 feet. The new house along the alley is permitted a 5 foot rear setback rather than the 10 feet required for proposed below grade space, a second floor deck, and a lightwell.
8. A combined sideyard of 15 feet is permitted on Parcel B, the corner lot, where 25 feet is required. A 30' front yard setback is required, only above grade. These requirements may be adjusted by an affirmative vote of HPC at the time that development is proposed.
9. HPC recommends one TDR be approved for Parcel B, the corner lot, and that the applicant thereafter forgo 30 square feet of otherwise allowable floor area and restrict the lot to the development of a single- family home of 3,240 square feet. A duplex or other residential structure is only permitted if this condition is amended by City Council.
10. HPC recommends the applicant withdraw the request for deferral of affordable housing mitigation on Parcel A, the Chalet lot, as a preservation benefit.
11. HPC recommends the negotiation of affordable housing mitigation requirements on Parcel B, the corner lot, be left to Council to resolve in their negotiation with the applicant.

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 May, 2022.

Approved as to Form:

_____
Katharine Johnson, Assistant City Attorney

Approved as to Content:

_____
Kara Thompson, HPC Chair

ATTEST:

_____
Mike Sear, Deputy City Clerk

CITY OF ASPEN

MEMORANDUM

TO: Mayor Torre and Aspen City Council

FROM: Haley Hart, Long-Range Planner
Phillip Supino, Community Development Director

MEMO DATE: May 16, 2022

MEETING DATE: May 24, 2022

RE: First Reading, Proposed Amendments to the Land Use Code: Ordinance #09, Series of 2022 – Short-term Rentals

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REQUEST OF COUNCIL:
Staff requests City Council review the proposed ordinance regulating short-term rentals (STRs), provide input to staff in advance of second reading, and set the public hearing for June 28, 2022.

SUMMARY AND BACKGROUND:
In December 2021, Council passed Ordinance #26, Series of 2021, addressing the City's existing vacation rental program. Ordinance #26 extended existing Vacation Rental Permits, issued as of December 8, 2021, through September 30, 2022. Pursuant to Ordinance #26, Series of 2021 and Ordinance #27, Series of 2021, no new Vacation Rental Permits were issued after December 8, 2021.

Council's action in December of 2021 came as a result of the incredibly rapid expansion of the short-term rental (STR) market. As of December 8, 2021, there were 1319 valid Vacation Rental Permits. Consequently, as discussed above, Council stopped the issuance of new Vacation Rental Permits and directed staff to amend the Land Use Code (LUC) to further regulate the STR market in Aspen.[1] Two considerations have been central to staff's thinking and work in response to the moratorium. First, that Aspen's Climate policy goals are central to our analysis of the problems and the development of regulatory responses. Secondly, the Aspen Area Community Plan (AACP) remains as the City's primary guidance and vision as we work towards solutions to the issues identified in Ordinance #26 and Ordinance #27. These two policy frameworks form the basis for staff's work under the moratorium to date.

Staff and Council have been working together since the fall of 2019 to better understand the STR market. The finance department instituted the MuniRevs STR management system. Permitting and tax compliance increased as a result, and the City has developed

[1] It should be noted that the City previously referred to the market and permits as "Vacation Rentals." The currently accepted term is Short Term Rental (STR). This memo will refer to the program as STRs.

a new and useful data set around the location, extent, and compliance of STRs. This data has informed Council work sessions around the topic of STRs and assisted staff in more effectively enforcing permitting and tax regulations.

On November 16, 2021, staff presented to Council, in a work session, about next steps for exploring further regulations of STRs. At that meeting, Council directed staff to pursue further regulations, specifically looking at the number and location, good neighbor and nuisance policies, permitting, financial compliance, fees, and enforcement. Following that work session and the adoption of Ordinance #26, staff has conducted analysis, stakeholder and community engagement, and contracted with consultants to assist in the development of regulations for Council consideration.

To support the development of new regulations, staff has met bi-weekly since February with a Technical Advisory Committee (TAC) to shape staff's thinking and develop specific responses to elements of the STR regulations. Staff would like to extend our sincere gratitude to the TAC members who have been essential to this process to date:

Donnie Lee, Gant Aspen	Wendalin Whitman, Whitman Properties
Tricia McIntyre, Aspen Luxury Vacation Rentals	Joshua Landis, Aspen Real Estate
Joy Stryker, Resident	Ben Wolff, Frias Properties
Valerie Forbes, Sotheby's Realty	Alain Sunier, Resident
John Corcoran, Aspen Alps	Tracy Sutton, Aspen Signature Properties
Michael Miracle, Aspen Skiing Company	Ginna Gordon, APD

The public engagement process has leveraged the community to inform the development of regulations. Community engagement has included online surveys, an open house, focus group meetings, one-on-one interviews, and public meetings. Included as Exhibit B is the public engagement summary describing the results of the STR public engagement process. Staff work has relied heavily on input gleaned from the engagement process to develop our work product. Staff presented the engagement summary to Council in a work session on May 9th. The STR engagement summary is included as Exhibit B.

Process & Review Criteria

There are a number of steps prescribed in the LUC for amending the Code. The STR amendments were initiated by City Council in the language of Ordinance 27 and Ordinance 6. The LUC requires approval of a policy resolution to initiate the formal amendment process. That resolution was passed unanimously by Council on March 22, 2022. It includes extensive AACP citations which form the policy basis for the draft amendments developed by staff. The policy resolution in included as Exhibit C.

The LUC further requires that the Planning and Zoning Commission serve as an advisory body for City Council, reviewing and commenting on LUC changes before they are presented to Council. Ordinance #09 was presented to the Commission on May 17th. Commission members made comments and a recommendation, summarized later in this memo.

When reviewing LUC amendments, there are three review criteria to guide Council's consideration. The following Review Criteria apply to all Amendments to the text of the Land Use Code:

26.310.050 Amendments to the Land Use Code Standards of review - Adoption.
In reviewing an application to amend the text of this Title, per Section 26.310.020(B)(3), *Step Three – Public Hearing before City Council*, the City Council shall consider:

A. Whether the proposed amendment is in conflict with any applicable portions of this Title.

B. Whether the proposed amendment achieves the policy, community goal, or objective cited as reasons for the code amendment or achieves other public policy objectives.

C. Whether the proposed amendment is compatible with the community character of the City and is in harmony with the public interest and the purpose and intent of this Title.

The draft ordinance was developed in close consultation with industry-leading planning and legal consultants. Economic Planning Systems (EPS) led the fee study and recommended the fee and tax approach for the regulations based on extensive local analysis and national experience. Design Workshop reviewed the ordinance for best practices alignment, clarity, legal justification, and coordination with other chapters of the LUC and city policy. White & Smith, LLC reviewed the ordinance for legal sufficiency, coordination with other LUC chapters, and best practices alignment. Each has assisted several other communities in the development of STR regulations and brought significant relevant experience and expertise to bear.

These industry leading professionals have determined that the draft ordinance is not in conflict with applicable portions of the Land Use Code. They have also determined that the draft ordinance meets the criteria in B – that is a measured, appropriate response to Council's mandate and supports adopted City policy. Staff finds that the proposed regulations will support community character as articulated in the AACP and by Council. It is for Council to decide whether each of the review criteria is met by the draft ordinance. Staff finds that all review criteria are met.

PLANNING & ZONING COMMISSION RECOMMENDATION:
At the meeting on May 17th, the Planning and Zoning Commission unanimously recommended that City Council approve Ordinance #09. The commission included in their motion recommendations that Council include a greater focus on visitor education as a means to support city policies and reinforce community culture. The motion also included a recommendation to ensure that the whole of the lodging sector, including STRs and traditional lodging, commit to a greater focus on environmental stewardship as an essential element of Aspen culture and policy.

For example, the Commission suggested leveraging in-unit messaging to deliver environmental stewardship messages. The Commission also discussed requiring that visitor accommodations be held to higher standards for solid waste management and

reduce resource consumption among guests. Staff supports the Commission's recommendations and, with Council direction, will ensure that the in-unit messaging requirements for STRs include strong environmental messages and information. Staff would require additional direction from Council on how to respond to the Commission's recommendations as they relate to the large lodging industry.

In their presentation, staff highlighted Council's stated policy objectives for the code amendments and described the process to develop the regulations. The packet and discussion included the findings of the Case Studies Report to support discussion about best practices. Staff presented the complete ordinance, walking the commissioners through how the regulations and STR program would work. The Commission members asked a range of questions, seeking clarity on how elements of the permitting, cap, and non-transferability system would work. No follow-up information was requested by the Commission.

ORDINANCE OVERVIEW:
The following discussion mirrors the format of Ordinance #09, providing a description of the contents of each section and commentary about their effect.

Section 1 – Definitions
Part 100 of the LUC contains defined terms for the contents of the LUC. When amending or adding to the LUC, it is important to make sure that defined terms reflect the language and intent of the code and assist users in understanding the meaning behind terms and code language.

Ordinance #09 would remove obsolete terms ("Motel" and "Vacation Rental"). It would clean-up the definition of "Hotel" by referring to the Use Categories later in Part 100. Most importantly, the proposed changes introduce new terms to support the new STR regulations. Those new definitions are self-explanatory by the language in the ordinance. Adding them to the code ensures that the new regulations are enforceable and comprehensible.

Section 2 – Grandpersoning
To ensure the orderly management of current permits and the roll-out of the new permit system for 2023, valid 2021 permits which were extended to September 30, 2022, by Ordinance #26, Series of 2021, would be further extended to December 31, 2022. On the October 1st, staff expects some new permit applications to come in for those permit types exempted from caps (STR-OO and STR-C in commercial and lodge zones). But the bulk of the permitting work will be at the end of the year. This time is important to afford staff and the industry time to learn how to work under the new rules.

On January 1, 2023, the new 'permit year' would begin and new regulations would take effect. This approach will allow for staff to continue to develop the STR program to manage the new regulations. It will also create predictability for STR owners and operators about their ability to book their unit under their current permit and their eligibility for a 2023 permit when the new regulations take effect.

Section 3 – Old Regulations

This section of the Ordinance would remove the current STR regulations from their location in the LUC. Presently, the STR regulations are nested under "Miscellaneous Regulations". That may have been appropriate when the regulations were short and relatively minor in the impact. The new regulations are extensive and will need to be easy to locate for hundreds of operators, owners, and residents. So, they are being relocated to their own chapter in Part 500 – 26.530, which is presently a vacant chapter.

Section 4 – New Regulations

This section formally places the new regulations in Chapter 26.530. The ordinance is formatted to include the entirety of the new regulations as they will appear in the LUC. The chapter is divided into sections (010 – 080). Each section contains elements of the new regulations as identified in the table on contents below the Chapter title.

26.530.010 – Purpose

The purpose statement describes for the user the justification for the regulations, their relationship to City policy and existing community conditions, and statements about the STR market generally.

26.530.020 – Applicability

Applicability simply states for the user to what activities or land uses the regulations apply.

26.530.030 – Permitting Requirements

Central to the system of regulating STRs is the new process for permitting this use in the community. Permits are a tool for the City to govern how, where, when, and by whom STRs operate in the community. This section sets standards by which all STRs must operate. Should an STR not follow those regulations, permits provide the City with a tool to force compliance or restrict one's right to operate an STR by revoking the permit. All of this is described in subsequent sections of the ordinance.

STR permits may only be issued to a natural person, not an LLC or other ownership entity. This is a departure from the current system, where LLCs can hold permits. This change responds to input from Council and the TAC about the need for greater accountability in the STR system. Staff recognizes many properties are owned by LLCs. In those circumstances, the LLC must name a principal or manager or member of the LLC, which has been defined in Ordinance #9 as the 'qualified owner's agent, to be the accountable agent.

The revised permit application will collect significantly more data on STRs. Permit numbers will be used to track all STRs in the community. The number will be tied to the property address and Pitkin County Assessor parcel ID. The permit will collect unit size, bedroom count, and occupancy data. Tax filings will collect nights rented and average daily rate. Some of this data will be stored in a GIS mapping database and be open to the public. This system will improve enforcement and increase accountability for owners and guests.

Permits, "Grandpersoning", & Non-Transferability

City Council directed staff to reduce the number of permits in town below the existing number of approximately 1,300. To do so, they established caps on permits in residential zones. (This is further explained later in the memo.) The caps means that there is likely more demand for permits than there is supply. That means a system must be devised to fairly allocate the limited supply.

There are two primary ways communities manage the number of STR permits. The first is running a lottery to distribute permits to applicants. The other (which staff is recommending the City of Aspen adopt) is to grandperson (the City is pushing back against historically patriarchal terms by embracing "grandperson" to replace "grandfather") existing permits, allowing current permittees to maintain their permits until they are abandoned or revoked. Permits may be voluntarily abandoned because a permittee no longer wishes to operate an STR. A waitlist will be maintained for those who wish to apply for an STR permit but who do not currently have one.

Permits also contain non-transferability clauses, whereby they may not be transferred to a new owner when a property sells or from one residential address to other. Permits may be revoked for non-compliance with the new STR regulations. The new regulations also include a requirement that a permit be "used" annually. Use is measured by non-zero tax filings. A year's worth of zero tax filings will result in revocation of an STR-C permit. As there is no cap on STR-OO and STR-LE permits, this regulation does not apply to those types. In any of these scenarios, the number of permits will decrease over time, eventually reaching the capped number. Once the number dips below the cap, the next applicant on the waitlist will be able to obtain a permit. In this way, the permitting system is the lynchpin of the larger regulatory scheme desired by Council.

Permit Types

Council directed staff to develop a three-permit system to distinguish between different STR types in the community. The permit types are outlined below, along with summaries of the regulations that apply to each. The three permit types recognize fundamental differences between the operations, value, and impacts of the different types of STRs on the community.

1) "Classic" Short-term Rental (STR-C)

Short-Term Rental Permit	
Regulation	*Policy Outcome*
No residency requirement	available for vacant residential properties
Capped in residential zones	limit extent and impacts in neighborhoods
No cap in commercial/lodge zones	allow lodging where appropriate/existing
No annual rental night limit	act as lodging, support bed base
Life-safety compliance	guest safety
Operational standards	support community, reduce impacts
AH and Admin Permit Fees	higher than STR-OO; mitigate impacts & costs

The STR-C is intended for properties that serve primarily as lodging and secondarily as a part-time residence home for the owner. The STR-C is limited in number in residential zone districts throughout town (see Exhibit C), but it can operate as an STR for an unlimited number of days per year. These regulations are in recognition of the fact that these homes, without an STR permit, would not function as community housing. They are vacation homes. The STR-C permit allows them to supplement the lodging bed base when not occupied by an owner. The permit fee for these units would be higher than other permit types.

Depending on location, the STR-C can be the most impactful in terms of community infrastructure and neighborhood character, as they are disbursed throughout the community. To mitigate these impacts and manage the use throughout town, the number of permits would be capped in residential zones. The permit system, enforcement regime, and operational standards would increase accountability for owners and managers to ensure their property and guests support neighborhood character and reduce and mitigate community impacts. Preliminary estimates from the fee study consultants are that the permit fee would be sufficiently large enough to cover program administration costs and support expanded infrastructure to better serve STRs and the community.

Compared to the current regulations, STR-C permitted properties would be subject to expanded life-safety requirements, inspections at the time of permit and as needed thereafter, and enforcement for compliance with life-safety, occupancy, nuisance, and good neighbor regulations.

2) Owner-Occupied Short-term Rental Permit (STR-OO)

Owner-Occupied Short-Term Rental Permit	
Regulation	*Policy Outcome*
Primary residency requirement	support residents who want to short-term
No cap in residential zones	use exists throughout community
No cap in commercial/lodge zones	use exists throughout community
90-day/year rental night limit	primary use is residential, STR secondary
Life-safety compliance	guest safety
Operational standards	support community, reduce impacts
AH and Admin Permit Fees	lower than STR-C; lower impacts than STR-C

The STR-OO is designed to balance community housing and neighborhood character goals with the desire or need of some primary residents to rent their homes on a short-term basis. Owner-occupied housing units are community housing first, and short-terms rentals that supplement the lodging bed base second.

Community engagement has demonstrated that primary residents who short-term do so occasionally, for perhaps 30 days each in the winter and summer seasons. As such staff has recommended an annual rental night limit of 90 days per permit year. Owner-occupants who wish to short-term their properties in excess of the annual rental nights limit (90 days) can do so by applying for an STR-C permit, described above.

STR-OO permit holders would be subject to the same life-safety, occupancy, operational, and enforcement standards as the STR-C permits. In addition to those regulations, STR-OO permit holders would be required to verify their use of the residence at the permitted location as their primary residence each year at permit renewal. Preliminary analysis by the fee study consultants indicates the STR-OO permit fee would be lower than the STR-C permit fee in acknowledgement of their primary use as a residence and their lower community impacts.

3) Lodging Exempt Short-term Rental Permit (STR-LE)

Lodging Exempt Short-Term Rental Permit	
Regulation	*Policy Outcome*
Meets definition of Lodge	support existing/traditional lodging
No residency requirement	owner/operator maintain historical use pattern
No zoning caps	support existing/traditional lodging
No rental night limit	owner/operator maintain historical use pattern
Existing lodge life-safety standards	properties already comply with comm. standards
Lodge Operational standards	support community, reduce impacts
Batch tax and license filings	ease administrative burden
Admin Permit Fee	align with admin. costs and community impacts

Lodge Exempt Short-term Rentals (STR-LE) are tailored to specific properties with condominiumized, individually owned units, which also meet the definition of "Lodge" in the Land Use Code. Lodges are required to have centralized, 24-hour on-site management, a variety of amenities for guests, and be purposely built for making transient lodging available to the general public for a fee. This permit would not apply to residential multi-family properties that do not meet that definition.

Lodging properties already comply with stricter commercial-style life-safety, occupancy, and operational standards. So, the new STR-C and STR-OO regulations and processes would not apply to these properties. One permit would cover each applicable lodge property, regardless of the number of units on site. STR-LE properties would be permitted to batch-file tax remittances. There would be no cap on the number of STR-LE permits, as the number of eligible properties in the community serves as the natural cap.

Zoning Limitations

While permitting limits who can operate an STR, zoning limits where they can be located. Council has directed staff to develop caps on the number of permits that can be located in residential zone districts. This approach was also favored by members of the TAC as an effective and defensible means of limiting the number of, and impacts from STRs. Several peer communities around the West have adopted caps as a means to limit the location and intensity of STRs in neighborhoods.

Staff presented different scenarios to Council, from 100% of existing permits in each residential zone down to 25% (a 75% reduction) of existing permits. That analysis is included as a table in Exhibit C and a series of maps in Exhibit D. In their May 2nd work session, Council settled on capping STR permits in residential zones at 75% of existing. The specific location of STRs in each residential zone district will not be regulated. With

the grandpersoning of existing permits, all those existing STRs will be allowed to remain. As permits are abandoned or revoked, the total number of each zone will be reduced until the cap is met. Once the number of permits dips below the cap, the next applicant on the waitlist can apply for the permit.

The TAC helped staff and Council understand the difference between disbursed STRs in neighborhoods throughout town and those concentrated in commercial and lodging areas. Disbursed STRs have very different impacts than those concentrated in our commercial and lodge zone districts, requiring more vehicle trips and parking, accommodating larger parties, not utilizing public transit, often requiring more service providers, and demanding higher utility service requirements for larger homes and lots. Those STRs located downtown are close to goods and services, are proximate to transit routes, and adjacent to recreation infrastructure and other amenities. As a result, their impacts are less.

To acknowledge this disparity and the important role STRs in and around the commercial core play in supporting the tourist economy, Council has supported exempting STRs in the Commercial, Commercial Core, Lodge, and Commercial Lodge zones from STR permit caps. Exhibit E includes a chart showing the number of STRs in these zones as compared to residential zones, and it shows an analysis of the proportion of condo-hotels to private STRs in those zones.

Recognizing that owner-occupied housing may occur almost anywhere in town, STR-OO is exempted from zoning caps. Similarly, STR-LE is not limited by zoning. The only limit to the number and location of both STR types is the criteria for obtaining one of the permits in the first place.

26.530.040 - Permit Procedures and Standards

In addition to the requirements of zoning, that it is an allowed use and complies with the cap for the zone, STR permit applications must comply with other standards to ensure they are safe, accountable, and mitigate their costs and impacts to the community.

Currently, City STR permits are free. This is despite the significant administrative requirements of managing the program's permitting, licensing, and enforcement functions. With new regulations, that administrative obligation, and the costs associated with it, will increase. Staff worked with consultants, EPS to identify an appropriately scaled annual permit fee for all three permit types. There will be a different permit fee for each STR type for both affordable housing and administrative costs, commensurate with their impacts. This is further explained in Section 26.530.070 – Fees, below.

Many communities require neighborhood noticing for new STR permit applications. Similar to the noticing required for land use applications, these notices would inform neighbors of a pending STR application and afford them the opportunity to comment to City staff. This increases accountability for STR owners and operators. It also recognizes the potential impacts of STRs in neighborhoods and creates a more open process for neighbors of STRs.

The waitlist for vacant permits in a given zone district is an important tool to support the limited permit model. Once the grandpersoning of existing permits has taken place, the process of attrition (through abandonment and revocation) will unfold over time. At some point, the number of active permits in a zone will dip below the cap. At that point, a waitlist is the fairest way to make that permit available to property owners.

26.530.050 - Occupancy and Operational Standards

Occupancy limits are a means to support complimentary STR policy objectives. Limiting the number of guests in an STR supports life-safety protection by ensuring there are not an unsafe number of people staying in an STR. It also reduces the likelihood of an STR creating nuisances for adjacent properties and neighborhoods. Occupancy limits also create more parity between STRs and traditional lodging, which has unit and building occupancy limits already established. For Aspen's new regulations, staff has recommended to Council that the occupancy limit be two guests per bedroom plus one additional guest. A studio unit is considered a one bedroom for calculating occupancy limits.

Research into comparable communities found that industry standard for destination communities is between two per bedroom and two per bedroom plus two additional guests. There are compelling arguments for why plus two additional guests makes more practical sense and responds to market realities. Specifically, that a unit with a sleeper sofa could reasonably accommodate two additional guests. And it is likely that that additional guest would come anyway.

A change from the old regulations is that bedrooms or portions of houses may be rented as an STR, with the proper permitting. The current regulations do not allow this. The rationale behind this change is three-fold. First, like the occupancy limit discussion, there are already portions of houses listed as STRs. This change recognizes how the market already functions. Second, with the goal of ensuring STRs support a diverse lodging bed base, allowing bedrooms or internal lock-offs in houses may support bringing to market smaller sized and mid-priced STRs. Finally, the significantly expanded regulations for all STRs ensures that they operate safely and above board, no matter the unit type. Staff anticipates this scenario would apply primarily to STR-OO permits, as STR-C permits will most frequently be issued to vacant properties.

Good Neighbor Policies

One of the most common and significant complaints from residents about STRs is that the units and their occupants sometimes fail to follow local laws and act as good neighbors in residential neighborhoods. In response, staff will develop a Good Neighbor Guide which all STR operators must make available in their units to all guests. This guide will include material from the Aspen Resort Chamber Association (ACRA), including their "How to Aspen" campaign materials, which are designed to help visitors reinforce local culture and customs and 'be better tourists'.

The Good Neighbor Guide will also outline noise, wildlife, trash, and nuisance regulations to which all guests must adhere to. In addition to these materials, in-unit messages about life-safety, public safety and health, emergency preparedness and contact information, will be designed to help guests stay safe and be good neighbors during their stay. The Good Neighbor Guide and related in-unit materials will be developed by staff, in partnership with ACRA and other entities, later this year as the larger STR management program is developed and introduced.

26.530.060 - Enforcement

The current enforcement system is complaint-based. Currently, City staff do not actively enforce STR regulations or violations of the municipal code from STRs. With the expanded regulations, it will be necessary to engage in more active enforcement. A key element of this will be unit inspections. New STR permits will require an inspection for compliance with life-safety and other regulations. Inspections may be conducted by city staff thereafter to ensure ongoing compliance. The new regulations will also include a fine schedule and enforcement procedures specific to STRs. The new regulations include a "three-strikes" rule, where three enforcement actions against a permitted STR would result in permit revocation.

26.530.070 - Fees

Currently there is no permit fee assessed on STRs. This is despite their significant economic value and the cost associated with the level of service and infrastructure from public agencies to service them. Visitors to STRs spend money in Aspen, and in turn that creates jobs which propels the need for affordable housing. To recover these costs, mitigate the risk of losing labor supply due to lack of affordable housing, align with industry best practices, and continue to sustain and support the tourism economy, Council directed staff to propose a permit fee for STRs under the new regulations.

A key element of the three-permit system are fees for each permit type which recognizes their differing impacts and costs to the community. Staff has worked with EPS to complete a fee nexus study for STRs. EPS modeled two fees to recover affordable housing and administration costs generated by STR visitors and program administration. A draft of the report is included as Exhibit D, STR Fee Technical Memo.

The affordable housing fee accounts for the number of jobs generated by STR activity in Aspen. The vast majority of jobs created by the services that support STRs in Aspen are at a wage level that do not support the ability to pay free market housing prices. The housing fee is intended to cover the gap between what the employees who service the STR industry in Aspen can afford and the cost to provide affordable housing for those individuals. Two additional factors in the model account for the possibility that a home used as an STR could be occupied by a local resident for a portion of the year. The fee also accounts for the difference between the impact of guest spending in the local economy and the baseline impact of local resident spending, which is accounted for in the STR-OO model.

The proposed fee framework for STRs includes an administrative fee and an affordable housing fee. The approach is similar to that being developed by EPS in Breckenridge and Vail to respond to their community dynamics around STRs. These fees would be assessed annually on STRs according to the table below.

Annual Housing Mitigation Fee per Bedroom			
	100% Mitigation:	**65% Mitigation:**	**30% Mitigation:**
STR-Classic:	$5,139	$3,080	$1,540
STR-Owner-occupied:	$3,763	$1,510	$750
STR-Lodging Exempt:	NA	NA	NA

Table 1: Proposed Housing Mitigation Fee

Annual STR Administration Fees per Permit	
STR-Classic:	$268
STR-Owner-occupied:	$268
STR-Lodging Exempt:	$204

Table 2: Administration Fees

Methodology

The draft report includes a detailed description of the methodology and EPS's recommendations. The housing fee nexus study used the IMPLAN model (Impact Analysis for Planning), a jobs-housing impact model, to quantify the relationship between guest spending in Aspen while staying in STRs to the number of jobs generated and the resulting number of employee-households supported by jobs generated. Data for the model was collected from AirDNA, a platform and resource for STR research, the Aspen Lodging Guest Survey performed by RRC Associates from 2014 – 2016, the Bureau of Labor Statistics, the U.S. Census, and the 2019 Aspen Community Survey Results performed by EPS and RRC Associates.

The model analyzes data points including the average daily expenditures of guests in Aspen, $1,337 per day, a job multiplier of 1.4 jobs per employee in the City, wages by occupation, an occupancy rate of 37.7% per STR annually, and Area Median Income. The output is a fee that will cover the difference in affordable housing costs for those employees that service the STR industry per STR bedroom. Bedroom is the unit of measure, as the number of bedrooms in an STR translates into the number of occupants and their resulting economic impact and job generating activities. This annualized fee per STR-C bedroom is $5,139. This is the maximum recommended fee to be charged by the city.

STR-OO modeling produces a different nexus fee based on the distinction that a STR-OO is limited to 90 annual rental days and runs at a lower occupancy rate of 24.7%. The guest spending profile is also lower because there is a local resident spending factor that is netted out of the guest spending impact. The result is a maximum annual housing fee of $3,763. STR-LE will not be charged a housing fee as these units are traditional lodging not residential units acting as lodging. They are subject to greater impact mitigation tied

to development activity, and have fundamentally different occupancy, operational, and impact profiles than disbursed, residential STRs.

Question for Council
What should the mitigation rate and resulting affordable housing fee be for STR-C and STR-OO?

Staff requests Council direction as to the percentage of housing mitigation to assess annually on STR-C and STR-OO. While the development of job generation rates has certain requirements and standards, legislators can choose to modulate the impact fee by reducing the mitigation rate for an impact fee below 100%. The City has done this for decades with affordable housing inclusionary requirements and impact fees. Currently, the residential mitigation rate for new construction is 30%. The commercial and lodge rate is 65%.

Staff recommends using the mitigation rate to modulate the impact fee below 100%. The EPS report includes analysis showing the annual employee housing fee for STRs at 30% and 65%. Staff recommends Council consider these two rates and direct staff to include a rate below 100% in the ordinance for second reading.

The second fee (Table 2 above) is the annual fee per STR that will cover program administration costs. This fee was calculated by combining the costs of departments by FTE to support the administration of the program, inspection of STRs, enforcement, finance, and legal components. Lodge properties do not take the same amount of staff resources that a single residential STR unit takes due to the nature of a commerical property having on site resources such as front desk management, security, and general manager, producing a lower fee. STR-LE administration fees are proposed to be $204 per unit. STR-C and STR-OO administration fees will be $268 per unit.

Together, the housing and administration fee are intended to cover the annualized cost of providing both housing to the local workforce supported by guest spending and the cost to administer the STR program by the City. City staff and EPS have accounted for the three STR types and how different fees should be applied based on their impacts. Tables 3 and 4 below show the annual cost for different STR types at different example unit sizes. Table 5 is an estimate of the STR-C revenue under a 100% fee scenario. It is not possible at this time to estimate revenue from STR-OO and STR-LE, because we do not have reliable data on the number STR-OO units that currently exist, nor do we know how many lodge properties would qualify and apply for STR-LE permits.

Annual AH Permit Cost STR-C			
Size of Unit:	**100% Mitigation:**	**65% Mitigation:**	**30% Mitigation:**
Studio/ 1bd:	$5,139	$3,080	$1,540
2.48 bd*:	$12,745	$7,638	$3,819
5 bd:	$25,695	$15,400	$7,700

**Current average number of bedrooms per STR*

Table 3: Permit Cost for STR-C

Annual AH Permit Cost STR-OO			
Size of Unit:	**100% Mitigation:**	**65% Mitigation:**	**30% Mitigation:**
Studio/ 1bd:	$3,763	$1,510	$750
2.48 bd*:	$9,332	$3,745	$1,860
5 bd:	$18,815	$7,550	$3,750

**Current average number of bedrooms per STR*

Table 4: Permit Cost for STR-OO

Estimated Average Annual Revenue from STR-C*			
	100% Mitigation:	**65% Mitigation:**	**30% Mitigation:**
2.48 bd:	$8,487,984	$5,087,174	$2,543,587

**Estimated number of permitted STR-Cs under Ord. #09 is 666*

Table 5: Total Annual Revenue

It is valuable to put the fee numbers into context. The estimated cost to build a one-bedroom deed restricted AH unit is approximately $1,000,000. To put it another way, affordable housing units cost approximately $611,000 per FTE, based on the last fee in lieu study. While the permit fee revenue projections are significant in size, in staff's estimation, they are commensurate with the City's ongoing affordable housing needs and costs. Likewise, EPS's modeling strongly supports the fees are proportional to their economic and housing impacts. Staff recognizes Council may desire to modulate those fees to ensure their defensibility and alignment with Council goals and City policies. Should Council desire a mitigation rate below 100% of the fee amount, staff recommends using the 30% to 65% range.

Staff recommends Council adopt both the administrative and affordable housing fee in Ordinance #09, but that the affordable housing fee include a lower mitigation rate for the AH fee at Council's discretion.

26.530.080 - Appeals

Permittees of STRs will have the opportunity to appeal any decisions made by the Community Development Director in the enforcement of Section 26.530.

CONCLUSION AND NEXT STEPS:
The discussion around STRs as an industry and its relationship to community character and economy has been underway for several years. Since the adoption of MuniRevs and increased regulatory and financial scrutiny of the STR industry in Aspen, the City has learned more about the extent of the industry and its impacts, positive and negative, on the community. In response to this increased understanding, Council acted decisively last December to freeze the number of STR permits and to allow for a comprehensive rewrite of STR regulations. The data collected about Aspen's STR industry over the last two years, and the extensive research and engagement conducted by staff in 2022 is a direct response to Council's mandate to more thoughtfully and precisely manage STRs. In this way, Ordinance #09 is the conclusion of a process longer and more in-depth than the moratorium itself.

The adoption of Ordinance #09 will also mark the beginning of the process of building a program within Community Development and Finance to manage STRs in accordance with the new regulations. The extension of 2021 permits past the September 30, 2022, deadline to December 31, 2022, will provide STR owners, operators, and staff the time necessary to understand who to work with and administer the new regulations. It will also support market predictability for STR owners, managers, and potential occupants.

City staff has begun the hiring process to fill the new STR staff position authorized by Council in the spring supplementals. That individual will take the framework of the ordinance and guidelines and build it into a program in time to begin issuing 2023 permits. Prior to the September 30th deadline, the STR program manager will also bring the STR Program Guidelines to Council for adoption via resolution.

FINANCIAL IMPACTS: N/A

ENVIRONMENTAL IMPACTS: N/A.

ALTERNATIVES: N/A

RECOMMENDATIONS: Staff recommends that Council approve Ordinance #9, Series of 2022, on first reading with a determination of a proposed affordable housing fee as Council deems appropriate and that the matter be placed on the agenda for the second reading public hearing on June 28th.

CITY MANAGER COMMENTS:

EXHIBITS:
Exhibit A – Ordinance #09, Series of 2022
Exhibit B – STR Engagement Summary
Exhibit C – Resolution #043, Series of 2020 – Moratorium Policy Resolution
Exhibit D – EPS Nexus Study Report

ORDINANCE NO. 09
(Series of 2022)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING THE VACATION RENTAL REGULATIONS IN THE CITY OF ASPEN LAND USE CODE.

WHEREAS, the City of Aspen (the "City") is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter"); and,

WHEREAS, the City of Aspen currently regulates land uses within the City limits in accordance with Chapter 26.104 *et seq.* of the Aspen Municipal Code pursuant to its Home Rule Constitutional authority and the Local Government Land Use Control Enabling Act of 1974, as amended, §§29-20-101, *et seq.* C.R.S; and,

WHEREAS, Aspen is a tourists destination, attracting tens of thousands of visitors a year in all seasons, visitors which require transient tourist accommodations and participate in and support Aspen's tourist economy; and,

WHEREAS, a variety of tourist accommodations at varied sizes, quality, and price points is essential to supporting the City's tourist economy; and,

WHEREAS, a tourist-based economy such as the City's requires a sufficient number of employees to provide the services required to serve such an economy. Without adequate workforce housing, a tourist-based economy cannot thrive; and,

WHEREAS, to allow for a sufficient number of employees to be hired to provide the services necessary to sustain a tourist-based economy there must be an adequate supply of workforce housing; and,

WHEREAS, historically, the long-term rental of residential property, or at least the long-term rental of space within a residential property, has been an important means for providing workforce housing within the City; and,

WHEREAS, in addition to the required workforce housing, it is also essential to the continued vitality of the City's economy that adequate short-term housing be made available to the many tourists who visit the City each year; and,

WHEREAS, short-term rentals are extremely valuable to the City's economy and exist in various locations throughout the City; and,

WHEREAS, the operation of a short-term rental in the City is the operation of a business; and,

WHEREAS, without regulations and limitations on their operation and extent, short-term rentals also have adverse impacts on the character of residential neighborhoods and the availability of long-term housing options; and,

WHEREAS, tourist's visitation, the operation of tourist accommodations, the goods and services demanded by tourists, and the transportation systems required to move tourist to and throughout the community have environmental impacts, measured as Greenhouse Gas Emissions; and,

WHEREAS, in keeping with the goal of the City's Comprehensive Plan to preserve small town character while maintaining livability, the City desires to minimize the negative impacts of short-term rentals on Aspen's neighborhoods, housing supply, economy, and environment; and,

WHEREAS, during the moratorium, adopted Ordinance No. 26, Series of 2021, City staff engaged in a robust public engagement process which included two online surveys regarding community perception of short-term rentals and feelings toward specific regulations; an open house at City Hall which included story boards and an opportunity for feedback; a public work session to discuss the online survey results and expand further into certain topic areas; and research into how other municipalities in Colorado regulate short-term rentals; and,

WHEREAS, the Planning and Zoning Commission received and considered the information gathered through the public engagement process, as well as comments from the public, during a Meeting held on May 17th, 2022, and voted 4 to 0 to recommend approval of Ordinance #09, Series of 2022 to City Council; and,

WHEREAS, on December 12, 2021, City Council adopted Ordinance No. 26, Series of 2021 enacting a temporary moratorium in the issuance of new short-term rental permits until September 30, 2022; and,

WHEREAS, at a regular meeting on May 24, 2022, City Council by a __ – __ (_-_) vote, approved Ordinance #09, Series of 2022, approving at First Reading a Code Amendment to Vacation Rental Regulations; and,

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

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

Section 1.
Section 26.104.100 "Definitions shall" be amended as follows:

Condo-hotel. A condo-hotel is a lodging property which meets the definition of Lodge in 26.104.110, Use Categories and in which ownership of individual lodge units has been

condominiumized in accordance with The Colorado Condominium Ownership Act, C.R.S. § 38-33-101, et. seq.

Hotel. See definition of Lodge, 26.104.110 Use Categories.

Motel. See definition of Lodge, 26.104.110 Use Categories.

Natural Person. A living, individual human being, as distinct from a "legal person" for the purpose of assigning certain legal rights.

Owner Occupied. A residential property that serves as the primary residence of the title owner of the property.

Owner Occupant. For the purposes of permitting specific types of short-term rentals, owner-occupant is a natural person whose principal residence is the City of Aspen residential property or unit for which a short-term rental permit is sought.

Pillow. A unit of measure for assessing affordable housing generation and occupancy of lodge rooms/units per bedroom in a short-term rental. Each lodge and short-term rental bedroom shall be considered to have two pillows for each bedroom. For calculating occupancy in short-term rentals, sleeper sofas, murphy beds, and similar sleeping accommodations shall be considered to have one pillow.

Primary residence. The permanent residential address, as demonstrated by acceptable legal documentation described in this title, of an Owner- Occupied Short-term Rental Permit holder.

Qualified Owner's Representative. A natural person who is legally designated on the permit application by the permittee to apply for and maintain compliance with a City of Aspen Short-term Rental Permit. For each short-term rental property, there may be only one qualified owner's representative. All qualified owner's representatives must have a business license through the City of Aspen.

Short-term Rental (STR). The use or occupancy of a residential property or dwelling unit, in whole or in part, by the general public for a fee, primarily for tourist accommodations, and for a period of less than 30 days. Timeshare, hotel, motel, and bed and breakfast uses are not short-term rental uses.

Vacation Rental. See short-term rental.

Section 2.

Valid 2021-2022 Permits. 2021 Vacation Rental Permits (2021 VRP) issued pursuant to Section 26.575.020 "Vacation Rentals" on or prior to December 8th, 2021, shall be deemed to be valid 2022 STR Permits and shall be valid until December 31, 2022. Valid 2022 permits may be renewed annually thereafter, subject to the terms and conditions set forth in this chapter until they are abandoned or revoked in accordance with this chapter. Valid 2022 permits which are

renewed after December 31, 2022, may not be transferred to owners or properties other than that listed on the 2022 STR permit. Upon renewal, 2022 STR permits issued to a corporation, partnership, association, or company must update the permit application information to comply with the requirements of Chapter 26.530. The number of Short-term Rental-Classic (STR-C) permits as of January 1, 2023, may exceed the cap for zone districts, as defined in Chapter 26.530, until such time as they are revoked, abandoned, or otherwise eliminated. Owner-occupied Short-term Rental Permits and Lodging Exempt Short-term Rental Permits may be issued with the requirements of Chapter 26.530 beginning October 1, 2022.

Section 3.
Section 26.575.220 "Vacation Rentals" shall be deleted in its entirety.

Section 4.
Chapter 26.530 "Reserved" shall be deleted in its entirety and replaced with the following:

Chapter 26.530
Short-term Rental Regulations

Sec. 26.530.010 Purpose
Sec. 26.530.020 Applicability
Sec. 26.530.030 Permitting Requirements
Sec. 26.530.040 Permitting Procedures and Standards
Sec. 26.530.050 Occupancy and Operational Standards
Sec. 26.530.060 Enforcement
Sec. 26.530.070 Fees
Sec. 26.530.080 Appeals

26.530.010 Purpose
The purpose of this Chapter is to regulate short-term rentals (STRs) as a land use within the City of Aspen. STRs are an important component of the City's lodging bed base, support a vibrant tourist economy, and provide real property owners with STR permits significant financial benefit. STRs influence property value and occupancy patterns of residential dwelling units. STRs influence neighborhood character by introducing commercial lodging uses in residential neighborhoods. STRs require services and infrastructure to operate. STRs further reduce the potential availability of long-term rental housing to support the local economy and community.

STRs require regulation as a distinct land use to ensure the health, safety, peace, and welfare of the community through the application of zoning police powers. The following regulations support the operation of STRs balanced with community policies related to housing, development, growth management, and a sustainable economy as described in the Aspen Area Community Plan.

26.530.020 Applicability
A. This chapter applies to all STRs in the City of Aspen. STRs are required to obtain a permit in accordance with their type and operation as defined in this section. STRs

operating without a permit are subject to enforcement as defined in Section 26.530.060 Enforcement.

B. It shall be unlawful for any person, whether a principal or agent, clerk, or employee, either for him or herself, or for any other person for anybody, corporation or otherwise, to lease or operate a STR without first obtaining a STR permit in accordance with the provisions and procedures of this section.

26.530.030 Permitting Requirements

A. Permits.

STRs shall require a permit to operate. Permits shall be approved, approved with conditions, or denied by the Community Development Director based on the following criteria:

1) **Permittee.** Permittees must be the property owner of the STR. The permittee is the holder of the permit. The permittee may seek the permit, apply for the permit, and designate a qualified owner's representative if necessary. The permittee may be a natural person(s), corporation, association, company, or partnership. If the permittee is a member of a corporation, association, company, or partnership, the permit is deemed to be held by the permittee who is a single natural person whose contact information and relationship to the legal ownership entity are included on the permit application.

2) **Permit Number.** STR permits are issued a unique permit number. That permit number shall be clearly displayed in all advertising and listings of the STR, including but not limited to all digital and print advertising. The permit number must be listed in the STR, along with permittee and/or qualified owner's representative and emergency contact information as part of the in-unit Community Messaging Program described in the STR Program Guidelines.

3) **Permit Application Contents.** The following information is required for STR permit applications: the owner(s), or if title to the subject property is held by a corporation, partnership, association, or company, the name and contact information of any officer director or stockholder holding ten percent (10%) or more of the interests in the corporation, partnership, association, or company: property address, Pitkin County parcel identification number, permittee name and contact information, qualified owner's representative (if applicable) name and contact information, number of bedrooms and pillows in the unit in its largest configuration, size in heated area of the STR residence, and all previous notices of code violations or complaints filed against the property.

4) **Licensing.** STRs are required to maintain a City of Aspen Business License and are required to remit lodging and sales tax in accordance with Municipal Code regulations and Finance department policies. The STR Program Guidelines include details about licensing and tax compliance standards and procedures.

5) **Non-Transferability.** Commencing October 1, 2022, STR permits shall be granted only for the property for which it is issued and solely to the applicant to which it is issued. The permit shall not be transferable to any other person, legal entity, or residential address. The permit is nontransferable upon sale or other transfer of ownership of the property. Upon such transfer of ownership, the new owner of the property shall apply for a new Short-Term Rental Permit if it wishes to continue the use of the property as a vacation rental. The STR permit shall include a non-transferability clause and the permit shall be revoked automatically upon the sale or change of ownership of the property for which a permit has been issued.

B. Permit Types.

STRs shall be eligible for one of three permit types: Short-term Rental Classic, Owner-Occupied Short-term Rental, or Lodging Exempt Short-term Rental. The eligibility, requirements, and standards for each permit type are as follows:

1) ***Short-term Rental Classic (STR-C)*** – this permit is issued only to residential units located in eligible zones and the approved use of which is not a Lodge use. (Condo-hotel properties must apply for a Lodging-Exempt STR permit.)
    a. STR-C permits shall be renewed annually and are assessed an annual permit fee in accordance with Section 26.530.070 Fees.
    b. STR-C permits are subject to the life-safety standards and the operational standards described in this chapter and the STR Program Guidelines.
    c. There is no annual limit on the number of nights a STR-C permittee may operate the STR unit. Bedrooms, lock-offs, or portions of the residential unit, in addition to the whole residential unit, may be rented. Occupancy for the unit is limited by the standards described in Section 26.530.050.

2) ***Owner-occupied Short-term Rental (STR-OO)*** **–** this permit is issued only to owner-occupied residential units, where the property is the primary residence of the permittee. Part 700 of this Title describes the zone districts where STRs are a permitted use.
    a. STR-OO rental permits shall be renewed annually and are assessed an annual permit fee in accordance with Section 26.530.070 Fees.
    b. STR-OO are subject to the life-safety standards for STRs described in this chapter and the Program Guidelines, and who must have two (2) of the following valid documents indicating that the STR is the applicant's primary residence:
        i. valid Colorado driver's license;
        ii. valid motor vehicle registration;
        iii. voter registration;
        iv. Federal or state tax return; or,
        v. other legal documentation deemed sufficient by the Community Development Director which is pertinent toward establishing principal residence.

3) ***Lodging Exempt Short-term Rental (STR-LE)*** – Lodges and condo-hotels which meet the definition of Lodge are eligible for STR-LE permits.
    a. For eligible properties, only one permit is required for all units under management.
    b. In addition to the limitations of the definition of Lodge and/or Condo-hotel, Lodging Exempt eligible properties must offer STR units under a unified brand and marketing model where individual ownership of units is secondary to the central brand of the property.
    c. Lodging Exempt permittees must submit an affidavit attesting to their eligibility.
    d. STR-LE permits must be renewed annually and are assessed an annual permit fee in accordance with Section 26.530.070 Fees. To ensure ongoing eligibility for the STR-LE permit, permittees are subject to the Lodging Occupancy Auditing regulations in Section 26.575.210.

C. Zoning Limitations.

STR-C permits are limited by number in residential zone districts. Refer to Part 700 of this title for permitted uses by zone to assess where STR-Cs are permitted. In zones where STR is not a permitted use, it is a prohibited use.

1) STR-C permits are limited by number in specific zone districts as follows:
    a. RR: 2 permits;
    b. R-3: 1 permit;
    c. R-6: 81 permits;
    d. R-15: 47 permits;
    e. R-15A: 8 permits;
    f. R-15B: 12 permits;
    g. R-30: 1 permit;
    h. R/MF: 190 permits;
    i. R/MFA: 12 permits;
    j. AH: 9 permits;
    k. MU: 39 permits;
    l. NC: 1 permit;
    m. SCI: 2 permits;
    n. SKI: 2 permits.

2) There is no limit to the number of STR-C permits in the following zone districts: Commercial (C-1), Commercial Core (CC), Lodge (L), Commercial Lodge (CL), Lodge Overlay (LP), Lodge Preservation Overlay (LO).

3) STR-OO are not limited by number in any allowable zone district. Refer to Part 700 of this title for zone districts where STR is a permitted use.

4) STR-LE are not limited by number in any allowable zone district. Refer to Part 700 of this title for zone districts where STR is a permitted or prohibited use.

26.530.040 Permit Procedures and Standards.

Prior to the issuance of a STR permit, the permit application will be reviewed for compliance with the following standards.

A. Zoning Compliance.

All STR permits must comply with zoning regulations for the zone district in which they are located. STR permit applications shall include the Parcel Identification Number and residential address including unit number for the property to ensure compliance with underlying zoning. Zone district STR regulations, including permitted uses and cap limitations, may change over time per City Council action. Possession of a STR permit does not supersede compliance with zone district STR regulations.

B. Life-safety Compliance and Inspection.

1) **Required Noticing.** All new STR applicants shall comply with neighborhood noticing requirements per Section 26.304.060.E.3.b-c, Manner of Notice.

2) **Inspections.** By signing and submitting a STR permit application, and subsequently being granted a permit, the owner(s) of the property shall consent to inspections of the property by City of Aspen personnel and their agents for the purpose of determining compliance with City Codes, Regulations and Laws. No inspection will be made without first giving the permittee and, if applicable, the qualified owner's representative, 48 hours' notice of the inspection.

3) **Life-Safety.** STRs are required to comply with all applicable life-safety standards in Municipal Code Title 8 and the STR Program Guidelines, as amended from time to time. Life-safety standards including: fire suppression, occupancy limitations, mechanical codes, emergency contacts and procedures, and inspections.

C. Qualified Owner's Representative.

STR permits may only be issued to a natural person, who is the owner or member of a corporation or association which is the owner of the property for which the permit is sought. Permittees who cannot meet requirement for regulatory compliance, in-person service, emergency response and other regulations in this title may designate a qualified owner's representative. A qualified owner's representative shall be a natural person residing in the Roaring Fork River Drainage area situated in Eagle, Pitkin Garfield or Gunnison Counties, or within the Colorado River Drainage area from and including the unincorporated No Name area to and including Rifle. The qualified owner's representative is designated by the property owner as the point of contact for the permitted STR. For permittees that designate a qualified owner's representative, the qualified owner's representative shall be responsible for responding to tenant and City inquiries, complaints, enforcement actions, and other on-site needs.

1) If a qualified owner's representative is designated for a STR, the qualified owner's representative must have a City of Aspen business license. The qualified owner's representative shall be listed on the STR permit for the property including the qualified

owner's representative's name, entity or company name, telephone number, email address, and physical address.

2) STR permittees who designate a qualified owner's representative are liable for compliance with applicable Land Use Code and Municipal Code regulations. The qualified owner's representative is not legally liable for violations of this section or compliance with applicable Municipal Code regulations but is responsible for notifying the permittee when a violation has occurred.

3) The name, address, and telephone number(s) of the qualified owner's representative, as shown on the STR permit, shall be made available to the Community Development Department, the Aspen Police Department, and the Aspen Fire Protection District. Any change to the qualified owner's representative or permittees' contact information shall be promptly furnished to the City of Aspen via a revised STR permit application within ten (10) days. Failure of the permittee to provide or update the qualified owner's representative contact information to the City shall constitute an enforcement violation subject to actions and penalties as described in Section 26.530.070 Enforcement.

4) The permittee, or if designated, the qualified owner's representative, shall be available 24 hours a day, year-round to ensure that the property is maintained and operated as required by Land Use Code standards and the STR Program Guidelines. The permittee, or if designated, the qualified owner's representative, shall respond to service or compliance inquiries from occupants and City officials, and shall be available to be at the property within two (2) hours in an emergency. Failure of the permittee, or if designated, the qualified owner's representative, to respond to a call from a tenant or the Community Development Director within 24 hours shall result in an enforcement violation subject to actions and penalties as described in Section 26.530.070 Enforcement against the permittee.

D. Permit Application, Fees, Issuance, Renewal, Revocation, and Abandonment.

1) Application. Permit applications shall be received and processed on a first come, first served basis. The Community Development Director shall deem applications complete based on the requirements of this Chapter and the standards in the STR Program Guidelines. Only complete STR permit applications shall be accepted and reviewed.

2) Fee Payment. Permit fees shall be remitted at the time of permit application and cover the cost of processing the application. Should a permit application be denied, the City shall retain a $200 processing fee and refund the difference to the applicant.

3) Neighborhood Noticing. Upon application for a new STR-C or STR-OO permit, the applicant shall provide neighborhood noticing in accordance with Section 26.304.060.E.3.b-c. *Manner of Notice*. Permit renewals do not require neighborhood noticing. Permits shall be approved, approved with conditions, or denied following the notice period. STR-LE are exempt from this provision.

4) **HOA Compliance.** Permit applications for residential properties which are in a Homeowners Association (HOA) must include HOA approval for the applicant to operate a STR in the form of a signed letter, including telephone and email contact information for the HOA, with the permit application.

5) **Issuance.** Permits shall be approved, approved with conditions, or denied within 21 working days of the closure of the notice period described above. The Community Development Director may issue permits with conditions based on review of the permit application and public comment. The review and issuance period for individual permit applications may be extended at the direction of the Community Development Director.

6) **Waitlist.** Once the permit limit is reached for each zone district, applicants will be placed on a waitlist for the next available permit in the order in which the application was received. A waitlist applicant shall be a natural person. The residential address included in the waitlist application must match the residential address for which the subsequent permit is issued. Applicants who sell the property for which the permit is sought shall be removed from the waitlist. As permits become available, waitlist applications shall be reviewed and approved, approved with conditions, or denied. If the property has been found in violation of this Chapter during the waitlist period, the application shall be denied.

7) **Renewal.** STR permits shall be renewed annually in accordance with the procedures in the STR Program Guidelines. Failure to renew a permit within fourteen days (14) of the permit expiration date shall result in the abandonment of the permit.

8) **Tax Filing.** STRs must be occupied by a short-term renter a minimum of once per year, as shown in tax filings to be eligible for renewal. Permits with one year of zero tax filings from the date of permit issuance or renewal will be considered abandoned and be processed in accordance with the standards in this chapter.

9) **Abandonment.** STR-C and STR-OO permits shall be valid for one year from the date of issuance and shall be renewed annually. Failure to renew a permit in accordance with the STR Program Guidelines will result in the abandonment of the permit. STR permits may be abandoned by permittees at any time by notifying the Community Development Director of the intent to abandon the permit. Abandoned permits will be made available to the next applicant on a first-come, first-served basis or the next applicant on the waitlist for that zone district in accordance with the STR Program Guidelines. STR-LE are exempt from this provision.

10) **Revocation.** STR permits may be revoked by the Community Development Director for any of the following reasons: three violations of the requirements of this chapter and applicable Municipal Code standards as described in the STR Program Guidelines, failure to rent the property during the term of the permit, failure to pay STR taxes and fees, or violations of the requirements of this section.

26.530.050 Occupancy and Operational Standards.

Prior to the issuance of a STR permit, the permit application will be reviewed for compliance with the following standards.

A. Occupancy Limits and Unit Size.

STRs are limited to a total occupancy of two occupants per bedroom plus one additional occupant. Permit applications are required to list the number of bedrooms in the unit at its largest configuration. STRs may be inspected for accuracy of bedroom count on the permit application and for compliance with these occupancy requirements. For the purpose of establishing unit occupancy, a studio dwelling is a one bedroom. Occupancy for each STR shall be included in all STR advertising, the in-unit messaging, and permit on display in each permitted STR. Bedrooms, lock-offs, or portions of the residential unit, in addition to the whole residential unit, may be rented.

B. Annual Rental Night Limits.

STR-OO are limited to 90 rental nights per year from the date of permit issuance. There is no annual limit on the number of nights per year a STR-C can be rented. There is no annual limit on the number of nights per year a STR-LE can be rented.

C. Good Neighbor Guide.

STRs are required to operate in accordance with all applicable Municipal Code regulations protecting the health, safety, and peace of the community and supporting the maintenance of community character and values. STR owners and permittees are required to assist STR occupants in being 'good neighbors' by recognizing their obligation to following the rules and customs of the community. To support these community goals, the Community Development Department maintains the Short-term Rental Program Guidelines, Good Neighbor Guide, and collaborates with non-governmental organizations to promote good neighbor behavior by visitors.

1) STR-C and STR-OO permittees, and if designated, their qualified owner's representatives must comply with the policies described in the City of Aspen Good Neighbor Guide and provide that information at all times to occupants of the unit.

2) In-unit messaging is essential to assisting STR occupants in supporting the City's good neighbor policies, ensuring STRs in neighborhoods support community character, and assisting in the promotion of Aspen's community character. The following notices shall be posted in a conspicuous location inside the rental unit:
   i. A copy of the STR-C or STR-OO permit,
   ii. STR license and business number,
   iii. The name, address, and telephone number(s) of the owner or qualified owner's agent,
   iv. A statement which reads: Occupants shall comply with the City's Noise Ordinance,
   v. The location of the required parking spaces,
   vi. Wildlife protection policy,

vii. The location of the fire extinguisher,
viii. Information on the trash, recycling, and composting programs including:
    a. Solid waste pickup schedules;
    b. Guidelines on living with wildlife and instructions for operating wildlife containers; and
    c. A notice that trash and recycling containers must be stored indoors except between 6:00 AM and 6:00 PM on the day of scheduled trash or recycling pickup, where they may be placed at the curbside or in alleys.
ix. City of Aspen emergency services information and contact information,
x. The City of Aspen's Good Neighbor Guide

D. Adoption of and Compliance with STR Program Guidelines.

The City Council hereby adopts the Short-term Rental Program Guidelines. The Community Development Department shall keep on file and make available to STR permittees, and if applicable, qualified owner's representatives. These guidelines set forth the standards, procedures, and supplemental information necessary for the operation of a STR within the City of Aspen. The Community Development Director may use the guidelines as a basis for enforcement actions in accordance with the requirements of this Chapter. The Guidelines may be updated, amended, and expanded from time to time by City Council Resolution.

26.530.060 Enforcement.

The City of Aspen actively enforces its STR regulations through inspections, citizen complaints, audits, and permitting. These measures ensure that STRs reinforce, not undermine, community policies and character. Active enforcement ensures that visitors who choose to stay in STRs are informed of the unique qualities of mountain living and enhance our community culture by being good visitors and acting as neighbors and community members during their stay. STR permittee, and if applicable, qualified owner's representative, play an essential role in supporting and advancing these policies and supporting the City's enforcement activities.

A. Complaints.

Any valid complaint received regarding the STR property will first be referred to the permittee, and if applicable, qualified owner's representative for response and correction. The Community Development Director will follow up with any complaining party, the permittee, and if applicable, qualified owner's representative, for compliance or resolution. The permittee or qualified owner's representative must respond to all complaints or inquiries from City officials within 24 hours and occupant complaints within two (2) hours. The City of Aspen is not responsible for complaints against a HOA, hotel, or condo-hotel's own guidelines outside of the City's code, rules and regulations. Failure to respond within 24 hours shall result in a notice of violation and demand to cure. All valid complaints will be recorded and kept on-file including the address, permittee, permit number, business license number associated with the complaint, and the complainer's name and contact information.

B. Enforcement and Penalties.

Upon receipt of a compliant, the Community Development Department shall investigate and if it is determined there are grounds to believe a violation of this Chapter or any STR rules and

regulations may have occurred, the Community Development Director may issue an Administrative Notice of Violation to the permittee. The Director shall revoke the STR permit of any permittee who receives three (3) Administrative Notices of Violation within the one (1) year permit cycle, effective upon mailing notice to the permittee's address on file. The permittee may appeal the decision to revoke the STR permit by providing notice of appeal to the Community Development Director within fourteen (14) days of the date of the decision to revoke the permit. The Administrative Hearing Officer shall hear appeals brought pursuant to this section (B). Appeals shall be governed by the procedures set forth in Section 26.316.030.

1) **Penalty.** Any permittee that violates or allows another to violate any section of this Title shall be subject to prosecution in Municipal Court and upon conviction subject to the fines and penalties set forth in Section 1.04.080. A first offense shall be punishable by a fine of no less than five-hundred dollars ($500). Each day of any violation of this section shall constitute a separate offense.

2) **Civil Remedies.**

   a. The City Attorney may institute injunctive, abatement, or other appropriate action to prevent, enjoin, abate or remove a violation of this Title when it occurs. The same right of action shall accrue to any property owner who may be especially damaged by violation of this Title.

   b. In addition to the penalties and remedies set forth herein, an STR permit shall be automatically revoked by the Community Development Director upon the third conviction of a violation of this Title by the permittee of the property subject to the permit within the one (1) year.

   c. Until paid, any delinquent charges, assessments, or taxes made or levied by the City pursuant to this Title shall, as of recording, be a lien against the property on which the violation has been found to exist. If not paid within thirty (30) days from the date of assessment, the City Clerk may certify any unpaid charges, assessments, or taxes to the Pitkin County Treasurer to be collected and paid over by the Pitkin County Treasurer in the same manner as taxes are authorized to be by statute together with a ten percent penalty for costs of collection. Any lien placed against the property pursuant to this Chapter shall be recorded with the Pitkin County clerk and recorder.

26.530.070 Fees.

STR permits are assessed an annual fee, remitted at the time of permit application, in accordance with the following table. STR affordable housing fees are assessed on a per bedroom basis, where studio units are a one bedroom. The total fee for an STR includes the affordable housing fee per bedroom, as applicable, and the administrative fee.

	Affordable Housing Fee per Bedroom	Administrative Fee
STR-Classic:	$5,139	$268

STR-Owner-occupied:	$3,763	$268
STR-Lodging Exempt:	NA	$204/unit

Table 1: Fee Schedule

26.530.080 Appeals.

Permittees may appeal decisions made by the Community Development Director in the enforcement of this chapter. Appeals will be heard by the Administrative Hearing Officer in accordance with Section 26.316.020.D. Appeals shall be processed in accordance with Section 26.316.030.

INTRODUCED AND READ, as provided by law, by the City Council of the City of Aspen on the 28th day of June 2022.

Attest:

_____ _____

Nicole Henning, City Clerk Torre, Mayor

FINALLY, adopted, passed and approved this _____ day of _____ 2022.

Attest:

_____ _____

Nicole Henning, City Clerk Torre, Mayor

Approved as to form:

_____

James R. True, City Attorney

CITY OF **ASPEN**

Shaping Aspen's Built Environment
SHORT-TERM RENTALS

OUTREACH SUMMARY
MAY 9, 2022
ASPEN CITY COUNCIL UPDATE

Shaping Aspen's Built Environment

SHORT-TERM RENTALS

OUTREACH SUMMARY: PROJECT PLANNING AND SCHEDULE

In December 2021, Aspen City Council approved Ordinance No. 26, Series 2021, a temporary moratorium on the issuance of new vacation rental permits (also known as short-term rental permits). During this time, and again in April 2022, an additional moratorium was instated on the issuance of residential building permits (Ordinance 27, 2021, and Ordinance 6, 2022). The moratorium on residential building permits is scheduled until June 8, 2022, and the moratorium on short-term rental (STR) permits extends until September 30, 2022.

While residential building and short-term rentals are intertwined, the City facilitated two unique outreach campaigns, one for each focus area. Shaping Aspen's Built Environment is an overarching outreach campaign that dives deep into STR and residential building activity in Aspen.

This report is specific to STRs.

Shaping Aspen's Built Environment was in response to the moratorium and explores solutions that will improve regulations and respond to specific themes that correlate with STR activity, specifically in mountain communities throughout the United States. These themes include:

- Zoning
- Good Neighbor Policies
- Operational Standards & Enforcement
- Life Safety
- Permitting
- Financials

PROMISE TO THE PUBLIC: Utilizing values and ethics from the International Association of Public Participation (IAP2) - which defines the development context, promise to the public, and how feedback would be put into action – the project team drafted a public engagement plan outlining goals and objectives, as well as anticipated stakeholders, engagement levels, and how best to communicate with them. The engagement approach focuses on:

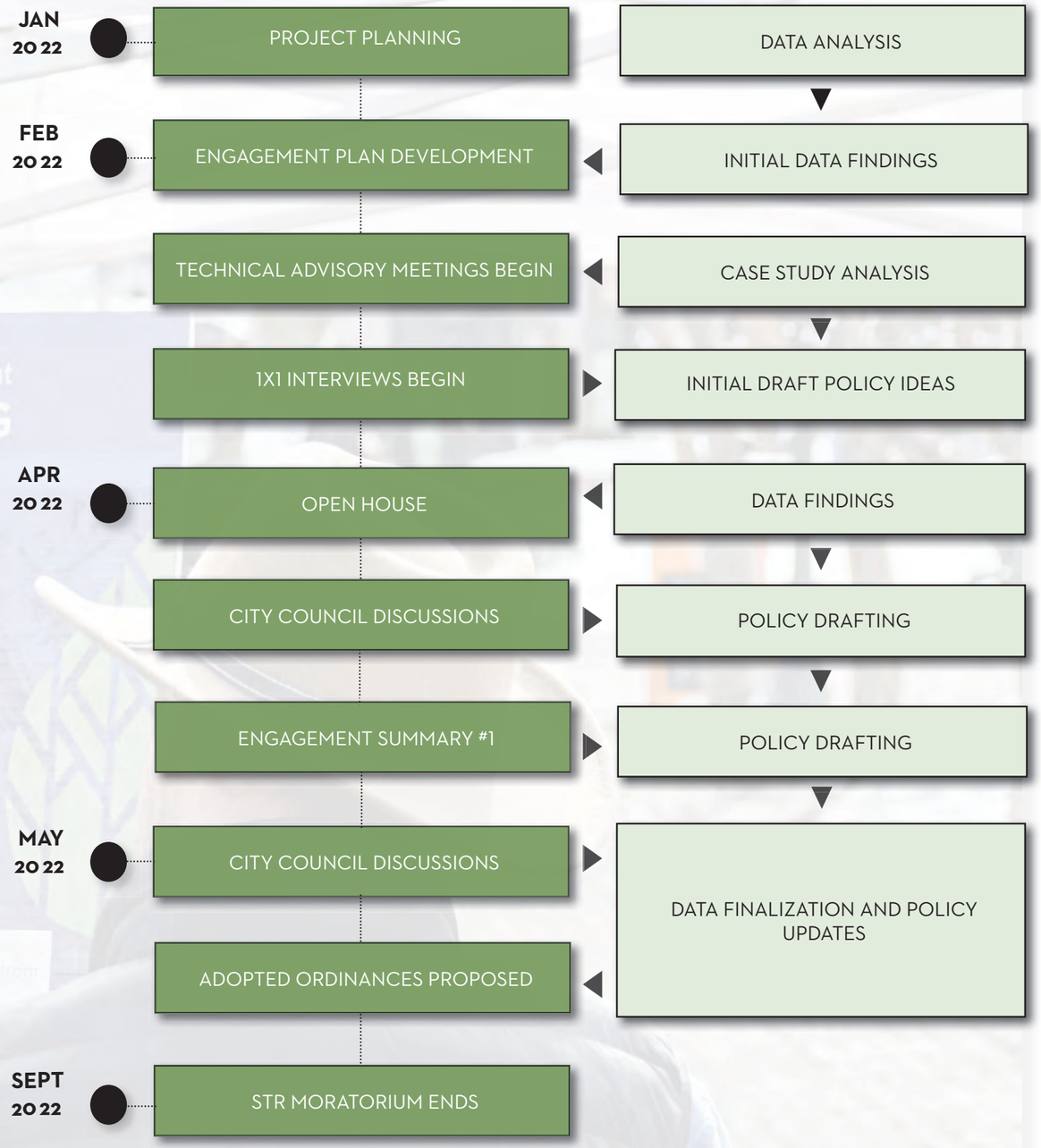
- Informing the community-at-large (public) of the project by providing balanced and objective information to assist them in understanding the "problem", what alternatives may be appropriate, and what opportunities and/or solutions there might be to address change to current City policy.
- Consulting with internal and external stakeholders to obtain feedback on current process successes and barriers, data analysis, policy alternatives, and involve them throughout the process to ensure their concerns and aspirations are consistently understood and considered.
- Involving technical advisors on specific discrete policy questions that can further the data analysis and proposed code changes.

PUTTING FEEDBACK INTO ACTION: The project team identified the need to work diligently to summarize engagement initiatives and findings in real-time to provide for a continuous information loop in and out of the policy development process to:

- Set clear expectations with stakeholders and the community on engagement activities and how their feedback will be considered or incorporated in the policy development process.
- Provide status updates through Aspen Community Voice and make engagement summaries readily available to the public.

PROJECT PHASING AND DATA ANALYSIS FLOW CHART

The chart below illustrates concurrent project planning efforts and data analyses with arrows indicating where data, information, outreach results and community discussions are informing project components.





Shaping Aspen's Built Environment
SHORT-TERM RENTALS

OUTREACH SUMMARY: SCHEDULE AND ACTIVITIES

Public engagement focused on facilitating dialogue about an aspirational vision for the community. A variety of mechanisms and tools were used to share information including one-on-one discussions with community members, focus groups, questionnaires, and public drop-in events. The project team created a webpage on Aspen Community Voice that hosts project information, outreach opportunities, key project dates, events, meeting registrations, and documents for review.

Through a series of online tools on Aspen Community Voice and questions developed for technical stakeholders and community members alike, the project team gathered data points to assist Aspen City Council and staff in furthering project discussions around our STR themes:

- Zoning
- Good Neighbor Policies
- Operational Standards & Enforcement
- Life Safety
- Permitting
- Financials

These discussions, held both in-person and virtually, began with the launch of Aspen Community Voice on February 8, 2022, and continued with focus group sessions and publicly available questionnaires between February and April, and an Open House on April 6, 2022. Each tactic offered a different style of discussion with the project team:

- **Questionnaires** (Consult) – Gauge public interest and concerns, as well as obtain public feedback on the direction of policy development.
- **1x1 Discussions** (Consult) – Intentional meetings with passionate, invested, and/or expert parties to better understand existing conditions, opinions, and trends, as well as concerns and aspirations, and provide feedback on the process.
- **Focus Groups** (Collaborate) - Data- and values-driven conversations with technical advisors based upon initial data findings and policy questions pertaining to discussion points outlined above.
- **Open House** (Consult) - Information sharing and values-based conversations based upon community members experiences living and working in Aspen.

ENGAGEMENT ACTIVITIES COMPLETED TO DATE

The activities listed below illustrate distinct engagement activities that included technical stakeholder meetings, one-on-one interviews, two questionnaires,, an open house and presentations between January 25 and April 30, 2022. In total, there were approximately 760 participants across Aspen Community Voice (656), one-on-one interviews (11), technical stakeholder advisory group members (12), Aspen Chamber Resort Association (ACRA) and the Aspen Board of Realtors (ABOR) technical stakeholder meeting (~15), and the April 6, 2022 Open House (70).

1 **TUESDAY, JANUARY 25, 2022**
Community Development Director presented to ACRA on the status of the moratorium and collected feedback from ACRA board members.

2 **TUESDAY, FEBRUARY 8, 2022**
Launch of Aspen Community Voice Shaping Aspen's Built Environment: STRs and online engagement activities.

3 **MONDAY, FEBRUARY 17, 2022**
The Technical Advisory Group is comprised of 12 community members that represent their technical area of expertise in the community. Members gathered to discuss STR activity in Aspen as it pertains to the lodging and real estate industry.

4 **MONDAY, FEBRUARY 28, 2022**
Launch of Aspen Community Voice Shaping Aspen's Built Environment: STRs Questionnaire #1.

5 **MONDAY, MARCH 3, 2022**
Members from ACRA and the ABOR gathered to discuss STR activity in Aspen as it pertains to the lodging and real estate industry.

6 **TUESDAY, MARCH 17, 2022**
Members from ACRA and the ABOR gathered to discuss STR activity in Aspen as it pertains to the lodging and real estate industry.

7 **TUESDAY, MARCH 28, 2022**
Members from ACRA and the ABOR gathered to discuss short-term rental activity in Aspen as it pertains to the lodging and real estate industry.

8-18 **FEBRUARY-APRIL, 2022**
Stakeholder interviews (11) to learn more about the current state of STRs, as well as concerns and recommendations for potential solutions.

19 **WEDNESDAY, APRIL 6, 2022**
Public Open House event at City Hall from 4-6pm to collect feedback about the future of STRs in Aspen.

20 **THURSDAY, APRIL 7, 2022**
Members from ACRA and the ABOR gathered to discuss STR activity in Aspen as it pertains to the lodging and real estate industry.

21 **APRIL 19-29, 2022**
Launch of Aspen Community Voice Shaping Aspen's Built Environment: STRs Questionnaire #2.

22 **TUESDAY, APRIL 26, 2022**
Community Development Director presented on the status of the moratorium and collected feedback from ACRA and ABOR members.

Shaping Aspen's Built Environment

SHORT-TERM RENTALS

OUTREACH SUMMARY: COMMUNICATIONS AND PARTICIPATION

In order to meet the goals outlined by the project team, it was important to employ a variety of tactics to inform the public about how they could get involved in the engagement process, share their voice, and shape the future of STR activity in Aspen. Communication channels included: Aspen Community Voice (AspenCommunityVoice.com), Aspen Daily News advertisements, Aspen Times advertisements, Twitter (@cityofaspen), Facebook posts, events, and advertisements, Instagram, newsletters (ACRA, Colorado Conversations, and Community Development Updates), targeted email invitations (200+), Aspen 82 interviews, CGTV advertisements and media releases.

Engagement activities and events included two (2) presentations to ACRA, one (1) Technical Stakeholder Meeting (ACRA and ABOR), eleven (11) one-on-one interviews, five (5) Technical Advisory Group meetings, one (1) Open House, two (2) online questionnaires on Aspen Community Voice, and receipt and response to 35 emails and inquiries.

This coordinated communications and outreach initiative was intended to maximize information shared with the community and clearly identify opportunities for community members to engage with the project team both in-person and virtually. In total, there were:

141 DAYS
Continuously running digital ads in Aspen Times and Aspen Daily News

159 K+
Digital ad impressions between Aspen Times and Aspen Daily News

6,404
Targeted event mailers for the April 6, 2022 Open House

150
11x17 Posters placed in venues between Basalt and Aspen

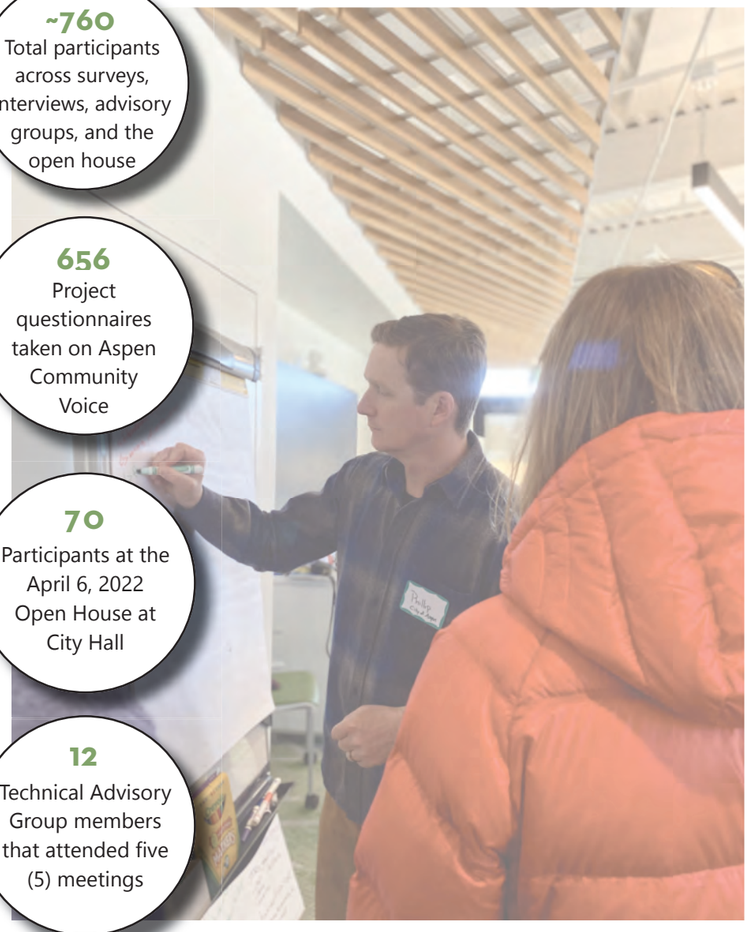


~760
Total participants across surveys, interviews, advisory groups, and the open house

656
Project questionnaires taken on Aspen Community Voice

70
Participants at the April 6, 2022 Open House at City Hall

12
Technical Advisory Group members that attended five (5) meetings



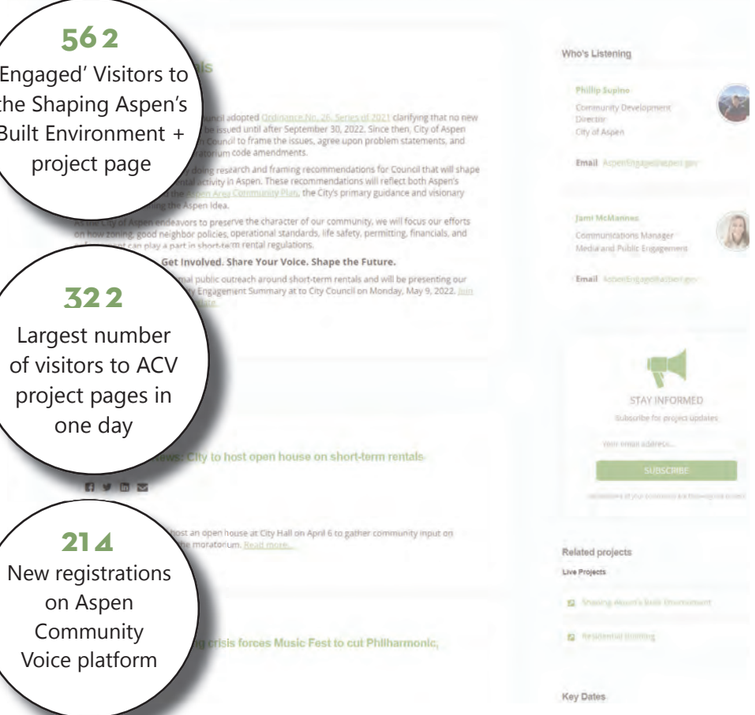
2.8K
Visits to the Shaping Aspen's Built Environment + STR project page



562
'Engaged' Visitors to the Shaping Aspen's Built Environment + project page

322
Largest number of visitors to ACV project pages in one day

214
New registrations on Aspen Community Voice platform



Shaping Aspen's Built Environment

SHORT-TERM RENTALS

OUTREACH SUMMARY: KEY FINDINGS AND PARTICIPANT FEEDBACK

Below is a summary of high-level findings from discussions (Aspen Community Voice, Interviews, Focus Groups and an Open House) on STR activity in Aspen.

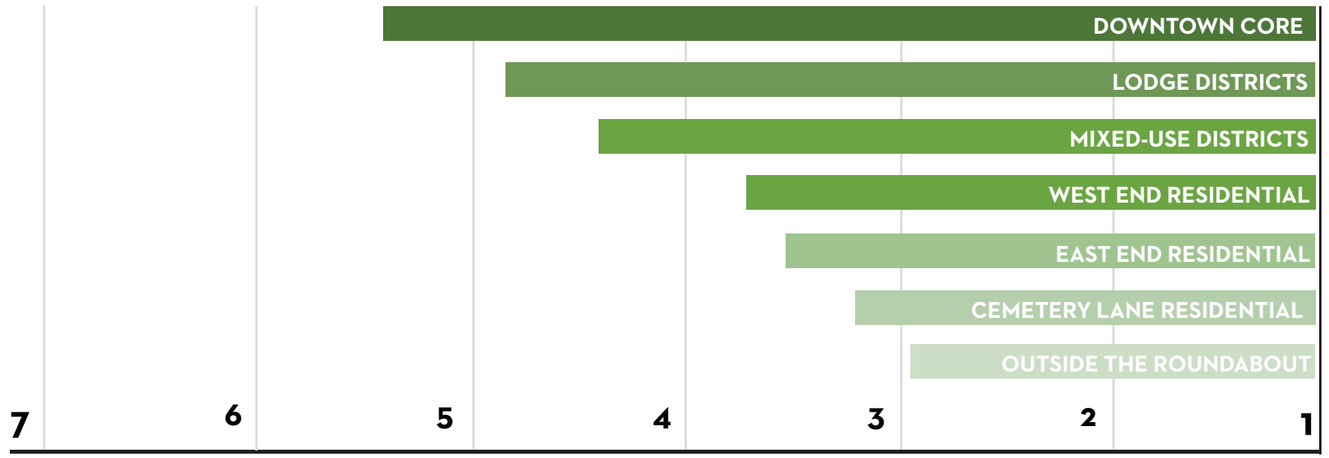
General engagement opportunities were presented in various mediums, such as virtually and in person, to aid in access for participants to engage in the process. Of note was the availability of technical experts to have rich and intentional conversations with participants in order to attain high-quality qualitative and quantitative data to support ongoing analyses and case study work.

Key findings do not represent consensus but rather indicate either a majority response or important discovery through conversations with technical stakeholders and community members.

THEME	NO.	KEY FINDINGS	PARTICIPANT FEEDBACK
ZONING	1	RESIDENTIAL ZONE DISTRICTS SHOULD BE TREATED DIFFERENTLY THAN COMMERCIAL AND LODGING DISTRICTS WHEN PERMITTING LOCATION OF STRS.	SHORT-TERM RENTAL ZONE DISTRICT PREFERENCES
	2	ALLOW MARKET DEMAND TO DETERMINE HOW MANY STRS ARE PERMITTED PER ZONE DISTRICT.	
	3	ALLOW MARKET DEMAND TO DETERMINE WHERE STRS ARE LOCATED THROUGHOUT ASPEN.	

In the first STR questionnaire hosted on Aspen Community Voice, 227 participants ranked their preference on where STRs should be permitted based on zone district. Most respondents felt that STRs should first be permitted in the Downtown Core, then lodge districts, then West End neighborhoods, then East End neighborhoods, followed by Cemetery Lane residential neighborhoods, then finally, residential neighborhoods outside of the roundabout.

Questionnaire #1: Rank your preference for where you believe short-term rentals should be permitted based on zone district:



Regulating STRs in commercial and lodge zones differently from residential zones can create certainty in zoning and the land use process, as well as ensure that lodging development is compatible and appropriate within the context of the neighborhood.

Allowing market demand to determine where and how many STRs are permitted per zone district increases the likelihood that residential zones will become increasingly attractive for STRs, impacting community character and livability. For example, in Park City, Utah, only 32.6% of all housing units (10,440 total) are occupied. Vacant seasonal and recreational housing units have nearly doubled since 2000 to 6,750 units, and Park City is the only city in Utah where the number of jobs (11,000) out numbers the population (8,500).

Zoning regulations and affordable housing policies can help mitigate some of the impacts STRs have on housing, infrastructure, and other community impacts. In Durango, Colorado, only 39 STRs are allowed in residential zone districts to keep the majority of STRs in the commercial core. STRs are permitted in the central business, mixed-use, and selected planned development zones. The intent in having a small cap in residential zones is to focus on neighborhood preservation, quality of life, and housing preservation.

Shaping Aspen's Built Environment

SHORT-TERM RENTALS

OUTREACH SUMMARY: KEY FINDINGS AND PARTICIPANT FEEDBACK

THEME	NO.	KEY FINDINGS
GOOD NEIGHBOR POLICIES	4	STRS OWNERS AND MANAGEMENT COMPANIES SHOULD USE IN-UNIT MESSAGING ABOUT HOW GUESTS CAN BE GOOD NEIGHBORS AND SUPPORT COMMUNITY VALUES.
	5	HAVE ONE STANDARD SET OF GOOD NEIGHBORHOOD POLICIES THAT ALL STRS ABIDE BY. POLICIES WOULD INCLUDE RULES ABOUT NOISE, TRASH, WILDLIFE, PARKING, TRANSIT, ENVIRONMENTAL STEWARDSHIP, AND RESPECT FOR THE COMMUNITY.
	6	WHEN VISITING ASPEN, RESPECTING AND EMBRACING OUR COMMUNITY CHARACTER, ETIQUETTE, AND UNIQUE MOUNTAIN STYLE IS WELCOMED, APPRECIATED, AND NON-NEGOTIABLE.

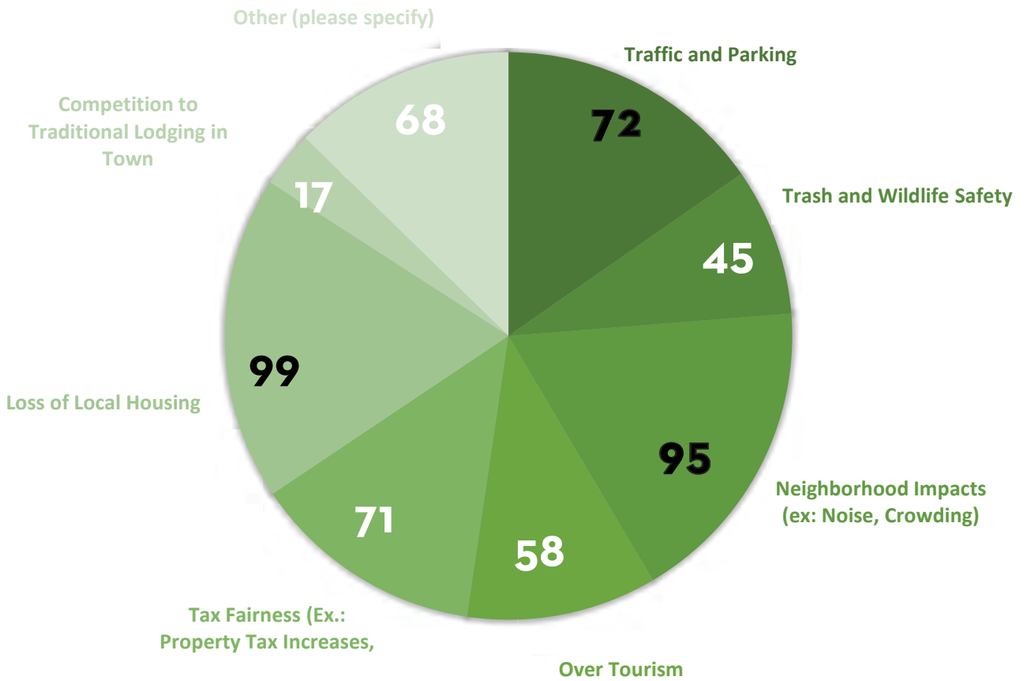
PARTICIPANT FEEDBACK

GREATEST AREAS OF CONCERN

In the first STR questionnaire hosted on Aspen Community Voice, more than 200 participants ranked their areas of greatest concern regarding STRs in Aspen. Loss of local housing was ranked #1, neighborhood impacts such as noise and crowding was ranked #2, and traffic and parking followed in closely at #3.

The landscape of Aspen is changing, and it is a priority for our community to invest in maintaining our mountain views, small-town community character, and historical heritage. When visitors come to our area, the community appreciates when visitors invest in our community and embrace all that Aspen has to offer, our mountain town values, culture, and lifestyle.

A group of technical advisors knowledgeable about best practices in lodging and STR industry, particularly in mountain towns, has met regularly with City of Aspen staff to discuss the future of STRs in Aspen. The group emphasized the need for good neighbor policies that all STR owners and renters abide by to solve for some of the nuisance complaints submitted by community members in regard to STRs. Those policies would also help visitors be a part of the community.



Questionnaire #1: Please check your three areas of greatest concern regarding short-term rentals in Aspen? (Other please specify):

For example, visitors often don't know how important it is to lock their trash. In 2021, Aspen Police received more than 300 reports of bear activity, mostly because bears were getting into trash or other food sources that weren't properly stowed. This is a 20% increase from the year prior. The Aspen Police Department also responded to nearly 200 calls for disorderly conduct and harassment.

In Salida, Colorado, STRs are only granted to 'bona fide residents' or their designated agents who are certified Chaffee County residents. A 'bona fide resident' means the applicant must show two of the following: a valid driver's license or Colorado identification card, current voter registration, valid motor vehicle registration, or a document designating a primary residence for income tax purposes. The hope is that the concerns posed by STRs will be mitigated and neighborhoods and quality of life will be preserved since those operating businesses in Salida are those who live and invest in their local community.

Shaping Aspen's Built Environment

SHORT-TERM RENTALS

OUTREACH SUMMARY: KEY FINDINGS AND PARTICIPANT FEEDBACK

THEME	NO.	KEY FINDINGS	PARTICIPANT FEEDBACK
OPERATIONAL STANDARDS & ENFORCEMENT	7	ACTIVE ENFORCEMENT OF STR REGULATIONS IS NEEDED.	ADHERENCE TO REGULATIONS
	8	RESIDENTS AND STR OPERATORS SUPPORT PENALTIES FOR FREQUENT VIOLATIONS OF REGULATIONS.	
	9	STRS MUST HAVE QUALIFIED, LOCAL ACCOUNTABILITY FOR THE MANAGEMENT OF UNIT.	



The 245 participants who responded to the first STR questionnaire hosted on Aspen Community Voice provided more than 400 comments related to STR activity in Aspen. Nearly 10% of these comments and questions were related to enforcement, with some participants remarking that regulations without enforcement will be broken and the City's current resources, specifically the Aspen Police, should focus on local needs rather than responding to nuisances from STR visitors. Further, those who do not adhere to established regulations should have their STR permit revoked.

Noncompliance to STR regulations can lead to issues with responsiveness in emergency situations and a lack of clarity on the owner of the unit if nuisances occur during a visitors stay and a compliant is made. In Aspen, lodges generally have 24-hour, seven days per week, on-site management. STRs, however, are typically managed or rented by off-site entities including property management firms or real estate agents. The reduced availability of services and longer response times create burdens for service providers and increase the likelihood of safety and regulatory compliance issues from STRs.

Prior to the adoption of Santa, Fe, New Mexico's current STR policy, 40% of STR owners were noncompliant with the previous policy. In the new policy, Santa Fe responded to these issues by adopting policy that requires STRs to have a local operator who can arrive at the rental within an hour to response to issues and daily fines against violations.

The Town of Crested Butte, Colorado, has a full-time staff member dedicated to overseeing Crested Butte's STR permitting process, financial compliance, and enforcement. Part of their enforcement includes revoking permits for STRs that are noncompliant and issuing liens on the properties until compliance is met.



Shaping Aspen's Built Environment

SHORT-TERM RENTALS

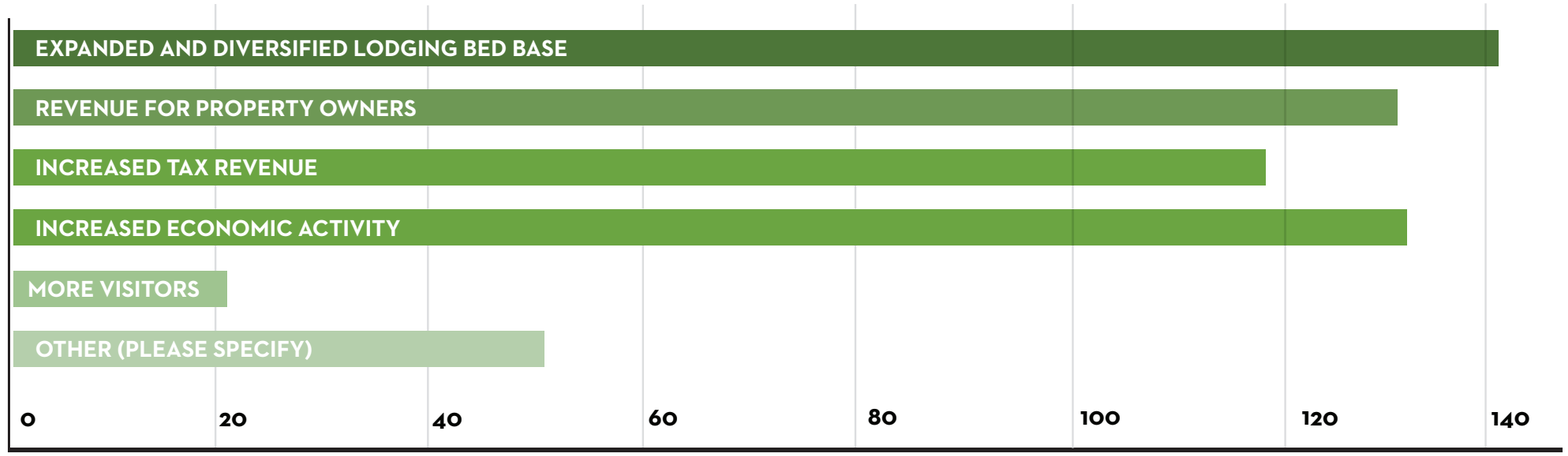
OUTREACH SUMMARY: KEY FINDINGS AND PARTICIPANT FEEDBACK

THEME	NO.	KEY FINDINGS
LIFE SAFETY	10	INCLUDE A PERMIT NUMBER AND LOCAL CONTACT OR OWNER REPRESENTATIVE IN STR LISTINGS, AS WELL AS POST THEM ON THE PROPERTY.
	11	STR OPERATORS AND OWNERS WANT TO COMPLY WITH LODGING APPROPRIATE LIFE-SAFETY STANDARDS.
	12	LIMIT UNIT OCCUPANCY.

PARTICIPANT FEEDBACK

THREE GREATEST BENEFITS OF SHORT-TERM RENTALS

Questionnaire #1: What do you view the three greatest benefits of short-term rentals to be in Aspen?



When asked in the first STR questionnaire hosted on Aspen Community Voice if the City should make a distinction between lodge (condo-hotel) properties and residential properties or units, participants stated that residential properties should primarily serve our local community and exist in residential districts for the wellbeing of our community and character. Since lodges operate under certain regulations and operational standards to monitor noise, wildlife, safety, service concerns, STRs should do the same.

More people are coming to Aspen to visit. In a report provided by the Aspen Chamber Resort Association (ACRA), paid occupancy rose in the summer months (May-October) from 44.2% in 2020 to 65.6% in 2021. When asked in the first STR questionnaire hosted on Aspen Community Voice what respondents viewed as the greatest benefits to having short-term rentals in Aspen, more visitors in town was the least beneficial outcome.

With more people comes more responsibility to keep our residents and visitors safe. Instituting occupancy restrictions can help manage the number of visitors coming to our community, as well as ensure proper safety measures are met for those who are visiting. Occupancy restrictions also reduce neighborhood nuisances and impacts from STRs.

In Breckenridge, Colorado, occupancy restrictions are a key tool for managing STR impacts. There is a two person per bedroom occupancy limit and STRs cannot advertise for more than what the occupancy maximum is. Through the financial regulatory tool, LODGINGRevs, the City can enforce these restrictions.

Under current regulations in Aspen, the requirements for lodges to ensure the safety of their guests, provide for a quality visitor experience, and contribute to Aspen's efforts to facilitate a sustainable economy and maintain sustainable community infrastructure, are significantly more rigorous than those required of vacation rentals. For example, traditional lodges are required to mitigate for job generation and affordable housing, support transit systems, offer parking for all visitors, and meet higher building code life safety standards.

SHORT-TERM RENTALS

OUTREACH SUMMARY: KEY FINDINGS AND PARTICIPANT FEEDBACK

THEME	NO.	KEY FINDINGS
PERMITTING	13	CREATE DIFFERENT PERMITS TO DISTINGUISH BETWEEN DIFFERENT PROPERTY TYPES.
	14	COLLECT RELEVANT UNIT AND OWNER DATA ON PERMIT APPLICATIONS TO PROVIDE IMPORTANT DATA TO MARKET PARTICIPANTS, SUPPORT GREATER MARKET UNDERSTANDING, AND REGULATORY ENFORCEMENT.
	15	EXISTING PERMITS SHOULD BE GRANDFATHERED TO CURRENT PERMITTEES AND ATTRITION SHOULD BE USED TO REDUCE THE NUMBER OF PERMITS.

PARTICIPANT FEEDBACK

TYPES OF PERMITS AND ONGOING TRACKING

When asked in the first STR questionnaire hosted on Aspen Community Voice if the City should make a distinction between owner-occupied and non-owner-occupied STRs and have different regulations for owner-occupied than for nonowner-occupied, 42% of 243 participants responded "yes", while 58% of participants responded "no".

Per the City of Aspen's Land Use Code, the use of STRs is allowable in all lodging, commercial, and residential zones. This is to say, there are few restrictions or regulations on where STRs can be located and no restrictions on the number allowed in the lodging, commercial, and residential zones.

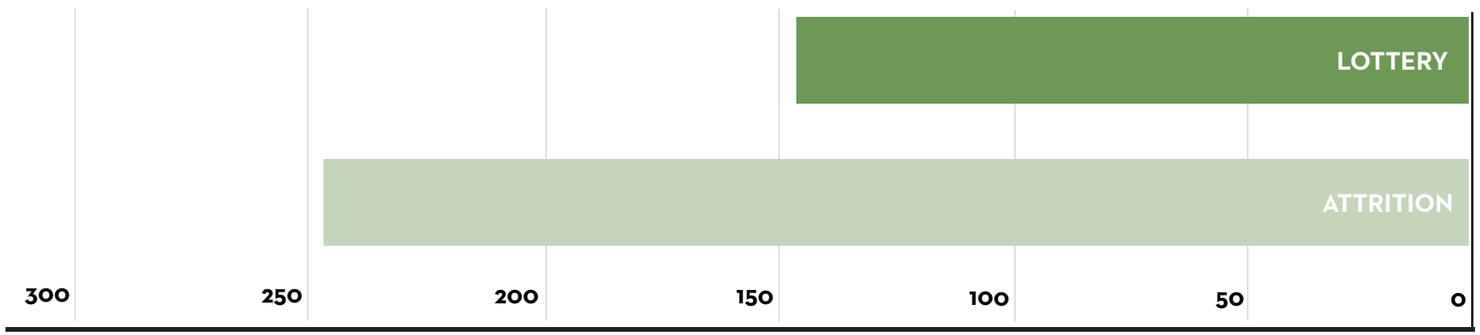
The number one way that mountain communities around the country are regulating STR operations is through a permitting system.

Those in favor of instituting different regulations commented that non-owner-occupied STR permit holders tend not to be residents and are less invested in the wellbeing of the Aspen community. In addition, those who operate their homes as a business should be subject to the same regulations as a commercial lodge.

Those against differentiating permits between non-owner-occupied and owner-occupied STRs expressed that property owners should be able to manage their properties without government oversight and subsize the cost of the property by renting it out for additional income. Further, regardless of regulations, respondents felt neither owner-occupied homes nor non-owner-occupied homes are likely to be affordable housing options for locals but do offer additional opportunities for tourism. Also, the distinction could affect the resale value of a property and be difficult to enforce.

In the second STR questionnaire hosted on Aspen Community Voice, the City asked participants if they think it best to grandfather existing permits and use attrition to arrive at the capped limit of issued permits OR use a lottery to arrive at the capped limit. 61.2% of respondents chose attrition.

Questionnaire #2: Q1 - Do you think it best to grandfather existing permits and use attrition to arrive at the capped limit over time OR use a lottery to arrie at the capped limit?



Shaping Aspen's Built Environment

SHORT-TERM RENTALS

OUTREACH SUMMARY: KEY FINDINGS AND PARTICIPANT FEEDBACK

THEME	NO.	KEY FINDINGS
FINANCIALS	16	ASSESS A PERMIT FEE THAT ALIGNS WITH STR PROGRAM ADMINISTRATION COSTS AND COMMUNITY IMPACTS.
	17	PREFERENCE FOR A TAX (WHICH IS SCALABLE PER UNIT) OVER AN IMPACT FEE (WHICH IS A SET COST).

PARTICIPANT FEEDBACK

SHORT-TERM RENTAL IMPACT MITIGATION

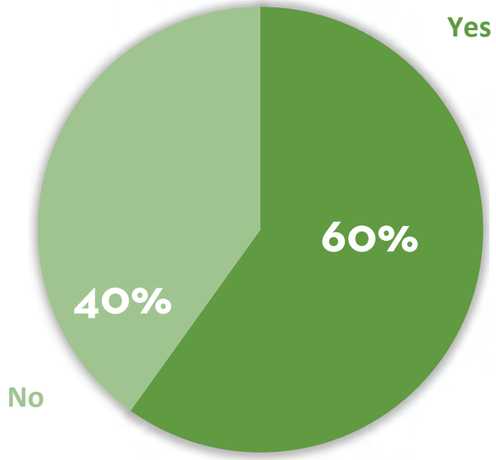
When asked in the second STR questionnaire hosted on Aspen Community Voice whether respondents thought that Aspen City Council should approve a new short-term rental specific tax to mitigate for community and environmental impacts, 60% of partcipants said “yes”.

Prior to Santa Fe, New Mexico adjusting its STR regulations and tax structure, only 60% of its 1,444 active whole-unit STRs were registered with the City, which cost the City $1.6 million each year in missed revenue. On average, research demonstrated that the owners of STRs were making over $80,000 per host per year.

Santa Fe has since instituted regulations and enforcement for STRs that are noncompliant, making them subject to a fine of $100 per day for a first violation, increasing up to $500 per day for further offenses.

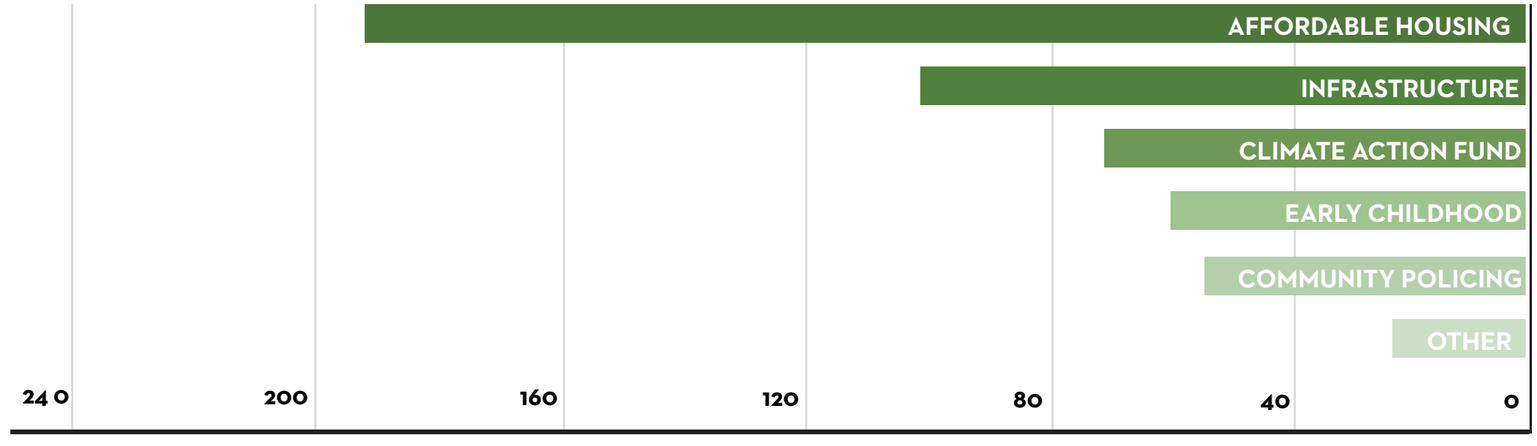
In Aspen, there are currently 1,246 registered STRs. Prior to the moratorium, STR permit holders were not required to pay a fee with their annual application. However, all lodges, including STRs, are subject to a 2% lodging tax that is used to support destination marketing (75%) and local transit services (25%).

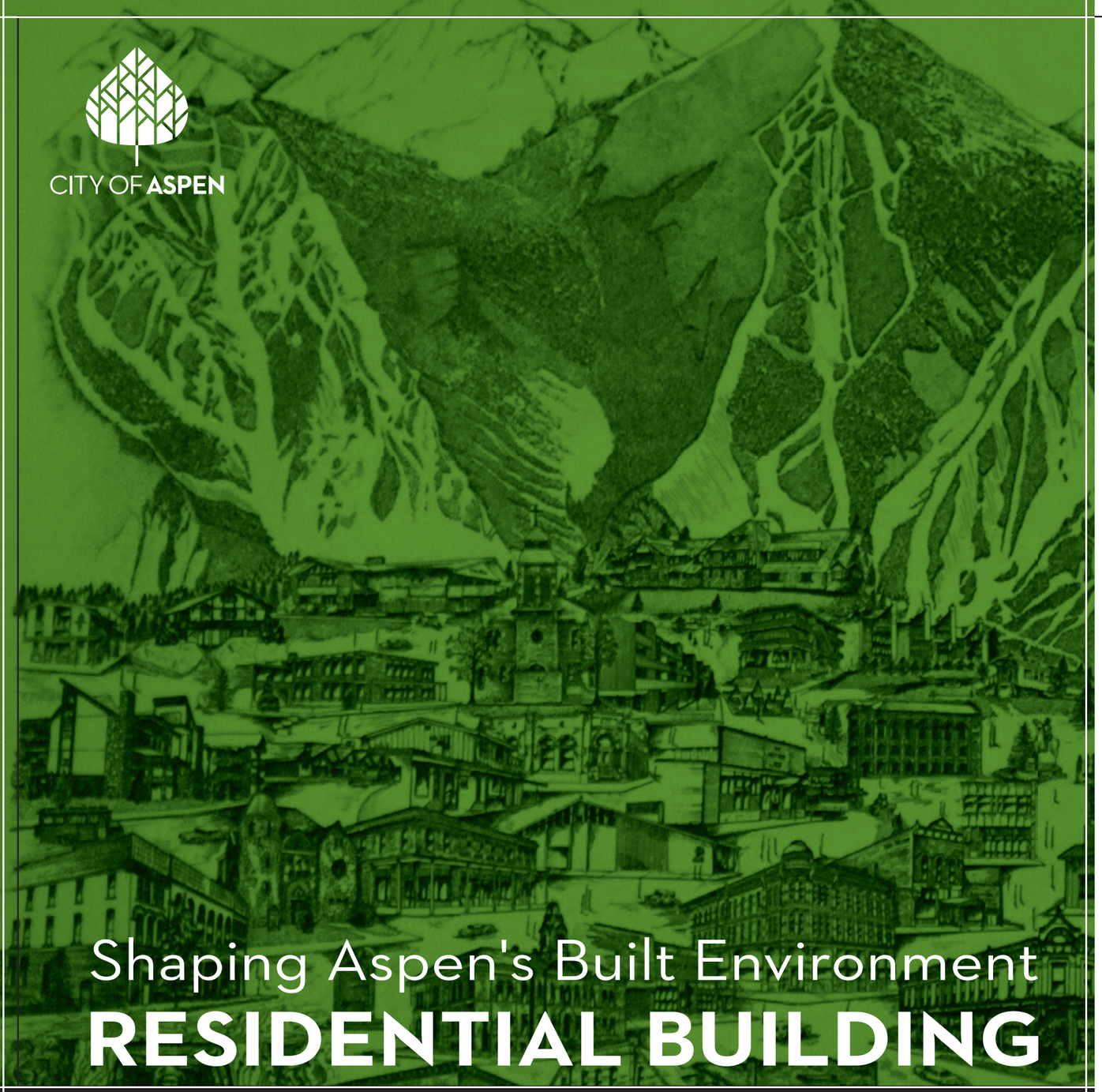
When asked in the second STR questionnaire hosted on Aspen Community Voice what community benefits could be supported by an STR tax, affordable housing rose to the top, followed by infrastructure and then the Climate Action Fund.



Questionnaire #2: Q5 - Should Aspen City Council ask Aspen voters to approve a new short-term rental specific tax to mitigate for community and environmental impacts?

Questionnaire #2: Q6 - If yes, what community benefits should the new tax revenue fund?





CITY OF **ASPEN**

Shaping Aspen's Built Environment

RESIDENTIAL BUILDING

APPENDICES LISTING

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SHORT-TERM RENTALS

APPENDIX A: STAKEHOLDER INTERVIEWS SUMMARY

The team interviewed residents, resident property owners, resident affordable housing occupants, property managers, real estate brokers, STR owners, former elected officials, lodge operators in Aspen and summarized key findings below:

I. KEY FINDINGS

A. Positive Impacts

- STRs diversify and expand the lodging bed base by offering more unit sizes and different product types than traditional lodging. STRs are offered at different price points, which makes Aspen available to more and different visitors.
- STRs provide income for property owners, supporting the economy.
- STRs help locals stay in their house with supplemental income.

B. Negative Impacts

- STRs undermine community character and the sense of a lived-in community.
- STRs have contributed to the movement of workers from the "public" service economy to the "private" service economy.
- STRs have unmitigated impacts on community infrastructure and character, such as over-dependence on private vehicles taxing roads and parking capacity.
- STRs do not sufficiently mitigate their job generation and affordable housing demand.
- STRs have reduced the availability of free market rental housing.

C. Preferred Regulatory Options

- Limit the over-all number in the community.
- Treat STRs more like lodging than residential uses.
- Assess and permit fee on STRs that is commensurate with their value and cost.
- Help STR occupants be better visitors and reinforcing community culture and character.
- Implement stronger life-safety and compliance regulations.
- Take the speculation out of the real estate market by limiting the ability to short-term properties.

SHORT-TERM RENTALS

APPENDIX B: TECHNICAL ADVISORY GROUP

The City of Aspen short-term rental staff team organized 12 community professional and citizen members who are subject experts or who personally have experience in short-term rentals. This working group of 12 met every other week for a total of five meetings on data sharing, information gathering, and policy recommendations for the City's short-term rental ordinance. Their time, feedback, community engagement with constituents, and input towards the policy drafting process has been essential to staff throughoutthe moratorium.

I. TECHNICAL ADVISORY GROUP MEMBERS AND MEETING DATES

Meeting #1	Meeting #2	Meeting #3	Meeting #4	Meeting #5
2/17/22	3.3.22	3.17.22	3.28.22	4.28.22
Donnie Lee, Gant Aspen				
Tricia McIntyre, ALVR				
Wayne Stryker, Stryker Brown				
Joy Stryker, Stryker Brown				
Valerie Forbes, Sotheby's				
John Corcoran, Aspen Alps				
Michael Miracle, SkiCo				
Wendalin Whitman, Whitman Properties				
Joshua Landis				
Chuck Frias, Frias Properties				
Tracy Sutton, Aspen Signature Properties				
Ginna Gordon, APD				

II. MEETING EXECUTIVE SUMMARIES

A. Meeting #1 Summary

- The first meeting gave staff the opportunity to hear from the group what their personal interactions were with STRs to better understand the different ways individuals or businesses work with STRs. Staff gained valuable knowledge on the economics of STRs and how some types of STRs may profit or be financially different from others. Market functions and finances were a great topic of discussion, and it gave staff data around how homes with STRs market differently than those without and what those implications for the owner may be. The group decided to think about 'what needs to be managed' to help guide the conversation around the second meeting.

B. Meeting #2 Summary

- The second meeting focused on how zoning and permitting contribute towards STRs and how the regulation of both can help set better operating standards for the City. The group agreed that the 'right number in the right zones makes sense' and that having STRs in the core and in traditionally short-term rental buildings should be top priority when thinking about limitations to zoning. The priority for zoning was having the core and lodging/commerical zones have the majority of STRs and as one moves out from the core, have decreasing density and increased limitations of STRs. The group also focused heavily on 'whose accountable' and emphasizing the recommendation that a local owner or local managing group should be solely responsible for STRs in the community due to the unique community character that is Aspen. The group was asked to give their detailed opinions on how zoning and permitting can regulate the STR market for their homework.

C. Meeting #3

- Pete Strecker led the third meeting on accounting and finances. The group was asked their opinion on having fees and taxes. There was consensus that a tax, possibly in addition to a fee, made sense as there is scalability for a tax based on the size, number of beds, and number of nights a guest will stay in a STR. This has greater mitigation than a one-time-fee 'for all'. The group thought that housing was a logical nexus to the tax question but also decided that turning STRs into long-term local housing will be viable. This discussion also brought up the need for a good neighbor policy that all STR owners and renters abide by that might help solve for some of the nuisance complaints by neighbors. Staff asked as homework 'what are we solving for'

D. Meeting #4

- The fourth meeting focused on the question 'if there are caps then what'. The group looked at the number of STRs broken out by zone, location and density and answered questions on how to fairly and equitably decease density and intensity of STRs. The group agreed that if there is a cap on STRs, grandfathering all existing permits and decreasing that number over time via attrition was the preferred method. The group also explored the idea of different permit types based on the use of the STR. There was consensus on the '3-strikes and your out' policy for STRs who violate code or who have three complaints on the property within a permit year. There was also discussion on data points the City should be collecting when re-doing the permitting process that can help clarify some questions around current STR use in Aspen.

E. Meeting #5

- The fifth meeting of the TAC focused on draft ordinance and guidelines. Staff looked to TAC for specific recommendations on how the caps by zones should be established, what should define a qualified owner's representative, and their preference on how STRs are capped in residential zone districts. There was strong consensus on grandfathering in all permits and letting 'natural attrition' take over to help regulate the market, and then followed by non-transferable licenses. There was productive conversation and clarity on 'who' should be the property manager and who may qualify to be a representative of the property when applying for a STR permit. Specific questions and comments that came out of the work session that staff will apply to developing guidelines and the ordinance include: a recommendation for September 30 as renewal date rather than December, determining what's the timeline for the '3 strikes and you're out', a HOA compliance document from the HOA president to ensure that STRs are allowed, having an occupancy of 2, confirming that inspections will help with compliance, having a permit fee be assessed based on the number of bedrooms, determining if permit gets revoked does the owner get it back after a certain number of years or do they loose it indefinitely.

I. STR TECHNICAL STAKEHOLDERS MEETING #1

A. AGENDA

- Introductions
- Background, Purpose, Objectives, Process
- Industry Discussion
  - How do you interact with the STR market?
  - Describe the industry
  - Describe the economic ecosystem
  - What do regulators need to know that we don't know?
- STRs in Aspen
  - How does the local/regional STR market function?
  - Are there differences between in and out of town?
  - What share of real estate market activity is attributed to STRs?
- Regulating STRs
  - Do STRs in Aspen require additional regulation and oversight?
  - If no, why? If yes, in what ways?
  - What level of regulation is appropriate?
  - What would happen in the community if?
- Wrap and Next Steps

B. Meeting #1 Notes

STR Topics for Discussion and Research

Name:	*Description:*	*Tie-ins to Other Topics:*	*Data Needs/Questions/Thoughts:*	*Requester/Contact:*
What do regulators need to know that they don't know?	There seems to be some linkage between traffic, STRs and affordable/employee housing. One thing that might assist is to understand the	Traffic, Affordable Housing, Labor	Would like to know employee generation for the level of service needed for STRs for a 4b home in the Westend. Where do these employees live? How do they get	John Corcoran, john@aspenalps.com
What do regulators need to know that they don't know?	We were running out of time, so I didn't add anything else to your question of regulation, but my sense is different "tiers" as I think they were called likely need different	STR	Zoning for 'tiers' for STRs	John Corcoran, john@aspenalps.com
What do regulators need to know that they don't know?	Last, there seem to be different versions of what is happening in the community. I hear yesterday that the West End is dark, but that is not what some of the data shows, nor what we hear in the community. Getting to the	Census, community	Residency data for the Westend (census)	John Corcoran, john@aspenalps.com
General data point	Distinctions between owner occupied rental – non owner occupied: need deeper understanding of data behind STRs and changes in what was always existing and have now become Airbnb.	STR, housing	Number of owner occupied rentals and non-owner occupited rentals	Michael, Meeting #1
General data point	Wendalin believes 1mo people want cars, luxury home market, once you get past the gant and alps, you want something more spacious, more upgraded. Summer v. Winter market – the month	STR, housing	Number of people renting for 1mo+ versus 3-4 days	Wendalin, Meeting #1
General data point	mapping around STR, what is the definition of condo hotel by size, what are the complaints that Ginna are getting? How did council get to this space? Are we talking about condo hotels/core.	Policing, STR	STR heat map, percentage differences between STRs in condos v. hotels and core. Complaint examples from APD	Valerie, Meeting #1
Describe the economic ecosystem	Main disrupter in STR realm, separated out online platforms from rest of STR. Loophole where STR under 30 days don't need licenses. They can operate in grey area where they are able to generate more revenue since realtor has taxes/fees etc. Consumer to	STR, housing	How many unlicensed realtor Airbnb companies are holding STR license for owners?	Josh, Meeting #1
Describe the economic ecosystem	Has STR, have option through Airbnb (has been doing since 16), state sales tax will pay to owner and then owner pays to city, or pay directly to city. Whats the mechanism to make everyone pay the sales tax. How do we check a real estate company to check or with indivdiuals – how is it being	Finance	Whats the mechanism to make everyone pay the sales tax. How do we check a real estate company to check or with indivdiuals – how is it being monitored?	Joy, Meeting #1

Describe the economic ecosystem	Question to further inform: Airbnb will work with community/city; Glenwood Springs – required registration with street address, 2019 – dialed back, created two zone districts and put cap on	Airbnb	Would COA be willing to reach out to Airbnb to work with them?	Michael, Meeting #1
What would happen in the community if...?	for condos in downtown – 10 – 20% value different in if you can or cannot have STR. What has changed is management. HOAs are starting to restrict Airbnb (pekin rose – 3mo).	STR value	Condos in core are selling 10-20% more if they have a STR	Josh, Meeting #1
What would happen in the community if...?	26%, previous year 21% - growing and substantial (where are you staying: for STR). Skiers are decoupled from traditional transit. Resort/lift ticket v. season passes – this is changing too – seeing more season pass skiers	Skico	Skico Q: Where are you staying? Answer for STR: 26%, previous year 21% - growing and substantial	Michael, Meeting #1
What would happen in the community if...?	How do you put one top down policy without managing the 'tentacles' that are impacted and come down from that. What needs to be managed? Increase in how second homes are being used. Every service industry sector is being stretched. Owner nights are	Policy Decisions	What needs to be managed?	Donnie, Meeting #1

I. STR TECHNICAL STAKEHOLDERS MEETING #2

A. AGENDA

- Introductions
- Summary of Purpose
  - Council direction
  - Goals for meeting #2
  - Previous meeting summar
- Council Work Session Overview
  - Summary of staff presentation and Council direction
- STRs in Aspen
  - How does the local/regional STR market function?
  - Are there differences between in and out of town?
  - What share of real estate market activity is attributed to STRs?
- STRs in Aspen - Permitting
  - Summary of Council direction
  - Group discussion of permitting options
  - Group preferences for permitting

From:	What:	Links:
Valerie Forbes	Here's a long list of mountain resort communities STR policies. Many are in process as we speak. This should be helpful for us and for the consultants.	https://www.cityofslt.us/453/Vacation-Home-Rentals-VHRs North Lake Tahoe https://www.placer.ca.gov/6109/Short-Term-Rental-Program Santa Fe https://www.santafenm.gov/short_term_rentals/ Jackson Hole https://www.jacksonwy.gov/335/Short-Term-Rentals Idaho (Ketchum/Sun Valley) https://www.ketchumidaho.org/administration/page/short-term-rentals Big Sky / Whitefish Montana https://www.bozeman.net/government/planning/short-term-rentals Park City https://www.parkcity.org/departments/finance-accounting/apply-for-a-business-licenses/nightly-rental-license Winter Park https://wpgov.com/good-neighbor/#owners Telluride https://www.telluride-co.gov/DocumentCenter/View/260/short-term-rental-regs Breckenridge
Valerie Forbes	Included are strategic objectives that are relevant to the STR conversation.	https://aspenchamber.org/membership/your-chamber-info/mission-vision-guidelines/admp/actions
Valerie Forbes	Another source that you're probably already aware of. Identifies issues reported from community survey.	https://aspenchamber.org/membership/your-chamber-info/mission-vision-guidelines/admp

SHORT-TERM RENTALS

APPENDIX B: TECHNICAL ADVISORY GROUP

MEETING #2 NOTES

Name:	Zoning:	Permits:	Other:		
Donnie Lee	a. Need to define property types, and preference to core area for short term rentals b.Possible restrictions to outlying residential areas (although I think permits are a better place to start and useful tool to control behaviors at risk of losing permit) can consider zoning down the road. For example both Crested Butte and Durango had very specific objectives to achieve in introducing restrictions that Aspen does not have currently.	a.By property type designation b. Allow owner occupied rent by owner c.Consider requiring local (professional management only, if not owner occupied) so there is vested interest in preserving community values and destination reputation for service and quality. Many of council objectives (good neighbor practices, operational standards, life safety, enforcement responses etc. are accomplished with professional managers.	We need to provide for council impacts from STR (just a quick start needs vetting by the group) a.Existing, have been in place for many years (just needs to be defined – not regulated) i.Condo-tels ii.Property managed condo properties iii.Vacation rental management(including homes) through rental managers & Real Estate b. New, impacts (needs to be clearly defined, and possible regulations) i.Rent by owners (owner occupied supplementing income) ii.Growth of rentals in residential (non-HOA) areas and introduction of		
Ben Wolff	If the majority of the homeowners in traditionally residential neighborhoods do not want STRs, then it makes sense to restrict them, but I think we need to first better understand the real issues that the STRs are causing. Perhaps the City or Council is hearing from homeowners with lots of issues, but I didn't hear anyone voice their concern on the impact of STRs during the public comment at the emergency council meeting in December.	It was made clear to me during the meeting that the vast majority of STRs are already in the downtown core and I don't think there is any reason to limit the number of STRs in the core. It makes sense to dive deeper into the traditionally residential neighborhoods such as the West End to see if there is support from those homeowners to limit STRs.	The one question that Donnie Lee mentioned during the meeting and I agree needs further clarification is "What is the ultimate goal of the City through regulation of STRs?" We know they want to reduce traffic, help counteract the labor shortage, etc., but it would be good to see a very clearly written goal with supporting data that shows STRs are contributing towards the issues they wish to address. Forgive me if this has already been shared, but I don't recall seeing it. With a clear goal and data that shows STRs are the cause of some specific issues, I think the stakeholders can work towards a program that will help counteract those issues.		
Joy Stryker	Leading up to a zoning vote & to educate the voters we need more factual information rather than viewed impacts regarding: · Employee generation, infrastructure & service demands, environment impact, STRs taking away employee housing to name a few. What are these numbers, what is the data? · Clearly, the STRs impact varies on the type of property ie: condo/hotel or a private resident. Owner-occupied and managed properties or one that is managed by outside agencies, management companies, and or RE offices have impacts specific to each type. How are these impacts defined? · Locations of STR properties: Is there more of an impact in the Aspen core that currently has noise, parking, trash removal requirements in place but where parking is difficult. How many toilets are flushed daily in the core compared to outside the core (sorry, I just couldn't resist!)? · Would zoning distinguish between residential neighborhoods where HOAs are already addressing many of these concerns. · How far-reaching would zoning go? Would it limit the number of nights, the type of property, and the location for an STR? Community input would be warranted. Rezoning should be studied and clearly defined so that the community has a full understanding of the implications. This will take some time and careful consideration.	time a more in-depth permit system for STRs that perhaps would be specific to the type of STR and location ie: condo/hotel or private resident, owner-occupied/managed or management co, etc. Specifically, my experience is with an owner-occupied & owner-managed STR in a residential neighborhood. I suggest the permit for this type of STR could include: · Off-street parking, on-street parking with a permit, and or a parking garage pass. Or perhaps expanding public transportation to neighborhoods that are not on the RFTA/Downtowner routes. · Noise and nuisance provisions. · Proof of code compliance, fire safety measures, carbon monoxide safety, trash removal with proper cans to name a few. · Require STRs be managed by an on-site owner, local property management companies, or RE agencies. · Limit the number of additional employees outside of standard service employees IE: my lawn mowing service or snow plow service is in place whether I have a rental or not. However, I'm not sure how to regulate or enforce these ie: housekeeping services. · Perhaps the number of guests should be in relation to the number of bedrooms or to the number of beds. Something similar to the total # of people allowed to occupy a home. In prior years this has been a struggle and frustration in long-term rental properties within the city limits. I think there is a cap on this but I'm not sure. · The owner of an STR should state who is responsible as a local contact person for any problems that may arise. Accountability. · Perhaps in neighborhoods with an HOA there should be a sign-off by the				
John Corcoran	From where I sit, the zones matter a great deal. If I was purchasing a home in the residential district, I would not expect houses on either side of me to be operating de-facto hotel operations, especially unsupervised ones. Nor would I think I would be allowed to start one up, but it seems that is the expectation of some in the community. And I think one per block is an awful lot of rentals. It was interesting to see the different reactions within our room to the amount of existing STRs in the West End. I thought it was a large amount, most of the real estate agents saw it as proof that there is not even a problem or issue.In the zone the Alps is in, I would expect no limit to the amount of STRs except as might be created through the land use process, ie. how big a hotel will Comm Dev allow in an area. But for existing properties like the Aspen Alps, the community should not be concerned if someone wants to rent their apartment, as this is where the community, or its representatives, have determined STR is best.	As you move farther out geographically, I would suggest a limited number of licenses. I think that community input might be helpful, and a material number of STRs in residential districts likely might be in conflict with what residents themselves (not locals who own the property, but live elsewhere) think about their community. Creating a carve out for owners who wish to rent out a room or apartment within their home seems logical, but as you have stated, these rules must be legally defendable. If you can accomplish that, I think the community as a whole is behind that carve out, as there is likely substantially less community impact all the way around. Accomplishing that also gives the Council an excellent talking point, in that they are addressing a key concern of people who live in town and need the income – it is a really good look.	I was really interested and surprised to see that there currently is no legal connection between STRs and zoning districts. That helped explain some of the surprise/anger that I think some folks are expressing. It seems to me that our elected officials in the past have tried to legislate in a manner consistent with the Aspen Area Community Plan, so their interpretation of its goals might be critical here.There seems to be no doubt that vacation rentals create more work and more workers, and perhaps that is having a negative effect on the employee/housing/traffic balance. Knowing that impact as best as possible might be helpful. Last, if affordable housing within city limits is a preferred result, could any housing funds be directed toward owners who can prove they rent long-term to locally serving employers (something the employers might have to be qualified as)? Perhaps the production of a lease, an affidavit from the renter and property owner, and employee W2 could provide some sort of housing revenue and/or tax incentive that might make it more palatable to rent long term to a local employee. I get this sounds a bit difficult to enforce/administer, but I am trying to be creative here!			
Alain Sunier	STRs are a land use distinct from residential and lodge uses. Yet land use regulations do not make that distinction. This results in a variety of inequities and community impacts which our current system fails to address. It is clear that STRs are not a residential use since tenants who occupy STRs are not in fact residents, whether full or part-time. STR occupants are tourists. STR land use is akin to traditional lodging. Many booking platforms list hotels, bed and breakfasts, STRs all as alternative forms of tourist lodging. Traditionally, STR regulation has been light and STRs have been free to form in traditional residential land use areas. This practice was tenable when the intensity of STR development was also light. In recent years, however, STRs have rapidly proliferated. STRs are a form of "spot zoning" that is created without regard to existing land use regulations and community development input. It is entirely proper that the city address STRs as a separate form of land use with many attributes in common with traditional lodging. The current statistics on STRs are striking. The total count of STRs is inexact as not all are registered and many go in and out of the potential rental pool all the time. I will use the numbers presented in the graphic "Short Term Rentals by Zone District", distributed as part of last Thursday's packet. The graphic shows 1238 STRs in total. 606 of these are in residential zones of one form or another. Only 538 STRs are in lodging (LCL) or mixed use zones (MU). Unrestrained development of STRs has not resulted in a concentration of STRs in lodging zone districts. Instead, the plurality of STRs are found in residential zones. Weighted by square footage of living space or parcel size the share is likely even larger. According to data released to City Council on November 23, 2021 there were 6,197 housing units in the City of Aspen as of the year 2020, of which 3,894 were free-market units. Over 30% of the free market housing stock is available for short	Aspen has not sought to mitigate the impacts of STRs on employee generation and other infrastructure and service demands. It is not debatable that STRs generate employment needs. One need only hear the many voices expressing concerns that their livelihoods would be affected by increased STR regulation. STRs are advantaged relative to traditional lodging in how much they need to mitigate for employee generation. A newly constructed hotel is required to mitigate for employee generation at a much higher rate than a newly constructed home or apartment that is purpose built for short term rentals. At the margin this disparity favors future lodging development in the form of STRs rather than in the form of traditional hotel lodging. I ask, in the past 10 years how many new beds have been created in the form of traditional lodging? How many have been created in the form of STRs? I suspect the balance is tremendously in favor of STRs. Lower employee mitigation costs are only one advantage given to STRs. A new traditional lodge would undergo extensive public debate and review. Oftentimes new public amenities are a condition of approval. STRs undergo no review and yet they can lead to intense new demands on public services and infrastructure. I have given some thought to how enhanced employee mitigation costs could be addressed in the case of STRs and I outlined a proposal to the City Council last December. The punchline to the letter was that a supplemental lodging tax of around 15% should apply to STRs as a means of mitigating for employee generation. Revenues from this tax would be directed to support affordable housing. I repeat the relevant text here: The city of Aspen has long had a framework for assessing housing needs	Problem Statement #3 The community has not established review criteria to ensure basic health and safety standards for individual STRs, or to provide common expectations related to property management and guest behavior standards. I do think that STRs should be held to basic health and safety standards, much as we would expect from other forms of lodging. While the demands should not be as high as for a full service hotel, there should be some basic requirements that property managers must meet. It would be a good idea to require property managers to be licensed by the city and to have each individual STR registered with a licensed manager. Managers that repeatedly violate city standards could be fined or have their license suspended in extreme cases. Some sort of formal complaint and review process would be set up to adjudicate these situations. Additionally, where an STR is part of an HOA, the HOA can be given some leverage over problematic owners and operators since seasonal licenses would require an HOA letter of approval.	Problem Statement #4 The scale and rapid expansion of STRs are changing the nature of important aspects of neighborhood and community character in ways that we are just beginning to understand. It is clear that some STRs are operating as commercial uses in dedicated residential zone districts. I completely agree with this statement. I think this is the primary reason why STRs have become such an area of concern in Aspen and in many other communities throughout the country. Aspen is not just a resort or a place where people work. It is a place where people choose to live, to raise a family, to form friendships and build commitments to a vibrant community. In the space of mountain resort towns, Aspen is unique in how the community has a feeling of rootedness and connection that is not found in a pure resort setting. That feeling is slipping away, however, as full time residents find it increasingly difficult to find housing. While STRs are only one element driving this trend they are an important piece of the puzzle. I think the suggestions I have made above will help to restore a proper balance by (1) limiting STR licenses in residential areas, and (2) instituting a supplemental STR lodging tax that levels the playing field with traditional lodging and helps to fund affordable housing. In some quarters there is concern that we will go too far and harm the tourist economy and livelihoods tied to STRs. I am sympathetic but I think we need to look to the future and protect and nurture the community character that makes Aspen unique and is a reason why this town commands a premium over other mountain resort communities. Without action Aspen will gradually come to lose that character and come to be just another tourist destination, increasingly transient and soulless.	Problem Statement #5 STRs, particularly in multi-family developments, have accelerated a transition of many housing units that previously were owned or rented by working locals into de facto lodge units. The displacement of locals from these units over time is not a new trend, but STRs have brought a new scale and pace to this challenge. We should be careful to foster an environment that is supportive of housing for full time residents. Since land values are so high in Aspen, practically speaking this housing need is increasingly reliant on free market multi-family housing and the affordable housing program. There is a real danger that the existing stock of multi-family housing is redeveloped with an eye to capitalize on the STR trend. What characteristics do you find in a tourist lodging oriented "residence"? In the case of multi-family buildings, and taking a cue from the Aspen Hills proposal: limited parking, limited storage space, multiple private rooftop patios and, yes, underground bedrooms. While these features may be tolerable for a short term visitor; they are not what is normally desired by a year round working resident. These redevelopment trends are worrying for what they portend about the future built housing space and its impact on the character of the community. Putting a brake on STR development in our residential zones is a necessary step in maintaining housing for locals and buttressing Aspen's character as a year round, lived-in community.

I. STR TECHNICAL STAKEHOLDERS MEETING #3

A. AGENDA

- Introductions
- Summary of Purpose
  - Outreach Updates - Open House Invite for April 6th 2022
- Homework Review
  - Summary of comments received from members
- Financial Discussion – Pete Strecker
  - Council's thoughts on STR financials
  - What Council has expressed interest in
  - Staff's actions
  - Questions to contemplate:
  - What do you think about taxes in the context of property zoning?
  - What do you think about both fees and taxes in the context of community impacts (affordable housing, transit, etc.)?
  - What do you think about a fee for the vacation rental permit? It is currently $0.
  - Some communities have done fee schedules based on bedroom counts – any thoughts around that?
  - STRs remitted in 2021 data
- Wrap and Next Steps

B. Meeting #3 Homework Responses

- STRs are a land use distinct from residential and lodge uses. Yet land use regulations do not make that distinction. This results in a variety of inequities and community impacts which our current system fails to address. I think it makes sense to create an additional tax on short term each rental that goes directly into a fund to work towards addressing the inequities and community impacts, whether it be employee housing or otherwise.
- Aspen has not sought to mitigate the impacts of STRs on employee generation and other infrastructure and service demands. Same as above.
- The community has not established review criteria to ensure basic health and safety standards for individual STRs, or to provide common expectations related to property management and guest behavior standards. Frias would of course support a more stringent review process by the City when applying for a permit to verify that each STR has a licensed and insured property manager available to assist the guests for emergencies or otherwise. We also support a standard flyer that could be prepared by ACRA, the City, or both, that all STRs must provide to their guest and have in each rental unit. Perhaps education is the first step prior to regulation when it comes to guest behavior.
- The scale and rapid expansion of STRs are changing the nature of important aspects of neighborhood and community character in ways that we are just beginning to understand. It is clear that some STRs are operating as commercial uses in dedicated residential zone districts. This seems to fall into the conversation we have been having about certain restrictions for residential neighborhoods, such as the West End, but I do not think this pertains to the condo buildings that have always had STRs. I still think it would be interesting to learn about owner comments or concerns as it relates to STRs in residential neighborhoods and do a majority of these owners want restrictions?
- STRs, particularly in multi-family developments, have accelerated a transition of many housing units that previously were owned or rented by working locals into de facto lodge units. The displacement of locals from these units over time is not a new trend, but STRs have brought a new scale and pace to this challenge. I think this is true, but I also don't see this new ownership base renting to locals at affordable or even semi-affordable rates if they aren't allowed to rent short term. When an owner sees how much money they can make renting short term or even seasonally long term, it no longer makes financial sense to rent the unit to a local for 6 months or a year as that makes the unit unavailable for their own use. An owner may rent long term for July and August and then use the unit in June and September, which they could not do if it was rented to a local for 6-12 months. I honestly don't know what to do about the displacement of locals from units that they rented in the past. I remember renting a very average unit at the Scandia on West Hopkins in 2012 for $2k/month and while I believe it is listed for sale now, the most recent advertised rental rate was $5,500/month because the market supports that even though the unit was not updated at all in the last 30 years.
- In regards to transferring a valid STR license. Should it be transferred?
- From one broker comment - I think this needs to be explored more not really thrilled with any of these options below.
- A) Owner to Owner
- Yes
- B)With the property until the expiration date
- (2 out of 4 responses said YES)
- C) Tied forever with the property
  - Yes
- In regards to the price of the annual permit, the consultants will give us a range that will help cover the cost of the STR program administration by the city.
- What would be an appropriate price of annual permit?
- A)$150
- (2 out of 4 responses said YES)
- B)$150 + $50 per bedroom
  - Yes
- C)$500
  - Yes
- D)$1,000
- E) A % based on the tax amount received in 2021 from the rental property
- F) Another Amount _____

- General comments from one broker on STRs are here:
  - Aspen and Snowmass are resort communities that exist but for the grace of tourism. Limiting short term rentals limit the more affordable sector of our lodging pool, which personally I think is a shame. In terms of our rental business specifically, most of our rental listings prefer to rent for 30+ days, so limiting short term rentals there simply cuts the tax revenue that would have come in from the 7-10 day rentals that happen usually over the holidays, President's Week or spring break. Originally, the STR permit was so the city could track how many beds were available in the community and to ensure compliance with lodging taxes. I have no problem with that. I also have no problem with cancelling permits for non-compliance or

"nuisance" rental properties. However, dreating an artificial limit on permits will constrain supply and drive up prices, which seems incongruent with the city's goals. It "feels good" to feel like you have control over your community, but care must be taken to remove the emotion and consider the consequences of any government action.

- I think the problem statements outlined in the council memo adequately summarizes the LEO specific concerns. Additionally I wanted to fill you in on a recent encounter that the APD responded to. It is mainly just informational, but I wanted to highlight this your for awareness as you continue to aggregate an approach to STR units in the City.
- A local Air BnB owner seems to bait and switch incoming visitors. They come expecting to stay in one unit, but for what ever reason that unit is not available when they arrive, so he offers them another less appealing unit, renters are left to fend for themselves to find another place to stay during busy seasons or accept his lesser unit. He does adjust the fee, but this practice is still shady for many reasons.
- Additionally in this instance, Officers are more routinely called upon to be the enforcement arm for this property owner. Here is where it gets challenging. The owner has requested police escort a short term tenant off of his property. The tenant (or short-term renter) has some, although possibly limited rights, and any dispute about the lease or rental agreement is a civil issue. There are some distinctions, if the allegation is that the guests activity is breaking the law – we can investigate it the same way as any other crime – however, the end result will be either arrest or a ticket, the Police do not have authority to kick someone out of a short term rental.
- All of this is a roundabout way of explaining that violation of a contract in these cases is a civil issue. The DA explained that short term rentals provide certain rights (evictions and such) that hotels don't and to simplify it, we are the Aspen Police not the AirBnB Police.
- Without any context, I have to say the heat maps suggesting limiting STR's to a hundred per zone is very concerning. Our market is like other resort communities, but also totally different. To go from 1000+ STRs to just a few hundred is way more extreme that we've seem to be talking about the first 3 meetings.

- It does appear the "non-transferrable" is a theme, and maybe that's the case to get the city to a number their more comfortable with for STRs.
- I fully support our discussions of rolling this out in phases. Phase I – educate, get the permitting system and fee in place, and cleaning up the actual STR numbers. Those that apply do so for rentals less than 30 days. Just from our rentals here at Sotheby's, I know many are shooting for 30+ days, and we have a lot of long term rentals too, that currently have a permit. So cleaning up the program and language would be very helpful.
- Just this week, I had an owner in Pitkin county, and they were approved an COA STR. This has since been corrected, but surprised that this far in the process, that they were approved in the first place.
- Thanks for all your hard work on this and I look forward to coming to an amendable solution for the first phase. It would set an awful precedent to have all the time and feedback and then city council just go ahead and put the hammer down anyway.
- You asked us to give our thoughts on what the problem is that the city trying to solve with the new STR regulations. Why does City Council think there is a problem in Aspen? Why has the pressure we all feel bubbled over and become palpable in the last couple years to the point that the newspapers are filled with opinion columns and letters to the editor about it almost daily?
- I started a letter the night after our meeting two weeks ago but honestly I didn't know where to start or stop and my heart got heavy and I put it aside. I spent the last two weeks asking my friends, family and acquaintances what they thought.

- I feel like three main themes emerged.
- Cultural Shift (also commonly described as "Aspen losing its soul" and more recently boiled down to "Aspen Sucks")
  - There has been a major culture shift and the people who live and work here no longer feel included in the joy and spirit of Aspen. The homeowners, visitors and full-time residents have changed. The homes being built and remodeled are not like homes twenty years ago. There are "smart" systems, air conditioning, heated year-round pools, hot tubs, snow melt, and every other luxury imaginable. The people who live in these homes have no tolerance for any level of discomfort or things not working. The end result is a lot of property management and service calls up and down the valley that did not used to exist. A few weeks ago I saw a listing in the Aspen Times classifieds for a private home looking for a butler.
  - The gradual change was accelerated in the last two years with the large amount of people who moved here full time and part time. Rising commercial rent and an influx in out of town restaurants opening Aspen locations and longtime restaurant owners taking the opportunity to retire, which resulted in what felt like a whirlwind of changes to local businesses, though this is not a new phenomenon:
  - https://www.aspendailynews.com/the-past-is-showing-our-future/article_6e758160-c728-59c9-bba7-0be21afdeaa0.html
  - Inexplicably one of the community's largest stakeholders dumped gasoline on the smoldering class war being perpetuated by some, by choosing the worst time possible (if ever there was a good one) to explicitly divide us into insulting categories based on our net worth.
  - https://www.aspentimes.com/news/aspen-skiing-co-launches-a-new-luxury-division/
  - Unsurprisingly causing no shortage of backlash and general thoughts and introspection about the cultural shift (I won't even get into the Gorsuch situation):
  - https://www.aspentimes.com/opinion/roger-marolt-aspen-sucks/
  - https://www.aspendailynews.com/opinion/parrott-if-you-can-t-duct-it/article_15766ed0-a655-11ec-9909-4f25bfbb828a.html
  - https://www.aspendailynews.com/opinion/brandon-duct-tape-darlings/article_06a5d0c4-a599-11ec-ae49-6f18d5197337.html
  - https://www.aspendailynews.com/opinion/whiting-vail-doesn-t-suck-anymore/article_68ac1eba-ab0a-11ec-8feb-47019c172dee.html
  - https://www.aspentimes.com/opinion/roger-marolt-learn-to-say-no-or-kiss-this-place-goodbye/
  - The true spirit and joy of Aspen was that everyone, locals, both seasonal workers, ski bums, the local middle class and everyone in between, partied together, skied, ate, drank and played together with second homeowners and visitors. Cloud Nine used to be a fun place to have a fondue lunch. On-mountain picnic spots and parties that used to be free or impromptu now require reservations and cost hundreds or thousands of dollars to be a part of. Locals and visitors used to mingle at Little Annie's and The Red Onion. Visitors and second homeowners used to want to hang out where the locals hung out. Restaurants knew that "hooking up" locals at the bar with some discounted food and drinks was good for business because the fun energy drew in visitors. The people who lived and worked here enjoyed interacting with our visitors and second homeowners. These days most locals just feel disgusted, excluded or simply uninterested in joining in the contrived excess and hope that the few remaining local gathering spots don't disappear.
- I'll add an important sub-category here: More People
  - There is a higher demand live in the valley there does not seem to be any limit to what people will pay to buy or rent homes. This is true from Aspen to Carbondale (and throughout Colorado and resort communities everywhere).
  - This pretty much sums it up: https://www.aspentimes.com/news/

basalt-mayor-says-urban-exodus-is-game-changer-for-towns-in-roaring-fork-valley/

- The truth is that many of the new full or part-time homeowners and guests are not here for the traditional Aspen spirit that used to attract people and draw them into the community. This culture shift is taking its toll on everyone.
- https://www.aspentimes.com/news/new-marketing-plan-for-aspen-will-back-off-on-shoulder-seasons/
- https://www.aspentimes.com/news/acra-midway-through-journey-to-destination-marketing-plan/
- The sacrifices we make to live here always seemed more than worth the gain of living in a beautiful and joyful place where most people got along most of the time. But many locals simply don't feel like they can thrive and enjoy their town and the community anymore.

- Lack of Affordable Housing. Not new, getting worse, no one can seem to agree on the solution.
  - It has also become a more heated issue at the heart of the above mentioned "class war" narrative.
  - https://www.aspentimes.com/opinion/elizabeth-milias-aspen-vs-the-worker/
  - https://www.aspentimes.com/opinion/letter-to-the-editor/high-brow-and-tone-deaf/
  - As a side note, and just based on people I know and anecdotal evidence, I think the real estate boom in Snowmass and Basalt probably has had more impact in terms of people losing housing than what's happened in Aspen, that ship had, with a few exceptions, pretty much already sailed.
- Questions about the Efficacy of City Regulations
  - Infill, penthouses, not enough pillows, more density, more affordable housing, Lift One Lodge, view planes, the art museum, vacancy tax, no more penthouses, too many rentals, too many people, not the right kind of people, Gorsuch Haus.
  - https://www.aspentimes.com/opinion/letter-to-the-editor/aspen-council-not-all-there-with-vacancy-tax/
  - https://www.aspentimes.com/news/aspen-city-council-advances-affordable-housing-efforts/
  - https://www.aspendailynews.com/council-passes-lodging-incentive-ordinance/article_c56f5939-72d1-53c9-89fb-bdae5527291d.html
  - https://www.aspentimes.com/news/city-softens-infill-plan/
  - https://www.aspentimes.com/news/views-on-infill-all-about-views/
  - https://aspenjournalism.org/frame-by-frame-how-the-aspen-art-museum-was-approved-by-the-city/
  - https://www.aspentimes.com/news/aspen-councils-concerns-leave-lift-one-lodge-in-limbo/
  - https://www.aspentimes.com/news/hotel-boom-hasnt-offset-pillow-drain/
  - It has been a long 20 years with a lot of changes. It is easy to look back and criticize when things backfired, had unintended consequences or just flat out didn't work. My very off the top-of-my-head list is not a fair or exhaustive summary nor in historical order and it does not acknowledge positive things that happened along the way, but when you talk to someone who has been around for long enough it just feels like we bounce from shore to shore like a rudderless ship, reacting to the issue of the day, losing a piece of our collective soul every step of the way. I hope that this process and all of the work and community involvement will go beyond the individual matters at hand and help the city and community find our North Star.
  - I appreciate your time and energy on this issue and the bigger issue of doing what is best for our city and our community. Public service is not for the faint hearted, I know your job is not easy and you and your team will be criticized no matter what you do. You have my thanks any my support and hope that we can all move forward together.

II. STR TECHNICAL STAKEHOLDERS MEETING #4

A. AGENDA

- Introductions
- Updates
  - Open house April 6th 4-6 @ Pearl Pass
  - Work Session April 11th 4pm @ Council Chambers
  - Pre-review Council work product
- Discussion from last meeting
  - "Problem we are solving for"
- Permitting
  - Discussion of how to manage the permit system with limited supply
  - Eligibility, Lotteries, Transferability, Caps, Noticing
  - Process for different permit types: condo, owner-occupied, non-owner occupied
- Wrap and Next Steps

I. STR TECHNICAL STAKEHOLDERS MEETING #5

A. AGENDA

- Introductions
- Caps By Zone District
  - Review of Data and Maps
  - Thoughts on Cap Percentages by Zone District
- Ordinance and Program Guidelines - Topics of consideration:
  - Qualified owner's representative
  - Grandfather v. Lottery
  - Details of permit application content
- Wrap Up and Next Steps

B. Meeting #5 Ideas on Ordinance and Guidelines

- Is is possible that we could incorporate the zone in the permit number? Ex R6100 Might help or hurt the cap per zone idea. I mean in the actual permit license number Example Bob Jones – 100 Aspen Way – His license number would be R6-089703 (identify the zone in the permit license number).
- Thank you for the detailed report. I have reviewed it and have the following concerns and comments. I promise I am not trying to be sassy. I am completely blown away as the suggestions of who are the representatives. Also, I will be handing you the keys to my business if this goes through as written. Corporate Monsters like Sotheby's are swallowing me whole as we speak. In fact, it is mere website for leads and reservationist.
- A Rental Agency is the following: A property management company that has the following. 1.) Strict contracts with the owner to manage their calendar, give expert advice as to the rates, use a modern reservation system to store data and give data and pay taxes, on call 24-7 Maintenance person who knows how to fix anything, pre-arrival guest services, a front desk to ask questions, concierge services to assist in the pre-arrival planned of rental cars, taxis, grocery shopping etc., and is responsible for all aspects of the property as a full-service business. A lack of a better word, Hotel. There are professional policies, staff, and procedures in place to protect the guest, the property, and the community around them. This costs money, education and is a real commitment to the business of STR's. Real Estate Companies have none of this nor are they willing or will ever put a penny into it because they don't want to be known as a Rental Agency they want to be know as a Real Estate Company. They have had (10) years to do so and have done nothing. 2.) You do not need a License to be a property manager. Also, you do not need a license of any kind to do short term rentals. This will change over time but right now this is what we are working with. Continued…I read in the paper today that the following would be a qualified representative: A license real estate broker – why not say Plumber or Attorney here? As Plumbers – Realtors have absolutely no business doing STR's especially in a Resort environment. Please explain to me why they are even on this list? True Rental agencies do not do RE SALES, so they are not a threat to Realtors. Realtors can still book properties (Frias-I trip – SAS) with the PM and get their commission. The Russian Oligarchs and the bookkeeper somewhere else are working with Real Estate Brokers! There are no rules here. AIRBNB is more accountable than Realtors as the owners must be. To be on the platform there are rules, requirements, and protocols in place. They have a system of vetting the guest, vetting the owner and have a review section to voice any complaints. AIRBNBs are being managed by boots on the ground they must be, and they must be trained or the whole thing falls apart. Real Estate companies have none of the above. After a sale, the company gives the rentals to a broker who is new to the business or one broker - a one man show and they 100% cater to the owners. The contracts are written as I mentioned before which states the broker could set the house on fire and would not be liable anything, so whatever accountability we think they have – they don't. They have contracts with the owner that not worth the paper they are written on. Real Estate companies don't have a reservation system (MLS is not a reservation system and they all know it) or have a handle on rates. They pull pie in the sky rates (they have no technology behind anything) and availability and then (here it comes) check with the owner to see if those dates are available and the rates are ok AFTER they have already presented it to the guest. This is unethical. But they won't get in trouble because they are not overseen by ABOR or the CDOR. Then they add a service fee to the reservation of 3% to 7% - for what? Absolutely nothing. Pocket change for their welcome baskets that they order from AMEN WARDY. They add no value to the STR business , in fact they are the cause of the BLACK HOLE. They will do whatever the Russian Oligarch wants, where a professional will force them to honor their rates and their availability or there will be financial (big financial consequences). Brokers do not put these kinds of restriction on because they don't want to lose the relationship with the owners – ever. This is a tragedy. Wait until every STR is Listed and marketed (NOT MANAGED) because that is NOT what they do – they LIST and Market only with realtors, because that is what is happening right now. You have 400 or more properties managed by 100 or more different brokers who have their ideas of what an STR is. Well, it is a mess. There are lawsuits. You won't see them in the paper because they are settled out of court because the Russian Oligarch's don't want their name in the paper. Giving this power to Licensed Real Estate brokers is the biggest mistake – they have no reservation system – so no data (everything is on an EXCEL Spreadsheet), no protocols, no training, no requirements for the owner to deliver the product in a truthful manner, educate the guests on anything.. I could go on and on. Real Estate Brokers are the "bad actors" in all of this. I am shocked. I would prefer you put down elementary school teachers here as they would do a better job and have more compassion for the guests. Frias, Alpine Properties, Sky Run, Itrips, McCartney properties, North of Nell, The Gant or the condo-tels are professional Rental agencies. They put the time and money into it. They have all the tools in place to be a legit business that caters to the guest and make the owners income. They are all local. Believe it or not "out of town companies" don't really exist here because the brokers will not work with them because they don't want to lose control of the real estate asset. True Rental Agencies make the owners honor the availability, honor the rates, honor the guest with the correct insurance, maintenance and cleaning that is required to be even close to being fair on what we are charging these poor people. How did the realtors get to you? If you took them out of the equation, there would be a more organized STR business' and all the issues you are trying to combat would be solved. I can 100% guarantee it. I would ask Joshua Landis how he feels as a realtor and realtors doing STR's- he will be honest.
- I'd like to commend you on your work so far. Although I have missed the past couple of meetings, I've been paying attention and watching council meetings, etc. This is a complicated task and many of my own positions and opinions have evolved throughout this process, interactions with group members, etc. I plan to join you at 2:00 today but wanted to send over of few of my thoughts and opinions ahead of time. 1. I like the idea of grandfathering with attrition and I'm happy to learn that you don't plan to make STR permits transferable if you are going to put a limit on the number issued. It sounds like those who purchase a condo or TH in the downtown core that currently allows STR by Declaration will generally be allowed to get a permit without a waitlist - I think that's great too. 2. I'm happy that you are addressing who is managing the STR's for property owners. I'd like to learn more about what constitutes a "qualified" owner's rep. and how they will be allowed to market a property. A licensed Realtor typically markets through the MLS and the Broker to Broker network while a "professional AirBnb host" / property manager utilizes the online, consumer to consumer platforms. If a Realtor causes problems for owners, neighbors, etc.. they can be held accountable through their brokerages, DORA, ethics boards, etc… The same is not true for professional hosts / property managers. How will they be regulated? I think it's great that you are requiring the property owner to hold the permit in their own name and pay their own taxes rather than allow these management companies to control the permits for absentee / investor owners. This will hold the owners more accountable for the actions of their managers and tenants. The online platforms are powerful tools that are designed to be used in a consumer to consumer way. The

game changer in Aspen seems to be the use of the Consumer to Consumer platforms in a Business to Consumer way. Some of these professional hosts do a great job at maximizing revenue because they have learned how to optimize these online platforms. This has led to national corporations and/ or new residents with little connection to the Aspen community maximizing profits for absentee investors. There is no doubt that these professional host have created a better business model and they often do a much better job than the realtors because they have the benefit of the online platforms. 3. I would suggest only allowing renters in the number of 2 per bedroom plus 1 (at least in a small condo). Some of the problem that I have encountered as the head of my association have been caused by owners packing 4 adult guests in to a small 1 BR unit (440 ft.2) with only one bathroom and sensitive plumbing. This creates much higher occupancy than intended in a small complex and many of the utility bills are shared. 2 per BR seems to be a common standard in multi family. Perhaps you could allow more in larger condos where it may be appropriate. And perhaps allow an exception for immediate family (2 adults with up to two children). https://www.wmfha.org/news/occupancy-standard-of-2-persons-per-bedroom-challenged4. As part of the permit process and management selection for a condo, I think it would be a good idea to require a "sign off" from the home owners association just as someone would for a building permit. I've seen some of these outside managers refuse to provide the building rules to tenants as required and refuse to work in harmony with the association. While this can and should be handled at the association level, it would go a long way toward alleviating management problems if all rental managers were required read the governing documents and emergency protocols of the association and agree that all tenants will be provided with a copy of the rules and regulations of the building. If there are any emergency situations in a condo, common elements and neighbors will likely be affected, and it is critical that that rental manager have a relationship with the association manager and the HOA board and that they know who to contact to represent the association in the case of an emergency.

- I'm sure you will want to confirm all of this but I spoke with the fire marshal today to see if there was a limitation on the number residents that could occupy a small rental unit. As I mentioned, I've seen an airbnb host marketing a 440 square foot 1BR for up to 4 occupants. Common sense makes this type of density seem inappropriate, and the neighbors have been complaining about the level of impact caused as a result of having this many residents in a tiny 1/1 condo, which barely seems to accommodate 2 residents comfortably. In this case, the 2 per bedroom +2 formula seems like it would not work. The fire code and IBC code seem to say the same.
- Please reference the table in section 1004.1.2 that shows that for "business residential use" the limitation would be 200 gross square foot per resident. That would make 440 ft2 appropriate only for 2ppl.Perhaps 2 plus one child could work, but it seems that an owner could only market this property to a party of 2, not a party of 4. This may or may not hold true for a residence, but since a STR is licensed as a business, the fire marshall believes that this code limit would apply.
- Great. More people may be appropriate if a unit is larger. I think it would be important to clarify that a 1br or studio under 600 ft. could only be MARKETED to parties of 2, but a third (overnight guest or additional family member) may not be a violation. Same for a 2br under 1,000 ft as 5ppl under 1000 may be a fire code violation. They probably should not be marketed to 3 and 5 - only to 2 and 4.IMHO I think we should specifically state that we do have sidewalks in Aspen - so no one should walk in the middle of a traffic lane while talking on their phone.
- If I understand the reduction of STR permits for consideration by council correctly then I prefer council to consider permit reduction through attrition with a goal for a cap rather than a permit reduction by percentages. I do realize that is not the direction council has voiced. If they choose reduction by percentages I suggest they will start with 75% as a pilot program to see how it goes. In time they can always reduce by more but it would be difficult to go the other direction.ACRA'S 'GOOD NEIGHBOR GUIDE': At a glance it seems good. Perhaps in referring to "black bears" a comment should be made that refers to the type of bear in this area not their color as we know they can be black, brown, beige etc. Minor detail.I learned to ski wearing jeans and duck tape on the toes of my Lange ski boots. Not to sound like a Karen but I would prefer the last sentence suggested not to wear a microwave one piece. Thank you and your fellow staff members for all the research, time, efforts, drafts, teeth mashing etc that takes place to achieve a workable solution. I hope you can get to Moab when this is all over.

I. AGENDA

- Presentation of Issues
- Discussions with Council to Date
- Overview of Research - Comparable Communities
- Response to Questions for Council on 4/11
- Addition of Questions and Discussions

II. PRESENTATION AND REVIEW OF MATERIALS

- Looked at 12 different mountain west communities
- What are common themes/practices that work well

III. 6 MAIN TOPICS - BEST PRACTICES

- Life Safety
  - Need building inspection
  - Public notice of new permits
  - Display of permit #s
  - Good Neighbor guidelines, standardized
- Permitting
  - Distinguish the difference b/w nonexempt & exempt STRs
  - Differentiating lodges vs. residential etc.
  - Owner occupied
  - Non-owner occupied
  - Condo-hotel
  - Creating a primary resident STR permit
  - One year cooling period
  - Any new purchase has to wait one year before applying for STR
  - Cap vs Attrition
  - Non-transferable licenses
  - Unlimited Licenses vs Primary Residence License
- Operational Standards
  - Occupancy restrictions
  - STR Holders must have representative who is able to be reached 24/7, and within 2 hour reach
  - Set diff. max. caps for different permit types
  - Live & public document of all STRs & waitlist
  - Live waitlist, queue check
- Enforcement
  - A dedicated full time employee for enforcement
  - Issuing Liens on non-compliant properties
  - "3-strike" complaint rule
  - 3 strikes in one year, loose license for 5 years
  - Having conversations up front
  - City being more transparent
- Financials
  - Occupational Lodging tax
  - Applies to STR & hotels
  - Prove STR owners are remitting lodging tax
  - Standard for renewal of permit
  - Tax spreads better across price ranges
  - Tax has to be brought to public vote
  - Charging an annual fee on each STR bedroom
  - Benefits local housing programs
  - Per room per night fee is not recommended
- Zoning
  - Creating Buffers
  - Worked better than a cap, GWS used 250ft buffer
  - Residential Restrictions
  - Some towns restrict STRs in residential
  - Consider limiting STRs w/in multi-family units
  - R/MF is not being used as designed
  - Municipalities use % Ratio
  - Zone specific % ratios for limiting STRs

IV. MEETING NOTES

- Permit types is supported, helps to identify STR types
- Helps support all types of STR rentals
- Big goal should be information collection
- Good neighbor laws could control the "loosing neighborhood" feel
- Guest vs. paid guests isn't a big difference
- West end etc isn't truly occupied full time anyway
- STR is different use than long term use
- Reality is that owner occupancy is up
- Feedback is happening because neighborhoods are not empty anymore

- Owner occupancy of second homes is upping the stretching of city resources
- Community has gotten bigger, can't shrink it
- How do we define property rights, regulation makes sense, not prohibit people's property use
- Local representation, local enforcement, solves a lot of problems
- Good neighbor policy is a great addition, should solve a lot issues
- Think about layers of regulation, more than 1 person to call for emergencies
- Whatever is set up will be trial and error, make practical decisions
- Do not want to see # or % restrictions
- STR should be transferrable by property
- Already used to rules, activity usage. Only if not renewed is STR lost.
- Lottery makes it hard to plan year over year
- Will not address neighborhood concerns
- Attrition is better limiting factor
- Should have clear objective of long term goal
- What problem are we trying to solve?
- Aspen is a little bit behind the times when it comes to STRs
- Add regulation, management, oversite to STR
- Occupancy regulations
- Council does not seem to be listening, not seeing council representation at open houses etc.
- Data driven regulation vs. limitation. Pro regulation now, limitation later based on data
- The decisions made here affect the whole valley. Non-constituents livelihoods based on what happens in Aspen. Community different then voters
- HOAs already do STR limitation.
- HOAs must give approval for STR permit
- City has good count of what is being rented out
- Not a good tally of occupation/pillows etc.
- Real Estate community contribute to metrics for monthly reporting - Destimetrics
- Willing to do it if it will help greater community
- What do we do with data?
- Great data to have for all versions of rentals
- Long-term vs short-term rentals
- Better report metrics for week by week capacity totals
- Fees/taxes not very limiting as a regulation tool
- Layered approach to regulation
- Permitting is not an issue: capping days, permit amount etc will be an issue.
- Need to be able to rent houses, not just lodges/hotels
- With increase in STR, is stretching capacity beyond community ability to handle. Peak is increasing, council is aware of this.
- Demand will not decrease
- Need to decide what the point/goal is.
- Additional Questions and Discussion
- Enforcing display of permit #s and ability to remove fraudulent listings
- Enforcement trip is city code
- Point of contact for each residence, local, in valley.
- One year cooling could present tax issues with people who buy and sell property
- Tax fee is preferred over per night per bed fee
- Financial incentive for long term rentals could potentially work for smaller condos/homes
- Enough of an incentive to change it from STR to long term
- Might be more viable the building new employee housing
- Could increase tax to fund a program to manage an incentive program
- Could help contribute to solving housing issues
- Multi-family limits could cause lots of issues
- Not all locations got a lodge overlay
- Multi-family is more dense near the core, better for visitors not as great for long term residents
- Very complicated zone to regulate
- Current STR are 16% roughly
- Stuff the core, smaller percentage in the outer zone districts
- 16% is not high, why is there a problem?
- Most of the neighborhoods are only around 8%
- Could be slightly higher if no moratorium
- Market changes could affect %
- STRs are not transferrable from one owner to the next, reduction via attrition
- Other options include lottery system

SHORT-TERM RENTALS

APPENDIX D: APRIL 6, 2022 OPEN HOUSE POSTERS AND RESULTS

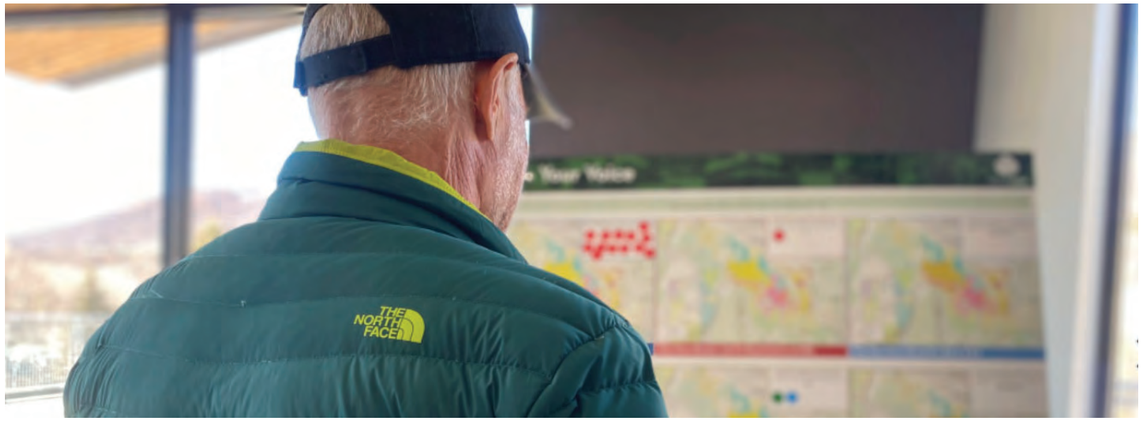
Community Development staff hosted an Open House from 4-6pm on April 6, 2022, to offer the opportunity to the community to engage with technical experts around the topic of STR activity in Aspen now and into the future. The goal was to facilitate an understanding of the engagement process and the direction of the project, as well as collect input to present to Council to help in the decision-making process.

More than 70 participants attended the Open House, engaged in conversation, and responded to questions highlighted on display boards throughout the room. Each display board question was introduced with background data and summaries to give content to the questions.

While the data collected on the display boards during the event is not considered to be an accurate representation due to some attendees taking the liberty to "double-dot", the feedback is essential to consider for the success of the development of regulations for short-term rentals. Comments made by attendees were also collected and transcribed into this report for further reference.







How Do **Short-Term Rentals** Affect Aspen's **Character & Economy?**

Short-term rentals (STRs) are a significant factor in residential housing stock and the lodging economy in Aspen. In the last ten years, our community's STR activity has changed dramatically.

There are approximately **1,319 STRs in Aspen** and **8,100 residential units** within Aspen city limits. **16% of the housing stock** in our community is used as STRs. In 2021, short-term rentals accounted for **$3.4 million in tax revenue**, compared to $6.6 million for traditional lodging. Condo-hotels such as The Gant and Aspen Alps pay for traditional lodging tax whereas most single-family residential units, or units in condos or duplexes, do not due to the property type. **57 properties**, most of which are Condo-hotels, hold multiple STR permits in Aspen, meaning **1,262 properties operate as a single STR.**

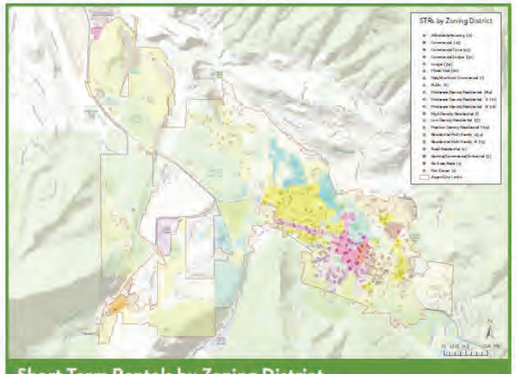
The City of Aspen is currently conducting research and framing recommendations for Aspen City Council to consider so that our community can best adapt to this changing landscape.

Taking action on STR regulations is not a new concept. Destination communities in neighboring mountain west towns and cities have been considering how STRs affect their community character and economy and are enacting policy to best reflect their local values and long-term goals. Aspen's tourist economy is central to community sustainability, and STRs provide unique and alternative lodging options for guests in support of our tourist economy. However, the rate at which STRs are penetrating the market is having unintended and unmitigated impacts. The City's current regulations do not adequately manage the industry for community sustainability, nor mitigate for the STRs market impacts.

It is the community's responsibility to measure and regulate lodging trends so that they positively impact the sustainability of our mountain town.
Your feedback is essential to the success of the development of regulations for short-term rentals.

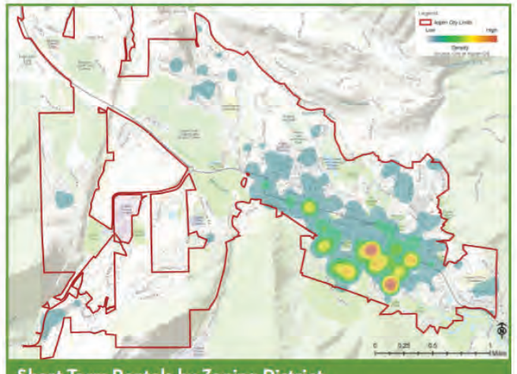
GET INVOLVED. SHARE YOUR VOICE. SHAPE THE FUTURE.

Please tour our informational display boards and share your thoughts about the future of short-term rentals in Aspen. Our staff is here to share information and learn from you about how short-term rentals are impacting our community.



Short-Term Rentals by Zoning District

This map shows the location of permitted short-term rental units in Aspen, c. 2022



Short-Term Rentals by Zoning District

This map shows the density of permitted short-term rental units in Aspen, c. 2022

CITY OF ASPEN

TAKE OUR SURVEY! STAY INFORMED!
Visit AspenCommunityVoice.com to share your voice and get involved.

Short-Term Rentals within Walking Distance to Top Eight Bus Stops

CITY OF ASPEN

We know that when visitors come to town, there are additional impacts to transportation, parking, and traffic. For decades, the City of Aspen has promoted public transit as an essential alternative to cars to reduce traffic, parking problems, and community emissions, as well as improve air quality. STRs distributed away from the Core create lodging beds away from public transit infrastructure. Those visitors are likely to use cars, not public transit or pedestrian trails, to travel throughout the community.
The top eight bus stops are based on analysis from the City of Aspen Transportation Department.



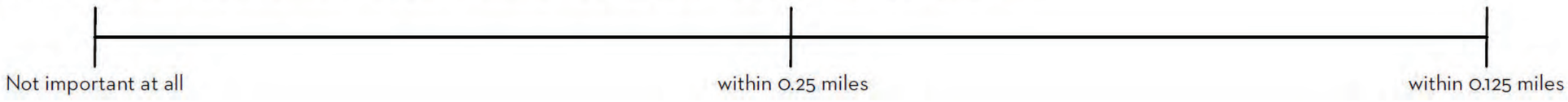
Short-Term Rentals within 0.125 Miles of Major Bus Stop



Short-Term Rentals within 0.25 Miles of Major Bus Stop

Share Your Voice.

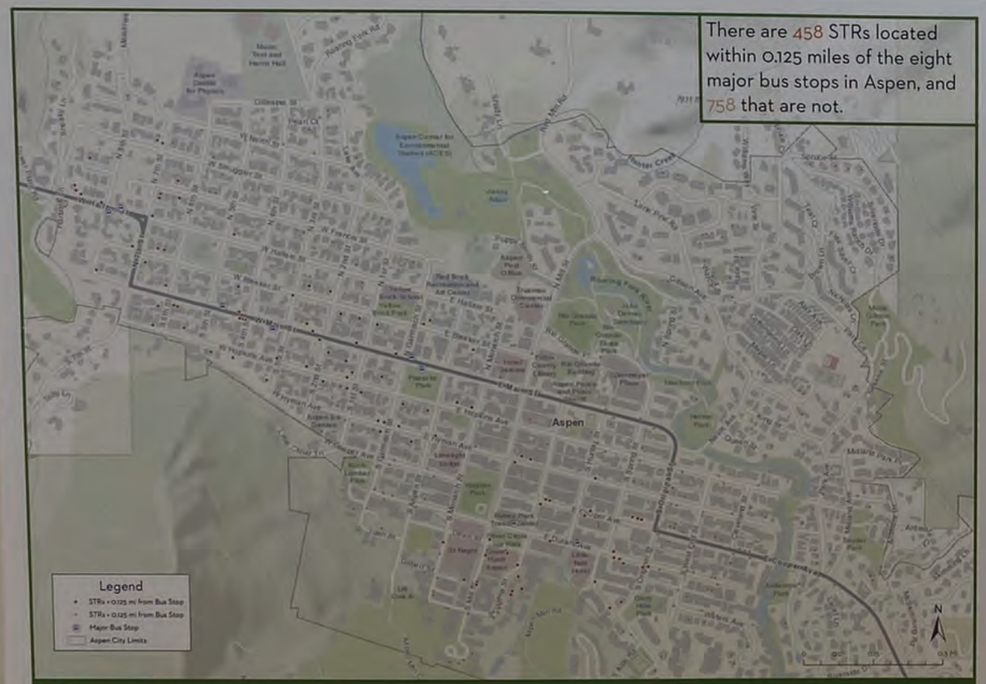
Place your sticker on the scale below to rate the proximity of a STR to a bus stop that is most important to you.



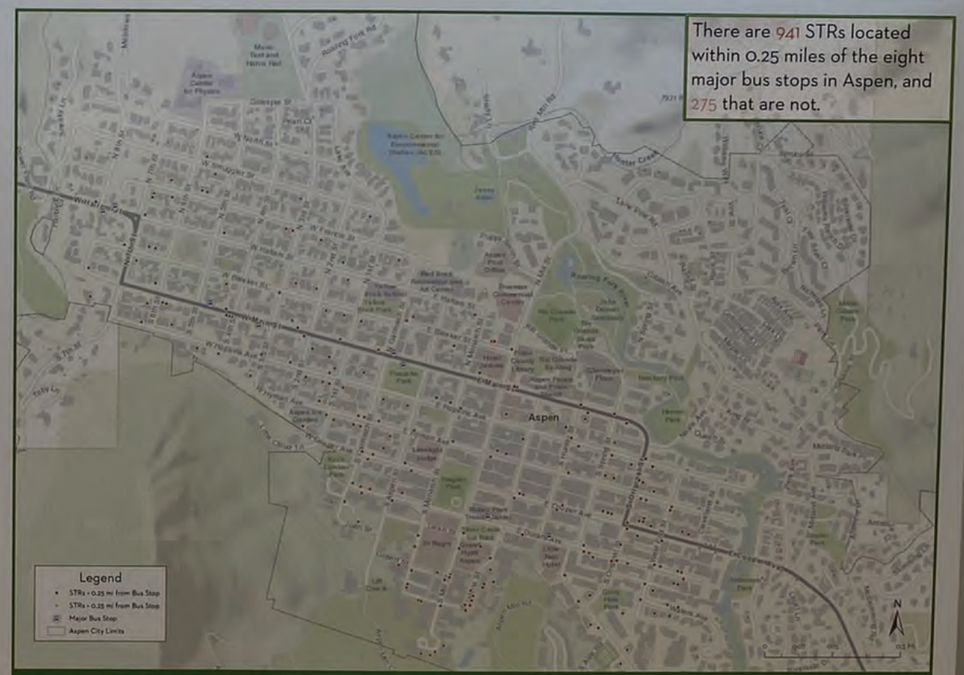
Short-Term Rentals within Walking Distance to Top Eight Bus Stops

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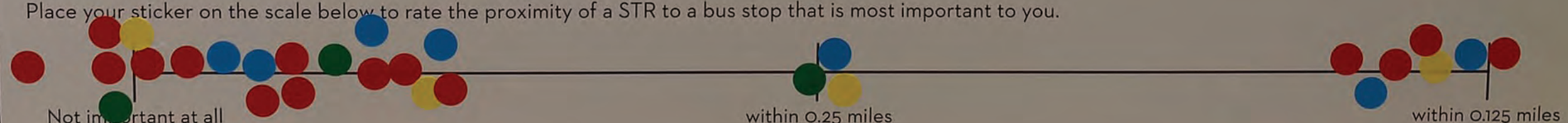
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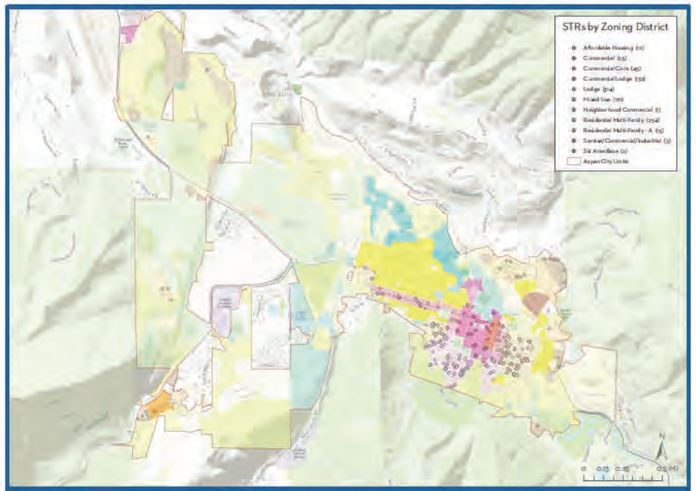
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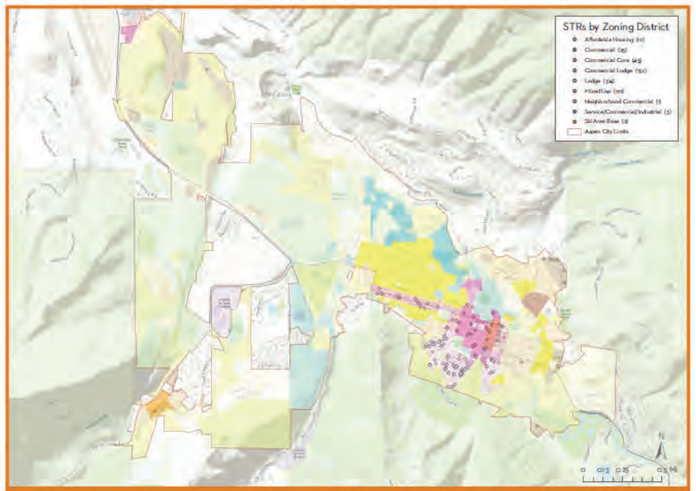
Non-Residential Short-Term Rentals

CITY OF ASPEN

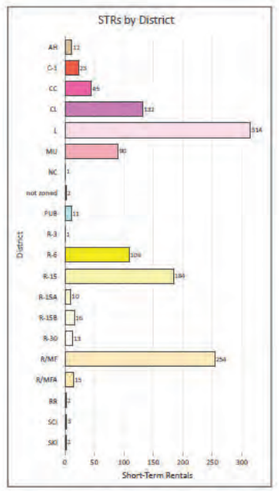
The Commercial Core and surrounding Lodging zones have traditionally been the primary location for tourist accommodations. These areas are located close to goods and services and recreation infrastructure. Over decades, the transit system and pedestrian infrastructure have been built up around these zones to support these visitor accommodations. Disbursed STRs in neighborhoods put more tourist accommodations further away from this infrastructure and services. This change has impacts across the community and economy.

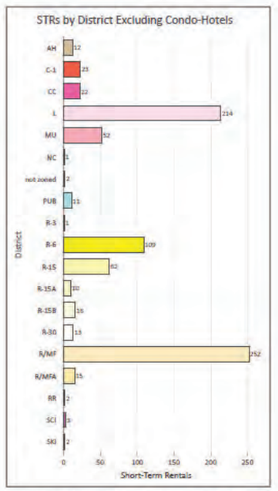


Short-Term Rentals Excluding Residential Districts



STRs Excluding Residential & Residential Multi-Family





Condo-hotel properties have served as the traditional base for lodging in Aspen's Core. Such examples include The Gant, Aspen Alps, and Mountain Lodge. Condo-hotels are unique in that they have amenities for their customer base such as 24/7 front desk consigner service, 24/7 on-site security, and on-call management companies. Condo-hotels make up 424 STR permits, meaning 822 STR permit holders are non-traditional lodging accommodations. Condo-hotels both remit lodging taxes and are run as a business operation.

Share Your Voice.

Where should short-term rentals be prioritized?

Commercial Core and Lodging Zone Districts	Residential Zone Districts	No regulations on STRs (current status)

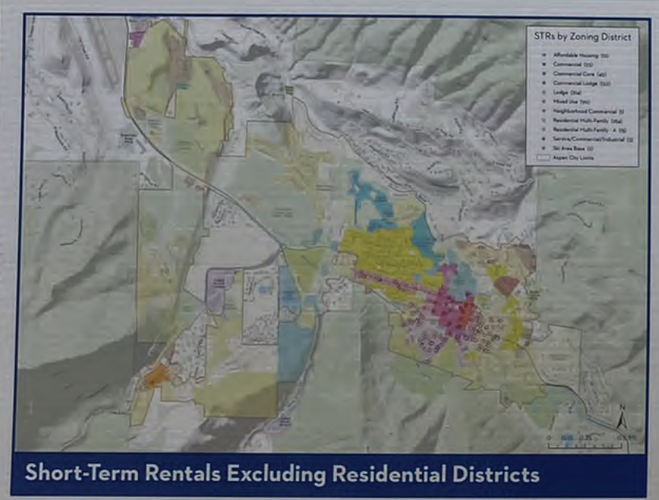
Should traditional lodging locations such as condo-hotels have a separate set of regulations and permitting parameters than residentially held STR permits?

Residential STRs should have a separate permit and set of regulations	Condo-hotels and residentially held STRs should have the same permit and set of regulations	No regulations on STRs (current status)

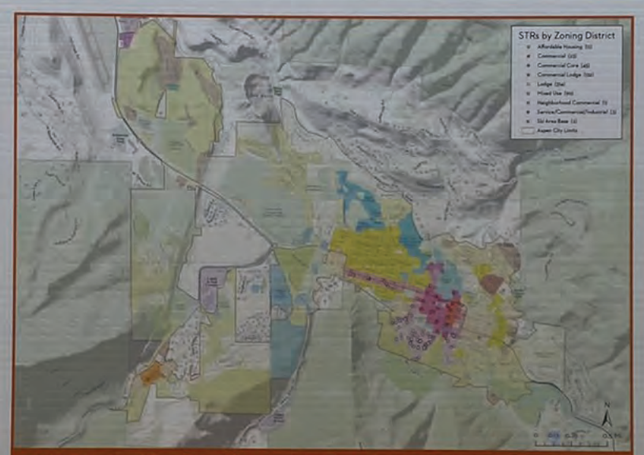
Non-Residential Short-Term Rentals

CITY OF ASPEN

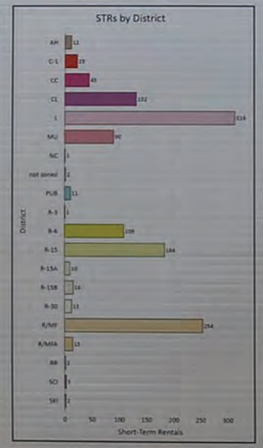
The Commercial Core and surrounding Lodging zones have traditionally been the primary location for tourist accommodations. These areas are located close to goods and services and recreation infrastructure. Over decades, the transit system and pedestrian infrastructure have been built up around these zones to support these visitor accommodations. Disbursed STRs in neighborhoods put more tourist accommodations further away from this infrastructure and services. This change has impacts across the community and economy.

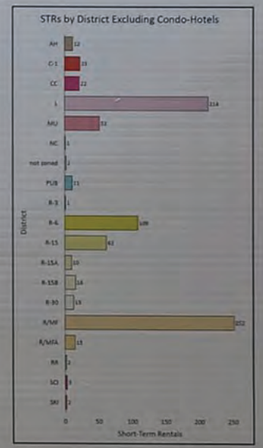


Short-Term Rentals Excluding Residential Districts



STRs Excluding Residential & Residential Multi-Family

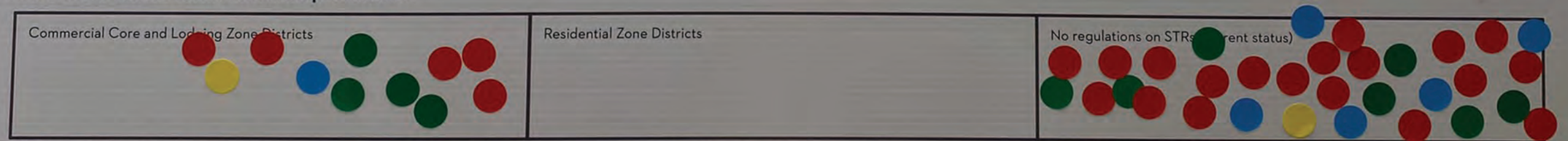




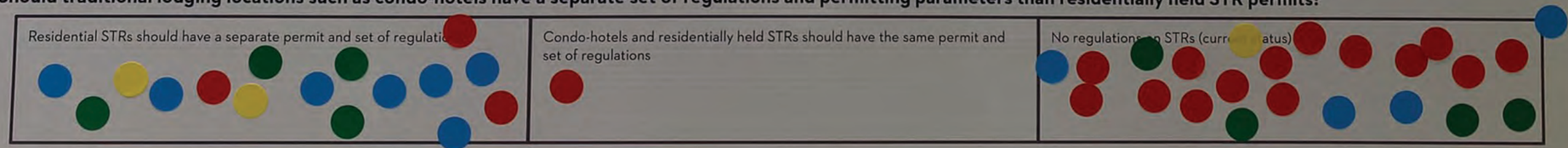
Condo-hotel properties have served as the traditional base for lodging in Aspen's Core. Such examples include The Gant, Aspen Alps, and Mountain Lodge. Condo-hotels are unique in that they have amenities for their customer base such as 24/7 front desk consigner service, 24/7 on-site security, and on-call management companies. Condo-hotels make up 424 STR permits, meaning 822 STR permit holders are non-traditional lodging accommodations. Condo-hotels both remit lodging taxes and are run as a business operation.

Share Your Voice.

Where should short-term rentals be prioritized?



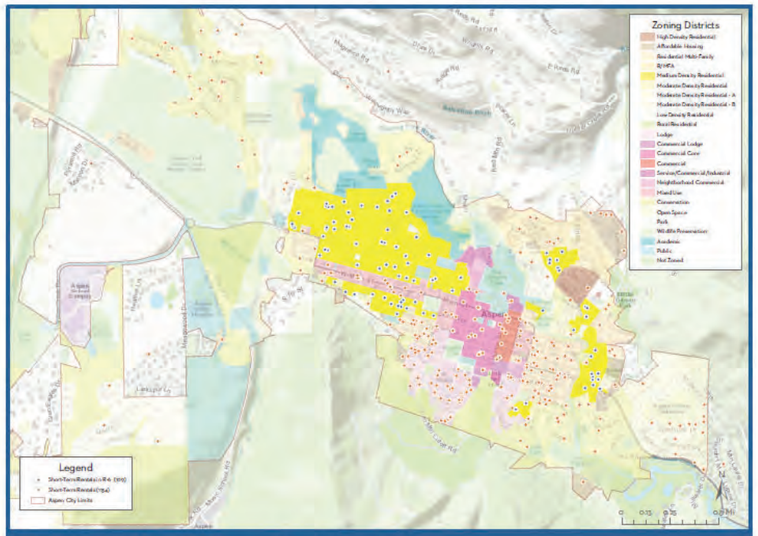
Should traditional lodging locations such as condo-hotels have a separate set of regulations and permitting parameters than residentially held STR permits?



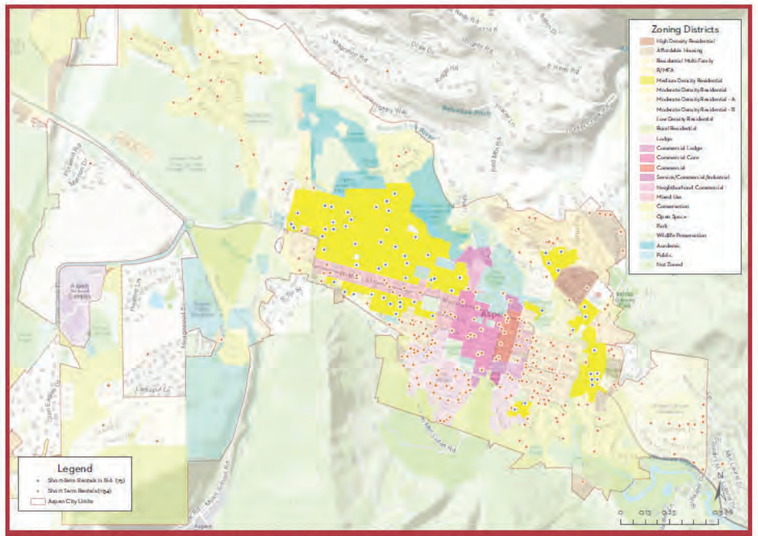
R-6 Short-Term Rental Density

CITY OF ASPEN

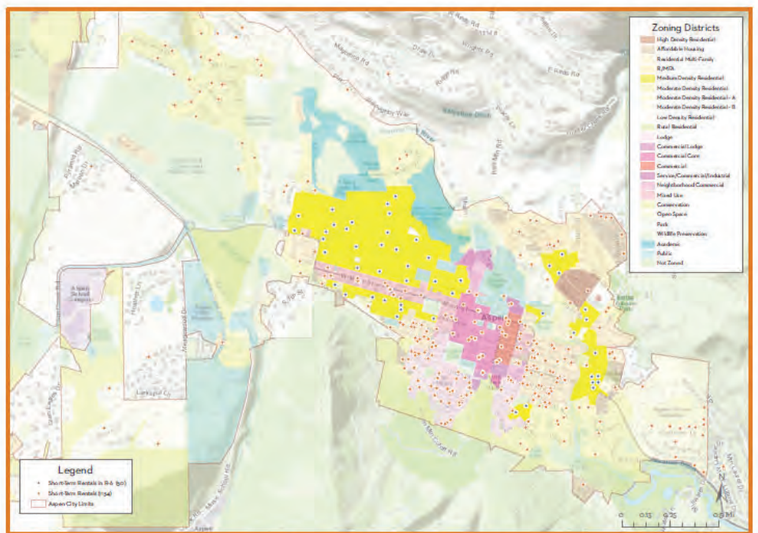
Aspen is divided into different zone districts. Zoning regulations are rules that define how a property can be used in different zone districts. Currently, there are no regulations in Aspen that define where short-term rentals (STRs) can operate. The scale and rapid expansion of STRs are changing important aspects of neighborhood and community character in ways that we are just beginning to understand. The R-6 Zone District, shown in yellow, is Aspen's lowest density residential district. R-6 typically consists of single-family and duplex properties, and contains the majority of Aspen's vacant homes and designated historic Victorian residential buildings. Some communities cap the number of STRs by zone district. The following maps show what it would look like if the number of STRs was capped in R-6 at 25, 50, or 75 units. The current number of STR units in R-6 is 109.



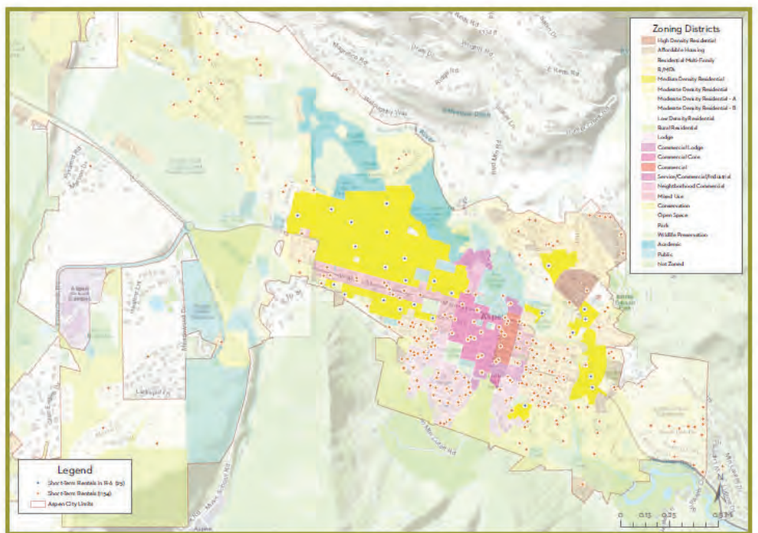
Existing Short-Term Rentals in R-6



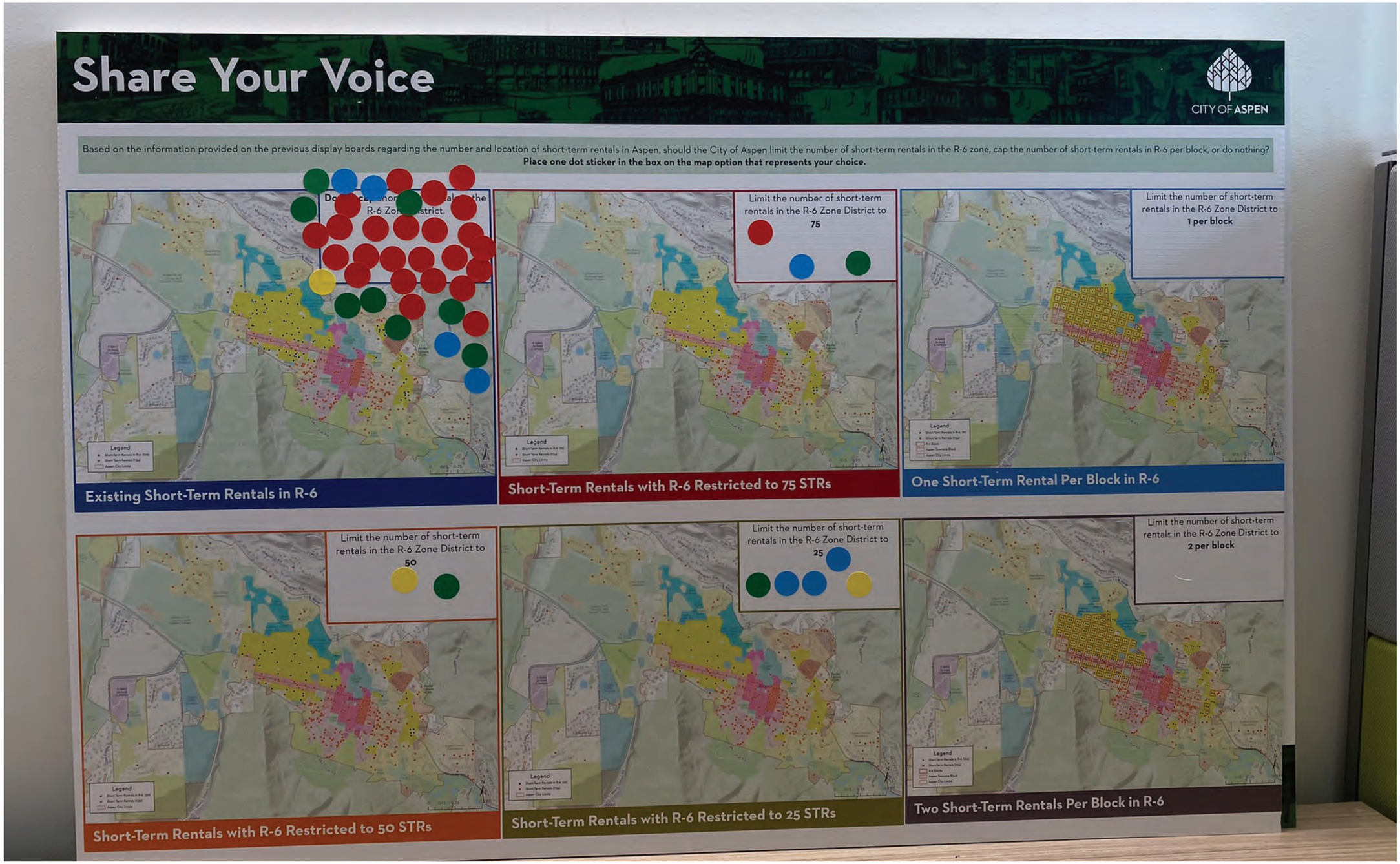
Short-Term Rentals with R-6 Restricted to 75 STRs



Short-Term Rentals with R-6 Restricted to 50 STRs



Short-Term Rentals with R-6 Restricted to 25 STRs


Share Your Voice
CITY OF ASPEN
Based on the information provided on the previous display boards regarding the number and location of short-term rentals in Aspen, should the City of Aspen limit the number of short-term rentals in the R-6 zone, cap the number of short-term rentals in R-6 per block, or do nothing?
Place one dot sticker in the box on the map option that represents your choice.
Existing Short-Term Rentals in R-6
Limit the number of short-term rentals in the R-6 Zone District to 75
Short-Term Rentals with R-6 Restricted to 75 STRs
Limit the number of short-term rentals in the R-6 Zone District to 1 per block
One Short-Term Rental Per Block in R-6
Limit the number of short-term rentals in the R-6 Zone District to 50
Short-Term Rentals with R-6 Restricted to 50 STRs
Limit the number of short-term rentals in the R-6 Zone District to 25
Short-Term Rentals with R-6 Restricted to 25 STRs
Limit the number of short-term rentals in the R-6 Zone District to 2 per block
Two Short-Term Rentals Per Block in R-6

R-15 Short-Term Rental Density

CITY OF ASPEN

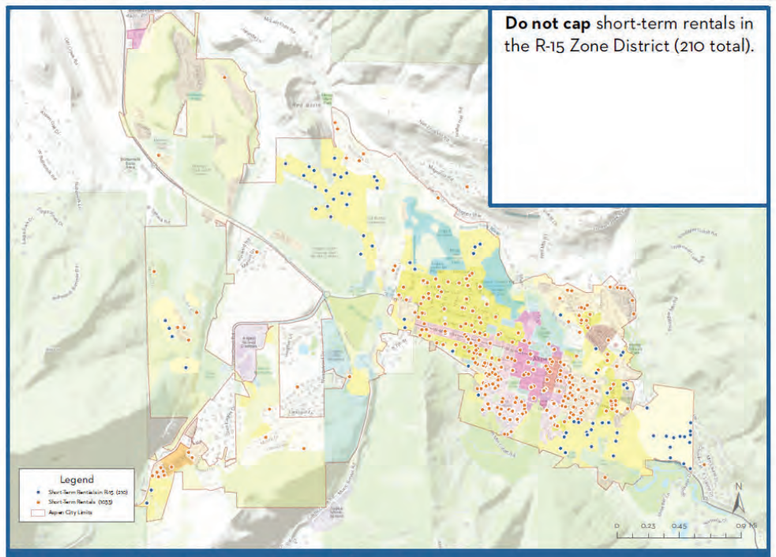
The R-15 Zone is a higher density zone district with a greater number of single-family residence duplex homes and some multi-family properties. Some communities cap the number of STRs by zone district. The following boards show what it would look like if Aspen capped the number of STRs in R-15 at 25, 75, 150. The total number of STRs in R-15 currently is 210.

Based on the information provided in the maps regarding the number and location of STRs in Aspen, should the City of Aspen limit the number of STRs in the R-15 zone or do nothing?

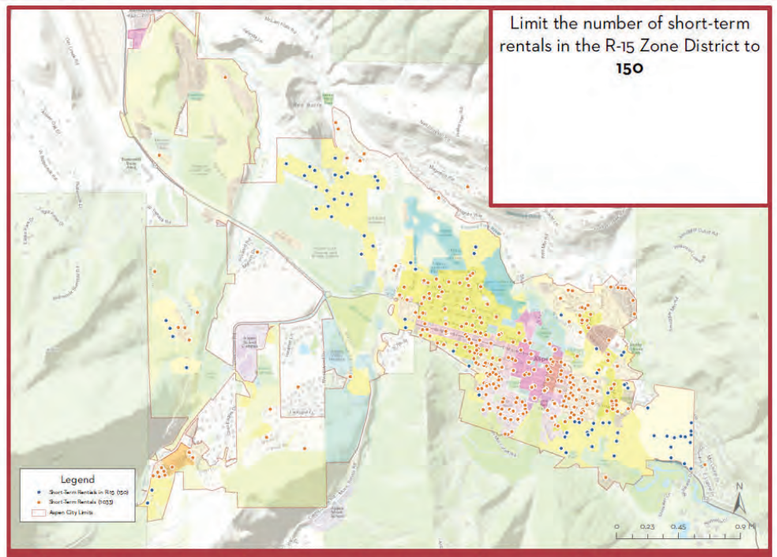
Place one dot sticker in the box on the map option that represents your choice.

Zoning Legend

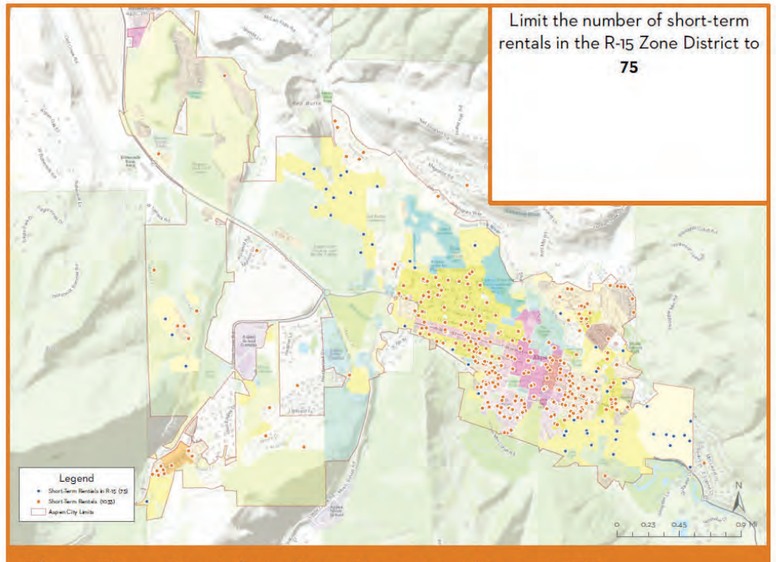
- High Density Residential
- Affordable Housing Residential Multi-Family
- Residential Multi-Family A
- Medium Density Residential
- Moderate Density Residential
- Moderate Density Residential - A
- Moderate Density Residential - B
- Low Density Residential
- Rural Residential
- Lodge
- Commercial Lodge
- Commercial Core
- Commercial
- Service/Commercial/Industrial
- Neighborhood Commercial
- Mixed Use
- Ski Area Base
- Conservation
- Open Space
- Park
- Wildlife Reservation
- Academic
- Public
- Not Zoned



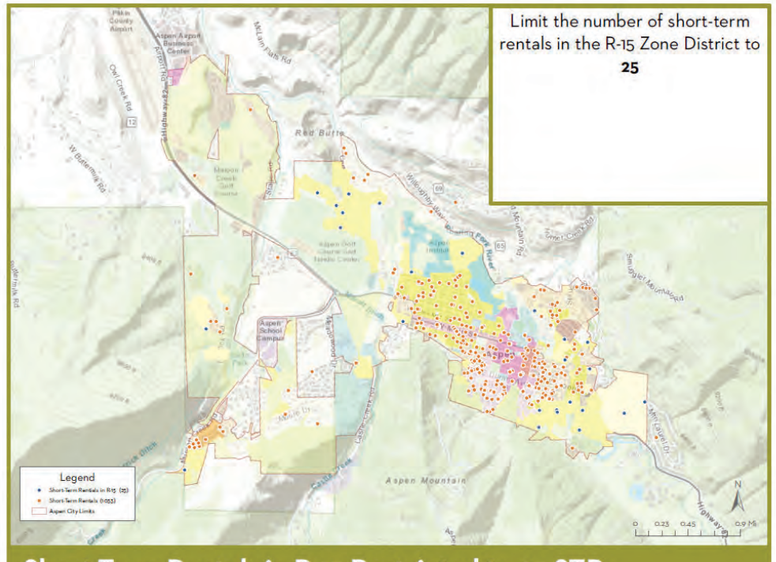
Existing Short-Term Rentals in R-15



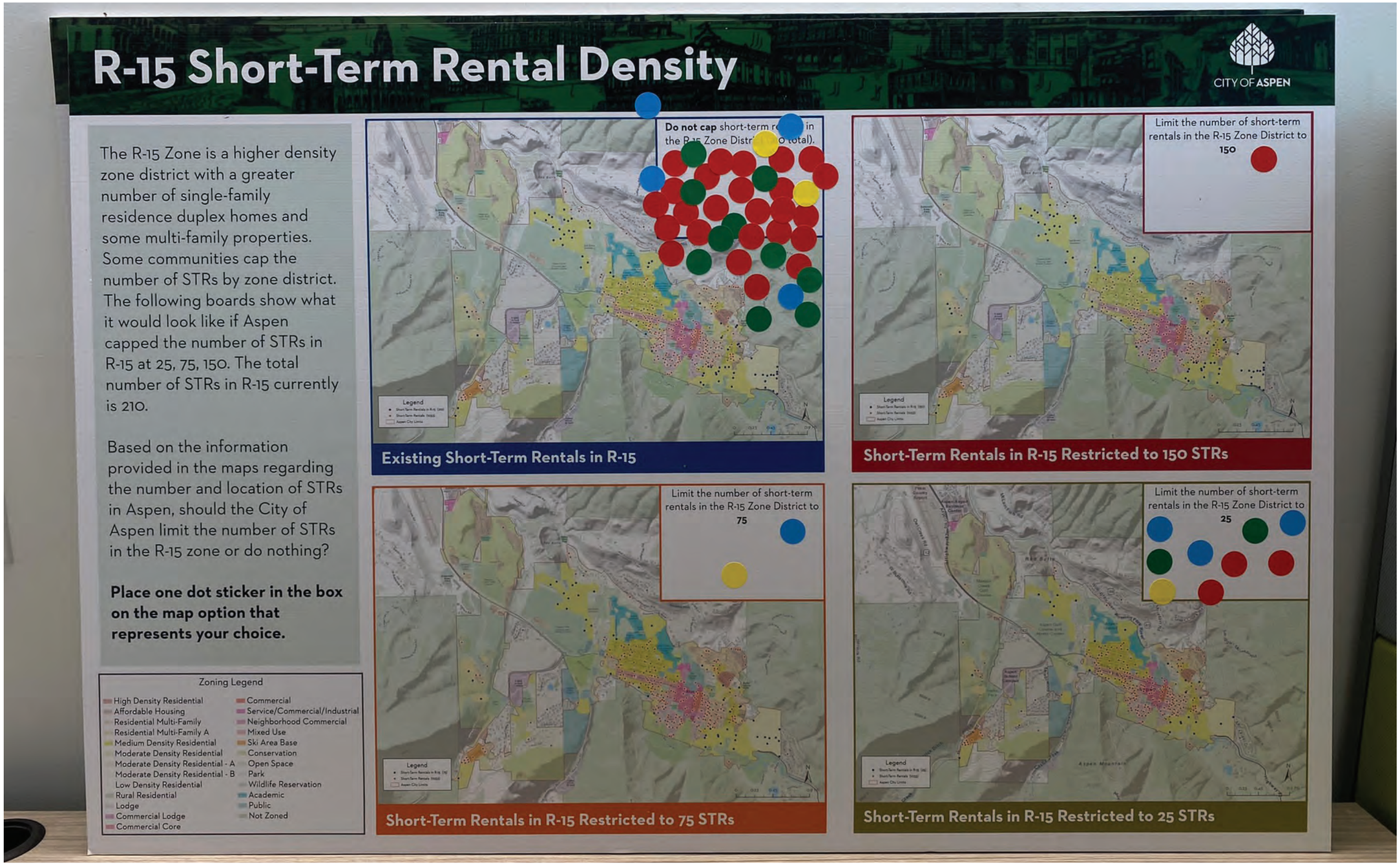
Short-Term Rentals in R-15 Restricted to 150 STRs



Short-Term Rentals in R-15 Restricted to 75 STRs



Short-Term Rentals in R-15 Restricted to 25 STRs


R-15 Short-Term Rental Density
CITY OF ASPEN
The R-15 Zone is a higher density zone district with a greater number of single-family residence duplex homes and some multi-family properties. Some communities cap the number of STRs by zone district. The following boards show what it would look like if Aspen capped the number of STRs in R-15 at 25, 75, 150. The total number of STRs in R-15 currently is 210.
Based on the information provided in the maps regarding the number and location of STRs in Aspen, should the City of Aspen limit the number of STRs in the R-15 zone or do nothing?
Place one dot sticker in the box on the map option that represents your choice.
Zoning Legend
High Density Residential
Affordable Housing
Residential Multi-Family
Residential Multi-Family A
Medium Density Residential
Moderate Density Residential
Moderate Density Residential - A
Moderate Density Residential - B
Low Density Residential
Rural Residential
Lodge
Commercial Lodge
Commercial Core
Commercial
Service/Commercial/Industrial
Neighborhood Commercial
Mixed Use
Ski Area Base
Conservation
Open Space
Park
Wildlife Reservation
Academic
Public
Not Zoned
Do not cap short-term rentals in the R-15 Zone District (210 total).
Existing Short-Term Rentals in R-15
Limit the number of short-term rentals in the R-15 Zone District to 150
Short-Term Rentals in R-15 Restricted to 150 STRs
Limit the number of short-term rentals in the R-15 Zone District to 75
Short-Term Rentals in R-15 Restricted to 75 STRs
Limit the number of short-term rentals in the R-15 Zone District to 25
Short-Term Rentals in R-15 Restricted to 25 STRs

How do short-term rentals play a role in our community?

SURVEY RESPONSE REPORT
14 June 2016 - 11 April 2022

PROJECT NAME:
Short-Term Rentals

Aspen Community Voice : Summary Report for **14 June 2016** to **30 April 2022**

PARTICIPANT SUMMARY

ENGAGED | INFORMED | AWARE

559 ENGAGED PARTICIPANTS

	Registered	Unverified	Anonymous
Contributed on Forums	0	0	0
Participated in Surveys	558	0	0
Contributed to Newsfeeds	0	0	0
Participated in Quick Polls	0	0	0
Posted on Guestbooks	0	0	0
Contributed to Stories	0	0	0
Asked Questions	7	0	0
Placed Pins on Places	0	0	0
Contributed to Ideas	0	0	0

** A single engaged participant can perform multiple actions*

(%)

Short-Term Rentals	559 (36.3%)

** Calculated as a percentage of total visits to the Project*

ENGAGED | INFORMED | AWARE

951 INFORMED PARTICIPANTS

	Participants
Viewed a video	0
Viewed a photo	0
Downloaded a document	0
Visited the Key Dates page	43
Visited an FAQ list Page	0
Visited Instagram Page	0
Visited Multiple Project Pages	426
Contributed to a tool (engaged)	559

** A single informed participant can perform multiple actions*

(%)

Short-Term Rentals	951 (61.7%)

** Calculated as a percentage of total visits to the Project*

ENGAGED | INFORMED | AWARE

1,542 AWARE PARTICIPANTS

	Participants
Visited at least one Page	1,542

** Aware user could have also performed an Informed or Engaged Action*

Short-Term Rentals	1,542

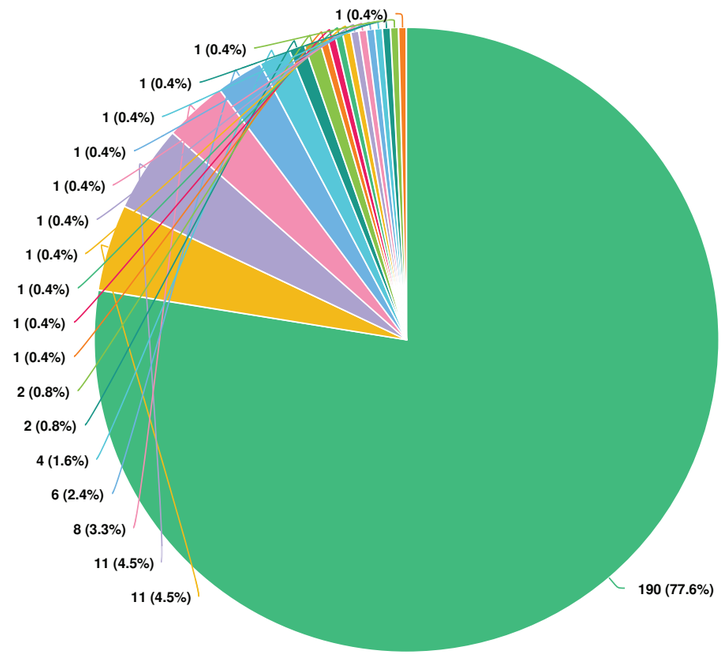
** Total list of unique visitors to the project*

Powered by BANG THE TABLE engagementHQ

REGISTRATION QUESTIONS

How do short-term rentals play a role in our community? : Survey Report for 14 June 2016 to 11 April 2022

Q1 **Please enter your zip code and wait for the drop down menu to locate your zip code and then click on the correct entry. If you do not wait for the drop down menu, you will get an error message.**

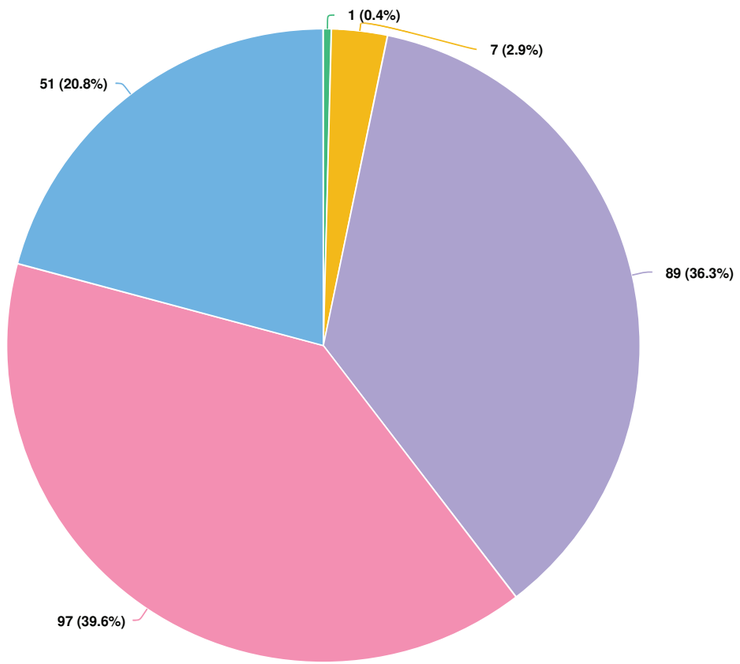


Question options

Aspen, CO 81611 · Snowmass Village, CO 81615 · Aspen, CO 81612 · Basalt, CO 81621 · Old Snowmass, CO 81654 · Aspen-Gerbaz, CO 81611 · Glenwood Springs, CO 81601 · Snowmass, CO 81654 · Sheboygan, WI 53083 · Short Hills, NJ 07078 · Carbondale, CO 81623 · Pasadena, CA 91101 · Dallas, TX 75230 · Atlanta, GA 30324 · Scottsdale, AZ 85266 · Henderson, NV 89012 · El Jebel, CO 81623 · Telluride, CO 81435 · West Village, CO 81615

Mandatory Question (245 response(s))
Question type: Region Question

Q2 Age



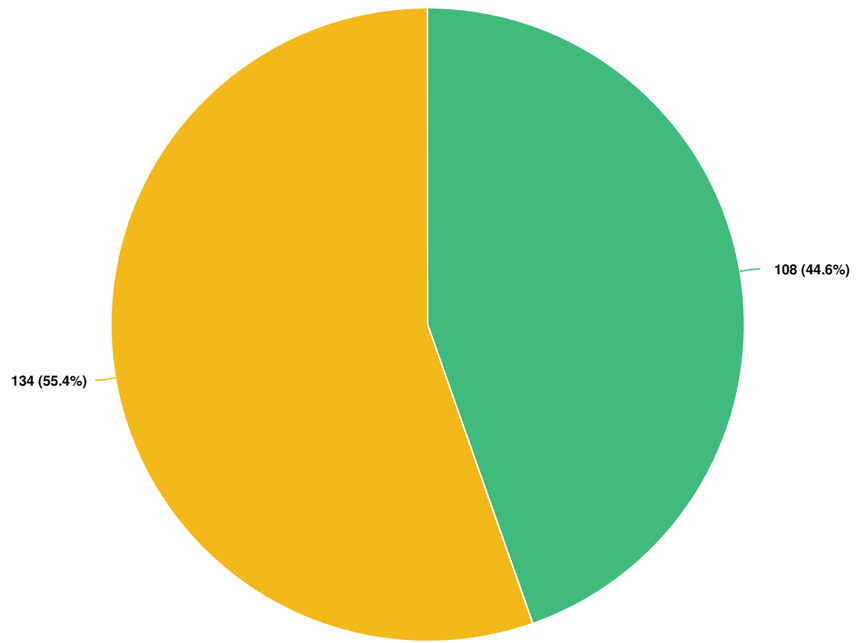
Question options

18 and under · 19 - 29 · 30 - 49 · 50 - 64 · 65 +

Mandatory Question (245 response(s))
Question type: Radio Button Question

How do short-term rentals play a role in our community? : Survey Report for 14 June 2016 to 11 April 2022

Q3 Gender



Question options

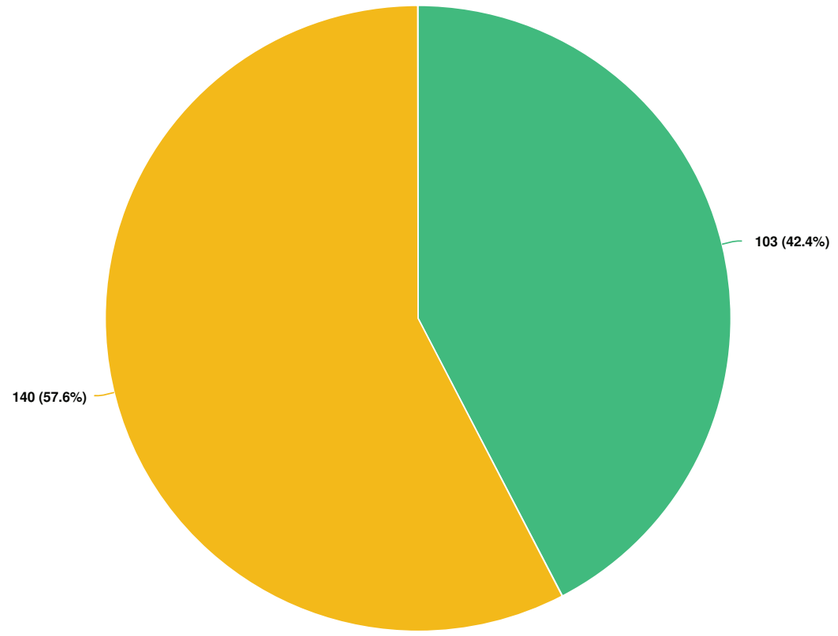
Male · Female

Optional question (242 response(s), 3 skipped)
Question type: Radio Button Question

SURVEY QUESTIONS

How do short-term rentals play a role in our community? : Survey Report for 14 June 2016 to 11 April 2022

Q1 As the City of Aspen considers regulations for short-term rentals in Aspen, do you think the City should make a distinction between owner-occupied and nonowner-occupied short-term rentals, and have different regulations for owner-occupied than for ...



Optional question (243 response(s), 2 skipped)
Question type: Radio Button Question

Q2 Why?

Screen Name Redacted
2/27/2022 01:48 PM

Because non residence owners are not interested in joining our community but only interested in maximizing their investment.

Screen Name Redacted
2/28/2022 07:07 AM

I am an owner

Screen Name Redacted
2/28/2022 02:28 PM

Not sure about actual regulations, but renters should be made aware of community "ethics", protocol, etc. The responsibility lies with the rental companies and the tenants. Not a fan of more govt. oversight, management.

Screen Name Redacted
3/05/2022 11:36 AM

Aspen real estate is becoming a commodity for nonowner-occupied investors. This trend is severely impacting our city's quality of life. Nonowner-occupied rentals are always being rented, whereas owner-occupied rentals are only occasionally rented.

Screen Name Redacted
3/05/2022 06:08 PM

but not a total difference in that even resident occupied are playing hotel: I understand the need for extra income but at this point am so disgusted by what strs have done to long term for locals... , hard to answer objectively

Screen Name Redacted
3/06/2022 04:17 PM

Nonowner-occupied short-term rentals are businesses that benefit from tax advantages not available to homeowners who rent sporadically. The IRS allows rental/investment property owners to claim certain deductions while the property is owned (state and local taxes and fees, debt service payments, maintenance/management expenses, depreciation, and even travel to "inspect" said property) - and when such property is sold, it can qualify for 1031-tax-deferred exchange - the "swap till you drop" principle of real estate investing. If businesses are allowed in residential zones, they should be treated like business and required to mitigate their impacts.

Screen Name Redacted
3/07/2022 12:04 PM

Local residents struggling to survive economically in an expensive small town may badly need the extra income from a few short-term rentals of their home each year. Such local residents are essential to maintaining our sense of community and deserve City support. By contrast, investors who buy Aspen real estate only to profit from it through short-term rentals are in a different category.

Screen Name Redacted
3/07/2022 04:48 PM

A full time resident who occasionally rents their home still contributes to the vitality of the neighborhood and has connections to the other neighbors. The impact on the neighborhood is low. Having a house that is always rented is a completely different matter, bringing a constant stream of anonymous visitors with no connection to the neighborhood and no reason to care whether their noise and traffic is disturbing the residents around them. It also displaces a family that could be living in the property full time, building connections to the community.

Screen Name Redacted
3/08/2022 09:59 AM

If someone gets fortunate enough to buy a place out here and wants to subsidize his ridiculously expensive mortgage with short term rentals then so be it.

Screen Name Redacted
3/10/2022 05:41 PM

One is a big business that has its role the other developed out of a need to have apartments and condos and homes so that visitors would have a place to stay. There is no problem with the current state of affairs. The Hotel industry can live with the short term rental industry. one offers a lot of 'bells and whistles' as well as services that some customers/visitors like to pay for, the other option does not. Both bring a certain visitor to Aspen who spends money on the local economy which helps employ workers etc. We don't need more regulation. we might need less regulation for the hotel industry if they feel they are unfairly treated. has anybody ever looked at that aspect. With all the federal state and local rules burdening the hotel industry, why not think about deregulating what can be deregulated by the city of aspen?

Screen Name Redacted
3/10/2022 08:51 PM

owners will hear from their neighbors firsthand on conduct of renters.

Screen Name Redacted
3/11/2022 07:55 AM

Owner occupied actually spend time in the community, hopefully spending the money earned there and contributing to the community.

Screen Name Redacted
3/11/2022 12:09 PM

To avoid buyers that only look for quick profit, without investing in the community - Not making a distinction could easily end up with a ghost town, where nobody lives, only week long tourists that more likely won't give a thought about the town they're visiting.

Screen Name Redacted
3/17/2022 08:08 PM

The owner occupied rentals would be less viable to rent to working locals. The non owner occupied rentals potentially could be local worker housing.

Screen Name Redacted
3/18/2022 12:21 PM

Owner occupied STRs are a benefit to the community. I believe the short term use of a space that is occupied primarily by a resident limits the impacts of hotel like transiency in a neighborhood and provides a better transfer of local values through a true host. Residences that are not owner occupied and solely work as STRs hollow out the soul of a neighborhood.

Screen Name Redacted
3/18/2022 02:35 PM

Some owner-occupied renters depend on the money for income.

Screen Name Redacted
3/18/2022 03:09 PM

I don't think there needs to be different regulations, as in rules, but there should be a cap on each type of STRs. People who live here more than 6 months out of the year most likely are more invested in the community and have more knowledge about Aspen-specific issues, such as safe wildlife interactions and respecting trails. I would be more accepting of those types of STRs that ones operating as a hotel year-round.

Screen Name Redacted
3/19/2022 09:01 AM

Owners who themselves live here more than 6 months of the year naturally have more of a connection to the community and more at stake in ensuring its character

Screen Name Redacted
3/19/2022 01:52 PM

the distinction is whether a property/zone is primarily residential or business. allowing a property to operate as a business (owner-occupied) in a residential area affects other properties and residents in that area in terms of value, noise, and traffic.

Screen Name Redacted
3/19/2022 03:53 PM

Owner-occupied STR's may have less of an impact on their surrounding neighborhoods if they are only rented out sporadically. Non owner-occupied STR's can be run like mini hotels, which are not appropriate for residential neighborhood settings.

Screen Name Redacted
3/19/2022 05:10 PM

Nonowner-occupied homes need to be identified and the public deserves to know who these people are that took advantage of the housing market. I feel like a lot of real estate agents, real estate companies and other businesses owners in and near Aspen have taken advantage of the housing market during and after Covid by purchasing these properties and renting and leasing them out and therefore making it "impossible" for local single people, families and retirees to stay, live and be apart of the Aspen community that they work in, may have lived in all of their lives and etc. The"greed" among

some of the real estate companies, real estate agents and other business owners who thought they could take severe advantage of their fellow citizens during the pandemic and rape the real estate market from people who need housing is disgusting. Their deceitful actions have to be stopped and rules, guidelines and regulations need to be put into place immediately. It should be a crime to do what they have done. If it is not your full time or part time residence that you live in at least 6 months out of the year then it should be considered a rental property and treated as such.

Screen Name Redacted
3/19/2022 05:24 PM

From personal experience, I have witnessed that non-owner occupied short-term renters do not have the same respect for and care of the property they are in as an owner. Also, there is a loss of a sense of community when people in a neighborhood or building are turning over every few days. I live in a condo building with 11 units and currently 6 of those units are short term rentals - which I do not believe that proper permits are in place for all of them. Recently some of the renters partied in the hot tub area until late into the night which resulted in a call to the police to calm them down. They proceeded to urinate in the snow surrounding area, throw beer cans around and damaged the hot tub. Two other instances involved drunk people returning home late at night , talking loudly, and subsequently getting into a fight which resulted in a lot of yelling and slamming of doors. This has all happened within the span of 2 weeks. This is very disruptive to the people that are permanent residences who live and work here. We have families and jobs to take care of and are not out partying all night. It's not a vacation for us. Our lives have definitely been negatively impacted by the proliferation of short term rentals.

Screen Name Redacted
3/20/2022 03:58 PM

Hard to guess what you mean by non-owner occupied. Do you me primary residence (voter registration versus second home or a business ownership entirely built around short term use/rental? Huge difference between a "home" be it primary or secondary and a short term/fractional "business". The latter has significant impacts on a neighborhood, should not be permitted in residential zones and, if allowed, should be regulated / mitigate impacts like a hotel. A condominium if mixed use/residential zones was always intended to be used on a short term basis. Condominium short term use likely declined dramatically since mostly 60/70's development, but is now increasing due to VRBO and market changes. I see no reason regulations/mitigation on these type of short term rentals should change. I am only concerned with high turnover / high service utilization of homes in residential zones.

Screen Name Redacted

The non=owner occupied rentals are cater to tourists and not the

3/20/2022 06:45 PM	residents. Regulations will hopefully deter people from buying houses for rentals vs locals.
Screen Name Redacted 3/21/2022 02:22 PM	Owner occupied houses contribute to our sense of community. Occasional STR's are ok. Non owner occupied seem to be investment properties. These generally don't contribute to a sense of community and detract from the neighborhood. STR people are generally not invested in treating our neighborhood with care.
Screen Name Redacted 3/22/2022 02:05 PM	Because investment properties are the new norm for people who can afford it, and its created a stand still for first time homebuyers
Screen Name Redacted 3/22/2022 06:59 PM	Engaged community vs. effectively creating a hotel.
Screen Name Redacted 3/22/2022 07:54 PM	To ensure that corporations or for profit individuals don't purchase homes/units for the sole purpose of profit. We already have a horrible housing shortage and need to ensure locals have a place to live. This is less likely to happen with owner occupied rentals, so long as there are proper verification and processes. We need more housing, not more rentals.
Screen Name Redacted 3/22/2022 07:54 PM	Companies shouldn't control the housing market here which is what would happen if there is no distinction.
Screen Name Redacted 3/23/2022 07:23 AM	Owners are more connected to the needs of the community and not just trying to make money
Screen Name Redacted 3/23/2022 08:19 AM	Non owner occupied residence are far less valuable to the year round community. They take resources, burden the community but offer no long term value. They also make affordable living options less likely. The more options there are for wealthy non residents to come here on a transient basis the less opportunity there is for citizens that want to be positively Contributing community members to live here.
Screen Name Redacted 3/23/2022 11:02 AM	owner occupied homes are not going to be used to house workers/tourists. why put regulations on them if it wont help housing problems in aspen.
Screen Name Redacted	STRs are bad for neighborhoods so we should try to reduce them. I

3/23/2022 12:08 PM	am more concerned with homeowners who use STR income to maintain their home (and make it possible for them to keep it) than people who own homes as investment properties only.
Screen Name Redacted 3/23/2022 12:34 PM	We must stop and reverse the purchasing of Aspen homes solely for the purpose of turning them into full time short term rental income properties. let Aspen residents have some ability to short term their properties, but STOP turning our town into a full time motel for rich investors, who buy the properties for tax benefits and property value appreciation only.
Screen Name Redacted 3/23/2022 04:42 PM	Owner occupied STRs are self regulated because the owner is present to hold the occupants responsible and compliant with city regulations etc. Regulations are more likely to be adhered to by the guest when the owner is present. Taxes are collected and paid when the owner has control over the occupancy.
Screen Name Redacted 3/23/2022 08:14 PM	It's apples and oranges. A local owner renting their dwelling while they're away on a 2 month vacation is not the same as a company that has multiple holdings for the sake of renting or selling for a large profit when the time is right. How can an owner that rents a dwelling space for 3k for two months out of the year be under the same guidelines as a company with multiple holdings renting for 20k a week?
Screen Name Redacted 3/24/2022 12:51 PM	Aspen needs to be a destination and not an investment. It's one thing if you are out of town renting your spot while you are away. It's another if you are just trying to make some cash with an investment property.
Screen Name Redacted 3/24/2022 12:58 PM	Yes, we should prioritize owners living in their units.
Screen Name Redacted 3/25/2022 08:48 AM	Non owner occupied units deplete inventory for long term rentals
Screen Name Redacted 3/25/2022 06:15 PM	bcause they have a stake in our life here.
Screen Name Redacted 3/25/2022 08:03 PM	Owners who use residences as a business should be completely free to do so; however, they should be subject to the same taxes and regulations that hotels are.

Screen Name Redacted
3/26/2022 12:45 PM

Owner-occupied homes won't provide long term housing for locals so they shouldn't be restricted on doing short term rentals when they aren't using it. I don't think that non-owner-occupied homes should be restricted either but it seems like they are two separate concepts.

Screen Name Redacted
3/26/2022 06:46 PM

Because if most non-owner occupied places become short term there will be nothing left for affordable long term rentals.

Screen Name Redacted
3/28/2022 02:52 PM

Tracking, see how short term utilized and benefitting.

Screen Name Redacted
3/28/2022 05:03 PM

Owner occupied is still here most of the year contributing to the local community and economy. Income from rental helps pay mortgage and expenses of living here which sometimes can't be met with normal income. Second home owners are doing it as an investment and not being their primary residence, they are not in jeopardy of not being able to make a payment or something similar. Also a lot of locals have apartments attached to their residences which would also be considered short term rental, but it's actually beneficial because it opens up beds for people like seasonal workers

Screen Name Redacted
3/28/2022 05:21 PM

Owner occupied will likely be rented less and I would know the owner as my neighbor.

Screen Name Redacted
3/29/2022 07:38 AM

owner-occupied units are part of the community. non-owner-occupied units only take from the community. THey rely on a community and culture that they don't contribute to

Screen Name Redacted
3/30/2022 12:56 PM

running a commercial business in a residential neighborhood is WRONG! if you want to run a business in a residential neighborhood then get HOA approval and pay for a business license like all other businesses

Screen Name Redacted
3/30/2022 03:35 PM

I don't think Airbnbs, etc. should be allowed to operate for nonowner-occupied rentals. This is how we got into this affordable housing mess. Non-owners and LLCs purchasing properties and then renting them out for $22,000 A MONTH or more in peak season.

Screen Name Redacted

It would limit the speculative frenzy

3/30/2022 03:53 PM

Screen Name Redacted
3/30/2022 03:59 PM

Lots of people have a second home, travel a lot, or rely on some rental income to live here most of the time. What I'm opposed to are the properties that are purely investment properties and packed full of tourists nightly.

Screen Name Redacted
3/30/2022 04:16 PM

non-owner occupied homes encourages land banking which increase property values and rental rates at the expense of people who choose to live and work here.

Screen Name Redacted
4/01/2022 11:20 AM

The Nonowner-occupied short-term rental next door to us has been a problem for years. He uses the property to make money, and has no real love or belonging to our neighborhood or community. Just GREED.

Screen Name Redacted
4/01/2022 11:21 AM

There is to much rental and no place for people living and working here

Screen Name Redacted
4/01/2022 12:24 PM

With owner-occupied rentals, hopefully, the people using that household will be part of our community for at least half of the year, as opposed to short term rentals, where the occupants most likely do not have any real interest in our community.

Screen Name Redacted
4/01/2022 05:23 PM

Two different situations as owner occupied would be less rented where as non owner occupied would be in all concepts a residential hotel.

Screen Name Redacted
4/02/2022 09:38 AM

Maintenance of non-owner occupied rentals are run solely by property management companies that expel far more greenhouse gasses; commuting, cleaning, landscaping etc. The neighborhoods suffer from lack of long term occupants and corresponding lack of community.

Screen Name Redacted
4/02/2022 10:07 AM

There should be distinctions for investment properties.

Screen Name Redacted
4/02/2022 12:38 PM

There are many scenarios and reasons for local short term rentals. If the owner must be residing within the rental home that is one definition and sets up a definite restriction. A separate situation might

	be the owner does not reside in the home but the rental residence is occupied by his or her family members and the home is occasionally rented short term to help upkeep and maintain the older structure. The second situation may not be considered owner occupied by definition but might be considered under a different regulation.
Screen Name Redacted 4/03/2022 12:03 PM	Non-owner STR hollow out community by turning neighborhoods into hotels
Screen Name Redacted 4/03/2022 02:14 PM	Because they are operated differently.
Screen Name Redacted 4/03/2022 03:32 PM	Owner occupied units are destroying the ability for long-term Locals to afford the high %increase or doubling of rents!
Screen Name Redacted 4/05/2022 06:45 AM	I think we should distinguish between a property that is fundamentally treated as a lodging business (e.g. more than 30 or 60 days of rentals a year) and a home that is largely occupied by residents, with infrequent rentals to earn some extra income to pay the mortgage. To me, total volume of days rented or frequency of stay connects to whether this is an operating business with more significant impacts on the community. It would also be significantly easier to police & manage if we allow all owners a limited ability to rent (say 30 days), with bonus rental days for owner-occupied (say another 15 to 30 days), and special licenses (perhaps limited or lotteried) for non-owner-occupied that wish to rent for more than 30 days).
Screen Name Redacted 4/05/2022 07:37 AM	If we maintain any short term rentals they should only be for people who actually live here to offset some of their costs.
Screen Name Redacted 4/05/2022 08:21 AM	Because if an owner is present then rules and guidelines are likely to be maintained
Screen Name Redacted 4/05/2022 08:42 AM	I feel that the Homeowner has the right to rent during the time that they are not here.
Screen Name Redacted 4/05/2022 09:22 AM	The AirBnB short term rental market has killed the rental market for locals.
Screen Name Redacted	As an Aspen local for the last 15 years, my wife and I bought a free

4/05/2022 11:05 AM	market condo in Aspen with plan to short term rent it form time to time when we are away. Allowing this was part of what made it feasible for us to afford a free market condo in Aspen. Having this ability to short term rent taken away from us, our ability to maintain our condo is in jeopardy. With the real estate prices increasing drastically throughout the valley, not having the ability to rent our unit when away could force us to have to leave the valley. It should be the condo owners right to rent their unit as needed not City Council's right to decide if we can or cannot rent our unit.
Screen Name Redacted 4/05/2022 11:06 AM	Too many condos and homes and being immediately turned into short term rentals, often in quieter residential areas.
Screen Name Redacted 4/05/2022 02:10 PM	Non-owner occupied should have stricter regulations that benefit the community
Screen Name Redacted 4/05/2022 02:32 PM	Primary residence vs itinerant
Screen Name Redacted 4/05/2022 03:15 PM	Because owner-occupied rentals live in and understand the community whereas non-owner occupied are generally investment properties that hollow out community.
Screen Name Redacted 4/05/2022 06:27 PM	Owner occupied is part of the community. Non owner occupied has the property purely as an investment/income generating
Screen Name Redacted 4/06/2022 12:16 AM	Owner-occupied STRs most likely would produce more responsibility and respect for the outcome of decisions made. Owners probably feel more invested in the community and have a sense of autonomy.
Screen Name Redacted 4/06/2022 08:06 AM	Given the high cost of living here, many owner occupied (locals) rely on the income generated from renting out their home when travelling
Screen Name Redacted 4/06/2022 10:48 AM	Owners who occupy their homes at least half the year are more like full time residents, vested in the community and contributing in more ways than non-residents. They also may have more need for income than part time residents and investors simply using houses as investment vehicles.
Screen Name Redacted	The neighborhoods that are full of nonowner-occupied feel even more

4/06/2022 04:53 PM	hollow than they ever have
Screen Name Redacted 4/06/2022 06:55 PM	It's crazy expensive to live here, and people that are attracted to mountain communities tend to enjoy traveling. If they are willing to deal with the inconvenience of having strangers stay in their actual home, to help pay an absurd mortgage, you're damn right they should be looked at differently than a property management/investment company that is straight up running a business.
Screen Name Redacted 4/06/2022 09:17 PM	If an owner can provide proof of residence, at a level matching or exceeding something like APCHA's requirements to maintain housing, they should be treated differently by using/sacrificing part of their property for STR and that revue is mostly/partially staying in the community. A non-owner should be treated differently, as this is purely a revenue vehicle and that money is likely not staying in the community.
Screen Name Redacted 4/07/2022 08:27 AM	Non owners do not have investment in the community
Screen Name Redacted 4/07/2022 08:52 AM	Owners have an investment in the community
Screen Name Redacted 4/11/2022 12:38 PM	Those who live in Aspen and have a home as their primary residence know this community and can be good resources for those who visit. They also might need the additional revenue to support living in Aspen. Those who don't live in Aspen long-term seem to have the means to live both in Aspen and outside of our community and aren't relying on supplemental income for their primary residence. Having a second home is extra - not necessary. Also, second homes as investment properties are just that - an investment property - and should be treated differently than a primary residence.

Optional question (82 response(s), 163 skipped)
Question type: Essay Question

Q3 Why not?

Screen Name Redacted 2/25/2022 06:22 PM	It is an important source of income

Screen Name Redacted 2/28/2022 08:20 AM	Its discriminatory and wrong.
Screen Name Redacted 2/28/2022 10:37 PM	It is unclear to me whether this distinction impacts my main concerns with short term rentals ~ depletion in population, accountability, and vitality of neighborhoods.
Screen Name Redacted 3/02/2022 06:38 AM	We both rent and use our condo though we are not able to stay for 6 months a year as much as we would like to. Having said that, in both situations we support the community through providing jobs to those who take care of our condo, as well as pay taxes etc. same as owner-occupied properties. We would not support the use of our condo for seasonal or long term rentals. We don't do it now given all of the requests we get each ski season.
Screen Name Redacted 3/03/2022 01:53 PM	i HAVE lived in Aspen full time since 1979 on Cemetary Lane, then Mountain Valley, then Park Avenue in 1993, and finally on Riverside Ave So since 1998. We rent a few weeks per year as you said, but my experience with the "part timers" has been that they have some sort of manager, housekeeper, lawn and plowing people, so the impact on town is almost the same with tenants as if they live there. I have NEVER had a complaint in my neighborhood, nor from any neighbor near a home I put a tenant in as a long time real estate broker. the ONLY complaints I continually received from neighbors was in an older home in Mtn. Valley that I rented to a bunch of local workers who abused the parking situation, trash, and number of people in the house. The neighbors even called the sheriff...
Screen Name Redacted 3/04/2022 12:23 AM	It's a false distinction and violates property rights
Screen Name Redacted 3/04/2022 07:43 PM	Because private property is private property. Should you wish to treat properties rented over a certain number days differently--for the purposes of taxation, say--then it should be brought up for public comment and discussion. Nothing should be passed in the dead of night (figuratively speaking), like the current moratoriums. It's outrageous, and, in my opinion, illegal.
Screen Name Redacted 3/06/2022 02:45 PM	Too hard to distinguish between and just adds headache to whoever is tasked with enforcing the rules.
Screen Name Redacted	The use is the same just the amount of time rented is different.

3/07/2022 07:40 AM

Screen Name Redacted
3/07/2022 11:22 AM
None of city's business how an owner chooses to use their home.

Screen Name Redacted
3/07/2022 03:10 PM
Because we need less government overreach.

Screen Name Redacted
3/09/2022 02:47 PM
There are so many part-time residents who are wholeheartedly invested in Aspen and have owned property in the city for years and years (over 4 decades in our case) who rely on the ability to collect income from STRs during the months they are not there to cover their expenses. STRs allow for the owners to use their property unlike long term rentals. Without that income, many of those long time "nonowner-occupied" residents would not be able to afford keeping their homes in Aspen, which would be devastating financially and emotionally. Many nonowner-occupied property owners are not able to live in Aspen full-time (6 months or more/year) as their businesses/work do not afford that luxury. Those owners should not be penalized for that. Their ability to keep their cherished long-time homes in Aspen is dependent on unrestricted STR income to cover expenses. Furthermore, if only full-time "owner-occupied" residents were allowed to rent on a short term basis, there would be much more incentive for those select few to suddenly shift to secretly being part-time residents to make more money with no way of enforcing that. This is bound to create more problems in the future. Whatever the decision, those property owners, whether full-time or part-time, who owned property in the city prior to this moratorium going into effect in December of 2021 should be grandfathered in and excluded from any future revisions to the STR permitting rules. Any changes should only be applied to future ownership as it unfairly punishes an entire group of residents/owners who equally have considered Aspen their home.

Screen Name Redacted
3/09/2022 03:54 PM
Our family has owned property in Aspen for over 40 years and have lived here part time. The ability to rent out as we deem necessary is what has allowed us to own here in the first place. Without this option we would be forced to sell. Renting short term (vs long term) allow us the flexibility to still enjoy the property and town personally. I don't believe nonowner-occupied property's should be penalized for not being able to reside here full-time. If only owner-occupied residences were allowed to have STR's, the what would stop them from living elsewhere fulltime and still renting out their Aspen property? Both non-owner and owner occupied residences that have been owned prior to the December 2021 moratorium should be able to retain their STR rights and excluded from any potential future revisions to the

permitting rules.

Screen Name Redacted
3/10/2022 04:09 PM
Aspen is a resort town that needs for the business to be supported by tourism. Hotels do not give families ideal places to vacation. Families need space and wanna common area such as a living room in the kitchen. Whenever we go on vacation we typically rent a home so that we can be comfortable because hotel rooms just do not give us the same thing and says in the feel. I think by not distinguishing between the two and putting restrictions on one or the other will eliminate a lot of tourism, which intern will hurt the small businesses.

Screen Name Redacted
3/10/2022 04:17 PM
I own the property. As long as I follow community rules at the property, no out side rules are necessary.

Screen Name Redacted
3/10/2022 04:24 PM
I provide beds for others coming into the community. I pay property taxes to the local government and don't want to be told how to run my life. I am a good community member and don't see any negative consequences for renting my home when I am not using it.

Screen Name Redacted
3/10/2022 04:54 PM
Why should it matter? Many owners occupy part of the time (for ski season, 4th of July and maybe over the holidays, for example, and want to rent the rest of the time when they're not here.

Screen Name Redacted
3/10/2022 05:17 PM
What individuals (who pay property and other taxes as if they were full-time residents) do with their private property is their business and their business alone, subject to common law limitations (noise, etc). Can you please explain what problem you are trying to solve? Seems to me the short term rental market in Aspen is not a problem in fact it's a great way to keep the city vibrant.

Screen Name Redacted
3/10/2022 06:18 PM
A renter is a renter no matter how much time you reside in your own property.

Screen Name Redacted
3/10/2022 07:54 PM
It is not relevant as long as a local property mgr is taking care of the property

Screen Name Redacted
3/10/2022 09:40 PM
Income for owners to keep homes on Aspen

Screen Name Redacted
Owners should be free to do what they want without restrictions. This

3/11/2022 05:02 AM	is why many people, like ourselves, purchased in the first place and what makes the market so strong for ownership. Also the current system without controls means there are few “cold beds”, which take away business from the local merchants and hurt the local economy. In The Alps most towns do not allow owners to leave their properties off the market as it hurts the local economy and thus it hurts he locals that own stores, restaurants, housekeepers, supermarkets…. The European Alps model has proven what works best for locals!
Screen Name Redacted 3/11/2022 07:30 AM	What is the difference? If you are a property owner, you are a property owner and pay taxes. A rental is a rental. I don't see how it matters how long an owner lives there, or even how you would keep track.
Screen Name Redacted 3/11/2022 07:48 AM	We live in a free country and I should be allowed to own my property under the rules that existed when I purchased the property, and not be arbitrarily punished because the community as a whole can not come up with a solution for the cost of living. It isn't my fault, and don't punish me.
Screen Name Redacted 3/11/2022 04:40 PM	Short term rentals are short term rentals.
Screen Name Redacted 3/12/2022 07:20 AM	The city government would only be doing this to serve a small number of people who would benefit. That would be the super rich.
Screen Name Redacted 3/16/2022 03:27 PM	There should not be any difference between owner occupancy and renter occupancy. How would the different occupancy be confirmed?
Screen Name Redacted 3/17/2022 01:18 AM	Some people do not own their home. They rent their home on a long term lease and are permanent residents of Aspen. They wish to sublet their home on a short term basis for a few weeks throughout the year. This should be permitted.
Screen Name Redacted 3/17/2022 07:43 PM	Either way the property would need to be managed the same to keep it nice
Screen Name Redacted 3/17/2022 07:57 PM	takes away property rights.

Screen Name Redacted 3/17/2022 08:48 PM	These are all property owners regardless of the amount of time they are able to spend there.
Screen Name Redacted 3/18/2022 07:00 AM	Because there are owners that do not live in Aspen full time that are a wonderful part of the community. They might rent a few times a year to offset property taxes, etc., Their houses might then just sit empty and what does that achieve?
Screen Name Redacted 3/18/2022 10:35 AM	If a homeowner is not using the property, but continues to pay annual taxes, etc. on it, they should be entitled to rent responsibly through a professional real estate brokerage firm who employs licensed and insured brokers.
Screen Name Redacted 3/18/2022 02:47 PM	not thrilled with discriminating that way
Screen Name Redacted 3/18/2022 06:13 PM	Owners have an investment in their properties. They should be able to seek a return on that investment if they choose, and rentals are one way to do that. Owners who rent are incentivized to keep up maintenance on their property, enhancing the property's value, which also enhances the neighborhood's value.
Screen Name Redacted 3/19/2022 01:44 PM	Aspen is a resort community dependent upon tourists for our collective livelihood; the rental of private residences just makes sense.... particularly since our council not too long ago was concerned about shrinking bed base from closure of small hotels. Additionally, renting one's property is a basic property right.
Screen Name Redacted 3/21/2022 10:43 AM	Rentals are rentals. Aspen needs rentals units to be available in order to thrive.
Screen Name Redacted 3/21/2022 01:58 PM	This would devalue private properties compared to current rules.
Screen Name Redacted 3/21/2022 07:05 PM	One of the short term rentals in our neighborhood claims to be owner occupied but it’s not. Challenging to enforce and still causes problems.
Screen Name Redacted 3/21/2022 07:40 PM	All short term rentals have the same impact on a neighborhood and should be regulated the same

Screen Name Redacted
3/22/2022 12:36 PM

Whether the owner is here or not, there should be no difference.

Screen Name Redacted
3/22/2022 04:33 PM

Treat everyone in an equal manner. Don't make exceptions that could create more problems.

Screen Name Redacted
3/23/2022 12:00 PM

It doesn't address the issue. If issue is tenant behavior and impact on neighbors, put better rules and enforcement mechanisms in place. It's not relevant, nor can it reasonably be policed, to have different rules based on how many months someone lives there.

Screen Name Redacted
3/23/2022 12:18 PM

What is the definition of Owner occupied? primary/principal resident - most full time residents aren't able to make their homes available and rental ready on a consistent basis. Does owner occupied cover 2nd home owners who use their residences part of the year but want to rent to off set expenses?? It's not a simple yes or no answer.

Screen Name Redacted
3/23/2022 01:59 PM

This is irrelevant to the community and doesn't directly solve any of the problems the city council claims exist. The unit is filled either way. As long as the HOA allows for short term rentals I don't the city should be getting involved.

Screen Name Redacted
3/23/2022 02:40 PM

We are a resort town. People have historically purchased here to have a 2nd home and visit when their schedule allows. The rental property creates jobs and income for the town. Property management, brokerage and taxes. If you limit it to primary homeowners you will limit the number of jobs in an already difficult town to find work

Screen Name Redacted
3/23/2022 05:55 PM

There is no distinction in occupancy regardless who is residing in the property.

Screen Name Redacted
3/23/2022 09:06 PM

because separating these would affect someone's resale value. I live here in the winter and part summer. Someday when I sell this condo if I do not have a STR like the other 13 out of 15 units in my complex my condo will lose potential buyers. I am just being honest. I purchased last year and because the prior owner did not finish her application for STR even though she filed the taxes I lose (for resale). If you choose to not issue STR I do not feel you should penalize those that did not have one yet. I am not looking to sell but

maybe 10-20 years from now I might.

Screen Name Redacted
3/24/2022 08:06 AM

Because it makes absolutely no difference to anyone whether the home is occupied 365 days a year or 5 days a year. If someone wants to rent their home short term, it is their busy not yours.

Screen Name Redacted
3/24/2022 08:15 AM

Aspen is violating everyone's constitutional rights to do what they want with their private property.

Screen Name Redacted
3/24/2022 08:53 AM

Seems overly complicated to regulate and define.

Screen Name Redacted
3/24/2022 10:24 AM

In general, I don't think the city should overly regulate short term rentals. I do think there could be ways to make the regulations more in line with the City's goal of preserving community. For example, the regulations could attempt to prevent speculation in the Aspen real estate market for owners/entities that will only use the property as an investment for short term rental income. There is, however, a subset of longtime second homeowners that use their properties for personal use. Given the age of those properties however, and the cost of construction in Aspen, many of those homeowners would not expend the money necessary to make Capital improvements unless they can generate short term rental income to that end. In other words, I believe there are a number of homeowners both primary residents and otherwise That need to be considered in this process and their ability to short term rent in order to generate income to update their properties and continue to use and enjoy them. I do not believe that subset of homeowners with ultimately turn their properties into short term rental businesses. It is extremely important to consider this because at some point when major capital improvements become More urgent and necessary for those homes, Those owners may be faced with a sale if they cannot short term rent. For entities speculating in STRs, should try and address those types of owners and make the criteria (cost of license, lodging tax, etc.) more costly in such cases.

Screen Name Redacted
3/24/2022 03:35 PM

I believe a property Owner should be able to do what they please with their property as long as they are paying the taxes and operating in a safe manner. I do think STR's tend to workout better when a Brokerage or Property Management Service is involved.

Screen Name Redacted
3/24/2022 04:54 PM

it's not right. in the united states of america, you should be able to do what you want w your property.

Screen Name Redacted 3/24/2022 05:31 PM	As much as I think it would be nice to draw a distinction, I think it would be very difficult to enforce this.
Screen Name Redacted 3/25/2022 07:05 PM	Property rights of each are equal -
Screen Name Redacted 3/26/2022 11:46 AM	Short-term rental is a short-term rental.
Screen Name Redacted 3/26/2022 12:27 PM	Some use their units for friends, family and their own short term stays as well as for rental units.
Screen Name Redacted 3/27/2022 06:20 AM	It depends on other regulations but the term owner occupied creates confusion
Screen Name Redacted 3/27/2022 06:24 AM	Regulations should be consistent and treat everyone equally regardless of whether it is a primary residence or not.
Screen Name Redacted 3/29/2022 09:18 AM	Because we are owners who have been coming to Aspen for 40+ years, and are active supporters of community life in Aspen. We don't live here for six months per year, but we are not primarily investors/commercially motivated, and would rather not be grouped with those who are. Perhaps there are other criteria that should be differentiated, such as multiple-unit ownership or....?
Screen Name Redacted 3/29/2022 03:15 PM	Probably the majority of homeowners have second homes here and may not be here for 6 months. Still we are a resort and we depend on these homeowners property taxes and local purchases to make our town a significant resort and to provide jobs for our population. In addition having a rule that says nonowner occuppied homes cannot rent will probably cause a recession as many of these homeowners then could not afford the houses and would sell. Even if they sold the home prices would not come down enough for most of the local workers to be able to afford buying or upkeeping them.
Screen Name Redacted 3/30/2022 07:17 AM	We bought a vacation home in Snowmass and without being able to rent, we will have to sell. Many people are in the same boat, the economy will crash in Snomass Village!

Screen Name Redacted 3/30/2022 12:27 PM	Non owner occupied units should NOT be able to short term in residential neighborhoods at all. Residential neighborhoods were not designed for transient occupancy. They were designed for people to live together in a community.
Screen Name Redacted 3/30/2022 12:48 PM	I believe that there are very few "owner occupied" residences that rent short term. I think that number is quite small and therefore I think the regulations should target ALL homeowners, whether it's a 2nd home or primary home. I also think that distinction would be hard to enforce & police.
Screen Name Redacted 3/30/2022 01:37 PM	Everyone should have the ability to rent their properties as they please.
Screen Name Redacted 3/30/2022 02:30 PM	The HOAs should distinguish the level of regulation.
Screen Name Redacted 3/30/2022 03:33 PM	No, there should not be a penalty for non-owner occupied properties. More often than not, they are not rented consistently throughout the year unless they are long term properties.
Screen Name Redacted 3/30/2022 07:16 PM	This is not the problem.
Screen Name Redacted 3/30/2022 08:59 PM	We do not want different rules for owner occupied vs. non owner occupied.
Screen Name Redacted 3/30/2022 09:14 PM	Short term to be more available will bring more people to Aspen through out the year
Screen Name Redacted 3/31/2022 12:11 PM	First, I do not think that an owner living in Aspen for 6 months or 2 months is going to make a difference in what you are trying to accomplish. People's plans change constantly and there is no certain way to distinctly categorize this scenario. A owner who lives in Aspen for 6 months and rents the occasionally could decide to move to Hawaii and rent full time due to plans changing. This is just one example of why you cannot make a distinction. Another reason is due to the type of property. A third reason is due to location. All of these factors are critical.

Screen Name Redacted
3/31/2022 05:10 PM
It does not matter. The City should not tell people what they can do with their personal property so long as they are compliant with state and local rules & regulations.

Screen Name Redacted
3/31/2022 09:14 PM
Property owners who pay millions of dollars for their property, and huge real estate taxes, should have the right to do whatever they want with their property, as long as it doesn't impact others.

Screen Name Redacted
4/01/2022 11:50 AM
Owners have property rights.

Screen Name Redacted
4/01/2022 06:02 PM
Why does it matter? People have a right to rent their property how they see fit whether or not they live there.

Screen Name Redacted
4/01/2022 07:40 PM
weather partially or totally rented the same rate can be applied, simpler

Screen Name Redacted
4/02/2022 10:00 AM
What people do w their property is their business

Screen Name Redacted
4/02/2022 10:18 AM
Non-owner occupied residences help the community economically by providing housing for special event employees, and attendees. Without these housing choices, its hard to continue having all the fun and innovative seminars and special events that are held in Aspen. This is an important part of the community.

Screen Name Redacted
4/02/2022 11:40 AM
I don’t know what the definition of owner occupied is.

Screen Name Redacted
4/02/2022 12:29 PM
I believe in free market. I could never have afforded to live in Aspen and eventually retire and live full time, if I had been unable to do short or medium length rentals at will

Screen Name Redacted
4/02/2022 06:07 PM
Everyone should be treated equally. Non owner occupied provides more vibrancy to the city by renting more often than owner occupied

Screen Name Redacted
4/02/2022 08:27 PM
Everyone should be treated the same - sounds like prejudice to me. I don't see how there is a difference between an owner who is living in their residence for 6 months plus a day or someone else who may be living in their residence for less than 6 months. How can you entertain

the thought of categorizing homeowners? Homeowners are that - they OWN their home and they should be able to do whatever they want with their home. I cant see how this is a concern of the city or how the city thinks they can legally dictate what a homeowner does with their own home! Furthermore, having a property management service represent and manage your home is not at all the same as a property owner using Airbnb to rent their home. Airbnb does not manage your home they are just acting as a service for an owner or a renter to find a fit. The owner still needs to manage their own home: they choose the right guests and are responsible for the guests because they have a personal interest in who is in their home. As a 3rd party, a management service is usually only interested in keeping their appointed property rented.

Screen Name Redacted
4/03/2022 10:47 AM
Both are used as excuses to price local workers out of the market.

Screen Name Redacted
4/03/2022 12:01 PM
It’s not important to segregate owners from non owners

Screen Name Redacted
4/03/2022 01:26 PM
Because it is obviously not their primary residence and it still raises the prices.

Screen Name Redacted
4/03/2022 05:55 PM
The 6 month rule is not applicable. There are only about 6 months of "season" anyway. Even a dedicated unit will only rent about 150 days per year.

Screen Name Redacted
4/04/2022 08:49 AM
We have multiple homes

Screen Name Redacted
4/04/2022 08:54 AM
If owners are going to rent their homes, they should do so if they are leaving for an extended period of time, thus accommodating rentals of 30 days or longer. It's not realistic to manage short-term rentals out of a home - it also turns the home into a business, which is what we are trying to avoid.

Screen Name Redacted
4/04/2022 12:38 PM
Because if you're an owner, you should have the right to lease your condo/home out due to fee simple real estate ownership.

Screen Name Redacted
4/04/2022 03:28 PM
Keep the same

Screen Name Redacted 4/04/2022 03:37 PM	There are professional managers who can manage these rentals better than owners
Screen Name Redacted 4/04/2022 03:55 PM	Often times rental income allows ppl to own in aspen
Screen Name Redacted 4/04/2022 03:56 PM	Both should fall under the same restrictions and regulations
Screen Name Redacted 4/04/2022 04:01 PM	What not a fair playingfield?
Screen Name Redacted 4/04/2022 04:11 PM	Classifying private citizen homeowners this was is discriminatory, and practicing discrimination should not be part of City Councils duties.
Screen Name Redacted 4/04/2022 04:21 PM	We have rented our condo out for 50 years to tourists throughout the year. Our family stays there in all 4 seasons but not necessarily for six months every year. It would be too restrictive to second home owners to have to comply with more restrictive regulations.
Screen Name Redacted 4/04/2022 04:40 PM	There is a distinction between second homes owned for personal use and homes owned for investment purposes. The former are not part of the long term rental stock, the latter are. STRs on the former are generally infrequent and help to offset ownership costs. STRs on the latter are frequent and are a business plan.
Screen Name Redacted 4/04/2022 05:47 PM	A significant component of the housing in the Roaring Fork Valley is dependent on rental income and vacation rentals for transient visitors. If you remove the rental income component it will inevitably reduce demand and eventually property values.
Screen Name Redacted 4/04/2022 06:43 PM	I think a homeowner has the right to rent their property in order to offset the over the top operating expenses in the Roaring Fork Valley .
Screen Name Redacted 4/05/2022 04:15 AM	A) It's not the city's business how people choose to use their private property B) STRs add to Aspen's bed base which enables the economic activity for our resort economy. Doesn't matter if the owners occupy them or not.

Screen Name Redacted 4/05/2022 07:04 AM	It is not relevant who lives in the property. None of these places whether owner occupied or not are of market value that can be afforded by the workforce. Also, some owners may use these second homes throughout the year personally, but may not be able to stay for 6 months total. Why should they not be allowed to seek a return on investment or create revenue to offset the cost of the asset?
Screen Name Redacted 4/05/2022 07:34 AM	Impossible to endorce. Unintended consequences. Meddlesome governments should stay out of peoples' lives.
Screen Name Redacted 4/05/2022 07:34 AM	These are two very different beasts. An owner occupied unit that does occasional STR is a lived in home with family photos and personal items. A non owner occupied unit is competing with the overpriced hotels in the area, allowing people to spend less money, have more space and contribute to our economy, which, lest we forget is mainly driven by tourists. They need a place to stay. Do we want to drive out any visitors who want to come to ski but cannot afford the Little Nell?
Screen Name Redacted 4/05/2022 07:55 AM	Many owners need the income to pay to upkeep their homes. Many owners can only afford to live in Aspen part time by renting their homes part time.
Screen Name Redacted 4/05/2022 08:37 AM	There is no difference between owner-occupied and nonowner-occupied. Both affect the owner of the property. The owners should be treated equally. They both pay taxes that support the city of Aspen.
Screen Name Redacted 4/05/2022 08:52 AM	It would be helpful if you defined the above terms in the question. So assuming that the owner must be in the unit while renting to others, I disagree with this. Most visitors to our community want to rent and use their own space and not share it like a hostel.
Screen Name Redacted 4/05/2022 09:16 AM	Unfair discrimination
Screen Name Redacted 4/05/2022 10:52 AM	Non owner occupied units actually create less stress on municipal resources because people do not live in community full time. In other words, occupancy may be full during peak seasons, but less than full time use.

Screen Name Redacted
4/05/2022 11:57 AM

plenty of multi unit complexes are NOT owner occupied and have HOA rules that regulate the extent to which that community would like STR. these HOAs should have a voice...

Screen Name Redacted
4/05/2022 11:57 AM

Unless you plan to offer full-time owners a discount on taxes for offering property for short-term rental in order to cover their home expenses or gather additional income while they travel with their families I do not see a need in distinguishing between the two. Both owner-occupied and nonowner-occupied pay the same amount in property taxes, it creates an unnecessary us vs. them. It will also lead to more people claiming their full-time residence as Aspen in order to rent and thus will change your voting base which could have many unintended consequences.

Screen Name Redacted
4/05/2022 12:24 PM

This would penalize families who have had a home in the valley for many many years as a family week vacation spot and share it, renting it only occasionally to help cover the expenses.

Screen Name Redacted
4/05/2022 03:24 PM

It could become discriminatory, could take away freedoms and rights that every enjoys now, peoples circumstances change year to year such as with COVID or marital status, etc, and could adversely impact local jobs health and well-being of the community

Screen Name Redacted
4/05/2022 04:59 PM

Because Aspen needs short term rentals to offset the lack of hotel accommodations. Also many larger families rely on having a kitchen to prepare some at home meals, especially since Aspen currently doesn't have enough restaurant services and most all now require months in advance bookings to get a table. People need to feed their families for an entire week. It's not practical to do so based on the current lack of dining options or hotel restaurants. That's why we have condos and homes in addition to begin with. Not to mention, these families also support other local purveyors from retail, to tour operators, to party planners, to lift tickets, to ski lessons and equipment rentals. That is a lot of combined sales and use taxes you may stand to loose if there are no alternatives to hotel stays. Lastly, banning short term rentals will NOT solve the affordable housing dilemma as no one is going to rent multimillion dollar private residences as affordable housing to workers, meaning these currently valuable private assets which very much create a massive sales and use tax influx, will simply sit empty and un-utilized. Does Mayer Torre realize that the very tax revenue these rentals and their guests generate on their stays by spending in our community could equate to a major portion of the funding he requires to build additional affordable housing? Because if not? He's cleanly missing the boat

and should not be our Mayor. Nothing like cutting off your nose to spite your face logic. Doesn't make any sense and it's robbing our guests alternative accommodation capabilities. Perhaps they will all head to Vail instead.

Screen Name Redacted
4/05/2022 06:07 PM

Aspen should not micro manage at this level of detail.

Screen Name Redacted
4/05/2022 06:10 PM

It's all the same, essentially.

Screen Name Redacted
4/05/2022 06:35 PM

Who rents to who is the same process, care selection etc for owner occupied and non owner occupied. All are high class, high quality, top maintenance, guests and units. Quite different than many other areas of the country.

Screen Name Redacted
4/05/2022 09:04 PM

"Owner occupancy" is not a significant issue in limiting STR, particularly if the issue is being framed as one of access to housing in general

Screen Name Redacted
4/06/2022 09:25 AM

It is irrelevant. Someone may live in Aspen full-time and then go away for a year or two. Someone may split their time between Aspen and somewhere else. Someone may spend as much time as they can in Aspen. What the owner does is completely irrelevant.

Screen Name Redacted
4/06/2022 10:09 AM

An arbitrary number of days spent in the home by the owners shouldn't determine the regulations. Expensive and difficult to monitor and enforce, easy to game.

Screen Name Redacted
4/06/2022 11:02 AM

Because the people that come to live in Aspen are young and full of drugs, love to party they are here only for skiing and this affects my home. They destroyed my apartment, don't respect anything. I rather have a stranger that comes with a family for a vacation fallows the rules. Do to all the high end stores here rent is off the roof which makes living very difficult and rents expensive and unavailable.

Screen Name Redacted
4/06/2022 12:22 PM

Why? They are all real estate that are under the discretion of the owners. If STRs are allowed they should be allowed for all. It's the same impact: and city needs the beds for tourists as this is completely a tourist Economy. No beds, no locals - whatever a local is.

Screen Name Redacted
4/06/2022 03:50 PM

To me it's not an issue of classifying owners rather it is about the cost to rent each unit. It is causing the prices for long term rental contracts to explode. Owners will choose more money over a single long-term for this reason.

Screen Name Redacted
4/06/2022 05:48 PM

It does not make a difference if a property is owner or renter occupied. At the end of the day the more heads in beds makes a strong & healthy local economy on all levels

Screen Name Redacted
4/06/2022 07:29 PM

People should be able to do what they want with their property. It should not be controlled. What if they change their mind on how long they live in their property?

Screen Name Redacted
4/06/2022 08:34 PM

what is the definition of owner-occupied. An Owner who spends 5 months a year here? Or, is the distinction of owner-occupied someone who doesn't rent for more than 60 days per year???

Screen Name Redacted
4/07/2022 11:40 AM

Non-owner-occupied homes sit vacant (rather than rent to true "locals"). By allowing them to participate in STR there is an added value to the economy in revenue, taxes, jobs, etc. If we do NOT allow them to participate, they will then contribute absolutely nothing to our economy. (More like wasted space). It is highly unlikely that this change would result in more long-term leases for the locals.

Screen Name Redacted
4/07/2022 01:52 PM

I don’t see what difference it should make. Both provide vital housing for Aspen visitors.

Screen Name Redacted
4/07/2022 02:12 PM

I believe in democracy and free market economics-- and the rights of ownership despite how a property is used. That is the American way

Screen Name Redacted
4/07/2022 03:41 PM

Because what difference does it make?

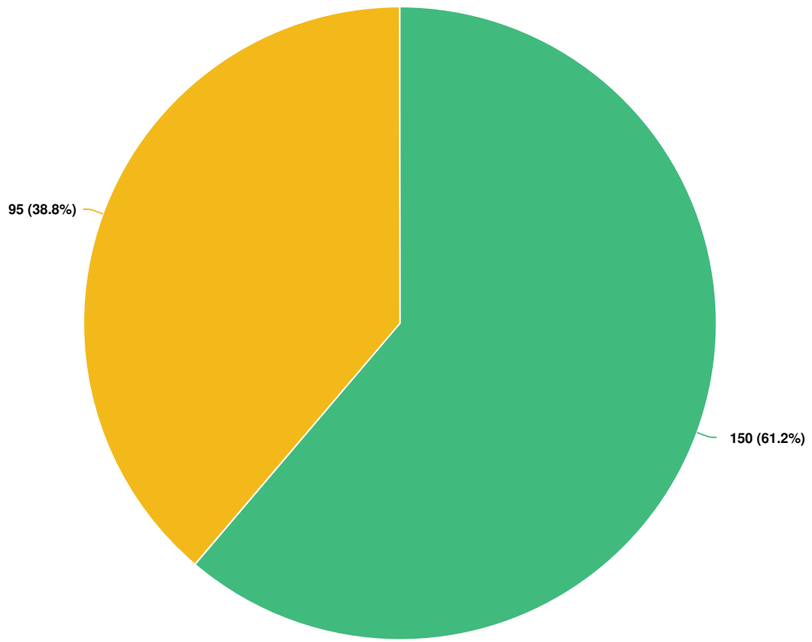
Screen Name Redacted
4/11/2022 10:53 AM

I am a owner of a residence for 32 years in Aspen. I have some insight on this. For multiple reasons wihch are complicated but boil down to this 1. Aspen doesn't have an adequate supply of Hotel space, nor do I think developing that is a good idea beyond the over development now, to accommodate the folks who come for food and wine, ideas, xgames, etc. 2. Do you really want to have darkened

streets because home owners who are not in residence are not going to rent below market to teachers, ski instructors or a group of kids (my neighborhood was much different in 1989 when those were my neighbors.. the town didn't manage this well but you can't go back at this point .. sorry reality) 3 WE don't need more damn national chain motels and I agree you don't want to fuel a future market of condos or buildings that are bought and developed as short term rentals but on the other hand you have to manage the mismanged, and I say this with full personal knowlege, employee housing in town. It's terrible the abuses i know about and have seen of folks abusing their status. 4 You also need to have had built and continue to use the TREMENDOUS resources youi get in real estate taxes and taxes from my rentals to build and develope more and better affordable housing in Aspen 5. I rent my house for the past 32 years, I stay there sometimes for months at a time but rent to the same folks every year for food and wine, ideas, x games, christmas.. you are seriously going to end luxury rentals for folks that bring millions of dollars into the ecomony. And you don't have room for the staffs for instance that come in and stage food and wine, or ideas etc. you have a problem. It is of the town's making but now you want to punish folks that have owned property for years and by restriciting rentals to existing home owners you don't really solve anything but ccreate more problems and hotel expansion. Agree that you need to stop development which solely drives the building of rental condos going forward as this will create problems.

Optional question (131 response(s), 114 skipped)
Question type: Essay Question

Q4 As the City of Aspen considers regulations for short-term rentals in Aspen, do you think we should make a distinction between lodge (condo hotel) properties and residential properties or units?



Optional question (245 response(s), 0 skipped)
Question type: Radio Button Question

Q5 Why?

Screen Name Redacted 2/27/2022 01:48 PM	Residential properties should primarily serve our local community. Lodges serve visitors and are located within the City core. Short term rentals should only be allowed in residences where there are local people living. Neighborhoods are impacted by people who are here "for a good time" and are not interested in our community. Noise and safety are also concerns in short term rentals. Lodges are already required to monitor these issues. Nonresident short term rentals do not care about these issues, only about their return on investment.
Screen Name Redacted 2/28/2022 02:28 PM	perhaps. a property manager should be required to address emergencies, oversight, neighborhood impacts.
Screen Name Redacted 2/28/2022 10:37 PM	Yes, there should be a distinction, but short term rentals should be taxed at the same commercial rate.
Screen Name Redacted 3/03/2022 01:53 PM	We are a resort town and I believe the Aspen core is a "lodging" zone. Residential neighborhoods could have a number to call in the City to lodge a complaint regarding parking, noise, etc. NO ONE in any of my neighborhoods ever worried about calling the police or sheriff deputies if my yard parties got "too noisy" or "too Late." I also pay lots of real estate tax for the services we enjoy. You might consider a Liason or other type person whose contact must be published for any complaint in a residential neighborhood.
Screen Name Redacted 3/04/2022 12:23 AM	They are differently priced and provide different amenities. Reducing STRs will increase hotel prices.
Screen Name Redacted 3/05/2022 11:36 AM	My residential neighborhood is greatly impacted by STRs as they can bring in 4 cars or more for a property that sleeps 8. It congests our street. The guests are here to party and create much more noise than our quiet neighbors. We have to go to the door to ask the guests to please be quiet.
Screen Name Redacted 3/05/2022 06:08 PM	because of the reasons you stated above, primarily the fact that strs are destroying the long term free market rentals which is what Aspen most desperately needs across the spectrum, not just more APCHA, no more uber empty geared for strs residential, but a great apartment building with a gradation of sizes and pricing with one stipulation:

most have to be long term rentals to full time locals. When I see friends who have been professionals here, or worked for SkiCo 35c years not finding long term rentals as we always had, we all know it is because the strs have eaten them alive. And, I live in a residential zone condo building being eaten by strs- different people in certain units constantly. Lots of disruption in a quiet zone east end 2 blocks from city mkt.

Screen Name Redacted
3/06/2022 02:45 PM

They are totally different entities and if we don't make a distinction, soon all properties in Aspen will function as hotels.

Screen Name Redacted
3/06/2022 04:17 PM

Condo hotel properties, even the ancient ones that were built back in the 60's and early 70's, were designed to accommodate short stays. They have amenities and consolidated services. Most of them are located in the downtown commercial core, close to shopping and resort activities. Their service people work in one or two buildings rather than shlepping all over town.

Screen Name Redacted
3/07/2022 12:04 PM

All the reasons cited above in the introduction to this question.

Screen Name Redacted
3/07/2022 04:48 PM

Well, you've summed it up pretty well already. When a residential property in an area zoned as a residential neighborhood gets rented, it displaces a family that could live there instead, creates noise and traffic in the neighborhood, and effectively functions as a commercial business. This is why we have zoning - to protect the quality of life in residential neighborhoods.

Screen Name Redacted
3/08/2022 09:59 AM

Those houses are being run as businesses and should be held to the same tax and zoning laws as others.

Screen Name Redacted
3/10/2022 05:17 PM

i have a condo in Aspen. we use it as a family for probably three months a year, typically the ski season. Again, if i want to rent it rather than have it sit idle for the 8 months between ski seasons, what business is it of yours? my income from it gets taxed, the people staying in my condo pay tax and they use the services that Aspen has to offer, from restaurants to retailers to air services. Without these renters, Aspen would be limited to just hotel beds.

Screen Name Redacted
3/10/2022 05:41 PM

I think you should ease the regulatory burden of the lodge industry rather than make it more difficult for the vacation rental operators. I am sure if you ask the hotel industry they will say we have so many

rules and regulations to follow. They will also say , and i'm sure this is the motive behind the effort to further regulate the short term rental market, to "even the playing field". This is bogus. There are not enough hotels in Aspen to satisfy the demand of visitors. this is where the short term rental market comes into play. The market allows additional visitors to come to aspen and stay at condos or homes and spend their money.You don't want more big global hotels in Aspen. Where would you put them. additional hotels would change the character of the town. The short term rental industry employs people, pays taxes and is an additional economic driver for the town. why would you want to change that by adding new unnecessary regulations?

Screen Name Redacted
3/10/2022 06:18 PM

Privately owned residences are not commercial properties.

Screen Name Redacted
3/10/2022 07:54 PM

Treating both equally would put undo burden on residential property owners. Most owners have one property for short term rental. Lodges have several room/spaces and they also benefit from tax exemptions that individual owners may never benefit from.

Screen Name Redacted
3/10/2022 08:51 PM

condos will have on-site management. Non-owner-occupied homes will not.

Screen Name Redacted
3/11/2022 07:48 AM

I think me renting out a one bedroom unit a week at a time if very different than the hotel or lodge that is full time short stay business. There isn't enough housing options as is, and the rent income is barely enough to cover the costs of the units anyway.

Screen Name Redacted
3/11/2022 07:55 AM

Lodges have corporations and infrastructure to oversee their property, bookings, cleaning, etc. While many residential properties hire that out, some do not and do not have a big name hotel behind them to back it. Many use it to be able to visit or live in the area to make it financially feasible. Hotels do not provide this.

Screen Name Redacted
3/11/2022 12:09 PM

A lodge is never a one bedroom or two bedroom unit, usually upwards of 30 rooms, and a lot of them are 60 plus rooms - a str unit will probably add 1 car during the rental, a lodge will add at least 30 to 60 cars.

Screen Name Redacted
3/11/2022 04:40 PM

They are different property types with different expectations from guests. Also, residential properties are usually owned and maintained

by individuals who do not have the financial, economic, or lobbying power that corporate owners have.

Screen Name Redacted
3/17/2022 07:43 PM

Residential units are just that. A person's residence. They are not located in commercial areas and should not be taxed as commercial units.

Screen Name Redacted
3/17/2022 07:57 PM

Because they are different ownership structures. Of course they are different.

Screen Name Redacted
3/17/2022 08:08 PM

Your description above gives many good reasons - traffic, parking, front desk assistance, etc.

Screen Name Redacted
3/17/2022 08:48 PM

They are 2 different types of rentals.. Maybe homes that are owned by businesses and used only for rental should be treated like lodges, but individual owners renting their house should be allowed to reside there and also be able to rent it out. Perhaps limit the amount of time per year homes could be rented out .?

Screen Name Redacted
3/18/2022 07:00 AM

Because they are different

Screen Name Redacted
3/18/2022 02:35 PM

For the reasons stated above, especially: Lodges are generally located in areas of the city (zone districts) that are intended and designed to provide for the impacts of commercial uses such as transportation and parking. Vacation rentals that operate in residential buildings or neighborhoods, are often not located in areas that can withstand the impacts of these rentals without burdening neighbors or Aspen's infrastructure. Property taxes for lodges are based on commercial tax rates. Vacation rentals, being located in residences, have a much lower property tax burden.

Screen Name Redacted
3/18/2022 02:47 PM

lodges are commercial. homes are residential

Screen Name Redacted
3/18/2022 06:13 PM

Regulations and taxes for short-term rentals should require the renters to follow neighborhood rules. Owners should pay the required taxes.

Screen Name Redacted

For all the reasons listed in the explanation above, particularly the

3/19/2022 09:01 AM

concept that lodges are required to do more to mitigate their impact on the surrounding area.

Screen Name Redacted
3/19/2022 01:44 PM

Residential properties house significantly fewer guests than lodges

Screen Name Redacted
3/19/2022 01:52 PM

Residents who own in a residential area have an expectation that their neighborhood will remain residential. Unrestricted short-term rentals resulting from technology changes like AirB&B can turn a quiet, family neighborhood into a business district.

Screen Name Redacted
3/20/2022 03:58 PM

High turnover / high service residential units should not be permitted in residential zones or be regulated to limit short term use and mitigate impacts. I fear some people are painting all residential as "mini-hotels". In fact, a very, very small percentage of residential units are used for extensive short term rentals.

Screen Name Redacted
3/21/2022 10:43 AM

The differences above make sense.

Screen Name Redacted
3/21/2022 02:22 PM

Condo hotels, are just that, hotels. That is what they are intended to be.

Screen Name Redacted
3/21/2022 07:40 PM

For the reasons stated above regarding on-site management and the more rigorous requirements for hotels and lodges.

Screen Name Redacted
3/22/2022 12:36 PM

Because the license's are regulate better in hotels than in residential units as the regulations have been in place longer.

Screen Name Redacted
3/22/2022 02:05 PM

Commercial tax rates should be 100% if you are renting out a property as a form of income. eat the rich :)

Screen Name Redacted
3/22/2022 04:33 PM

The impact is much more severe in residential areas for short term rentals. The lodging and commercial districts have been zoned and defined to accept this greater traffic where in residential zones the tax rate for short term rentals doesn't compensate near enough for the impact it creates on the peaceful and quiet environment they were zoned for.

How do short-term rentals play a role in our community? : Survey Report for **14 June 2016** to **11 April 2022**

Screen Name Redacted 3/22/2022 06:59 PM	Zoning. Some neighborhoods should be residential, some can be lodging.
Screen Name Redacted 3/23/2022 07:23 AM	see differences above
Screen Name Redacted 3/23/2022 08:19 AM	They are not the same and have different impact on the community. By not having on-site management STRs in neighborhoods can rent to people that can behave however they please without real consequence.
Screen Name Redacted 3/23/2022 11:02 AM	lodges are specically for tourist or short term visitors. residential priperties however can and should be used to house people that live and work here. there is a huge worker shortage due to the lack of affordable housing, if we want to continue to have hotel, resturant, medical, and shop workers than something needa to be done.
Screen Name Redacted 3/23/2022 12:08 PM	Because they aren't exactly the same thing. I'd make them a lot more equal, in terms of the rules, than they are now, such as making them responsible for mitigation and taxing them like a commercial property, but STRs are not out-and-out businesses, so I wouldn't treat them the same. Like I wouldn't require some heightened fire safety rules that apply (just guessing here) to commercial establishments.
Screen Name Redacted 3/23/2022 12:34 PM	Short term rentals are killing our neighborhoods. Neighborhoods are for neighbors, NOT VACATION RENTALS
Screen Name Redacted 3/23/2022 04:42 PM	I don't believe that Owner occupied STR's rent on average the number of nights that a hotel or condo hotel rents. Nor do they make the revenue that a hotel makes. Yet STRs offers a niche for a more price sensitive guest, for guests that would rather hold down accommodation costs while experiencing Aspen's recreation, dining, and shopping. This in turns offers more diversity in our town's guests. Isn't that more desirable to the community at large?
Screen Name Redacted 3/23/2022 08:14 PM	Again, apples and oranges. Lodges are businesses, an owner renting their dwelling space out for a short term during the year is not.
Screen Name Redacted 3/24/2022 08:06 AM	Because, clearly, there is a difference. We are talking about two completely different entities.

How do short-term rentals play a role in our community? : Survey Report for **14 June 2016** to **11 April 2022**

Screen Name Redacted 3/24/2022 12:51 PM	Some people need 24/7 staff for their stay and tourism. Especially clientele that visits here. I think it's smart to have lodge type apartments that offer kitchens and other services that hotels can't. Off site property managers work well for some but not all.
Screen Name Redacted 3/25/2022 08:48 AM	Condo hotels are purpose built residential units that convert to short term rentals are depleting inventory for year round people
Screen Name Redacted 3/25/2022 06:15 PM	more guest in lodges
Screen Name Redacted 3/25/2022 07:05 PM	Respect present zoning - Condo Hotel is a commercial use
Screen Name Redacted 3/25/2022 08:03 PM	Yes - b/c the most likely scenario is that a residence is being used as a STR only part of the time and the owner is using the property the other time. This is a significant distinction relative to a lodge.
Screen Name Redacted 3/26/2022 11:46 AM	Because residential properties impact working people who didn't agree to having vacationers partying at all hours in their neighborhoods.
Screen Name Redacted 3/26/2022 12:45 PM	The differences outweigh the similarities.
Screen Name Redacted 3/26/2022 06:46 PM	Because of all the things stated above
Screen Name Redacted 3/27/2022 06:20 AM	Lodges are important to keep
Screen Name Redacted 3/27/2022 06:24 AM	Visitors who choose to stay in a short-term rental are usually families with kids who want/need multiple bedrooms in a unit and value having living room to relax. Plus, most families need a kitchen and want the ability to cook rather than go out for every meal. Our restaurants are already crowded enough and hard to get a reservation, so visitors staying in condos and houses have the added benefit of not over-straining our restaurants.

How do short-term rentals play a role in our community? : Survey Report for **14 June 2016** to **11 April 2022**

Screen Name Redacted
3/28/2022 05:03 PM
Hotels and lodges are made for that purpose so they carry that infrastructure with them. To tax a residential property like a hotel is just ridiculous considering the volume of visitors

Screen Name Redacted
3/28/2022 05:21 PM
Condo/hotels are professionally managed. Residential properties are "managed" by people who usually don't care about their neighbors.

Screen Name Redacted
3/29/2022 07:38 AM
differences in zoning and in taxes.

Screen Name Redacted
3/29/2022 09:18 AM
Reasons articulated for distinctions make sense. Regarding the issue of noise/disruption as well as parking in neighborhoods, we support enforcing maximum occupancy numbers.

Screen Name Redacted
3/29/2022 03:15 PM
lodge (condo hotels) most usually do not have more than 3 bedrooms. Private homes can be larger for extended family rentals. Lodges are different as the room or condo rentals are usually the same and can be interchanged easily. Private homes can have "yards" that families prefer. Rentals in these larger homes bring money into our community . they use our restaurants, and support our music and theatre productions.

Screen Name Redacted
3/30/2022 12:27 PM
Residential properties are not commercial businesses and should not be. They were built and designed for neighbors to know each other.

Screen Name Redacted
3/30/2022 02:30 PM
They are two different sought out types of vacations.

Screen Name Redacted
3/30/2022 03:37 PM
Condo hotels have management on site, usually 24/7 or most of the time. Residential properties usually have management that can be on of off.

Screen Name Redacted
3/30/2022 03:59 PM
impacts are huge in residential neighborhoods and make it unlivable for full time residents.

Screen Name Redacted
3/30/2022 04:16 PM
Residential properties are not zoned for commercial properties and can cause havoc for neighbors

Screen Name Redacted
Condo hotels are fully managed, STR are not managed. You must

How do short-term rentals play a role in our community? : Survey Report for 14 June 2016 to 11 April 2022

3/30/2022 07:16 PM
define what Managed means in the context of the question. condo tels are professionally managed and STR are not. This is the problem.

Screen Name Redacted
3/30/2022 08:59 PM
We want lodge properties to act as lodges.

Screen Name Redacted
3/31/2022 12:11 PM
This question is dumb. There is ALREADY a distinction between lodge properties and rental properties and will ALWAYS be. Please note that your last bullet is incredibly inaccurate... "Under current regulations, the requirements for lodges to ensure the safety of their guests, provide for a quality visitor experience, and contribute to Aspen's efforts to facilitate a functioning economy and maintain a sustainable system of infrastructure, are significantly more rigorous than those required of vacation rentals." This statement is SO WRONG! Vacation rentals contribute and facilitate a functioning Aspen economy. There is also no proof of data showing that lodging is "significantly more rigorous than those required of vacation rentals." THIS IS BS!! 1. When you impact the short term rentals you impact the following organizations that are contributing and facilitating a sustainable economy: -housekeepers - Majority of housekeepers have a team and run their own company. -steam cleaners - Mr. Vac, Rash & Sons, etc.,. -property manager - Also have teams of people working for the PM company -snowplowing services -trash service - hot tub service company -local chefs and caterers -leasing agents - concierge company The list goes on and on!

Screen Name Redacted
4/01/2022 11:20 AM
Tourists and guests to Aspen should stay in lodges/condos/hotels, NOT neighborhoods. My experience is that the STR next door welcomes people who party late and loud, disrespect the locals and can be downright rude.

Screen Name Redacted
4/01/2022 11:21 AM
Lodges and hotels in Commercial zones are best suited for tourist accommodations and traffic issues

Screen Name Redacted
4/01/2022 07:40 PM
for the reasons above theres a difference, however ,the bigger the size and higher the occupancy of str's the more they resemble lodges so maybe not.

Screen Name Redacted
4/02/2022 09:38 AM
Residential neighborhoods and the security and sense of well being of having real long term neighbors are corrupted by time sharing and short term rentals.

Screen Name Redacted 4/02/2022 10:07 AM	Condo - hotels are historically set up for short term rentals
Screen Name Redacted 4/02/2022 12:38 PM	Not everyone wishes to stay directly in downtown Aspen nor stay in a hotel or lodge for various reasons and it usually relates to cost. Years ago, families stayed here in the small lodges and got to know the lodge owners, feeling a sense of community. I think the residential rentals can provide that sense of community for those visitors who like to acquaint themselves with some local residents. Short term rentals should definitely pay additional city or county taxes (state taxes are currently paid in some instances) and follow regulations with regard to parking, noise, and neighborhood rules. However, if the licensing fees and tax rates become so high that it is burdensome, it will defeat the purpose of the rental for some of us.
Screen Name Redacted 4/02/2022 08:27 PM	Come on - seriously? There isn't any further impact on a residential property whether the owner is occupying the property or guests.
Screen Name Redacted 4/03/2022 10:47 AM	Because a lodge is built for the tourists, charge them as much as you want. Condo’s should NOT be considered lodges.
Screen Name Redacted 4/03/2022 12:03 PM	Neighborhoods were never intended to function as fast turnover pseudo hotels
Screen Name Redacted 4/03/2022 02:14 PM	Because the Lodge (Condo Hotel), and Residential Properties have different impacts.
Screen Name Redacted 4/03/2022 03:32 PM	Same answer as in first survey question!
Screen Name Redacted 4/04/2022 08:54 AM	Lodge properties are managed by entities with property management divisions. Most residential rentals are managed by real estate brokers who portend to use a property manager. This is where the issue lies - we must restrict residential short-term rentals.
Screen Name Redacted 4/04/2022 10:05 AM	If a unit is being run as a lodge, it should be taxed accordingly.
Screen Name Redacted 4/04/2022 03:37 PM	Owners with a single property may not be able to comply with those requirements.

Screen Name Redacted 4/04/2022 03:56 PM	Private residential use is a different animal than commercial use. They should be considered different rental situations when it comes to regulations
Screen Name Redacted 4/04/2022 04:11 PM	If each room in a hotel operated independently of one another then no. But in a large, commercial specific venture, yes, but only in terms of safety.
Screen Name Redacted 4/04/2022 04:40 PM	Lodge properties were zoned and permitted for short term rentals. They should continue to operate in that manner without limitations on frequency of rentals. It may be that restrictions on STR of residential properties may be appropriate. For example limiting the number of weeks a residential property can be rented short term may be appropriate. Regulations should be designed so as to deter the removal of property from the long term rental pool. Second homes are by definition not part of the long term rental pool.
Screen Name Redacted 4/04/2022 06:43 PM	hotels are different than privately owned properties.
Screen Name Redacted 4/05/2022 04:15 AM	They are indeed different
Screen Name Redacted 4/05/2022 06:45 AM	From a tax perspective, I think properties that operate primarily as a lodging business, whether condo hotel or residential unit, should face the same tax burden. From a safety and neighborhood impact perspective, residential units have slightly different impacts and expectations, so we need good but more nuanced regulations around individual units in neighborhoods. For example, frequent turnover and parking impacts can be severe and we should consider rules that require longer length of stay, limit total stays in a period, or require on-site, off-street parking. We should make owners liable for disruptions caused to a neighborhood by guests (e.g. a ticket from the police for excess noise after a certain our should be crazy expensive). On the other hand, it is impractical for a single unit to have full-time staff available 24/7.
Screen Name Redacted 4/05/2022 07:04 AM	Commercial lodging vs residential lodging are similar but different. Both need regulated differently, but similarly. I don’t oppose higher tax to residential lodging enterprises, but the tax revenue generated should be earmarked to offset workforce housing needs. Those

	revenues could be used to subsidize rents for workforce. Also programs to incentivize owners to rent to the workforce can be funded from higher tax revenues. Commercial lodging and residential lodging should have transportation mitigation and waste control mandates alike. Every visitor does not need a car, but every visitor should be responsible for and should participate in waste mitigation.
Screen Name Redacted 4/05/2022 07:34 AM	For the reasons stated in the question.
Screen Name Redacted 4/05/2022 07:37 AM	Lodges are more appropriate for STRs
Screen Name Redacted 4/05/2022 08:37 AM	Lodges and hotels are commercial ventures. They are designed for rental year round. Private homes and condos are not the same as a commercial venture. Generally, they are not intended to rented year round and are also used by the owners. Over the years that people purchased the private units they were purchased with the intent of some financial return to help offset the costs of ownership. To change that structure now would be devastating too many private unit owners.
Screen Name Redacted 4/05/2022 08:42 AM	If a property is being rented more than 2 weeks per year, then it should be considered a commercial property.
Screen Name Redacted 4/05/2022 09:16 AM	Individual homeowners should not be subject to commercial regulation and taxation
Screen Name Redacted 4/05/2022 09:22 AM	Because the impact of short term rentals in the residential areas affects the lives of neighbors.
Screen Name Redacted 4/05/2022 10:52 AM	You can make a distinction and both can co-exist.
Screen Name Redacted 4/05/2022 11:05 AM	I am happy to play by any rules that make condo hotels and short term rentals fair.
Screen Name Redacted 4/05/2022 11:06 AM	Keep our residential areas quiet, give businesses to lodges and hotels who are prepared for the traffic and noise

Screen Name Redacted 4/05/2022 11:57 AM	Yes, areas that were zoned Lodge for the intended purpose of renting and short-term stays should not have to pay an additional fee not in order to rent on top of the taxes of 11.3% already in place.
Screen Name Redacted 4/05/2022 12:24 PM	They are essentially very different
Screen Name Redacted 4/05/2022 02:10 PM	Condo hotels are not doing as much damage to the community as residential properties and units. Condo hotels have always been short-term rentals in the hospitality industry
Screen Name Redacted 4/05/2022 02:32 PM	Size of property
Screen Name Redacted 4/05/2022 03:15 PM	Because residential properties often function as mini-lodges in Aspen because of their size, and thus should be treated accordingly.
Screen Name Redacted 4/05/2022 06:10 PM	I have less of an issue with Lodges. It's the short-term rentals in homes, etc. that are a major problem.
Screen Name Redacted 4/05/2022 06:27 PM	Long term residents live in residential properties and are impacted by short term rentals so they should be protected. Also hotels pay commercial rates while residential owners renting out their properties do not have to pay these charges
Screen Name Redacted 4/05/2022 09:04 PM	Commercial lodges provide services beyond those of residential STR
Screen Name Redacted 4/06/2022 12:16 AM	Because they ARE different and they should be treated differently! Some visitors who come to Aspen and choose a vacation rental are most often looking for a different kind of experience rather than staying at a typical hotel. They want to feel "at home" rather than at a commercially run hotel with a busy lobby and 24-hour surveillance. Those who are renting out their homes should obviously have guidelines to follow as they already do with VRBO and the like, but not additional strict City/Government regulations. Many vacation rentals are managed by their local owners who know their own property, neighbors, and neighborhoods best! Whether a guest is at a hotel or a vacation property, all guests at some point will need transportation and food. Whether they are using private or personal transportation (taxi, RAFTA bus, or Uber) or restaurant, bar, or grocery store, all activities are contributing to a functioning economy

supporting all businesses in town! Property taxes are high enough in Aspen not to mention the 8% required by VRBO and then another 4.4% to the city of Aspen. Many STR owners are struggling just to make ends meet to remain in Aspen and must rely on the additional income of an occasional STR for survival. Commercial businesses often get capital gains tax exemptions!

Screen Name Redacted
4/06/2022 07:50 AM

I think residences that rent out more than some % should be deemed lodges or commercial activities that are prohibited in residential zoned areas

Screen Name Redacted
4/06/2022 08:06 AM

sporadic rentals by owner-occupied is not a dedicated business endeavor and has less impact upon the local infrastructure. As such, they should be treated differently,

Screen Name Redacted
4/06/2022 09:25 AM

Houses should be taxed as houses and lodges should be taxed as commercial properties. Lodges are rented everyday in the same fashion. Houses may be only rented part time or vary year to year. Collecting sales and lodging tax solves the issues for houses.

Screen Name Redacted
4/06/2022 10:48 AM

Lodging should be located appropriately in areas zoned as such, including downtown Aspen. Residential neighborhoods that aren't zoned for lodging or commercial operations are inappropriate for lodging. STR's disrupt our neighborhood near Smuggler in many ways. Who wants to live next to a party house where no one is vested into the wellbeing of the neighborhood? They park all over our paths, sidewalks, don't shovel creating safety issues, etc. Guests are here to party, of course.

Screen Name Redacted
4/06/2022 11:02 AM

Because is very hard to find a place to live in Aspen alone. Not to mention the rent. We must be able to Airbnb

Screen Name Redacted
4/06/2022 12:22 PM

Yes. They are very different by nature - particularly

Screen Name Redacted
4/06/2022 03:50 PM

You can't change the location of residential short term rentals, in other words take them out of the neighborhoods and consolidate them in one area of town. That is the benefit of hotels in that they generally keeps the tourists where we as a community want them, business areas not residential neighborhoods.

Screen Name Redacted
4/06/2022 08:34 PM

I have a SFH that I rent a couple of times a year. I have a permit and my Broker (Elliman) pays the city the tax (11.3%) collected on my lease. As a SFH, I have never had a complaint from other neighbors as my property is separate from theirs vs. a condo which has common area.

Screen Name Redacted
4/06/2022 09:17 PM

The difference in management structure, taxation and zoning creates a big distinction that should be acknowledged within the expectations and requirements of operating both types.

Screen Name Redacted
4/07/2022 11:40 AM

Hotels or "lodges" are much larger enterprises - both in business and in physical size/energy output. You cannot proportionately expect smaller residential homes to shoulder the "same" regulations as these "lodges." A family of 5 checking into a private estate has nowhere near the same " negative impact" on the community as do the HUNDREDS (or thousands) of people checking in/out of these lodges each and every day. That's not to say that STR regulations cannot be updated. They simply cannot be viewed as equal to commercial regulations.

Screen Name Redacted
4/07/2022 02:12 PM

Lodges are in the public domain available for general public consumption 365 days a year.. Residential housing rented by owner is rented at the owner's discretion and is not available 365 days a year.

Screen Name Redacted
4/11/2022 10:53 AM

My answer to 2 above. Condo hotels are recent realestate operations which dirve up the price of condos and rents. I really don't want more hotels in aspen. What are you going to do with the Gant. Those are all short term rentals.. shut it down.. where do you put people and how do you distinguish that. Look you all need to put resources into affordable houing and manage it MUCH better. You'd be better off on new condo hotels limiting the amount of weeks they can be held out for short term rental

Optional question (122 response(s), 123 skipped)
Question type: Essay Question

Q6 Why not?

Screen Name Redacted
2/27/2022 02:17 PM

The question was misleading; we want to preserve our neighborhoods while guiding rentals of all kinds to be kind and respectful neighbors; the question itself suggests punitive distinctions

between STRs and lodging which does not appear justified

Screen Name Redacted
2/28/2022 08:20 AM

The objective to have a situation where guests are serviced and represented during their stay, and have someone to call in case of an issue, is a good idea. However, you are going about this the wrong way and making numerous wrong assumptions. Firstly - at least half the "lodges' in town do not have 24 hour desk or service - most lodges have daytime-only staff. There are also rigorous laws about property condition - ie: property meeting building codes, safe systems, mandatory smoke and Co2 detectors, etc, etc. Many of these rules could also be re-inforced or policed through the rental permit application process. There seems to be zero regard for the tourists visiting here. Its a BOLD assumption that the tourists need to be served in Lodges and Hotels, when in fact the current trend - ask most guests to our area - is that they do not want to be in hotels and lodges and prefer to be housed in private residences. You MUST acknowledge the changing trends and landscape of resort communities and the aspects being sought by tourists and guests. The need for having someone to help the guests, provide service and accountability for the guests and the like, can easily be managed by the real estate brokerage and property management communities in the town. We have excellent brokers providing high levels of service, and property management firms and concierge companies offering bespoke services and custom tailored experiences which are way more in demand than the old school tired old lodge desk with a low brow desk clerk that doesn't know much about the town or care about providing that extra level of service. Instead of prohibiting this entire economic arm of the town, involve the massive real estate community (which encompasses more local residents than ANY OTHER INDUSTRY IN ASPEN) to provide the service and accountability that the Guests are looking for.

Screen Name Redacted
3/02/2022 06:38 AM

Residential properties used as short term rentals should, in general, have to comply with the same rules as condo hotels. There may be some differences, such as no on-site unit manager for residential properties etc, but that can be dealt with, with regulations that are appropriate and achievable. Don't throw out the baby with the bath water.

Screen Name Redacted
3/04/2022 07:43 PM

Fair is fair. Per my earlier comment, I would look at the number of days rented per year as an STR as the measuring stick--per unit.

Screen Name Redacted
3/07/2022 07:40 AM

The information above is not 100% accurate and does not reflect the true nature of the situation.

Screen Name Redacted
3/07/2022 11:22 AM

Short-term rentals service a variety of needs. Some might want more privacy, less amenities and therefore less costs. It's not right for the city to determine what's best for the general public.

Screen Name Redacted
3/09/2022 02:47 PM

Making a distinction between lodges and residential would be solely favorable to lodge operators which is completely unfair to residential property owners who have relied on their STR income to help partially cover the extremely high cost of ownership in the city. Enforcing the payment of lodging and city taxes and requiring business licenses of both residential owners & lodges is acceptable and welcome. If impact on the specific neighborhood is the concern, consider only allowing future STR permits to those residential properties located in commercial zones, mixed use zones and lodging zones. Do not unfairly punish property owners who want to be able to enjoy their property themselves while also being able to afford the costs of their property. Disallowing residential properties the ability to have unrestricted short term rentals will only end up creating a town with a hotel/lodge monopoly driving room rates sky high & will unfairly force out so many long time property owners as well as visitors who prefer the comforts of residential stays.

Screen Name Redacted
3/09/2022 03:54 PM

No, because this would be singularly beneficial to lodge operators and not to residential STRs who rely on this income to partially cover the cost of ownership in Aspen. Paying lodging and city tax, and business licenses for both lodges and residential units is understandable. If zoning is the main concern, then perhaps limiting STR permits to residential properties in mixed use and lodging zones would suffice.

Screen Name Redacted
3/10/2022 04:09 PM

There are limited lodges and condos in aspen that can accommodate a large family or two. By taking away the rental homes, many people will go to other ski areas. I think with that the town will suffer immensely.

Screen Name Redacted
3/10/2022 04:12 PM

Your statements above are not accurate concerning short term rentals.

Screen Name Redacted
3/10/2022 04:24 PM

A guest bed is a guest bed regardless of who the owner is.

Screen Name Redacted

This whole topic is ridiculous. Before we were owners in Aspen, we

3/10/2022 04:54 PM

visited several times each year for a few days to a couple weeks at a time. This is a resort town, without enough space for all of the people who want to visit it as it is. We need their spending to continue to fund all of the things that make Aspen a place people want to pop into and out of for short-term stays. Sometimes people wat a hotel room, and sometimes they may want a more spacious or private condo. It feels the same to anyone visiting depending on whether they care for each particular visit about: ski-in/out; location of rivers for the summer, etc. It's just confusing to impact owners and rental companies with these kinds of distinctions that don't matter to visitors.

Screen Name Redacted
3/10/2022 09:40 PM

Do not unfairly punish property owners who want to be able to enjoy their property themselves while also being able to afford the costs of their property.

Screen Name Redacted
3/11/2022 02:31 AM

Reducing the availability of rental properties will curb tourism to the area, negatively impacting business throughout the community who rely on out-of-town visitors to sustain their enterprises. Worse still is the impact to employees of those businesses who would be forced to leave the area as their incomes wane.

Screen Name Redacted
3/11/2022 05:02 AM

Lodges are so expensive they only attract super rich people. The community needs to not be just for the very rich, that is a sure way to kill the community. Rentals allow people of many different economic backgrounds to come to aspen to make it a rich and diverse community. Also, short term rental make for warm beds and thus improve the entire economy by filling local establishments, which generate taxes and income for locals.

Screen Name Redacted
3/11/2022 07:30 AM

All rentals should probably be paying the same taxes. But it's up to the community (the condo association, etc) if they want to allow rentals and the related rules. And the market dictates the services provided.

Screen Name Redacted
3/11/2022 10:01 AM

Residential vacation properties are viewed and used by tourists the same as hotels/lodges.

Screen Name Redacted
3/12/2022 07:20 AM

The lodges have a much higher density of people and therefore NEED to be taxed at a higher rate and have much higher(commercial) building standards. If the vacation rentals were occupied by owners 12 months out of the year the impact on neighborhoods would be no different than if the properties were

rented. IF you feel the parking and transportation is insufficient for these areas, it is a result of poor planning. Disallowing rentals will not solve that problem. Likewise for safety and up keep.

Screen Name Redacted
3/16/2022 03:27 PM

Many of these “residential” properties were built to be short term rentals. For example South Galena, any Chateau property. They have over time become permanent residences or long term rentals.

Screen Name Redacted
3/17/2022 01:18 AM

We live in Aspen and have children. When vacationing, we almost always rent a home. This allows us all to relax, spread out, and enjoy family time together playing board games, cooking together, and more. Hotels do not allow this and are not practical for vacationing families. Many families enjoy renting homes in Aspen when coming to visit Aspen. Aspen should encourage this opportunity for families to enjoy their vacation in Aspen. We live off Cemetery Lane and have not seen any challenges with neighbors who rent their home on a short term basis. As for parking concerns, many lodges in Aspen do not provide parking for their guests. In fact, we had friends stay at the Aspen Square and they were told to "find a spot on the street for their car."

Screen Name Redacted
3/18/2022 10:35 AM

Regardless of the zoning, anyone who purchases a property with the intent to rent should get a business license and pay lodging taxes accordingly. More importantly, an owner who employs brokers and property managers to oversee the rentals should be required to use local management (meaning employees based in Pitkin/Garfield/Eagle Counties) to ensure that the R&R's of the HOA/area are followed accordingly.

Screen Name Redacted
3/18/2022 03:09 PM

I think the residential units need to be operating at the same level as condo/hotel type units for the reasons mentioned above - safety, community impact.

Screen Name Redacted
3/19/2022 03:53 PM

If I understand the question correctly. I think residential properties being operated as full-time STR's should be treated as commercial properties and taxed and regulated as such.

Screen Name Redacted
3/19/2022 05:10 PM

Lodge properties, residential properties and short term rental units should all be considered the same and fall under the same regulations because "Aspen, Colorado is a resort destination" and should be treated as such.

How do short-term rentals play a role in our community? : Survey Report for **14 June 2016** to **11 April 2022**

Screen Name Redacted 3/19/2022 05:24 PM	Short-term rentals are becoming a major business in this town. People are buying properties just for the purpose of renting and have no intention of living full time in them. They should fall under the same regulations and commercial tax rates. They should be required to ensure the safety of their guests, provide for a quality visitor experience, and contribute to Aspen's efforts to facilitate a functioning economy and maintain a sustainable system of infrastructure. For reasons stated earlier, short terms rentals should provide for the impacts of commercial uses such as transportation and parking and mitigate the impacts of these rentals without burdening neighbors or Aspen's infrastructure.
Screen Name Redacted 3/20/2022 06:45 PM	If they're used for the same thing, taxes should benefit the city and used accordingly.
Screen Name Redacted 3/21/2022 07:05 PM	One of the biggest problems of short term rentals is increased traffic, commercial event companies and unaccountable guest behavior.
Screen Name Redacted 3/22/2022 07:54 PM	They're both commercial properties and should both be treated as such.
Screen Name Redacted 3/22/2022 07:54 PM	Residential properties where one bedroom or the whole house is rented out to tourists should be treated the same as lodges. It takes away housing for people who live and work here.
Screen Name Redacted 3/23/2022 12:00 PM	Tax based on whether or not someone wants to rent. Make the rental permit more expensive.
Screen Name Redacted 3/23/2022 12:18 PM	As a resident (36+ years) and rental broker (18+ years) and a home owner for (30+ years) I have never had a circumstance where a property was "unsafe" for a guest, we insure a "quality visitor experience" and the entire process contributes to a "functioning economy. I have rented my home / my neighbor (duplex) occassionally rents his home - I see no adverse affects to our neighborhood due to short term rentals (Cemetery Lane). There is an ENORMOUS local economy (myself included) which relies on the income from these rentals for our livelihood. Housing is a mess here, now you want to strip those of us who have found a way to sustainably live here of our livelihoods which make living in this expensive town / valley possible. COME ON CITY OF ASPEN....GIVE US A BREAK

How do short-term rentals play a role in our community? : Survey Report for **14 June 2016** to **11 April 2022**

Screen Name Redacted 3/23/2022 02:40 PM	All property owners should have equal rights and regulations.
Screen Name Redacted 3/23/2022 05:55 PM	People are people!
Screen Name Redacted 3/23/2022 09:06 PM	why penalize only same. Income is income.... make the tax the same.
Screen Name Redacted 3/24/2022 08:15 AM	This is peoples private property and it is none of your business.
Screen Name Redacted 3/24/2022 08:53 AM	This is a hard question to answer because it really depends on what the regulations will be as to what is appropriate to consider as the similarities or differences.
Screen Name Redacted 3/24/2022 03:35 PM	I think that the root of your questioning gets down to how the property is managed not necessarily how it is zoned. As a Broker who works with Rentals we vet our clients and the number of people staying in the home. We do not pack homes with people but keep it to 2 ppl per room. With these multi million dollar homes great care is taken to make sure the Renters are safe as well the property is kept in good condition, we do pre arrival walk throughs and take photographs to document the condition. All of our rentals are required to have a property manager or property respondent in case of emergency and have our contact information as we are available 24 hours a day in this business. I would also argue that the infrastructure in the Core is very much inadequate to handle the town at peak capacity, you can smell it in the walking mall when the sewer system is taxed. As long as the residential house is not over-packed there should be no issue with the existing infrastructure.
Screen Name Redacted 3/24/2022 04:54 PM	we are a tourist town. more options, more people, better prices and our visitors are the ones who support our town and put locals to work.
Screen Name Redacted 3/24/2022 05:31 PM	I'll rent out my home occasionally when I am going away on vacation and I feel like being subject to the same regulations as a lodge would make negate the financial benefits of renting out my place. Some people prefer the amenities and a large, whereas others prefer the privacy and individuality that a short term rental of a home offers.
Screen Name Redacted	A condo or "home" is the same with the same application of using this

3/26/2022 12:27 PM	to supplement income or for friends and family or to stay in as owners.
Screen Name Redacted 3/28/2022 02:52 PM	Private residences housing short term rentals act like a lodge.
Screen Name Redacted 3/30/2022 07:17 AM	Again, the market will crash!
Screen Name Redacted 3/30/2022 12:48 PM	I think all units/homes are being used as residential dwellings, whether a visitor is in them or an owner is in them or a friend of an owner is in the unit, they all require very similar amounts of services. I don't believe a 2nd homeowner lives much differently than a renter would in the same property. Owners still require property management, transportation, parking if they live outside the core, places to eat, housekeepers to clean, etc. Again I think the regulations should adress the full broad spectrum of all different types of properties throughout Aspen. Locals live in the core, the west end, and by smuggler so if rentals or a rental property is a nuisance to a full time person then I think the regulations should have "Nuisance Fines and Punishments." I believe our town should be prepared for and have services for if majority or some large percentage of the condos, hotels and homes have owners or renters in there.
Screen Name Redacted 3/30/2022 12:56 PM	I believe residential properties and units should be held to the same standards required for lodges
Screen Name Redacted 3/30/2022 03:33 PM	Since when do residential rentals not provide a quality visitor experience - only condo hotels achieve this?? They both deal with the same issues and proper management from the condo staff and property managers/brokers/owners will avoid any issues with a rental having a negative impact on the community.
Screen Name Redacted 3/30/2022 03:53 PM	Because residents have bought their homes and should be able to rent it. Aspen DOES NOT have enough hotel rooms and the price point is too high
Screen Name Redacted 3/30/2022 09:14 PM	To say lodges contribute a " functioning economy" is an opinion. It is not a neutral statement. Residential rentals bring tourists to town. It's the tourists that keep Aspen functioning and keep food on the workers class table.

How do short-term rentals play a role in our community? : Survey Report for **14 June 2016** to **11 April 2022**

Screen Name Redacted 3/31/2022 05:10 PM	We historically have had small hotels and lodges in our neighborhood, on all sides of our block, including the Inn at Aspen, Shadow Mountain Lodge, Molly Gibson, and St. Moritz, to name a few. Our neighborhood is mixed condo properties, hotel properties, employee housing, and single-family residential. Not sure how our neighborhood is zoned for all these uses?
Screen Name Redacted 3/31/2022 09:14 PM	Again, property owners should be able to do what they want with their significant investment in your city.
Screen Name Redacted 4/01/2022 11:50 AM	Owners have property rights and should continue to have the option to do what they want. Owners pay lodging taxes. Also, visitors like to have options beyond hotels, which are generally very pricy. Limiting options will make Aspen only accessible to the ultra wealthy as hotels will certainly raise rates given a less competitive environment. Also, hotels / lodges cannot accommodate large family groups who want to stay in a house all together. It would be a shame to cut off this option for families who want to gather in Aspen. It would essentially limit that experience to those who can afford to buy homes here, which is a small slice of the population.
Screen Name Redacted 4/01/2022 12:24 PM	Short term residential rentals should be treated the same way as lodge units.
Screen Name Redacted 4/01/2022 05:23 PM	They both are rentals one full time the other part time and why have different rules particuarly regarding safety. Imagine a residential rental with no smoke or carbon monoxide detectors?
Screen Name Redacted 4/01/2022 06:02 PM	So they are taxed the same and have to abide by the same parking standards as Condo/Hotels.
Screen Name Redacted 4/02/2022 10:00 AM	The more restrictions the less desirable investing in aspen real estate becomes.
Screen Name Redacted 4/02/2022 10:18 AM	That would seem like discrimination of judging each property. I think the HOA for each building should have their rules to regulate if the unit can have STR or not.
Screen Name Redacted 4/02/2022 11:40 AM	Because I feel that the blowback on short term rentals in being driven by lodges and they need to play by the same rules.

Screen Name Redacted 4/02/2022 12:29 PM	I have been on a zoning board for 15 years and understand the nuances completely. If you want control of noise in livability it needs to be done by rules and regulations for all rentals whether it be a hotel or an Airbnb rental. Many people do not want a hotel situation particularly if you're coming with children, dogs, and a nanny, a hotel it's just not workable. The situation of parties or outside noise is one that can be managed on a local level, and problems can be managed by imposing penalties to the management or owners. I presently live in a neighborhood that I'm sure has some rentals , and I have never seen any problem in the neighborhood. The loudest party was from the high school graduation of the owners children. Big deal.
Screen Name Redacted 4/02/2022 06:07 PM	Because they are both lodging for guests to the city of Aspen
Screen Name Redacted 4/03/2022 12:01 PM	As an owner I am not running a f hull time business and I want the opportunity to increase my social security income
Screen Name Redacted 4/03/2022 01:26 PM	condos need the regulation. Condos and hotels are not the same and should not be grouped together.
Screen Name Redacted 4/03/2022 05:55 PM	As long as occupancy taxes are being paid, both should operate. They fill a different need for travelers. Many "residential" properties are vastly larger than a condo hotel.
Screen Name Redacted 4/04/2022 08:49 AM	Because we are considered a tourist mecca and all property should be available for rent.
Screen Name Redacted 4/04/2022 12:38 PM	It should be a free society where we are take part in a capitalistic community offering different pricing as needed to lease out. It's what this country is based on.
Screen Name Redacted 4/04/2022 03:28 PM	Keep same
Screen Name Redacted 4/04/2022 03:55 PM	It doesn't make a difference the homeowner is most often doing STR's for the same reason
Screen Name Redacted	Some of us are located in the core surrounded by restaurants, shops

4/04/2022 04:01 PM	and other boutique rental properties. We all strive to give our guests a safe quality experience and are knowledgeable of current laws regarding this. We also provide 24/7 service and have off site managers (and on-site too) to take care of serious issues should they arise. I've short term rented in Aspen for 25 years and have never had an issue come up that was an immediate concern. The most pressing issue is always how to turn on the tv.
Screen Name Redacted 4/04/2022 04:21 PM	Not unless you have a separate category for condos that have been rented short-term for 10 to 50 years or longer in Aspen.
Screen Name Redacted 4/04/2022 05:47 PM	They both provide a needed service for the tourist and visitor population. Lodges do not work as well for families with children who do not need or want the amenities, for extended stays of 2 weeks (+/-) and are substantially more costly. On the flip side certain people want the amenities offered by a lodge and are willing to pay for them.
Screen Name Redacted 4/05/2022 07:34 AM	The same number of people can stay in a unit whether it is the owner or a renter. How does this change traffic impacts?
Screen Name Redacted 4/05/2022 07:55 AM	I do not see where the single family houses and condos should be treated differently. Let the condo associations impose their own rules
Screen Name Redacted 4/05/2022 08:21 AM	They should be considered the same - revenue producing real estate
Screen Name Redacted 4/05/2022 08:52 AM	Hotels have much greater density/beds and have greater need for parking/control. My particular property has parking restrictions and security to enforce any noise issues as well.
Screen Name Redacted 4/05/2022 11:57 AM	i think the distinction should be between single family residences and multi unit properties.
Screen Name Redacted 4/05/2022 03:24 PM	Diversity is important for the character and culture of the town and community
Screen Name Redacted 4/05/2022 04:59 PM	Because it's discriminatory

Screen Name Redacted 4/05/2022 06:07 PM	Because as an STR manager I own and operate 1 property versus a Hyatt type hotel which is a different sort of entity and should be treated as such
Screen Name Redacted 4/05/2022 06:35 PM	I do recommend however to differentiate between commercial location vs surrounds (ex, located in SM Base Village vs SM surrounds). Base Village is setup for parking, lots of comings and goings to gondola, ski and bicycle rentals, restaurants etc. STRs are a small fraction of the action.
Screen Name Redacted 4/06/2022 04:53 PM	If they are going to act like a lodge/hotel they need to follow the same rulles and laws as the hotels
Screen Name Redacted 4/06/2022 05:48 PM	It would be almost impossible to regulate this. In addition fractional ownership has many owners per unit and most times only rent a random week per year. You would need thousands of business licenses @ each property . This would be unattainable in my opinion. Also these condotels do business like a regular hotel. No need to penalize an owner that owns stake in the property
Screen Name Redacted 4/06/2022 06:55 PM	A year round short term rental is just that. Whether it's a standalone family home, or condo in a building - it's a commercial property, not someone's home. Tax it like every other short term commercial lodging.
Screen Name Redacted 4/06/2022 07:29 PM	Because property owners should be able to own their property and not have it controlled by anyone.
Screen Name Redacted 4/07/2022 01:52 PM	As stated above, homes were not constructed as commercial properties and are of an entirely different dimension, construction and management than condo-hotel units. Homes generally don't enjoy any economies of scale or consistent rental record. Unlike lodges, it is not a reliable 'business' for owners to rent their homes and success does require maintaining standards inside and out, providing an excellent or unique living experience and, often, privacy and/or anonymity. Having to pay as a commercial activity would, in my view, knock out a number of available homes as rental would become uneconomic.
Screen Name Redacted 4/07/2022 03:41 PM	The above stated differences are either disingenuous or just plain incorrect. A dwelling is a dwelling is a dwelling. No matter if an owner

	is using it or and owner guest/rental the same amount of traffic and infrastructure is required. In fact visitors renting might even use a car less or fewer cars. The last difference listed above is simply not true. how are lodges ensuring more safety, more quality experience and facilitating a functioning economy. Those are all empty words.
Screen Name Redacted 4/11/2022 12:38 PM	Short-term rentals should be considered a business and comply with the same regulations as a business. If you were running a business out of your home and claiming it as a business, you would have to comply with certain regulations (example: an accountant working from their home as a place of buiness would have a separate entrance, for example). Similarly, your customers should have the security of knowing that they are safe and provided with the same services of a short-term unit in a lodge, as they are paying for short-term lodging.

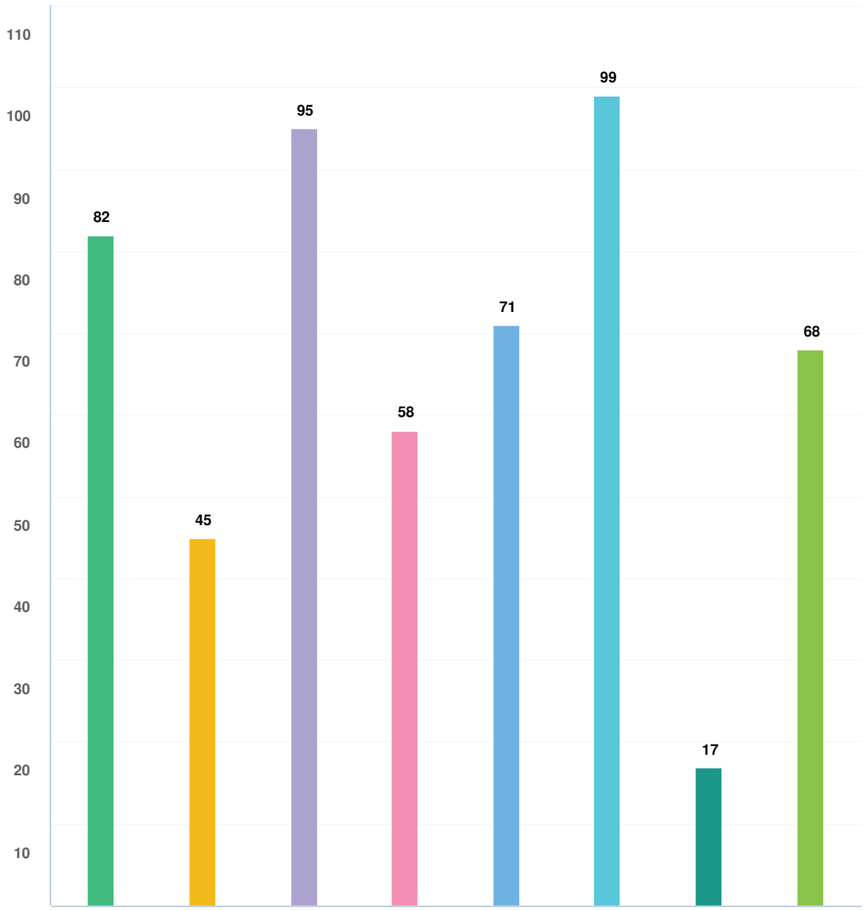
Optional question (84 response(s), 161 skipped)
Question type: Essay Question

Q7 Rank your preference for where you believe short-term rentals should be permitted based on zone district, with "1" defining that they should not be allowed at all, and "7" being they should be allowed.

OPTIONS	AVG. RANK
Residential Neighborhoods Outside of the Roundabout	2.83
Cemetery Lane Residential Neighborhoods	3.06
East End Residential Neighborhoods	3.54
West End Residential Neighborhoods	3.59
Mixed-Use Districts (ex: Main Street)	4.31
Lodge Districts	4.74
Downtown Core	5.10

Optional question (227 response(s), 18 skipped)
Question type: Ranking Question

Q8 Please check your three areas of greatest concern regarding short-term rentals in Aspen?

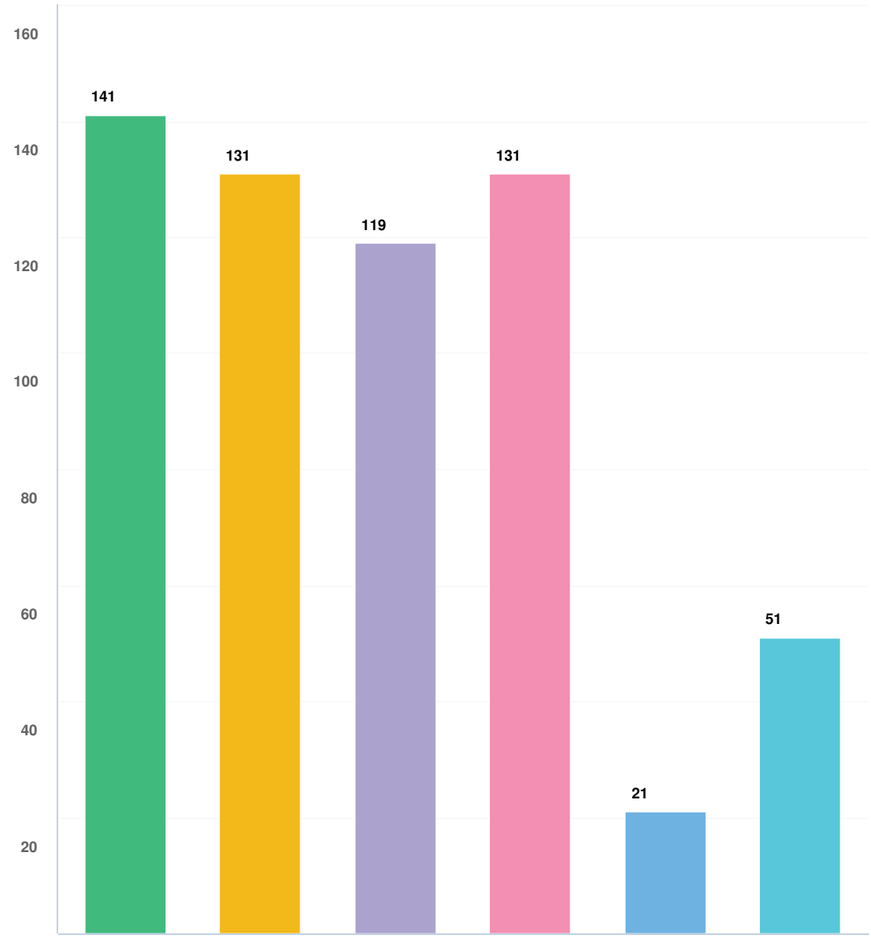


Question options

- Traffic and Parking
- Trash and Wildlife Safety
- Neighborhood Impacts (ex: Noise, Crowding)
- Over Tourism
- Tax Fairness (Ex.: Property Tax Increases, Sales and Lodging Tax Remittance)
- Loss of Local Housing
- Competition to Traditional Lodging in Town
- Other (please specify)

Optional question (228 response(s), 17 skipped)
Question type: Checkbox Question

Q9 What do you view the three greatest benefits of short-term rentals to be in Aspen?



Question options

- Expanded and Diversified Lodging Bed Base
- Revenue for Property Owners
- Increased Tax Revenue
- Increased Economic Activity
- More Visitors In Town
- Other (please specify)

Optional question (235 response(s), 10 skipped)
Question type: Checkbox Question

Q10 If you were a member of Aspen City Council, what questions would you ask about short-term rentals?

Screen Name Redacted 2/27/2022 01:48 PM	Why would you allow uncontrolled short term rentals in our community??? What will you do to protect our community?? Anonymous and private LLC's should not be allowed to purchase properties as investments for short term rentals. Real estate investment is just like the stock market - a risk, with no guarantees on investment. Absent landlords are not interested in the well being of the community only on their investments paying off. If you have the courage to change the use of short term rentals you will probably be sued but, hey it was their risk to take. Housing prices might actually drop too which could be better for local buyers. Real estate agents who have been reaping the benefits of uncontrolled short term rental investment sales will no doubt be unhappy. They will adapt. It's time to take our town back and make it a community.
Screen Name Redacted 2/27/2022 02:17 PM	1. How do the neighbors feel about it? 2. How many beds are made available to the base number of visitor bed accommodations in Aspen and at what cost? 3. Does the owner/operator respond quickly to complaints; can we fashion rules to govern disturbing behavior by individuals rather than prohibiting broad swaths of lawful activity? 4. How can we quantify the community benefits and burdens? 5. How much time do residential homeowners spend in their Aspen homes and how much time is rented out? 6. How many homeowners rent to visitors for City sponsored programs such as the Physics and Music programs? 7. What is the tax benefit to the City, County and State of STRs? 8. Can the City law enforcement quantify the burden of STRs relative to visitors and residents generally? 9. Are there benefits to us by providing rental homes for families? 10. What are our goals, what choices do we have to reach those goals, what is the cost of each choice and who should be asked to pay that cost? Thanks Dennis Seider
Screen Name Redacted 2/28/2022 08:20 AM	Is there a license in place? Are they paying their taxes? Is the property represented? (ie: who is the accountable representative for the rental? Is that representative readily available, reliable and responsive?). ONE MORE COMMENT: You have declared in Question 5 that "there are no regulations in Aspen that define where short-term rentals can exist." This is not entirely accurate. The ZONING code CLEARLY defines for every type of zoning in this town whether or not short term rentals are permitted. How about starting there?

Screen Name Redacted 2/28/2022 02:28 PM	is there a way to quantify how many homes are rented fulltime as investment rentals with owner usage less than that, and how many are primary homes rented occasionally?
Screen Name Redacted 2/28/2022 10:37 PM	What percentage of currently licensed short term rentals are housed in ADU units in homes exceeding 3,500 square feet?
Screen Name Redacted 3/02/2022 06:38 AM	What would be the loss in tax and retail revenue if short term rentals are restricted such that fewer people are able to visit Aspen? And how does that loss impact Aspen's budgets and development goals?
Screen Name Redacted 3/03/2022 01:53 PM	WHO ARE MAKING THE COMPLAINTS THAT i as a long time real estate professional have NEVER HEARD. How can we help them- maybe literally post rules that all of us homeowners must follow with parking, noise, etc.
Screen Name Redacted 3/04/2022 12:23 AM	Who are you hurting and who are you helping? Will taxing STRs generate more money for affordable housing? If so, do that!
Screen Name Redacted 3/04/2022 07:43 PM	As I said, what will ultimately be the result of our actions? I'd also note that changing regs for current owners might well result in a taking, which could get very expensive for the city. As a taxpayer, I'm livid about the whole thing. Why not have this debate without the moratoriums? Why do I and every other taxpayer have to pay to defend the city when what it has done is indefensible?
Screen Name Redacted 3/05/2022 11:36 AM	Are the people that are complaining even residents of Aspen?
Screen Name Redacted 3/05/2022 06:08 PM	who are these people who know so little about the fabric of what made it great here: they all seem to be mini Bob Bowdens
Screen Name Redacted 3/06/2022 02:45 PM	I would suggest that all residential short term rentals should only be possible under the following rules: 1. No residential STR under 30 days in length. 2. Any residential unit can only be rented once a year ranging in length between 30 days and 12 months. 3. Set a limit of how many occupants in each rented unit can stay there at the same time depending on the size of the residential unit.
Screen Name Redacted	1. Why shouldn't these businesses pay their fair share to address the

3/06/2022 04:17 PM	problems they create? 2. What steps do STRs take to educate their guests about noise and trash? 3. Who really benefits?
Screen Name Redacted 3/07/2022 07:40 AM	I would ask to drill down the numbers and get a clear picture of how many, what neighborhoods and who is managing and how.
Screen Name Redacted 3/07/2022 11:22 AM	Are you licensed.
Screen Name Redacted 3/07/2022 03:10 PM	Zero. It's none of there business what someone wants to do with there personal property.
Screen Name Redacted 3/07/2022 04:48 PM	I would want to understand how short term rentals have impacted other destinations. I've heard, for example, that large areas of Barcelona have been "hollowed out" by STRs, displacing local residents to the point where nobody lives in some neighborhoods. I think it would be worthwhile to understand the implications of these businesses in places where they have been more prevalent.
Screen Name Redacted 3/08/2022 09:59 AM	How are you going to 'police'' the policies you put in place? Can you require that owners of property in Aspen must put in a minimum of hours in community service within the town.
Screen Name Redacted 3/09/2022 02:47 PM	1. Who are these proposed revisions & restrictions actually hurting & helping? 2. How are these proposed revisions going to impact the local economy/businesses? 3. How can we help maximize city lodging tax income while not affecting the livelihood and property value of ANY residents? 4. Should we consider consider restricting future STR permit issuance only to property owners who have a property in a commercial zones (CL, CC, & C-1), Mixed Use zones (MU) and Lodging zones (L)? 5. Should we consider grandfathering in all property owners as of 12/31/21 to be exempt from any possible future revisions as to not negatively impact any long time residents/owners? 6. How can we use funds received from lodging taxes to help address affordable housing?
Screen Name Redacted 3/09/2022 03:54 PM	-Should future STR permits be issued only to property owners who have property in a commercial zone, lodging zone, and mixed use? -How city lodging tax be maximized while not affecting any residents livelihood and property values? -Who exactly are being hurt or helped by these proposed revisions and to what degree? -How can we specifically utilize funds generated by STR lodging taxes and

	business licenses to develop long term and affordable housing solutions? -Should property owners as of 12/31/21 be grandfathered in to be exempt from future STR revisions to protect and encourage long-time residents/owners? -How will these revisions affect all local businesses and the economy in Aspen?
Screen Name Redacted 3/10/2022 04:09 PM	Why are people so upset about this!? If a law passed like this, it would force many home owners to sell their homes. This will also turn people away for choosing aspen/Snowmass for family vacations.
Screen Name Redacted 3/10/2022 04:12 PM	Are we getting taxes from all of the real estate firms and from owners who rent their unit on their own.
Screen Name Redacted 3/10/2022 04:24 PM	Who is suffering? Locals or visitors. Ask the ski co to help out building more affordable housing.
Screen Name Redacted 3/10/2022 04:54 PM	Nothing, really. I can't figure out why this has suddenly become a big deal. Aspen is expensive. Part-time restaurant/ski lift/hotel workers have always complained that housing is unaffordable. I lived far away from my work when I was young as well, because it was more affordable. I think the City Council should be focused on other things.
Screen Name Redacted 3/10/2022 05:17 PM	Again, what problem are you trying to solve? if you want to address traffic and parking, perhaps don't allocate much of the core parking spots to restaurant pick ups only. Furthermore, if you want to tax renters who are messing up traffic and parking, then charge them for a multi-day or night parking pass. But other than this, i honestly don't see the problem: i've been paying tax as a resident without using the town's infrastructure for many years (Schooling, et al), and i certainly never asked for that back...nor would you ever have granted me that!
Screen Name Redacted 3/10/2022 05:41 PM	how can we make it easy (ier) on the existing lodging/hospitality industry to run a thriving business for their clientele without destroying the complementary Short term rental industry that brings so many visitors, money, employment, benefits to Aspen. And how can do that without changing dramatically the character and feel of the current community? We don't want more hotels, especially big hotel like chain hotels in Aspen. The short-term letting industry plays a vibrant part of the aspen economy.
Screen Name Redacted	Why change from the status quo after all these years

3/10/2022 06:18 PM

Screen Name Redacted
3/10/2022 07:54 PM
How do we ensure that appropriate levels of regulation is applied to create a welcoming & safe town for the visitors as well as supporting our home owners who rely on the income as a source of their economic well being?

Screen Name Redacted
3/10/2022 08:51 PM
Where do the workers live that take care of your rental?

Screen Name Redacted
3/10/2022 09:40 PM
How are these proposed revisions going to impact the local economy? Who is affected negatively and positively by these proposed revisions?

Screen Name Redacted
3/11/2022 02:31 AM
Why are you interested in instituting policies that will shrink the local economy and hurt many residents throughout the roaring fork valley who rely on out-of-town visitors to provide for their families?

Screen Name Redacted
3/11/2022 05:02 AM
Have you studied the Alps and how they have concluded short term rentals are a key requirement of a top quality ski town?

Screen Name Redacted
3/11/2022 07:30 AM
How to enforce the laws that are already in place. Even the minor laws, like dog leash laws. Aspen does a poor job compared to other cities.

Screen Name Redacted
3/11/2022 07:48 AM
This sounds like an effort from hotels to squash competition so they can raise room rates. There is so little housing available in town, I have no idea why you would be looking to eliminate any. The real problem in town is the developer Hunt who is getting rid of all the affordable food places and replacing them with incomplete construction sites. As a long time Aspen resident it is a shame how this has been allowed to happen. Embarrassed to have friends come and visit with nothing open, big holes in the ground for years, and no restaurants to eat at unless you want shaved truffles on your $100 steak.

Screen Name Redacted
3/11/2022 07:55 AM
How can the city and community work together to differentiate between those property owners who bought solely to make a profit with no intention of spending the revenue locally or spending time there? Also, with an employee housing shortage, how can the city support using STR as employee housing on a seasonal basis? I would certainly consider trading housing for free lift tickets since I

have to use proceeds from the rental to afford skiing (again, where my parents have a combined 100 years of service). What other value can be traded to offset housing problem with available STR? How can the city work with homes bought solely to make a profit on STR to make that revenue stay in the community? Higher taxes on those who aren't owned by someone who spends time in the community? Higher tax on those who weren't raised there AND still spend time there when able? Use that to subsidize employee housing, give to schools, etc.

Screen Name Redacted
3/11/2022 10:01 AM
So who is going to take care of all these vacation rentals? "Local" employees that have to live down in Glenwood or further?

Screen Name Redacted
3/12/2022 07:20 AM
Who is behind this push and how much money do they stand to gain.

Screen Name Redacted
3/17/2022 01:18 AM
I would: 1. Look at the benefits of short term rentals in addition to the challenges. As I mentioned, our family loves renting homes when we vacation. We enjoy our time so much more in a home with a large living area, kitchen, and multiple bedrooms. It is also much more affordable and fun to be able to cook meals and eat in. We also enjoy living as locals live in a home and not in a hotel/lodge. 2. Address the challenges of short term rentals with: a. Fair taxes. b. Occupancy limitations based on the number of bedrooms. c. Adequate parking options (however, this would also need to be enforced with lodges in town which do not all provide parking for all their guests). d. Requiring 24/7 property management services if deemed necessary e. Trash disposal and wildlife awareness programs for all visitors to Aspen, including both hotel/lodge and short term rental guests.

Screen Name Redacted
3/17/2022 07:43 PM
What additional impact do they actually create on city surfaces? What difference does it make if the owner is sleeping there or a short term visitor?

Screen Name Redacted
3/18/2022 07:00 AM
Other than regulation, why are you doing this? Anyone that is an Aspen resident knows the short term rentals are not increasing traffic (that is workers coming onto town and leaving at the end of the day) or housing for employees. You will hurt Aspen

Screen Name Redacted
3/18/2022 12:20 PM
ACC needs to drop this topic!

Screen Name Redacted 3/18/2022 12:21 PM	How have other communities dealt with this and what solutions have been successful.
Screen Name Redacted 3/18/2022 02:35 PM	- We already have a housing crisis, why do we want to continue to artificially inflate property values and reduce the number of permanent residents in neighborhoods? How much is it really stimulating our economy? Is it worth displacing our community? - Will the quality of life be impacted as transients move from traditional “lodge areas” to residential neighborhoods? - Will it maintain community preservation? (this is a topic that I hear every full-time Aspen resident talking about) - What will it cost the city to manage short-term rentals and enforce ordinances related to short-term rentals (e.g., increased traffic, noise, off-street parking, littering, wildlife safety, etc)? - What public safety issues does it pose? - How do we keep short-term renters “accountable”?
Screen Name Redacted 3/18/2022 02:47 PM	Should we first focus on doing the basics well before engaging in yet another thing
Screen Name Redacted 3/18/2022 03:09 PM	What is the tipping point at which too many STRs start to negatively impact community character rather than providing some benefits? Are actual people utilizing the ability to rent out their homes as a second income or so that their house doesn't sit empty for months? Or, are they owned by LLCs and trusts so rich people can get richer at the expense of the community.
Screen Name Redacted 3/18/2022 06:13 PM	I would permit short-term rentals
Screen Name Redacted 3/19/2022 09:01 AM	Why are we acting like they are necessary at all? They are gutting the town of its character and infrastructure. Yes, banning them completely would be a radical move, but if you want to return some vitality to this place, it may take some economic and cultural disruption.
Screen Name Redacted 3/19/2022 01:44 PM	Why would we NOT allow a working class family who chose to buy a free market home here (thereby not taking a coveted employee housing unit) to earn extra income by renting their property or a portion of their property?
Screen Name Redacted 3/19/2022 01:52 PM	At what point do you believe your presumed omnipotence approaches a limit?

Screen Name Redacted 3/19/2022 05:10 PM	I would want a list published every 6 months in the local newspapers of all of the owners of all short-term rental properties and the addresses of those properties. I would make sure to include all of the owners name connected with each property so that they can not hide behind a business name. I would also want a list of the amount of taxes that were paid by all of those owners on each short term rental. Again, I would list each owners name so that they can not hide behind a business name.
Screen Name Redacted 3/19/2022 05:24 PM	What oversight can be applied to short-term rentals so that they are held in compliance with regulations, are properly permitted and pay their share of taxes. Also, what controls can be put in place to mitigate the environmental impacts which include parking, transportation, keeping down noise levels. Liability issues need to be addressed when/if property is damaged.
Screen Name Redacted 3/20/2022 03:58 PM	Are short term rentals taxed in the same way as lodging including accommodations tax? How is short term rental tax utilized versus the perceived impacts?
Screen Name Redacted 3/20/2022 06:45 PM	Is there a way to increase housing for locals instead of adding more rentals for visitors?
Screen Name Redacted 3/21/2022 01:25 PM	Is it appropriate to consider denying someone their property rights?
Screen Name Redacted 3/21/2022 02:22 PM	Do they contribute to the community, or do are they detrimental to the community and those that live here full time.
Screen Name Redacted 3/21/2022 04:28 PM	If units are already built and are going to sit empty verses letting people short term rent them, there is no down side to the community. If they are properly managed noise, trash, parking, are all NON-ISSUES. I am 100% for personal property rights without City rules and regulations.
Screen Name Redacted 3/21/2022 07:05 PM	Are the appropriate in neighborhoods not zoned for lodging?
Screen Name Redacted	What will be done about the loss of housing for local service workers,

3/21/2022 07:40 PM	about noise and party activity in residential neighborhoods, about increased traffic impacts and about trash attracting bears and other wildlife?
Screen Name Redacted 3/22/2022 12:36 PM	What benefit do you give the community & subdivision you live in? What do you do to help your neighbors with noise & parking traffic? If you live in APCHA owned neighborhoods, do you help defray costs to the associations
Screen Name Redacted 3/22/2022 04:33 PM	When the City is at capacity in the busy season who would you contact for someone to repair your furnace, refrigerator, plumbing, or any other service company. The answer is you wouldn't be able to get a reply from any of these companies as they are all too busy. A friend had to live in the cold for 3 days in single digit outside temperatures as she couldn't find anyone to fix her heat. We have overbuilt our community to where we don't have enough businesses to service our current level of properties let alone the new 1A 100,000 square feet and other developments. We are waging the tail of the dog by keep expanding and keep building more work force units.
Screen Name Redacted 3/22/2022 06:59 PM	Aspen is already overwhelmed - leading to this moratorium. Why would we permit more and different rentals?
Screen Name Redacted 3/22/2022 07:54 PM	How can we ensure that these short terms rentals are not negatively affecting the already horrific local full time housing market, in terms of both availability and cost?
Screen Name Redacted 3/22/2022 07:54 PM	Should there be a cap on how many short term rentals are allowed in Aspen? Should there be a process where a short term rental has to try long term renting first (placement with a local that needs a home and is a good match) before they can qualify for short term rentals?
Screen Name Redacted 3/23/2022 07:23 AM	Include the long term individual owners who have rented their place out for years. Limit or eliminate the LLC crowd
Screen Name Redacted 3/23/2022 08:19 AM	Do more STRs make the lives of the most economically and socially vulnerable members of our community better or worse
Screen Name Redacted 3/23/2022 11:02 AM	In order for tourism to continue and grow in aapen there has to be things to draw people here. without the workers that are being priced

	out of the valley many of the buisness here will suffer. This is being seen already with resturants shortening hours due to lack of staff. the hospital is understaffed and has a hard time finding workers, even though the pay ia better than average. The reason is because of the lack of affordable housing. unless skico is planning on having tourists to take turns waiting tables, and running the ski lifts then something must be done. I realise that the poor investors buying up all these properties are just trying to make ends meet, but unless these investors plan on plowing after it snows then maybe, just maybe asoen shiuld do something to address the problem.
Screen Name Redacted 3/23/2022 12:00 PM	What are we trying to accomplish in detail and what actions might we take that will help us accomplish those goals?
Screen Name Redacted 3/23/2022 12:18 PM	Where are the records / proof of all the proclaimed problems to safety, trash, danger to wild life, etc. I'm sure there are certain isolated issues which could probably be solved with some inforcement which does not include such a wide stroke of the government brush.
Screen Name Redacted 3/23/2022 12:34 PM	There MUST be an enforcement mechanism that will revoke the short term rental permit from properties that continue to disrupt their neighbors and neighborhoods. The Aspen Police Dept. cannot be the default property manager of poorly managed short term rental properties.
Screen Name Redacted 3/23/2022 01:59 PM	I think it is important to clearly define the problem, I don't think the council has adequately articulated the actual problem, which is a dangerous situation when trying to find so called solutions. The council is not likely to have meaningful change throughout this process, but will most likely create losers here.
Screen Name Redacted 3/23/2022 02:40 PM	where are complaints generated from? what is the ripple effect on jobs if you eliminated them? how many and what type of clientele would you lose if you eliminated residential rentals?
Screen Name Redacted 3/23/2022 04:42 PM	What is your average number of rental nights per season?
Screen Name Redacted 3/23/2022 05:55 PM	Why is this a concern when the owner of their establishment is trying to survive!

Screen Name Redacted
3/23/2022 08:14 PM

I pulled this off of a FB page from a user that commented on the Helfinger sale in the paper today… "A major private equity fund with a trillion dollars of assets under management will be going heavy into the STR/Vacation home market in the Colorado resort communities. Their exit strategy is simple. The rise in property values. Appreciation. Communities like Aspen, Steamboat Springs and Breckenridge will see properties rise in value exponentially. They also do not depend on income. They will pay the minimum taxes and basic maintenance. If and when the communities get over their hatred of this industry they may then bring that model into play. Until then these properties will not be available for any use other than comps for their LP's, and friends. I am told that they plan to invest a billion dollars into Colorado" This is the shape of things to come if nothing is done to keep the heartbeat of Aspen intact. How do we propose to maintain the ethos of "The Aspen Lifestyle" when we give it all up to the highest bidder? Where does the greed stop? Why should we all just roll-over and allow Aspen to become a theme park for the wealthy? If that is the goal we are mere steps to having that sad end become a reality. Does anyone care about anything beyond money, profit and tax revenue in this town anymore? What about quality of life, and not just for the highest bidder? It's becoming quite gross…

Screen Name Redacted
3/23/2022 09:06 PM

IS there a way to limit STR's on a per person basis or member of and LLC, etc. Somehow finding out who the member are of the LLC which would be the same as a person. maybe someone can only own up to 3 rental properties. Is this a possibility?

Screen Name Redacted
3/24/2022 08:06 AM

My question is to you and why you think you have the right to dictate what someone can or cannot do with their home. If you tax the activity correctly, then you can cover whatever additional costs are incurred or mitigate, with those funds, whatever extra services might be needed.

Screen Name Redacted
3/24/2022 08:15 AM

Do I have any right to infringe upon private property under the constitution?

Screen Name Redacted
3/24/2022 08:53 AM

I would love to ask city council to consider where in aspen they are most appropriate and how many licenses should be allowed in the various zones and neighborhoods to create a healthy balance for the community.

Screen Name Redacted

When will we change Aspen from an investment back to a

3/24/2022 12:51 PM

destination? People who have been here for years are being forced out for people buying 2nd and 3rd homes that don't live here full time and contribute to the local economy full time. Some have their houses paid off but because of overdevelopment and greed are forced to sell because they now can't afford their property taxes.

Screen Name Redacted
3/24/2022 03:35 PM

If I were a member of city council I would first ask questions from industry professional and local public before trying to pass moratoriums on an emergency basis. This reminds me when you all tried to limit FAR with no public insight in the middle of the night until the paper published the article and got people knowing about it. I find it disturbing when you are elected to serve the public and operate without full transparency.

Screen Name Redacted
3/24/2022 04:54 PM

how do we make it easier for owners to use their property for STR's. how can we create more jobs and keep our economy going. why would you be against them? Makes no sense.

Screen Name Redacted
3/24/2022 05:31 PM

If limitations are placed on short term rentals making it undesirable or not feasible for owners to continue running them, how does Aspen plan to accommodate the demand for lodging and tourism which make up such a vital part of the local economy? How will the city be able to accommodate families traveling together that cannot stay in standard hotel rooms with young kids?

Screen Name Redacted
3/25/2022 08:48 AM

How do we ensure we are collecting tax revenue from all of them? How do we balance the needs of our community with the desires of investors to rent second homes.

Screen Name Redacted
3/25/2022 06:15 PM

-Owners who want to have STR permit should have a car with Co registration and be on the voter roster in Aspen. -Owners should have a special garbage service that come to their garage so the garbage does not stay outdoor for 24 hrs. -Owners should have only so many weeks to do STR, it is a nuisance if it is ALL THE TIME! with maids, repairs etc... coming non stop.

Screen Name Redacted
3/25/2022 07:05 PM

Detriment - no benefit. Look at Carmel CA for good example of banned STR

Screen Name Redacted
3/25/2022 08:03 PM

I believe the City should require all owners who want to rent their homes out (short or long-term) to apply for a rental registration. The

	revenue should be taxed as a hotel. The City should not limit the rental registration in either number or give preference to any specific neighborhoods.
Screen Name Redacted 3/26/2022 11:46 AM	Are renters willing to do what is necessary to protect the lifestyle and nature of year-round residential neighborhoods and wildlife?
Screen Name Redacted 3/26/2022 12:27 PM	How to maximize the benefits to the city of STR's.
Screen Name Redacted 3/26/2022 12:45 PM	Since the pandemic the housing market has been crazy and we have seen the impact of no places to buy and no places to rent (that are affordable). The affordability of housing has always been an issue - which is why employee housing came about. Is the solution to build more affordable housing even if it's down valley? I'm not sure that regulating short term rentals is the solution. If someone purchases a free market property they should be able to use it as they please without restrictions.
Screen Name Redacted 3/27/2022 06:24 AM	I fail to see the connection on how short-term rentals are taking units away from affordable housing. The price we paid for our condo is completely unaffordable for the average worker. City Council desperately needs to focus on rental housing for seasonal workers. The shortage and difficulty to find workers in the shops, restaurants and on the ski hill is a direct reflection of the lack of suitable rental properties near transit lines for seasonal employees. Rental housing, not for-sale housing, will best solve our housing shortage and help ease traffic and parking problems.
Screen Name Redacted 3/28/2022 05:21 PM	Do they have any benefit to their neighbors?
Screen Name Redacted 3/29/2022 07:38 AM	how do we ensure equity is considered in this process?
Screen Name Redacted 3/29/2022 09:18 AM	What are the specific concerns you are aiming to address? How can you regulate around those concerns?
Screen Name Redacted 3/29/2022 03:15 PM	As a realtor have been doing rentals in Aspen for 15 years have had "not one" complaint about my Renters. I believe the number of "noise or nuisance" complaints are minimal. Perhaps rentals should only be done by Realtors as we are insured and have a code of conduct we

	must abide by. Airbnb and VRBO will not take the care in who the renters are that they put into homes.
Screen Name Redacted 3/30/2022 07:17 AM	If you get rid of short term rentals, what are you going to do for all the people that work them.. cleaning service, maintenance manager, property managers, bartenders, servers ect. Businesses will shut down bc the amount of people visiting would drop substantially!
Screen Name Redacted 3/30/2022 12:27 PM	How are we defining our town? How much an investor can make or by the character and make up of it's owners and residents (L/T rentals). Those are the individuals that contribute to the pulse of the vibe that our town should have, not the investor/developer that just wants a return on their investment and will promise the council everything in order to get what they want and deliver on NONE of it.
Screen Name Redacted 3/30/2022 12:48 PM	I would ask, what problems are we trying to solve for our community and for our town?!? And then once 1 or 2 or 3 problems are identified, then I would gather the data! Complete data. I would also ask "if we did _____ in our regulations.... how does that affect different things/people such as retail owners, restaurant owners, free market owners, employee housing owners, full time residents, part time residents, Aspen Skiing Company, the traffic, city services, and go one by one to understand how a specific regulation will affect every nook and cranny and person in town."
Screen Name Redacted 3/30/2022 12:56 PM	why do you think you should be exempt from getting a permit and HOA approval in residential neighborhoods.
Screen Name Redacted 3/30/2022 01:55 PM	What about visitors that want to come to Aspen who can't afford the rates of core hotels? All incomes should have access to this great town and all owners no matter where they live should be able to offset the high cost of living here by renting their condo or home if they desire. It is a win for everyone but the rich people that don't want those with regular income levels to come to Aspen.
Screen Name Redacted 3/30/2022 02:21 PM	How many short term rentals actually occur in the West End. Not how many have licenses but how many actually rent and pay taxes. How many of these are new homes rented for less than 30 days at a time?
Screen Name Redacted 3/30/2022 02:30 PM	Is there a way to incentives property owners to choose renting to local work force over short term rentals?

Screen Name Redacted 3/30/2022 03:33 PM	Who is your source for the negative stories you a perpetuating? Who is managing the properties where there are issues? Are issues caused by owners or tenants? What makes you think people wont go around the city and rent without filing any paperwork?
Screen Name Redacted 3/30/2022 03:37 PM	From the articles I've read and the meetings that I listened to it seems that City Council is most worried about short term rentals and the loss of employee housing. How is regulating short term rentals going to add units available for employees to rent and ease the housing crisis? Are the people renting their houses right not on a short term basis at those high rates really going to rent to employees if they are not allowed to rent on a short term basis? I personally don't think so. If you tell them they can't rent short term but can over 30 days (long term paying $0 in taxes) how much rental tax income will the city lose? What is the average number of short term rentals properties have in a year? If it's 12 or less, if I were an owner I would just do 12 - 1 month rentals and pay no taxes. How can we use the taxes gained from short term rentals to help with the housing crisis?
Screen Name Redacted 3/30/2022 03:53 PM	Short term housing should be strictly 30 day minimum
Screen Name Redacted 3/30/2022 03:59 PM	Questions 1: How do you not destroy neighborhoods by making them a hotel zone? #2 How can you roll this new STR rule back so its tolerable to residents? #Is this healthy for the community? I would say there is very little local community left living in Aspen. Its a big resort with no room for locals its all about profit. Its really sickening. I don't think its all councils fault. As a 35 year local I am moving out of town. Constant construction, noise, dirt, beeping no balance between locals, construction, and tourists etc! Why did you change the rule a few years ago regarding residential rentals. It used to be you could only rent for less than 6 months 2x a year. The rule was changed to allow this free for all to increase bed base. Essentially residential areas are uninhabitable by locals now. So here we are, the new STR rule needs to be rolled back now that we have this experience. No matter how many beds there are there will never be enough. We have reached saturation limit and someone has to say stop! When the city changed the rules our HOA changed our condo docs to reflect no rentals allowed less than 2 months. We are however surrounded by STRs. We just had two units sell and a major buying point for the buyers was that we didn't allow nightly rentals, so it goes both ways. Allowing STRs does not automatically increase the value of a condo. JUST SAY NO TO THE EVER INCREASING EVERYTING WE HAVE REACHED SATURATION.

Screen Name Redacted 3/30/2022 04:16 PM	How does increased short-term rentals make the town a better place to live? Are there not enough hotel rooms and condos currently available? How many more visitors can our local infrastructure support (i.e. parking, sewage, electric grid, rescue services, etc?)
Screen Name Redacted 3/30/2022 07:16 PM	What is your definition of a “managed” short term vacation rental.
Screen Name Redacted 3/30/2022 08:59 PM	How can we be fair to property owners, especially those who are needing rental income?
Screen Name Redacted 3/30/2022 09:14 PM	Short term tourists most likely will go out more to spend their Money at stores and restaurants more quickly and will allow more tourists to come into town as there will be more Options of when to come to Aspen. Long term tourists will space out their dinners and shopping as they’re here for longer, taking up bedding options other tourists can’t come to town.
Screen Name Redacted 3/31/2022 12:11 PM	This survey asked the worst questions and clearly has zero intentions of asking for solutions to the problem. Instead, you all just want to pit the community against the city and continue this debacle. Also - I do not think the city should pick rentals on zoning neighborhoods. My preference is the number 7 on all of the neighborhoods in Aspen.
Screen Name Redacted 3/31/2022 05:10 PM	If I am predisposed to be against STRs and vote to eliminate them, am I creating an even more elitist, wealthy class-driven community in Aspen? If I vote to eliminate STRs, will the Colorado middle class be able to afford the high Aspen hotel room rates to come to ski and recreate in Aspen? If I vote to eliminate the STRs, will I push out the multi-generation Aspen families who have downtown condos and need to rent to afford the escalating costs of carrying their family properties? Why am I judging what other people want to do with their personal property so long as they are complying with state and local laws? Why are we even discussing this issue when there are not enough STR rooms to support our Aspen Summer Music program?
Screen Name Redacted 3/31/2022 09:14 PM	This will not resolve your affordable housing situation. I live in Telluride and similar measures have NOT helped one bit. And it has created unbelievable negative vibes in the community. Nobody is all of a sudden renting their second homes for 10%-25% of their real value, while not being able to use them, because of these

regulations. This is ill conceived in every aspect. Monkey see, monkey do? Other resort communities desperately passed this so now you do the same Aspen? Shame on you. Second homeowners who actually use their properties, and sometimes rent them (like me, I am a second home owner in Aspen and spend quite a bit of time in Aspen) , are not all of a sudden going to rent them 12 months a year for $2,000 a month (which means we can not use them). As a town, you need to solve your affordable housing issues by building more housing, not picking on second homeowners and investment property owners. This is a taking if you enact this law, and I would expect serious legal action from a large group of us if you go this route.

Screen Name Redacted
4/01/2022 09:55 AM

I am in full support of short term rentals

Screen Name Redacted
4/01/2022 11:20 AM

Do the STR property owners' have respect/empathy for full-time residents in the neighborhood? Who, beside the police will enforce rules of existing HOAs?

Screen Name Redacted
4/01/2022 11:21 AM

Climate and the future for skiing will dramatically effect our current economy, so how are you preparing?

Screen Name Redacted
4/01/2022 12:24 PM

How can we enforce the fees and licensing of short term rentals so they are equal to lodging rentals?

Screen Name Redacted
4/01/2022 05:23 PM

I would want to know how other communities are addressing this problem and a look at European TOURIST TOWNS AS WELL.

Screen Name Redacted
4/01/2022 06:02 PM

Why do they need to be limited? People have a right to do what they want with their property. If the HOA allows them, why should the City restrict them.?

Screen Name Redacted
4/01/2022 07:40 PM

im not sure the shouldn't be allowed anywhere. the big question is balancing them out??? certainly no limits would insure more tax revenue but possibly have negative consequence .

Screen Name Redacted
4/02/2022 09:38 AM

How much traffic and where is it acceptable? I would suggest that the people who visit and take short term rentals cause at least twice as much pollution as those who stay in hotels or lodges as all the service personnel travel in and out of these residential neighborhoods to perform the maid work and maintenance in vehicles. Should property

management companies be required to use more efficient vehicles, supply a carpooling plan? Should there be a strict limit on noise made by vacuum vans, landscaping and tree cutting equipment? Can trash services be managed so that there are not several different trucks from different companies visiting otherwise quiet neighborhoods sometimes on the same day? Can these trucks be smaller and quieter and cleaner?

Screen Name Redacted
4/02/2022 10:00 AM

None. Let them do it

Screen Name Redacted
4/02/2022 10:07 AM

Can we create a system of variances by requiring neighboring properties to approve the allowance of a str permit

Screen Name Redacted
4/02/2022 10:18 AM

Do Aspen business owners who have invested their invested their lives and finances into keeping their business open want the extra visitors that STR bring in?

Screen Name Redacted
4/02/2022 11:40 AM

Why are you focusing on STRs and expanding the airport but not fixing the entry and ruining the West End.

Screen Name Redacted
4/02/2022 12:29 PM

Show term rentals need to be transparent and registered. That way it can be controlled if there are noise or other issues. Don't kid yourself that there are not noise issues in hotels also. But we need diverse housing for visitors whether they are coming for a week or a year. Times have changed and we all work remotely. I don't want to see the city over regulated because of the perception of noise or parking has those can be managed independently

Screen Name Redacted
4/02/2022 12:38 PM

I would definitely want to know how current short term rentals are truly impacting the city and county. Why are people short term renting? Is this really the reason there is less employee housing? Can some of the tax monies from STRs be used to provide more employee housing? What have other communities done? There are still questions to be answered and a great deal of experience and intelligence within the Council and beyond to find a creative solution.

Screen Name Redacted
4/02/2022 06:07 PM

Make sure those properties that are on short term rental sites are registered with the city & have permits

Screen Name Redacted

As an owner who occasionally has paying guests in our home when

4/02/2022 08:27 PM	we are not there, I would want the city council to ask me what sort of guests stay in our home, and if I thought that I was taking business away from a hotel? I would explain that many of our guests choose not to stay in a hotel because of family dynamics. For example, an older couple with their children and possibly a young grandchild or two. In a home, they can sit around a living area together, get their take-out meals and eat comfortably together without worrying about young children's behavior - also they have a place to mind a baby without the fear of disturbing anyone else, etc. We have hosted families with a member who is severely handicapped - whereas a hotel would not be suitable for their needs and desire to congregate together privately. Honestly, there are many reasons why homestays are more attractive to visitors. (However, I know many people who much rather stay in a hotel than in "someone else's home") It does work both ways. The bottom line though, if I were a member of the ACC, I would question how I would have any say or power to control what someone else does with their own property.
Screen Name Redacted 4/03/2022 10:47 AM	The council should consider raising taxes on short term rentals. The owners are rolling in cash based on nothing other than favorable conditions while workers get screwed. I say if owners are benefiting from just being in Aspen, they should pay their fair share. Use the taxes to create sustainable housing.
Screen Name Redacted 4/03/2022 12:01 PM	Why do we need to think about this, why do we need more government control and more government?
Screen Name Redacted 4/03/2022 12:03 PM	Do STR's degrade the quality of life for locals? If so should there be a quota that caps them at a number that preserves a critical mass of authentic community?
Screen Name Redacted 4/03/2022 01:26 PM	What are the greatest need for the community?
Screen Name Redacted 4/03/2022 03:32 PM	How devastating it is to long-term residence rentals
Screen Name Redacted 4/03/2022 05:55 PM	It's going to exist. It's ALWAYS existed. Get on board and support the process. Monitor the rentals. Get the tax revenue. Aspen needs STRs to support the town, the merchants, the residents, etc....
Screen Name Redacted	Why are we not taxing rentals of 30 days or more? Could we set up a

4/04/2022 08:54 AM	tax for any rentals with terms under 3 - 6 months?
Screen Name Redacted 4/04/2022 12:38 PM	How is this negatively impacting our community?
Screen Name Redacted 4/04/2022 03:28 PM	Why are we trying to regulate STRs
Screen Name Redacted 4/04/2022 03:37 PM	How to ensure that STR comply with “good neighbor” standards
Screen Name Redacted 4/04/2022 03:55 PM	Are you renting properties responsibly? Paying lodging tax etc? Have you or your company had any issues with noise etc at any STR’s that have affected the community negatively? Have any community members / homeowners spoken to you or your company complaining about having STR’s impacting their homes negatively?
Screen Name Redacted 4/04/2022 03:56 PM	1. Are they individually owned/family business? 2. Do they have an onsite manager? 3. Is the property kept up and safe?
Screen Name Redacted 4/04/2022 04:01 PM	You allow large hotels to come into Aspen and yet your looking to restrict owners from renting their homes who have done so for decades. Not everyone has the deep pockets to stay in an Aspen hotel. We provide a service to the tourist and the city derives revenue off that service. You restrict beds and you restrict your revenue stream.
Screen Name Redacted 4/04/2022 04:11 PM	I believe this is a private property or condominium association issue, not an issue for city council. If you wanted to have more affordable housing for local workers, you should have maxed out capacity for what we have, and secondly, create incentives for retirees living in employee housing to move on.
Screen Name Redacted 4/04/2022 04:21 PM	I would ask about impacts in specific neighborhoods, e.g. how would STRs aid or limit liveability in any one zone - I would want to gauge how comfortable residents are with neighbors renting out parts of their home short-term/what that looks like.
Screen Name Redacted 4/04/2022 04:40 PM	How can we minimize the removal of long term rental housing stock due to STRs without punishing legitimate second home owners who occasionally rent out their homes to offset expenses.

Screen Name Redacted 4/04/2022 05:47 PM	WE are a tourist based economy and town, why do you want to kill the goose that is laying the golden eggs?
Screen Name Redacted 4/05/2022 04:15 AM	What would (wise, respected and beloved former mayor) Bill Stirling do?
Screen Name Redacted 4/05/2022 06:45 AM	While regulating short term rentals makes a lot of sense, how do we create positive incentives for owners to rent on long-term basis to local residents? Unless we ban STRs altogether, simply increasing regulation or limiting STR supply is unlikely to return a material number of units to the local resident housing supply.
Screen Name Redacted 4/05/2022 07:04 AM	What makes anyone think that any of these “vacation rental” properties would be rented at a discounted rate long term to house the workforce or anyone who else who couldn’t afford to e market rate? Is the objective to protect the hotel industry from losing any revenue? Isn’t Taxation and meaningful regulation always more effective than prohibition? Are we conveniently using the unprecedented uptick in the vacation rental industry as a scapegoat to decades old problems that were ignored or mismanaged for just as long? Is This a knee jerk reaction to a natural economic shift that we’d be better served to adjust to rather than shut down?
Screen Name Redacted 4/05/2022 07:34 AM	1. Why aren’t we (CC) respecting due process, and why do we feel the need to cheat the system and abuse our position of power by using a bogus “environmental emergency” clause to slam through our wishes without consulting voters in Dec. 2021? 2. How is it possible that commercial construction not an environmental emergency but residential is?
Screen Name Redacted 4/05/2022 07:34 AM	When our economy is driven by tourist dollars do we want to create a tourist base of only those who can stay at The Nell or do we want a more diverse group? People who book a weekend on AirBnB are generally a much more relatable cliental than those who book high end hotels or who can afford to spend a month on a holiday rental. The Council is trying to block visitors who have come for years to ski because they are pricing them out. Eliminating STR will not create employee housing. If you want more employee housing insist that the units that already exist be rented to employees. There are so many empty apartments that are zoned for employees because the owners were forced to build them but have no need of the paltry rental

	income.
Screen Name Redacted 4/05/2022 07:37 AM	Why do we need to please second homeowners? Our “working class” needs an opportunity for housing. By restricting short term rentals we will increase the housing stock. Both of the free market rentals I lived in 10 years ago when I first moved to Aspen have been converted to STRs
Screen Name Redacted 4/05/2022 07:55 AM	Is health and safety being addressed?
Screen Name Redacted 4/05/2022 08:21 AM	Nothing noted
Screen Name Redacted 4/05/2022 08:37 AM	What, if any, problems are we trying to correct and are any of the proposed corrective specifically addressing that problem?
Screen Name Redacted 4/05/2022 08:52 AM	Given that most owners want to enjoy the use of their property throughout the year and would not rent it out to local workers, what would happen to City revenue of sales and lodging tax if STR activity is banned? And what is the impact on local businesses who rely on tourism for survival? Hotels in Aspen are already incredibly expensive in season, what would happen to those prices if lodging alternatives are removed? This is already an incredibly expensive community and decreasing supply will likely put upward pressure on prices here.
Screen Name Redacted 4/05/2022 09:16 AM	How will you enforce noise and parking ordinances?
Screen Name Redacted 4/05/2022 09:22 AM	HOW DOES IT BENEFIT ANYONE OTHER THAN THE OWNER?
Screen Name Redacted 4/05/2022 10:52 AM	If we eliminate short term rentals, won’t this severely limit beds and cause severe economic reductions to local businesses?
Screen Name Redacted 4/05/2022 11:05 AM	Let the homeowners do what they need to do to maintain their unit/homes. Why does City Council need to decide who and can cannot rent their homes? Why was this decision and vote pushed through as an emergency? The community was not properly notified and there was no need to make this an emergency.

Screen Name Redacted 4/05/2022 11:06 AM	How is this affecting housing for local employees and local businesses? As an employer we have an incredibly difficult time finding housing for our team, and we know we are not alone to say the least.
Screen Name Redacted 4/05/2022 11:57 AM	what are you trying to regulate? what are the goals? empty homes? what rights/responsibilities do HOAs have in regulating/restricting STR and the like in their specific communities.
Screen Name Redacted 4/05/2022 11:57 AM	Just a few years ago, city council was upset over the shortage of hot beds, now they claim we have too many beds. Yet, Aspen Ski Company's affordable lodging option, the Limelight, averages well over $1000/night in season (hardly affordable). During the pandemic short-term rentals took off because visitors wanted their own place, whether it was a 1 bedroom condo or 5 bedroom home, they didn't want to be surrounded by others for fear of getting sick. Short-term rentals provide opportunities for owners to offset their costs of carrying the property. It also allows a greater diversity of people to visit Aspen from all socio-economic backgrounds. If you limit short-term rentals or make it more difficult for owners, whether full-time residents or second home owners, I am afraid that hotel nightly prices will only become more expensive and out of reach for many people. Many of the properties that sold within that last 3-4 years were never part of the long-term housing pool for locals. Long-term housing costs are skyrocketing because of limited inventory and the increased demand of new locals moving here that have the ability to work remote. We have a housing problem, but attacking new property owners is not the solution. City Council should fast track affordable housing projects of their own in order to help increase the inventory of affordable long-term housing, instead Council debates the design projects for years before ever putting a shovel in the ground. It is a serious concern that the landfill is almost maxed out, however, instead of crying wolf, maybe look at the potential that it could create. How long until that land could be repurposed and turned into an entire affordable housing community. The solar farm was a great addition, but as it is unable to provide power for all of Aspen, was a higher and better use of that land to create affordable housing for the workforce? These actions of limiting rentals will not result in any real solutions to the housing crisis. It will only boost the coffers of Aspen Ski Company and other hoteliers in town.
Screen Name Redacted 4/05/2022 12:24 PM	How can we be more flexible in our short term rental regulations rather than trying to institute this one size fits all regulation that has been written up so far by the council.?

Screen Name Redacted 4/05/2022 02:10 PM	How will mandating STRs actually help the local housing crisis?
Screen Name Redacted 4/05/2022 02:32 PM	Is permanent housing being sacrificed for STR?
Screen Name Redacted 4/05/2022 03:24 PM	How many properties will sit vacant for most of the year waiting for their wealthy owner to occasionally visit and what will be the cultural and economic impact of this.
Screen Name Redacted 4/05/2022 04:04 PM	Have you thought about the impact this will have on home owners; property management businesses that will have to let employees go because they will generate less income; local businesses and restaurants?
Screen Name Redacted 4/05/2022 04:59 PM	Why are you attempting to reduce our warm beds and the ability for large families to gather and have the ability to prepare some meals at home? Why are you throwing away all this sales and use tax revenue?
Screen Name Redacted 4/05/2022 06:07 PM	What is an appropriate str tax rate to generate revenue for affordable housing?
Screen Name Redacted 4/05/2022 06:10 PM	Short-term rentals massively decrease available rental properties for those who want to live here full-time and don't want to live in Rifle. We should be looking after those people who live here full-time. People who want to visit Aspen can stay in this thing called a hotel.
Screen Name Redacted 4/05/2022 06:27 PM	Short term rentals by non resident owners should attract some type of surcharge as non resident owners do not really benefit the community
Screen Name Redacted 4/05/2022 06:35 PM	Strictly enforce payment of accommodation taxes. Pull STR license if noise or inappropriate activity.
Screen Name Redacted 4/06/2022 12:16 AM	Q: Why are we benefiting especially from local homeowners and their decision to offer a Short-Term Rental possibly because they have to supplement their income (many of whom are now retired) and why are we making it so hard with all the rules/regulations/moratoriums etc... for these locals to remain in this town!? A: Solution: Maybe an exemption if you are a homeowner and have a valid voter's ID in the

city of Aspen!

Screen Name Redacted
4/06/2022 07:50 AM

I believe there needs to be limits because otherwise it's commercial activity and that's not appropriate in residential zoning. It's bad for wildlife and the environment. The character of our neighborhoods are changing. It's overwhelming our roads and emergency responders. Residential zoning is for residing. Not for creating hotels from peoples homes.

Screen Name Redacted
4/06/2022 08:06 AM

what would be the impact to owner occupied LOCALS if their ability to sporadically rent out their property was taken away? My thought is that many would be forced to leave their HOMES.

Screen Name Redacted
4/06/2022 09:25 AM

why in the world is the city bothering with this? There are ordinances for people to maintain their properties, pay taxes etc. As long as that is done, the city should not interfere with private property rights.

Screen Name Redacted
4/06/2022 10:09 AM

What is the total economic impact of STRs to Aspen, and why would Aspen jeopardize that growth when studies show STRs have minimal impact on property affordability.

Screen Name Redacted
4/06/2022 10:48 AM

Since we're already setting tourism, sales tax and real estate records, where's the real need to increase our STR's and tax base? Do the benefits (for non-residents) really outweigh the challenges and damage to our neighborhoods? Do locals see a lot of downside, but no real upside with STR's? Since STR's reduce housing for residents, how are they helping working residents? Are our neighborhoods healthier with STR's?

Screen Name Redacted
4/06/2022 11:02 AM

To fallow rules of the houses they visit.

Screen Name Redacted
4/06/2022 12:22 PM

How do short term rentals impact the economy and city finances (tax revenue)? Is there a link between STR policy and availability of affordable worker housing?

Screen Name Redacted
4/06/2022 03:50 PM

Show the proponents of more STRs the data on costs of renting long term (and short term for that matter) in Aspen over the past 5 years. Then contrast that data with the numbers of STR properties that were operating clandestinely or openly. If they don't see a direct correlation and provide pragmatic solutions then they should be under a

moratorium until pragmatic solutions can be provided by others.

Screen Name Redacted
4/06/2022 04:53 PM

How best to tax and keep track of who and where these properties are

Screen Name Redacted
4/06/2022 05:48 PM

Being a realtor my livelihood depends on short term rentals. I rely on this income. I just bought my Aspen condo this past fall and in the future plan to rent it out here and there to off set some of the expensense. Not sure if I would of bought it knowing this was going to happen. I do not know how the city can take away homeowners rights. Its wrong

Screen Name Redacted
4/06/2022 06:55 PM

How can moderating their use benefit the local working classes housing opportunities.

Screen Name Redacted
4/06/2022 07:29 PM

Does it increase economic activity? Is it good for businesses in town? Is it good for home-owners? Does it increase property value? I would recommend looking into European ski villages such as Lech or St. Anton that believe in never having an cold (empty) bed. Renting is not only encouraged in those villages but required in order to own property in some of the new housing complexes. Reducing short term rentals in Aspen/Snowmass will hurt the locals because it will decline the much needed clientele. Removing short-term rentals benefits only the uber-wealthy and does not take into consideration the needs of the average person. Do we want to make Aspen/Snowmass even more elitist and anti-local town?

Screen Name Redacted
4/06/2022 08:34 PM

I went to the meeting tonight and could not discern what the problem is re: rentals. Lodging is astronomically high in Aspen and people have choices where they take their family for their holiday. We WANT them to choose Aspen and support all the local businesses. And homeowners like me pay the City taxes (about $20K) last year from my renters. The City can use that to serve our community. transportation, housing, road improvement, etc. I heard one person say that a SFH might rent for long-term to a local if they don't have a short term option. This is absurd. SFH's that are above $10M are not year round rentals for affordable housing. Do some simple math on what a $10M asset would need to rent monthly to simply cover the nut. Do locals pay $100K/mth for a yearly lease. Of course not - SFH's rentals are few and far between and allow tourists to visit here with their whole family which is a huge financial benefit to Aspen. if they can't find a family house for XMAS in Aspen, they can take their money to Telluride.

Screen Name Redacted 4/06/2022 09:17 PM	Should there be a limit for licenses? Limited for different sizes/styles of accommodation? Limited as a percentage of that style of housing in town? Can we tie a direct tax to STR's that funds affordable housing?
Screen Name Redacted 4/07/2022 08:27 AM	Removing STR would definitely hurt the local economy. Whether it's an owner staying in his/her condo/home or a short term rental, the traffic, population, ect is all the same footprint.
Screen Name Redacted 4/07/2022 08:52 AM	Regardless of an owner or short term rental present the outcome is the same. It brings revenue to the city
Screen Name Redacted 4/07/2022 11:40 AM	If STRs were restricted (primarily in Aspen), how would we ensure that these homes would then be rented out to locals in a long-term lease? How many of these homes have ever leased to a long-term local before? Additionally - if STRs did not exist anymore - how would we ensure that all long-term leases in Aspen/Snowmass were signed only by locals working/contributing to the local economy. (Versus a "digital nomad", remote worker, etc. willing/able to pay a higher price to live here). Where do we draw the line on regulating/encroaching on FREE market housing regulations. In a Capitalist society there will always be an issue of the highest bidder. That is why the focus needs to be on developing more deed restricted housing for local employees.
Screen Name Redacted 4/07/2022 01:52 PM	If we discourage short term rentals won't we be further restricting the diversity and accessibility of visitors to Aspen.
Screen Name Redacted 4/07/2022 02:12 PM	We all know that we are suffering form a lack of employee housing - what proof exists that with out short term rentals ,employees seeking housing would be able to benefit?
Screen Name Redacted 4/07/2022 03:41 PM	How can we make short term rentals evenly regulated and not overly complicated? I.e, a max number of days per year a unit can be sort termed - but across the board.
Screen Name Redacted 4/11/2022 10:53 AM	Why isn't there enought affordable housing, how can we build more and how can we manage what we have better? Would exclusion of short term rentals cause already ghost neighborhoods to become completely vacant (I live on Eastwood drive, there are very few if any

	residents there and in non rental seasons it is dead..) will this be the result in rental season Where are we going to house all of the folks that have come to aspen and used luxury housing available outside the downtown area, do we really want more and bigger hotel projects Isn't part of the charm of aspen for people who come here to rent a house and enjoy a weekend with their family, not be crammed into hotel rooms? Do we destroy that experience What is the effect of eliminating short term rentals going to be, is it solving some core problem or is that probem at this point beyond resolution from the stand point of shutting down rentals
Screen Name Redacted 4/11/2022 12:38 PM	As the socioeconomic gap becomes larger, how is local government supporting its residents and workforce (those that live outside of city limits) in being able to be active participants in their communities (stay involved, live here, eat here, play here, shop here)? This workforce includes all socioeconomic classes (low, middle, high, and everything in between).

Optional question (195 response(s), 50 skipped)
Question type: Essay Question

How could short-term rental permits be administered?

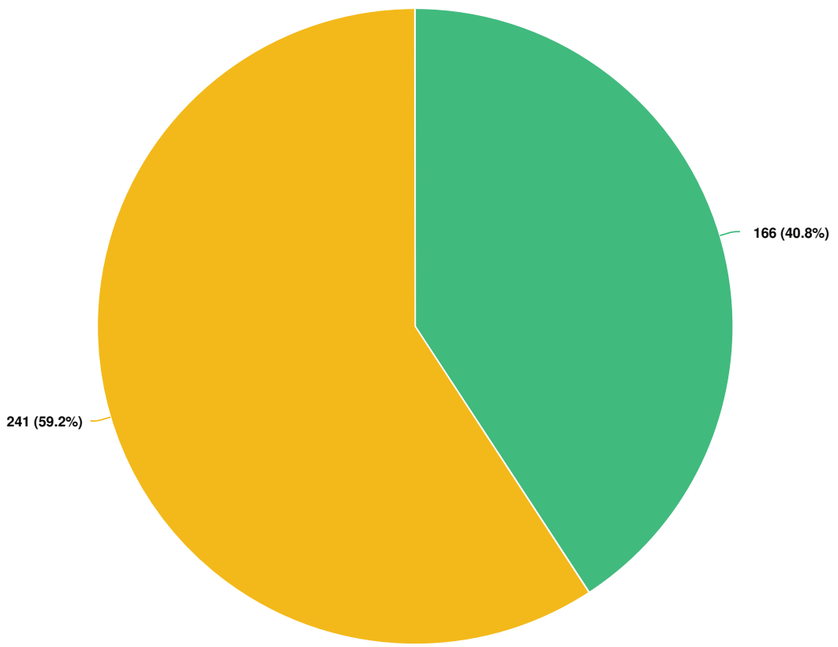
SURVEY RESPONSE REPORT
14 June 2016 - 01 May 2022

PROJECT NAME:
Short-Term Rentals

BANG THE TABLE engagementHQ

SURVEY QUESTIONS

Q1 Do you think short-term rental permits should be transferrable between property owners?

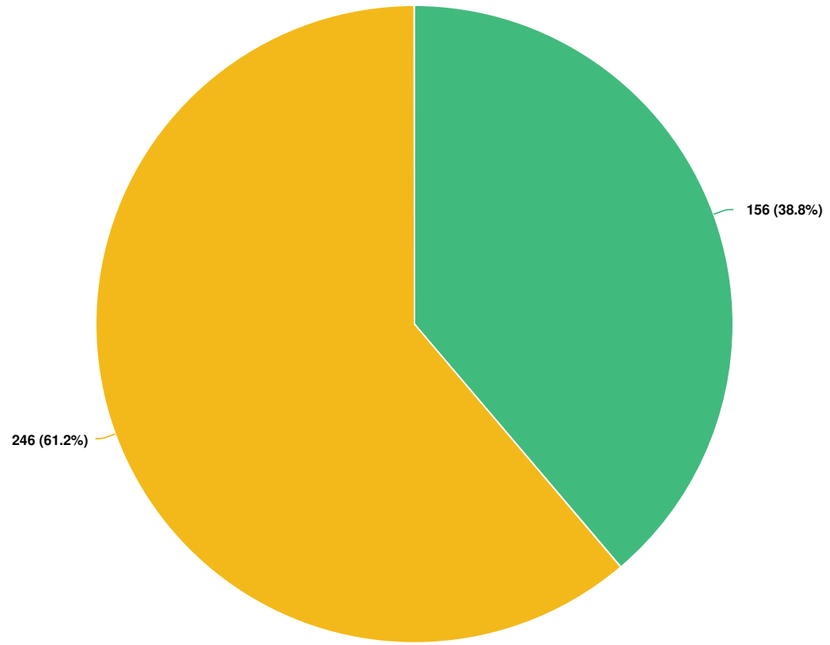


Question options

- Yes, the short-term rental permit should be tied to the property and transfer between owners if the property is sold.
- No, the short-term rental permit should not be transferrable. If the property is sold, the new owner needs to apply for the waitlist and submit their own application for a short-term rental license.

Optional question (407 response(s), 4 skipped)
Question type: Radio Button Question

Q2 With this information in mind, do you think it best to grandfather existing permits and use attrition to arrive at the capped limit over time OR use a lottery to arrive at the capped limit?

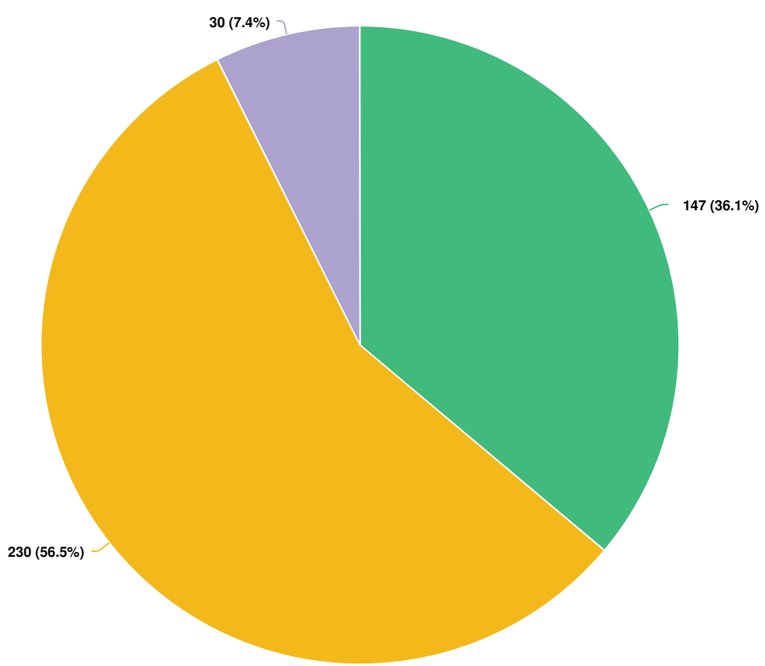


Question options

- Lottery
- Attrition

Optional question (402 response(s), 9 skipped)
Question type: Radio Button Question

Q3 When considering owner-occupied STRs vs. non-owner-occupied STRs, do you think the City of Aspen should limit how many days per year an owner-occupied (i.e., a local resident) short-term rental could be rented out?

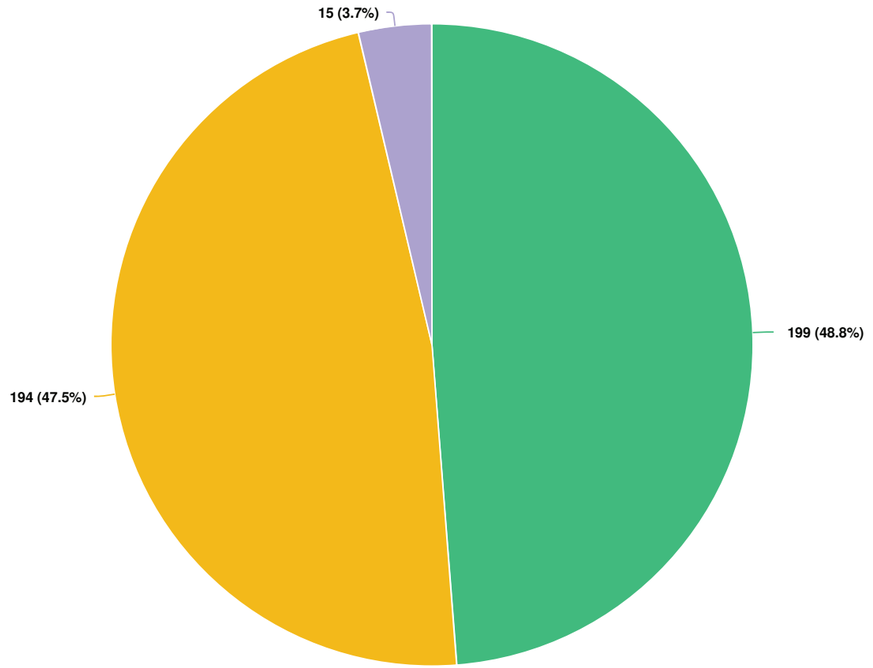


Question options

Yes No I don't have a preference

Optional question (407 response(s), 4 skipped)
Question type: Radio Button Question

Q4 When considering owner-occupied STRs vs. non-owner-occupied STRs, do you think the City of Aspen should limit how many days per year a non-owner-occupied short-term rental could be rented out?

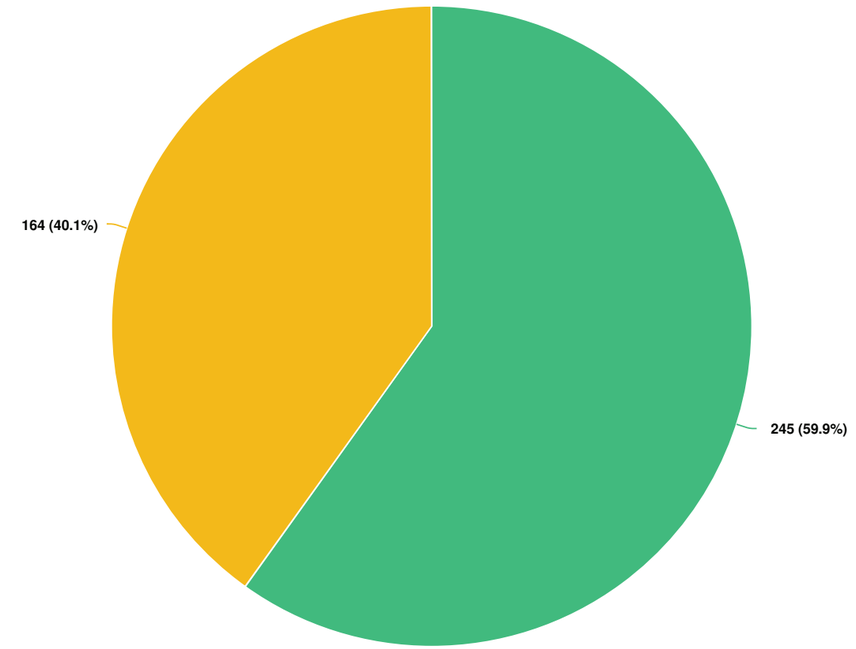


Question options

Yes No I don't have a preference

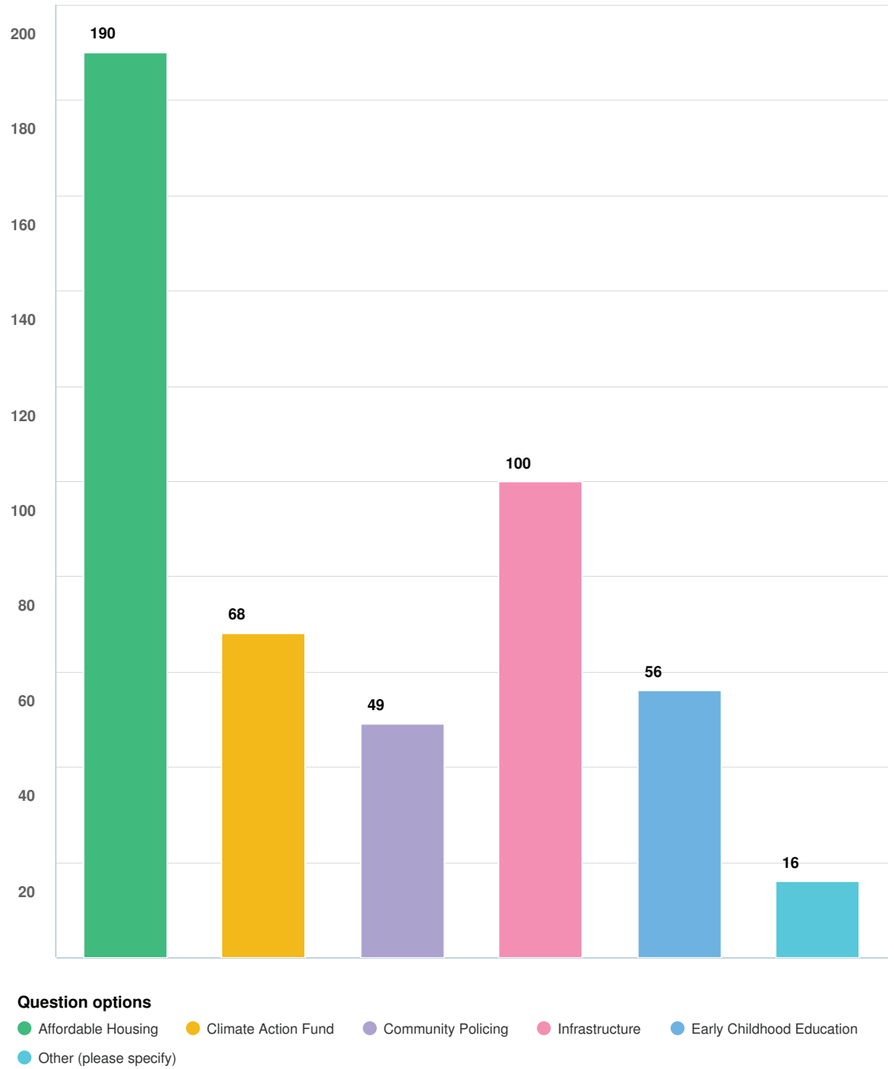
Optional question (408 response(s), 3 skipped)
Question type: Radio Button Question

Q5 Should Aspen City Council ask Aspen voters to approve a new short-term rental specific tax to mitigate for community and environmental impacts?



Optional question (409 response(s), 2 skipped)
Question type: Radio Button Question

Q6 If yes, what community benefits should the new tax revenue fund?



Optional question (243 response(s), 168 skipped)
Question type: Checkbox Question

I. OPEN ENDED RESPONSES TO QUESTION 6

- We need specific City personnel that can address the impacts to the immediate neighbors of STR's and the neighborhoods they impact. Parking, Parties and Pets!! THERE MUST BE A MECHANISM TO DENY AND REVOKE STR PERMITS FROM REPEAT OFFENDERS. The Aspen Police Department should not be the default manager of STR units.
- Enforcing rules for STR's to minimize neighborhood impact.
- Pay raises for Aspen Police officers, child care facilities, increase Aspen food rebate amount.
- Better public transport
- The owners of STR properties do not care if you tax them, so just tax them. The revenue could be used for multiple programs.
- General expenses
- Remove funding towards destination marketing- that only makes the problem worse. The fee/tax should only go to relieving impacts.
- Noise and Light Pollution abatement. Traffic. Landfill.
- What is the city's/community's greatest need? Where are we falling short in funding? If STRs are causing "problems" then the funds should be geared towards solving the issues/problems. This is something that I don't the the general public should be weighing in one because we don't have enough knowledge to know what areas the city needs more funding for.
- We need a designated City personnel to address neighborhood impacts. Parking, Parties, Pets are a PROBLEM.
- The round-about and TRAFFIC!!!! There should be stop signs on every corner in this town!
- turning appropriate places toward long term rentals should be a primary goal. If there are far fewer STR allowed- far fewer- then those owners could see the value of long term renting.
- Raising money for the city isn't the point of this exercise. It's about not ruining neighborhoods by this impacts of essentially living next to a hotel
- The city should identify what impacts short term rental cause that need to be mitigated. The tax revenue should address those issues,
- Entrance To Aspen solution
- A subsidized hotel/hostel.

SHORT-TERM RENTALS

APPENDIX F: STR DATA POINTS OVERVIEW

I. SHORT TERM RENTAL TECHNICAL STAKEHOLDER DATA OVERVIEW

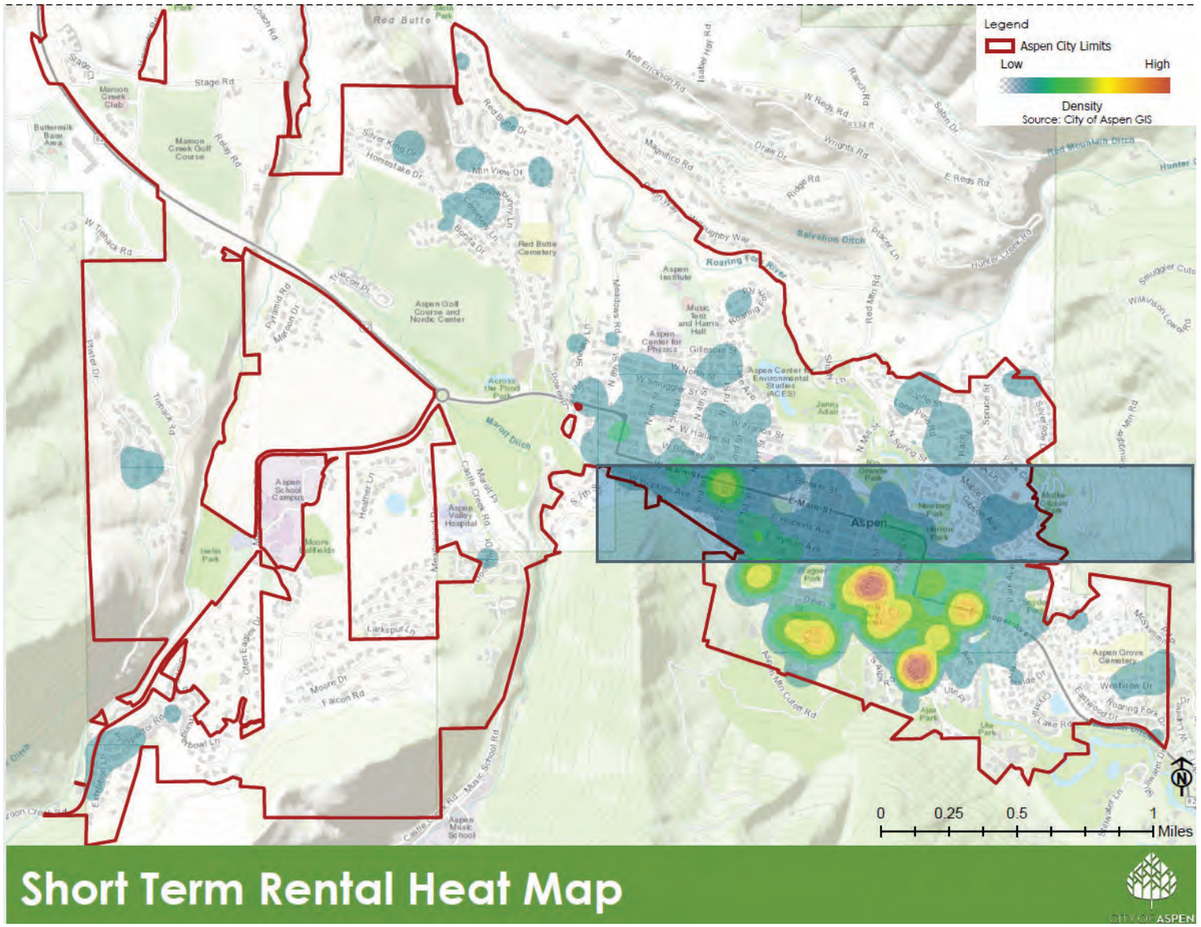
A. City of Aspen STR Data Points:

- There are 1,319 current active vacation rental permits (VRPs) through the City of Aspen.
- 280 VRPs were issued on or after 12/8/2021, the date the emergency moratorium was announced with 78 still waiting on review or additional information from the customer.
- There were only 70 VRPs issued before the City increased compliance and oversight with Council actions around business licensing requirements.
- 57 properties have multiple VRPs. The top two properties are The Gant which holds 123 VRPs, and Aspen Square, which holds 106 VRPs. This means 1,262 properties have just one VRP.
- The Lodge Zone District holds 316 VRPs, this is the greatest number of VRPs per Zone District. Second, is the Residential/Multi-family Zone District with 255 VRPs. R- 15 Zone District holds 186 VRPs, this is the greatest number for the residential-only districts. Second is R-6 which holds 108 VRPs. The Commercial Core holds 45 VRPs, and Commercial Lodge holds 132 VRPs.
- *The Short Term Rentals by Zone District Map provides full details on the amount of VRPs for every Zone District in the COA.

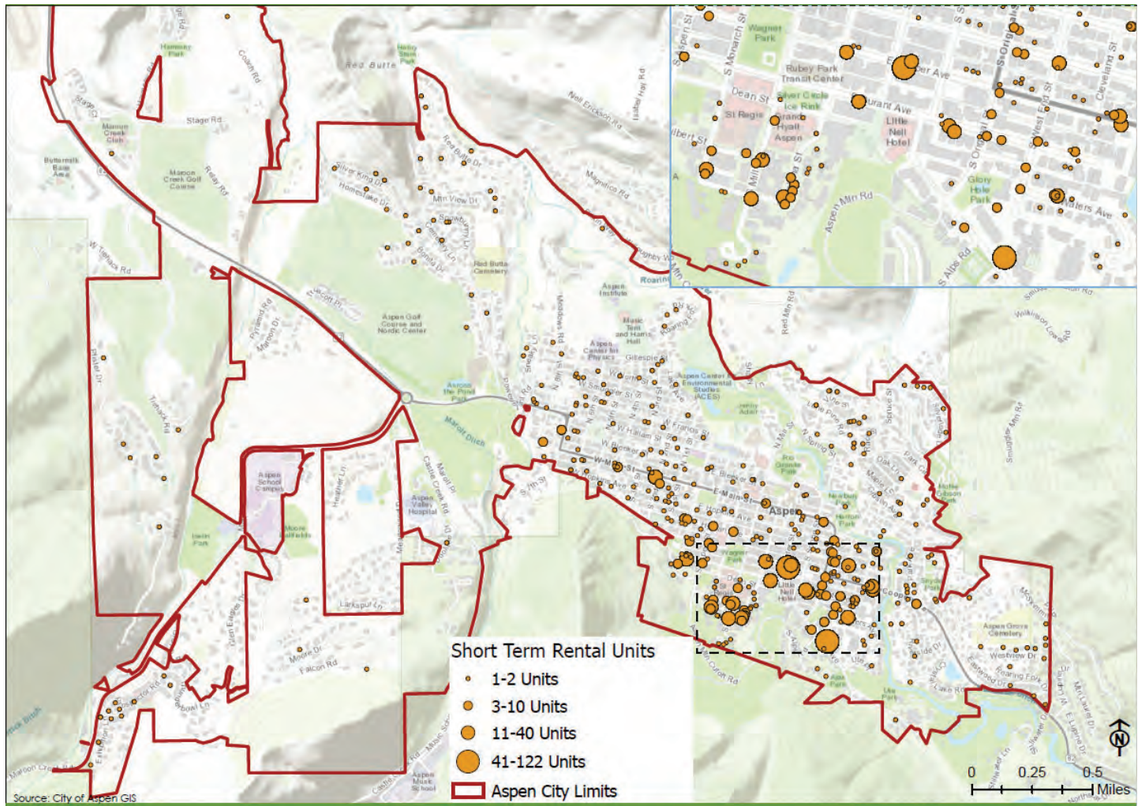
B. Attachments:

- Short Term Rental Heat Map
- Short Term Rental Density by Address
- Short Term Rentals by Zone District (East Aspen to Cemetery Lane)
- Short Term Rentals by Zone District (Cemetery Lane to Burlingame)
- Short Term Rental by Parcel Number
- Finance Summary Data – VRP Properties by Address
- CAST Survey - Lodging and STR Taxes

II. STR HEAT MAP

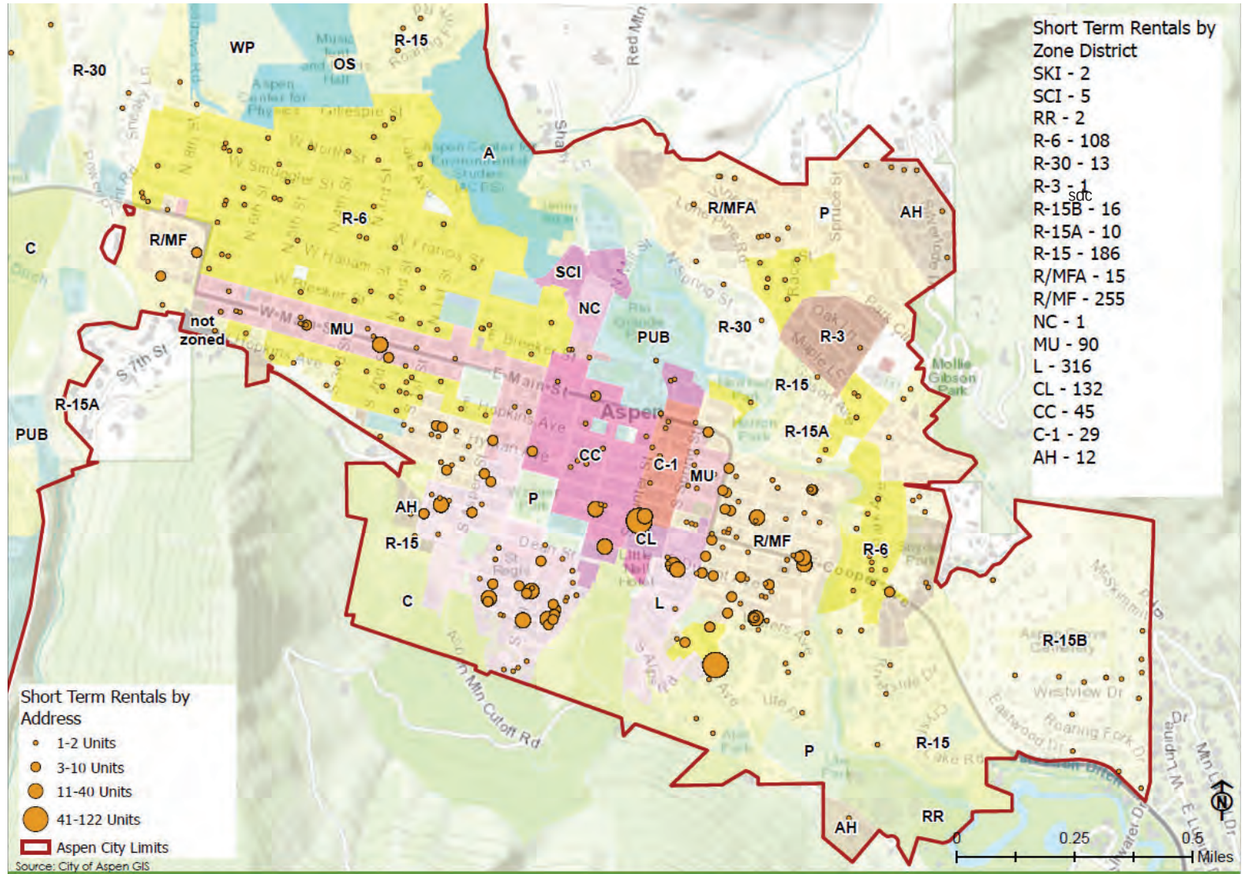


III. STR DENSITY BY ADDRESS



Short Term Rental Density by Address

IV. SHORT TERM RENTALS BY ZONE DISTRICT

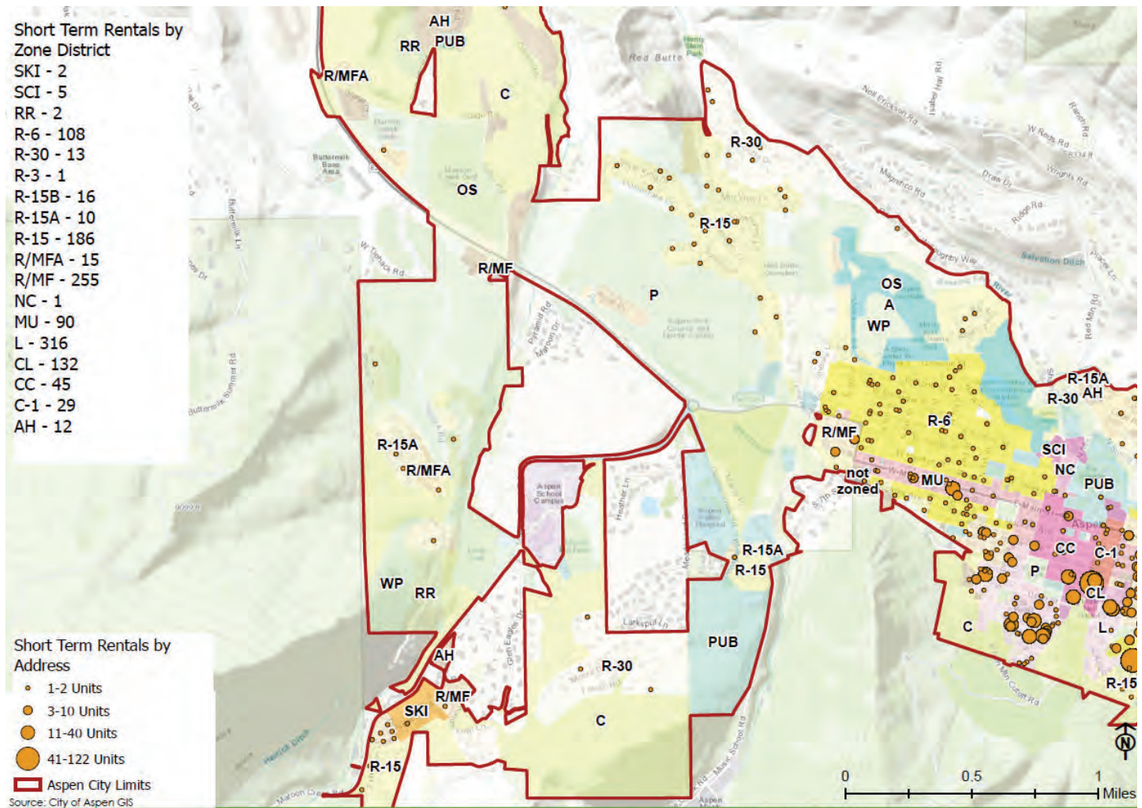


Short Term Rentals by Zone District (East Aspen to Cemetery Lane)

SHORT-TERM RENTALS

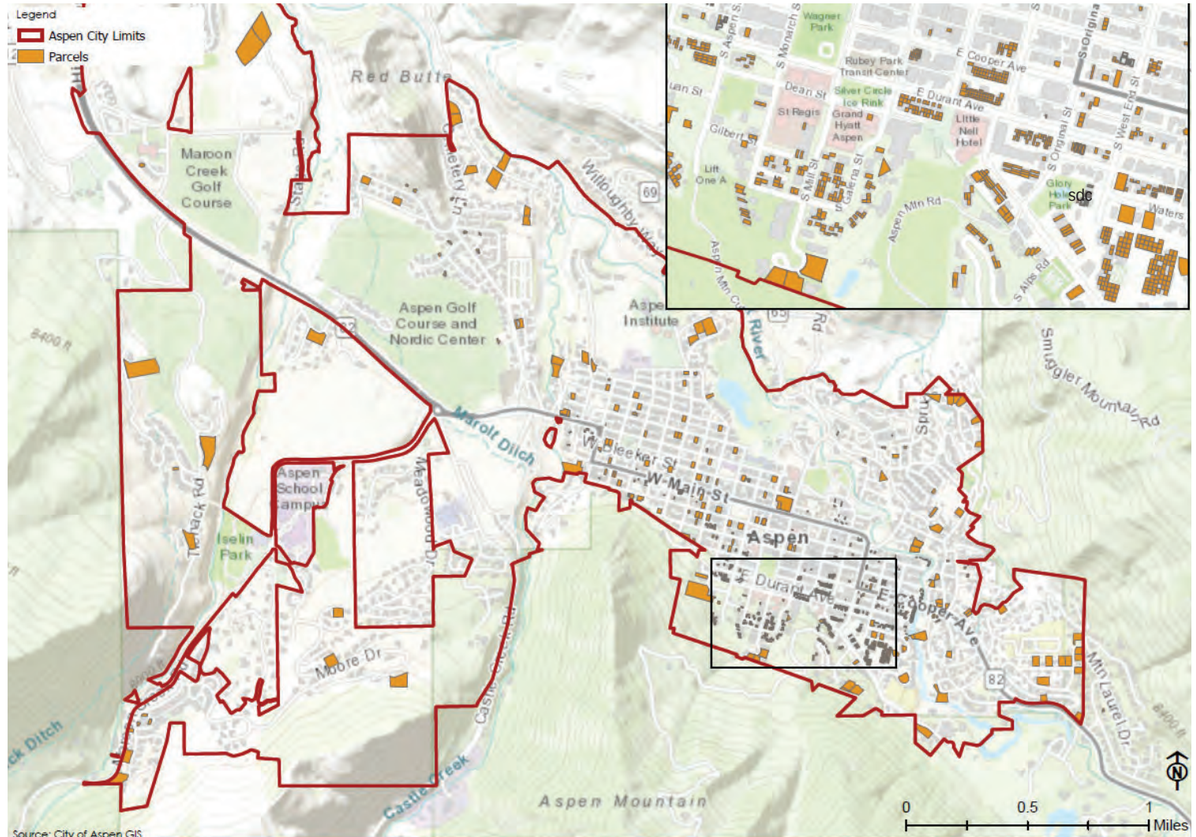
APPENDIX F: STR DATA POINTS OVERVIEW

V. SHORT TERM RENTALS BY ZONE DISTRICT



Short Term Rentals by Zone District (Cemetery Lane to Burlingame)

VI. SHORT TERM RENTALS BY ZONE DISTRICT



Short Term Rentals by Parcel Number

VII. PROPERTIES WITH MULTIPLE VACATION RENTAL PERMITS

PROPERTY NAME	ADDRESS	COUNT OF VRPS
The Gant	610 S West End St	123
Aspen Square	617 E Cooper Ave	106
Aspen Alps	700 S Ute Ave	49
Mountain Lodge	311 W Main St	39
North of Nell	555 E Durant Ave	32
Chateau Roaring Fork	1039 E Cooper Ave	30
Lift One	131 E Durant Ave	27
Durant Condos	718 & 728 & 738 & 748 S Galena St	23
Independence Square	404 S Galena St	21
Chateau Chaumont	731 E Durant Ave	20
Chateau Du Mont	725 E Durant Ave	18
Chateau Eau Claire	1034 E Cooper Ave	18
Riverside	1024 E Cooper Ave	17
Fifth Avenue Condos	800 S Mill St	16
Fasching Haus East	747 S Galena St	15
Silverglo	940 Waters Ave	15
Chateau Aspen	630 E Cooper Ave	14
Fasching Haus	718 S Mill St	11
Cottonwoods	124 W Hyman Ave	10
Obermeyer Place	101 N Spring St & 501 Rio Grande Pl	10
South Point	205 E Durant Ave	10
Chateau Blanc	901 E Hyman Ave	9
Christiana Condominiums	501 W Main St	9
Cooper Condominiums	210 E Cooper Ave	9
Concept 600	600 E Main St	8
Le Clairvaux	803 E Durant Ave	8
Park Central West	210 E Hyman Ave	8
Timber Ridge	100 E Dean St	8
Ute Condominiums	1020 E Durant Ave	8
Dolomite	650 S Monarch St	7
Original Curve	725 E Main St	7
Clarendon	625 S West End St	6

Little Nell	611 S West End St	6
Monarch Condos	700 Monarch	6
Old Hundred	900 E Durant Ave	6
Alpenblick	630 & 710 S Mill St	5
Galena Lofts	434 E Main St	5
Shadow Mountain Condos	809 S Aspen St	5
Silverbell	805 E Cooper Ave	5
St. Regis	315 E Dean St	5
Villas of Aspen	100 N Eighth St	5
Aspen Townhouse East	835 E Durant Ave	4
[No Name]	250 S Original St	4
Der Berghof	100 E Cooper Ave	4
Mittendorf	450 S Original St	4
Mountain Chalet	711 S Galena St	4
Aspen Edge	1235 E Cooper Ave	3
Aspen Townhouses	108 W Hyman Ave	3
Black Swan Hall	851 S Ute Ave	3
Cooper Aspen Victorian	1012 E Cooper Ave	3
Hy-West B	835 E Hyman Ave	3
Larkspur	800 E Hopkins Ave	3
Monarch on the Park	233 E Cooper Ave	3
Ritz-Carlton	75 Prospector Rd	3
Winfield Arms	119 E Cooper Ave	3
Riverview	1028 E Hopkins Ave	2
Villager Townhomes	1001 E Cooper Ave	2
Subtotal		0

VIII. PROPERTIES WITH ONE VACATION RENTAL PERMIT

BIZ ADDRESS	BIZ ADDRESS 2	STREET #	STREET NAME
100 E Durant Ave	1D	100	E Durant Ave
100 E Durant Ave	2A	100	E Durant Ave
100 Park Ave		100	Park Ave
1001 S Ute Ave		1001	S Ute Ave
1004 E Durant Ave	1	1004	E Durant Ave
1006 E Cooper Ave		1006	E Cooper Ave
101 Park Ave		101	Park Ave
1011 S Ute Ave		1011	S Ute Ave
1015 E Hyman Ave	2	1015	E Hyman Ave
1016 E Hyman Ave		1016	E Hyman Ave
1022 E Hyman Ave	1	1022	E Hyman Ave
1024 Vine St	Hunter Creek 1024	1024	Vine St
1035 E Durant Ave	4	1035	E Durant Ave
1039 E Durant Ave	11	1039	E Durant Ave
104 Northway Dr		104	Northway Dr
104 W Cooper Ave	2	104	W Cooper Ave
105 E Hopkins Ave		105	E Hopkins Ave
105 Exhibition Ln		105	Exhibition Ln
105 Thunderbowl Ln	4	105	Thunderbowl Ln
105 W Hyman Ave		105	W Hyman Ave
107 Aspen Mountain Rd	2	107	Aspen Mountain Rd
107 Aspen Mountain Rd	9	107	Aspen Mountain Rd
107 Park Ave		107	Park Ave
107 S Seventh St		107	S Seventh St
1087 Cemetery Ln		1087	Cemetery Ln
1097 Cemetery Ln	B	1097	Cemetery Ln
1098 Cemetery Ln		1098	Cemetery Ln
1098 Waters Ave		1098	Waters Ave
110 E Bleeker St		110	E Bleeker St

110 Meadows Rd	111	110	Meadows Rd
1109 Waters Ave		1109	Waters Ave
111 Neale Ave		111	Neale Ave
111 Park Ave		111	Park Ave
111 Stein Way		111	Stein Way
111 W Francis St		111	W Francis St
111 W Hyman Ave		111	W Hyman Ave
1112 Waters Ave		1112	Waters Ave
1115 Waters Ave		1115	Waters Ave
1118 Waters Ave		1118	Waters Ave
1120 Dale Ave		1120	Dale Ave
1145 Black Birch Dr		1145	Black Birch Dr
117 N Monarch St	2	117	N Monarch St
117 Westview Dr		117	Westview Dr
118 E Bleeker St	Lower	118	E Bleeker St
118 E Bleeker St	Upper	118	E Bleeker St
118 E Cooper Ave		118	E Cooper Ave
1180 Dale Ave		1180	Dale Ave
119 S Hunter St		119	S Hunter St
1195 E Cooper Ave	A	1195	E Cooper Ave
1195 E Cooper Ave	B	1195	E Cooper Ave
120 E Hyman Ave	3	120	E Hyman Ave
120 S Spring St		120	S Spring St
1205 Tiehack Rd		1205	Tiehack Rd
1208 E Hopkins Ave		1208	E Hopkins Ave
121 Robinson Rd		121	Robinson Rd
1210 Snowbunny Ln		1210	Snowbunny Ln
1215 Riverside Dr	A	1215	Riverside Dr
1215 Riverside Dr	B	1215	Riverside Dr
122 Eastwood Rd		122	Eastwood Rd
122 Northway Dr		122	Northway Dr
122 W Main St		122	W Main St
123 E Hallam St		123	E Hallam St

123 E Hyman Ave		123	E Hyman Ave
123 W Hyman Ave	A	123	W Hyman Ave
1230 Snowbunny Ln		1230	Snowbunny Ln
1232 Mountain View Dr		1232	Mountain View Dr
124 E Durant Ave	7	124	E Durant Ave
124 E Durant Ave	10	124	E Durant Ave
1240 Riverside Dr		1240	Riverside Dr
1242 Snowbunny Ln	B	1242	Snowbunny Ln
1245 Riverside Dr		1245	Riverside Dr
126 Park Ave		126	Park Ave
127 E Hallam St		127	E Hallam St
127 Powder Bowl Tr		127	Powder Bowl Tr
127 Robinson Rd		127	Robinson Rd
1271 S Ute Ave		1271	S Ute Ave
1286 Snowbunny Ln		1286	Snowbunny Ln
129 E Hopkins Ave		129	E Hopkins Ave
1291 Riverside Dr	B	1291	Riverside Dr
1300 Red Butte Dr		1300	Red Butte Dr
1305 Red Butte Dr		1305	Red Butte Dr
131 W Bleeker St		131	W Bleeker St
1335 Snowbunny Ln		1335	Snowbunny Ln
1345 Sierra Vista Dr		1345	Sierra Vista Dr
135 W Francis St		135	W Francis St
135 W Hopkins Ave		135	W Hopkins Ave
1350 Mountain View Dr		1350	Mountain View Dr
1350 Sierra Vista Dr		1350	Sierra Vista Dr
136 Northway Dr	The Reliant Group	136	Northway Dr
1395 Snowbunny Ln		1395	Snowbunny Ln
1412 Sierra Vista Dr		1412	Sierra Vista Dr
1417 Crystal Lake Rd		1417	Crystal Lake Rd
1423 Silver King Dr		1423	Silver King Dr
1430 Silver King Dr		1430	Silver King Dr

1439 Crystal Lake Rd		1439	Crystal Lake Rd
1445 Red Butte Dr		1445	Red Butte Dr
145 Miners Trail Rd		145	Miners Trail Rd
1450 Silver King Dr		1450	Silver King Dr
1465 Red Butte		1465	Red Butte
1470 Sierra Vista Dr		1470	Sierra Vista Dr
1490 S Ute Ave		1490	S Ute Ave
1495 Homestake Dr	2	1495	Homestake Dr
15 Westview Dr		15	Westview Dr
150 E Durant Ave		150	E Durant Ave
150 N Eighth St		150	N Eighth St
1530 Silver King Dr		1530	Silver King Dr
155 Exhibition Ln		155	Exhibition Ln
1564 Silver King Dr		1564	Silver King Dr
1635 Silver King Dr		1635	Silver King Dr
164 Eastwood Rd		164	Eastwood Rd
171 Cascade Ln		171	Cascade Ln
173 Skimming Ln		173	Skimming Ln
18 Roaring Fork Dr		18	Roaring Fork Dr
200 Prospector Rd	200	200	Prospector Rd
200 W Hopkins Ave		200	W Hopkins Ave
201 Silverlode Dr		201	Silverlode Dr
204 E Durant Ave		204	E Durant Ave
205 Roaring Fork Dr		205	Roaring Fork Dr
205 S Galena St	11	205	S Galena St
205 S Galena St	12	205	S Galena St
205 W Hopkins Ave		205	W Hopkins Ave
205 W Main St		205	W Main St
207 N Second St		207	N Second St
211 W Hopkins Ave		211	W Hopkins Ave
212 S Cleveland St	Upper Unit	212	S Cleveland St
214 E Hopkins Ave		214	E Hopkins Ave
215 Midland Ave		215	Midland Ave

215 W Hallam St		215	W Hallam St
217 E Bleeker St		217	E Bleeker St
217 S Third St		217	S Third St
217 Silverlode Dr		217	Silverlode Dr
219 N Monarch St		219	N Monarch St
220 W Main St	210	220	W Main St
222 W Hopkins Ave	3	222	W Hopkins Ave
222 W Hopkins Ave	4	222	W Hopkins Ave
23 Smuggler Grove Rd		23	Smuggler Grove Rd
233 W Bleeker St		233	W Bleeker St
234 E Hopkins Ave		234	E Hopkins Ave
234 Vine St	234	234	Vine St
234 W Hallam St		234	W Hallam St
235 Exhibition Ln		235	Exhibition Ln
237 Gilbert St		237	Gilbert St
237 W Hopkins Ave		237	W Hopkins Ave
267 Roaring Fork Dr		267	Roaring Fork Dr
269 Park Ave		269	Park Ave
276 Coach Rd		276	Coach Rd
28 Maroon Dr		28	Maroon Dr
30 S Willow Ct		30	S Willow Ct
300 Lake Ave		300	Lake Ave
302 N Second St		302	N Second St
303 1/2 E Main St		303	1/2 E Main St
307 W Francis St		307	W Francis St
308 E Hopkins Ave	201	308	E Hopkins Ave
310 N Sixth St		310	N Sixth St
311 S Aspen St	2	311	S Aspen St
311 S Aspen St	5	311	S Aspen St
311 S Aspen St	6	311	S Aspen St
311 S First St	A	311	S First St
233 W Bleeker St	D	233	W Bleeker St

312 W Hyman Ave	B105	312	W Hyman Ave
314 E Hyman Ave	102	314	E Hyman Ave
314 E Hyman Ave	200	314	E Hyman Ave
314 E Hyman Ave	300	314	E Hyman Ave
315 Park Ave	315	315	Park Ave
316 S West End St		316	S West End St
32 Prospector Rd		32	Prospector Rd
320 N Seventh St	2	320	N Seventh St
320 W Main St	A	320	W Main St
322 Coach Rd		322	Coach Rd
322 E Bleeker St		322	E Bleeker St
322 Park Ave	1	322	Park Ave
322 Park Ave	2	322	Park Ave
324 E Bleeker St		324	E Bleeker St
326 Oak Ln		326	Oak Ln
326 W Hopkins Ave	A	326	W Hopkins Ave
330 W Bleeker St		330	W Bleeker St
332 W Main St	C	332	W Main St
333 Vine St	333	333	Vine St
333 Vine St	333	333	Vine St
333 W Main St	1A	333	W Main St
337 Silverlode Dr		337	Silverlode Dr
340 Eastwood Rd		340	Eastwood Rd
342 Summit St	B	342	Summit St
345 Park Ave	2	345	Park Ave
350 E Summit St	C	350	E Summit St
350 E Summit St	C	350	E Summit St
353 Pfister Dr		353	Pfister Dr
355 Pfister Dr		355	Pfister Dr
36 Roaring Fork Dr		36	Roaring Fork Dr
387 Silverlode Dr		387	Silverlode Dr

388 Exhibition Ln		388	Exhibition Ln
395 Silverlode Dr		395	Silverlode Dr
400 E Main St	101	400	E Main St
400 W Hopkins Ave	2	400	W Hopkins Ave
401 W Bleeker St		401	W Bleeker St
401 W Bleeker St		401	W Bleeker St
401 W Francis St		401	W Francis St
406 Aspen St	101	406	Aspen St
406 E Hopkins Ave	Penthouse	406	E Hopkins Ave
407 N Third St		407	N Third St
407 Park Ave	C	407	Park Ave
407 S Aspen St	104	407	S Aspen St
409 S Aspen St	105	409	S Aspen St
410 S West End St	101	410	S West End St
411 Pearl Ct		411	Pearl Ct
411 W Francis St		411	W Francis St
415 S Aspen St	202	415	S Aspen St
415 S Aspen St		415	S Aspen St
415 W North St		415	W North St
419 E Hyman Ave	Penthouse	419	E Hyman Ave
419 S Aspen St	102	419	S Aspen St
420 W Francis St		420	W Francis St
420 W North St		420	W North St
421 Aabc	G	421	Aabc
421 S Aspen St	101	421	S Aspen St
421 S West End St		421	S West End St
424 Park Cir	TH-3	424	Park Cir
424 Park Cir	TH-5	424	Park Cir
425 Park Cir	B4	425	Park Cir
426 E Hyman Ave		426	E Hyman Ave
426 E Main St		426	E Main St
427 Silverlode Dr		427	Silverlode Dr

428 E Hyman Ave	A	428	E Hyman Ave
43 Smuggler St		43	Smuggler St
437 W Smuggler St		437	W Smuggler St
437 W Smuggler St		437	W Smuggler St
447 E Cooper Ave		447	E Cooper Ave
449 Mountain Laurel Dr	2	449	Mountain Laurel Dr
450 S Riverside Ave	B	450	S Riverside Ave
501 W Hopkins Ave		501	W Hopkins Ave
503 W Main St	B101	503	W Main St
505 Park Cir	B	505	Park Cir
505 Park Cir	B	505	Park Cir
508 E Cooper Ave	201	508	E Cooper Ave
509 Race St	B	509	Race St
509 W Hopkins Ave		509	W Hopkins Ave
509 W Main St		509	W Main St
51 Thunderbowl Ln	12	51	Thunderbowl Ln
511 Walnut St	O	511	Walnut St
513 W Bleeker St		513	W Bleeker St
513 W Main St	E201	513	W Main St
515 Park Cir		515	Park Cir
520 E Cooper Ave	305	520	E Cooper Ave
520 W Main St	23	520	W Main St
521 N Seventh St	A	521	N Seventh St
525 S Original St	Glory Hole C	525	S Original St
525 S Original St	Glory Hole D	525	S Original St
530 W Hallam St		530	W Hallam St
532 Walnut St	100	532	Walnut St
532 Walnut St	B	532	Walnut St
537 Race St		537	Race St
546 Walnut St		546	Walnut St
55 Overlook Dr		55	Overlook Dr
550 Lazy Chair Ranch Rd		550	Lazy Chair Ranch Rd

566 Race St	B	566	Race St
570 S Riverside Ave		570	S Riverside Ave
570 Spruce St		570	Spruce St
575 Sneaky Ln		575	Sneaky Ln
58 Exhibition Ln		58	Exhibition Ln
60 Northway Dr		60	Northway Dr
601 S Monarch St	1	601	S Monarch St
601 S Monarch St	2	601	S Monarch St
601 S West End St	1	601	S West End St
601 S West End St	6	601	S West End St
601 S West End St	8	601	S West End St
601 S West End St	5	601	S West End St
601 W North St		601	W North St
602 E Hyman Ave	201	602	E Hyman Ave
603 S Garmisch		603	S Garmisch
603 S Garmisch		603	S Garmisch
604 N Eighth St		604	N Eighth St
605 E Main St	301	605	E Main St
611 S Monarch St	2	611	S Monarch St
611 S Monarch St	5	611	S Monarch St
612 W Main St		612	W Main St
615 W Smuggler St		615	W Smuggler St
616 S Galena St		616	S Galena St
616 W Main St		616	W Main St
616.5 W Main St		616	5 W Main St
620 E Hyman Ave	1	620	E Hyman Ave
623 S Monarch	A	623	S Monarch
623 S Monarch	C	623	S Monarch
624 W Francis St		624	W Francis St
625 E Main St	201 Penthouse C	625	E Main St
625 S West End St	15	625	S West End St

626 W Francis St	A	626	W Francis St
626 W Francis St		626	W Francis St
627 E Hopkins Ave		627	E Hopkins Ave
627 S Original St		627	S Original St
630 E Hyman Ave	301	630	E Hyman Ave
631 S Galena St	11	631	S Galena St
631 S Galena St	13	631	S Galena St
633 W Francis St		633	W Francis St
635 Sneaky Ln		635	Sneaky Ln
64 Prospector Rd		64	Prospector Rd
651 Pfister Dr		651	Pfister Dr
655 Gibson Ave		655	Gibson Ave
660 S Galena St		660	S Galena St
670 Moore Dr		670	Moore Dr
675 Meadows Rd		675	Meadows Rd
701 S Monarch	Caribou Club #4	701	S Monarch
702 E Hyman Ave		702	E Hyman Ave
702 W Main St		702	W Main St
704 E Cooper Ave	3	704	E Cooper Ave
704 E Hyman Ave		704	E Hyman Ave
704 S Galena St		704	S Galena St
705 W Main St		705	W Main St
706 E Cooper Ave	4	706	E Cooper Ave
708 E Cooper Ave		708	E Cooper Ave
708 E Hyman Ave		708	E Hyman Ave
708 W Bleeker St		708	W Bleeker St
709 E Main St	303	709	E Main St
710 N Third St		710	N Third St
711 W Bleeker St		711	W Bleeker St
711 W Bleeker St		711	W Bleeker St
712 S Galena St	A	712	S Galena St
715 E Hopkins Ave	2	715	E Hopkins Ave

715 W North St	Center	715	W North St
716 W Francis St		716	W Francis St
717 Aspen St	B	717	Aspen St
717 W Francis St	A	717	W Francis St
720 W Bleeker St		720	W Bleeker St
725 Cemetery Ln	Units 721, 723, 725, 727	725	Cemetery Ln
727 E Hopkins Ave	A	727	E Hopkins Ave
728 E Hopkins Ave	728	728	E Hopkins Ave
730 Bay St		730	Bay St
731 Cemetery Ln		731	Cemetery Ln
731 S Mill St	1A	731	S Mill St
731 S Mill St	1B	731	S Mill St
731 S Mill St	2A	731	S Mill St
733 W Francis St	1	733	W Francis St
735 E Bleeker St	Creektree 735	735	E Bleeker St
735 E Francis St		735	E Francis St
736 W Smuggler St	B	736	W Smuggler St
745 Castle Creek Dr		745	Castle Creek Dr
75 Overlook Dr		75	Overlook Dr
76 Exhibition Ln		76	Exhibition Ln
77 Westview Dr		77	Westview Dr
790 W Hallam St	3	790	W Hallam St
793 Cemetery Ln	1	793	Cemetery Ln
800 Roaring Fork Rd		800	Roaring Fork Rd
800 S Monarch St	1	800	S Monarch St
800 S Monarch St	5	800	S Monarch St
800 S Monarch St	9	800	S Monarch St
800 S Monarch St	13	800	S Monarch St
800 S Monarch St	14	800	S Monarch St
800 S Monarch St	#4	800	S Monarch St
800 W Smuggler St		800	W Smuggler St
801 E Hopkins Ave	2	801	E Hopkins Ave

802 E Cooper Ave	2	802	E Cooper Ave
802 E Cooper Ave	3	802	E Cooper Ave
809 S Aspen St	3	809	S Aspen St
809 S Aspen St	11	809	S Aspen St
809 S Aspen St	15	809	S Aspen St
809 S Aspen St	16	809	S Aspen St
809 S Aspen St	18	809	S Aspen St
809 S Aspen St	19	809	S Aspen St
809 S Aspen St	#1	809	S Aspen St
809 S Aspen St	#2	809	S Aspen St
809 S Aspen St	#20	809	S Aspen St
809 S Aspen St	#5	809	S Aspen St
809 S Aspen St	#7	809	S Aspen St
81 Thunderbowl Ln	16	81	Thunderbowl Ln
810 E Cooper Ave		810	E Cooper Ave
812 E Cooper Ave		812	E Cooper Ave
814 E Cooper Ave	814	814	E Cooper Ave
814 W Bleeker St	Aspen Villas C3	814	W Bleeker St
814 W Bleeker St	Aspen Villas C4	814	W Bleeker St
814 W Bleeker St	Aspen Villas E6	814	W Bleeker St
815 Bonita Dr		815	Bonita Dr
815 Roaring Fork Rd		815	Roaring Fork Rd
816 E Cooper Ave		816	E Cooper Ave
816 E Hyman Ave		816	E Hyman Ave
817 W North St		817	W North St
818 E Hyman Ave		818	E Hyman Ave
819 E Hyman Ave	2	819	E Hyman Ave
82 Westview Dr		82	Westview Dr
820 E Cooper Ave		820	E Cooper Ave
820 E Hyman Ave	A	820	E Hyman Ave
825 Cemetery Ln	1	825	Cemetery Ln
825 E Hopkins Ave	1N	825	E Hopkins Ave
825 E Hopkins Ave	2S	825	E Hopkins Ave

825 S Ute Ave	A	825	S Ute Ave
83 Exhibition Ln		83	Exhibition Ln
83 Ute Pl		83	Ute Pl
835 E Cooper Ave	4	835	E Cooper Ave
855 Roaring Fork Rd		855	Roaring Fork Rd
857 Bonita Dr		857	Bonita Dr
865 Roaring Fork Rd		865	Roaring Fork Rd
900 Waters Ave		900	Waters Ave
901 E Durant Ave	B	901	E Durant Ave
901 S Ute Ave		901	S Ute Ave
901 W Francis St		901	W Francis St
907 Waters Ave		907	Waters Ave
909 Vine St		909	Vine St
91 Meadows Trustee Rd	91	91	Meadows Trustee Rd
910 Gibson Ave	B	910	Gibson Ave
910 W Hallam St	8	910	W Hallam St
911 Waters Ave		911	Waters Ave
914 Waters Ave	1	914	Waters Ave
914 Waters Ave	4	914	Waters Ave
914 Waters Ave	5	914	Waters Ave
914 Waters Ave	19	914	Waters Ave
914 Waters Ave	20	914	Waters Ave
914 Waters Ave	21	914	Waters Ave
916 E Hopkins Ave	104	916	E Hopkins Ave
916 E Hopkins Ave	201	916	E Hopkins Ave
918 S Mill St	A	918	S Mill St
924 W Hallam St		924	W Hallam St
925 E Durant Ave	2	925	E Durant Ave
926 E Cooper Ave	1	926	E Cooper Ave
926 E Durant Ave	3	926	E Durant Ave
926 Waters Ave	101	926	Waters Ave
926 Waters Ave	102	926	Waters Ave
926 Waters Ave	202	926	Waters Ave

926 Waters Ave	201	926	Waters Ave
927 E Durant Ave	3	927	E Durant Ave
928 W Hallam St		928	W Hallam St
929 E Durant Ave	4	929	E Durant Ave
930 W Francis St		930	W Francis St
930 W Hallam St		930	W Hallam St
934 S Mill St		934	S Mill St
935 E Hopkins Ave	2	935	E Hopkins Ave
935 E Hopkins Ave	6	935	E Hopkins Ave
935 E Hopkins Ave	9	935	E Hopkins Ave
935 E Hopkins Ave	10	935	E Hopkins Ave
935 E Hopkins Ave	11	935	E Hopkins Ave
935 E Hopkins Ave	12	935	E Hopkins Ave
938 S Mill St		938	S Mill St
940 Matchless Dr		940	Matchless Dr
941 E Hyman Ave		941	E Hyman Ave
945 E Cooper Ave		945	E Cooper Ave
950 Cemetery Ln	1	950	Cemetery Ln
950 Cemetery Ln	2	950	Cemetery Ln
950 Matchless Dr	A	950	Matchless Dr
979 Queen St		979	Queen St
981 King St		981	King St
99 Northway Dr		99	Northway Dr
990 Gibson Ave		990	Gibson Ave
991 Moore Dr		991	Moore Dr

VIII. CAST SURVEY - LODGING & STR TAXES

CAST Member	Does your City/Town levy a separate lodging (30 days or less) tax?	Lodging Tax Rate	Specific Purpose?	Does your City/Town levy a separate tax on residential rentals?	Short-term Rental Tax Rate	Specific Purpose?	How are these taxes collected?	Have you passed legislation requiring marketplace facilitators to collect and remit the tax?	Have your tax collections increase as a result of this legislation?
Aspen	Yes	2.00%	Tourism Promotion - 1.5%; No-fare local transit services - 0.5%	No	NA	NA	Self-collected (Munirevs)	No	NA
Avon	Yes	4.00%	General Fund	Yes	2.00%	Community Housing	Self-collected (Munirevs)	Yes	Yes, significantly
Basalt	Yes	4.00%	Parks - 1.00%; Chamber of Commerce - 1.00%; Marketing/reimbursement of lodging improvements - 2.00%	No	NA	NA	Self-collected	No	NA
Breckenridge	Yes	3.40%	Marketing Fund - 1.40%; Excise Fund - 2.00%	No	NA	NA	Self-collected	Yes	Difficult to determine
Crested Butte	No	NA	NA	Yes	7.50%	Affordable Housing	Self-collected (Munirevs)	No	NA
Dillon	Yes	2.00%	Debt service for street reconstruction	No	NA	NA	Self-collected	No	NA
Grand County	Yes	1.8%. Does not apply to Town of Winter Park	County Tourism Board for marketing	No tax. STR annual reg. fee per listed occupancy	NA	NA	Self-collected	Yes	Yes
Gunnison County	Yes	4% Marketing District Tax	Marketing	No	NA	NA	State Collected	NA	NA
Mt. Crested Butte	No	NA	NA	Yes	2.90% excise tax	Affordable Housing	Self-collected	Yes	Yes, significantly
Ouray	Yes	3.50%	Tourism, destination marketing and beautification	Yes	15.00% excise tax	50% - water/wastewater infrastructure; 50% affordable housing.	Self-collected	No	NA
Snowmass Village	Yes	2.40%	Group sales and marketing for large groups	No	NA	NA	Self-collected (Munirevs)	No. Contract w/ Airbnb & VRBO	Not clear, but feel all taxes owed are being collected
Steamboat Springs	Yes	1.00%	Recreational improvements that promote tourism	No	NA	NA	Self-collected	Yes	Yes
Summit County	No	NA	NA	No	NA	NA	NA	No	NA

RESOLUTION NO. 43
SERIES OF 2022

A RESOLUTION OF THE CITY OF ASPEN CITY COUNCIL ADOPTING POLICIES AUTHORIZING AMENDMENTS TO THE LAND USE CODE IN RESPONSE TO CITY COUNCIL'S SHORT-TERM RENTAL AND RESIDENTIAL DEVELOPMENT MORATORIUM

WHEREAS, pursuant to Section 26.310.020(A), a Policy Resolution is required to initiate amendments to the City of Aspen Land Use Code; and,

WHEREAS, pursuant to Section 26.310.020(A), during a regular City Council meeting on December 8, 2021, City Council adopted Ordinance No. 27, Series of 2021 by a unanimous affirmative vote placing a moratorium on the issuance of new short-term rental permits and certain types of residential development until June 8, 2022; and,

WHEREAS, pursuant to Section 26.310.020(A), during a regular City Council meeting on December 14, 2021, City Council adopted Ordinance No. 26, Series of 2022 by a unanimous affirmative vote placing a moratorium on the issuance of new short-term rental permits until September 30, 2022; and,

WHEREAS, pursuant to Section 26.310.020(A), during a regular City Council meeting on March 15, 2022, City Council adopted Ordinance No. 06, Series of 2022 by a unanimous affirmative vote reestablishing a moratorium on certain types of residential development until June 8, 2022; and,

WHEREAS, at the December 8, 2021 and March 15, 2022 Council meetings, Community Development Department received direction from City Council to draft targeted amendments to the Land Use Code related to short-term rentals, growth management, affordable housing, and development review processes; and,

WHEREAS, the Land Use Code amendments requested by Council will advance specific policy statements in the Aspen Area Community Plan (AACP) related to affordable housing, environmental protection, climate action, residential sector development, lodging, community sustainability and character, and development review processes; and,

WHEREAS, the Land Use Code is an essential tool for City Council and the community to ensure that Aspen's built environment supports the vision and policy objectives described in the AACP; and,

WHEREAS, the Land Use Code requires periodic amendments to ensure it supports adopted City policy, is aligned with the community vision, and responds to changes in community, economic, and environmental conditions; and,

WHEREAS, to ensure the Land Use Code supports AACP policies, delivers a built environment which supports community policies, economic needs, environmental

stewardship obligations, responds to current community, economic, and environmental conditions, and supports to objectives of Ordinance No. 26, Series of 2021; Ordinance No. 27, Series of 2021; and Ordinance No. 6, Series of 2022, the Community Development Director recommends Council consider amendments to Land Use Code sections including, but not limited to:

- 26.104 Definitions,
- 26.200 Administration-Decision Making Bodies,
- 26.300 General Procedures and Regulations,
- 26.400 Development Review Standards and Procedures,
- 26.540 Certificates of Affordable Housing Credit,
- 26.575 Miscellaneous Regulations,
- 26.610 Impact Fees,
- 26.710 Zone Districts; and,

WHEREAS, City Council has reviewed the proposed code amendment policy direction described in this resolution and finds it meets the criteria outlined in Section 26.310.040; and,

WHEREAS, amending the Land Use Code as described below will ensure the ongoing effectiveness and viability of the regulations within the City of Aspen Land Use Code to achieve City Council's policy and regulatory goals as described in Ordinance No. 26, Series of 2021; Ordinance No. 27, Series of 2021; and Ordinance No. 6, Series of 2022; and,

WHEREAS, the regulations and standards in the Land Use Code provide important tools for the realization of Council's policy and regulatory objectives in response to Ordinance No. 26, Series of 2021; Ordinance No. 27, Series of 2021; and Ordinance No. 6, Series of 2022; and,

WHEREAS, pursuant to Section 26.310.020(B)(1), the Community Development Department, following approval of this Policy Resolution will conduct Public Outreach with the public, property owners, and members of the development community; will receive recommendation from the Planning and Zoning Commission in a public hearing; and will propose an Ordinance to be considered at First and Second Reading; and,

WHEREAS, this Resolution does not amend the Land Use Code, but provides direction to staff for amending the Land Use Code; and,

WHEREAS, the City Council finds that this Resolution 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 AS FOLLOWS:

Section 1: Overall Code Amendment Objectives

The objectives of these code amendments are to:

1. Align regulations in the Land Use Code with policies in the Aspen Area Community Plan related to affordable housing, environmental protection, climate action, growth management quota system, residential sector development, lodging, community sustainability and character, and development review processes; and,
2. Amend the Land Use Code to support the development of more affordable housing in the City of Aspen; and,
3. More directly recognize and ensure proper mitigation of the employee generation impact of single family and duplex residential development; and,
4. More directly recognize and ensure proper mitigation of the employee generation impact of short-term rental in residential property within the City of Aspen; and,
5. Align land use review processes with community development needs, including affordable housing, and the mitigation of the community impacts from free-market development; and,
6. Ensure the ongoing effectiveness of the Growth Management Quota System in managing growth from residential development and redevelopment and mitigating the community impacts from those activities; and
7. Leverage GMQS tools to better align land use regulations and policies with climate action and environmental stewardship policies; and,
8. Adequately mitigate for the impacts of short-term rentals to the community; and,
9. Support adopted community greenhouse gas emissions reductions targets through responsible land use and development regulations; and,
10. Ensure future development and redevelopment mitigates for its climate, solid waste, natural resource, and environmental impacts; and,
11. Ensure the pace and scale of residential sector development dose not unduly impact the health, safety, peace, and sustainability of the community.

Section 2: Topics for Potential Code Amendments

A. Affordable Housing

The Aspen Area Community Plan includes policies directing the City of Aspen to address affordable housing in the community, including:

1. VIII.1. Restore public confidence in the development process. (pg 27)
2. VIII.2. Create certainty in zoning and the land use process. (pg 27)
3. VIII.3. Ensure that the Planned Development process results in tangible, long-term community befits and does not degrade the built or natural environment through mass and scale that exceeds the Land Use Code standards. (pg 27)
4. II.1. The housing inventory should bolster our socioeconomic diversity. (pg 41)
5. II.2. Affordable housing should be prepared for the growing number of retiring Aspenites. (pg 41)
6. IV.2. All affordable housing must be located within the Urban Growth Boundary. (pg 42)
7. IV.3. On-site housing mitigation is preferred. (pg 42)

8. IV.5. The design of new affordable housing should optimize density while demonstrating compatibility with the massing, scale, and character of the neighborhood; (pg 42) and,

City Council provides the following direction to guide the development of LUC amendments on this topic:

1. Analyze potential regulations to allow for the development of affordable housing by right in appropriate zone districts and with dimensional standards which support neighborhood character and the financial viability of private sector affordable housing development; and,
2. Create more robust incentives for the development of affordable housing by the private sector; and,
3. Provide a necessary foundation on which to base other, future Land Use Code changes in the creation of additional opportunity for affordable housing development.

B. Short-term Rentals

The Aspen Area Community Plan includes policies directing the City of Aspen to address STRs in the community, including:

1. *VIII.2. Create certainty in zoning and the land use process. (pg 27)*
2. *II.1. The housing inventory should bolster our socioeconomic diversity. (pg 41)*
3. *We must pursue more aggressive measures to ensure the needs of the community are met, and to preserve our unique community character. (pg 20); and*
4. *I.1. Achieve sustainable growth practices to ensure long-term vitality and stability of our community and diverse visitor-based economy. (pg 24); and*
5. *We must pursue more aggressive measures to ensure the needs of the community are met, and to preserve our unique community character. (pg 20); and*
6. *IV.1 Minimize further loss of lodging inventory (pg 25); and*
7. *Zoning and land use processes should result in lodging development that is compatible and appropriate within the context of the neighborhood, in order to:*
    a. *Create certainty in land development…*
    b. *Protect small town character community character…*
    c. *Limit consumption of energy and building materials,*
    d. *Limit the burden on public infrastructure and ongoing public operating costs,*
    e. *Reduce short- and long-term job generation impacts, such as traffic congestion and affordable housing demand.*
8. *VII.1 Study and quantify all impacts that are directly related to all types of development.*
9. *VII.2 Ensure that new development and redevelopment mitigates all reasonable, directly related impacts.*

City Council provides the following direction to guide the development of LUC amendments on this topic:

1. Define short-term rentals (STRs) as a land use distinct from residential, commercial, and lodge uses; and,

2. Develop and implement a permitting and regulatory compliance system for STRs; and,
3. Use permit types to distinguish between STR types including owner-occupied, non-owner-occupied, and lodging-based STRs; and,
4. Use permit types to limit the duration (days per year) certain STR types may operate; and,
5. Develop and implement a neighborhood noticing system for STR permit applications; and,
6. Assess a permit fee on STR permits which mitigates the administrative and community costs for the STR permit system; and,
7. Assess the appropriateness of an impact or other nexus-based fee on STRs to mitigate the affordable housing demand, community infrastructure impacts, and costs associated with STRs; and,
8. Quantify the affordable housing demand generated by STRs in residential properties; and,
9. Use zone districts and concentration limits to limit the number of STRs in the community and focus the use in appropriate districts; and,
10. Develop comprehensive life safety standards for STRs; and,
11. Develop public information and "good neighbor" policies to assist STR occupants in supporting and following Aspen's regulations and cultural norms; and,
12. Development a system of inspections, audits, and enforcement for STRs; and

C. Growth Management and Development Pace and Scale

The Aspen Area Community Plan includes policies directing the City of Aspen to address growth management and development mitigation, including:

1. *We must pursue more aggressive measures to ensure the needs of the community are met, and to preserve our unique community character. (pg 20); and*
2. *I.1. Achieve sustainable growth practices to ensure long-term vitality and stability of our community and diverse visitor-based economy. (pg 24); and*
3. *V.1. Encourage a commercial mix that is balanced, diverse and vital and meets the needs of year-round residents and visitors. (pg 26); and*
4. *V.2. Facilitate the sustainability of essential businesses that provide basic community needs. (pg 26); and*
5. *V.3. Ensure that the City Land Use Code results in development that reflects our architectural heritage in terms of site coverage, mass, scale, density and a diversity of heights, in order to:*
    a. *Create certainty in land development.*
    b. *Prioritize maintaining our mountain views.*
    c. *Protect our small-town community character and historical heritage.*
    d. *Limit consumption of energy and building materials.*
    e. *Limit the burden on public infrastructure and ongoing public operating costs.*
    f. *Reduce short- and long-term job generation impacts, such as traffic congestion and demand for affordable housing. (pg 26) and,*

City Council provides the following direction to guide the development of LUC amendments on this topic:

1. Conduct a generation and mitigation study to support updates to the employee generation and mitigation rates for single-family, duplex and multi-family residential uses within the City; and
2. Assess the adequacy of the current system of development allotments at managing growth through controls on residential development; and,
3. Analyze the relationship between residential demolition, the allotment system, and the pace and scale of residential development and redevelopment to determine whether demolition constitutes residential development activity warranting and allotment under the GMQS; and,
4. Analyze appropriate performance standards for residential development seeking an allotment under the GMQS; and,
5. Analyze residential development standards to ensure the mass and scale of residential development and redevelopment reinforces neighborhood and community character; and,
6. Amend the standards for the calculation of development metrics to ensure residential development and redevelopment mitigate for their community impacts.

D. Development Review Procedures

The Aspen Area Community Plan includes policies directing the City of Aspen to address development review procedures, including:

1. We must pursue more aggressive measures to ensure the needs of the community are met, and to preserve our unique community character. (pg 20); and
2. I.1. Achieve sustainable growth practices to ensure long-term vitality and stability of our community and diverse visitor-based economy. (pg 24); and
3. V.3. Ensure that the City Land Use Code results in development that reflects our architectural heritage in terms of site coverage, mass, scale, density and a diversity of heights, in order to:
    a. Create certainty in land development.
    b. Prioritize maintaining our mountain views.
    c. Protect our small-town community character and historical heritage.
    d. Limit consumption of energy and building materials.
    e. Limit the burden on public infrastructure and ongoing public operating costs.
    f. Reduce short- and long-term job generation impacts, such as traffic congestion and demand for affordable housing. (pg 26); and,
4. VIII.1. Restore public confidence in the development process. (pg 27)
5. VIII.2. Create certainty in zoning and the land use process. (pg 27)
6. IV.3. On-site housing mitigation is preferred. (pg 42)

City Council provides the following direction to guide the development of LUC amendments on this topic:

1. Ensure that review processed for residential development and redevelopment, affordable and free market, support and deliver upon adopted City policies including analysis of by-right, administrative, and board review processes and the

level of scrutiny and community involvement appropriate for different development types; and,
2. Modify review standards and processes to promote the development of additional affordable housing; and,
3. Modify review standards and procedures to better align the use of land, infrastructure, and resources for residential land uses supports City policy and economic, environmental, and community needs.

Section 3: Other Amendments as Necessary

Other amendments may be required to ensure coordination between the sections identified above and other sections in the LUC which may not have been anticipated. The code sections identified in this resolution is not an exhaustive list and may be modified to ensure coordination between LUC sections and to follow subsequent Council direction on these topics.

Section 4:

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 resolutions or ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior resolutions or ordinances.

Section 5:

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.

FINALLY, adopted this 22nd day of March, 2022.

_____
Torre, Mayor

ATTEST:

_____
Nicole Henning, City Clerk

APPROVED AS TO FORM:

_____
James R True, City Attorney

TECHNICAL MEMORANDUM

To: Phillip Supino, Community Development Director, City of Aspen

From: Andrew Knudtsen and Rachel Shindman, Economic & Planning Systems

Subject: Short Term Rental Fee Analysis; EPS #223033

Date: May 19, 2022

This technical memorandum summarizes the study supporting a fee program to be applied to short term accommodation unit (short term rental or "STR") licensees in the City of Aspen. Economic & Planning Systems (EPS) was retained by the City to determine a reasonable fee for this program. The analysis outlines two fee components, demonstrating a reasonable relationship between guest spending from STRs in the city and the demand for local employees and the corresponding housing needs, as well as administrative costs incurred by the City in regulating STRs. The study uses economic impact techniques to quantify the relationships between guest spending when staying in STRs and the number of jobs and employee-households supported in the local economy by that spending. For the administrative fee component, the analysis is based on the City's estimate of fully loaded personnel costs and direct expenditures that are necessary to manage STRs.

Guests staying in STRs spend money in the local economy, and that spending in turn creates local jobs. The employees holding these jobs then seek housing units. Many of the jobs created are at wage levels that do not pay enough for employees to afford housing in the city. The basis of this fee is therefore the gap between what employees can afford and the cost to provide affordable housing in the City of Aspen (using recently updated fee calculations to determine the financial gaps by income category within the City's established fee program).

The calculation also accounts for the possibility that a home used as an STR could be occupied by a local resident, and the fee is further differentiated based on this use. For this calculation, the fee reflects the difference between the impact of guest spending in the local economy and the baseline impact of local resident spending.

Rationale

This fee is needed to support the costs incurred by the City to manage STRs, as well as to support the local labor force and City housing programs that sustain the tourism economy in Aspen. Without an adequate supply of housing and housing support programs, the City risks losing some of its labor supply that is essential to the quality of service and viability of businesses in which STR guests spend money during their stay. This is important, as tourism is a primary element of the City's economic base. If businesses do not have an adequate labor force and if workers do not have adequate housing, the guest experience and the City's economy are likely to degrade.

STR owners or hosts will pay an annual licensing fee under this program. The fee payers receive benefits through investment by the City in housing for the workforce needed to sustain the visitor economy. STR owners and operators are likely to benefit from the supply of labor and from investments the City will make using the fee revenue on housing for the local workforce. Having more housing options for the local workforce is also likely to benefit the fee payers in better customer service through increased employee retention and reduced employee turnover.

Administrative Fee

Methodology

The City of Aspen incurs costs to administer and regulate STRs beyond the standard costs of government. Five departments in particular shoulder this cost: Police, Community Development, Finance, Legal, and Administration. This analysis calculates a fee to be charged to STRs to account for these costs.

Model inputs were provided by City of Aspen staff, reflecting current expenditures (staff time and costs) associated with administering and regulating STRs. The new position being added by Community Development to address STRs is also included in this analysis. Given the increased level of cost associated with dispersed STR units compared to developments that include a front desk and corresponding services (i.e., condo hotels), costs are allocated proportionally.

Analysis and Fee Calculation

As shown in **Table 1**, the City of Aspen incurs $315,400 in annual costs associated with STRs, including the new Community Development position. These include staffing costs for enforcement, tax compliance, police calls (e.g., for trash, noise), and legal issues, as well as software costs to manage licenses and revenue.

Table 1. City of Aspen STR Costs

Description	Total Annual Cost
Community Development	
Enforcement	$4,000
Non-enforcement	$136,000
Police	$10,900
Finance	$102,200
Legal	$50,000
Admin	$12,300
Total STR Costs	**$315,400**

Source: City of Aspen; Economic & Planning Systems

The allocation of these costs is broken out between dispersed STRs and developments with front desks that are fully staffed to service guests, shown in **Table 2**. As shown, Condo Hotel units account for 34 percent of overall City costs, or $106,300 annually, while dispersed STR units account for 66 percent of costs ($209,100 per year).

Table 2. STR Costs by Type

Description	Condo Hotels		Dispersed STRs	
	Share	Cost	Share	Cost
Community Development				
Enforcement	0%	$0	100%	$4,000
Non-enforcement	40%	$54,400	60%	$81,600
Police	10%	$1,100	90%	$9,800
Finance	40%	$40,900	60%	$61,300
Legal	10%	$5,000	90%	$45,000
Admin	40%	$4,900	60%	$7,400
Total STR Costs	**34%**	**$106,300**	**66%**	**$209,100**

Source: City of Aspen; Economic & Planning Systems

The last step in this analysis is to calculate the per-unit fee to be charged annually. As shown in **Table 3**, Condo Hotel units account for approximately 40 percent of the City's STR inventory, or about 520 units. The total annual cost to the City of $106,300 results in an annual per-unit fee of $204. Dispersed STR units account for approximately 60 percent of the City's inventory, or 780 units. Annual costs of $209,100 result in an annual fee of $268 per unit.

Table 3. STR Administrative Fee per Unit, by Type

Description	Condo Hotels		Dispersed STRs	
	Total Cost	Cost per Unit	Total Cost	Cost per Unit
		520 units		*780 units*
Community Development				
Enforcement	$0	$0	$4,000	$5
Non-enforcement	$54,400	$105	$81,600	$105
Police	$1,100	$2	$9,800	$13
Finance	$40,900	$79	$61,300	$79
Legal	$5,000	$10	$45,000	$58
Admin	$4,900	$9	$7,400	$9
Total STR Costs	**$106,300**	**$204**	**$209,100**	**$268**

Source: City of Aspen; Economic & Planning Systems

Housing Fee

Methodology

This analysis uses a jobs-housing economic impact model to quantify the jobs supported by guest spending in STRs. The analysis begins by quantifying the jobs supported by spending. Next, several analytical steps are taken to translate the supported jobs to employees by income level.

The IMPLAN model (Impact Analysis for Planning) was used to estimate the relationships between spending and jobs supported. IMPLAN was developed by the Bureau of Land Management, U.S. Forest Service, and the University of Minnesota and is widely used by state and federal agencies, academic researchers, and local economic development organizations to evaluate the economic impacts of proposed policies, new industries, and land use changes.

Data Sources

Analysis inputs come from the following sources:

- Accommodation inventory: AirDNA (number of units, number of bedrooms, average number of bedrooms per unit)
- STR occupancy rates: AirDNA
- Guest spending: Aspen Lodging Guest Survey, 2014-2016 (RRC Associates)
- Wages by Occupation: Bureau of Labor Statistics (BLS)
- Median household income: U.S. Census (ACS 5-year estimates, City of Aspen)
- Jobs per employee: 2019 Aspen Community Survey Results (EPS and RRC Associates)

Guest Spending Analysis

- **Guest spending –** Guest spending was modeled on the average daily expenditure across various spending categories, as reported in Aspen Guest Surveys. Primary data was available from 2014-2016 and was brought up to current levels in line with escalations in STR rental rates (lodging spending). The survey data provides per unit expenditures by type; based on this data, current expenditures average $1,337 per unit per day, including $472 on food and beverage, $305 on retail/shopping, $407 on entertainment and recreation, $34 on service, and $120 on transportation.
- **Jobs supported by industry –** The spending associated with guests is applied to the IMPLAN model as an "industry output" event for the five affected industries (NAICS 72 – Accommodation and Food Services, NAICS 44-45 – Retail Trade, NAICS 71 – Arts, Entertainment, and Recreation, NAICS 81 – Other Service, and NAICS 48-49 – Transportation and Warehousing). IMPLAN applies industry expenditure flows through its input-output model and estimates the spending and jobs supported in the 20 major industries in the North American Industry Classification System (NAICS).
- **Jobs to employees (multiple job holder adjustment) –** An adjustment is made to acknowledge that many employees have more than one job, such as two part time jobs or a full time and a part time job. So as not to overestimate the number of *employees* supported, the number of jobs is reduced using a factor of 1.40 jobs per employee. This factor is specific to the City of Aspen, as reported by residents in the 2019 Aspen Community Survey (EPS and RRC Associates).
- **Employees by industry to occupations and wages –** A NAICS industry contains a wide range of job types and wage ranges. For example, a worker in the retail NAICS sector could be an accountant (for the retailer) or showroom employee (working the retail floor). The range of wages and occupations supported is better represented by the 21 Standard Occupational Classifications defined by the Bureau of Labor Statistics (BLS). The National Industry by Occupation Matrix published by the BLS provides the estimated distribution of occupations and wages for each NAICS category. The results from the IMPLAN analysis are applied to the Industry by Occupation Matrix to estimate the number of jobs by wage level supported.
- **Tabulation of employees by income range –** The last step involves counting the number of employees supported by income range, expressed as a percentage of Area Median Income (AMI). Given the breadth of need addressed by housing programs and policies in the City of Aspen, all households earning up to 240 percent of AMI are included for this analysis. The AMI definitions are based on the Aspen Pitkin County Housing Authority (APCHA) 2021 income limits for the City of Aspen.

Local Resident Household Analysis

The last component of the analysis involves isolating the difference between guest spending and local resident household spending. To do this, the same steps outlined above are undertaken for a resident household earning the local median income of $78,292 (as reported in the U.S. Census ACS 2019 data for Aspen) to document the jobs supported from household spending in the economy.

This household income is input to the IMPLAN model, which applies an expenditure profile (including savings) specific to the household income range. The model then estimates the spending and jobs supported in the 20 major NAICS industries. The same steps to determine need by AMI range are completed, and this housing need is then subtracted from that of guest spending, resulting in the needs associated with guest spending above those generated by a local resident household.

Analysis

Guest Spending

Guest spending was modeled on the average per-unit expenditure across food and beverage, retail/shopping, entertainment and recreation, service, and transportation. Within the IMPLAN model 1,000 accommodation units were modeled in order to establish an appropriate scale of analysis. Per unit and per bedroom adjustments are made later in the model to calibrate the fee.

As shown in **Table 4**, an average daily spending rate of $1,337 per unit per day results in 1,000 units' total annual spending of $488 million. Note that at this point in the analysis 100 percent occupancy (365 days of spending) is used. The average annual occupancy rate adjustment is applied later in the analysis.

Table 4. Guest Spending

Description	Factors	Guest Spending
Program		
Units		1,000
Guest Spending (per unit per day)		
Food & beverage		$472
Retail/shopping		$305
Entertainment/recreational activities		$407
Services		$34
Transportation		$120
Total		**$1,337**
Annual Guest Spending (per unit per year)		
Food & beverage	365 days (100% occ.)	$172,121
Retail/shopping	365 days (100% occ.)	$111,209
Entertainment/recreational activities	365 days (100% occ.)	$148,474
Services	365 days (100% occ.)	$12,358
Transportation	365 days (100% occ.)	$43,879
Total		**$488,042**
Total Guest Spending		
Food & beverage	1,000 units	$172,121,492
Retail/shopping	1,000 units	$111,208,817
Entertainment/recreational activities	1,000 units	$148,474,421
Services	1,000 units	$12,358,242
Transportation	1,000 units	$43,879,342
Total		**$488,042,314**

Source: RRC Associates; Economic & Planning Systems

Jobs, Employees, and Households

As shown in **Table 5**, the spending associated with 1,000 accommodation units supports 4,218.48 jobs. The industries with the most jobs are those with direct spending impacts – specifically accommodation and food services; arts, entertainment and recreation; and retail.

Following total jobs**,** the next step is to translate jobs to employees. In today's economy it is common for people to hold more than one job. To step down from jobs to employees, jobs are divided by a factor of 1.40 jobs per employee. As shown in **Table 5**, the 4,218.48 jobs supported by 1,000 accommodation units results in 3,013.20 employees after the adjustment for multiple job holders.

Table 5. Jobs and Employees by Industry Supported from Guest Spending

	Guest Spending	
Description	**Jobs by Industry (IMPLAN Results)**	**Employees by Category**
Jobs to Employee Conversion Factor		1.40
Industrial Sectors		
11 Ag, Forestry, Fish & Hunting	11.28	8.06
21 Mining	1.57	1.12
22 Utilities	2.46	1.76
23 Construction	13.62	9.73
31-33 Manufacturing	4.00	2.86
42 Wholesale Trade	20.46	14.61
44-45 Retail trade	444.79	317.71
48-49 Transportation & Warehousing	298.72	213.37
51 Information	16.86	12.04
52 Finance & insurance	57.54	41.10
53 Real estate & rental	117.05	83.61
54 Professional- scientific & tech svcs	99.97	71.41
55 Management of companies	38.30	27.36
56 Administrative & waste services	87.13	62.24
61 Educational svcs	11.29	8.06
62 Health & social services	38.40	27.43
71 Arts- entertainment & recreation	989.28	706.63
72 Accomodation & food services	1,743.21	1,245.15
81 Other services	215.74	154.10
91-99 Government & non NAICs	6.81	4.86
Total	**4,218.48**	**3,013.20**

Source: IMPLAN; Economic & Planning Systems

Employees by Income

To translate employees to occupations and their related income levels, the jobs by NAICS classification are converted to more specific occupation categories to obtain a detailed distribution of wage levels for the new jobs, since using the average wage for an industry masks the upper and lower wage levels. The BLS National Industry by Occupation Matrix provides the estimated distribution of occupations for each NAICS category. The wages for each occupation in Pitkin County are estimated by indexing the national wages by occupation and industry to the average wage in that industry for Pitkin County.

Target Income Ranges

The last step in the guest spending analysis is to tabulate the employees at income levels of 240 percent of AMI or less. For guest spending in 1,000 accommodation units, there are 3,007.3 employees generated below 240 percent of AMI, as shown in **Table 6**. Of the 3,013.2 total employees, 99.8 percent are at incomes of 240 percent of AMI or less; the balance of 0.2 percent are compensated sufficiently to afford market rate housing. In total, these are the employees needed to support spending in the economy from 1,000 STR units.

Table 6. Households by AMI Supported by Guest Spending

	Guest Spending
Total Employees Generated per 1,000 Units	**3,013.2**
Employees by Income Range	
50% of Median	589.7
85% of Median	2,121.8
130% of Median	181.8
205% of Median	109.7
240% of Median	4.3
Total - Target Income Ranges	**3,007.3**
Percent of Employees Generated	**99.8%**

Source: Economic & Planning Systems

Employee Housing Needs

In 2021, the City of Aspen updated its Affordable Housing Fee-in-Lieu. This fee program is calculated to account for the full costs of building employee housing, including land, soft costs, hard (construction) costs, and employee ability to pay (as a revenue offset to costs). These fees reflect the gap between the cost to provide housing and what employees can afford to spend on housing, based on their income.

As shown in **Table 7**, fees range from $408,054 per employee earning up to 50 percent AMI to $250,375 per employee earning between 205 and 240 percent AMI.

Table 7. Affordable Price and Gap by Income Range

Fee Category	AMI Upper Bound	Fee per FTE
Category 1	50%	$408,054
Category 2	85%	$376,475
Category 3	130%	$345,691
Category 4	205%	$302,879
Category 5	240%	$250,375

Source: City of Aspen

Local Resident Spending

To isolate the effect of guest spending on housing need, a similar methodology was followed to determine the relationship between a local resident household and housing need. This was then subtracted from the guest impact.

Local resident spending was modeled based on the median household income in Aspen of $78,292, as reported in the U.S. Census 2019 American Community Survey. As with guest spending, 1,000 households were modeled and per household adjustment is made to calculate the final fee. As shown in **Table 8**, a household income of $78,292 results in a disposable income of $57,001 after accounting for payroll tax. Based on these figures, the total disposable income for 1,000 households is $57.0 million.

Table 8. Local Resident Household Income

Description	Factors	Local Spending
Program		
Units		1,000
HH Income [1] (Aspen median)	ACS 2019 5-Yr Estimate	**$78,292**
Minus Payroll Tax		
Federal		$12,104
FICA		$4,854
Medicare		$1,135
State		$3,198
Total Deductions		**$21,291**
Net Pay / Adjusted Household Income		**$57,001**
Total Annual Household Income	**100%**	$78,292,000
Total Annual Payroll Rax	27%	-$21,291,000
Disposable Income	**73%**	**$57,001,000**

Source:US Census; Economic & Planning Systems

This income was input to IMPLAN, which then calculates the jobs supported by household spending. As shown in **Table 9**, 1,000 households earning the median income support 172.87 jobs. Applying the multiple jobholder factor of 1.40 jobs per employee, this spending results in 123.48 employees.

Table 9. Jobs and Employees by Industry Supported from Local Spending

Description	Local Spending	
	Jobs by Industry (IMPLAN Results)	Employees by Category
Jobs to Employee Conversion Factor		1.40
Industrial Sectors		
11 Ag, Forestry, Fish & Hunting	1.71	1.22
21 Mining	0.15	0.11
22 Utilities	0.32	0.23
23 Construction	1.81	1.29
31-33 Manufacturing	0.62	0.44
42 Wholesale Trade	3.88	2.77
44-45 Retail trade	25.76	18.40
48-49 Transportation & Warehousing	3.93	2.81
51 Information	3.13	2.24
52 Finance & insurance	12.84	9.17
53 Real estate & rental	25.56	18.26
54 Professional- scientific & tech svcs	8.27	5.91
55 Management of companies	1.49	1.06
56 Administrative & waste services	7.90	5.64
61 Educational svcs	3.37	2.41
62 Health & social services	25.21	18.01
71 Arts- entertainment & recreation	5.76	4.11
72 Accomodation & food services	21.11	15.08
81 Other services	19.07	13.62
91-99 Government & non NAICs	0.98	0.70
Total	**172.87**	**123.48**

Source: IMPLAN; Economic & Planning Systems

These employees were then categorized by occupation and wage following the same methodology for guest spending. As shown in **Table 10**, local resident household spending supports a total of 123.5 employees, 99.8 percent (123.3 households) of which fall at or below 240 percent of AMI. The costs associated with providing affordable housing for these employees are determined using the same methodology outlined for guest spending.

Table 10. Households by AMI Supported by Local Spending

	Local Spending
Total Employees Generated per 1,000 Units	**123.5**
Employees by Income Range	
50% of Median	28.7
85% of Median	66.4
130% of Median	22.8
205% of Median	5.2
240% of Median	0.2
Total - Target Income Ranges	**123.3**
Percent of Employees Generated	**99.8%**

Source: Economic & Planning Systems

Fee Calculation

This section outlines the calculation of the accommodation unit license fee. There are four key components to the fee calculation:

- **Employees Supported –** The number of employees at or below 240 percent of AMI supported by guest spending form the basis of the fee, as these represent employees needed in the community who cannot otherwise afford housing.
- **Occupancy Rate –** The impacts of guest spending were determined assuming 100 percent occupancy (i.e., 365 days per year) for modeling purposes and needs to be adjusted for annual occupancy rates. An occupancy rate of 37.7 percent is applied to the housing demand, based on the occupancy data for properties in the city from 2019 through 2021.
- **Affordability Needs –** The housing gap per employee and AMI range described earlier ranges from $408,054 for employees earning up to 50 percent of AMI to $250,375 for employees earning between 205 and 240 percent of AMI. The number of employees in each AMI category (after accounting for the occupancy rate) are multiplied by the need per employee to calculate the total housing cost. This is calculated for both guest spending and local spending. Based on this calculation, taking the total housing cost divided by the 1,000 units modeled, the gap per accommodation unit is $428,933 and the gap per local household/housing unit is $46,202.
- **Adjustment for Local Households –** To isolate the impact of guest spending above the impact of a local household, the gap associated with local household spending ($46,202) is subtracted from the gap associated with guest spending ($428,933). This results in a net gap per accommodation unit of $382,731.

This fee is then adjusted to reflect a per-bedroom figure (rather than per unit). EPS's analysis of the City's STR inventory indicates that STRs have an average of 2.48 bedrooms per unit. This is then annualized over 30 years (divided by 30), which is a typical financing period for a long-term housing investment. Based on this analysis, the maximum fee per bedroom is $5,139, as shown in **Table 11**. This maximum fee amount is the annualized cost of providing housing to the local workforce supported by guest spending.

Table 11. Fee Calculation

		Local Spending	Guest Spending
Employees Generated (per 1,000 units)	**A**		
50% of Median		28.7	589.7
85% of Median		66.4	2,121.8
130% of Median		22.8	181.8
205% of Median		5.2	109.7
240% of Median		0.2	4.3
Total per 1,000 Units		**123.3**	**3,007.3**
Per 1.0 Units		0.12	3.01
STR Occupancy Rate	**B**		37.7%
Net Employees Generated (per 1,000 units)	**C**		
50% of Median	*A x B*	28.7	222.6
85% of Median		66.4	800.7
130% of Median		22.8	68.6
205% of Median		5.2	41.4
240% of Median		0.2	1.6
Total per 1,000 Units		**123.3**	**1,134.9**
Per 1.0 Units		0.12	1.13
Fee per Employee by AMI Range	**D**		
50% of Median		$408,054	$408,054
85% of Median		$376,475	$376,475
130% of Median		$345,691	$345,691
205% of Median		$302,879	$302,879
240% of Median		$250,375	$250,375
Total Fee	**E**		
50% of Median	*C x D*	$11,701,673	$90,818,313
85% of Median		$25,008,937	$301,455,717
130% of Median		$7,877,755	$23,716,677
205% of Median		$1,571,697	$12,533,460
240% of Median		$42,159	$408,972
Total		**$46,202,221**	**$428,933,138**
Gap (Fee) per Unit	**F**		
	E / 1000	**-$46,202**	**-$428,933**
Net STR Gap per Unit (minus local spend)			**-$382,731**
Avg. Number of Bedrooms			2.48
Net STR Gap (Fee) per Bedroom			**-$154,165**
Annualized Fee per Bedroom	30 years		**$5,139**

Source: Economic & Planning Systems

Final Fee

The fee outlined above represents the maximum reasonable fee to be charged under this program. Communities will generally apply a mitigation rate to this fee to determine the final fee to be charged.

As shown in **Table 12**, a mitigation rate of 30 percent (aligning with the City's current residential program) would result in an annual per bedroom fee of $1,540, while a 65 percent mitigation rate (aligning with the City's current commercial/lodge program) would result in a fee of $3,080 per bedroom annually.

Table 12. Mitigation Rates

Description	Fee Per Bedroom
Maximum Annual Fee	**$5,139**
Mitigation Rate	
30%	$1,540
65%	$3,080

Source: Economic & Planning Systems

Owner-Occupied Short Term Rentals

There is a desire in the City to create a separate licensing program for owner-occupied properties, with a limit to the number of short-term rental days allowed per year. A unit rented for a maximum of up to 90 days per year represents a maximum occupancy rate of 24.7 percent, and thus justifies a separate fee calculation.

Additionally, since these units are occupied by local residents the impact of guest spending occurs in addition to the impact of local spending. Thus, the impact of local household spending is not netted out of the guest spending impact attributed to the STR. As shown in **Table 14**, this results in a maximum annual fee per bedroom range from $1,254 (30 days per year) to $3,763 (90 days per year).

As with the standard fee, a mitigation rate would be applied to determine the final fee to be charged. Examples of the per-bedroom fee at a range of mitigation rate levels and rental night maximums are shown in **Table 13**. For example, a 30 percent rate (aligning with the City's current residential program) and a maximum of 30 rental days per year would result in an annual per bedroom fee of $380, while a 65 percent mitigation rate (aligning with the City's current commercial/lodge program) and a maximum of 90 rental days per year would result in a fee of $1,510 per bedroom annually.

Table 13. Mitigation Rates – Owner Occupied Units

Description	Fee Per Bedroom		
	30 days/year	60 days/year	90 days/year
Maximum Annual Fee	**$1,254**	**$2,509**	**$3,763**
Mitigation Rate			
30%	$380	$380	$750
65%	$820	$820	$1,510

Source: Economic & Planning Systems

Table 14. Fee Calculation – Owner Occupied Units

		Local Resident STR		
		30 days/year	**60 days/year**	**90 days/year**
Employees Generated (per 1,000 units)	**A**			
50% of Median		589.7	589.7	589.7
85% of Median		2,121.8	2,121.8	2,121.8
130% of Median		181.8	181.8	181.8
205% of Median		109.7	109.7	109.7
240% of Median		4.3	4.3	4.3
Total per 1,000 Units		**3,007.3**	**3,007.3**	**3,007.3**
Per 1.0 Units		3.01	3.01	3.01
STR Occupancy Rate	**B**	8.2%	16.4%	24.7%
Net Employees Generated (per 1,000 units)	**C**			
50% of Median	*A x B*	48.5	96.9	145.4
85% of Median		174.4	348.8	523.2
130% of Median		14.9	29.9	44.8
205% of Median		9.0	18.0	27.0
240% of Median		0.4	0.7	1.1
Total per 1,000 Units		**247.2**	**494.3**	**741.5**
Per 1.0 Units		0.25	0.49	0.74
Fee per Employee by AMI Range	**D**			
50% of Median		$408,054	$408,054	$408,054
85% of Median		$376,475	$376,475	$376,475
130% of Median		$345,691	$345,691	$345,691
205% of Median		$302,879	$302,879	$302,879
240% of Median		$250,375	$250,375	$250,375
Total Fee	**E**			
50% of Median	*C x D*	$19,779,292	$39,558,584	$59,337,876
85% of Median		$65,653,946	$131,307,893	$196,961,839
130% of Median		$5,165,248	$10,330,495	$15,495,743
205% of Median		$2,729,658	$5,459,317	$8,188,975
240% of Median		$89,070	$178,140	$267,209
Total		**$93,417,214**	**$186,834,428**	**$280,251,642**
Gap (Fee) per Unit	**F**			
	E / 1000	**-$93,417**	**-$186,834**	**-$280,252**
Avg. Number of Bedrooms		2.48	2.48	2.48
Net STR Gap (Fee) per Bedroom		**-$37,629**	**-$75,257**	**-$112,886**
Annualized Fee per Bedroom	30 years	**$1,254**	**$2,509**	**$3,763**

Source: Economic & Planning Systems

CITY OF ASPEN

MEMORANDUM

TO: Mayor and City Council

FROM: Brian Long, Trail System Manager

THROUGH: Matt Kuhn, Parks and Open Space Director
Austin Weiss, Parks and Recreation Director

MEMO DATE: May 17, 2022

MEETING DATE: May 24, 2022

RE: Ordinance #11 Municipal Code Revision - Trails

REQUEST OF COUNCIL: Listed below are changes proposed to the Trails section of the Municipal Code, Title 24, Chapter 12. Staff is requesting that City Council approve Ordinance #11, Series of 2022.

SUMMARY AND BACKGROUND: The Parks and Open Space Department has prepared a slate of code revisions in the spirit of improving etiquette and safety on the trail system and to keep ahead of trends in use on our trails. Some of these proposed changes have been discussed for over a decade. Others are in response to recent changes in trail use, notably the increasing use of ebikes, including trail users on rental ebikes.

The City's partner agencies in upper valley trail user management are also at work to foster a trail environment that upholds etiquette. Future efforts will make use of media campaigns and careful education of the public by ranger staff to grow the public understanding of how we can better interact with each other on trails. Where technology can be employed in preventing negative actions on fleet bikes, that will be explored.

The proposed changes and the issues behind them have been discussed at length by staff within the Parks and Open Space Department, at meetings of the Pedestrian and Bicycle Safety Team, and with the City's Open Space and Trails Board. The Open Space and Trails Board has reviewed and approved the letter and intent of these changes. These codes are also reflective of input by City and County Ranger staff and their experiences and interaction with the public while observing dynamics of trail use in the field.

Following is the complete proposed code language of Aspen's Municipal Code Chapter 24.12 – Trails. Each code is followed by a brief bulleted summary in italics of the changes in this revision:

24.12.010. – Trail system

The Aspen Trail System is defined as those trails managed or owned by the City of Aspen and inventoried by the City of Aspen Parks and Open Space Department. This Chapter applies to all trails lying and being within the City and all other trails outside the City limits over which the City has jurisdiction and control.

- ✓ *Sets trail system inventory definition.*
- ✓ *Expands scope of this chapter to include City-owned trails beyond City limits.*

24.12.020. – Vehicles prohibited.

It shall be prohibited to operate any powered vehicle on the Aspen Trail System except for the devices and conditions below.

a) Electronic assisted bicycles, referred to herein as E-bikes, conforming to one of the three classes as defined in Colo. Rev. Stat. section 42-1-104(28.5), as amended, shall be allowed upon paved trails. E-bikes of any sort are prohibited upon natural surface singletrack trails of width less than 5 feet.
b) Other powered devices such as one-wheels, electric skateboards and powered scooters shall be allowed upon paved trails. Such devices must be powered by electric motor not exceeding 750 Watts, have a width of no more than 30 inches, and weigh no more than 65lbs. Powered devices of any sort are prohibited upon natural surface singletrack trails.
c) Wheelchairs or any device designed to assist people with mobility impairments who use pedestrian right of ways.
d) City maintenance, ranger, police, fire, ambulance and emergency vehicles are permitted to operate necessary vehicles on the Aspen Trail System. In the event of an emergency, officers and employees thereof are authorized to permit emergency vehicles to enter upon the trails.
e) Special permission may be granted by the Parks and Recreation Director or the Parks and Open Space Director for use of motorized vehicles on the trails for special events, and for limited periods (to be specified on permits issued), provided, however, that such special permits shall not conflict with provisions of trail easements given across private property.

- ✓ *Edited to define ebike classes and set allowances and limits.*
- ✓ *Defines other powered devices allowed or limited on trails.*
- ✓ *Allows devices assisting impairments.*
- ✓ *Tightens and modernizes agencies and City roles that have authority to grant motorized access.*

24.12.030. – Requirements of bicycle rental businesses and courtesy bicycle fleets

a) Any bicycle or E-bike used on the Aspen trail system shall be sound and safe for use and shall be equipped with a bell or other device for announcing on the trail system. Rental businesses that offer bicycles or E-bikes for rent and any business

that offers bicycles or E-bikes for complimentary use shall be responsible for ensuring compliance with this requirement.

b) Rental businesses that offer five (5) or more bicycles or E-bikes for rent and any business that offers five (5) or more bicycles or E-bikes for complimentary use shall ensure that all users of the fleet bicycles have watched an orientation video for safe operation of bicycles and E-bikes in Aspen as prescribed by the Parks and Recreation Director.

c) Rental businesses that offer five (5) or more bicycles or E-bikes for rent and any business that offers five (5) or more bicycles or E-bikes for complimentary use shall adhere to any regional restrictions, conditions, or permit requirements placed upon any route, trail or roadway and shall educate their users of the same.

- ✓ *Calls for sound and safe fleet maintenance and equipping bells or other.*
- ✓ *Requires a standard video to be shown to rental customers.*
- ✓ *Requires adherence to regional bike management policies.*
- ✓ *Replaces previous code condensed into 24.12.040.*

24.12.040. – Leaving trail right-of-way, special conditions

It shall be unlawful, in areas posted, to leave a trail right-of-way at such points as the trail passes on or through private property. The City or County shall enforce and prosecute any violation of this prohibition as a criminal action under this Chapter and, if necessary, as a property trespass on behalf of both the City (as holder of the easement) and the owner of the land trespassed upon. Special conditions and provisions which constitute limitations on trail usage imposed by private landowners as a condition for easements granted, shall be enforced, if posted, in the same manner as the prohibitions contained in this Chapter.

- ✓ *Condenses previous sections 24.12.030 and 24.12.040, language unchanged.*

24.12.050. – Nordic trail system

The Aspen Nordic Trail System shall be defined as those winter trails maintained by the Pitkin County Nordic Program that fall within the limits of the City of Aspen.

Users of the Aspen Nordic system shall obey all trail designations and signage posted on the trails to express caution, to restrict use by type of travel, to prohibit pets, or to denote a trail closure.

It shall be unlawful for anyone to operate a motor vehicle, snowmobile, or motorcycle upon the Aspen Nordic System.

- ✓ *Establishes the City's authority within the Pitkin County Nordic System.*
- ✓ *Requires users obey posted signage.*
- ✓ *Prohibits vehicles on the trail system*
- ✓ *Deletes previous 24.12.050 – Dogs on Trails: Code was both contradictory and redundant of dog policy elsewhere in the City's Municipal Code.*

24.12.060. – Safe speed, announcing, yielding, crossings

Cyclists, users of other devices, and equestrians shall travel at a safe speed at all times and abide by any speed limits posted on the trail system. All users of trails shall obey any posted warning, caution, traffic control or other signs.

Trail users shall announce with an audible signal or voice before overtaking other trail users. Users of paved trails shall keep to the right half of the pavement at all times.

Bicyclists, Skaters, Pedestrians and others shall yield to Equestrians. Bicyclists and Skaters shall yield to Pedestrians. Bicyclists shall yield to Skaters. Downhill users yield to Uphill users. Faster users yield to slower users. Trail users shall stop at all roads and yield to any automobile traffic, unless the intersection is posted otherwise. Trail users shall not be required to stop at each private driveway. At such intersections automobiles shall yield to trail users. Horses are restricted to the unpaved portions of trails unless otherwise posted as provided by law.

- ✓ *Edited to clarify and condense yielding and crossing language.*
- ✓ *Requires announcing by cyclists and device users.*
- ✓ *Establishes the authority of posted speed limits on the trail system.*

24.12.070. – Prohibited activities

It shall be unlawful, on any trail right-of-way (or an adjacent property if access thereto is achieved through the trail system) to create loud noises; to use firearms or fireworks; to litter; to obstruct the trail system; to deface, cut, blaze or carve trees, fences, vegetation, trail signs, markers, bridges or structures; to camp or ignite campfires (except in designated areas); or to camp overnight. It shall be illegal to operate any bicycle or other approved device upon the trail system in a careless manner.

- ✓ *Removes prohibition of horns and bells.*
- ✓ *Prohibits careless operation of a bicycle or device.*

24.12.080. – Use after dark

Users of the trail system after dark, on any type of bicycle or other allowed device shall be required to use a light as to be clearly visible to other users.

Persons using the trail system, especially during the late night and early morning hours, shall avoid the making of any noise such as to disturb residents within the area of the trail right-of-way.

- ✓ *Requires use of a light by users of bicycles or devices.*

24.12.090. – Enforcement by County officials

Whenever this Chapter shall allow for the management of trail use or enforcement of these regulations by officials of the county, such reference shall be to officers of Pitkin

County, Colorado, and such rights shall accrue only if so provided by agreement between the City and County, and if permitted by law.

- ✓ *Unchanged*

24.12.100. – Penalties

The violation of any provision of this Chapter shall be punished by a fine, imprisonment or both a fine and imprisonment, as set forth in Section 1.04.080 of this Code. Each day any violation shall continue shall constitute a separate offense.

- ✓ *Unchanged*

FINANCIAL IMPACTS: Financial impacts are minimal for adoption of these code changes. Indirect impacts include costs associated with producing speed signage, revision and updates to ticket books, brochures, and websites.

ENVIRONMENTAL IMPACTS: The intent of these code changes is to address safety issues seen on our trails system. The adoption of these changes will improve safety conditions and the overall user experience throughout the trails network and as such will help promote alternative transportation.

ALTERNATIVES: City Council could direct staff to change the proposed codes, or to amend or delete certain conditions.

RECOMMENDATIONS: Staff recommends adoption of the proposed codes into the City's Municipal Code by Ordinance #11, Series of 2022, Municipal Code Revisions - Trails.

CITY MANAGER COMMENTS:

ORDINANCE #11
(Series of 2022)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING TITLE 24, CHAPTER 12 OF THE ASPEN MUNICIPAL CODE.

WHEREAS, the City of Aspen ("the City") recognizes the importance of a safe and enjoyable system of trails and has adopted rules and regulations contained with Title 24 of the City of Aspen Municipal Code; and,

WHEREAS, the rise of in use of bikes, electric assisted bikes, and other electric powered devices on the City of Aspen trails system has increased concerns for the safety of pedestrians and other users of the City trails system making it necessary to adopt rules and regulations to address the risks posed by electric assisted bicycles and other devices used on the trails system; and,

WHEREAS, the City recognizes the benefits of maintaining and operating a groomed Nordic trail system and the need to regulate uses on the City's Nordic trail system,

WHEREAS, the Aspen City Council finds that the proposed amendments to Title 24 of the City of Aspen Municipal Code furthers and are necessary for the promotion of public health, safety, and welfare, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO,

Section 1:

That Title 24, Chapter 12 of the Municipal Code of the City of Aspen is hereby amended as follows:

Chapter 24.12. - ASPEN TRAIL SYSTEM

Sec. 24.12.010. – Trail system., shall be repealed and replaced in its entirety with the following:

Sec. 24.12.010. - Trail system.

The Aspen Trail System is defined as those trails managed or owned by the City of Aspen and inventoried by the City of Aspen Parks and Open Space Department. This Chapter applies to all trails lying and being within the City and all other trails outside the City limits over which the City has jurisdiction and control.

Section 24.12.030. Vehicles prohibited., shall be repealed and replaced in its entirety with the following:

24.12.030. Vehicles prohibited.,

It shall be prohibited to operate any powered vehicle on the Aspen Trail System except for the devices:

a) Electronic assisted bicycles, referred to herein as E-bikes, conforming to one of the three classes as defined in Colo. Rev. Stat. section 42-1-102(28.5), as amended, shall be allowed upon paved trails. E-bikes of any sort are prohibited upon natural surface singletrack trails of width less than 5 feet.

b) Other powered devices such as one-wheels, electric skateboards and electric powered scooters shall be allowed upon paved trails. Such devices must be powered by electric motor not exceeding 750 Watts, have a width of no more than 30 inches, and weigh no more than 65lbs. Powered devices of any sort are prohibited upon natural surface singletrack trails.

c) Wheelchairs or any device designed to assist people with mobility impairments who use pedestrian right of ways.

d) City maintenance, ranger, police, fire, ambulance and emergency vehicles are permitted to operate necessary vehicles on the Aspen Trail System. In the event of an emergency, officers and employees thereof are authorized to permit emergency vehicles to enter upon the trails.

e) Special permission may be granted by the Parks and Recreation Director or the Parks and Open Space Director for use of motorized vehicles on the trails for special events, and for limited periods (to be specified on permits issued), provided, however, that such special permits shall not conflict with provisions of trail easements given across private property.

Sec. 24.12.030. -Special Provisions. shall be repealed and replaced in its entirety with the following:

Sec. 24.12.030. - Requirements of bicycle rental businesses and courtesy bicycle fleets.

a) Any bicycle or E-bike used on the Aspen Trail System shall be sound and safe for use and shall be equipped with a bell or other device for announcing on the trail system. Rental businesses that offer bicycles or E-bikes for rent and any business that offers bicycles or E-bikes for complimentary use shall be responsible for ensuring compliance with this requirement.

b) Rental businesses that offer five (5) or more bicycles or E-bikes for rent and any business that offers five (5) or more bicycles or E-bikes for complimentary use shall ensure that all users of the fleet bicycle have watched an orientation video for safe

operation of bicycles and E-bikes in Aspen as prescribed by the Parks and Recreation Director.

c) Rental businesses that offer five (5) or more bicycles or E-bikes for rent and any business that offers five (5) or more bicycles or E-bikes for complimentary use shall adhere to any regional restrictions, conditions, or permit requirements placed upon any route, trail or roadway and shall educate their users of the same.

Section 24.12.040. Leaving trail right-of-way., shall be repealed and replaced in its entirety with the following:

Sec. 24.12.040. - Leaving trail right-of-way, special conditions.
It shall be unlawful, in areas posted, to leave a trail right-of-way at such points as the trail passes on or through private property. The City or County shall enforce and prosecute any violation of this prohibition as a criminal action under this Chapter and, if necessary, as a property trespass on behalf of both the City (as holder of the easement) and the owner of the land trespassed upon. Special conditions and provisions which constitute limitations on trail usage imposed by private landowners as a condition for easements granted, shall be enforced, if posted, in the same manner as the prohibitions contained in this Chapter.

Section 24.12.050. Dogs on trail., shall be repealed and replaced in its entirety with the following:

Sec. 24.12.050. - Nordic trail system

The Aspen Nordic Trail System shall be defined as those winter trails maintained by the Pitkin County Nordic Program that fall within the limits of the City of Aspen.

Users of the Aspen Nordic system shall obey all trail designations and signage posted on the trails to express caution, to restrict use by type of travel, to prohibit pets, or to denote a trail closure.

It shall be unlawful for anyone to operate a motor vehicle, snowmobile, or motorcycle upon the Aspen Nordic System.

Section 24.12.060. Trail crossings, yielding, safe speed., shall be repealed and replaced in its entirety with the following:

Sec. 24.12.060. - Safe speed, announcing, yielding, crossings.

Cyclists, users of other devices, and equestrians shall travel at a safe speed at all times and abide by any speed limits posted on the trail system. All users of trails shall obey any posted warning, caution, traffic control or other signs.

Trail users shall announce with an audible signal or voice before overtaking other trail users. Users of paved trails shall keep to the right half of the pavement at all times.

Bicyclists, skaters, users of other devises, pedestrians and others shall yield to equestrians. Bicyclists, skaters, and users of other devices shall yield to pedestrians. Bicyclists shall yield to skaters. Downhill users yield to Uphill users. Faster users yield to slower users. Trail users shall stop at all roads and yield to any automobile traffic, unless the intersection is posted otherwise. Trail users shall not be required to stop at each private driveway. At such intersections automobiles shall yield to trail users. Horses are restricted to the unpaved portions of trails unless otherwise posted as provided by law.

Section 24.12.070. Prohibited activities., shall be repealed and replaced in its entirety with the following:

Sec. 24.12.070. - Prohibited activities.

It shall be unlawful, on any trail right-of-way (or an adjacent property if access thereto is achieved through the trail system) to create loud noises; to use firearms or fireworks; to litter; to obstruct the trail system; to deface, cut, blaze or carve trees, fences, vegetation, trail signs, markers, bridges or structures; to camp or ignite campfires (except in designated areas); or to camp overnight. It shall be illegal to operate any bicycle or other approved device upon the trail system in a careless manner.

Section 24.12.080. Use after dark., shall be repealed and replaced in its entirety with the following:

Sec. 24.12.080. - Use after dark.

Users of the trail system after dark, on any type of bicycle or other allowed device shall be required to use a light as to be clearly visible to other users.

Persons using the trail system, especially during the late night and early morning hours, shall avoid the making of any noise such as to disturb residents within the area of the trail right-of-way.

Section 2. Effect Upon Existing Litigation.

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

Section 3. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance 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 9. Effective Date.

In accordance with Section 4.9 of the City of Aspen Home Rule Charter, this ordinance shall become effective thirty (30) days following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Aspen on the 10th day of May 2022.

_____
Torre, Mayor

ATTEST:

_____
Nicole Henning, City Clerk

FINALLY, adopted, passed and approved this ___ day of _____, 2022.

_____
Torre, Mayor

ATTEST:

_____
Nicole Henning, City Clerk

APPROVED AS TO FORM:

_____

James True, City Attorney