

AGENDA

ASPEN HISTORIC PRESERVATION COMMISSION

August 25, 2021

4:30 PM, WebEx Virtual Meeting (See Agenda Packet for Instructions to join the meeting)



WEBEX MEETING INSTRUCTIONS

TO JOIN ONLINE:

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- I. SITE VISIT
- II. ROLL CALL
- III. MINUTES
- IV. PUBLIC COMMENTS
- V. COMMISSIONER MEMBER COMMENTS
- VI. DISCLOSURE OF CONFLICT OF INTEREST
- VII. PROJECT MONITORING
- VIII. STAFF COMMENTS
- IX. CERTIFICATE OF NO NEGATIVE EFFECT ISSUED
- X. CALL UP REPORTS
- XI. SUBMIT PUBLIC NOTICE FOR AGENDA ITEMS

XII. OLD BUSINESS

- XII.A. 1020 E. Cooper Avenue | Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing Credits, Transportation and Parking Management, PUBLIC HEARING REMANDED TO HPC FROM CITY COUNCIL

[Memo_Remand to HPC from Council_1020 E. Cooper.docx](#)

[Resolution No. X \(Series of 2021\)_1020 E. Cooper_RESOLUTION OF APPROVAL.docx](#)

[Resolution No. X \(Series of 2021\)_1020 E. Cooper_RESOLUTION OF DENIAL.docx](#)

[Exhibit A.1_HP Guidelines Criteria.docx](#)

[Exhibit A.2_Relocation Criteria.docx](#)

[Exhibit A.3_Demolition Criteria.docx](#)

[Exhibit A.4_Growth Management Review Criteria.docx](#)

[Exhibit A.5_Certificates of Affordable Housing Credit Staff Findings.docx](#)

[Exhibit A.6_Transportation & Parking Management.docx](#)

[Exhibit B_Combined Application.pdf](#)

[Exhibit C_Public Comments From Previous HPC Hearings_January 13_February 17.pdf](#)

[Exhibit D_Public Comments_June and August.pdf](#)

[Exhibit E_Council Resolution No. 40, Series 2021_Remanding to HPC.pdf](#)

[Exhibit F_Council Remand Minutes.pdf](#)

XIII. NEW BUSINESS

XIV. ADJOURN

XV. NEXT RESOLUTION NUMBER

Typical Proceeding Format for All Public Hearings

- 1) Conflicts of Interest (handled at beginning of agenda)
- 2) Provide proof of legal notice (affidavit of notice for PH)
- 3) Staff presentation
- 4) Board questions and clarifications of staff
- 5) Applicant presentation
- 6) Board questions and clarifications of applicant
- 7) Public comments
- 8) Board questions and clarifications relating to public comments
- 9) Close public comment portion of bearing
- 10) Staff rebuttal/clarification of evidence presented by applicant and public comment
- 11) Applicant rebuttal/clarification

End of fact finding.

Deliberation by the commission commences.

No further interaction between commission and staff, applicant or public

- 12) Chairperson identified the issues to be discussed among commissioners.

- 13) Discussion between commissioners*
- 14) Motion*

*Make sure the discussion and motion includes what criteria are met or not met.

Revised April 2, 2014

TO: Aspen Historic Preservation Commission

FROM: Kevin Rayes, Planner
Amy Simon, Planning Director

MEETING DATE: August 25, 2021

RE: 1020 E. Cooper Avenue – Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing Credits, Transportation and Parking Management, **PUBLIC HEARING REMANDED TO HPC FROM CITY COUNCIL**

| | |
|--|--|
| <p>APPLICANT /OWNER: 1020 Cooper LLC James DeFrancia, Manager</p> <p>REPRESENTATIVE: BendonAdams</p> <p>LOCATION: <u>Street Address:</u> 1020 E. Cooper Avenue</p> <p><u>Legal Description:</u> The East 13.79' of Lot O and all of Lot P, Block 34, East Aspen Addition to the City of Aspen, County of Pitkin, State of Colorado</p> <p><u>Parcel Identification Number:</u> PID# 2737-182-32-006</p> <p>CURRENT ZONING & USE RMF (Residential Multi-Family), Single-family home</p> <p>PROPOSED ZONING & USE: RMF, Multi-family dwelling</p> | <p>SUMMARY: The applicant has requested Conceptual Major Development, Relocation, Demolition, Growth Management, Certificate of Affordable Housing Credits, Transportation and Parking Management approvals for five multi-family units on a landmarked property, to be condominiumized and deed restricted. Two of the units will be located in the existing historic structure with a new basement, and three are in a detached new structure located at the rear of the property. HPC reviewed and continued the project for restudy on January 13th. Staff finds the restudy to be successful and responsive and recommends approval of the project, subject to the conditions listed in the draft resolution.</p>  <p>Figure 1: 1020 E. Cooper Site Location</p> |
|--|--|

STATUS UPDATE SINCE THE PREVIOUS HPC HEARING REGARDING THIS PROPERTY:

On February 17th, HPC reviewed the application to redevelop the landmark property at 1020 E. Cooper. The vote was tied with two commissioners in support of the application and two commissioners against, resulting in a failed action. At the request of the applicant, one member of the HPC who had voted in favor of the application, voted to deny for the express purpose of providing definitive action on the application given the evenly split board.

Following the hearing, the applicant appealed HPC’s decision of denial to City Council pursuant to the Land Use Code. On April 19th, City Council held a public meeting to review HPC’s decision on appeal. Upon discussing the record, including the application, review criteria, staff findings, public comments, meeting minutes, and the transcripts and/or recordings of the two HPC meetings, Council determined that HPC’s findings concerning the mass and scale were influenced by factors outside of its purview and the guidelines such as number of units, number of occupants, nature of occupants, parking, and lack of neighbor buy-in. In addition, one HPC Commissioner’s vote lacked findings on the merits of the application. Therefore, Council found that the HPC abused its discretion in denying the application. The determination was set forth in Council Resolution No. 40, Series 2021, attached hereto as Exhibit E.

Pursuant to such resolution, the application has been remanded to HPC to make findings consistent with the applicable guidelines and criteria set forth in the Land Use Code. The hearing on remand is currently set before HPC for August 25, 2021.

BACKGROUND:

1020 E. Cooper Avenue is a designated 4,379 square foot lot in the Residential Multi-Family (RMF) zone district. The site contains a Victorian era home and two sheds of an unknown construction date. This area of town was not included in the historic Sanborn maps that are typically referenced by HPC in its decision-making, and no historic photos of this house have been located. The only record of the building, other than what can be discovered on-site, is the 1896 Willit’s Map, which shows the footprint (Figure 2). Investigation of the framing of the house has demonstrated that the form of the 19th century home remains intact. The exterior of the house has been altered over time through replacement of materials and windows (Figure 3).

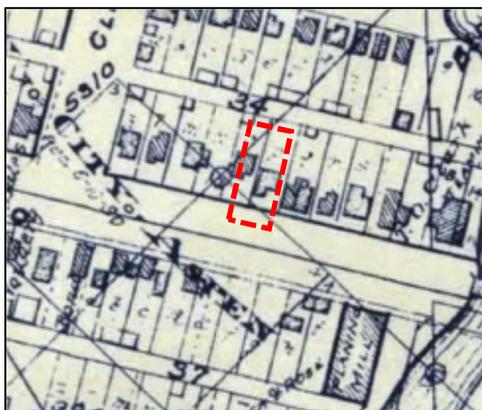


Figure 2: Willit’s Map, 1896



Figure 3: 1020 E. Cooper Avenue, 2019

REQUEST OF HISTORIC PRESERVATION COMMISSION (HPC)

The Applicant is seeking the following land use approvals.

- Conceptual Major Development (Section 26.415.070.D) to modify the site and the historic resource, and to construct a new detached building along the alley.
- Relocation (Section 26.415.090) to relocate the historic home southwest of its current position and to excavate a new basement and foundation below the structure.
- Demolition (Section 26.415.080.A) to remove two non-historic outbuildings from the property.
- Growth Management (Section 26.470.050.B) & (Section 26.470.070.4) to develop five affordable housing units on the property.
- Certificate of Affordable Housing Credits (Section 26.540) to generate Certificates of Affordable Housing Credit.
- Transportation & Parking Management (26.5151.010) to meet the minimum parking and Transportation Mitigation standards.

The Historic Preservation Commission (HPC) is the review authority on this application, however Conceptual approval is subject to Call-up Notice to City Council. Final approval will be needed before the project proceeds to building permit.

Per Land Use Code section 26.304.035 the applicant was required to provide enhanced public notice and neighborhood outreach, as is typical for projects of community interest. A website and information meetings have provided detailed information to those interested in the progress of the HPC review.

STAFF COMMENTS: Exhibits A.1 through A.6 to this memo indicate the review criteria for each requested approval, and recommended findings. Following is a summary.

Conceptual Major Development

Section 26.415.070.D.3.c.2 of the Municipal Code states that Conceptual review approval shall be binding upon HPC in regards to the location and form of the envelope of the structure(s) and/or addition(s) including its height, scale, massing and proportions, therefore design guidelines related to those topics are the focus of this review step. The details of the preservation plan, landscape plan and fencing, lighting, fenestration, and selection of new materials will be addressed at Final.

Staff finds the proposal to preserve the historic resource as free-standing, with a detached and adequately distanced new structure at the rear of the lot to be a successful preservation outcome. There are only a few examples of miner's cottages in Aspen that have been preserved with no significant addition, as this one will be.

Regarding the site plan, no variations are needed, and the applicant plans a traditional landscaped setting adjacent to the historic resource with grass and planting beds. A tree that straddles the property line with the neighbor to the east is being preserved in coordination with the requirements of the Parks Department. Parking and infrastructure are all designed to meet City requirements and located at the rear of the site as required. A preliminary stormwater mitigation plan is provided, indicating a drywell will be located within the parking area. This strategy is appropriate and has no effect on the historic resource.

The historic resource is to be placed on a new basement. The basement includes the required egress lightwells, which have been located discretely on the sides of the building. The visual impacts of the lightwells, including curb heights and protective grates, needs to be minimized for Final review.

The applicant plans to retain the existing form of the historic resource including a modestly sized 1960s era non-historic addition, with a proposed new dormer, as is allowable within the preservation guidelines. As the project evolves towards final design, details of an appropriate rehabilitation that reflects common characteristics of Aspen's mining era homes, such as a front porch, will be evaluated.

Regarding the new building proposed along the alley, a detached structure is preferred by the HPC guidelines and is allowed greater design flexibility than an addition to a historic resource because demolition to historic fabric does not occur and the scale and integrity of the resource are more authentically preserved.

The applicable guidelines for new construction as expressed in Chapter 11 are primarily written to anticipate a new structure being proposed directly next to a historic resource, for instance in a historic landmark lot split where the new and old structures would be side by side. The impact of the height of the rear building on the historic resource will be reduced because of its placement some distance behind it.

Since the last hearing, the applicant has redesigned the rear building to remove and adjust massing. The effect is a break at the second floor level and elimination of square footage, relocated to the dormer addition to the historic building. Staff finds these changes effective in addressing the HPC's concerns and supports the proposed new structure as the appropriate gestures towards the historic resource have been made. The context of the property, and the fact that it is a mid-block lot, allow for the addition to appear as a backdrop. It is unnecessary for the new building to have a front porch, as suggested by guideline 11.2, because there would be no visibility from the street. The architect has creating a relationship to the historic structure by using roof forms and material references as required by guideline 11.6. The plate height on the upper floor is low at building corners, with dormers used to balance massing and livability considerations.

Relocation

The existing home, except for a non-historic porch at the rear, is to be moved approximately 11' forward and 2' eastward. It will be placed on a new basement and will be elevated slightly above the current relationship to grade to allow for positive drainage to be created. One step will be constructed leading to the porch deck. Staff finds that the relocation criteria are met as the re-positioning of the building on the site does not diminish its integrity or disrupt its relationship with nearby historic resources and it allows new construction on the site to be adequately distanced from the miner's cottage while complying with all setback requirements.

Demolition

Two sheds at the rear of the property and partially sitting in the alley are proposed to be demolished. These structures were not built concurrent with the primary home based on the 1896 Willit's map, and they are not seen in 1920s era photos of the rear of the site available from the Aspen Historical Society. The earliest documentation of them in place that staff has located is a 1974 aerial photo. The property was designated as a representation of the 19th century development of Aspen; therefore, staff finds the sheds to be non-contributing to the history of the property and appropriate for removal.

Growth Management and Certificates of Affordable Housing Credit:

A total of five deed-restricted affordable housing units are proposed for the site- two in the historic resource and three in the rear building. According to Land Use Code Section 26.470.030.D, no annual growth limit applies to affordable housing. This is in recognition of the high priority placed on the development of affordable housing to meet community needs. The property is in the Residential Multi-Family (RMF) zone district, which is intended for intensive long-term residential purposes. The zone district anticipates dense multi-family development, as seen in adjacent structures to the development site. Development of a multi-family affordable housing project within the RMF zone district is allowed by right.

The proposed affordable housing units are consistent with the residential uses in the eastern area of town and the permitted uses of the zone district. As depicted in Figure 4, many of the surrounding properties contain residential multi-family dwellings, including the adjacent properties to the east and west. This application was referred to APCA for review and recommendation. Community Development & APCA staff are highly supportive of this project and acknowledge the community benefit that five affordable housing units will bring.

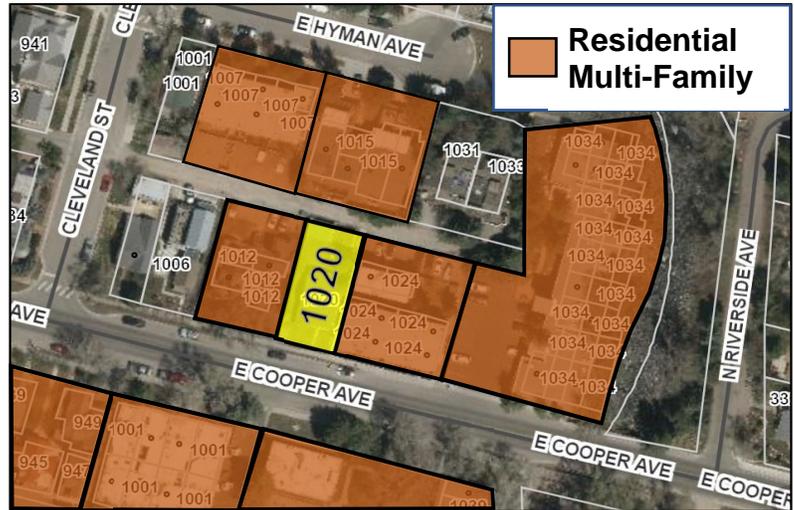


Figure 4: Residential Multi-Family Development Surrounding 1020 E. Cooper

The applicant seeks to establish 12.75 Certificates of Affordable Housing credits, which is commensurate to the full-time employee housing occupancy standards prescribed by APCA. Pursuant to Land Use Code Section 26.540.070, *Review Criteria for establishing an affordable housing credit*, to determine the number of certificates of affordable housing credits awarded to a project, the review standards outlined in Land Use Code Section 26.470.080.d.7.g, *General Review, Affordable Housing Mitigation*, guide.

| APCHA Standards | |
|-----------------|--------------------|
| Unit Type | Occupancy Standard |
| One bedroom | 1.75 FTEs/Unit |
| Two-bedroom | 2.25 FTEs/Unit |
| Three-bedroom | 3.00 FTEs/Unit |

| PROPOSED CERTIFICATES | | |
|-----------------------|---------------------|------------|
| Two-bedroom | 3 Units x 2.25 FTEs | =6.75 FTEs |
| Three-bedroom | 2 Units X 3.00 FTEs | =6 FTEs |
| Total Proposed | 12.75FTEs | |

Standards for minimum net livable area are also provided. The project complies as shown in the charts below.

| Net Livable Area Per AH Unit Within Historic Resource | | | | | | | |
|---|------|---------------|-------------------|-------------------|------------|-----------|----------------------|
| Units | Beds | Basement (sf) | Ground Level (sf) | Second Level (sf) | Total (sf) | Min. (sf) | Difference (sf) |
| 1 | 2 | 462.5 | 450.5 | 103.9* | 1,016.8 | 900 | 116.8 above |
| 2 | 3 | 482.9 | 533.7 | 182.9 | 1,199.4 | 1,200 | 0 above/below |

* The 2nd level consists of a storage loft accessed from the ground level

| Net Livable Area Per AH Unit Within Rear Structure | | | | | | | | |
|--|------|---------------|----------------------------|----------------------------|----------------------------|------------|--------------|-----------------------------------|
| Units | Beds | Basement (sf) | 1 st Level (sf) | 2 nd Level (sf) | 3 rd Level (sf) | Total (sf) | Min. FA (sf) | Difference (Expressed as Percent) |
| 3 | 2 | 436.5 | 449.7 | X | X | 886.2 | 900 | 2% below |
| 4 | 3 | X | X | 1,011.8 | X | 1,011.8 | 1,200 | 16% below |
| 5 | 2 | X | X | X | 786.7 | 786.7 | 900 | 13% below |

1. Unit dimensions may be reduced by up to 20 percent below the minimum if additional amenities are provided to improve livability.
2. No on-site parking mitigation is required in the R/MF zone district. Mitigation can be 100 percent cash-in-lieu or a mix of onsite and cash-in-lieu.

One unit exceeds the minimum dimensional standards prescribed by APCA, one unit meets the minimum size requirements, and three units are slightly below the minimum size requirements¹. Four parking spaces are provided on site (including an ADA-compliant space), which is well above the minimum required². The site will also contain plenty of outdoor area, including access to private patios and porches. Each unit will contain a washer and dryer as well as extra storage space. Lastly, as required in the Land Use Code, more than half the net livable area of each unit will be above natural grade. Despite the slight reduction in size, staff considers these as high-quality units that incorporate several valuable amenities.



Figure 5: Open Space between the Rear of the Historic Resource and the Front of the Addition



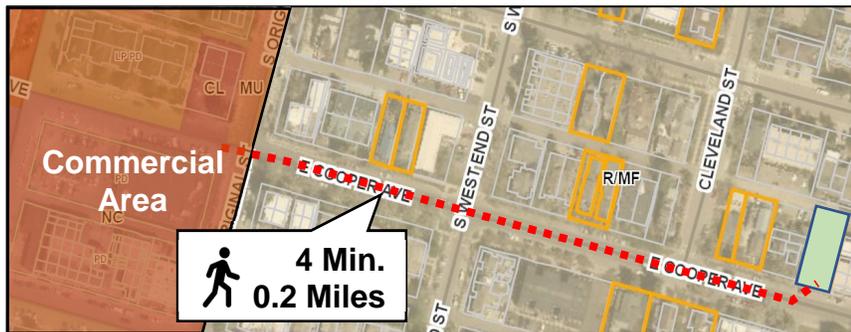
Figure 6: Open Front Porch & Deck- as viewed from the front of the property



Figure 7: Parking Area- As Viewed from the Back of the Rear Addition

Transportation and Parking Management:

Pursuant to Land Use Code Section 26.515.060.C, *Transportation & Parking Management*, one parking unit is required per residential unit within a multi-family development, in this case five. The City's parking regulations are the result of professional parking studies, Council consideration, and public input, and they are applied objectively to all development types.



The Residential Multi-Family (RMF) zone district allows 100 percent of parking mitigation to be met via cash-in-lieu or via a combination of cash-in-lieu and on-site parking. This is due to the location of the zone district in the community, proximal to

Figure 8: Walking Time from 1020 E. Cooper to Downtown

mass transit, walkable to all community services and amenities, and zoned to provide dense housing development. The site is located less than one minute from a bus stop and 0.2 miles from the commercial center of town.

In addition to the transit and multi-modal services accessible to the site, four on-site parking spaces are proposed, including one ADA-accessible space. These spaces are on the alley and located beneath a covered area of the rear addition. Remaining parking mitigation will be met via cash-in-lieu.

Staff supports the parking mitigation as proposed, as it complies with the regulations in the Land Use Code. Providing on-site parking is generally preferred to cash-in-lieu as it reduces adverse parking impacts to the surrounding neighborhood. In this case, 80 percent of the required parking mitigation will be met on-site, which contributes to the livability and quality of this project. Furthermore, given the residential use of the surrounding neighborhood, on-street parking exists throughout the area.¹

In addition to the on-site parking, the applicant has completed the Transportation Impact Analysis (TIA) for this project and plans to provide a range of Mobility Measures that satisfy the requirements of the Engineering and Parking Departments. At this point, the applicant has indicated that car-sharing and bike-sharing memberships will be made available to tenants for a minimum of one year. Bicycle parking will also be provided on-site, and other infrastructure improvements will be made to encourage alternative transportation choices. The TIA is subject to change and will be finalized with City Departments to ensure compliance at building permit. Staff included a condition in the Resolution prohibiting Mobility Measures from occupying any of the off-street parking spaces on the property.

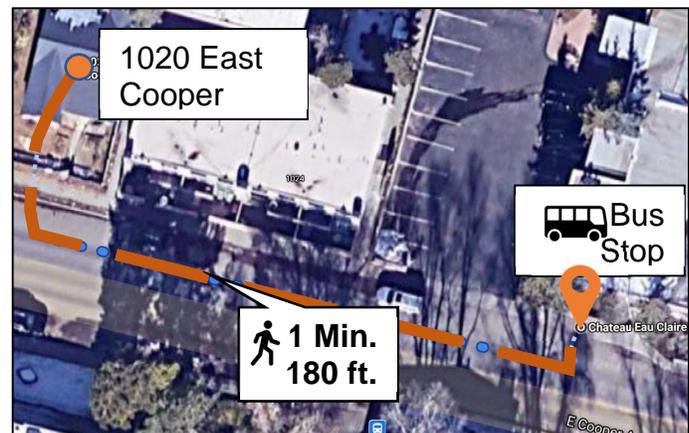


Figure 9: Distance from 1020 E. Cooper to Nearest Bus Stop

Staff included a condition in the Resolution prohibiting Mobility Measures from occupying any of the off-street parking spaces on the property.

1. On-street parking in this area requires a permit. The Parking Department caps the number of permits per residence, minimizing on-street parking congestion in the area.

The Aspen Area Community Plan

The 2012 Aspen Area Community Plan (AAP) describes the vision for Aspen's future based on community values. The AAP acknowledges how land use decisions related to affordable housing impact quality of life, urban vitality, neighborhood diversity and transportation choices. Developing affordable housing via in-fill development has remained an important City objective for several decades. As stated in the 2000 AAP and reiterated in the 2012 AAP:

“Our housing policy should bolster our economic and social diversity, reinforce variety, and enhance our sense of community by integrating affordable housing into the fabric of our town. A healthy social balance includes all income ranges and types of people. Each project should endeavor to further that mix and to avoid segregation of economic and social classes...”

Within the area surrounding 1020 E. Cooper, there is a limited number of deed-restricted affordable units. As depicted in Figure 10, only four deed-restricted units are located within the immediate vicinity of the property and all are owner-occupied. The units at 1020 E. Cooper are proposed as rentals and will play a pivotal role in providing much needed housing to traditionally underserved individuals.

The challenges associated with providing sufficient housing in Aspen cannot be overstated. According to the Greater Roaring Fork Housing Study¹, in 2015, more than 60 percent of the workforce in the Aspen, Snowmass area was made up of in-commuters (individuals travelling up-valley for jobs). As of 2019, the Aspen Snowmass area experienced a 3,000 [residential] unit shortfall, which is projected to increase to 3,400 units by 2027. The ongoing displacement of the local workforce is only going to exacerbate negative transportation impacts to the Valley.

As stated in the 2012 AAP:

The 2000 AAP sought to limit average annual daily vehicle trips (AADT) to 1993 levels. While we have consistently met that goal, the 2007 Entrance to Aspen Reevaluation Report found that congestion has expanded farther up and down the Highway 82 corridor during peak hours. In order to address this trend, the 2012 AAP reiterates the 2000 AAP goal of limiting AADT to 1993 levels, and then goes further by “striving to reduce peak-hour vehicle-trips to at or below 1993 levels.”

Developing five affordable housing units within the Aspen infill area serves as a unique and important opportunity to fulfill many of the objectives outlined in the AAP.

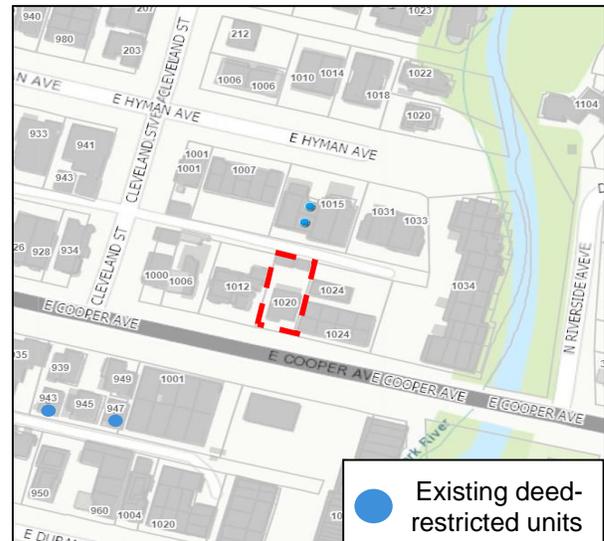


Figure 10: Other Deed-Restricted Units in the Area Immediately Surrounding 1020 E. Cooper

1. The 2019 Greater Roaring Fork Regional Housing study was published and prepared for the Greater Roaring Fork Regional Municipal and Organization Partnership.

RESIDENTIAL DESIGN STANDARDS

The Residential Design Standards found at Section 26.410 of the Municipal Code apply only to the new structure proposed for this site. RDS review is an administrative process which does not require public notice or evaluation by HPC. The standards applicable to multi-family development are limited. The applicant has provided a compliance form which has been verified through a staff level approval.

DRC REFERRAL COMMENTS:

The application was referred out to other City departments who have requirements that will significantly affect the permit review. The applicant responded to initial feedback from these departments by revising their application to what is being presented to HPC. Following is a summary of topics that may require further study before HPC Final review or as part of the building permit process. All are expected to be resolvable.

Engineering:

1. Fire flow calculations will be required if a 4-inch service line is needed. Calculations that show a 2-inch service line fails will also need to be provided.
2. The conceptual drainage report calls out that the alley will be re-designed to accommodate flows to the curb and gutter, this design will need to be included with capacity calculations.
3. The transformer to the east has an existing easement that, according to the conceptual drainage report, is adequately sized for a future relocation. Show the dimensions of the easement (on 1020 E. Cooper and the neighboring property) on the utility plan to confirm the easement meets COA Electric standards for transformer easements. If the dimensions do not comply with COA standards, the easement will need to be adjusted during building permit review.

Building:

1. Fire sprinklers are required with five units on the site regardless of the fire area measurement.
2. There cannot be an emergency escape and egress window well in a walkway.
3. Amendments to the IBC require 3% of the parking to be electric vehicle charging stations capable of supporting future EVCS. A 208/240 volt branch circuit or listed raceway to accommodate future installation shall be installed. Service panel or sub panel circuit shall provide capacity for a dedicated 40 amp circuit.
4. Demonstrate compliance with IBC 1107.7.1.1 at least one story containing dwelling units shall be provided with an accessible entrance on an accessible route and shall comply as a Type B unit.
5. Ensure the steel beam between the van accessible spot and the aisle won't block access from an accessible van's passenger rear side door as that would normally be how the aisle is utilized from the van.
6. Trash enclosure is required to be on an accessible route. Demonstrate required door maneuvering clearances inside the enclosure.
7. Demonstrate compliant common path of egress travel distances from each unit, measured from the most remote point within each unit to the exit discharge.
8. All new roofs or re-roofed areas are required to be a class A rated roof assembly.
9. Eaves and exterior walls within 5' of the property line require 1 hour fire rated construction.
10. Snow guards are also required on the historic home, not just the new construction.
11. All guards are required to be 42-inches tall in an IBC building unless you are inside the dwelling unit.

12. Storage closed under the common stair to the upper units requires a compliant dwelling separation for the closet ceiling.
13. Provide compliant approach to the washer dryer.
14. Closet doors need to provide 32" clear opening.

Parks:

1. Maintain 10-foot dripline protection for shared tree – Any activity or excavation in this area will require City Forester approval.
2. Planting trees back on this property should be explored and supported.

Environmental Health

1. This space is subject to the requirements of a multi-family complex and is required to provide 120 square feet of space to the storage of trash and recycling. The current application exceeds these standards by providing 124 SF.
2. Applicant indicates alley access will be facilitated by the ADA parking access to provide an unobstructed path to the trash area.
3. Applicant has indicated this space will be equipped with bear-proof technology to prevent wildlife access.

APCHA

1. Prior to Certificate of Occupancy, a deed restriction must be recorded and must comply with the APCHA Regulations in effect at the time that said deed restriction is approved and recorded.
2. Each bedroom must contain a closet.
3. Each unit shall contain a washer and dryer, along with all other appliances.
4. The units that do not meet the minimum size requirements are acceptable as they are within the 20% reduction limitation and fit the criteria for said reduction acceptance.
5. Upon certificate of occupancy, affordable housing credits can be provided for up to a total of 12.75 FTE's based on the generation rate established in the Regulations and calculated as follows:

3 2-bedrooms X 2.25/bedroom = 6.75
 2 3-bedrooms X 3.00/bedroom = 6.00

TOTAL 12.75 FTE's

RESPONSE TO PUBLIC COMMENT:

Public comment received prior to packet deadline is attached as Exhibits C and D. Staff will be prepared to respond to questions in more detail at the HPC hearing. To briefly address some topics requiring clarification, a letter submitted on behalf of the HOAs for the condominiums on the east and west sides of the subject lot suggests that the application is proposing unlawful selling of the individual units prior to subdivision. At the conclusion of construction, prior to the issuance of a Certificate of Occupancy, the standard practice is for the City to process a condominium application separating ownership, and to work with the applicant and APCHA to record deed restrictions that will ensure the proper occupancy of the units in perpetuity. The sale of the legally condominiumized units does not violate the requirements of affordable housing deed restrictions for rental properties, so long as the occupant of the rental units meets applicable APCHA requirements.

The same letter expresses concern that the project is not complying with ADA requirements and that the ADA parking space on the property is exclusively for the use of a person with a disability. The Building Department has, through a detailed preliminary evaluation, worked with the architect to ensure ADA compliance. The ADA parking space will be associated with the accessible unit, which may or may not be occupied by individuals requiring such accessibility. The presence of the unit and appropriate design features to permit ADA occupancy is sufficient to meet the law. The Building Department and Fire Department have also preliminarily confirmed that the project meets required Fire Codes as proposed. The project must meet required distances and precautions related to its own property lines, not related to the distance of adjacent structures. The units will have fire sprinklers.

A question has been raised as to the options for development on this property given that it is smaller than the standard minimum lot size of 6,000 square feet. Certain dimensional requirements, as described in Code section 26.710.090(d), apply to the zone district (RMF), including a minimum lot width of 60 ft. Here, the subject parcel is less than 60 ft. wide, and therefore does not meet the applicable zone district's minimum dimensions. Because there is a historic structure on the lot, the lot itself is considered a historic lot of record, as provided for in section 26.312.050(c):

“A lot of record containing a property listed on the Aspen Inventory of Historic Landmark Sites and Structures need not meet the *minimum lot area* requirements of its zone district to allow the uses that are permitted and conditional uses in the zone district subject to the standards and procedures established in Chapter 26-415.”

This code section assumes that, because a lot of record does not meet the minimum lot area for the underlying zone, it will by definition fail to meet one or more other dimensional requirements (i.e. width or length). It explicitly permits development on such lots in recognition of their historic condition. Whether it is due to shortages in lot length or width, failure to meet the dimensional lot area requirements of the underlying zone district is not grounds to prohibit use of the site for multi-family development as historic lot exemptions apply. The proposed use of a multi-family residence is allowed in the zone district (RMF). See section 26.710.90(b).

One other important note is that, while it is true that section 26.312.030 states that nonconforming structures may not be extended or enlarged, the section expressly provides that Historic Structures are again cause for exception with regard to dimensional criteria. Historical structures may be extended into the front yard, side yard and rear yard setbacks, and may also be extended into the minimum distance between buildings on a lot and may be enlarged.

RECOMMENDATION:

Staff supports the project, and the achievement of community goals through the preservation of a historic resource and development of affordable housing units, a by-right use within an established multi-family neighborhood in the infill area, supported by adopted City regulations and policies. Staff recommends the following motion:

“HPC finds this application to comply with the requirements and limitations of the Land Use Code related to Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing Credits, and Transportation and Parking Management approval as well as the dimensional requirements of the Residential Multi-Family (R/MF) zone district and hereby approves the application subject to the conditions listed in Resolution X, Series of 2021.”

ATTACHMENTS:

Resolution #_____, Series of 2021

Exhibit A.1 – Design Guidelines Criteria | Staff Findings

Exhibit A.2 – Relocation | Staff Findings

Exhibit A.3 – Demolition | Staff Findings

Exhibit A.4 – Growth Management | Staff Findings

Exhibit A.5 – Certificates of Affordable Housing Credit | Staff Findings

Exhibit A.6 – Transportation & Parking Management | Staff Findings

Exhibit B – Application

Exhibit C – Public Comments from Previous HPC Hearings (Jan. 13th & Feb. 17th)

Exhibit D – Public comments from June 9th (hearing was continued) and August 25th

Exhibit E – Council Resolution No. 40, Series 2021

Exhibit F- Council Remand Minutes, April 19,2021

RESOLUTION # X, SERIES OF 2021

**A RESOLUTION OF THE ASPEN HISTORIC PRESERVATION COMMISSION (HPC)
GRANTING CONCEPTUAL MAJOR DEVELOPMENT, RELOCATION,
DEMOLITION, GROWTH MANAGEMENT, CERTIFICATE OF AFFORDABLE
HOUSING CREDITS, AND TRANSPORTATION & PARKING MANAGEMENT FOR
THE PROPERTY LOCATED AT 1020 E. COOPER AVENUE, LEGALLY DESCRIBED
AS THE EAST 13.79' OF LOT O AND ALL OF LOT P, BLOCK 34, EAST ASPEN
ADDITION TO THE CITY OF ASPEN, COUNTY OF PITKIN, STATE OF
COLORADO.**

PARCEL ID: 2737-182-32-006

WHEREAS, the applicant, 1020 Cooper LLC, represented by BendonAdams, has requested HPC approval for Conceptual Major Development, Relocation, Demolition, Growth Management, Certificate of Affordable Housing Credits, and Transportation and Parking Management for the property located at 1020 E. Cooper Avenue; and,

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

WHEREAS, for Conceptual Major Development Review the HPC must review the application, a staff analysis report and the evidence presented at a hearing to determine the project’s conformance with the City of Aspen Historic Preservation Design Guidelines per Section 26.415.070.D.3.b.2 and 3 of the Municipal Code and other applicable Code Sections. The HPC may approve, disapprove, approve with conditions or continue the application to obtain additional information necessary to make a decision to approve or deny; and,

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

WHEREAS, for approval of Demolition, the application shall meet the requirements of Aspen Municipal Code Section 26.415.080, Demolition of a Designated Property; and

WHEREAS, for approval of Growth Management, the application shall meet the applicable provisions of Aspen Municipal Code Section 26.470, Growth Management Quota System (GMQS), including the requirements of Code Section 26.470.050.B, General, and Code Section, 26.470.100.C, Affordable Housing; and,

WHEREAS, for approval of Certificates of Affordable Housing Credits, the application shall meet the requirements of Aspen Municipal Code Section 26.540, Certificates of Affordable Housing Credits; and,

WHEREAS, for approval of Transportation and Parking Management, the application shall meet the requirements of Aspen Municipal Code Section 26.515, Transportation and Parking Management; and

WHEREAS, Community Development Department staff reviewed the application for compliance with applicable review standards and recommended approval with conditions; and

WHEREAS, the development of affordable housing and preservation of historic structures are supported by numerous City regulatory objectives, as described in the City of Aspen Land Use Code, and policy objectives as described in the Aspen Area Community Plan; and

WHEREAS, on January 13, 2021, HPC reviewed the project and voted to continue the application for further restudy; and

WHEREAS, on February 10, 2021, HPC voted to continue the application; and

WHEREAS, on February 17, 2021, HPC considered the application, the staff memo and public comment. A motion to approve the application with conditions was made and seconded. The vote on such motion was two for and two against. Pursuant to the code, that vote was deemed a failed action. Following further discussion, a motion to deny was made and seconded. One member of the HPC who had voted in favor of the application, voted for denial for the express purpose of moving the application on given the clear divide of the HPC; and,

WHEREAS, following the denial of the application by a majority vote of the HPC, the applicant timely appealed the decision to City Council Pursuant to Land Use Code Section 26.415.120.A.

WHEREAS, on April 19, 2021, City Council reviewed the record on appeal. Pursuant to Resolution No. 40, Series 2021, Council reversed the decision of the HPC and remanded the matter to HPC to reconsider the application pursuant to the criteria set forth in the Aspen Land Use Code and Design Guidelines.

WHEREAS, on June 9, 2021, HPC voted to continue the application; and,

WHEREAS, on August 25, 2021, HPC reconsidered the application, the staff memo and public comment, and found the proposal consistent with the review standards and granted approval with conditions by a vote of **X to X (X-X)**.

NOW, THEREFORE, BE IT RESOLVED:

That HPC hereby approves Conceptual Major Development, Relocation, Demolition, Growth Management, Certificate of Affordable Housing Credits, and Transportation and Parking Management for 1020 E. Cooper Avenue, as follows:

Section 1: Conceptual Development, Relocation and Demolition

HPC hereby approves Conceptual Major Development, Relocation and Demolition as proposed subject to the following conditions:

1. The visual impacts of the lightwells adjacent to the resource, including minimizing curb heights and using protective grates rather than railings, requires clarification for Final review.
2. Continue to work with Referral Agencies to advance the project into Final design and permit review.
3. Provide financial assurance of \$30,000 for the relocation of the historic house until the subgrade construction is complete. The financial security is to be provided with the building permit application. Provide a relocation plan detailing how the relocation will proceed and demonstrating the contractor’s qualifications to perform the work.
4. A development application for a Final Development Plan shall be submitted within one (1) year of the date of approval of a Conceptual Development Plan. Failure to file such an application within this time period shall render null and void the approval of the Conceptual Development Plan. The Historic Preservation Commission may, at its sole discretion and for good cause shown, grant a one-time extension of the expiration date for a Conceptual Development Plan approval for up to six (6) months provided a written request for extension is received no less than thirty (30) days prior to the expiration date.
5. For the purposes of this project, minimal changes of a technical nature related to Floor Area may be approved at building permit.

Section 2: Growth Management and Certificate of Affordable Housing Credits

HPC hereby approves Growth Management, and Certificate of Affordable Housing Credits, subject to the following conditions:

1. A total of five affordable housing units shall be provided on site. The unit types and dimensions are set forth in the tables below:

| HISTORIC RESOURCE | | | | | |
|------------------------------|-------------|----------------------|----------------------------------|----------------------------------|-------------------|
| (Net Livable sq. ft.) | | | | | |
| Units | Beds | Basement (sf) | 1st Level (sf) | 2nd Level (sf) | Total (sf) |
| 1 | 2 | 462.5 | 450.5 | 103.9* | 1016.8 |
| 2 | 3 | 482.9 | 533.7 | 182.9 | 1,199.4 |

* The 2nd level consists of a storage loft accessed from the ground level

| REAR ADDITION | | | | | | |
|------------------------------|-------------|----------------------|----------------------------------|----------------------------------|----------------------------------|-------------------|
| (Net Livable sq. ft.) | | | | | | |
| Units | Beds | Basement (sf) | 1st Level (sf) | 2nd Level (sf) | 3rd Level (sf) | Total (sf) |
| 3 | 2 | 436.5 | 449.7 | X | X | 886.2 |

| | | | | | | |
|---|---|---|---|---------|-------|---------|
| 4 | 3 | X | X | 1,011.8 | X | 1,011.8 |
| 5 | 2 | X | X | X | 786.7 | 786.7 |

2. The applicant shall designate the category of each unit and shall provide APCHA with the required documentation prior to Certificate of Occupancy.
3. The category at which credits are generated for each unit shall match the category at which each unit is rented.
4. Prior to Certificate of Occupancy, a deed restriction must be recorded and must comply with the APCHA Regulations in effect at the time that said deed restriction is approved and recorded.
5. For the purposes of this project, minimal changes of a technical nature impacting unit size may be approved at building permit.

Section 3: Transportation and Parking Management

HPC hereby approves the Transportation and Parking Management as proposed subject to the following condition:

1. A total of four off-street parking spaces will be provided and one parking unit shall be mitigated via cash-in-lieu.
2. The final Transportation Impact Analysis and accompanying Mobility Measures will be finalized at building permit. Mobility Measures shall not obstruct or occupy any of the off-street parking spaces provided on the property.
3. The TDM measures shall be provided for a minimum of one (1) year.

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 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 5: 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 6: 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 25th day of August 2021.

Approved as to Form:

Approved as to Content:

Katharine Johnson, Assistant City Attorney

Kara Thompson, Chair

ATTEST:

Cindy Klob, Records Manager

RESOLUTION # X, SERIES OF 2021

A RESOLUTION OF THE ASPEN HISTORIC PRESERVATION COMMISSION (HPC) DENYING CONCEPTUAL MAJOR DEVELOPMENT, RELOCATION, DEMOLITION, GROWTH MANAGEMENT, CERTIFICATE OF AFFORDABLE HOUSING CREDITS, AND TRANSPORTATION & PARKING MANAGEMENT FOR THE PROPERTY LOCATED AT 1020 E. COOPER AVENUE, LEGALLY DESCRIBED AS THE EAST 13.79' OF LOT O AND ALL OF LOT P, BLOCK 34, EAST ASPEN ADDITION TO THE CITY OF ASPEN, COUNTY OF PITKIN, STATE OF COLORADO.

PARCEL ID: 2737-182-32-006

WHEREAS, the applicant, 1020 Cooper LLC, represented by BendonAdams, has requested HPC approval for Conceptual Major Development, Relocation, Demolition, Growth Management, Certificate of Affordable Housing Credits, and Transportation and Parking Management for the property located at 1020 E. Cooper Avenue; and,

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

WHEREAS, for Conceptual Major Development Review the HPC must review the application, a staff analysis report and the evidence presented at a hearing to determine the project’s conformance with the City of Aspen Historic Preservation Design Guidelines per Section 26.415.070.D.3.b.2 and 3 of the Municipal Code and other applicable Code Sections. The HPC may approve, disapprove, approve with conditions, or continue the application to obtain additional information necessary to make a decision to approve or deny; and,

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

WHEREAS, for approval of Demolition, the application shall meet the requirements of Aspen Municipal Code Section 26.415.080, Demolition of a Designated Property; and,

WHEREAS, for approval of Growth Management, the application shall meet the applicable provisions of Aspen Municipal Code Section 26.470, Growth Management Quota System (GMQS), including the requirements of Code Section 26.470.050.B, General, and Code Section, 26.470.100.C, Affordable Housing; and,

WHEREAS, for approval of Certificates of Affordable Housing Credits, the application shall meet the requirements of Aspen Municipal Code Section 26.540, Certificates of Affordable Housing Credits; and,

WHEREAS, for approval of Transportation and Parking Management, the application shall meet the requirements of Aspen Municipal Code Section 26.515, Transportation and Parking Management; and,

WHEREAS, Community Development Department staff reviewed the application for compliance with applicable review standards and recommended approval with conditions; and,

WHEREAS, the development of affordable housing and preservation of historic structures are supported by numerous City regulatory objectives, as described in the City of Aspen Land Use Code, and policy objectives as described in the Aspen Area Community Plan; and,

WHEREAS, on January 13, 2021, HPC reviewed the project and voted to continue the application for further restudy; and,

WHEREAS, on February 10, 2021, HPC voted to continue the application; and,

WHEREAS, on February 17, 2021, HPC considered the application, the staff memo and public comment. A motion to approve the application with conditions was made and seconded. The vote on such motion was two for and two against. Pursuant to the code, that vote was deemed a failed action. Following further discussion, a motion to deny was made and seconded. One member of the HPC who had voted in favor of the application, voted for denial for the express purpose of moving the application on given the clear divide of the HPC; and,

WHEREAS, following the denial of the application by a majority vote of the HPC, the applicant timely appealed the decision to City Council Pursuant to Land Use Code Section 26.415.120.A; and,

WHEREAS, on April 19, 2021, City Council reviewed the record on appeal. Pursuant to Resolution No. 40, Series 2021, Council reversed the decision of the HPC and remanded the matter to HPC to reconsider the application pursuant to the criteria set forth in the Aspen Land Use Code and Design Guidelines; and,

WHEREAS, on June 9, 2021, HPC voted to continue the application; and,

WHEREAS, on August 25, 2021, HPC reconsidered the application, the staff memo and public comment, and found the proposal does not meet one or more of the review standards as set forth in the record and denied the applicant's requests by a vote of **X to X (X-X)**.

NOW, THEREFORE, BE IT RESOLVED:

That HPC hereby denies the request for Conceptual Major Development, Relocation, Demolition, Growth Management, Certificate of Affordable Housing Credits, and Transportation and Parking Management for 1020 E. Cooper Avenue.

Section 1: 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 2: 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 25th day of August 2021.

Approved as to Form:

Approved as to Content:

Katharine Johnson, Assistant City Attorney

Kara Thompson, Chair

ATTEST:

Cindy Klob, Records Manager



**Exhibit A.1
Historic Preservation Design Guidelines
Staff Findings**

| Historic Preservation Design Guidelines Review Criteria for 1020 E. Cooper. | | | |
|--|-----------|---------|----------------|
| Chapter 1: Site Planning & Landscape Design | MET | NOT MET | DOES NOT APPLY |
| 1.1 All projects shall respect the historic development pattern or context of the block, neighborhood or district. | MET | | |
| 1.2 Preserve the system and character of historic streets, alleys, and ditches. | MET | | |
| 1.5 Maintain the historic hierarchy of spaces. | MET | | |
| 1.6 Provide a simple walkway running perpendicular from the street to the front entry on residential projects. | MET | | |
| 1.7 Provide positive open space within a project site. | MET | | |
| 1.8 Consider stormwater quality needs early in the design process. | MET | | |
| 1.11 Preserve and maintain historically significant landscaping on site, particularly landmark trees and shrubs. | MET | | |
| 1.12 Provide an appropriate context for historic structures. See diagram. | MET | | |
| 1.23 Re-grading the site in a manner that changes historic grade is generally not allowed and will be reviewed on a case by case basis. | MET | | |
| 1.26 Preserve the historic circulation system. | MET | | |
| Chapter 5: Rehabilitation - Porches & Balconies | MET | NOT MET | DOES NOT APPLY |
| 5.4 If reconstruction is necessary, match the original in form, character and detail. | CONDITION | | |
| 5.5 If new steps are to be added, construct them out of the same primary materials used on the original, and design them to be in scale with the porch or balcony | CONDITION | | |
| Chapter 7: Rehabilitation - Roofs | MET | NOT MET | DOES NOT APPLY |
| 7.1 Preserve the original form of a roof. | MET | | |
| 7.2 Preserve the original eave depth. | MET | | |
| Chapter 8: Rehabilitation - Secondary Structures | MET | NOT MET | DOES NOT APPLY |
| 8.1 If an existing secondary structure is historically significant, then it must be preserved. | MET | | |
| Chapter 9: New Construction - Excavation, Building Relocation & Foundations | MET | NOT MET | DOES NOT APPLY |
| 9.2 Proposals to relocate a building will be considered on a case-by-case basis. | MET | | |
| 9.3 Site a relocated structure in a position similar to its historic orientation. | MET | | |
| 9.4 Position a relocated structure at its historic elevation above grade. | MET | | |
| 9.6 Minimize the visual impact of lightwells. | CONDITION | | |
| 9.7 All relocations of designated structures shall be performed by contractors who specialize in moving historic buildings, or can document adequate experience in successfully relocating such buildings. | CONDITION | | |



**Exhibit A.1
Historic Preservation Design Guidelines
Staff Findings**

| Chapter 10: New Construction - Building Additions | MET | NOT MET | DOES NOT APPLY |
|--|------------|----------------|-----------------------|
| 10.2 A more recent addition that is not historically significant may be removed. | MET | | |
| 10.3 Design a new addition such that one's ability to interpret the historic character of the primary building is maintained. | MET | | |
| 10.4 The historic resource is to be the focus of the property, the entry point, and the predominant structure as viewed from the street. | MET | | |
| 10.6 Design a new addition to be recognized as a product of its own time. | MET | | |
| 10.8 Design an addition to be compatible in size and scale with the main building. | MET | | |
| 10.10 Place an addition at the rear of a primary building or set it back substantially from the front to minimize the visual impact on the historic structure and to allow the original proportions and character to remain prominent. | MET | | |
| 10.11 Roof forms shall be compatible with the historic building. | MET | | |
| 10.12 Design an addition to a historic structure that does not destroy or obscure historically important architectural features. | MET | | |
| Chapter 11: New Buildings on Landmarked Properties | MET | NOT MET | DOES NOT APPLY |
| 11.1 Orient the new building to the street. | MET | | |
| 11.2 In a residential context, clearly define the primary entrance to a new building by using a front porch. | MET | | |
| 11.3 Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel. | MET | | |
| 11.4 Design a front elevation to be similar in scale to the historic building. | MET | | |
| 11.6 Design a new structure to be recognized as a product of its time. | MET | | |
| 11.7 The imitation of older historic styles is discouraged. | MET | | |
| Chapter 12: Accessibility, Lighting, Mech. Equipment, Services Areas & Signs | MET | NOT MET | DOES NOT APPLY |
| 12.1 Address accessibility compliance requirements while preserving character defining features of historic buildings and districts. | MET | | |
| 12.4 Minimize the visual impacts of utilitarian areas, such as mechanical equipment and trash storage. | MET | | |



26.415.070.D Major Development. No building, structure or landscape shall be erected, constructed, enlarged, altered, repaired, relocated or improved involving a designated historic property or a property located within a Historic District until plans or sufficient information have been submitted to the Community Development Director and approved in accordance with the procedures established for their review. An application for a building permit cannot be submitted without a development order.

1. Conceptual Development Plan Review

b) The procedures for the review of conceptual development plans for major development projects are as follows:

- 1) The Community Development Director shall review the application materials submitted for conceptual or final development plan approval. If they are determined to be complete, the applicant will be notified in writing of this and a public hearing before the HPC shall be scheduled. Notice of the hearing shall be provided pursuant to Section 26.304.060.E.3 Paragraphs a, b and c.
- 2) Staff shall review the submittal material and prepare a report that analyzes the project's conformance with the design guidelines and other applicable Land Use Code sections. This report will be transmitted to the HPC with relevant information on the proposed project and a recommendation to continue, approve, disapprove or approve with conditions and the reasons for the recommendation. The HPC will review the application, the staff analysis report and the evidence presented at the hearing to determine the project's conformance with the City Historic Preservation Design Guidelines.
- 3) The HPC may approve, disapprove, approve with conditions or continue the application to obtain additional information necessary to make a decision to approve or deny.
- 4) A resolution of the HPC action shall be forwarded to the City Council in accordance with Section 26.415.120 - Appeals, notice to City Council, and call-up. No applications for Final Development Plan shall be accepted by the City and no associated permits shall be issued until the City Council takes action as described in said section.

Relevant Historic Preservation Design Guidelines for Conceptual Review of this application:

1.1 All projects shall respect the historic development pattern or context of the block, neighborhood or district.

- Building footprint and location should reinforce the traditional patterns of the neighborhood.
- Allow for some porosity on a site. In a residential project, setback to setback development is typically uncharacteristic of the historic context. Do not design a project which leaves no useful open space visible from the street.

1.2 *Preserve the system and character of historic streets, alleys, and ditches.*

When HPC input is requested, the following bullet points may be applicable.

- Retain and preserve the variety and character found in historic alleys, including retaining historic ancillary buildings or constructing new ones.
- Retain and preserve the simple character of historic ditches. Do not plant flowers or add landscape.
- Abandoning or re-routing a street in a historic area is generally discouraged.
- Consider the value of unpaved alleys in residential areas.
- Opening a platted right of way which was abandoned or never graded may be encouraged on a case by case basis.

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.

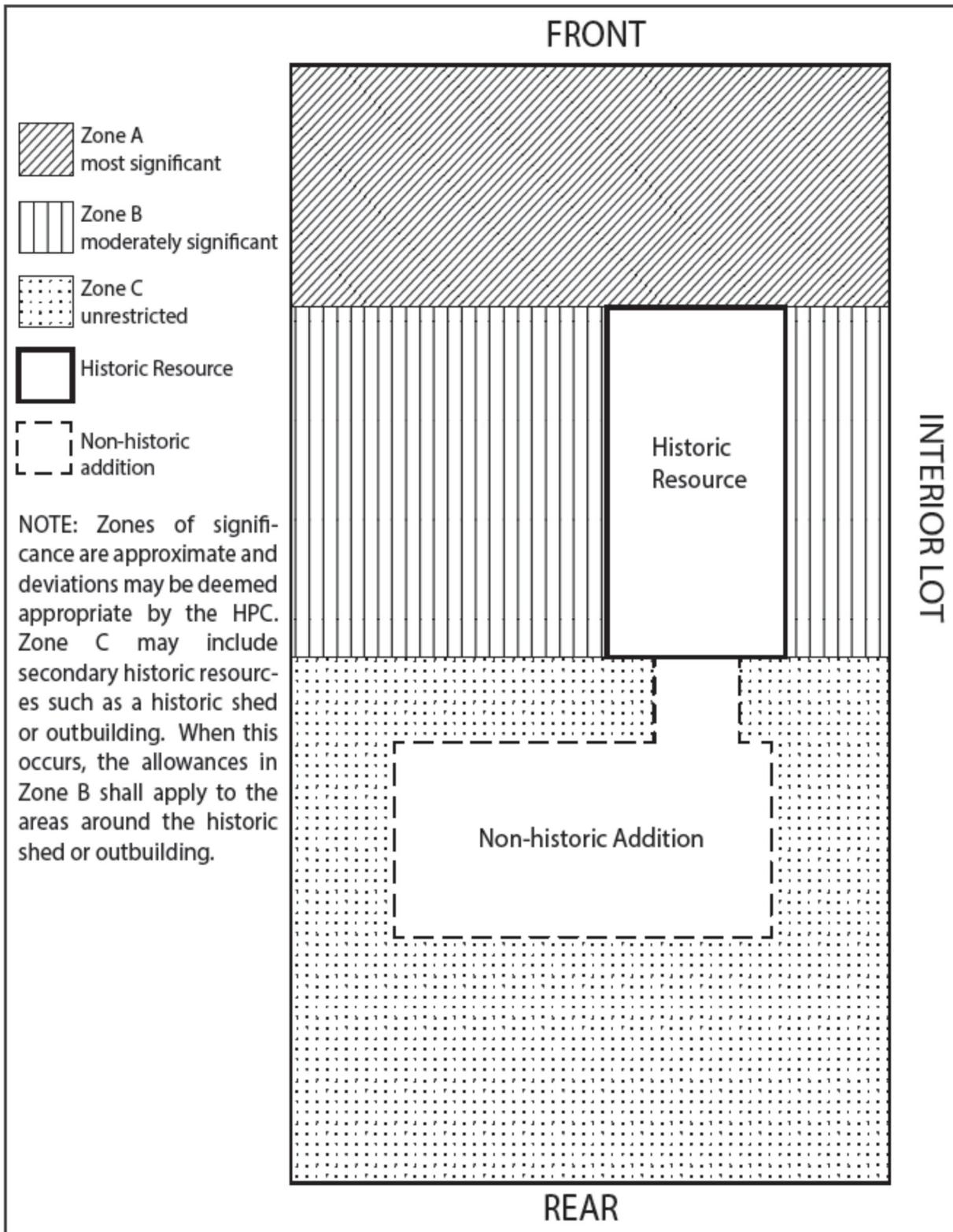
1.11 *Preserve and maintain historically significant landscaping on site, particularly landmark trees and shrubs.*

- 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.



1.23 Re-grading the site in a manner that changes historic grade is generally not allowed and will be reviewed on a case by case basis.

1.26 Preserve the historic circulation system.

- Minimize the impact of new vehicular circulation.
- Minimize the visual impact of new parking.
- Maintain the separation of pedestrian and vehicle which occurred historically.

5.4 If reconstruction is necessary, match the original in form, character and detail.

- Match original materials.
- When reconstructing an original porch or balcony without historic photographs, use dimensions and characteristics found on comparable buildings. Keep style and form simple with minimal, if any, decorative elements.

5.5 If new steps are to be added, construct them out of the same primary materials used on the original, and design them to be in scale with the porch or balcony

- Steps should be located in the original location.
- Step width should relate to the scale of entry doors, spacing between posts, depth of deck, etc.
- Brick, red sandstone, grey concrete, or wood are appropriate materials for steps.

7.1 Preserve the original form of a roof.

- Do not alter the angle of a historic roof. Preserve the orientation and slope of the roof as seen from the street.
- Retain and repair original and decorative roof detailing.
- Where the original roof form has been altered, consider restoration.

7.2 Preserve the original eave depth.

- Overhangs contribute to the scale and detailing of a historic resource.
- AspenModern properties typically have very deep or extremely minimal overhangs that are key character defining features of the architectural style.

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.

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.

9.6 Minimize the visual impact of lightwells.

- The size of any lightwell that faces a street should be minimized.
- Lightwells must be placed so that they are not immediately adjacent to character defining features, such as front porches.
- Lightwells must be protected with a flat grate, rather than a railing or may not be visible from a street.
- Lightwells that face a street must abut the building foundation and generally may not “float” in the landscape except where they are screened, or on an AspenModern site.

9.7 All relocations of designated structures shall be performed by contractors who specialize in moving historic buildings, or can document adequate experience in successfully relocating such buildings.

- The specific methodology to be used in relocating the structure must be approved by the HPC.
- During the relocation process, panels must be mounted on the exterior of the building to protect existing openings and historic glass. Special care shall be taken to keep from damaging door and window frames and sashes in the process of covering the openings. Significant architectural details may need to be removed and securely stored until restoration.
- The structure is expected to be stored on its original site during the construction process. Proposals for temporary storage on a different parcel will be considered on a case by case basis and may require special conditions of approval.
- A historic resource may not be relocated outside of the City of Aspen.

10.2 A more recent addition that is not historically significant may be removed.

- For Aspen Victorian properties, HPC generally relies on the 1904 Sanborn Fire Insurance maps to determine which portions of a building are historically significant and must be preserved.
- HPC may insist on the removal of non-historic construction that is considered to be detrimental to the historic resource in any case when preservation benefits or variations are being approved.

10.3 *Design a new addition such that one's ability to interpret the historic character of the primary building is maintained.*

- A new addition must be compatible with the historic character of the primary building.
- An addition must be subordinate, deferential, modest, and secondary in comparison to the architectural character of the primary building.
- An addition that imitates the primary building's historic style is not allowed. For example, a new faux Victorian detailed addition is inappropriate on an Aspen Victorian home.
- An addition that covers historically significant features is inappropriate.
- Proposals on corner lots require particular attention to creating compatibility.

10.4 *The historic resource is to be the focus of the property, the entry point, and the predominant structure as viewed from the street.*

- The historic resource must be visually dominant on the site and must be distinguishable against the addition.
- The total above grade floor area of an addition may be no more than 100% of the above grade floor area of the original historic resource. All other above grade development must be completely detached. HPC may consider exceptions to this policy if two or more of the following are met:
 - The proposed addition is all one story
 - The footprint of the new addition is closely related to the footprint of the historic resource and the proposed design is particularly sensitive to the scale and proportions of the historic resource
 - The project involves the demolition and replacement of an older addition that is considered to have been particularly detrimental to the historic resource
 - The interior of the resource is fully utilized, containing the same number of usable floors as existed historically
 - The project is on a large lot, allowing the addition to have a significant setback from the street
 - There are no variance requests in the application other than those related to historic conditions that aren't being changed
 - The project is proposed as part of a voluntary AspenModern designation, or
 - The property is affected by non-preservation related site specific constraints such as trees that must be preserved, Environmentally Sensitive Areas review, etc.

10.6 *Design a new addition to be recognized as a product of its own time.*

- An addition shall be distinguishable from the historic building and still be visually compatible with historic features.
- A change in setbacks of the addition from the historic building, a subtle change in material, or a modern interpretation of a historic style are all techniques that may be considered to help define a change from historic construction to new construction.
- Do not reference historic styles that have no basis in Aspen.

- Consider these three aspects of an addition; **form, materials, and fenestration**. An addition must relate strongly to the historic resource in at least two of these elements. Departing from the historic resource in one of these categories allows for creativity and a contemporary design response.
- Note that on a corner lot, departing from the form of the historic resource may not be allowed.
- There is a spectrum of appropriate solutions to distinguishing new from old portions of a development. Some resources of particularly high significance or integrity may not be the right instance for a contrasting addition.

10.8 Design an addition to be compatible in size and scale with the main building.

- An addition that is lower than, or similar to the height of the primary building, is preferred.

10.10 Place an addition at the rear of a primary building or set it back substantially from the front to minimize the visual impact on the historic structure and to allow the original proportions and character to remain prominent.

- Locating an addition at the front of a primary building is inappropriate.
- Additions to the side of a primary building are handled on a case-by-case basis and are approved based on site specific constraints that restrict rear additions.
- Additional floor area may also be located under the building in a basement which will not alter the exterior mass of a building.

10.11 Roof forms shall be compatible with the historic building.

- A simple roof form that does not compete with the historic building is appropriate.
- On Aspen Victorian properties, a flat roof may only be used on an addition to a gable roofed structure if the addition is entirely one story in height, or if the flat roofed areas are limited, but the addition is primarily a pitched roof.

10.12 Design an addition to a historic structure that does not destroy or obscure historically important architectural features.

- Loss or alteration of architectural details, cornices, and eavelines must be avoided.

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.

11.7 The imitation of older historic styles is discouraged.

- This blurs the distinction between old and new buildings.
- Overall, details shall be modest in character.

12.1 Address accessibility compliance requirements while preserving character defining features of historic buildings and districts.

- All new construction must comply completely with the International Building Code (IBC) for accessibility. Special provisions for historic buildings exist in the law that allow some flexibility when designing solutions which meet accessibility standards.

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 Findings: Guidelines applicable to this level of review address Site Planning and Landscape Design, Porches, Roofs, Secondary Structures, Relocation, Additions, New Structures on a Landmark Property, and Accessibility and Service Areas.

The proposal to site the historic structure at the front of this property with a detached addition is in keeping with historic preservation goals to minimize alterations made directly to a historic resource. There are only a few examples of miner's cottages in Aspen that have been preserved



Exhibit A.1 Historic Preservation Design Guidelines Staff Findings

as a free-standing structure as this one will be. This is particularly important given the small size of this building type in comparison to the amount of square footage that the property owner has the expectation to expand to under Aspen's zoning allowances. In addition, the plan to program the historic resource as mandatory occupancy housing will activate the historic resource in a way that HPC has valued in past discussions.

No variations are needed for this project and the applicant plans a traditional landscaped setting adjacent to the historic resource with grass and planting beds. A tree that straddles the property line with the neighbor to the east is being preserved in coordination with the requirements of the Parks Department. Parking and infrastructure are all designed to meet City requirements and located at the rear of the site as required. A preliminary stormwater mitigation plan is provided, indicating a drywell will be located within the parking area. This strategy is appropriate and has no impact on the historic resource.

The historic resource is to be placed on a new basement. The basement includes the required egress lightwells, which have been located discretely on the sides of the building. The visual impacts of the lightwells, including curb heights and protective grates, needs to be minimized and is a condition of approval.

Inspection of the home on this site has revealed that it is two separately constructed Victorian era buildings which, early in their history, were butted against each other in an L form and "stitched" together. This creates some challenging conditions, including differing north-south and east-west ridge heights. This property is outside of the area covered by the turn of the century fire insurance maps that are often relied on for documentation of changes to buildings. No historic photos have been located and exterior materials and windows have been altered over time. Based on the existing information it has not been possible to tell whether or not the house had a front porch. The applicant proposes one, which staff supports. It is designed so as to extend the roofline of the existing shed pitch at the front of the building. Details of the porch are to be reviewed at Final. The overall approach with regard to rehabilitation of this resource is to reflect common characteristics of Aspen's mining era homes. On-going physical inspection and careful review of any new evidence uncovered during the construction process will be necessary.

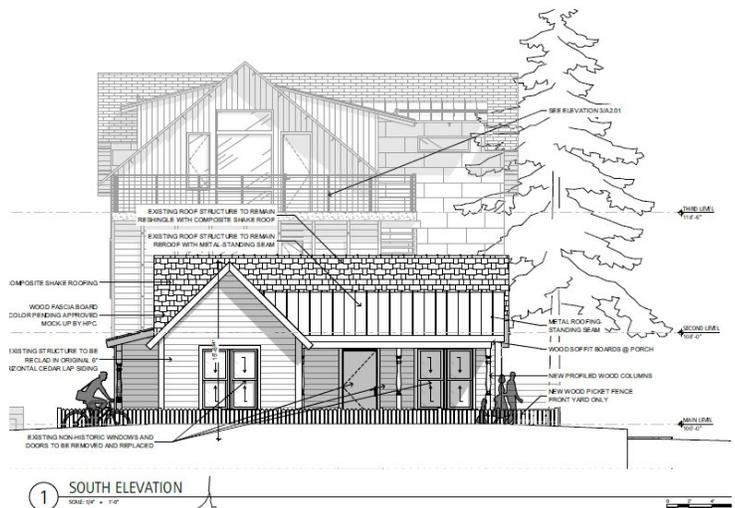
During review of a previous redevelopment proposal for the site, removal of the 1960s rear lean-to addition on the north side of the resource was promoted by staff and HPC. This was primarily because the applicant intended to use that addition as the required connector between new and old construction, which was found to be unsuccessful because the element did not meet the length and width characteristics typically required for this feature. As an existing addition that has already had impacts on the integrity of the rear façade of the Victorian era construction staff finds that removal of the 60s expansion is not a priority for the current proposal, and HPC cannot insist on it because the project involves no requests for bonuses or variances (see Guideline 10.2).

The application does include very modest expansions to the historic structure in the form of a westward extension of the lean-to and a new dormer on the roof to add living space. Staff finds that the lean-to, including an entry porch for the rear unit in the house, is appropriate and has no impact on historic fabric. The work also helps to distinguish the rear construction as of a different era. The detailing and materiality that can be used to subtly reinforce this will be discussed at Final. Staff supports the proposed new dormer because, similarly, it adds living space to the front structure without affecting historic fabric. The dormer is

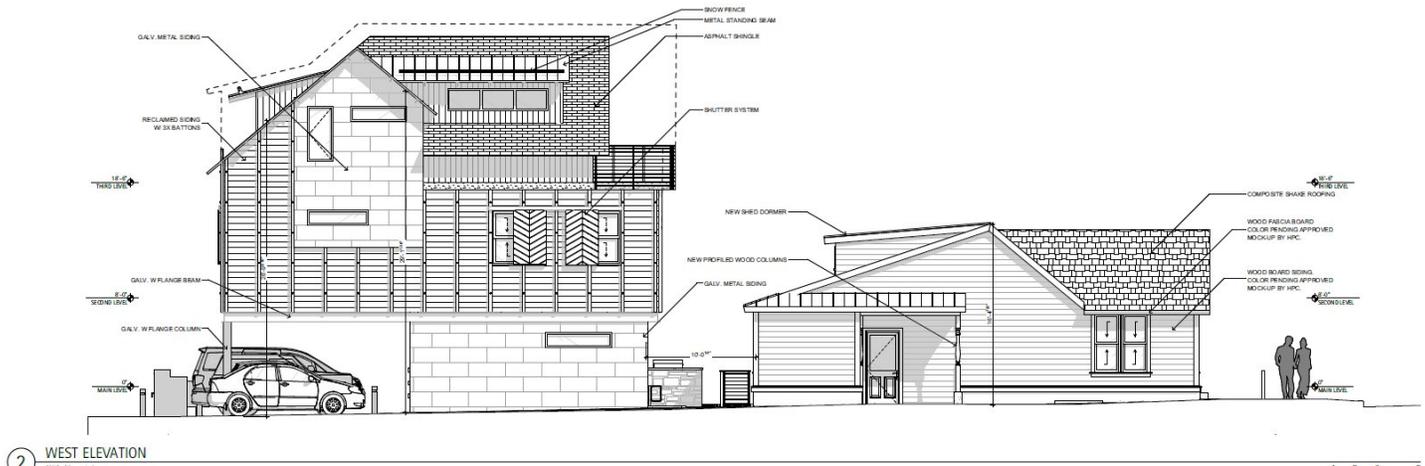


Regarding the proposed new structure, it is in fact notably larger than the historic resource, but the resource is particularly small in footprint and diminutive in height, making it difficult to express the development rights allowed on the site in a similar form. The fact that the expansion is detached very significantly reduces its historic preservation impact. The applicable guidelines for new construction as expressed in Chapter 11 are primarily written to anticipate a new structure being proposed directly next to a historic resource, for instance in a historic landmark lot split where the new and old structures would be side by side. The impact of the height of the rear building on the historic resource will be reduced because of its placement some distance behind it.

Staff supports the proposed new structure as the appropriate gestures towards the historic resource have been made. The context of the property, and the fact that it is a mid-block lot, allow for the addition to appear as a backdrop. It is unnecessary for the new building to have a front porch, as suggested by guideline 11.2, because



there would be no visibility from the street. The architect has creating a relationship to the historic structure by using roof forms and material references as required by guideline 11.6. The plate height on the upper floor is low at building corners, with dormers used to balance massing and livability considerations. Based on HPC feedback at the last hearing, the applicant reduced mass on the upper floor and created a break in the vertical plane of the south façade so that the new structure steps down in height adjacent to the resource. Height and mass have also been reduced to the benefit of the neighbors on the east and west, and the alley, as depicted on the previous page, and below.



Staff finds the design guidelines to be met for Conceptual approval. Additional details of the front porch design, and minimization of the impact of the curb height and grates on the lightwells serving the historic home's basement will be needed in the next step of the review process.

| Review Criteria for 1020 E. Cooper Avenue | | | |
|--|-----------|---------|----------------|
| Summary of Review Criteria for Relocation Request | | | |
| 26.415.090.C - Relocation for a building, structure or object will be approved if it is determined that it meets any one of the following: | MET | NOT MET | DOES NOT APPLY |
| 1. It is considered a noncontributing element of a historic district and its relocation will not affect the character of the historic district; or | | | 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 | | NOT MET | |
| 3. The owner has obtained a certificate of economic hardship; or | | NOT MET | |
| 4. The relocation activity is demonstrated to be an acceptable preservation method given the character and integrity of the building, structure or object and its move will not adversely affect the integrity of the Historic District in which it was originally located or diminish the historic, architectural or aesthetic relationships of adjacent designated properties; and | MET | | |
| Additionally, for approval to relocate all of the following criteria must be met: | | | |
| 1. It has been determined that the building, structure or object is capable of withstanding the physical impacts of relocation; | MET | | |
| 2. An appropriate receiving site has been identified; and | MET | | |
| 3. An acceptable plan has been submitted providing for the safe relocation, repair and preservation of the building, structure or object including the provision of the necessary financial security. | CONDITION | | |

26.415.090.C. Standards for the relocation of designated properties. Relocation for a building, structure or object will be approved if it is determined that it meets any one of the following standards:

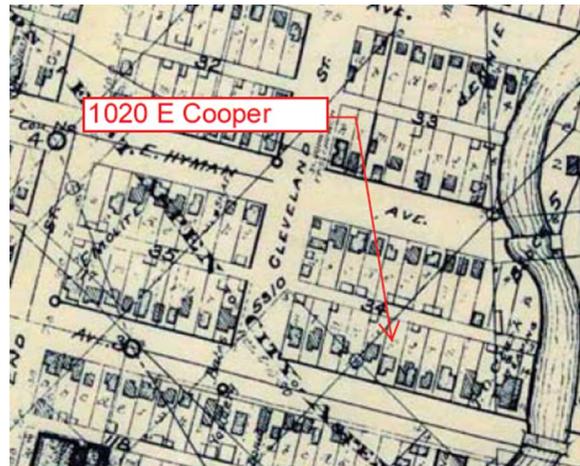
1. It is considered a noncontributing element of a historic district and its relocation will not affect the character of the historic district; or
2. It does not contribute to the overall character of the historic district or parcel on which it is located and its relocation will not have an adverse impact on the Historic District or property; or
3. The owner has obtained a certificate of economic hardship; or
4. The relocation activity is demonstrated to be an acceptable preservation method given the character and integrity of the building, structure or object and its move will not adversely affect the integrity of the Historic District in which it was originally located or diminish the historic, architectural or aesthetic relationships of adjacent designated properties; and

Additionally, for approval to relocate all of the following criteria must be met:

1. It has been determined that the building, structure or object is capable of withstanding the physical impacts of relocation;
2. An appropriate receiving site has been identified; and
3. An acceptable plan has been submitted providing for the safe relocation, repair and preservation of the building, structure or object including the provision of the necessary financial security.

Staff Findings: The applicant proposes relocation of the existing structure approximately 11' towards the front lot line and 2' away from the east lot line. No variations are requested. Based on HPC comments at the last hearing, the resource is to be 6'6" from the front lot line, rather than 5.' The applicant has demonstrated that this is consistent with the approved setback in other HPC approved projects in the core of town and it offers adequate area to provide a landscaped foreground to the structure.

There are two other Victorian era homes on this blockface, though a non-historic apartment building sits between 1020 and those other resources, disrupting any strong relationship between them. Based on the 1896 Willit's map seen at right, and the current aerial image below, buildings on this blockface have historically lacked a consistent front setback. (Please note that the map at right also demonstrates that the existing outbuildings were not present in the Victorian era.) Staff finds that the proposed on-site relocation of this home is an appropriate preservation outcome because it will provide separation between the historic resource and the new construction, and will improve the visibility of the historic structure. It will not disrupt the integrity of the relationship between this historic resource and any others.



The applicant has provided a structural engineer's preliminary finding that the historic resource can be safely relocated. Standard conditions of approval regarding appropriate relocation techniques, and a security to be held by the City during construction are included in the resolution.

Staff finds that the relocation criteria highlighted above are met and recommends HPC grant approval.

Review Criteria for 1020 E. Cooper Avenue

Summary of Review Criteria for Demolition Request

| 26.415.080.A.4 - Demolition shall be approved if it is demonstrated that the application meets any one of the following criteria: | MET | NOT MET | DOES NOT APPLY |
|---|-----|---------|----------------|
| a) The property has been determined by the City to be an imminent hazard to public safety and the owner/applicant is unable to make the needed repairs in a timely manner, | | NOT MET | |
| b) The structure is not structurally sound despite evidence of the owner's efforts to properly maintain the structure, | | NOT MET | |
| c) The structure cannot practically be moved to another appropriate location in Aspen, or | | NOT MET | |
| d) No documentation exists to support or demonstrate that the property has historic, architectural, archaeological, engineering or cultural significance. | MET | | |
| Additionally, for approval to demolish all of the following criteria must be met: | | | |
| a) The structure does not contribute to the significance of the parcel or Historic District in which it is located and | MET | | |
| b) The loss of the building, structure or object would not adversely affect the integrity of the Historic District or its historic, architectural or aesthetic relationship to adjacent designated properties and | MET | | |
| c) Demolition of the structure will be inconsequential to the historic preservation needs of the area. | MET | | |

26.415.080. Demolition of designated historic properties or properties within a historic district. It is the intent of this Chapter to preserve the historic and architectural resources that have demonstrated significance to the community. Consequently, no demolition of properties designated on the Aspen Inventory of Historic Landmark Site and Structures or properties within a Historic District will be allowed unless approved by the HPC in accordance with the standards set forth in this Section.

- 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:



Exhibit A.3 Demolition Staff Findings

- a) The property has been determined by the City to be an imminent hazard to public safety and the owner/applicant is unable to make the needed repairs in a timely manner,
- b) The structure is not structurally sound despite evidence of the owner's efforts to properly maintain the structure,
- c) The structure cannot practically be moved to another appropriate location in Aspen or
- d) No documentation exists to support or demonstrate that the property has historic, architectural, archaeological, engineering or cultural significance and

Additionally, for approval to demolish, all of the following criteria must be met:

- a) The structure does not contribute to the significance of the parcel or Historic District in which it is located and
- b) The loss of the building, structure or object would not adversely affect the integrity of the Historic District or its historic, architectural or aesthetic relationship to adjacent designated properties and
- c) Demolition of the structure will be inconsequential to the historic preservation needs of the area.

Staff Findings: Two outbuildings at the rear of the property are proposed for demolition. The construction date of these buildings is unknown. Neither appear on historic maps from the Victorian era, demonstrating that they were not built concurrent with the primary home. The buildings are not seen in 1920s era photos of the site available from the Aspen Historical Society. They are in place in a 1974 aerial photo of the site.

The property was designated as a representation of the 19th century development of Aspen, therefore staff finds that removal of these structures meets the criteria highlighted above and recommends HPC approval.



26.470.080, General Review Standards

| Review Criteria for 1020 E. Cooper | | | |
|--|------------|----------------|-----------------------|
| The HPC may approve, approve with conditions or deny and application for Growth Management Review based on the review criteria applicable to the specific type of development. | | | |
| All development applications for growth management review shall comply with the following standards: | MET | NOT MET | DOES NOT APPLY |
| <i>Sufficient Allotments.</i> 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. | MET | | |
| <i>Development Conformance.</i> 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. | MET | | |
| <i>Public Infrastructure and Facilities.</i> 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. | MET | | |
| <i>Affordable Housing Mitigation.</i> (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(h). (3) For the redevelopment of existing commercial net leasable space that did not previously mitigate (see Section 26.470.070(e)), the mitigation requirements for affordable housing shall be phased at fifteen percent (15%) beginning in 2017, and by three percent (3%) each year thereafter until sixty-five percent (65%) is reached. | | | N/A |
| 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. | | | N/A |
| 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. | | | N/A |
| For essential public facility development, mitigation shall be determined based on Section 26.470.110(d). | | | N/A |

| Review Criteria for 1020 E. Cooper | | | |
|---|-----|---------|----------------|
| The HPC may approve, approve with conditions or deny and application for Growth Management Review based on the review criteria applicable to the specific type of development. | | | |
| All development applications for growth management review shall comply with the following standards: | MET | NOT MET | DOES NOT APPLY |
| <p>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:</p> <p>a. The proposed units comply with the Guidelines of the Aspen/Pitkin County Housing Authority, as amended.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e. If the total mitigation requirement for a project is less than .25 FTEs, a cash-in-lieu payment may be made by right. If the total mitigation requirement for a project is .25 or more FTEs, a cash-in-lieu payment shall require City Council approval, pursuant to Section 26.470.110(c).</p> <p>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.</p> <p>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.</p> | MET | | |
| 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). | MET | | |

This application requests five affordable housing allotments. According to Land Use Code Section 26.470.030.D, no annual growth limit applies to affordable housing. This is in recognition of the high priority placed on the development of affordable housing to meet community needs. The property is in the Residential Multi-Family (RMF) zone district, which is intended for intensive long-term residential purposes. The zone district anticipates dense multi-family development, as seen in adjacent structures to the development site.

The proposed affordable housing units are consistent with the residential uses in the eastern area of town and the permitted uses of the zone district. As depicted in Figure 1, many of the surrounding properties contain residential multi-family dwellings, including the adjacent properties to the east and west.

Before Certificate of Occupancy is granted for the project, the applicant will work with APCA to deed restrict each unit at the category deemed appropriate.

Staff finds that the review criteria for Growth Management are met.

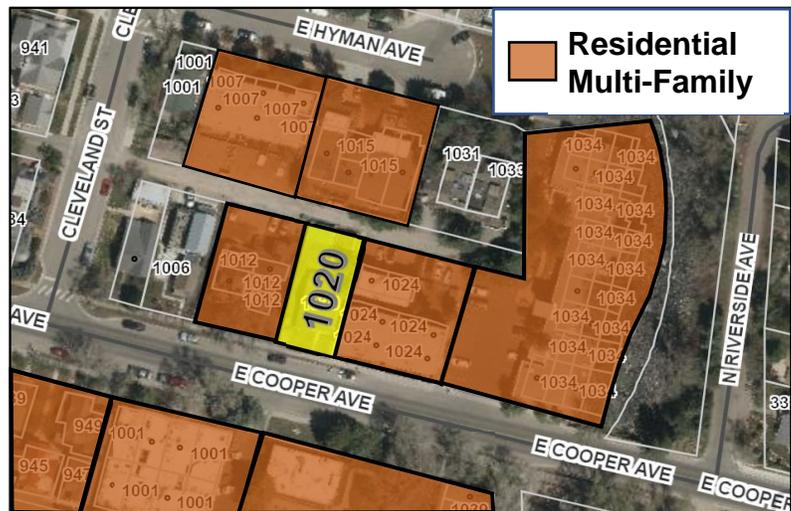


Figure 1: Residential Multi-Family Development Surrounding 1020 E. Cooper



26.540.070, Review Criteria for establishing an affordable housing credit.

| | | | |
|---|------------|---------|----------------|
| An Affordable Housing Credit may be established by the HPC if all of the following criteria are met. The proposed units do not need to be constructed prior to this review. | MET | NOT MET | DOES NOT APPLY |
| The proposed affordable housing unit(s) comply with the review standards of Section 26.470.070.4(a-d). | MET | | |
| The affordable housing unit(s) are not an obligation of a Development Order and are not otherwise required by this Title to mitigate the impacts of development. | MET | | |

Staff Findings:

The minimum size requirements are met by two of the five units. Three of the units are slightly below the minimum size requirements prescribed by APCHA guidelines but are well within the 20 percent buffer that can be administratively approved and has been accepted by APCHA. Given the amenities provided to the units, including private balconies and porches, outside common space, as well as extra storage for each residence, staff finds that a slight reduction in unit size is appropriate. Additionally, at least 50 percent of the Net Livable area associated with each unit is above finished or natural grade- whichever is more restrictive. Staff finds that granting 12.75 FTEs to this project is appropriate.

| APCHA Standards | |
|------------------------|---------------------------|
| Unit Type | Occupancy Standard |
| One bedroom | 1.75 FTEs/Unit |
| Two-bedroom | 2.25 FTEs/Unit |
| Three-bedroom | 3.00 FTEs/Unit |

| PROPOSED CERTIFICATES | | |
|------------------------------|---------------------|------------|
| Two-bedroom | 3 Units x 2.25 FTEs | =6.75 FTEs |
| Three-bedroom | 2 Units X 3.00 FTEs | =6 FTEs |
| Total Proposed | 12.75FTEs | |



26.515.060.C, Transportation & Parking Management

| Review Criteria for 1020 E. Cooper 26.515.060.C - Transportation & Parking Management Review Criteria | | | |
|--|------------|----------------|-----------------------|
| | MET | NOT MET | DOES NOT APPLY |
| All development and redevelopment projects are required to submit a Mobility Plan, which shall include and describe a project's mitigations for TIA and Parking Requirements. The Engineering, Transportation, and Community Development Department staff shall determine whether the project conforms to this Chapter requirements using the following standards: | MET | | |
| Project TIA and the resulting mitigation program meets requirements for exempt, minor or major project categories as outlined in the TIA Guidelines. | MET | | |
| Project provides full mitigation for the Parking Requirements pursuant to Section 26.515.050. | MET | | |
| The development conforms to the requirements and limitations of the zone district. | MET | | |
| If existing development is expanded, additional Parking Requirements shall be provided for that increment of the expansion. | | | N/A |
| If existing development is redeveloped, on-site parking deficits may not be maintained unless all parking, or at least 20 spaces are provided as Public Parking. | | | N/A |

Staff Findings:

Pursuant to the Land Use Code, one parking unit is required for each affordable housing (AH) unit; in this case, five parking units for five AH units. The Residential Multi-Family (RMF) zone district allows 100 percent of parking mitigation to be met via cash-in-lieu or via a combination of cash-in-lieu and on-site parking. Four onsite parking spaces are proposed, including one ADA-accessible space. These spaces are accessed from the rear alley and located beneath a covered area associated with the rear addition. Remaining parking mitigation will be met with cash-in-lieu. Staff supports the parking mitigation as proposed. Providing on-site parking is generally preferred to cash-in-lieu as it reduces transportation impacts to the surrounding neighborhood. In this case, 80 percent of required parking mitigation will be met on-site, which is a major benefit for tenants and contributes to the livability and quality of this project. Given the residential use of the surrounding neighborhood, plenty of on-street parking exists throughout the immediate area. Lastly, the proximity of this property to the commercial core and public transportation facilities will further reduce vehicle use for tenants. Again, it should be emphasized that 100 percent of parking mitigation may be met via cash-in-lieu. The applicant plans to provide 80 percent of required parking mitigation on-site, which staff considers a benefit to tenants and the surrounding neighborhood.

In addition to the on-site parking, the applicant has completed the Transportation Impact Analysis (TIA) for this project and plans to provide a range of Mobility Measures to satisfy the requirements of the Engineering and Parking Departments. At this point, the applicant has indicated that

subscriptions to car-sharing and bike sharing services will be made available to tenants for one year. Staff finds that providing a TDM for one year meets the applicability of this project. Additionally, bicycle parking will be provided on-site, and other infrastructure improvements will be made to encourage alternative transportation choices. The TIA is subject to change and will be assessed at building permit. Staff included a condition in the Resolution prohibiting Mobility Measures from occupying any of the off-street parking spaces on the property.

Staff finds that this application meets the minimum parking and TIA requirements for the property.



City of Aspen
Historic Preservation Commission
130 South Galena Street, 3rd floor
Aspen, CO 81611

June 9, 2021

Re: 1020 East Cooper Project Remand

Dear Historic Preservation Commission and Community Development,

Thank you for reconsidering the 1020 East Cooper Street Project. We value your comments and appreciate the opportunity to continue to discuss this important project with HPC. The Project before you is consistent with the February 17th hearing. During the design development process and based on comments from the January HPC hearing, we have explored every option for this project with numerous subconsultants. We have exhausted every design alternative available to this lot without compromising the primary goal to balance historic preservation with affordable housing. The 1020 Project preserves the landmark, meets the historic preservation design guidelines, and meets or exceeds the requirements of the Land Use Code – below grade space is maximized, housing units are efficient and sized appropriately, trash requirements are met onsite, parking is exceeded onsite, engineering design requirements are met, non-conformities are cured, and extra storage is included - and all of this is accommodated without any Code variations.

After the City Council remand, we re-examined the project in comparison to the Historic Preservation Design Guidelines with fresh eyes so as to explore any new design ideas. We also reassessed the guidelines with additional background information for HPC to consider when balancing the appropriate guidelines for this project. [Exhibit 1](#) is rewritten to add a clearer explanation of the Project, the intent of the Guidelines, and to incorporate adopted community policy into the discussion.

We appreciate your review of the 1020 East Cooper Project as an appropriate and important balancing of community objectives fully within the Land Use Code.

A summary of Land Use Code reviews and project dimensions is provided below.

Historic Preservation

The 1020 Project preserves a unique landmark that comprises two attached buildings and adapts the property to multi-family housing, which is likely its original use. The Design Guidelines are met in the proposal as demonstrated in Exhibit 1, and the project is contextual to the neighborhood and historic development patterns (HPDG 1.1, [Exhibit 1 Pages 1 to 4](#)).

An analysis of existing setback conditions in the block demonstrates the appropriateness of the proposed 6'6" front setback requested for the landmark, specifically in consideration of the Project not seeking any setback variations compared to other properties that have larger front setbacks, but also have side or rear yard setback variations. Pushing the landmark further back on the site will compromise its visibility and prominence from Cooper Street, and starts to infringe on the required protection zone around the preserved spruce tree. In addition, shifting the entire project toward the alley reduces window sizes and overall livability of the units based on Fire Code requirements for property line protection.

HPDG 1.1 All projects shall respect the historic development pattern or context of the block, neighborhood or district.

Many community goals are achieved through the proposed building location including:

2012 AACP Policy IV.1 Affordable housing should be designed for the highest practical energy efficiency and livability; and

2012 AACP Policy IV.5 The design of new affordable housing should optimize density while demonstrating compatibility with the massing, scale and character of the neighborhood.

HPDG Chapter 1 Site Planning & Landscape Design HPC's intent is that any project acknowledges the history of the surrounding area and uses the strongest and most common features as a framework for proposed development.

HPDG Chapter 9 Excavation, Building Relocation & Foundations It may be acceptable to reposition a structure on its original site if doing so will accommodate other compatible improvements that will assure preservation.

Mass and scale are addressed by significantly reducing the third floor footprint with setbacks, dormers, and façade undulations to effectively create a "loft" housing unit that is offset with decks facing Aspen Mountain and Red Mountain (HPDG 11.3, 11.4, 11.5, 11.6, [Exhibit 1 pages 23 to 27](#)). The primary plane of the new building measured to the third floor deck is roughly 4' taller than the ridge of the historic resource, and the new building is setback 10' from the landmark (HPDG 11.4, [Exhibit 1 page 26](#)).

HPDG 11.3 Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel.

HPDG 11.4 Design a front elevation to be similar in scale to the historic building.

HPDG 11.5 The intent of the historic landmark lot split is to remove most of the development potential from the historic resource and place it in the new structure.

HPDG 11.6 Design a new structure to be recognized as a product of its own time.

As noted in the Historic Preservation Design Guidelines Introduction to Chapter 11, shifting floor area to detached new construction is preferred when balancing a historic preservation project.

HPDG Chapter 11 Introduction A new building must be compatible in mass and scale with its historic neighbor and not overwhelm it. At the same time, minimizing any addition to the historic resource and shifting square footage to the new structure is generally desired.

This Project is consistent with existing, past, and future neighborhood development (HPDG Chapter 1 Introduction, noted below) – it is located between three story buildings to the east and west of the 1020 property. Based on the City’s strict multi-family replacement Land Use Code requirements, it can be reasonably assumed that the existing multi-family buildings in the vicinity will not be redeveloped and reduced in size or height. The new building at the rear of the 1020 property successfully completes the streetscape in this high density residential neighborhood, meets community goals to optimize density for affordable housing projects, and preserves a one story historic cabin at the front of the property.

HPDG Chapter 1 Introduction The defining elements of the site need to be identified, and the placement of the historic resource reviewed for its consistency or deviation from the context of the neighborhood or district.

RMF Zone District

The Project is fully compliant with the Residential Multi-family Zone District and is well below the allowable floor area as demonstrated in Table 1. The RMF allowances demonstrate by-right development and create parameters for the application of the Historic Preservation Design Guidelines which work to shape the appearance of the project. Calculations and floor plans were reviewed with the City Zoning Officer and Building Department for Code compliance.

| Table 1: RMF Zone District | | |
|----------------------------|--|---|
| RMF Zone District | Dimensional Requirement | 1020 East Cooper Project |
| Lot Size | No lot size minimum for historic properties | 4,379sf |
| Floor Area | 1:25:1 and 5,474sf | 0.89:1 and 3,899.5 sf |
| Density Allowances | <ul style="list-style-type: none"> Equal to or greater than 1 unit/1,500sf of lot area = 1.25:1 FAR | 5 units is 1.71 units/1,500sf of lot area 1.25:1 FAR allowed |
| Max. height | 32 ft | South elevation 27ft 6in North elevation 26ft 8.5 in East elevation 29ft 8.5in West elevation 29ft 1.5in |
| Front Setback | 5 ft | 6 ft 6in |
| Side Setbacks | 5 ft | 5 ft |
| Rear Setbacks | 5 ft | 5 ft |
| Parking | Mitigation for 5 parking spaces - ability to pay cash in lieu payment for all 5 spaces | 4 onsite spaces provided, cash in lieu payment for 1 space |

| | | |
|---------------------------------|--------|-----------|
| Min Trash and Recycle Area size | 120 sf | 124.72 sf |
|---------------------------------|--------|-----------|

Affordable Housing

The Land Use Code authorizes HPC to conduct all Land Use reviews associated with the 1020 Project – similar to HPC’s review authority for 611 West Main Street and 210 West Main Street. As with 611 and 210, this Project is a voluntary 100% affordable housing project that requests affordable housing credits in exchange for creating voluntary deed restricting units. Five housing units are proposed – three 2-bedroom units and two 3-bedroom units. A breakdown of the unit sizes and locations is provided in Table 2. A total of 12.75 full time equivalents (FTEs) are generated by the 1020 Project. The units are proposed to be rentals that are sold to Pitkin County employers to rent to APCA qualified employees. According to the Land Use Code and APCA Standards, category designation will be finalized at the time of deed restriction by the owner but will be at Category 4 or less.

Table 2: Affordable Housing Unit Breakdown

| Unit | Bed-room | Basement Net Livable Area (sf) | Ground Level Net Livable Area (sf) | Second Level Net Livable Area (sf) | Third Level Net Livable Area (sf) | Total Size (sf) <u>without storage</u> | Exterior Storage |
|------------------------------------|----------|--------------------------------|------------------------------------|------------------------------------|-----------------------------------|--|------------------|
| landmark 101 | 2 | 462.5 | 450.5 | 103.9* | x | 1,016.9 | X |
| landmark 102 | 3 | 482.9 | 533.7 | 182.9 | x | 1,199.4 | x |
| 103 | 2 | 436.5 | 449.7 | x | x | 886.2 | 6.1 |
| 201 | 3 | x | x | 1,011.8 | x | 1,011.8 | 28 |
| 301 | 2 | x | x | x | 786.7 | 786.7 | 28 |
| TOTAL Net Livable Area (sf) | | | | | | 4,901 | 62.1 |

*Unit 101 has a storage loft accessed interior to the unit.

The Land Use Code discourages subgrade affordable housing units by requiring that at least 50% of net livable area is located above grade. The 1020 Project has maximized below grade living space within the 50% threshold. We have designed all three stacked units to comply with this Code requirement.

The 1020 Project meets adopted community policies as noted below and in [Exhibit 1](#). An appropriate balance of affordable housing and historic preservation is met in the proposal which is well below the maximum floor area by 1,574.5sf, below maximum height by 2’3.5”, and is compatible with surrounding multi-family buildings in the neighborhood.

2012 AACP Housing Policy IV.1 Affordable housing should be designed for the highest practical energy efficiency and livability.

2012 AACP Housing Policy IV.5 The design of new affordable housing should optimize density while demonstrating compatibility with the massing, scale and character of the neighborhood.

2012 AACP Housing Policy IV.6 Residents of affordable housing and free market housing in the same neighborhood should be treated fairly, equally, and consistently, with regard to any restrictions or conditions on development such as parking, pet ownership, etc.

IV.6.a During the review of any new affordable housing development, the prohibitions, constraints, and permissions generally found in the neighborhood, such as those regarding parking and pets, should be consistently applied to the proposal. New affordable housing development must not be the subject of discrimination.

2012 AACP Housing Policy II.1 The housing inventory should bolster our socioeconomic diversity.

The proposed units are thoughtfully designed with large windows, well planned interiors, and private outdoor areas. Creative storage solutions are found throughout the 1020 project. Communal bike storage and ski/snowboard storage is proposed on the non-historic building. Each unit has private assigned storage and ample closets. Hanging storage, that can fit a kayak or storage bins, is proposed above the parking spaces in the carport. All of these creative storage solutions provide organized landing zones that help reduce visible clutter.

As noted during the February 17, 2021 HPC hearing, the applicant voluntarily agrees to restrict occupancy to one unrelated adult per bedroom. The applicant intends to prohibit smoking on the property through the condominium declarations for the property; however, in accordance with AACP Policy IV.6 and IV.6.a above, any restrictions at 1020 such as smoking or pets fall to ownership to control.

Parking

The current single family residence does not have any onsite parking. The 1020 Project is required to mitigate for five parking spaces – one “space” per unit. Mitigation can be 100% cash in lieu with no onsite parking spaces, or a mix of onsite and cash in lieu. Recognizing the importance of a high percentage of onsite parking, four onsite spaces are proposed in the carport accessed off the alley.

The 1020 Project is conveniently located a few blocks from downtown, bus stops, and trails and meets the following goals of the 2012 Aspen Area Community Plan that encourages transportation alternatives.

2012 AACP Transportation Policy V.1 Develop a strategic parking plan that manages the supply of parking and reduces the adverse impacts of the automobile.

2012 AACP Transportation Policy III.1 Reduce vehicular trips that are generated by employment, special events, construction activity, schools, recreation, the service industry, local residents and other activities.

Carshare memberships will be offered to each unit for their first year to discourage car ownership, in addition to Wecycle memberships, and onsite bike racks. A welcome packet detailing alternative

forms of transportation, bike and walking trail maps, and bus schedules will be provided to tenants. All of these measures, detailed in [Exhibit 5](#), discourage car ownership, reduce vehicular trips, and encourage Aspen's robust alternative transportation options.

Residential Design Standards

Residential Design Standards (RDS) are required for multi-family residential projects that are not listed on the Historic Inventory. The new building is subject to RDS and meets all requirements as demonstrated in [Exhibit 6](#).

Tree

The large spruce tree located within the property boundaries between the rear of the house and the non-historic sheds has been previously approved for removal by the Parks Department. The spruce tree that straddles the east property line is not proposed for removal and mitigation unless consent is received from the Riverside Condominiums because it sits on the shared property line with roots extending to both properties. A 10' radius drip line was a determined requirement by the City Forester on July 14, 2020 and is accommodated in the application. The tree protection area restricts development along the east property line, but also creates an opportunity for an outdoor amenity space and a natural buffer behind the landmark.

Outreach

Neighborhood engagement has been extensive for the 1020 Project. A project website [1020eastcooperproject.com] was launched in mid-October to serve as a landing site for information about the project and upcoming outreach events. Before the land use application was completed, the Applicant mailed project introduction postcards to property owners within 300' with information about the website, the project team and the upcoming process. The Applicant also e-mailed this information to neighboring HOAs and other parties who had made comments on a prior application for this site in earlier hearings.

Two online meetings were held between the project team and neighbors on October 26, 2020 and October 28, 2020 to introduce the project team and to provide an overview of the project. An online outreach meeting was held on December 1, 2020 with neighbors to review the land use application after it was deemed complete by the City of Aspen.

Another online meeting to review the redesign was held on February 4, 2021 to review the proposed changes and hear neighborhood feedback. Neighborhood engagement is expected throughout the land use review process and the website will be frequently updated through final Certificate of Occupancy.

Thank you for the opportunity to present this important project that balances many community goals including affordable housing and historic preservation. Together, as a community, we can address the lack of housing with thoughtful projects throughout town. As stated in the 2012 Aspen Area Community Plan *"the creation of affordable housing is the responsibility of our entire community, not just government."* Preserving a historic resource as part of an affordable housing plan is a welcome challenge that results in an authentic project with genuine character, adaptive reuse of a historic asset, and lights on vitality.

Sincerely,



Sara Adams, AICP
BendonAdams LLC

Exhibits

- 1 – *Historic Preservation Reviews revised*
 - 1.a *Conceptual HP Design Review*
 - 1.b *Demolition of Non-Historic Sheds*
 - 1.c *Relocation*
- 2 – Relocation Letter [no change]
- 3 – Growth Management and Establishment of Housing Credits [no change]
- 4 – Parking and Transportation [no change]
- 5 – Transportation Impact Analysis [no change]
- 6 – Residential Design Standards for non-historic new building [no change]
- 7 - Pre-application summary [no change]
- 8 - Land Use Application
- 9 – Proof of Ownership [no change]
- 10 – Letter regarding lot size [no change]
- 11- Authorization to Represent [no change]
- 12- Agreement to Pay [no change]
- 13 - Vicinity Map [no change]
- 14 – Mailing List [no change]
- 15 – HOA letter [no change]
- 16- Survey, Proposed drawing set, Renderings, and Preliminary Civil Drawings and Drainage letter [provided for January 13, 2021 hearing]
- 17 – Streetscape [no change]
- 18- Response to Development Review Committee comments (provided January 4, 2021) [no change]
- 19- Drawing set dated February 17, 2021 [no change]
- 20 – *Updated renderings*

Exhibit 1
Historic Preservation Reviews

26.415.070. Development involving designated historic property or property within a historic district.

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.

- b) The procedures for the review of conceptual development plans for major development projects are as follows:
- (1) The Community Development Director shall review the application materials submitted for conceptual or final development plan approval. If they are determined to be complete, the applicant will be notified in writing of this and a public hearing before the HPC shall be scheduled. Notice of the hearing shall be provided pursuant to Section 26.304.060.E.3 Paragraphs a, b and c.
 - (2) Staff shall review the submittal material and prepare a report that analyzes the project's conformance with the design guidelines and other applicable Land Use Code sections. This report will be transmitted to the HPC with relevant information on the proposed project and a recommendation to continue, approve, disapprove or approve with conditions and the reasons for the recommendation. The HPC will review the application, the staff analysis report and the evidence presented at the hearing to determine the project's conformance with the City Historic Preservation Design Guidelines.

Response: Applicable Design Guidelines are addressed below:

Streetscape

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.

Response – The historic and existing development pattern of the neighborhood are similarly dense with a range of front setbacks and open space on each property. Buildings face the street with small front yards if any. A comparison of the 1896 Willits Map to the existing conditions and the proposed project is below.



Figure 1: 1896 Willits Map



Figure 2: Bird's Eye View of proposed project with existing context.

Standard 1.1 references historic building placement and existing neighborhood development patterns to ensure that a historic project fits into the context of the neighborhood. 1020 is mid-block between a generous front setback to the west and a 0' front setback to the east. The block face transitions from a 0' setback at the Riverside Condominiums on the far east of the block to two single family homes with grassy front yards at the far west of the block. As demonstrated in Table 1, properties that meet the front yard setback (5' for multifamily and 10' for single family) contain other setback intrusions in either the side or rear yards.

| Table 1: Comparison of setbacks along north side of East Cooper Avenue | | | |
|--|----------------|--|--|
| | Front Setback | Source of Information | Notes |
| 1000 East Cooper | 25' | 2013 Land Use Application for conversion of accessory building to ADU. | East, west and rear setback intrusions without variations granted. Parking waiver granted by HPC for ADU conversion in 2013. |
| 1006 East Cooper | 19' 5" | 2014 Land Use Application for HPC amendment to Development Order. | HPC granted a 4' rear yard setback reduction. |
| 1012 East Cooper (Cooper Avenue Victorian Condos) | 10' 6" | 2008 Land Use Application file to amend condominium plat. | Front setback noted in the condo plat application seems smaller than the existing condition. East setback intrusion without variations granted - results from property line adjustment by 1020 when owned by Su Lum. |
| 1020 East Cooper | 6'6" proposed | Proposed application | 5' required and 6'6" proposed to front gable, 10' 6" proposed to front door. |
| 1024 East Cooper (Riverside Condo) | ~0' stone wall | Field Verify | Unable to find any documents approving a variation for the stone/stucco wall that sits on the front property line. The recorded condo plat from 1970 does not show the wall and there are no land use approvals or building permits for the wall in the City's archives. |
| 1034 East Cooper (Chateau Eau Claire) | ~0' stone wall | Field Verify | A low stone wall borders the sidewalk. |

Many community goals are achieved through the proposed building location including:

2012 AACP Policy IV.1 Affordable housing should be designed for the highest practical energy efficiency and livability; and

2012 AACP Policy IV.5 The design of new affordable housing should optimize density while demonstrating compatibility with the massing, scale and character of the neighborhood.

HPDG Chapter 1 Site Planning & Landscape Design HPC's intent is that any project acknowledges the history of the surrounding area and uses the strongest and most common features as a framework for proposed development.

HPDG Chapter 9 Excavation, Building Relocation & Foundations It may be acceptable to reposition a structure on its original site if doing so will accommodate other compatible improvements that will assure preservation.

The proposed project reinforces the traditional street grid with both buildings perpendicular to Cooper Street. Open space is provided between the two buildings and surrounding both buildings. Visible open space surrounds the historic building, and an existing spruce tree will be visible directly behind the landmark.

The front setback is measured from the frontmost wall of the structure to the front property line. 1020 East Cooper has a typical cross gable footprint that incorporates an open front porch which provides more open space than the front yard setback measurement implies. The placement of the historic building exceeds the 5' minimum front yard setback required in the RMF zone district – 6' 6" is proposed, measured to the frontmost gable end and 10' 6" feet is proposed, measured to the front door.

The proposed 6'6" front setback still accommodates a 5' rear yard setback and 10' setback between buildings. One of the most important historic preservation goals - to preserve the footprint of the landmark without a large addition - is achieved in this proposal. Furthermore, maintaining a 5' rear yard setback for the new detached building meets Fire Code requirements for property line protection and allows large openings for the housing units along the north elevation that would not otherwise be allowed if the structure were shifted closer to the rear property.

1.2 Preserve the system and character of historic streets, alleys, and ditches.

When HPC input is requested, the following bullet points may be applicable.

- Retain and preserve the variety and character found in historic alleys, including retaining historic ancillary buildings or constructing new ones.
- Retain and preserve the simple character of historic ditches. Do not plant flowers or add landscape.
- Abandoning or re-routing a street in a historic area is generally discouraged.
- Consider the value of unpaved alleys in residential areas.
- Opening a platted right of way which was abandoned or never graded may be encouraged on a case by case basis.

Response – Two non-historic sheds sit in the alley and are proposed to be demolished. Removal of these structures from the alley greatly improves access. Other than removal of the sheds, no changes are proposed in the right of way unless required by Engineering and Parks Departments. Sidewalk, curb and gutter replacements are proposed in the civil drawing set and have been reviewed by applicable City departments. Street trees are under consideration by the Parks Department.

1.3 Remove driveways or parking areas accessed directly from the street if they were not part of the original development of the site.

- Do not introduce new curb cuts on streets.
- Non-historic driveways accessed from the street should be removed if they can be relocated to the alley.

Response – There is currently no driveway access or onsite parking at 1020.

1.4 Design a new driveway or improve an existing driveway in a manner that minimizes its visual impact.

- If an alley exists at the site, the new driveway must be located off it.
- Tracks, gravel, light grey concrete with minimal seams, or similar materials are appropriate for driveways on Aspen Victorian properties.

Response – All vehicular access is proposed off the alley. The non-historic sheds that sit partially in the alleyway are proposed to be demolished which will allow vehicular access off the alleyway, onsite parking at 1020, and will facilitate better circulation throughout the alleyway.

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.

Response – A simple straight walkway is proposed from the sidewalk to the front porch of the historic buildings. A low fence is contemplated across the front of the property for further design and discussion during Final Review. Access to the rear building is proposed from the alley. The transition from public to private is achieved through the direct walkway from the street to the front yard, and then to the semi-private front porch. The hierarchy of space proposed in the 1020 project reflects the traditional circulation patterns found on most AspenVictorian properties.

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.

Response – A simple walkway perpendicular from the street to the front porch is proposed off the sidewalk.

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.

Response – Open space is preserved around the historic building in compliance with the required setbacks in the RMF zone district. The front yard has been increased by a foot. Communal open space is provided between the buildings and beneath the preserved spruce tree in the east yard.

Open space does not only mean landscaping or lawn – the intent of this standard is to design areas that do not contain building mass. The 1020 affordable housing project strives to balance housing needs and historic preservation, and proposes to achieve these goals by incorporating decks that support and



Figure 3: Preliminary landscape plan.

complement the historic building by reducing mass through building setbacks (AACP Policy IV.5 below). The decks also improve livability for residents by providing private outdoor space (AACP Policy IV.1 below). A side porch is proposed on the landmark to relate to the front porch and provide entry to the rear housing unit. Side porches are typical building characteristics found on 19th century miner's cabins.

2012 AACP Policy IV.1 Affordable housing should be designed for the highest practical energy efficiency and livability; and

2012 AACP Policy IV.5 The design of new affordable housing should optimize density while demonstrating compatibility with the massing, scale and character of the neighborhood.

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.

Response – Storm water design is considered as part of the design and a preliminary plan was included in the drawing set submitted for the January 13, 2021 hearing. A dry well is located beneath the parking spaces. The location of the dry well meets City of Aspen required setback from a property line and the required tree protection for the Spruce tree.

There is no alternative location for the dry well on this property – the remainder of the property is excavated for subgrade bedrooms, is located within a setback, is within a utility easement, or is a tree protection area. At a minimum, water table concerns based on proximity to the river prohibit the placement of the dry well on another basement level beneath the housing units.

1.9 Landscape development on AspenModern landmarks shall be addressed on a case by case basis.

Response – n/a.

1.10 Built-in furnishings, such as water features, fire pits, grills, and hot tubs, that could interfere with or block views of historic structures are inappropriate.

- Site furnishings that are added to the historic property should not be intrusive or degrade the integrity of the neighborhood patterns, site, or existing historic landscape.
- Consolidating and screening these elements is preferred.

Response – A grill is potentially proposed between the two buildings. This location does not impact the historic building.

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.

Response – The spruce tree in the east side yard is proposed to remain based on neighbor comments. The spruce tree is not a historically significant landmark tree but is protected in the proposed project.

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 overtaxed 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.

Response – Simple landscaping is proposed around the historic structure and will be more developed for Final Review. The landscape plan for Final Review will focus on low maintenance planting that are simple and short.

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.

Response – Sod and low plants are contemplated around the landmark to not obscure historic characteristics and to avoid accelerating deterioration of the restored building.

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.

Response – Landscape lighting is not proposed at this time.

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.

Response – The existing fence is not original and is proposed to be removed.

1.16 When possible, replicate a missing historic fence based on photographic evidence.

Response – n/a.

1.17 No fence in the front yard is often the most appropriate solution.

- Reserve fences for back yards and behind street facing façades, as the best way to preserve the character of a property.

Response – A low picket fence is contemplated in the front yard to define the property and to frame the historic building. The Final Design application will include any proposed fence as part of the landscape plan.

1.18 When building an entirely new fence, use materials that are appropriate to the building type and style.

- The new fence should use materials that were used on similar properties during the period of significance.
- A wood fence is the appropriate solution in most locations.

- Ornate fences, including wrought iron, may create a false history are not appropriate for Aspen Victorian landmarks unless there is evidence that a decorative fence historically existed on the site.
- A modest wire fence was common locally in the early 1900s and is appropriate for Aspen Victorian properties. This fence type has many desirable characteristics including transparency, a low height, and a simple design. When this material is used, posts should be simply detailed and not oversized.

Response – Side yard fencing is not proposed at this time.

1.19 A new fence should have a transparent quality, allowing views into the yard from the street.

- A fence that defines a front yard must be low in height and transparent in nature.
- For a picket fence, spacing between the pickets must be a minimum of 1/2 the width of the picket.
- For Post-WWII properties where a more solid type of fence may be historically appropriate, proposals will be reviewed on a case-by-case basis.
- Fence columns or piers should be proportional to the fence segment.

Response – The low wood picket fence along the front of the property meets these requirements and is transparent as defined above.

1.20 Any fence taller than 42" should be designed so that it avoids blocking public views of important features of a designated building.

- A privacy fence should incorporate transparent elements to minimize the possible visual impacts. Consider staggering the fence boards on either side of the fence rail. This will give the appearance of a solid plank fence when seen head on. Also consider using lattice, or other transparent detailing on the upper portions of the fence.
- A privacy fence should allow the building corners and any important architectural features that are visible from the street to continue to be viewed.
- All hedgerows (trees, shrub bushes, etc.) are prohibited in Zones A and B.

Response – The fence along the front of the property is less than 42" in height.

1.21 Preserve original retaining walls

- Replace only those portions that are deteriorated beyond repair. Any replacement materials should match the original in color, texture, size and finish.
- Painting or covering a historic masonry retaining wall or covering is not allowed.
- Increasing the height of a retaining wall is inappropriate.

Response – n/a.

1.22 When a new retaining wall is necessary, its height and visibility should be minimized.

- All wall materials, including veneer and mortar, will be reviewed on a case by case basis and should be compatible with the palette used on the historic structure.

Response – n/a.

1.23 Re-grading the site in a manner that changes historic grade is generally not allowed and will be reviewed on a case by case basis.

Response – Minor grading of the site is proposed to ensure proper drainage away from the buildings. Significant regrading is not proposed.

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.

Response – n/a. This property does not have a recognized historically significant landscape.

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.

Response – n/a. This property does not have a recognized historically significant landscape.

1.26 Preserve the historic circulation system.

- Minimize the impact of new vehicular circulation.
- Minimize the visual impact of new parking.
- Maintain the separation of pedestrian and vehicle which occurred historically.

Response – The traditional circulation system is restored in the proposal - access is located off the alley and pedestrian access occurs from Cooper Avenue to the front of the historic landmark.

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.

Response – While not a significant landmark tree, the preserved spruce tree in the east yard will be protected during construction in accordance with the City of Aspen Parks Department regulations.

Restoration

Materials

2.1 Preserve original building materials.

- Do not remove siding that is in good condition or that can be repaired in place.
- Masonry features that define the overall historic character, such as walls, cornices, pediments, steps and foundations, should be preserved.
- Avoid rebuilding a major portion of an exterior wall that could be repaired in place. Reconstruction may result in a building which no longer retains its historic integrity.
- Original AspenModern materials may be replaced in kind if it has been determined that the weathering detracts from the original design intent or philosophy.

2.2 The finish of materials should be as it would have existed historically.

- Masonry naturally has a water-protective layer to protect it from the elements. Brick or stone that was not historically painted shall not be painted.
- If masonry that was not painted historically was given a coat of paint at some more recent time, consider removing it, using appropriate methods.
- Wood should be painted, stained or natural, as appropriate to the style and history of the building.

2.3 Match the original material in composition, scale and finish when replacing materials on primary surfaces.

- If the original material is wood clapboard for example, then the replacement material must be wood as well. It should match the original in size, and the amount of exposed lap and finish.
- Replace only the amount required. If a few boards are damaged beyond repair, then only those should be replaced, not the entire wall. For AspenModern buildings, sometimes the replacement of a larger area is required to preserve the integrity of the design intent.

2.4 Do not use synthetic materials as replacements for original building materials.

- Original building materials such as wood siding and brick should not be replaced with synthetic materials.

2.5 Covering original building materials with new materials is inappropriate.

- Regardless of their character, new materials obscure the original, historically significant material.
- Any material that covers historic materials may also trap moisture between the two layers. This will cause accelerated deterioration to the historic material which may go unnoticed.

2.6 Remove layers that cover the original material.

- Once the non-historic siding is removed, repair the original, underlying material.

Response – Existing conditions beneath the vinyl siding do not show historic siding. Historic siding is found in the interior of the building where the two historic buildings were stitched together. This siding will be used to dimension new siding for the exterior of the historic building for discussion during Final Review.

Windows

3.1 Preserve the functional and decorative features of a historic window.

- Features important to the character of a window include its frame, sash, muntins/mullions, sills, heads, jambs, moldings, operations, and groupings of windows.
- Repair frames and sashes rather than replacing them.
- Preserve the original glass. If original Victorian era glass is broken, consider using restoration glass for the repair.

3.2 Preserve the position, number, and arrangement of historic windows in a building wall.

- Enclosing a historic window is inappropriate.
- Do not change the size of an original window opening.

3.3 Match a replacement window to the original in its design.

- If the original is double-hung, then the replacement window must also be double-hung. If the sash have divided lights, match that characteristic as well.

3.4 When replacing an original window, use materials that are the same as the original.

3.5 Preserve the size and proportion of a historic window opening.

- Changing the window opening is not permitted.
- Consider restoring an original window opening that was enclosed in the past.

3.6 Match, as closely as possible, the profile of the sash and its components to that of the original window.

- A historic window often has a complex profile. Within the window's casing, the sash steps back to the plane of the glazing (glass) in several increments. These increments, which individually only measure in eighths or quarters of inches, are important details. They distinguish the actual window from the surrounding plane of the wall.
- The historic profile on AspenModern properties is typically minimal.

3.7 Adding new openings on a historic structure is generally not allowed.

- Greater flexibility in installing new windows may be considered on rear or secondary walls.
- New windows should be similar in scale to the historic openings on the building, but should in some way be distinguishable as new, through the use of somewhat different detailing, etc.
- Preserve the historic ratio of window openings to solid wall on a façade.

- Significantly increasing the amount of glass on a character defining façade will negatively affect the integrity of a structure.

3.8 Use a storm window to enhance energy conservation rather than replace a historic window.

- Install a storm window on the interior, when feasible. This will allow the character of the original window to be seen from the public way.
- If a storm window is to be installed on the exterior, match the sash design and material of the original window. It should fit tightly within the window opening without the need for sub-frames or panning around the perimeter. A storm window should not include muntins unless necessary for structure. Any muntin should be placed to match horizontal or vertical divisions of the historic window.

Response – No original or historic windows exist. Traditional double hung windows are proposed in the historic building. Framing within the historic building does not clearly demonstrate original openings, but provides some insight that informs the proposed window locations. A small window is proposed in the east elevation gable end of the landmark to provide egress from the second floor bedroom in the rear housing unit. The window is located in the non-historic over-framed rear of the landmark.

Doors

4.1 Preserve historically significant doors.

- Maintain features important to the character of a historic doorway. These include the door, door frame, screen door, threshold, glass panes, paneling, hardware, detailing, transoms and flanking sidelights.
- Do not change the position and function of original front doors and primary entrances.
- If a secondary entrance must be sealed shut, any work that is done must be reversible so that the door can be used at a later time, if necessary. Also, keep the door in place, in its historic position.
- Previously enclosed original doors should be reopened when possible.

4.2 Maintain the original size of a door and its opening.

- Altering its size and shape is inappropriate. It should not be widened or raised in height.

4.3 When a historic door or screen door is damaged, repair it and maintain its general historic appearance.

4.4 When replacing a door or screen door, use a design that has an appearance similar to the original door or a door associated with the style of the building.

- A replica of the original, if evidence exists, is the preferred replacement.
- A historic door or screen door from a similar building also may be considered.
- Simple paneled doors were typical for Aspen Victorian properties.
- Very ornate doors, including stained or leaded glass, are discouraged, unless photographic evidence can support their use.

4.5 Adding new doors on a historic building is generally not allowed.

- Place new doors in any proposed addition rather than altering the historic resource.
- Greater flexibility in installing a door in a new location may be considered on rear or secondary walls.
- A new door in a new location should be similar in scale and style to historic openings on the building and should be a product of its own time.
- Preserve the historic ratio of openings to solid wall on a façade. Significantly increasing the openings on a character defining façade negatively affects the integrity of a structure.

4.6 If energy conservation and heat loss are concerns, use a storm door instead of replacing a historic entry door.

- Match the material, frame design, character, and color of the primary door.
- Simple features that do not detract from the historic entry door are appropriate for a new storm door.
- New screen doors should be in character with the primary door.

4.7 Preserve historic hardware.

- When new hardware is needed, it must be in scale with the door and appropriate to the style of the building.
- On Aspen Victorian properties, conceal any modern elements such as entry key pads.

Response – There are no historic doors on this property. A simple front door is proposed facing Cooper Avenue. A new door is proposed on the west elevation of the landmark, in the non-historic rear addition, to access the rear housing unit. Both exterior doors on the landmark will match and be simple in style.

Porch

5.1 Preserve an original porch or balcony.

- Replace missing posts and railings when necessary. Match the original proportions, material and spacing of balusters.
- Expanding the size of a historic porch or balcony is inappropriate.

5.2 Avoid removing or covering historic materials and details.

- Removing an original balustrade, for example, is inappropriate.

5.3 Enclosing a porch or balcony is not appropriate.

- Reopening an enclosed porch or balcony is appropriate.

5.4 If reconstruction is necessary, match the original in form, character and detail.

- Match original materials.

- When reconstructing an original porch or balcony without historic photographs, use dimensions and characteristics found on comparable buildings. Keep style and form simple with minimal, if any, decorative elements.

5.5 If new steps are to be added, construct them out of the same primary materials used on the original, and design them to be in scale with the porch or balcony

- Steps should be located in the original location.
- Step width should relate to the scale of entry doors, spacing between posts, depth of deck, etc.
- Brick, red sandstone, grey concrete, or wood are appropriate materials for steps.

5.6 Avoid adding handrails or guardrails where they did not exist historically, particularly where visible from the street.

- If handrails or guardrails are needed according to building code, keep their design simple in character and different from the historic detailing on the porch or balcony.

Response – A simple traditional open front porch with one step is proposed facing Cooper Avenue. Framing within the historic building is unclear as to whether the front entry was an open porch or enclosed. An open porch is proposed at this time since it was a traditional characteristic of 19th century miner’s cabins, and an open porch aligns with the 1896 Willits map L shaped footprint.

A side porch is proposed along the west elevation in the non-historic portion of the landmark to provide a private covered entry to the rear housing unit.

Architectural Details

6.1 Preserve significant architectural features.

- Repair only those features that are deteriorated.
- Patch, piece-in, splice, or consolidate to repair the existing materials, using recognized preservation methods whenever possible.
- On AspenModern properties, repair is preferred, however, it may be more important to preserve the integrity of the original design intent, such as crisp edges, rather than to retain heavily deteriorated material.

6.2 When disassembly of a historic element is necessary for its restoration, use methods that minimize damage to the original material.

- Document its location so it may be repositioned accurately. Always devise methods of replacing the disassembled material in its original configuration.

6.3 Remove only the portion of the detail that is deteriorated and must be replaced.

- Match the original in composition, scale, and finish when replacing materials or features.
- If the original detail was made of wood, for example, then the replacement material should be wood, when feasible. It should match the original in size and finish.

6.4 Repair or replacement of missing or deteriorated features are required to be based on original designs.

- The design should be substantiated by physical or pictorial evidence to avoid creating a misrepresentation of the building's heritage.
- When reconstruction of an element is impossible because there is no historical evidence, develop a compatible new design that is a simplified interpretation of the original, and maintains similar scale, proportion and material.

6.5 Do not guess at "historic" designs for replacement parts.

- Where scars on the exterior suggest that architectural features existed, but there is no other physical or photographic evidence, then new features may be designed that are similar in character to related buildings.
- Using ornate materials on a building or adding new conjectural detailing for which there is no documentation is inappropriate.

Response – Original architectural details are lost with the exception of the gable end inside the interior of the historic building. Any relevant historic details on the gable end will be used on the historic building for review during Final Design. All other details will be simple, traditional, and similar to features found on other 19th century miner's cabins.

Roof

7.1 Preserve the original form of a roof.

- Do not alter the angle of a historic roof. Preserve the orientation and slope of the roof as seen from the street.
- Retain and repair original and decorative roof detailing.
- Where the original roof form has been altered, consider restoration.

7.2 Preserve the original eave depth.

- Overhangs contribute to the scale and detailing of a historic resource.
- AspenModern properties typically have very deep or extremely minimal overhangs that are key character defining features of the architectural style.

7.3 Minimize the visual impacts of skylights and other rooftop devices.

- Skylights and solar panels are generally not allowed on a historic structure. These elements may be appropriate on an addition.

7.4 New vents should be minimized, carefully placed, and painted a dark color.

- Direct vents for fireplaces are generally not permitted to be added on historic structures.
- Locate vents on non-street facing facades.
- Use historic chimneys as chases for new flues when possible.

7.5 Preserve original chimneys, even if they are made non-functional.

- Reconstruct a missing chimney when documentation exists.

7.6 A new dormer should remain subordinate to the historic roof in scale and character.

- A new dormer is not appropriate on a primary, character defining façade.
- A new dormer should fit within the existing wall plane. It should be lower than the ridgeline and set in from the eave. It should also be in proportion with the building.
- The mass and scale of a dormer addition must be subordinate to the scale of the historic building.
- While dormers improve the livability of upper floor spaces where low plate heights exist, they also complicate the roof and may not be appropriate on very simple structures.
- Dormers are not generally not permitted on AspenModern properties since they are not characteristics of these building styles.

7.7 Preserve original roof materials.

- Avoid removing historic roofing material that is in good condition. When replacement is necessary, use a material that is similar to the original in both style as well as physical qualities and use a color that is similar to that seen historically.

7.8 New or replacement roof materials should convey a scale, color and texture similar to the original.

- If a substitute is used, such as composition shingle, the roof material should be earth tone and have a matte, non-reflective finish.
- Flashing should be in scale with the roof material.
- Flashing should be tin, lead coated copper, galvanized or painted metal and have a matte, non-reflective finish.
- Design flashing, such as drip edges, so that architectural details are not obscured.
- A metal roof is inappropriate for an Aspen Victorian primary home but may be appropriate for a secondary structure from that time period.
- A metal roof material should have a matte, non-reflective finish and match the original seaming.

7.9 Avoid using conjectural features on a roof.

- Adding ornamental cresting, for example, where there is no evidence that it existed, creates a false impression of the building's original appearance, and is inappropriate.

7.10 Design gutters so that their visibility on the structure is minimized to the extent possible.

- Downspouts should be placed in locations that are not visible from the street if possible, or in locations that do not obscure architectural detailing on the building.
- The material used for the gutters should be in character with the style of the building.

Response – The existing roof form is proposed to remain as is. Composite shingles that are low maintenance and similar in style to wood shingles are proposed to replace the existing asphalt roof. Gutters, downspouts, and venting locations will be presented at Final Design Review.

Two dormers are proposed on the rear of the historic building, below the ridge. The dormers are proposed in the overframed portion of the landmark and non-historic addition. As noted in Guideline 7.6, the dormers are located on the rear non-historic portion of the landmark. Two dormers reduce the footprint and overall visual impact on the landmark while still improving livability for the housing unit. The mass and scale of the dormer is subordinate to the landmark and does not conflict with the simple cross gable roof.

Addition to Landmark

10.1 Preserve an older addition that has achieved historic significance in its own right.

Response – The historic resource has been altered over time and the original appearance of the miner’s cabin is unknown. The only pieces of historic evidence are the historic Willits map that shows the footprint and interior framing. The framing demonstrates that 1020 is two buildings stitched together, and a non-historic rear addition that overframed the historic gable roof. Based on this lack of definitive information, the project proposes to keep the building footprint as is rather than guess at the original appearance which aligns with Guideline 6.5 “Do not guess at “historic” designs for replacement parts.”

10.2 A more recent addition that is not historically significant may be removed.

- For Aspen Victorian properties, HPC generally relies on the 1904 Sanborn Fire Insurance maps to determine which portions of a building are historically significant and must be preserved.
- HPC may insist on the removal of non-historic construction that is considered to be detrimental to the historic resource in any case when preservation benefits or variations are being approved.

Response – The rear addition is not proposed to be removed. Without a clear understanding of how the buildings were stitched together, removal of the rear addition is not the best preservation principle as described on page 12 of the Design Guidelines – “Respect the historic design character of the building. Don’t try to change a building’s style or make it look older than it really is. Confusing the character by mixing elements of different styles is not appropriate.” Furthermore, the project does not request any preservation benefits or variations.

10.3 Design a new addition such that one’s ability to interpret the historic character of the primary building is maintained.

- A new addition must be compatible with the historic character of the primary building.
- An addition must be subordinate, deferential, modest, and secondary in comparison to the architectural character of the primary building.
- An addition that imitates the primary building’s historic style is not allowed. For example, a new faux Victorian detailed addition is inappropriate on an Aspen Victorian home.
- An addition that covers historically significant features is inappropriate.
- Proposals on corner lots require particular attention to creating compatibility.

Response – A small bump out in the northwest corner of the non-historic portion of the landmark is proposed to qualify the unit as “visitable” per ANSI requirements. The powder room increases the livability of the unit and abuts the side entry porch. The addition is subordinate to the landmark and is compatible without imitation.

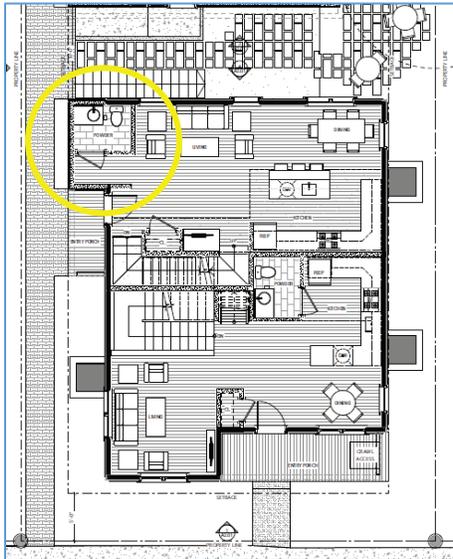


Figure 4: Small addition to landmark



Figure 5: Arrow points to addition as shown on west elevation.

10.4 The historic resource is to be the focus of the property, the entry point, and the predominant structure as viewed from the street.

- The historic resource must be visually dominant on the site and must be distinguishable against the addition.
- The total above grade floor area of an addition may be no more than 100% of the above grade floor area of the original historic resource. All other above grade development must be completely detached. HPC may consider exceptions to this policy if two or more of the following are met:
 - The proposed addition is all one story
 - The footprint of the new addition is closely related to the footprint of the historic resource and the proposed design is particularly sensitive to the scale and proportions of the historic resource
 - The project involves the demolition and replacement of an older addition that is considered to have been particularly detrimental to the historic resource
 - The interior of the resource is fully utilized, containing the same number of usable floors as existed historically
 - The project is on a large lot, allowing the addition to have a significant setback from the street
 - There are no variance requests in the application other than those related to historic conditions that aren't being changed
 - The project is proposed as part of a voluntary AspenModern designation, or

- The property is affected by non-preservation related site specific constraints such as trees that must be preserved, Environmentally Sensitive Areas review, etc.

Response – The small bump out is 36 sf in size compared to the 1,095 sf landmark, and is barely visible in back corner of the non-historic portion of the landmark.

10.5 On a corner lot, no portion of an addition to a one story historic resource may be more than one story tall, directly behind that resource, unless completely detached above grade by a distance of at least 10 feet.

HPC may consider exceptions to this policy if two or more of the following are met:

- The connector element that links the new and old construction is a breezeway or transparent corridor, well recessed from the street facing side(s) of the historic resource and the area of two story construction that appears directly behind the one story historic resource is minimal
- The footprint of the new addition is closely related to the footprint of the historic resource and the proposed design is particularly sensitive to the scale and proportions of the historic resource
- The project involves the demolition and replacement of an older addition that is considered to have been particularly detrimental to the historic resource
- The interior of the resource is fully utilized, containing the same number of usable floors as existed historically
- There are no variance requests in the application other than those related to historic conditions that aren't being changed
- The project is proposed as part of a voluntary AspenModern designation, or
- The property is affected by non-preservation related site specific constraints such as trees that must be preserved, Environmentally Sensitive Areas review, etc.

Response – 1020 East Cooper is midblock and is not located on a corner.

10.6 Design a new addition to be recognized as a product of its own time.

- An addition shall be distinguishable from the historic building and still be visually compatible with historic features.
- A change in setbacks of the addition from the historic building, a subtle change in material, or a modern interpretation of a historic style are all techniques that may be considered to help define a change from historic construction to new construction.
- Do not reference historic styles that have no basis in Aspen.
- Consider these three aspects of an addition; **form, materials, and fenestration**. An addition must relate strongly to the historic resource in at least two of these elements. Departing from the historic resource in one of these categories allows for creativity and a contemporary design response.
- Note that on a corner lot, departing from the form of the historic resource may not be allowed.
- There is a spectrum of appropriate solutions to distinguishing new from old portions of a development. Some resources of particularly high significance or integrity may not be the right instance for a contrasting addition.

Response – The small addition is visually compatible with the landmark, but is clearly a product of its own time without distracting from the historic resource. It is incorporated into the new side entry porch and is located in the non-historic addition of the landmark.

10.7 When planning an addition to a building in a historic district, preserve historic alignments on the street.

- Some roof lines and porch eaves on historic buildings may align at approximately the same height. An addition cannot be placed in a location where these relationships would be altered or obscured.

Response – 1020 East Cooper is not located in a historic district. Rooflines and porch eaves are not altered with the proposed addition.

10.8 Design an addition to be compatible in size and scale with the main building.

- An addition that is lower than, or similar to the height of the primary building, is preferred.

Response – The additions is significantly lower than the height of the landmark and is much smaller in size than the landmark as noted above.

10.9 If the addition is taller than a historic building, set it back from significant façades and use a “connector” to link it to the historic building.

- Only a one-story connector is allowed.
- Usable space, including decks, is not allowed on top of connectors unless the connector has limited visibility and the deck is shielded with a solid parapet wall.
- In all cases, the connector must attach to the historic resource underneath the eave.
- The connector shall be a minimum of 10 feet long between the addition and the primary building.
- Minimize the width of the connector. Ideally, it is no more than a passage between the historic resource and addition. The connector must reveal the original building corners. The connector may not be as wide as the historic resource.
- Any street-facing doors installed in the connector must be minimized in height and width and accessed by a secondary pathway. See guideline 4.1 for further information.

Response – The addition is not taller than the landmark.

10.10 Place an addition at the rear of a primary building or set it back substantially from the front to minimize the visual impact on the historic structure and to allow the original proportions and character to remain prominent.

- Locating an addition at the front of a primary building is inappropriate.
- Additions to the side of a primary building are handled on a case-by-case basis and are approved based on site specific constraints that restrict rear additions.
- Additional floor area may also be located under the building in a basement which will not alter the exterior mass of a building.

Response – The addition is located at the back northwest corner of the landmark in a non-historic portion of the resource. There is very little visual impact on the historic structure. The original character and

scale of the landmark is easily discernible. The addition is located at the side of the building, but the small size of the bump-out makes it insignificant to the overall preservation of the landmark. The location of the detached building and maintaining the 10 feet distance between buildings on the property push the addition to the side of the landmark. Balancing the Design Guidelines and adopted community goals (noted below) to develop livable affordable housing units while optimizing density is achieved with the small, proposed addition.

2012 AACP Policy IV.1 Affordable housing should be designed for the highest practical energy efficiency and livability; and

2012 AACP Policy IV.5 The design of new affordable housing should optimize density while demonstrating compatibility with the massing, scale and character of the neighborhood.

10.11 Roof forms shall be compatible with the historic building.

- A simple roof form that does not compete with the historic building is appropriate.
- On Aspen Victorian properties, a flat roof may only be used on an addition to a gable roofed structure if the addition is entirely one story in height, or if the flat roofed areas are limited, but the addition is primarily a pitched roof.

Response – A simple sloped roof is proposed for the small addition – the roof is an extension of the side entry porch.

10.12 Design an addition to a historic structure that does not destroy or obscure historically important architectural features.

- Loss or alteration of architectural details, cornices, and eavelines must be avoided.

Response – The proposed addition is located in a non-historic portion of the landmark and does not destroy historic features.

10.13 When constructing a rooftop addition, keep the mass and scale subordinate to that of the historic building.

Response – A rooftop addition is not proposed.

10.14 Set a rooftop addition back from the street facing façades to preserve the original profile of the historic resource.

- Set the addition back from street facing façades a distance approximately equal to its height.

Response – A rooftop addition is not proposed.

10.15 The roof form of a rooftop addition must be in character with the historic building.

Response – A rooftop addition is not proposed.

New Building

Building Placement

11.1 Orient the new building to the street.

- AspenVictorian 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.

Response – The new building is located behind the landmark and along the alley. It is parallel to the lot lines which is consistent with the traditional grid pattern. Setback variances are not requested for the new building.

Mass and Scale

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.

Response – A restored front porch based on historic framing is the access point for the street facing ground level unit. The front porch is a traditional feature on 19th century miner’s cabins, supports a pedestrian friendly scale along the sidewalk, and relates to the two other 19th century miner’s cabins to the west of 1020 East Cooper.

A small entry porch is proposed on the west elevation attached to an existing non-historic addition to the landmark. This small porch provides a sheltered entrance and access to the rear unit in the historic building.

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.

Response – Guideline 11.3 reinforces the overall goals of Design Guidelines Chapter 11 – “Designing a new building to fit within the historic character of a landmarked property requires careful thought. Preserving a historic property does not mean it must be frozen in time, but it does mean that a new building should be designed in a manner that reinforces the basic visual characteristics of the site...It is appropriate to convey the evolution of the property and neighborhood, discerning the apparent age of each building by its style, materials, and method of construction.” Scale and proportion are two elements

of new construction that can support the historic character of the landmark to create a cohesive historic preservation project.

Similar to most 19th century vernacular miner’s cabins, the historic resource is one story in height and comprises roughly 1,095 sf where the total allowable floor area for the proposed project is 5,474 sf, (and ~3,899.5 sf of floor area is proposed). Guideline 11.3 specifically addresses how to reduce the perceived mass and scale of new construction when compared to Aspen’s small vernacular mining cabins.

One of the most impactful and successful ways to reduce mass and scale, considering allowable floor area and property rights, is to design façade setbacks into new construction. This approach is found throughout Aspen and on Aspen Historic Preservation award winning projects.

Material changes and facade setbacks between the second level and third level breaks up the massing into smaller modules that relate to the historic building. A comparison of the January proposal to the February proposal shows that the third floor unit has been significantly reduced from a 1,086.2sf unit to a 789.52sf unit, and is setback from the north, east and south facades to reduce mass and scale. The height of the north-south ridge has been reduced by ~1 foot and the height of the east-west ridge has been reduced by ~2 feet.

Façade undulation and generous setbacks are illustrated in the floor plans and renderings below.

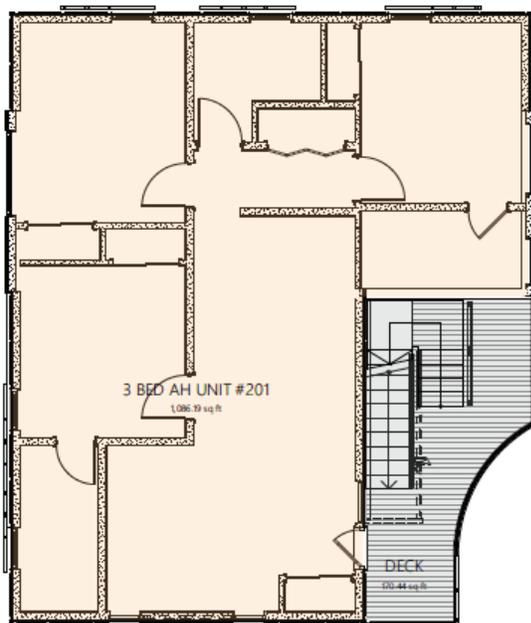


Figure 6: Second floor L-shaped footprint.

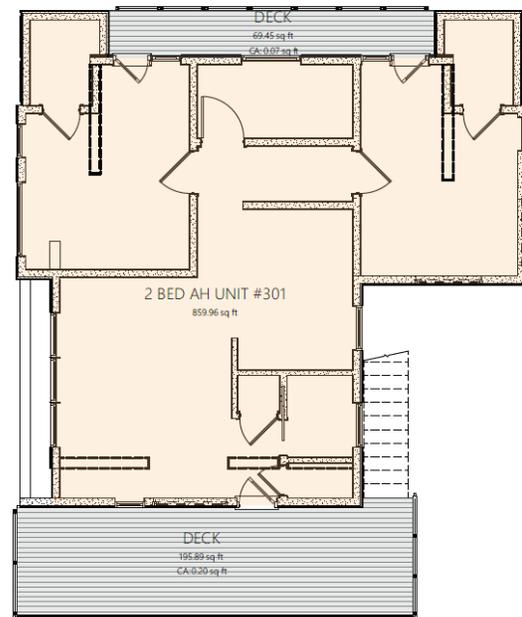


Figure 7: Third floor footprint with setbacks on all sides.

Similar projects that have a setback third floor are show below; however, unlike 1020, these projects do not replicate the L-shaped footprint of the landmark or the gable roof form. The footprint of the new building creates a strong relationship between the two buildings and supports the importance of the landmark.



Figure 8: East Hopkins Avenue project – note the three story flat roof addition at the back of the property.



Figure 9: East Hopkins Avenue project – note the third floor setback and material changes to recess the upper floor.

518 West Main Street is similar to 1020 East Cooper in the use of gable roof forms and detached construction to preserve the footprint of the landmark. 518 West Main comprises two detached buildings, both of which use setbacks to reduce mass and scale adjacent to the one story miner’s cabin. 1020 is unique in the proposal to replicate the L-shaped footprint in the proposed detached construction as another method to relate to the landmark, in addition to setbacks and roof form.



Figure 10: 518 West Main Street Affordable Housing project.



Figure 11: 1020 East Cooper Affordable Housing project.

Sliding wood shutters and windows of a similar proportion to the landmark are proposed to add interest and to break up the façade of the building. Vertical wood board and batten on the upper level of the alley building adds depth and dimension to the front façade. Galvanized metal siding is proposed for the first level and as accents on the upper levels to add interest to the east and west facades that face the neighboring multi-family buildings.

Decks and open stairs are proposed behind the landmark to break up the mass and to provide relief to the Riverside Condominiums. Exterior storage units on the second and third floor have been removed to further reduce the south and east facades.

The preservation of the spruce tree on the shared lot line between the 1020 Project and Riverside provides a natural buffer between the properties; however, it also limits the ability to spread out and step up massing behind the landmark.

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.**

Response – The primary plane of the new building is 20' 5" (measured to the third floor deck) which is similar scale to the 16' 6" one story historic building, especially in consideration of the 10 feet separation. The 10 feet distance between new and historic construction pushes the new building away from the landmark which mitigates visual impacts on the landmark while balancing the proposed mass and scale and by-right floor area. The introduction to Chapter 11 explains the preference to relocate square footage to detached construction: "Mass and Scale. A new building must be compatible in mass and scale with its historic neighbor and not overwhelm it. At the same time, minimizing any addition to the historic resource and shifting square footage to the new structure is generally desired." The primary plane of the new building is taller than the historic resource by only 4 feet, which is reasonable considering the required balancing of design guidelines which prefer detached construction and community goals which emphasize the development of livable affordable housing units in town.

It is important to incorporate neighborhood context into the application of guideline 11.4 as noted in the introduction to Chapter 1: Site Planning & Landscape Design: "The defining elements of the site need to be identified, and the placement of the historic resource reviewed for its consistency or deviation from the context of the neighborhood or district." This project is located between three story buildings to the east and west of the 1020 property. A new building at the rear of the 1020 property successfully completes the streetscape in this high density residential neighborhood, meets community goals to optimize density for affordable housing projects, and preserves a one story historic cabin at the front of the property.

11.5 The intent of the historic landmark lot split is to remove most of the development potential from the historic resource and place it in the new structure.

- **This should be kept in mind when determining how floor area will be allocated between structures proposed as part of a lot split.**

Response – A historic lot split is not proposed on this property; however, a new detached building is proposed that transfers development pressure from the landmark to the new construction.

11.6 Design a new structure to be recognized as a product of its own 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.

Response – The new building relates to building form and materials. Windows are rectangular but are contemporary along the front (south) elevation. Building form relates to the landmark in footprint, roof form, and roof pitch. Wood is proposed as the primary material to relate to the landmark. The style and application of wood siding recalls historic woodsheds along Aspen’s alleys and is similar to the some of the historic wood found within the walls of the 1020 landmark. Durability and low maintenance are a primary consideration in the selection of weathered wood and galvanized metal on the rear building. The material palette will be finalized as part of the Final Design application for HPC to consider.

11.7 The imitation of older historic styles is discouraged.

- This blurs the distinction between old and new buildings.
- Overall, details shall be modest in character.

Response – The new building is clearly a product of its own time while simultaneously supporting and highlighting the historic landmark. Details are subtle and materials are durable to limit capital expenses for the affordable housing residents as noted in the 2012 AACP Policy I.5 – “Emphasize the use of durable and environmentally responsible materials, while recognizing the realistic lifecycle of the buildings.”

26.415.080. Demolition of designated historic properties or properties within a historic district.

It is the intent of this Chapter to preserve the historic and architectural resources that have demonstrated significance to the community. Consequently no demolition of properties designated on the Aspen Inventory of Historic Landmark Site and Structures or properties within a Historic District will be allowed unless approved by the HPC in accordance with the standards set forth in this Section.

4. The HPC shall review the application, the staff report and hear evidence presented by the property owners, parties of interest and members of the general public to determine if the standards for demolition approval have been met. Demolition shall be approved if it is demonstrated that the application meets any one of the following criteria:
 - a) *The property has been determined by the City to be an imminent hazard to public safety and the owner/applicant is unable to make the needed repairs in a timely manner,*
 - b) *The structure is not structurally sound despite evidence of the owner's efforts to properly maintain the structure,*

- c) *The structure cannot practically be moved to another appropriate location in Aspen or*
- d) *No documentation exists to support or demonstrate that the property has historic, architectural, archaeological, engineering or cultural significance and*

Additionally, for approval to demolish, all of the following criteria must be met:

- a) *The structure does not contribute to the significance of the parcel or Historic District in which it is located and*
- b) *The loss of the building, structure or object would not adversely affect the integrity of the Historic District or its historic, architectural or aesthetic relationship to adjacent designated properties and*
- c) *Demolition of the structure will be inconsequential to the historic preservation needs of the area.*

Response – Two non-historic sheds are located partly on the 1020 property and partly within the alley. The sheds are not shown on the Willits Map or any other 19th century aerial photographs. As such, the two sheds are not related to the period of significance of the miner’s cabin and are requested to be demolished.

26.415.090. Relocation of designated historic properties.

The intent of this Chapter is to preserve designated historic properties in their original locations as much of their significance is embodied in their setting and physical relationship to their surroundings as well as their association with events and people with ties to particular site. However, it is 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.

- 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.

Response – The historic landmark is proposed to be stabilized and moved to the 6’6” front setback toward Cooper Avenue. The landmark is two buildings stitched together at some point; therefore, it can be assumed that at least one if not both of the buildings are not in their original locations. Aspen has a long history of relocating buildings starting in the 19th century. Building materials and resources were hard to find and expensive so many working class locals moved vacated buildings to new sites throughout the late 19th and 20th century.

The landmark is not part of a historic district and its relocation forward provides better visibility of the restored miner’s cabin along Cooper Avenue. The context and setting of the landmark have significantly changed over time with three story large condominium buildings to the east and west of the property. Pulling the landmark forward gives it street presence and positively contributes to the streetscape.

The standard \$30,000 letter of credit or similar form of financial assurance is acceptable to the owner to ensure safe relocation of the landmark.

Design guidelines are addressed below:

9.1 Developing a basement by underpinning and excavating while the historic structure remains in place may help to preserve the historic fabric.

- This activity will require the same level of documentation, structural assessment, and posting of financial assurances as a building relocation.

Response – n/a. The historic building is proposed to be relocated on the site.

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.

Response – Relocating the house forward on the lot brings the landmark into closer relationship to buildings along the block to the east, many of which have a zero foot front setback. A 6’6” front yard setback creates an appropriate transition from the zero foot setbacks to the east and the more generous front yard setbacks

to the west. A more prominent location on the property highlights the landmark in a high density neighborhood.



Figure 12: Birds eye view showing the 6'6" front setback.

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.

Response – The structure is proposed to be moved to comply with the 5 feet side setbacks and to exceed the 5 feet front yard setback – the building currently sits within the east side yard setback in close proximity to a tall property fence. The perpendicular orientation of the building to Cooper Avenue is maintained which reinforces the traditional street grid and traditional siting of historic buildings.

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.

Response – There are challenging grades on the property, as noted on the improvement survey. A slight increase in height is proposed for the landmark to accommodate a single step to the front porch and to promote positive drainage away from the historic resource.

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.

Response – The new foundation will be exposed concrete or painted metal flashing.

9.6 Minimize the visual impact of lightwells.

- The size of any lightwell that faces a street should be minimized.
- Lightwells must be placed so that they are not immediately adjacent to character defining features, such as front porches.
- Lightwells must be protected with a flat grate, rather than a railing or may not be visible from a street.
- Lightwells that face a street must abut the building foundation and generally may not "float" in the landscape except where they are screened, or on an AspenModern site.

Response – Lightwells are the minimum 3 x 3 size for egress, and are minimized to the greatest extent possible while still providing natural light to below grade bedrooms.

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.

Response – A letter from a licensed engineer is included as Exhibit 2. A house mover has inspected the historic building and proposed relocation and is confident in a successful relocation.

9.8 Proposals to relocate a building to a new site are highly discouraged.

- Permanently relocating a structure from where it was built to a new site is only allowed for special circumstances, where it is demonstrated to be the only preservation alternative.

Response – n/a.

MIKE THELE, P.E.

Structural Engineering Services, Inc.

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October 27, 2020

Collin Frank, AIA
DJ Architects
119 South Spring St. Ste. 203
Aspen, Colorado 81611

Re: 1020 East Cooper Project
Aspen, Colorado

Dear Collin,

This is in regards to proposed improvements to the existing residence at 1020 East Cooper Street in Aspen. Current plans by your office indicate that the existing building is to be moved on the site to facilitate construction of a full basement and building additions placed to the north. On May 30, 2019 I visited the project site to observe and review the existing residence in regards to its soundness, ability to withstand the physical move and its rehabilitation needs after the move.

The existing residence is a single story wood framed structure with gable roofs and a framed floor over a shallow crawl space. I understand that the south portion of the residence including the living room and two bedrooms is the original construction and is considered historic. The north portion including the kitchen, dining and an additional bedroom are a subsequent addition to the original. The addition appears to have a concrete foundation. The crawlspace below the original construction was not accessible. Portions of the building may have experienced some settlement considering the limited function of some doors and windows.

Based on observations the existing building structure appears to be basically sound and should be able to withstand the physical move. I understand that the Covered Patio along the north side of the building is to be demolished prior to the move. The physical move of the building should be conducted by a qualified building mover with appropriate experience in stabilizing and moving similar structures.

Rehabilitation needs will include a full review and analysis of the existing building structure to determine if the structure meets current building code requirements and to coordinate with the proposed new construction plans. The existing roof structure will likely need improvements to meet current roof snow load demands. The existing floor structure may need to be replaced or modified to

1020 East Cooper Project
October 27, 2020
Page two

coordinate with the new basement plans. Complete construction documents would be required for the proposed remodel and additions.

The conclusions of this review are based on visual observations only. No finish materials were removed to observe concealed conditions and no measurements or analyses were provided.

Regards,



Michael J. Thele, P.E.
Structural Engineering Services, Inc.



Exhibit 3
Growth Management
Establishment of Housing Credits

Growth Management

26.470.050.B General Requirements: All development applications for growth management review shall comply with the following standards. The reviewing body shall approve, approve with conditions or deny and application for growth management review based on the following generally applicable criteria and the review criteria applicable to the specific type of development:

1. Sufficient growth management allotments are available to accommodate the proposed development, pursuant to Subsection 26.470.030.D. Applications for multi-year allotments, pursuant to Paragraph 26.470.090.1 shall not be required to meet this standard.

Response – Five affordable housing allotments are requested. According to Land Use Code Section 26.470.030.D, no annual limit applies to affordable housing.

2. The proposed development is compatible with land uses in the surrounding area, as well as with any applicable adopted regulatory master plan.

Response - The high density residential neighborhood is multi-family residential buildings with some single family buildings. The proposed affordable housing units are consistent with the residential uses in this neighborhood and the intent of the Residential Multi-Family Zone District.

3. The development conforms to the requirements and limitations of the zone district.

Response - The development conforms to the Residential Multi-Family Zone District.

4. The proposed development is consistent with the Conceptual Historic Preservation Commission approval, the Conceptual Commercial Design Review approval and the Planned Development – Project Review approval, as applicable.

Response - Conceptual HPC review is requested as part of this application.

5. Unless otherwise specified in this Chapter, sixty percent (60%) of the employees generated by the additional commercial or lodge development, according to Subsection 26.470.100.A, Employee generation rates, are mitigated through the provision of affordable housing. The employee generation mitigation plan shall be approved pursuant to Paragraph 26.470.070.4, Affordable housing, at 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. If an applicant chooses to use a Certificate of Affordable Housing Credit as mitigation, pursuant to Chapter 26.540, such Certificate shall be extinguished pursuant to Chapter 26.540.90 Criteria for Administrative Extinguishment of the Certificate.

Response - Not applicable.

6. Affordable housing net livable area, for which the finished floor level is at or above natural or finished grade, whichever is higher, shall be provided in an amount equal to at least thirty percent (30%) of the additional free-market residential net livable area, for which the finished floor level is at or above natural or finished grade, whichever is higher.

Affordable housing shall be approved pursuant to Paragraph 26.470.070.4, 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. Affordable housing units that are being provided absent a requirement ("voluntary units") may be deed-restricted at any level of affordability, including residential occupied. If an applicant chooses to use a Certificate of Affordable Housing Credit as mitigation, pursuant to Chapter 26.540, such Certificate shall be extinguished pursuant to Chapter 26.540.90 Criteria for Administrative Extinguishment of the Certificate, utilizing the calculations in Section 26.470.100 Employee/Square Footage Conversion.

Response - Not applicable.

7. The project represents minimal additional demand on public infrastructure, or such additional demand is mitigated through improvement proposed as part of the project. 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.

Response - The property is already developed. Additional public infrastructure will be upgraded as needed by the applicant.

26.470.070.4 Affordable housing. The development of affordable housing deed-restricted in accordance with the Aspen/Pitkin County Housing Authority Guidelines shall be approved, approved with conditions or denied by the Planning and Zoning Commission based on the following criteria:

a. The proposed units comply with the Guidelines of the Aspen/Pitkin County Housing Authority. A recommendation from the Aspen/Pitkin County Housing Authority shall be required for this standard. The Aspen/Pitkin County Housing Authority may choose to hold a public hearing with the Board of Directors.

Response - The proposed units comply with the APCHA Guidelines as shown below:

Table 1: Affordable Housing Unit Breakdown

| Unit | Bed-room | Basement Net Livable Area (sf) | Ground Level Net Livable Area (sf) | Second Level Net Livable Area (sf) | Third Level Net Livable Area (sf) | Extra Storage | Total Size (sf) Excluding storage | Size range(sf) | Private Deck | Stacked Unit |
|-----------------------------|----------|--------------------------------|------------------------------------|------------------------------------|-----------------------------------|---------------|-----------------------------------|----------------|--------------|--------------|
| <i>landmark</i> 101 | 2 | 462.5 | 450.5 | 103.9* | x | x | 1,016.9 | 900 -720 | y | y |
| <i>landmark</i> 102 | 3 | 482.9 | 533.7 | 182.9 | x | x | 1,199.4 | 1200-960 | y | y |
| 103 | 2 | 436.5 | 449.7 | x | x | 6.1 | 886.2 | 900-720 | y | y |
| 201 | 3 | X | x | 1,011.8 | X | 28 | 1,011.8 | 1200-960 | y | n |
| 301 | 3 | x | x | x | 786.7 | 28 | 786.7 | 900-720 | y | n |
| TOTAL Net Livable Area (sf) | | | | | | | 4,901 | | | |

*Unit 101 has lofted interior storage.

A total of 12.75 FTEs are proposed. Each unit has assigned storage, private outdoor space, and interior washer/dryers. A bike rack, locking ski/snowboard storage, and hanging storage in the carport are proposed on the property. The revised project was required to reduce mass and scale which now results in four units that are slightly smaller than the minimum size listed in the APCHA Affordable Housing Development Policy. All units are within the 20% reduction allowance by APCHA. Criteria to grant a reduction to the minimum net livable square footage is addressed below.

Permitted Adjustments to Net Minimum Livable Square Footage

The approval of the city or county of Net Minimum Livable square footage of affordable housing units for construction or conversion must be obtained prior to the issuance of a building permit. Any adjustment is subject to the approval of the city or county.

1. Permitted Reduction of Square Footage

Net Minimum Livable Square Footage may be reduced by the city or county based on the specific criteria identified below, and if the permit applicant sufficiently demonstrates that construction requires accommodation for physical conditions of the property or in consideration of design for livability, common storage, amenities, location and site design, including but not limited to provisions for the following:

- Significant storage space located outside the unit;

Response – Extra storage units are provided for all of the units. Additional storage above parking spaces within the carport, locking ski storage, and bike storage is provided.

- **Above average natural light, i.e. more windows than required by code;**

Response – All units have above average natural light.

- ***Efficient, flexible layout with limited hall and staircase space;***

Response – The units have limited hallways and staircases.

- **Availability of site amenities, such as pool or proximity to park or open space;**

Response – The project is located within close walking distance to downtown, the local grocery store, the Roaring Fork River, and multiple bike and walking trails. Open space is provided onsite in the side yards and between the buildings. The project is near a RFTA bus stop on Cooper.

The landmark unit 102 has a private side porch; and the third floor two-bedroom unit 301 has large decks and views of Aspen Mountain.

- **Unit location within the development, i.e. above ground location versus ground level or below ground; and/or**

Response – Units 201 and 301 are entirely above grade with private decks. Units 102 and 103 are mostly above grade with bedrooms in the basement level.

- **Possibility that project can achieve higher density of deed restricted units with a reduction variance.**

Response – The project is able to achieve a higher density of units with a reduction in unit size.

b. Affordable housing required for mitigation purposes shall be in the form of actual newly built units or buy-down units. Off-site units shall be provided within the City limits. Units outside the City limits may be accepted as mitigation by the City Council, pursuant to Paragraph 26.470.090.2. If the mitigation requirement is less than one (1) full unit, a fee-in-lieu payment may be accepted by the Planning and Zoning Commission upon a recommendation from the Aspen/Pitkin County Housing Authority. If the mitigation requirement is one (1) or more units, a fee-in-lieu payment shall require City Council approval, pursuant to Paragraph 26.470.090.3. A Certificate of Affordable Housing Credit may be used to satisfy mitigation requirements by approval of the Community Development Department Director, pursuant to Section 26.540.080 Extinguishment of the Certificate. Required affordable housing may be provided through a mix of these methods.

Response - The proposed deed restricted units are not required for mitigation purposes.

c. 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.

Response – All units comply with the 50% requirement as shown on the drawing set.

d. The proposed units shall be deed-restricted as "for sale" units and transferred to qualified purchasers according to the Aspen/Pitkin County Housing Authority Guidelines. The owner may be entitled to select the first purchasers, subject to the aforementioned qualifications, with approval from the Aspen/Pitkin County Housing Authority. The deed restriction shall authorize the Aspen/Pitkin County Housing Authority or the City to own the unit and rent it to qualified renters as defined in the Affordable Housing Guidelines established by the Aspen/Pitkin County Housing Authority, as amended. The proposed units may be rental units, including but not limited to rental units owned by an employer or nonprofit organization, if a legal instrument in a form acceptable to the City Attorney ensures permanent affordability of the units. The City encourages affordable housing units required for lodge development to be rental units associated with the lodge operation and contributing to the long-term viability of the lodge. Units owned by the Aspen/Pitkin County Housing Authority, the City of Aspen, Pitkin County or other similar governmental or quasi-municipal agency shall not be subject to this mandatory "for sale" provision.

Response - The applicant proposes a 100% rental project with the intention of selling the units to employers to rent to qualified employees. The owner respectfully requests to designate category at the time of deed restriction with the understanding that units will be Category 4 or lower.

e. Non-Mitigation Affordable Housing. Affordable housing units that are not required for mitigation, but meet the requirements of Section 26.470.070.4(a-d). The owner of such non-mitigation affordable housing is eligible to receive a Certificate of Affordable Housing Credit pursuant to Chapter 26.540.

Response - The affordable housing units are all voluntary units which are eligible for affordable housing credits.

Certificates of Affordable Housing Credit

The project proposes 5 deed restricted rental units, which equals 12.75 affordable housing credit certificate as calculated in Table 1 above.

26.540.070 Review criteria for establishing an affordable housing credit. An Affordable Housing Credit may be established by the Planning and Zoning Commission if all of the following criteria are met. The proposed units do not need to be constructed prior to this review.

A. The proposed affordable housing unit(s) comply with the review standards of Section 26.470.070.4(a-d).

Response –These standards are addressed above.

B. The affordable housing unit(s) are not an obligation of a Development Order and are not otherwise required by this Title to mitigate the impacts of development.

Response – The proposed units are not affected by a Development Order and are not committed to satisfy mitigation requirements for any other development.

Exhibit 4
Transportation

Transportation and Parking Management

26.515.060.C. Review Criteria. All development and redevelopment projects are required to submit a Mobility Plan, which shall include and describe a project's mitigations for TIA and Parking Requirements. The Engineering, Transportation, and Community Development Department staff shall determine whether the project conforms to this Chapter requirements using the following standards:

1. Project TIA and the resulting mitigation program meets requirements for exempt, minor or major project categories as outlined in the TIA Guidelines.

Response – A completed TIA is attached.

2. Project provides full mitigation for the Parking Requirements pursuant to Section 26.515.050.

Response –The Residential Multi-family Zone District allows 100% of the parking mitigation be provided through cash in lieu. Four parking spaces are provided, including an ADA compliant space for the five affordable housing units. A mix of onsite and cash in lieu is proposed to promote alternative forms of transportation and to address the need for onsite parking. Four onsite spaces and cash in lieu for one parking space mitigates for the 5 parking spaces in accordance with Code.

3. If existing development is expanded, additional Parking Requirements shall be provided for that increment of the expansion.

Response – n/a.

4. If existing development is redeveloped, on-site parking deficits may not be maintained unless all parking, or at least 20 spaces are provided as Public Parking.

Response – n/a.



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1020 E. COOPER PROJECT

ASPEN CO

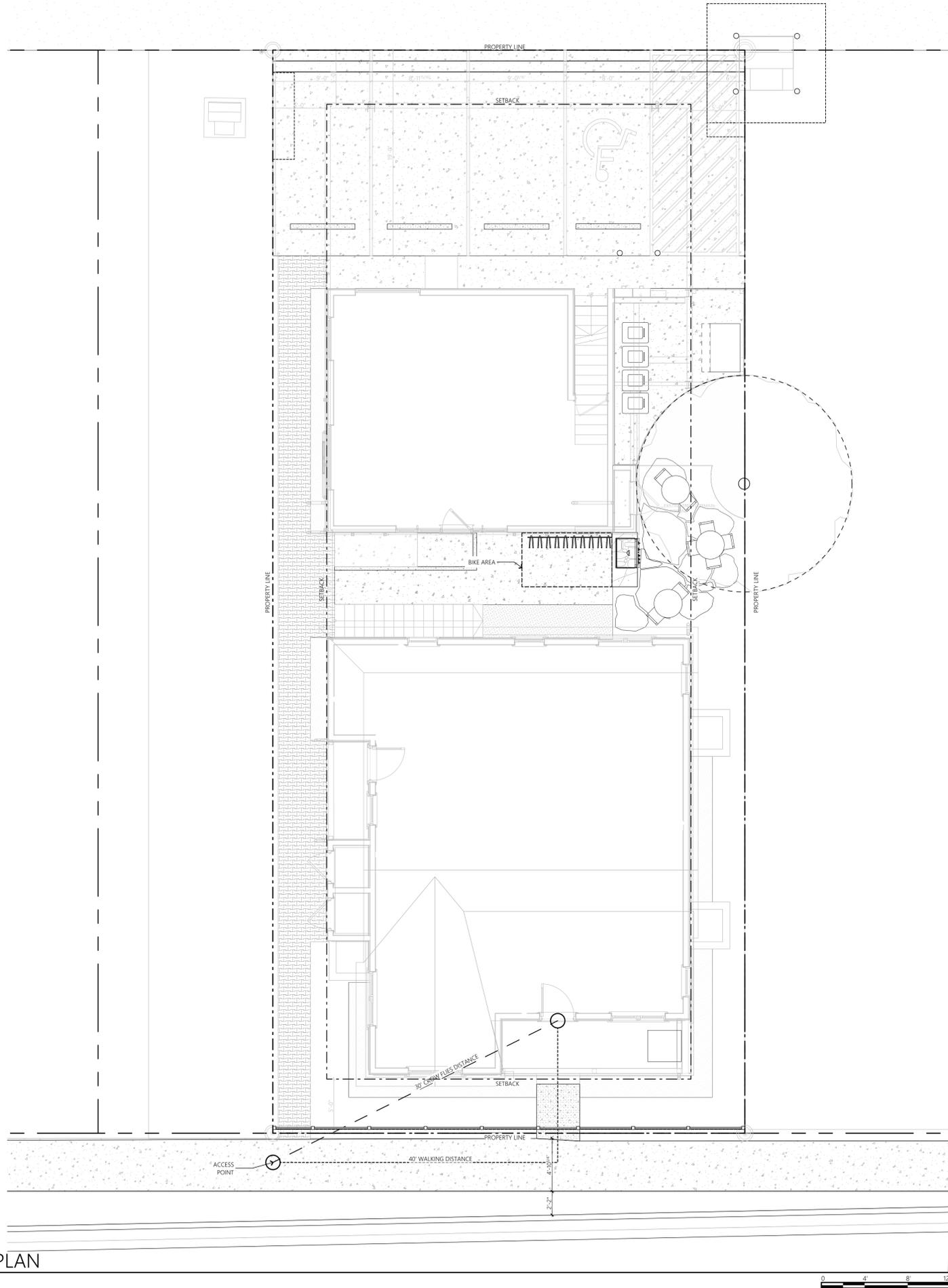
DRAWING HPC APPLICATION ISSUE 10/28/2020

SITE PLAN | TIA | 3/16"

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.

A1.03



1 TIA SITE PLAN
SCALE: 3/16" = 1'-0"



Summary and Narrative:

| | |
|--|---|
| DATE: | 10/30/2020 |
| PROJECT NAME: | 1020 East Cooper Project |
| PROJECT ADDRESS: | 1020 East Cooper Avenue |
| APPLICANT CONTACT INFORMATION: NAME, COMPANY, ADDRESS, PHONE, EMAIL | Sara Adams BendonAdams 300 S. Spring St. #202, Aspen CO 81621 970-925-2855 sara@bendonadams.com |

| SUMMARY | | | | | |
|-----------------|---------------------|-----------------|------|-----------------------|---------------------------|
| Trip Generation | | Trip Mitigation | | | NET TRIPS TO BE MITIGATED |
| Peak Hour | Max Trips Generated | MMLOS | TDM | Total Trips Mitigated | |
| PM | 3.6 | 8 | 0.02 | 8.02 | 0.00 |

Narrative:

Click on the "Generate Narrative" Button to the right.
Respond to each of the prompts in the space provided.
Each response should cover the following:

1. Explain the selected measure.
2. Call out where the measure is located.
3. Demonstrate how the selected measure is appropriate to enhance the project site and reduce traffic impacts.
4. Explain the Enforcement and Financing Plan for the selected measure.
5. Explain the scheduling and implementation responsibility of the mitigation measure.
6. Attach any additional information and a site map to the narrative report.

Project Description

In the space below provide a description of the proposed project.

A single family home is proposed to be converted into a 5-unit affordable housing project. Four onsite parking spaces are proposed. A bike rack is provided for residents and a year membership to the City’s car-to-go program is proposed for each unit to promote alternative forms of transportation and to discourage car ownership.

MMLOS

Include any additional information that pertains to the MMLOS plan in the space provided below.

A bike rack is proposed on the property. A bear proof trash can is proposed for the Mountain Valley RFTA bus stop as suggested by the Transportation Department.

TDM

Provide details in the space provided for the proposed carshare participation. Carshare programs have been linked to increased use of alternative transportation modes and reduced SOV trips. The successful project will provide access to Aspen’s CAR TO GO carshare program. Trip reduction potential will depend on the level to which the development participates. Car share memberships can be provided to all employees or residents of new developments.

A year membership will be provided to all initial and eligible tenants in the project. A year membership promotes use of the carshare program and discourages car ownership.

Explain the proposed trip reduction marketing/incentive program in the space provided. A trip reduction marketing programs should include a number of the following strategies: orientation to trip reduction programs and benefits; orientation to specific alternative transportation modes such as bus service information, bike/walk route maps, etc.; publishing of web or traditional informational materials; events and contests such as commuter fairs, new employee orientations, bike to work days, etc.; educational opportunities such bicycle commute/repair classes; web or traditional materials aimed at guests/customers such as bike/walk maps, free transit day passes, etc.; incentive programs such as prizes, rewards or discounts for alternative commuting.

Alternative forms of transportation, RFTA schedules and information, bike/trail maps, and information about Wecycle will be included in a welcome package for new renters.

Include any additional information that pertains to the TDM plan in the space provided below.

We are open to other options for a 100% residential project.

MMLOS Site Plan Requirements

Include the following on a site plan. Clearly call out and label each measure. Attach the site plan to the TIA submittal.

Slopes Between Back of Curb and Sidewalk

2% Slope at Pedestrian Driveway Crossings

Pedestrian Directness Factor (See callout number 9 on the MMLOS sheet for an example)

Bicycle Parking

Bus Stop Trash Receptacle

Enforcement and Financing

Provide an overview of the Enforcement and Financing plan for the proposed transportation mitigation measures.

Enforcement is the responsibility of the City and APCHA. Financing for the carshare program will be through the employers that own the unit.

Scheduling and Implementation Responsibility of Mitigation Measures

Provide an overview of the scheduling and implementation responsibility for the proposed transportation mitigation measures.

Transportation measures will be implemented at the time of unit occupation.

Monitoring and Reporting

Provide a monitoring and reporting plan. Refer to page 17 in the Transportation Analysis Guidelines for a list of monitoring plan requirements. Components of a Monitoring and Reporting Plan should include (1) Assessment of compliance with guidelines, (2) Results and effectiveness of implemented measures, (3) Identification of additional strategies, and (4) Surveys and other supporting data.

The TIA can be audited by the City of Aspen or APCHA to confirm compliance.

Trip Generation

Instructions:

IMPORTANT: Turn on Macros: In order for code to run correctly the security settings need to be altered. Click "File" and then click "Excel Options." In the "Trust Center" category, click "Trust Center Settings", and then click the "Macro Settings" category. Beneath "Macro Settings" select "Enable all Macros."

Sheet 1. Trip Generation: Enter the project's square footage and/or unit counts under Proposed Land Use. The numbers should reflect the net change in land use between existing and proposed conditions. If a land use is to be reduced put a negative number of units or square feet.

Sheet 2. MMLoS: Answer Yes, No, or Not Applicable under each of the Pedestrian, Bike and Transit sections. Points are only awarded for proposed (not existing) and confirmed aspects of the project.

Sheet 3. TDM: Choose the mitigation measures that are appropriate for your project.

Sheet 4. Summary and Narrative: Review the summary of the project's mitigated trips and provide a narrative which explains the measures selected for the project. Click on "Generate Narrative" and individually explain each measure that was chosen and how it enhances the site or mitigates vehicle traffic. Ensure each selected measure make sense for

Helpful Hints:

1. Refer to the [Transportation Impact Analysis](#) guidelines for information on the use of this tool.
2. Refer to [TIA Frequently Asked Questions](#) a quick overview.
3. Hover over red corner tags for additional information on individual measures.
3. Proposed TDM or MMLoS measures should be new and/or an improvement of existing conditions. A project will not receive credit for measures already in place. Proposed TDM or MMLoS measures should also make sense in the context of project location and future use.

 = input
 = calculation

| | |
|---------------------------------------|---|
| DATE: | 10/30/2020 |
| PROJECT NAME: | 1020 East Cooper Project |
| PROJECT ADDRESS: | 1020 East Cooper Avenue |
| APPLICANT CONTACT INFORMATION: | Sara Adams BendonAdams 300 S. Spring St. #202, Aspen CO 81621 970-925-2855 sara@bendonadams.com |

| | | |
|--|-------|---|
| Is this a major or minor project? | Minor | Minor Development - Inside the Roundabout Major Development - Outside the Roundabout |
|--|-------|---|

| Proposed Land Use | Net New Units/Square Feet of the Proposed Project | Trips Generated | | | | | |
|--------------------------------|---|-----------------|-------------|-------------|--------------|-------------|-------------|
| | | AM Peak-Hour | | | PM Peak-Hour | | |
| | | Entering | Exiting | Total | Entering | Exiting | Total |
| Commercial (sf) | 0.0 sf | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Free-Market Housing (Units) | -1 Units | -0.19 | -0.48 | -0.67 | -0.46 | -0.36 | -0.82 |
| Affordable Housing (Units) | 5 Units | 1.80 | 1.95 | 3.75 | 2.45 | 2.00 | 4.45 |
| Lodging (Units) | 0 Units | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Essential Public Facility (sf) | 0.0 sf | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| TOTAL NEW TRIPS | | 1.61 | 1.47 | 3.08 | 1.99 | 1.64 | 3.63 |

*For mixed-use (at least two of the established land uses) sites, a 4% reduction for AM Peak-Hour and a 14% reduction for PM Peak-Hour is applied to the trip generation.

| ASSUMPTIONS | | | | | | |
|---------------------------|-----------------|-----------|----------|-----------------|-----------|----------|
| ASPEN TRIP GENERATION | | | | | | |
| Land Use | AM Peak Average | | | PM Peak Average | | |
| | Trip Rate | %Entering | %Exiting | Trip Rate | %Entering | %Exiting |
| Commercial | 2.27 | 0.69 | 0.31 | 4.14 | 0.4 | 0.6 |
| Free-Market Housing | 0.67 | 0.29 | 0.71 | 0.82 | 0.56 | 0.44 |
| Affordable Housing | 0.75 | 0.48 | 0.52 | 0.89 | 0.55 | 0.45 |
| Lodging | 0.25 | 0.57 | 0.43 | 0.31 | 0.52 | 0.48 |
| Essential Public Facility | 0.86 | 0.62 | 0.38 | 1.66 | 0.4 | 0.6 |

MMLOS Input Page

Instructions: Answer Yes, No, or Not Applicable to each measure under the Pedestrian, Bike and Transit sections.

= input
 = calculation

| | |
|---|----------|
| TOTAL NUMBER OF TRIPS MITIGATED: | 8 |
|---|----------|

| Category | Sub. | Measure Number | Question | Answer | Points | |
|--|---|---|---|--------|--------|---|
| Pedestrians | Sidewalk Condition on Project Frontage | 1 | Does the project propose a detached sidewalk where an attached sidewalk currently exists? Does the proposed sidewalk and buffer meet standard minimum widths? | No | 0 | |
| | | 2 | Is the proposed effective sidewalk width greater than the standard minimum width? | No | 0 | |
| | | 3 | Does the project propose a landscape buffer greater than the standard minimum width? | No | 0 | |
| | Subtotal | | | | | 0 |
| | Sidewalk Condition on Adjacent Blocks | 4 | Does the project propose a detached sidewalk on an adjacent block ? Does the proposed sidewalk and buffer meet standard minimum widths? | No | 0 | |
| | | 5 | Is the proposed effective sidewalk width on an adjacent block greater than the standard minimum width? | No | 0 | |
| | | 6 | Is the proposed landscape buffer on an adjacent block greater than the standard minimum width? | No | 0 | |
| | Subtotal | | | | | 0 |
| | Pedestrian Routes | 7 | Are slopes between back of curb and sidewalk equal to or less than 5%? | Yes | 0 | |
| | | 8 | Are curbs equal to (or less than) 6 inches? | Yes | 0 | |
| | | 9 | Is new large-scale landscaping proposed that improves the pedestrian experience? Properties within the Core do not have ample area to provide the level of landscaping required to receive credit in this category. | No | 0 | |
| | | 10 | Does the project propose an improved crosswalk? This measure must get City approval before receiving credit. | No | 0 | |
| | Subtotal | | | | | 0 |
| | Driveways, Parking, and Access Considerations | 11 | Are existing driveways removed from the street? | No | 0 | |
| | | 12 | Is pedestrian and/or vehicle visibility unchanged by new structure or column? | Yes | 0 | |
| | | 13 | Is the grade (where pedestrians cross) on cross-slope of driveway 2% or less? | Yes | 0 | |
| | | 14 | Does the project propose enhanced pedestrian access points from the ROW? This includes improvements to ADA ramps or creating new access points which prevent pedestrians from crossing a street. | No | 0 | |
| | | 15 | Does the project propose enhanced pedestrian or bicyclist interaction with vehicles at driveway areas? | No | 0 | |
| | Subtotal | | | | | 0 |
| Traffic Calming and Pedestrian Network | 16 | Is the project's pedestrian directness factor less than 1.5? | Yes | 0 | | |
| | 17 | Does the project propose new improvements which reduce the pedestrian directness factor to less than 1.2? A site which has an existing pedestrian directness factor less than 1.2 cannot receive credit in this category. | No | 0 | | |
| | 18 | Is the project proposing an off site improvement that results in a pedestrian directness factor below 1.2?* | No | 0 | | |
| | 19 | Are traffic calming features proposed that are part of an approved plan (speed humps, rapid flash)?* | No | 0 | | |

Exhibit B- Application

| Subtotal | | | | 0 |
|---|-----------|---|----|---|
| Additional Proposed Improvements | 20 | Are additional minor improvements proposed which benefit the pedestrian experience and have been agreed upon with City of Aspen staff? | No | 0 |
| | 21 | Are additional major improvements proposed which benefit the pedestrian experience and have been agreed upon with City of Aspen staff? | No | 0 |
| Subtotal | | | | 0 |
| Pedestrian Total* | | | | 0 |

| Category | Sub. | Measure Number | Question | Answer | Points | |
|-----------------|--|----------------|---|---|--------|---|
| Bicycles | Modifications to Existing Bicycle Paths | 22 | Is a new bicycle path being implemented with City approved design? | No | 0 | |
| | | 23 | Do new bike paths allow access without crossing a street or driveway? | No | 0 | |
| | | 24 | Is there proposed landscaping, striping, or signage improvements to an existing bicycle path? | No | 0 | |
| | | 25 | Does the project propose additional minor bicycle improvements which have been agreed upon with City of Aspen staff? | No | 0 | |
| | | 26 | Does the project propose additional major bicycle improvements which have been agreed upon with City of Aspen staff? | No | 0 | |
| | Subtotal | | | | | 0 |
| | Bicycle Parking | | 27 | Is the project providing bicycle parking? | Yes | 5 |
| Subtotal | | | | | 5 | |
| Bicycles Total* | | | | | 5 | |

| Category | Sub. | Measure Number | Question | Answer | Points | |
|----------------|---------------------------|----------------|--|--|--------|---|
| Transit | Basic Amenities | 28 | Is seating/bench proposed? | No | 0 | |
| | | 29 | Is a trash receptacle proposed? | Yes | 3 | |
| | | 30 | Is transit system information (signage) proposed? | NA | 0 | |
| | | 31 | Is shelter/shade proposed? | No | 0 | |
| | | 32 | Is enhanced pedestrian-scale lighting proposed? | No | 0 | |
| | | 33 | Is real-time transit information proposed? | No | 0 | |
| | | 34 | Is bicycle parking/storage proposed specifically for bus stop use? | No | 0 | |
| | | 35 | Are ADA improvements proposed? | No | 0 | |
| | Subtotal | | | | | 3 |
| | Enhanced Amenities | | 36 | Is a bus pull-out proposed at an existing stop? | No | 0 |
| | | | 37 | Is relocation of a bus stop to improve transit accessibility or roadway operations proposed? | No | 0 |
| | | 38 | Is a new bus stop proposed (with minimum of two basic amenities)? | No | 0 | |
| Subtotal | | | | | 0 | |
| Transit Total* | | | | | 3 | |

TDM Input Page



Instructions TDM: Choose the mitigation measures that are appropriate for your project. Proposed TDM or MMLOS measures should be new and/or an improvement of existing conditions. A project will not receive credit for measures already in place. Proposed TDM or MMLOS measures should also make sense in the context of project location and future use.

| Category | Measure Number | Sub. | Question | Answer | Strategy VMT Reductions |
|--|--------------------|--|--|--------|-------------------------|
| Neighborhood/Site Enhancements Strategies | 1 | Onsite Servicing | Will an onsite amenities strategy be implemented? Which onsite amenities will be implemented? | No | 0.00% |
| | 2 | Shared Shuttle Service | Will a shared shuttle service strategy be implemented? | NA | 0.00% |
| | | | What is the degree of implementation? | | |
| | | | What is the company size? | | |
| 3 | Nonmotorized Zones | Will a nonmotorized zones strategy be implemented? | NA | 0.00% | |
| Maximum Reduction Allowed in Category | | | | | 0.00% |

| Category | Measure Number | Sub. | Question | Answer | Strategy VMT Reductions |
|---|----------------------------|--|--|--------|-------------------------|
| Transit System Improvements Strategies | 4 | Network Expansion | Will a network expansion strategy be implemented? | NA | 0.00% |
| | | | What is the percentage increase of transit network coverage? | | |
| | | | What is the existing transit mode share as a % of total daily trips? | | |
| | 5 | Service Frequency/Speed | Will a service frequency/speed strategy be implemented? | NA | 0.00% |
| What is the percentage reduction in headways (increase in frequency)? | | | | | |
| What is the existing transit mode share as a % of total daily trips? | | | | | |
| 6 | Transit Access Improvement | Will a transit access improvement strategy be implemented? What is the extent of access improvements? | NA | 0.00% | |
| 7 | Intercept Lot | Will an intercept lot strategy be implemented? | NA | 0.00% | |
| Maximum Reduction Allowed in Category | | | | | 0.00% |

| Category | Measure Number | Sub. | Question | Answer | Strategy VMT Reductions |
|--|--|--|---|--------|-------------------------|
| Commuter Trip Reduction Programs Strategies | 8 | Participation in TOP | Will there be participation in TOP? | No | 0.00% |
| | | | What percentage of employees are eligible? | 100% | |
| | 9 | Transit Fare Subsidy | Is a transit fare subsidy strategy implemented? | NA | 0.00% |
| | | | What percentage of employees are eligible? | | |
| | | | What is the amount of transit subsidy per passenger (daily equivalent)? | | |
| | 10 | Employee Parking Cash-Out | Is an employee parking cash-out strategy being implemented? What percentage of employees are eligible? | NA | 0.00% |
| | 11 | Workplace Parking Pricing | Is a workplace parking pricing strategy implemented? | NA | 0.00% |
| | | | What is the daily parking charge? | | |
| | | | What percentage of employees are subject to priced parking? | | |
| | 12 | Compressed Work Weeks | Is a compressed work weeks strategy implemented? What percentage of employees are participating? What is the workweek schedule? | NA | 0.00% |
| | 13 | Employer Sponsored Vanpool | Is an employer sponsored shuttle program implemented? | NA | 0.00% |
| | | | What is the employer size? | | |
| | | | What percentage of employees are eligible? | | |
| | 14 | Carpool Matching | Is a carpool matching strategy implemented? What percentage of employees are eligible? | NA | 0.00% |
| 15 | Carshare Program | Is carshare participation being implemented? | Yes | 2.00% | |
| | | How many employee memberships have been purchased? | <100 | | |
| | | What percentage of employees are eligible? | 100% | | |
| 16 | Bikeshare Program | Is participation in the bikeshare program WE-cycle being implemented? | NA | 0.00% | |
| | | How many memberships have been purchased? | <100 | | |
| | | What percentage of employees/guests are eligible? | 100% | | |
| 17 | End of Trip Facilities | Is an end of trip facilities strategy being implemented? | NA | 0.00% | |
| | | What is the degree of implementation? | | | |
| | | What is the employer size? | | | |
| 18 | Self-funded Emergency Ride Home | Is a self-funded emergency ride home strategy being implemented? What percentage of employees are eligible? | NA | 0.00% | |
| 19 | Carpool/Vanpool Priority Parking | Is a carpool/vanpool priority parking strategy being implemented? | NA | 0.00% | |
| | | What is the employer size? | | | |
| | | What number of parking spots are available for the program? | | | |
| 20 | Private Employer Shuttle | Is a private employer shuttle strategy being implemented? | NA | 0.00% | |
| | | What is the employer size? | | | |
| | | What percentage of employees are eligible? | | | |
| 21 | Trip Reduction Marketing/Incentive Program | Is a trip reduction marketing/incentive program implemented? | Yes | 0.00% | |
| | | What percentage of employees/guests are eligible? | | | |
| Maximum Reduction Allowed in Category | | | | | 0.44% |

| | | | | | |
|---|--|--|--|--|--------------|
| Cross Category Maximum Reduction, Neighborhood and Transit | | | | | 0.00% |
| Global Maximum VMT Reductions | | | | | 0.44% |

1. 22% work trips represents a mixed-used site (SF Bay Area Travel Survey). See Assumptions Tab for more detail.



Residential Design Standards

Administrative Compliance Review Applicant Checklist - Multi-family Development

Address: 1020 East Cooper Avenue
 Parcel ID: 2737-182-32-006
 Zone District/PD: RMF

Representative: Sara Adams, BendonAdams
 Email: sara@bendonadams.com
 Phone: 970-925-2855 x2

Instructions: Please fill out the checklist below, marking whether the proposed design complies with the applicable standard as written or is requesting Alternative Compliance (only permitted for Flexible standards). Also include the sheet #(s) demonstrating the applicable standard. If a standard does not apply, please mark N/A and include in the Notes section why it does not apply. If Alternative Compliance is requested for a Flexible standard, include in the Notes section how the proposed design meets the intent of the standard(s). Additional sheets/graphics may be attached.

Note: RDS only applies to the detached rear structure. The landmark is exempt from RDS.

Disclaimer: This application is only valid for the attached design. If any element of the design subject to Residential Design Standards changes prior to or during building permit review, the applicant shall be required to apply for a new Administrative Compliance Review.

| Standard | Complies | Alternative Compliance | N/A | Sheet #(s)/Notes |
|--------------------------------------|-------------------------------------|--------------------------|--------------------------|---|
| B.1. Building Orientation (Flexible) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sheet A1.02 |
| B.2. Garage Access (Non-flexible) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sheet A1.02, access from alley to carport |
| B.3. Garage Placement (Non-flexible) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sheet A1.02 |
| B.4. Entry Connection (Non-flexible) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sheet A1.08 |
| B.5 Principle Window (Flexible) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sheet A2.01 |



PRE-APPLICATION CONFERENCE SUMMARY

PLANNER: Amy Simon, amy.simon@cityofaspen.com
DATE: August 27, 2019
PROJECT LOCATION: 1020 E. Cooper Avenue
REQUEST: Major Development, Demolition, Relocation, Growth Management, Affordable Housing Credits
REPRESENTATIVE: Sara Adams, sara@bendonadams.com

DESCRIPTION: 1020 E. Cooper is a landmark designated property which contains a heavily altered Victorian era single family home. Two outbuildings, date of construction unknown, sit at the rear of the site. The lot is 4,379 square feet in size and is located in the RMF zone district. Because the minimum lot area for the zone district is 6,000 square feet, 1020 E. Cooper is considered to be a non-conforming lot of record. Landmark designation permits the site to be developed with any of the allowed RMF uses, according to Section 26.312 of the Municipal Code.

A potential purchaser is interested in creating multi-family housing and affordable housing credits. This will require review by the Historic Preservation Commission which is likely to include a proposal to demolish the sheds at the rear of the site, to demolish non-historic additions to the miner’s cottage, to re-position the miner’s cottage and to expand above and below grade. Setback variations may be requested. A tree that straddles the east property line is to be protected and retained in the redevelopment.

Please refer to the RMF zone district for guidance on dimensional requirements. The parking requirement is 1 parking unit per dwelling unit which may be provided as a mix of on-site parking, TIA measures and cash-in-lieu. At least one on-site space would likely need to be accessible and approximately twice the width of a standard parking space. In addition, the alley frontage will need to include adequate trash and recycling storage and utilities.

Prior to the preparation of a recommendation to HPC, staff will refer the application to other City Departments for comments and proposed conditions of approval. The applicant will be required to prepare a Transportation Impact Analysis for Engineering Review.

The first review step will be Conceptual design, Demolition, Relocation, Variations, Growth Management, and Affordable Housing Credits. Following Conceptual approval, staff will inform Council of HPC’s decision, allowing them the opportunity to “call up” any aspects of the approval that they find require additional discussion. This is standard practice for all significant reviews before HPC.

The last step is Final design review.

RELEVANT LAND USE CODE SECTIONS:

| <u>Section Number</u> | <u>Section Title</u> |
|-----------------------|--------------------------------------|
| 26.304 | Common Development Review Procedures |
| 26.304.035 | Neighborhood Outreach |

| | |
|--------------|---|
| 26.312.050 | Nonconforming Lots of Record |
| 26.415.070.D | Major Development |
| 26.415.080 | Demolition |
| 26.415.090 | Relocation |
| 26.415.110.C | Historic Preservation Variations, Benefits |
| 26.470.080 | General Review Standards: Affordable Housing |
| 26.470.100.C | Planning and Zoning Commission Applications, Affordable Housing |
| 26.515 | Transportation and Parking Management |
| 26.540.070 | Review Criteria for Establishing an Affordable Housing Credit |
| 26.575.020 | Calculations and Measurements |
| 26.600 | Impact Fees |
| 26.620 | School Land Dedication |
| 26.710.090 | Residential Multi-Family (RMF) Zone District |
| 12.10.050 | Trash Storage Space Required for Multi-Family Developments |

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

[Land Use Application](#) [Land Use Code](#) [Historic Preservation Design Guidelines](#)

| | |
|-------------------------------|---|
| Review by: | Staff for completeness and recommendations HPC for determinations |
| Public Hearing: | Yes |
| Neighborhood Outreach: | Yes |
| Referrals: | Yes, Engineering, Parks, APCHA, Environmental Health |
| Fees: | Conceptual- \$3,250 for 10 billable hours of planning staff time plus referral fees in the amount of \$325 deposit for 1 hour of Engineering Review, a \$975 flat fee for Parks, a \$975 flat fee for APCHA and a \$975 flat fee for Environmental Health for a total of \$6,500 . (Additional/ lesser deposit hours will be billed/ refunded at a rate of \$325 per hour) Final- \$1,950 for 6 billable hours of planning staff time. (Additional/ lesser deposit hours will be billed/ refunded at a rate of \$325 per hour) |

APPLICATION CHECKLIST: Below is a list of submittal requirements. Please email the application as one pdf to amy.simon@cityofaspen.com for an initial determination of completeness.

- Completed Land Use Application and signed Fee Agreement.
- 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

Exhibit B- Application

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.
- HOA Compliance form
- List of adjacent property owners for both properties within 300' for public hearing.
- An 8 1/2" by 11" vicinity map locating the parcel within the City of Aspen.
- Site improvement survey including topography and vegetation showing the current status, certified by a registered land surveyor, licensed in the state of Colorado.
- A written description of the proposal and an explanation of how the proposed development complies with the relevant review standards and design guidelines (please note that landmarks are except from the Residential Design Standards.)
- Scaled site plan and drawings of all proposed structures or additions.
- A written report from a licensed engineer or architect regarding the soundness of the miner's cottage to be relocated.
- Evidence of the financial ability to undertake the safe relocation, preservation and repair of the miner's cottage through the posting of bonds or other financial measures deemed appropriate.
- 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.
- The net livable square footage of each residential unit in the development.
- If applicable, the conditions under which reductions from net minimum livable square footage requirements are requested according to APCHA guidelines.
- Proposed Category Designation of sale or rental restriction for each unit in the development.
- Proposed employees housed by the affordable housing unit in increments of no less than one one-hundredth (0.01) according to Section 26.470.100.2- Employees Housed.
- A mobility plan meeting the requirements of Chapter 26.515 of the Aspen Municipal Code.
- 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** 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 sample or clearly illustrated photographs.
 - A lighting plan and landscape plan, including any visible stormwater mitigation features.

Once the copy is deemed complete by staff, the application fee will be requested.

Disclaimer:

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

CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

Exhibit B - Application

DIMENSIONAL REQUIREMENTS FORM Complete only if required by the PreApplication checklist

Project and Location 1020 East Cooper Avenue

Applicant: 1020 Cooper LLC, represented by BendonAdams

Zone District: RMF Gross Lot Area: 4,379sf Net Lot Area: 4,379sf

**Please refer to section 26.575.020 for information on how to calculate Net Lot Area

Please fill out all relevant dimensions

Single Family and Duplex Residential

| | Existing | Allowed | Proposed |
|---------------------------------------|-------------------|---------|----------|
| 1) Floor Area (square feet) | 1,075sf | | |
| 2) Maximum Height | 14'8.75" | | |
| 3) Front Setback | 17.3' | | |
| 4) Rear Setback | 0' | | |
| 5) Side Setbacks | E- 2.5' W- 10'11" | | |
| 6) Combined Side Setbacks | 13'5" | | |
| 7) % Site Coverage | n/a | | |
| 8) Minimum distance between buildings | varies | | |
| Proposed % of demolition | <u>n/a</u> | | |

Multi-family Residential

| | Existing | Allowed | Proposed |
|---|----------|---------|----------|
| 1) Number of Units | | | |
| 2) Parcel Density (see 26.710.090.C.10) | | | |
| 3) FAR (Floor Area Ratio) | | | |
| 4) Floor Area (square feet) | | | |
| 4) Maximum Height | | | |
| 5) Front Setback | | | |
| 6) Rear Setback | | | |
| 7) Side Setbacks | | | |
| Proposed % of demolition | | | |

Please refer to Table 1 in the cover letter for allowed and proposed dimensions.

Commercial

Proposed Use(s) _____

| | Existing | Allowed | Proposed |
|---------------------------------------|----------|---------|----------|
| 1) FAR (Floor Area Ratio) | | | |
| 2) Floor Area (square feet) | | | |
| 3) Maximum Height | | | |
| 4) Off-Street Parking Spaces | | | |
| 5) Second Tier (square feet) | | | |
| 6) Pedestrian Amenities (square feet) | | | |
| Proposed % of demolition | | | |

Lodge

Additional Use(s) _____

| | Existing | Allowed | Proposed |
|--|----------|---------|----------|
| 1) FAR (Floor Area Ratio) | | | |
| 2) Floor Area (square feet) | | | |
| 3) Maximum Height | | | |
| 4) Free Market Residential (square feet) | | | |
| 4) Front setback | | | |
| 5) Rear setback | | | |
| 6) Side setbacks | | | |
| 7) Off-Street Parking Spaces | | | |
| 8) Pedestrian Amenity (square feet) | | | |
| Proposed % of demolition | | | |

Existing non-conformities or encroachments:

Sheds encroach into alley, east side yard setback encroachment, no onsite parking.

Variations requested:

NONE.

CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

Exhibit B - Application

LAND USE APPLICATION

Project Name and Address: 1020 East Cooper Project; 1020 East Cooper Avenue

Parcel ID # (REQUIRED) 2737-182-32-006

APPLICANT:

Name: 1020 Cooper LLC

Address: PO Box 12393, Aspen, CO 81612

Phone #: 303-882-0702 email: jeanncoulter@gmail.com

REPRESENTATIVE:

Name: BendonAdams

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

Phone#: 970-925-2855 x2 email: sara@bendonadams.com

Description: Existing and Proposed Conditions

Currently the property contains a single family residence that is designated a historic landmark. The 1020 East Cooper Project proposes to restore the historic landmark and to construct a detached building at the rear of the property. The property is proposed to be converted into a 100% affordable housing project with a total of 5 housing units - 2 in the landmark and 3 in the new detached building. A basement is proposed beneath the landmark after it is relocated forward on the lot toward Cooper Avenue. Affordable housing credits are requested for the voluntary deed restricted units.

Review: Administrative or Board Review

Required Land Use Review(s): HP Major Development (conceptual); GMQS, Parking and Transportation, Relocation, Demolition, Establishment of Housing Credits

Growth Management Quota System (GMQS) required fields:

Net Leasable square footage n/a Lodge Pillows n/a Free Market dwelling units 0

Affordable Housing dwelling units 5 Essential Public Facility square footage n/a

Have you included the following?

FEES DUE: \$ 6500

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



Thomas J. Todd
Phone (970) 925-3476
Fax (970) 925-9367
ttodd@hollandhart.com

November 20, 2020

Ms. Amy Simon
Community Development Department
City of Aspen
130 S. Galena
Aspen, Colorado 81611

Re: Proof of Ownership in Support of Development Application for the East 13.79' of Lot O and all of Lot P, Block 34, East Aspen Addition to the City of Aspen, also known as 1020 East Cooper Avenue, Aspen Colorado 81611

Dear Amy:

Holland & Hart represents 1020 Cooper LLC, a Colorado limited liability company. The undersigned has been requested by our client to provide you with proof of ownership of the above referenced real property (the "Property").

The undersigned, an attorney licensed in the State of Colorado, hereby informs you that the record owner of the Property is 1020 Cooper LLC, a Colorado limited liability company. 1020 Cooper LLC has full right, power and authority to apply for this Development Application. The complete legal description of the Property is as follows:

The East 13.79' of Lot O and all of Lot P, Block 34, East Aspen Addition to the City of Aspen
County of Pitkin, State of Colorado.

The Property is subject to the liens, encumbrances, easements, and restrictions listed on Exhibit "A" attached hereto.

Please contact the undersigned if you have any questions or need additional information.

Sincerely,



Thomas J. Todd
of Holland & Hart LLP

TJT/sm
Attachment
cc: 1020 Cooper LLC
Ms. Sara Adams, BendonAdams

Holland & Hart LLP Attorneys at Law

Phone (970) 925-3476 Fax (970) 925-9367 www.hollandhart.com

600 East Main Street, Suite 104 Aspen, CO 81611-1991

Aspen Billings Boise Boulder Carson City Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.

EXHIBIT "A"

List of Liens, Encumbrances, Easements and Restrictions

(Note: All recording information is based on the Pitkin County, State of Colorado real property records.)

1. Taxes and assessments for the year 2020 and subsequent years only, a lien not yet due or payable.
2. Reservations and exceptions contained in the U. S. Patent recorded October 21, 1955 in Book 180 at Page 454.
3. Reservations and exceptions contained in U. S. Patent recorded August 29, 1958 in Book 185 at Page 69.
4. Easements, conditions, covenants, restrictions, reservations and notes on the Plat of East Aspen Addition to the City of Aspen recorded August 24, 1959 in Plat Book 2A at Page 252
5. Easements, conditions, covenants, restrictions, reservations and notes on the Plat of 1020 E Cooper Lot Line Adjustment/Subdivision Exemption Recorded October 8, 2019 in Plat Book 126 at Page 7.
6. Terms, conditions, provisions and obligations as set forth in City of Aspen Historic Preservation Commission Resolution No. 21, Series of 2019 recorded December 26, 2019 at Reception No. 661468.

15614683_v3



Thomas J. Todd
Phone (970) 925-3476
Fax (970) 925-9367
 ttodd@hollandhart.com

October 30, 2020

Via E-Mail

Ms. Amy Simon
 Historic Preservation Officer
 Community Development Office
 City of Aspen
 130 S. Galena Street
 Aspen, Colorado 81611

James R. True, Esq.
 City Attorney
 City of Aspen
 130 S. Galena Street
 Aspen, Colorado 81611

Re: Pending Historic Preservation Commission Application for 1020 E. Cooper Avenue, Aspen, Colorado 8161, aka the East 13.79' of Lot O and all of Lot P, East Aspen Addition to City of Aspen

Dear Amy and Jim:

Holland & Hart LLP represents 1020 Cooper LLC, the owner of the above referenced property (the “Subject Property”).

This letter is in response to the comments contained in the September 8, 2020 letter submitted by counsel for Cooper Avenue Victorian Condominium unit owner Bukk Carleton relative to the Lot Line Adjustment/Subdivision Exemption Plat for the Subject Property, recorded on October 8, 2019 at Plat Book 126 at Page 7 under Reception No. 659373 of the Pitkin County real property records (the “Boundary Adjustment Plat”).

By way of background, the prior owner of the Subject Property, longtime Aspen journalist Su Lum, acquired the Subject Property in 1972 and owned it until her death in 2017. The 3.79’ wide strip of land that serves as the western portion of the Subject Property (the “Strip of Land”) was the subject of a quiet title action brought by Ms. Lum against the Cooper Avenue Victorian Condominiums which settled in 2006, resulting in the owners of all five condominium units within the Cooper Avenue Victorian Condominiums and Cooper Avenue Victorian Condominium Association, Inc. quit claiming their interests in the Strip of land to Ms. Lum.

As part of the disposition of the Subject Property from the Estate of Su Lum, 1020 Cooper LLC processed with the City of Aspen the Boundary Adjustment Plat to confirm the



Ms. Amy Simon
Historic Preservation Officer
October 30, 2020
Page 2

inclusion of the Strip of Land together with the eastern 10' of Lot O within the historically recognized boundaries of the Subject Property.

The Boundary Adjustment Plat process was specifically prescribed by Community Development office staff and an application for a Boundary Adjustment under the Administrative Subdivision procedures in Section 26.480.050(c) of the Municipal Code was submitted and duly processed, resulting in the City-approved and recorded Boundary Adjustment Plat referenced above. Thus, no application for a Major Subdivision Approval was applicable or required.

It is also worth noting that Cooper Avenue Victorian Condominium Association, Inc. caused to be recorded a First Amended Condominium Map on December 13, 2011 in Plat Book 98 at Page 93 under Reception No. 585047 (also administratively approved by the City of Aspen) which expressly recognized the Strip of Land as being excluded from the Cooper Avenue Victorian Condominiums General Common Elements, noting the 2006 quit claim conveyances of the Strip of Land described above.

Any time period for challenging the processing and approval of the Boundary Adjustment Plat has long passed and the Cooper Avenue Victorian Condominium Association and the individual unit owners therein have absolutely no claim or interest in the Strip of Land, and they have no basis for challenging the composition or description of the Subject Property as set forth in the Boundary Adjustment Plat. Accordingly, we view the neighbor's objections to the inclusion of this westerly portion of the Subject Property with the pending HPC application to be unsupported and wholly without merit.

Please contact the undersigned if you have any questions or desire additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "T J Todd".

Thomas J. Todd
for Holland & Hart LLP

TJT

cc: 1020 Cooper LLC
Sara Adams, BendonAdams

15605911_v1



October 30, 2020

Phillip Supino, AICP
Community Development Director
City of Aspen
130 So. Galena St.
Aspen, Colorado 81611

RE: 1020 East Cooper; Aspen, CO.

Mr. Supino:

Please accept this letter authorizing BendonAdams LLC to represent our ownership interests in 1020 East Cooper Street and act on our behalf on matters reasonably associated in securing land use approvals for the property.

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

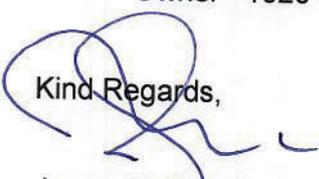
Property – 1020 East Cooper Street; Aspen, CO 81611

Legal Description – Lot P and the East 13.79ft of Lot O, Block 34, East Aspen Addition, City of Aspen, Colorado

Parcel ID – 2737-182-32-006

Owner – 1020 Cooper LLC

Kind Regards,



James DeFrancia
Manager, 1020 Cooper LLC

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

CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

Agreement to Pay Application Fees

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

Address of Property: 1020 East Cooper Street

Please type or print in all caps

Property Owner Name: 1020 Cooper LLC Representative Name (if different from Property Owner) Jean Coulter

Billing Name and Address - Send Bills to:
P.O. Box 12393 Aspen, CO 81612

Contact info for billing: e-mail: jeanncoulter@gmail.com Phone: 303 882 0702

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

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

\$ 975 flat fee for Parks \$ 975 flat fee for Environmental Health
\$ 975 flat fee for APCHA \$ _____ flat fee for _____

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

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

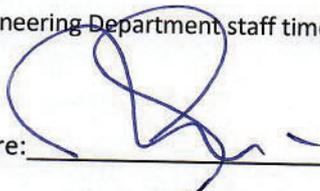
I have read, understood, and agree to the Land Use Review Fee Policy including consequences for no-payment. I agree to pay the following initial deposit amounts for the specified hours of staff time. I understand that payment of a deposit does not render and application complete or compliant with approval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

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

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

City of Aspen:

Phillip Supino, AICP
Community Development Director

Signature:  _____

PRINT Name: James DeFrancia

City Use:
Fees Due: \$ _____ Received \$ _____
Case # _____

Title: Manager, 1020 Cooper LLC

1020 E Cooper Vicinity Map



Legend

- Urban Growth Boundary (UGB)
- Emissions Inventory Boundary (EIB)
- City of Aspen
- Greenline 8040
- Stream Margin
- Hallam Bluff ESA
- Historic Sites
- Historic Districts
- Parcels
- AH Affordable Housing
- R/MF Residential/Multi-Family
- R/MFA Residential/Multi-Family
- R-6 Medium Density Residential
- R-15 Moderate Density Residential
- R-15-A Moderate Density Residential
- R-15B Moderate Density Residential
- R-30 Low Density Residential
- RR Rural Residential
- L Lodge
- CL Commercial Lodge
- CC Commercial Core
- C-1 Commercial
- SCI Service Commercial Industrial
- MU Mixed Use
- SKI Ski Area Base
- C Conservation
- OS Open Space
- P Park

Zone Overlay

- DRAINAGE
- LP PD
- DRAIN/TRANS
- GCS PD
- L PD
- LP
- PD

Zoning

- R-3 High Density Residential



Scale: 1:1,349

When printed at 8.5"x11"



CITY OF ASPEN
Geographic Information Systems

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Pitkin County Mailing List of 300 Feet Radius
From Parcel: 273718232006 on 10/29/2020



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.

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<http://www.pitkinmapsandmore.com>

Exhibit B- Application

TROUSDALE JEAN VICK LVG TRUST
PO BOX 9983
ASPEN, CO 81612

WEISS BERNIE
625 E MAIN ST 102B #211
ASPEN, CO 81611

ASPEN VILLAGER LLC
1001 E COOPER AVE # 6
ASPEN, CO 81611

BALDWIN MELINDA LLC
835 ASH ST
WINNETKA, IL 60093

MEAD GEORGE
550 THIRD ST SO
WISCONSIN RAPIDS, WI 54404

VINCENTI CONDO ASSOC
1015 E HYMAN AVE
ASPEN, CO 81611

PARGITER SALLY J
943 E COOPER #C
ASPEN, CO 81611

PHARR MARK R TIGER III & ALLYSON
101 BONNER DR
LAFAYETTE, LA 70508

SCHULTZ BRIAN & ELIZABETH
9301 MEADOWBROOK DR
DALLAS, TX 75220

UTE 202 LLC
7457 GRANVILLE DR #301
TAMARAC, FL 33321

PRESUTTI DANA
1001 E COOPER AVE #4
ASPEN, CO 816112119

HYMAN AVENUE VICTORIAN CONDO ASSOC
COMMON AREA
990 E HYMAN AVE
ASPEN, CO 81611

CHILES JAMES T & JENNIFER ALBRECHT
901 MAIN #2600
DALLAS, TX 75202

SUNRISE CONDO ASSOC
1007 E HYMAN AVE
ASPEN, CO 81611

HORWITZ LEONARD REV TRUST
720 W 44TH ST #2006
KANSAS CITY, MO 641113413

BLUE SKYE DAISY BROOKE PARTNERSHIP I
1024 E HOPKINS #17
ASPEN, CO 81611

EHRMAN HOPE J
170 MARION AVE
LAKE FOREST, IL 60045

MEYERSTEIN FAMILY TRUST
115 BOOMERANG RD #5103
ASPEN, CO 81611

PALMERO KEN
11 OLD ORCHARD RD
CARBONDALE , CO 81623

MONTGOMERY JOHN
41 UNION AVE #200
MEMPHIS, TN 38103

MAYOTTE MONICA & TERRY
860 SW 21ST ST
BOCA RATON, FL 33486

MATHIESON MICHAEL
155 STEELE ST #617
DENVER, CO 80206

BOUSTEAD DOUGLAS
PO BOX 186
ADIRONDACK, NY 12808

1039 E COOPER LLC
2003 PINE GROVE AVE
COLORADO SPRINGS, CO 80906

ASPEN RIVERSIDE LLC
1039 E COOPER AVE #15A
ASPEN, CO 81611

POLICARO FRANCO G
1004 E DURANT AVE #2
ASPEN, CO 81611

LITZENBERGER JOHN
125 HOWLAND RD
ASHEVILLE, NC 28804

PORTER FRANK H JR
33970 MEADOW LN
CHAGRIN FALLS, OH 44022

HOLSTEIN MATTHEW & KATE
947 E COOPER AVE
ASPEN, CO 81611

COOPER AVE VICTORIAN CONDO ASSOC
1012 E COOPER AVE
ASPEN, CO 81611

Exhibit B- Application

WISE PEGGY S QPRT
1401 TOWER RD
WINNETKA, IL 60093

NORTHROCK HOLDINGS LLC
UNIT 22 MIZZENTOP
MIZZENTOP DR
WARWICK WK 06 BERMUDA,

BAYLEY LORI A
2 BOWER ST
MALDEN, MA 02148

LUMEN LLC
455 MARKET ST 23RD FLOOR
SAN FRANCISCO, CA 94105

KANIPE J STEPHEN & PATRICIA
1015 E HYMAN AVE #3
ASPEN, CO 81611

TACHE MARK C
1001 E HYMAN
ASPEN, CO 81611

SILVER GLEN TOWNHOUSES CONDO ASSOC
COMMON AREA
E HYMAN AVE
ASPEN, CO 81611

26 EAU CLAIRE LLC
600 PORT OF NEW ORLEANS PL #9F
NEW ORLEANS, LA 70130

PACK R MICHAEL
5005 TEXAS ST STE 305
SAN DIEGO, CA 92108

BERNI SHAEL MORGAN
660 STEAMBOAT RD 4TH FL
GREENWICH, CT 06830

MARK WILSON JANIS A
1039 E COOPER #5
ASPEN, CO 81611-4117

KESSLER CONDOS ASSOC
950/960 E DURANT AVE
ASPEN, CO 81611

ROARING FORK 70 LLC
3103 N BAY RD
MIAMI BEACH, FL 33140

JACOBSON DAVID & ANDREA LYNN
5255 PONVALLEY RD
BLOOMFIELD HILLS, MI 48302

WUSLICH DIANE S
1007 E HYMAN AVE #8
ASPEN, CO 81611

ARKIN JONATHAN
625 E MAIN ST #102B
ASPEN, CO 816111935

EUBANK CONDO ASSOC
COMMON AREA
1022 E HYMAN AVE
ASPEN, CO 81611

RANGER LIVING TRUST
445 WHITESTONE FARM DR
CHESTERFIELD, MO 63017

RK PARTNERS LLC
31 WASHINGTON AVE
SHORT HILLS, NJ 07078

PETITIE ROCHE CONDO ASSOC
COMMON AREA
926 E COOPER AVE
ASPEN, CO 81611

TWO PANTHER LLC
1020 S GILPIN ST
DENVER, CO 80209

NAGER DEBBIE TRUST
4803 W 120TH PL
LEAWOOD, KS 66209

TENG NANCY H TRUST
1050 S EUCLID AVE #5108
ELMHURST, IL 60126

MCGAFFEY FAMILY & CO NO C LLC
2465 NOB HILL AVE NORTH
SEATTLE, WA 98109

ASPEN VALLEY LAND TRUST
320 MAIN ST #204
CARBONDALE, CO 81623

LERNER JAY R & BOBETTE S
10855 W DODGE RD #270
OMAHA, NE 68154

SMILIOS PENNY WHITE
1007 E HYMAN AVE #2
ASPEN, CO 81611

306 ASSOCIATES LLC
PO BOX 7067
BLOOMFIELD HILLS, MI 48302

GERBER-MCMANUS SUE
1111 CRYSTAL LN
EL CAJON, CA 92020

ALLEN JENNIFER C
6613 WHITEMARSH VALLEY WALK
AUSTIN, TX 78746

Exhibit B- Application

CHATEAU EAU CLAIRE CONDO ASSOC
1034 E COOPER ST
ASPEN, CO 81611

GERDA HOLDINGS LLC
PO BOX 50424
LIGHTHOUSE POINT, FL 33074

BARBERA IVANA
345 FRAZIER AVE #206
CHATTANOOGA, TN 37405

CHATEAU ROARING FORK LLC
8000 WALTON PKWY #100
NEW ALBANY, OH 43054

THOMPSON ARTHUR JR & HASSELINE
7200 COMMODORE DR
TUSCALOOSA, AL 35406

PLATINUM IRREV TRUST
5482 COMPLEX ST # 113
SAN DIEGO, CA 92123

ASPENEYES LLC
13410 TAYLORCREST RD
HOUSTON, TX 77079

IRREVOCABLE TRUST
21 TECHNOLOGY DR #6
WEST LEBANON, NH 03784

LIB LLC
314 LYTTON AVE #200
PALO ALTO, CA 94301

1016 EAST HYMAN HOLDINGS LLC
730 E DURANT AVE #200
ASPEN, CO 81611

NOORI ABDUL RASOL & MANDANA
330 MILBURN
CARBONDALE, CO 81623

COLETTA CAROL
41 UNION AVE #200
MEMPHIS, TN 38103

CRF TOWNHOUSE LLC
PO BOX 4450
ASPEN, CO 81612

BELSHER ELIZABETH S TRUST
4919 E GRANDVIEW LN
PHOENIX, AZ 85018

VILLAGER TOWNHOUSE CONDO ASSOC
1001 E COOPER AVE
ASPEN, CO 81611

HANDZUS MICHAL
123 29TH ST
HERMOSA BEACH, CA 90254

LASHER KELLY G
PO BOX 1127
ASPEN, CO 816121127

PORTNOY GERALD A REV TRUST
222 2ND ST SE #701
MINNEAPOLIS, MN 554145138

PBIA & CO
1732 S CONGRESS AVE #323
PALM SPRINGS, FL 33461

CHATEAU EAU CLAIRE CONDO ASSOC
1034 E COOPER ST
ASPEN, CO 81611

KARASIK CHARLES
BOX 00794325
SIOUX FALLS, SD 57186

PARADIGM PARTNERS
1543 WAZEE ST #400
DENVER, CO 80202

INDEPENDENCE CONDO ASSOC
COMMON AREA
1104 DALE AVE
ASPEN, CO 81611

VAN DEUSEN CONDO ASSOC
COMMON AREA
1006 E HYMAN AVE
ASPEN, CO 81611

PINE GLEN TOWNHOUSE CONDO ASSOC
COMMON AREA
ASPEN, CO 81611

MOLNY CONDO ASSOC
COMMON AREA
1020 E HYMAN AVE
ASPEN, CO 81611

PETERS JULIE
PO BOX 1643
ASPEN, CO 81612

JOHNSON SALLYANNE C
PO BOX 5050
ASPEN, CO 81612

DI LORENZO MICHAEL
609 GARDEN RD
OAKWOOD, OH 45419

CHATEAU ROARING FORK CONDO ASSOC
1039 E COOPER AVE
ASPEN, CO 81611

Exhibit B- Application

211 ASHLEY PROJECT LLC
PO BOX 22424
CHARLESTON, SC 29413

FISHER JAMES B
2709 ST ANDREWS CT
JAMESTOWN , NC 27282

ZOE FUTURES LLC
4144 SAN CARLOS
DALLAS, TX 75205

DERBY INVESTMENT INC
4601 E DOUGLAS AVE #111
WICHITA, KS 672181032

HANDELIN MARY M LIVING TRUST
16299 PEARSON LN
FORT BRAGG, CA 95437

ILLMER NANCY & RICHARD
1918 N OLIVE ST #1003
DALLAS, TX 75201

BGC III IRREVOCABLE TRUST
21 TECHNOLOGY DR #6
WEST LEBANON, NH 03784

LEAL FAMILY INVESTMENTS LLC
3224 FAIRFAX LN
COCOA, FL 32926

BERENS MARILYN REV TRUST
4925 COLLINS AVE #6A
MIAMI BEACH, FL 33140

SUSI MARILEE E REV TRUST
7806 CHARNEY LN
BOCA RATON, FL 33496

CITY OF ASPEN
130 S GALENA ST
ASPEN, CO 81611

MURACO JULIE DECLARATION TRUST
41 CENTRAL PARK W #10E
NEW YORK , NY 10023

ADAMS GILBERT C III
2 BOWER ST
MALDEN, MA 02148

WOOD JEFFREY R & SHANA B
4900 WOODWAY DR #880
HOUSTON, TX 77056

IPMD 2018 PROPERTY TRUST
10 WESTMOUNT PARK RD
TORONTO ONTARIO CANADA M9P1R5,

GRANTHAM CHARLES EDWARD
5849 LEASE LN
RALEIGH, NC 27617

926 DURANT LLC
915 S DIXIE HWY
WEST PALM BEACH, FL 33401

TEN SIXTEEN EAST HYMAN
COMMON AREA
1016 E HYMAN AVE
SPEN, CO 81611

EXETER 20454 WY LLC
205 STOREY BLVD #200
CHEYENNE, WY 82009

GML ASPEN PROPERTY LLC
3815 LISBON ST #203
FT WORTH, TX 76107

LEVY MITCHELL & ELISSA
201 OCEAN AVE #1203P
SANTA MONICA, CA 90402

PEARLSTONE RICHARD
1001 E COOPER AVE #2
ASPEN, CO 81611

TRT OF COLORADO LLC
7200 COMMODORE DR
TUSCALOOSA, AL 35406

STEEL JOAN E TRUST
161 E CHICAGO AVE #60N4
CHICAGO, IL 60611-6690

HENRY CASADY M
525 W HALLAM ST
ASPEN, CO 81611

OLSON PETER W & CANDICE C
1022 E HYMAN AVE UNIT 1
ASPEN , CO 81611

BARASH JAMES ROBERT & BETTEANNE
50 W CHEYENNE MTN BLVD
COLORADO SPRINGS, CO 80906

TYE MARK M TRUST
PO BOX 8992
ASPEN, CO 81612

THREE BEES LLC
103 HARBOUR LN
BAY SHORE, NY 11706

SCHULTZ BRIAN & ELIZABETH
9301 MEADOWBROOK DR
DALLAS, TX 75220

Exhibit B- Application

FISHER WINSTON & JESSICA
299 PARK AVE 42ND FL
NEW YORK, NY 10171

BMB 1 LLC
6923 SPANKY BRANCH CT
DALLAS, TX 75248

CHATEAU ROARING FORK CONDO ASSOC
1039 E COOPER AVE
ASPEN, CO 81611

OZIER FAMILY COLORADO LP
2896 WRANGLERS RETREAT
WICHITA FALLS, TX 76310

YPSI ANN ASSOCIATES
39577 WOODWARD AVE #300
BLOOMFIELD HILLS, MI 48304

ASPEN PAD LLC
PO BOX 190754
MIAMI BEACH, FL 33119

WEIL LORNE
250 WEST 57TH STREET #2223
NEW YORK, NY 10107

SEID MELVIN C REV TRUST
1104 DALE AVE
ASPEN, CO 81611

STOVER RAYMOND J H JR & MARY L
PO BOX 1941
ASPEN, CO 81612

VGCT VENTURES LLC
8 CHEROKEE RD NW
ATLANTA, GA 30305

HICKS LESLIE
PO BOX 8225
ASPEN, CO 81612

MAXON PATRICIA ANNE TRUST
240 S MAHONEY DR #1
TELLURIDE, CO 81435

COHEN SYDNEY G
2401 COLLINS AVE #1601
MIAMI BEACH, FL 33140

ARKIN ERIC
625 E MAIN ST #102B
ASPEN, CO 816111935

GOLDSTEIN BARRY J
950 S CHERRY #320
DENVER, CO 80246

SILVERSTREAM TOWNHOMES CONDO ASSC
PO BOX 49
ASPEN, CO 81612

PIERCE ANITA M
102 S HARRISON ST #200
DAVENPORT, IA 52801

SANDELL LINDA JO
4624 PERSHING PL
SAINT LOUIS, MO 63108

MURPHY RICHARD P & MARY K
6720 DAVENPORT ST
OMAHA, NE 68132

WW-WPB LLC
570 S RIVERSIDE AVE
ASPEN, CO 81611

ABELMAN STEPHEN C & HELENE P
400 BAY LAUREL CT NE
SAINT PETERSBURG, FL 33703

LITTLE JEWEL CONDO ASSOC
COMMON AREA
1004 E DURANT AVE
ASPEN, CO 81611

GREGORY-CONZELMAN GWEN TRUST
410 LEXINGTON
LAKE FOREST, IL 60045

MCPHEE SHARON S 1985 TRUST
4389 MALIA ST #463
HONOLULU, HI 968211173

OLSON PETER W & CANDICE C
1022 E HYMAN AVE UNIT 1
ASPEN, CO 81611

AC ONE LLC
PO BOX 3417
LITTLE ROCK, AR 72203

SCHONWALD ALEXANDER REV TRUST
828 CELLA RD
SAINT LOUIS, MO 63124

POLICARO DOMINIC FRANK
1004 E DURANT #3
ASPEN, CO 81611

CHATEAU ROARING FORK CONDO ASSOC
1039 E COOPER AVE
ASPEN, CO 81611

MCDONOUGH JOELLE
1007 E HYMAN AVE #7
ASPEN, CO 81611

Exhibit B- Application

MORK HALBERT L FAMILY TRUST
77 ASPEN WY
ROLLING HILLS, CA 90274

KANTOR MITCHELL A TRUST
5595 SHADOW LN
BLOOMFIELD HILLS, MI 48301

CHATEAU ROARING FORK CONDO ASSOC
1039 E COOPER AVE
ASPEN, CO 81611

WILMERDING PATSY R REV TRUST
203 S CLEVELAND
ASPEN, CO 81611

SEGUIN WILLIAM L REV TRUST
1001 E COOPER AVE #7
ASPEN, CO 81611

DORNEMANN MICHAEL
390 LAKE AVE
GREENWICH, CT 06830

TAT TRUST
PO BOX 7813
ASPEN, CO 81612

3 PEAKS LLC
260 SALEM CHURCH RD
SUNFISH LAKE, MN 55118

GUTNICK ERIC I LIVING TRUST
16299 PEARSON LN
FORT BRAGG, CA 95437

WEAVER WENDY WILLMANN
PO BOX 2477
ASPEN, CO 81612

EAST COOPER COURT CONDO ASSOC
PO BOX 2021
ASPEN, CO 81612

BARBERA LAURA
345 FRAZIER AVE #206
CHATTANOOGA, TN 37405

GLEASON FAMILY LLC
235 OVERLAND DR
SIDNEY, OH 45365

JPS NEVADA TRUST
1701 N GREEN VALLEY PKWY #9C
HENDERSON, NV 890745991

PURINS ANSIS
1001 E COOPER AVE #4
ASPEN, CO 81611

NORMAN JEFFREY L & ANNA M
730 E DURANT AVE
ASPEN, CO 81611

THOMPSON MARGARET M REV LVG TRUST
1020 E DURANT AVE # 103
ASPEN, CO 81611

FISHER ELIZABETH B
23120 UMSTEAD
CHAPEL HILL, NC 275178502

GILLIAM KRISTI
1024 E COOPER #8
ASPEN, CO 81611

KANTOR MITCHELL A TRUST
5595 SHADOW LN
BLOOMFIELD HILLS, MI 48301

KANTOR NANCY L TRUST
5595 SHADOW LN
BLOOMFIELD HILLS, MI 48302

HUCKELBUTT HOUSE LLC
3924 SOUTHWESTERN BLVD
DALLAS, TX 75225

SILVERSTREAM TOWNHOMES CONDO ASSC
PO BOX 49
ASPEN, CO 81612

CARSON YOST EXEMPT LIFETIME TRUST
116 RIVERCREST DR
FORT WORTH, TX 76107

ABELMAN STEPHEN C & HELENE P
400 BAY LAUREL CT NE
SAINT PETERSBURG, FL 33703

LEAL FAMILY PARTNERS LTD
3224 FAIRFAX LANE
COCOA, FL 32926

OGBURN TOM & CAROLYN
2000 BRAZOS CT
WESTLAKE, TX 762624804

DORAN MICHAEL H ASP TEST TRST
4280 GUNNIN RD
NORCROSS, GA 30092

WEISS LYNN
625 E MAIN ST #102B
ASPEN, CO 816111935

COOPER TACHE CHRISTEN
1001 E HYMAN
ASPEN, CO 81611

Exhibit B- Application

SYLVESTER JAMES W
758 FREEDOM PLAINS RD
POUGHKEEPSIE, NY 12603

SCHRAGER TERRI L
3217 S 101ST ST
OMAHA, NE 68127

THOMPSON BRAD H REV LVG TRUST
1020 E DURANT AVE # 103
ASPEN, CO 81611

RIVERSIDE CONDO ASSOC
1024 E COOPER AVE
ASPEN, CO 81611

SMITH MICHAEL B & TIFFANY S
6134 WILLERS WAY
HOUSTON, TX 77057

TCDC HOLDINGS INC
2345 GRAND BLVD #2400
KANSAS CITY, MO 64108

VANHEES JOANNE G & ARNOLD
95 HORATIO ST #9K
NEW YORK, NY 10014

MCCORMICK MURIEL E
PO BOX 3515
ASPEN, CO 81612

SCHROY BRIAN
441 ARAPAHOE AVE
BOULDER, CO 803025824

TYE MARK M TRUST
PO BOX 8992
ASPEN, CO 81612

UTE CONDO ASSOC
1020 E DURANT AVE
ASPEN, CO 81611

WHITE JALEH REV TRUST
960 E DURANT AVE #7
ASPEN, CO 816112053

ERNEMANN MICHAEL FREDERICH
LONDON FLAT 4 GALAXY HOUSE
32 LEONARD ST
LONDON EC #2A 4LX ENGLAND,

INDEPENDENCE GATE CONDO ASSOC
COMMON AREA
922 E COOPER AVE
ASPEN, CO 81611

26 EAU CLAIRE LLC
550 BIENVILLE ST
NEW ORLEANS, LA 70130

CAULFIELD JENNIFER & JOHN
1020 E DURANT AVE #101
ASPEN, CO 81611

SHAPIRO GANT LLC
5704 DEVILLE DR
MINNEAPOLIS, MN 55436

MJB GST TRUST
5651 OAKWOOD RD
SHAWNEE MISSION, KS 66208

913 NEVADA TRUST
9589 COMISKY CT
LAS VEGAS , NV 89148

COLETTA BRANDY
41 UNION AVE #200
MEMPHIS, TN 38103

CHADVALE REALTY INC
PO BOX 11976
ASPEN, CO 81612

SEGUIN MARILYN A REV TRUST
1001 E COOPER AVE #7
ASPEN, CO 81611

KANTOR NANCY L TRUST
5595 SHADOW LN
BLOOMFIELD HILLS, MI 48302

MCDONALD SCOTT
4666 MCKINNEY CT
PARK CITY, UT 84098

WICKAM BRENTON M
215 CHESTERTON PL
SAN MATEO, CA 944012509

VILLAGER 3 LLC
625 E HYMAN #201
ASPEN, CO 81611

DOLGINOW SCOTT TRUST
203 S CLEVELAND
ASPEN, CO 81611

HANN SANG E DR & ANN K
555 MAYFLOWER RD
LAKE FOREST, IL 60045

LITZENBERGER DREW & VIRGINIA
125 HOWLAND RD
ASHEVILLE, NC 28804

KOFFRON ROBERT & PAULETTE
28009 HICKORY DR
FARMINGTON HILLS, MI 48331

Exhibit B- Application

PORTER FRANCES H
305 FALLS WALK WAY
CHAGRIN FALLS, OH 440222778

PULLEN CLAUDIA
345 FRAZIER AVE #206
CHATTANOOGA, TN 37405

SEID MELVIN C REV TRUST
1104 DALE AVE
ASPEN, CO 81611

FREEMAN HEATH
1039 E COOPER AVE #17A
ASPEN, CO 81611

HINMAN JACQUELINE C REV TRUST
15 CHERRY HILLS FARM DR
ENGLEWOOD, CO 80113

COATES NELIGH C JR REV TRUST
2702 CEMBALO BLVD #308
SAN ANTONIO, TX 782303045

L & E PROPERTIES LTD
3701 S NARCISSUS WAY
DENVER, CO 80237

PONDROM CYRENA N & LEE G
210 PRINCETON AVE
MADISON, WI 53705

ELLSWEIG DAVID
1020 E DURANT AVE #102
ASPEN, CO 81611

MARTIN MONICA A
301 E 79TH ST #35P
NEW YORK, NY 10021

Homeowner Association Compliance Policy

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

| | | |
|---|--|-------------------------|
| Property Owner ("I"): | Name: 1020 Cooper LLC | Phone No.: 303 882 0702 |
| | Email: jeanncoulter@gmail.com | |
| Address of Property: (subject of application) | 1020 East Cooper Avenue Aspen, CO 81611 | |

I certify as follows: (pick one)

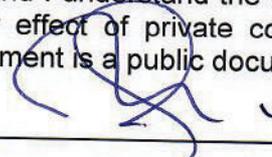


This property is not subject to a homeowners association or other form of private covenant.

This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application do not require approval by the homeowners association or covenant beneficiary.

This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application have been approved by the homeowners association or covenant beneficiary.

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

Owner signature:  date: 10/30/2020

Owner printed name: James DeFrancia, Manager 1020 Cooper LLC

or,

Attorney signature: _____ date: _____

Attorney printed name: _____

Bendon Adams
c/o Sara Adams
300 S. Spring Street, Ste 202
Aspen, CO 81611
sara@bendonadams.com

RE: 1020 E Cooper Street-Conceptual Engineering Report
Sopris Engineering, LLC Job No. 30111.02

Dear Sara,

Sopris Engineering, LLC (SE) has prepared this letter to summarize the Civil Engineering requirements and recommendations in support of the potential redevelopment of 1020 E. Cooper Street located in Aspen, CO.

It is our understanding that the project is seeking approval from HPC in support of an affordable housing project on the subject property. This letter is specific to utility extensions, conceptual site grading and stormwater mitigation options for the project team to further evaluate as the design progresses towards Building Permit Application. Conceptual Grading & Drainage, Utility and Drainage Mitigation Plans have been provided as an attachment for illustrative support of this document.

Background & Existing Conditions

The subject property is located at 1020 E. Cooper Street in Aspen, CO (Parcel ID#273718232006) and according to Pitkin County Assessor's webpage the existing building was constructed in 1888 with an effective year built of 1964 and was originally constructed as a single family residence.

Based on our review of the existing conditions survey and site visits the property consists of an existing single story wood frame house with a building footprint at ground elevation of approximately 1,100 sf. Existing ground cover includes various concrete walkways and intermittent lawn area/vegetation. Two detached shed structures front the alley to the north. The total existing onsite impervious area has been estimated at 1,945+/- sf which includes the existing residence, out structures and concrete pathways. Surface grades and existing drainage patterns generally slope from the southeast to the northwest across the site with relatively flat landscape grades around the residence. Existing gutters and a downspout appear to discharge directly to the adjacent ground. As such, tributary roof drainage appears to be conveyed over the existing ground towards the alley north of the subject property. No other onsite stormwater improvements were observed during our site visit or indicated on the existing conditions survey. It should be noted that the site does lie slightly below E. Cooper Street. The design of the improvements considered raising the sidewalk to coincide with the top back of curb but since this approach would require improvements on the neighboring property to the east it was not pursued. Instead, offsite basins associated E. Cooper Street were evaluated to determine whether there were any drainage concerns given this existing condition. Our findings related to this are further discussed below within the *Existing Offsite Basins* section.

According to Figure 3.1 of the City's Urban Runoff Management Plan (URMP) the underlying soils likely consist of Type B Soils which have moderate infiltration rates. This will be confirmed once geotechnical exploration work has been performed. The subject property falls within Zone X as identified on FEMA Flood Insurance Rate Map Panel #08097C0366E, effective date August 15, 2019. Zone X includes areas determined to be outside the 500-year flood plain.

The subject property falls within Drainage System 1, Basin 12 as described within the City's Surface Drainage Master Plan (SDMP), dated November 2001 prepared by WRC Engineering, Inc. Drainage System 1 currently consists of street curb and gutter, roadside ditches and a network of storm sewer pipes. According to the SDMP there is an existing 18" HDPE storm sewer beneath E. Cooper Street, directly south of the subject property. Preliminary investigation of this existing storm sewer collection system revealed the shallow depths prohibitive for direct connection of the development's anticipated stormwater mitigation infrastructure.

An existing electric and communications utility easement (Rec. # 659373) is located at the northeast corner of the property and accommodates portions of an existing 4'x4' transformer vault as well as the COA Electric clearance requirements. Further discussion of the existing easement as it relates to this and future development can be found in the *Site Utilities* section of this letter. There is also a 2'x8' electric easement at the northwest corner of the site that accommodates an existing transformer located on the neighboring property.

Lastly, according to Figure 7.1a of the City's URMP the subject property falls outside Aspen Mountain's mudflow zone, however it should be noted that the City is in the process of updating mudflow studies and regulations which may influence any potential mudflow requirements for the subject property.

Existing Offsite Basins

As mentioned above the subject property lies slightly below the flowline elevation of E. Cooper Street and therefore corresponding offsite drainage basins were evaluated to assess the risk of offsite stormwater runoff entering the subject property. Based on site visits and our review of the City's SDMP, Basin 12 was subdivided into several sub-basins to estimate peak runoff rates and corresponding conveyance capacities. These drainage basins are further described below and supporting calculations are provided as an attachment to this letter.

Basin OS-1 is an existing basin within E. Cooper Street directly south and east of the subject property. An existing at grade access to the Chateau Eu Claire and the associated northern edge of the E Cooper Street attached site walk serves as the northern boundary for the basin. An existing low point and associated inlet was observed just west of the E Cooper Street bridge crossing of the Roaring Fork River. As such, the eastern limits of the basin were established by the breakline tributary to this inlet. The southern extent of the basin was established at the crown of E Cooper Street. Overall imperviousness is estimated to be 100% based on existing ground cover.

Runoff generated within the basin is collected within a 4' concrete drain pan directly south of the Riverside Townhomes. Surface runoff collected within this drain pan continues west within the concrete flowline into a formal curb and gutter system in front of the subject property (Basin OS-2). The drain pan was field measured to have an approximate 0.2' available flow depth and approximately 1.5% longitudinal slope. Based on this information, runoff generated from a 100 year storm event is estimated to be fully contained within the drain pan at an approximate 0.14' flow depth. This analysis concludes that no existing offsite runoff will be tributary to the site from the north side of the E. Cooper Street right of way east of the subject property.

Basin OS-2 is an existing basin within E. Cooper Street directly south of the subject property. The northern limit of the basin was established to be the top of curb on the north side of E. Copper Street. The basin is bound by Basin OS-1 to the east and the projected subject property line to the west. The southern extent of the basin was established at the crown of E. Cooper Street. Overall imperviousness is estimated to be 100% based on existing ground cover.

Runoff generated within the basin is collected within an existing curb and gutter system on the north side of E. Cooper Street. Surface runoff then continues west within the gutter flowline to a curb inlet west of the subject property, near the intersection with S. Cleveland Street. Portions of the existing curb will be replaced with COA compliant curb & gutter with this project, however the existing curb height was measured for conservative analysis. The curb height was field measured to have an approximate 4.5” height, 2” gutter drop and average 1.5% longitudinal slope. Based on this information, the 100 year storm event is estimated to be fully contained within existing parking lane at an approximate 0.13’ flow depth. This analysis concludes that runoff from the basin will not overtop the curb and no existing offsite runoff will be tributary to the site from the north side of E. Cooper Street in front of the subject property.

Basin OS-3 is an existing basin within E. Cooper Street detached sidewalk directly south of the subject property. The northern limit of the basin was established to be the northern edge of the sidewalk adjacent to the development. The basin is bound by Basin OS-1 to the east and the projected subject property line to the west. The southern extent of the basin was established at top back of curb on the north side of E Cooper Street. A small portion of existing sidewalk from the adjacent Riverside Condo property to the east was additionally included within the basin limits. Overall imperviousness is estimated to be 75% based on existing ground cover.

Runoff generated within this small basin runs along the southern edge of sidewalk towards the west and likely evaporates and/or percolates into the adjacent landscape area. Drainage conveyance calculations indicate that this existing conveyance has adequate capacity and the runoff from this small basin does not enter the subject property.

Basin OS-4 is an existing basin comprised of the various properties south of E. Cooper Street that contribute surface runoff to the south side of E. Cooper Street in front of the subject property. This basin was evaluated to determine whether or not tributary flows would overtop the crown of the road. Overall imperviousness is estimated to be 85% based on existing ground cover. In addition, a conservative 5-minute time of concentration was used to estimate peak runoff rates for this larger basin.

Runoff generated within this basin is ultimately collected within the existing curb and gutter system on the south side of E. Cooper Street. Surface runoff then continues west within the gutter flowline to a curb inlet west of the subject property. The existing curb height was field measured to have an approximate 5.5” height, 2” gutter drop and 1.5% longitudinal slope. Based on this information, the 100 year storm event is estimated to be fully contained within the existing parking lane at an approximate 0.41’ flow depth. This analysis concludes that runoff from the basin will not overtop the crown of E. Cooper Street and no existing offsite runoff will be tributary to the site from the south side of E Cooper Street.

To conclude, based on the offsite drainage analysis associated with E. Cooper Street, it has been determined that offsite flows do not adversely impact the subject property and that the existing condition is found to be acceptable for redevelopment. Estimated offsite peak runoff rates are summarized within Table 1. In addition, supporting calculations and a drainage basin delineation plan are included as attachments to this letter.

Table 1 – Existing Peak Runoff Values

| Subcatchment Name | Area (ac) | Percent Imperviousness | Runoff Coefficient, C | | Selected tc (min) | Rainfall Intensity, I(in/hr) | | Peak Flow, Q (cfs) | |
|-------------------|-----------|------------------------|-----------------------|--------|-------------------|------------------------------|--------|--------------------|--------|
| | | | 10-yr | 100-yr | | 10-yr | 100-yr | 10-yr | 100-yr |
| OS-1 | 0.076 | 100% | 0.86 | 0.89 | 5.0 | 3.72 | 6.32 | 0.24 | 0.43 |
| OS-2 | 0.032 | 100% | 0.86 | 0.89 | 5.0 | 3.72 | 6.32 | 0.10 | 0.18 |
| OS-3 | 0.013 | 75% | 0.66 | 0.77 | 5.0 | 3.72 | 6.32 | 0.03 | 0.06 |
| OS-4 | 0.984 | 85% | 0.74 | 0.82 | 5.0 | 3.72 | 6.32 | 2.71 | 5.10 |

Proposed Development, Stormwater Requirements and Stormwater Mitigation

It is our understanding that the project will include a remodel and relocation of the existing residence and an expansion to accommodate multiple affordable housing units. Additional improvements include off-alley parking along the north side of the property, various walkways, bicycle racks, trash enclosure, landscaping, stormwater mitigation infrastructure and utility service extensions.

Based on the proposed improvements the project will be classified as a "Major Project" as identified within the City's URMP. Based on the location of the subject property the stormwater mitigation requirements will include water quality treatment for all exposed impervious areas. Onsite stormwater detention is not required for the proposed improvements as conveyance to the City's street gutter system will be provided via an improved alley way. Surface runoff will then sheet flow west down the gravel alley consistent with the analysis provided in the City's SDMP prepared by WRC Engineering.

Water Quality Treatment: Based on the estimated total impervious area, the resulting required water quality treatment volume will be approximately 59 cf. Preliminary investigation for integrating permeable pavers, green roofs and/or bioretention basins has proven challenging given the nature of the affordable housing development. The gable type roofs and historic nature of the project prevents utilizing green roofs and the density of the site would place permeable pavers and bioretention gardens very close to the proposed structures which will require impermeable liners and underdrain piping that come at an additional cost and these underdrains would end up in the dry well regardless given the inability to connect directly to the City's storm drain system. Based on these constraints a dry well is being proposed for water quality treatment. *Dry Wells* are a stormwater mitigation BMP that incorporates manhole structures with perforated barrels at the deeper depths. Washed screened rock is installed around the exterior of the perforated sections. When sub-soils are capable of moderate to high infiltration rates, dry wells are considered to be a viable BMP. They dramatically reduce the increased runoff and volume of stormwater generated from surrounding impervious areas and promote infiltration; thereby improving the water quality of stormwater runoff.

The required water quality capture volume for a dry well shall be 150% of the design water quality capture volume as outlined within Chapter 8 of the City's URMP. Per the City's URMP dry wells shall not be located within 10-ft of any structure or 10-ft from a private property line. Based on these criteria there is only one potential location for a dry well as illustrated on the attached conceptual civil drawings; unless a variance request is pursued. The resulting anticipated water quality capture volume based on the anticipated proposed impervious areas and a 1.5 factor of safety is estimated to be 89 cf. Given the minimum depths required to meet Section 8.5.4.2 of the City's URMP there will be an additional 60 cf of capacity within the dry well which will provide additional detention and attenuation of stormwater runoff. Conceptual civil plans are included as an attachment for illustrative support of the proposed site plan and stormwater mitigation design.

Site Utilities

Coordination with the various utility providers has taken place to verify layouts, routing, and feasibility of serving the proposed improvements. This section describes our findings. Preliminary utility plans have been included within the attached civil drawings for illustrative support. Additional details and finalized design will be submitted when a Building Permit Application is pursued.

Water Service & Fire Flow Analysis

The City of Aspen Water Department is the provider of potable water for the subject property. Currently the site is served off the existing 14 inch DIP main that runs down E. Cooper Avenue. The existing service size is unknown but

the service is to be capped and abandoned if determined to be inadequate to support the proposed improvements. A new service tap meeting the fire and domestic demands will be provided per COA Water Department Standards. The water service is anticipated to be routed to a water entry room near the southeast corner of the historic landmark building, beneath a proposed porch. The master meter will be located within a tempered space and entrance will be provided through an access hatch integrated within the porch in compliance with Section 5.8 of the Water Distribution Standards. A common service line agreement may be pursued by the development to facilitate separate service feeds to the various units. This will be determined in support of a future building permit application if necessary.

Final size of the service line will be coordinated with the Water Department staff based on anticipated building program demands and fire sprinkler suppression requirements. Final fixture counts and resulting consumptive demands will be determined by the Mechanical Engineer and coordinated with City staff prior to pursuing a Building Permit Application.

Sanitary Sewer

Aspen Consolidated Sanitation District (ACSD) is the supplier of sanitary sewer service to the subject property and surrounding area. An existing 8" collector line exists in the alley to the north of the proposed building. There is an existing service from this line to the existing residence. A shared sewer service will likely be provided for the proposed development and a new tap and service line is anticipated. The final size of the service line will be determined by the project MEP in support of building permit design. A small ejector vault and pump system will be required in order to lift below grade spaces up to the District's system within the alley. The ejector system is anticipated to be located exterior of the structure(s) and located on the north side of the development. The design of the system will be provided in support of any future building permit application.

Shallow Utilities

The shallow utilities proposed to serve 1020 E. Cooper Avenue include electric, cable, and telephone. An existing gas main does run along the alley however natural gas service is not being proposed at this time. The information provided within this section includes utility locates obtained during the improvement survey as well as discussions with the individual utility providers.

City of Aspen Electric currently serves the subject property via a transformer located within an existing dedicated easement (Rec. # 659373) near the northeast corner of the subject property. The existing transformer and vault is primarily located on the adjacent property to the east, however a small portion of the transformer and vault lie within the City's Right of Way. The size and location of the existing transformer was discussed and coordinated with City Engineering Staff. Relocating the existing transformer would require an additional splice vault within the alley. City Staff decided additional infrastructure was not desirable and determined a new 4-ft diameter vault is to be centered beneath the existing transformer. A new 5'x5' transformer lid and upgraded transformer will be placed atop the vault and portions of the upgraded infrastructure will remain within the alley. However, City Engineering did request an easement on the subject property be provided to accommodate shifting the transformer to the south and out of the right-of-way should the City pursue this in the future. After further review of this option it has been determined that the existing onsite electric easement at the northeast corner is adequate to comply with the separation requirements if/when the transformer is ever moved further to the south.

Comcast Cable service is currently provided via a pedestal located within an existing easement on the property directly adjacent to the west. The upgraded service is proposed to come from this same pedestal and will follow

a similar alignment to the existing line. Cable service is anticipated to be routed below grade directly to the north building and routed internal to the building to serve the various units.

Century Link service is currently provided via an existing pedestal located near the northwest corner of the property. New service to meet the development's needs is anticipated to originate from this existing pedestal.

A Conceptual Utility Plan has been included as an attachment (C-2.0) for illustrative support. A final Utility Plan will be submitted in support of any future building permit.

Conclusion

Based on our evaluation of the existing site conditions and proposed development the project has a viable option for providing water quality mitigation that complies with City standards and offsite drainage basins will not have any adverse impacts to the proposed development. In addition, utilities necessary to serve the project are available. The design of all onsite stormwater mitigation infrastructure, water quality treatment facilities, and utility service extensions, to include size and location, will be further analyzed as the project design progresses. Final designs will be provided with any future building permit application.

If you have any questions or need any additional information please don't hesitate contacting our office.

Sincerely,
SOPRIS ENGINEERING, LLC



Jesse K Swann, PE
Project Manager

Encl: C-1.0- Conceptual Grading & Drainage Plan, C-2.0- Conceptual Utility Plan, C-3.0- Conceptual Drainage Mitigation Plan, Hyraflow Calculations

Channel Report

OS-1 4' PAN, 100yr

Triangular

Side Slopes (z:1) = 10.00, 10.00
 Total Depth (ft) = 0.20

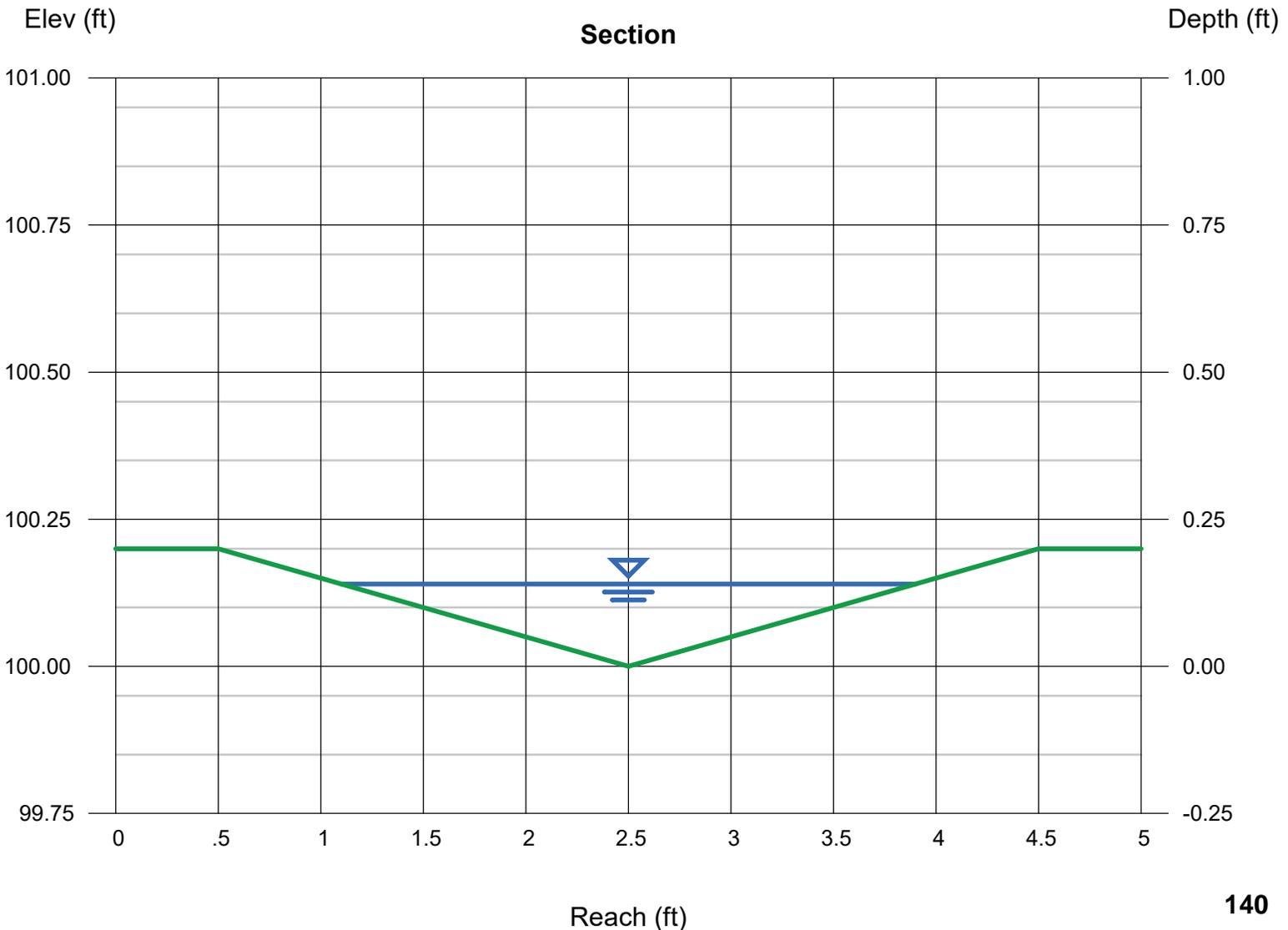
Invert Elev (ft) = 100.00
 Slope (%) = 1.50
 N-Value = 0.013

Calculations

Compute by: Known Q
 Known Q (cfs) = 0.43

Highlighted

Depth (ft) = 0.14
 Q (cfs) = 0.430
 Area (sqft) = 0.20
 Velocity (ft/s) = 2.19
 Wetted Perim (ft) = 2.81
 Crit Depth, Yc (ft) = 0.17
 Top Width (ft) = 2.80
 EGL (ft) = 0.21



Channel Report

OS-1 4' PAN

Triangular

Side Slopes (z:1) = 10.00, 10.00
 Total Depth (ft) = 0.20

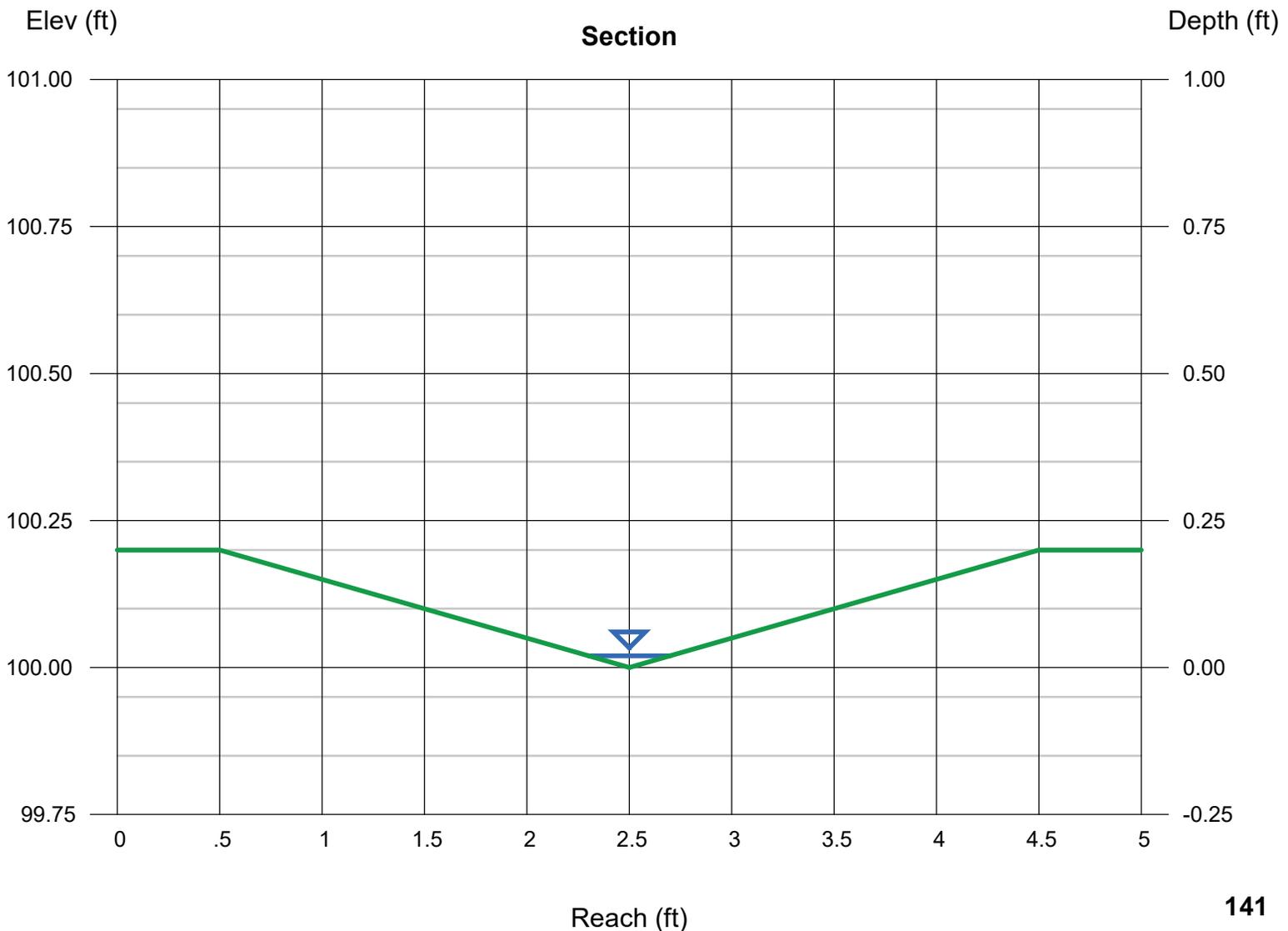
Invert Elev (ft) = 100.00
 Slope (%) = 1.50
 N-Value = 0.013

Calculations

Compute by: Q vs Depth
 No. Increments = 10

Highlighted

Depth (ft) = 0.02
 Q (cfs) = 0.003
 Area (sqft) = 0.00
 Velocity (ft/s) = 0.65
 Wetted Perim (ft) = 0.40
 Crit Depth, Yc (ft) = 0.03
 Top Width (ft) = 0.40
 EGL (ft) = 0.03



Channel Report

OS-3 5' SIDEWALK, 100yr

User-defined

Invert Elev (ft) = 100.00
 Slope (%) = 1.50
 N-Value = 0.013

Highlighted

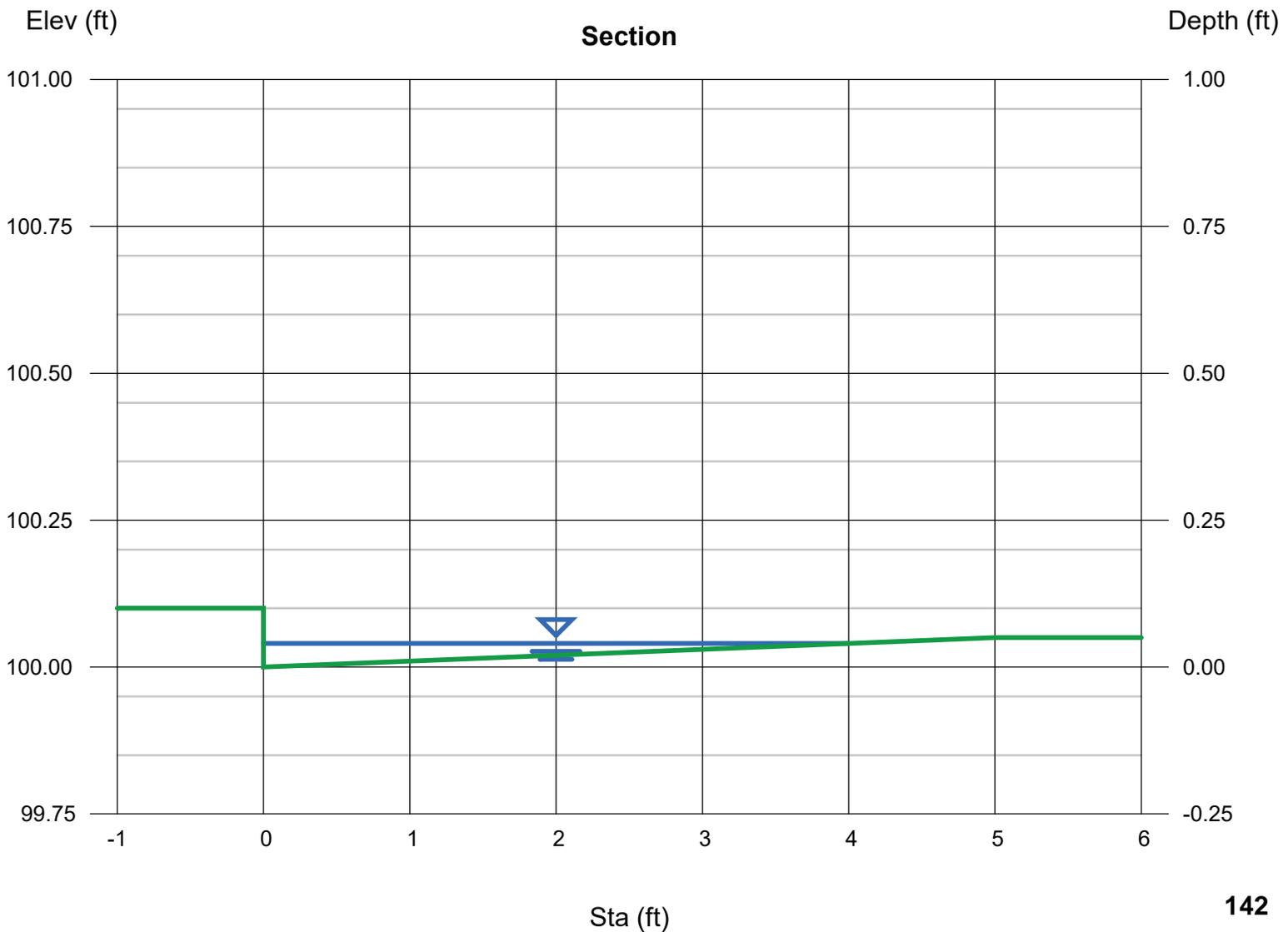
Depth (ft) = 0.04
 Q (cfs) = 0.060
 Area (sqft) = 0.08
 Velocity (ft/s) = 0.75
 Wetted Perim (ft) = 4.04
 Crit Depth, Yc (ft) = 0.04
 Top Width (ft) = 4.00
 EGL (ft) = 0.05

Calculations

Compute by: Known Q
 Known Q (cfs) = 0.06

(Sta, El, n)-(Sta, El, n)...

(0.00, 100.10)-(5.00, 100.05, 0.013)



Channel Report

OS-3 5' SIDEWALK

User-defined

Invert Elev (ft) = 100.00
 Slope (%) = 1.50
 N-Value = Composite

Highlighted

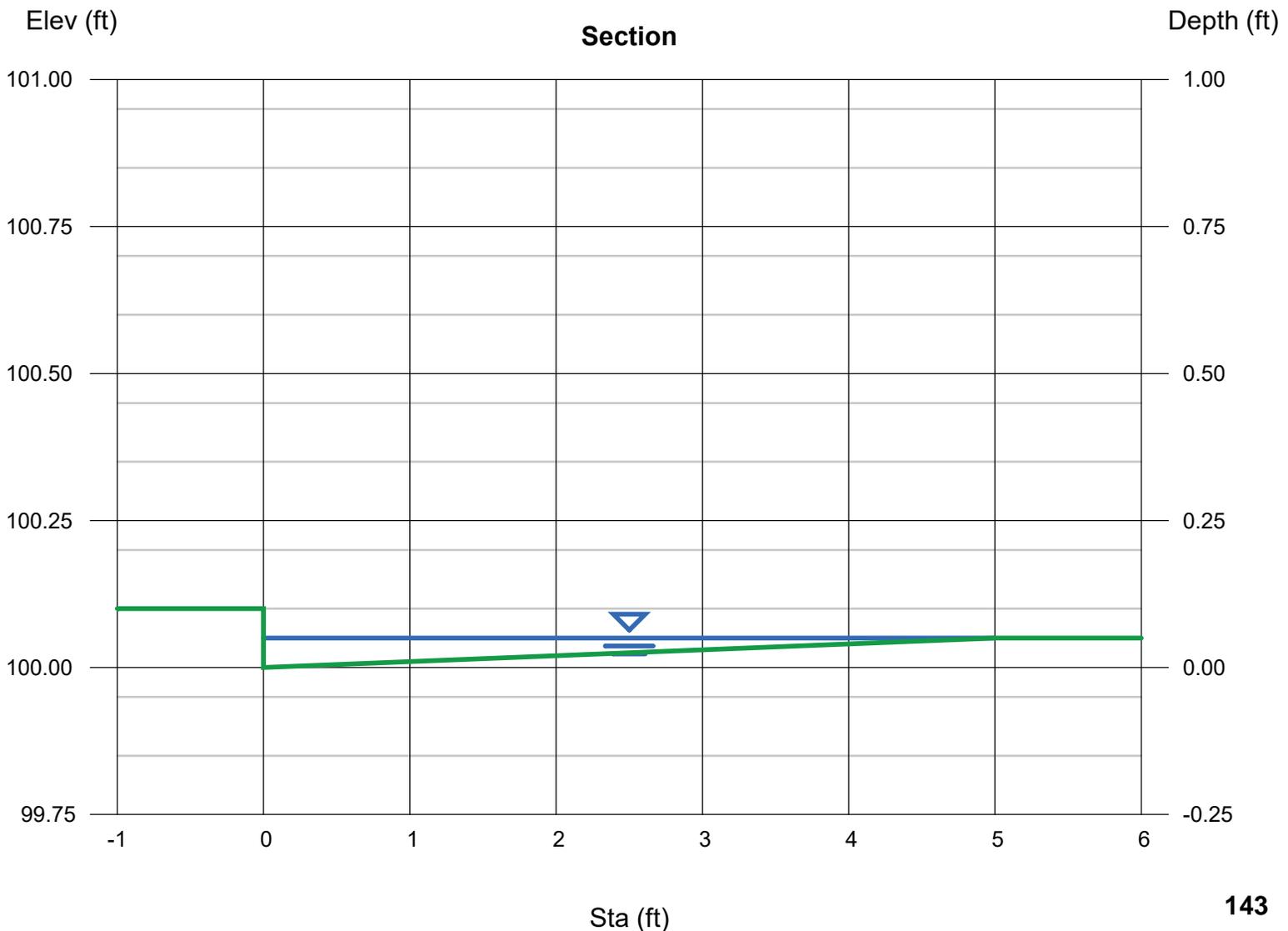
Depth (ft) = 0.05
 Q (cfs) = 0.149
 Area (sqft) = 0.13
 Velocity (ft/s) = 1.19
 Wetted Perim (ft) = 5.05
 Crit Depth, Yc (ft) = 0.06
 Top Width (ft) = 5.00
 EGL (ft) = 0.07

Calculations

Compute by: Q vs Depth
 No. Increments = 10

(Sta, El, n)-(Sta, El, n)...

(0.00, 100.10)-(5.00, 100.05, 0.013)



Channel Report

OS-2 COOPER STREET NORTH, 100yr

User-defined

Invert Elev (ft) = 100.00
Slope (%) = 1.50
N-Value = 0.013

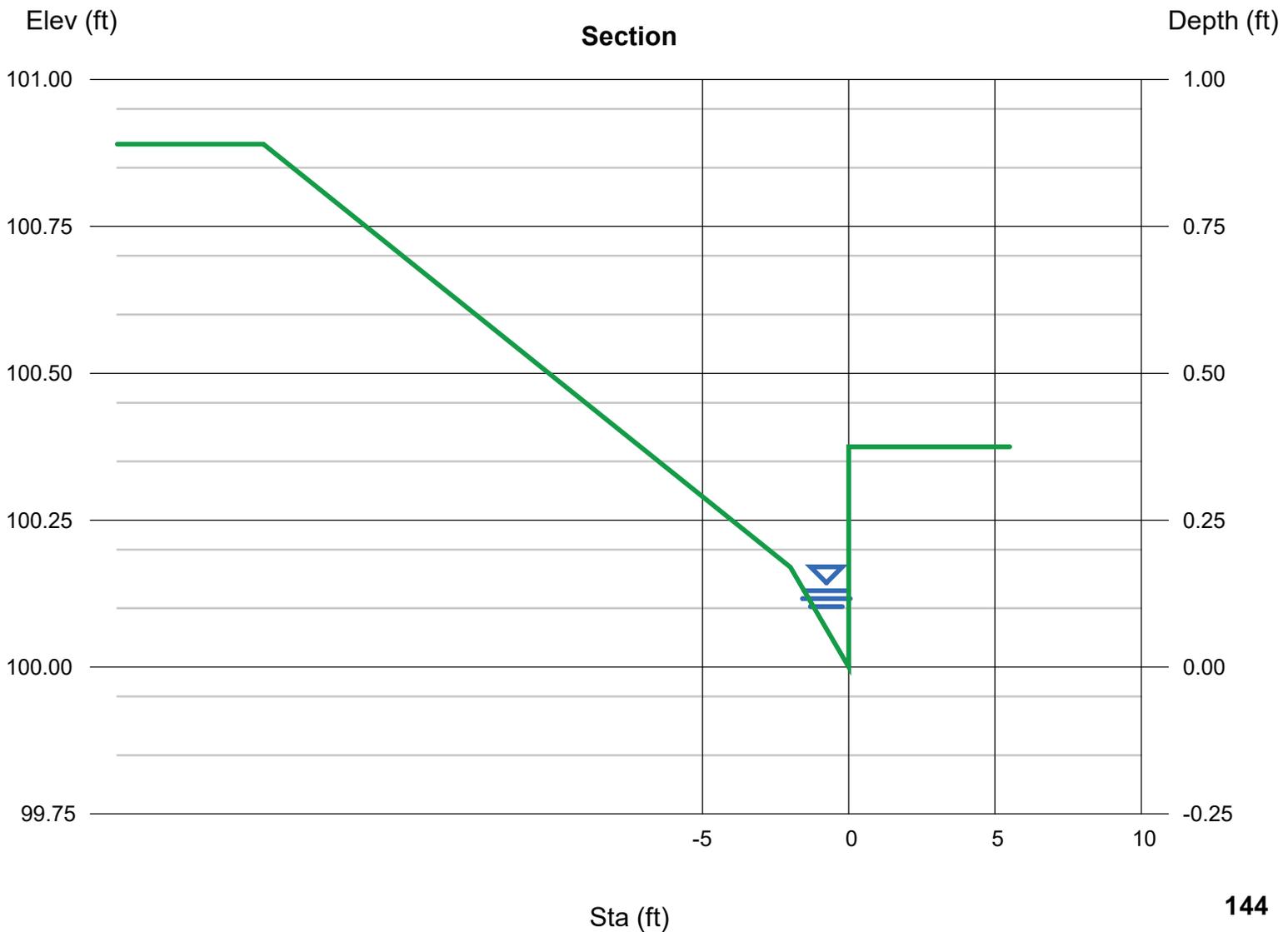
Calculations

Compute by: Known Q
Known Q (cfs) = 0.18

Highlighted

Depth (ft) = 0.13
Q (cfs) = 0.180
Area (sqft) = 0.10
Velocity (ft/s) = 1.81
Wetted Perim (ft) = 1.66
Crit Depth, Yc (ft) = 0.15
Top Width (ft) = 1.53
EGL (ft) = 0.18

(Sta, El, n)-(Sta, El, n)...
(-20.00, 100.89)-(0.50, 100.38, 0.013)



Channel Report

OS-2 COOPER STREET NORTH, MAX

User-defined

Invert Elev (ft) = 100.00
Slope (%) = 1.50
N-Value = 0.013

Highlighted

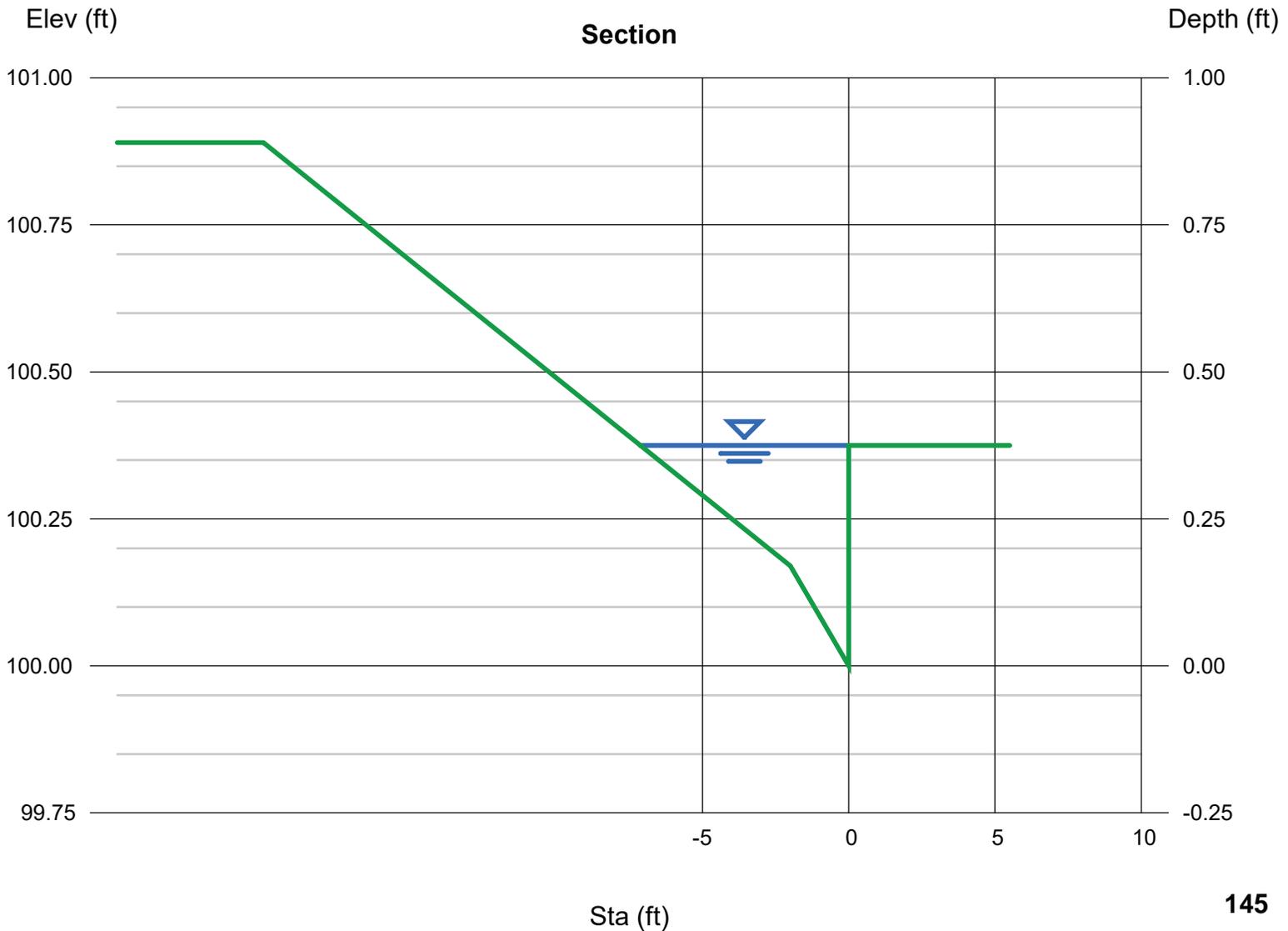
Depth (ft) = 0.38
Q (cfs) = 4.320
Area (sqft) = 1.11
Velocity (ft/s) = 3.91
Wetted Perim (ft) = 7.51
Crit Depth, Yc (ft) = 0.46
Top Width (ft) = 7.13
EGL (ft) = 0.61

Calculations

Compute by: Known Depth
Known Depth (ft) = 0.38

(Sta, El, n)-(Sta, El, n)...

(-20.00, 100.89)-(0.50, 100.38, 0.013)



OS-4 COOPER STREET SOUTH, MAX

User-defined

Invert Elev (ft) = 100.00
 Slope (%) = 1.50
 N-Value = 0.013

Highlighted

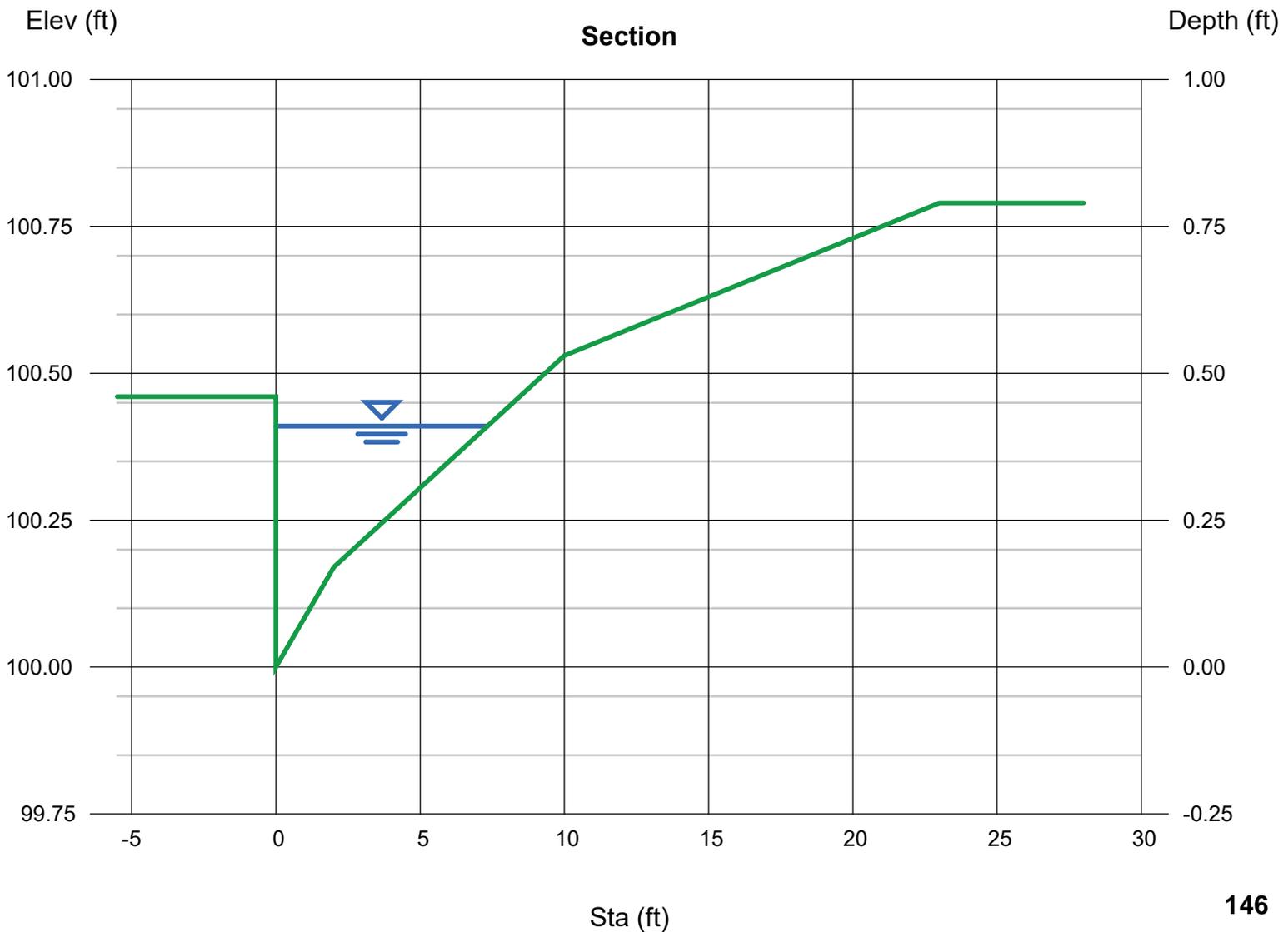
Depth (ft) = 0.41
 Q (cfs) = 5.100
 Area (sqft) = 1.29
 Velocity (ft/s) = 3.95
 Wetted Perim (ft) = 7.76
 Crit Depth, Yc (ft) = 0.50
 Top Width (ft) = 7.33
 EGL (ft) = 0.65

Calculations

Compute by: Known Q
 Known Q (cfs) = 5.10

(Sta, El, n)-(Sta, El, n)...

(-0.50, 100.46)-(2.00, 100.17, 0.013)-(10.00, 100.53, 0.013)-(23.00, 100.79, 0.013)



OS-4 COOPER STREET SOUTH, MAX

User-defined

Invert Elev (ft) = 100.00
 Slope (%) = 1.50
 N-Value = 0.013

Highlighted

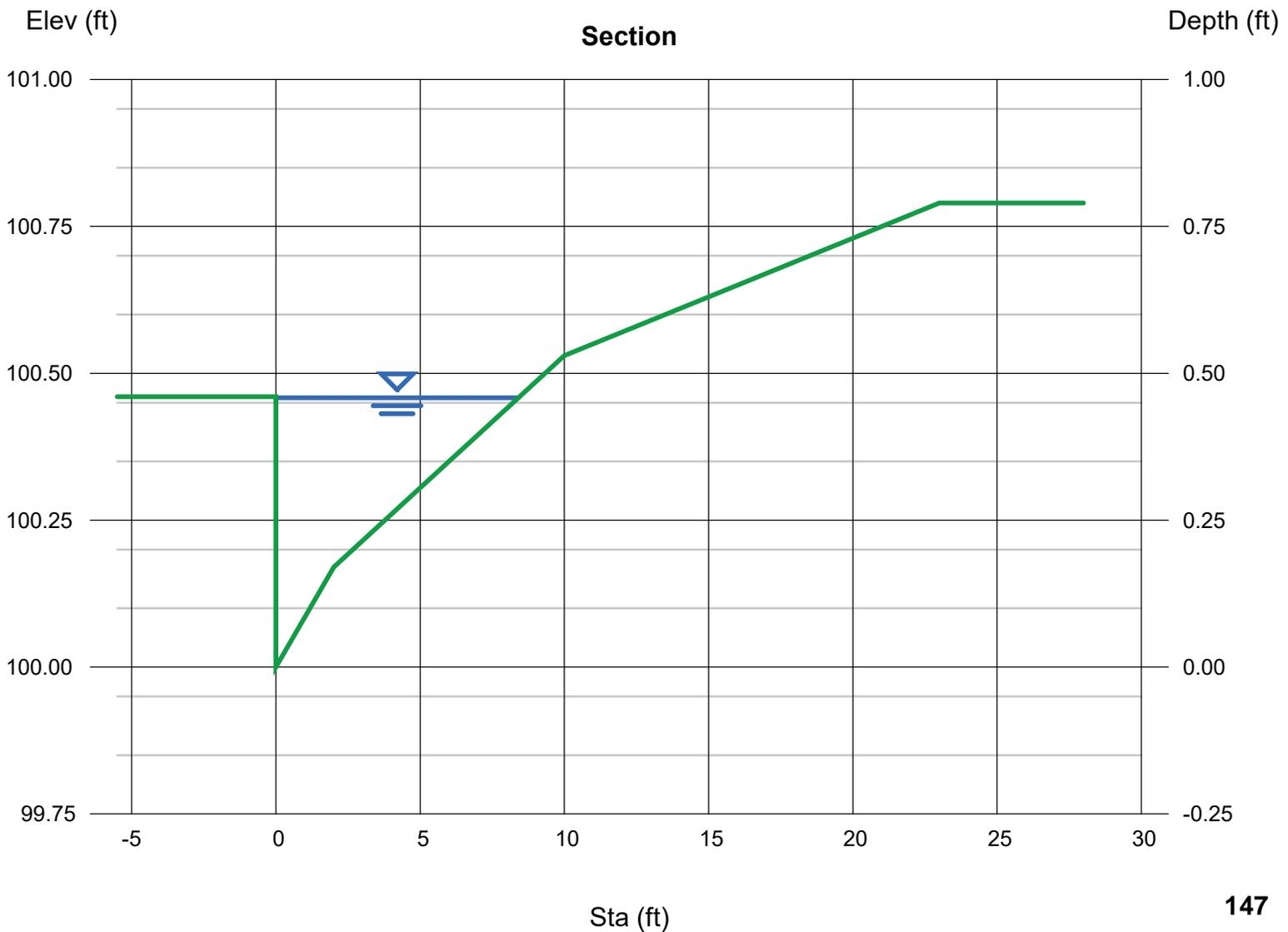
Depth (ft) = 0.46
 Q (cfs) = 7.688
 Area (sqft) = 1.67
 Velocity (ft/s) = 4.60
 Wetted Perim (ft) = 8.88
 Crit Depth, Yc (ft) = 0.58
 Top Width (ft) = 8.41
 EGL (ft) = 0.79

Calculations

Compute by: Known Depth
 Known Depth (ft) = 0.46

(Sta, El, n)-(Sta, El, n)...

(-0.50, 100.46)-(2.00, 100.17, 0.013)-(10.00, 100.53, 0.013)-(23.00, 100.79, 0.013)



IMPROVEMENT SURVEY PLAT 1020 E COOPER AVE

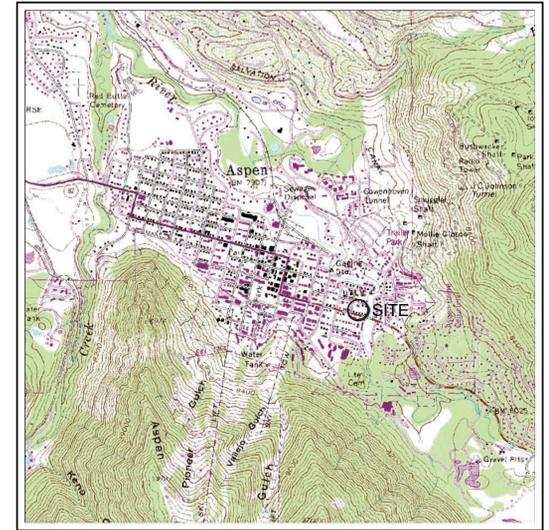
THE EASTERLY 13.79 FEET OF LOT O AND ALL OF LOT P, BLOCK 34, EAST ASPEN ADDITION TO THE CITY OF ASPEN
PITKIN COUNTY, STATE OF COLORADO.

SHEET 1 OF 2

PROPERTY DESCRIPTION

The Easterly 13.79 feet of Lot O and all of Lot P, Block 34, East Aspen Addition to the City of Aspen According to the Lot Line Adjustment/Subdivision Exemption Plat of 1020 E. Copper, recorded October 8, 2019 as reception no. 659373.

County of Pitkin
State of Colorado



VICINITY MAP
SCALE: 1" = 2000'

NOTES

- 1) Date of Survey: July 2020.
- 2) Date of Preparation: July - August 2020.
- 3) Linear Units: The linear unit used in the preparation of this plat is the U.S. Survey Foot as defined by the United States Department of Commerce, National Institute of Standards and Technology.
- 4) Basis of Bearing: Bearings are based on the 2009 Marcin Engineering-City of Aspen Control Map, yielding a site bearing of N 74°18'31" W from the SE Corner of Lot L, Block 34, East Aspen Addition, a found #5 rebar and yellow plastic cap illegible, and the South East Corner of said Block 34, a found #5 rebar and yellow plastic cap PLS 19598.
- 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, rights of way and/or title of record, SE relied upon a title commitment prepared by Land Title Guarantee Company, Order Number Q62010331.1, Effective Date, July 2, 2020 and documents and plats of record as shown in the Source Documents, herein.
- 6) Basis of elevation: The 1998 City of Aspen Drexel Barrel control datum, which is based on an elevation of 7720.88' (NAVD 1988) on the NGS station "S-159". This established two site benchmarks, shown on page 1.
- 7) The FIRM flood map for this property is number 08097C0366E, effective on 08/15/2019, property is in area of minimal flood hazard, zone X.
- 8) Slope - 0 - 10% per "Percent Slope within Aspen". City of Aspen - June 1, 2009 and per field work all natural slopes 0 - 10% this survey.
- 9) Geological Hazards - None per "Potential Geological Hazards Area". City of Aspen Master Drainage Plan. WRC Engineering Inc. - 2001
- 10) Mud Flow - None per "Maximum Flow Depth, 100-Year Event". City of Aspen Master Drainage Plan. WRC Engineering Inc. - 2001 nor per "Aspen Mountain Mud Flow Zones". City of Aspen Urban Runoff Management Plan Fig. 7.1 - 2010
- 11) Wetlands - None per "U.S. Fish & Wildlife Service National Wetland Inventory Map"
- 12) Contour Interval: One (1) foot.
- 13) Tree measurements were performed to City of Aspen standards (Aspen Municipal Code Chapter 13 Sec. 13.20.020).
- 14) Address: 1020 E COOPER AVE
- 15) Pitkin County Parcel No.--273-718-23-2006

SOURCE DOCUMENTS:

- the Improvement Survey Map certified June 4, 2019 prepared by Tuttle Surveying Services, Job #19053 (not of the Pitkin County, Colorado Records)
- the Plat of East Aspen Addition, recorded August 24, 1959 in Book 2 at Page 252
- Lot Line Adjustment/Subdivision Exemption Plat, recorded October 8, 2019 as Reception No. 659373.
- Historic Preservation Resolution #21, Series of 2019, recorded December 26, 2019 as Reception No. 661468

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

SURVEYOR'S CERTIFICATE

I, Mark S. Beckler, hereby certify to: 1020 Cooper LLC, a Colorado limited liability company and Land Title Guarantee Company

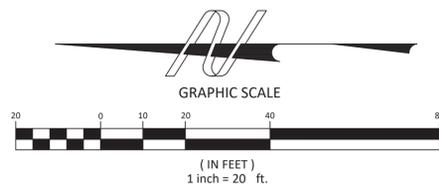
That this is an "Improvement Survey Plat" as defined by C.R.S. § 38-51-102(9) and that it is a monumented Land Survey showing the location of all setbacks, structures, visible utilities, fences, or walls situated on the described parcel and within five feet of all boundaries of such parcel, any conflicting boundary evidence or visible encroachments, utilities marked by client and all depicted easements described in Land Title Guarantee Company's, commitment for title insurance file no. Q62010331.1, or other sources as specified on the improvement survey plat.

The error of closure for this plat is less than 1/15,000.



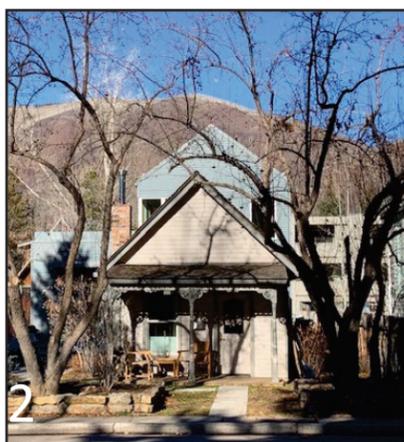
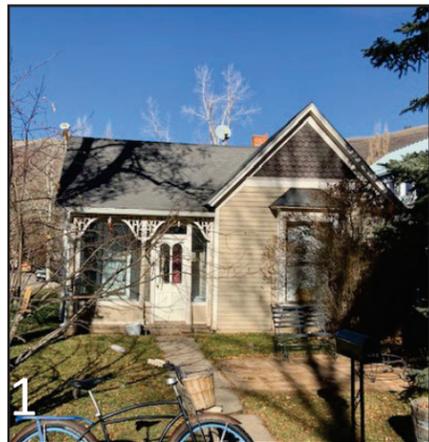
GENERAL UTILITY NOTES:

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.



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

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



Neighborhood Context

- 1- 1000 East Cooper, single family home, AspenVictorian
- 2- 1006 East Cooper, single family home, AspenVictorian
- 3- 1012 East Cooper, 5 unit multifamily building "Cooper Ave Victorians"
- 4- 1024 East Cooper, 10 unit multifamily building "Riverside Condos"
- 5- 1034 East Cooper, ~25 unit multifamily building "Chateau Eau Claire"
- 6- 1039 East Cooper, ~47 unit multifamily building "Chateau Roaring Fork"
- 7- 1001 East Cooper, 8 unit multifamily building "Villager Townhouse"
- 8- 949 East Cooper, 5 unit property "East Cooper Court", AspenVictorian



Proposed 1020 East Cooper Project

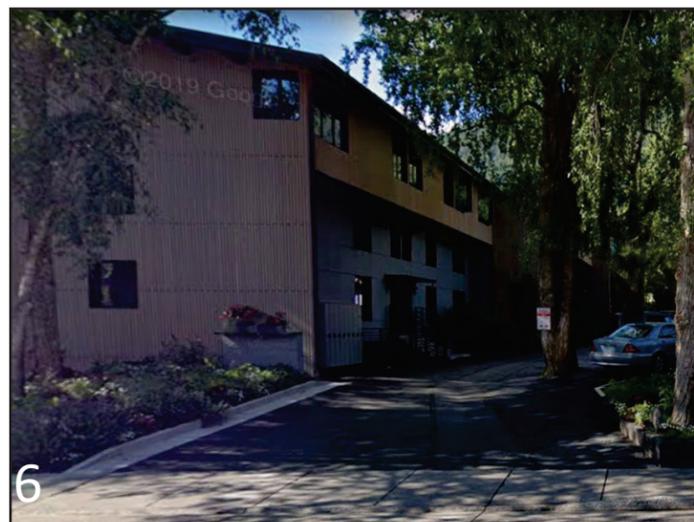


Exhibit 18
Response to DRC Review Comments

Building Department

Comment 1: *Will be addressed at building permit.*

Comment 2: *The egress well has been removed from the revised plan.*

Comment 3: *Will be addressed at building permit.*

Comment 4: *Unit 103 has been redesigned to be Type B accessible unit.*

Comment 5: *The clear dimensions of the column work with the door/ramp access of a typical minivan.*

Comment 6: *Trash is on accessible route as confirmed by Building Department. Clearances will be included in building permit.*

Comments 7 – 14: *Will be addressed at building permit.*

Engineering Department

I reviewed the conceptual drainage report Jesse sent over last week and it addresses all of my comments for DRC. I spoke to the Electric Department and it is acceptable to have the 2'x8' easement in the proposed parking space since it is to the side and not in front of the doors.

A few things to note for building permit submittal

1. Fire flow calcs will be required if a 4" service line is needed. Calcs that show a 2" service line fails will also need to be provided.
2. The conceptual drainage report calls out that the alley will be re-designed to accommodate flows to the curb and gutter, this design will need to be included with capacity calculations.
3. The transformer to the east has an existing easement that according to the conceptual drainage report, is adequately sized for a future relocation. Show the dimensions of the easement (on 1020 E Cooper and the neighboring property) on the utility plan to confirm the easement meets COA Electric standards for transformer easements. If the dimensions do not comply with COA standards, the easement will need to be adjusted during building permit review.

Response – these items will be included in the building permit application. An electric easement drawing demonstrating the proposed location for the upgraded vault/transformer was submitted to the City of Aspen Engineering Department on December 21, 2020 for review.

Environmental Health Department

1020 E. Cooper Ave. – Space Allotment for Trash and Recycling Storage

Liz Chapman – Environmental Health and Sustainability

1. This space is subject to the requirements of a multi-family complex and is required to provide 120 square feet of space to the storage of trash and recycling. The current application exceeds these standards by providing 124 SF.
 - a. Applicant indicates alley access will be facilitated by the use of the handicap parking access to provide an unobstructed path to the trash area.

- b. Applicant has indicated this space will be equipped with bear-proof technology to prevent wildlife access.
2. These proposals meet with approval by Environmental Health.

Response: No comment necessary.

Parks Department

1. Maintain 10 foot dripline protection for shared tree – Any activity or excavation in this area will require City Forester approval.
2. Planting trees back on this property should be explored and supported.

Response: The dripline will be maintained as noted. A complete landscape plan will be submitted as part of the Final Design application for HPC review. Planting trees at the rear of the property will be explored when the landscape plan is developed.

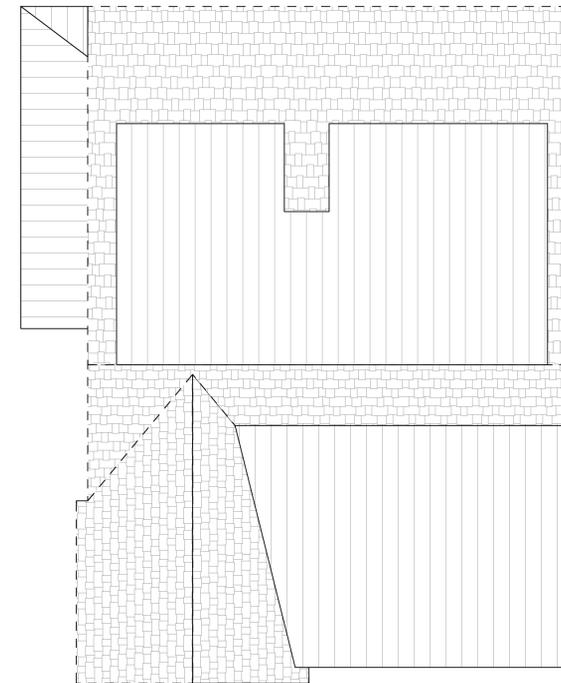
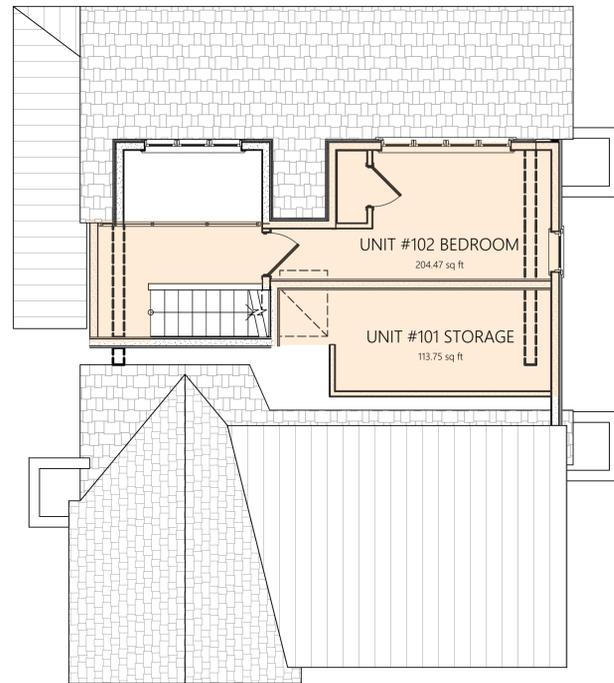
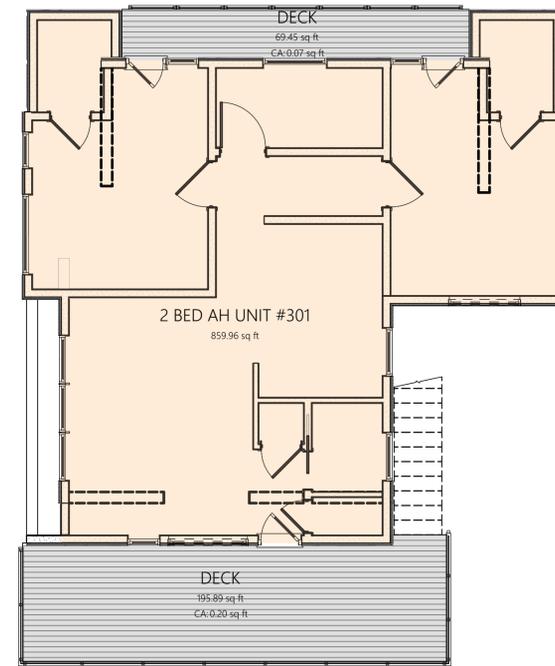
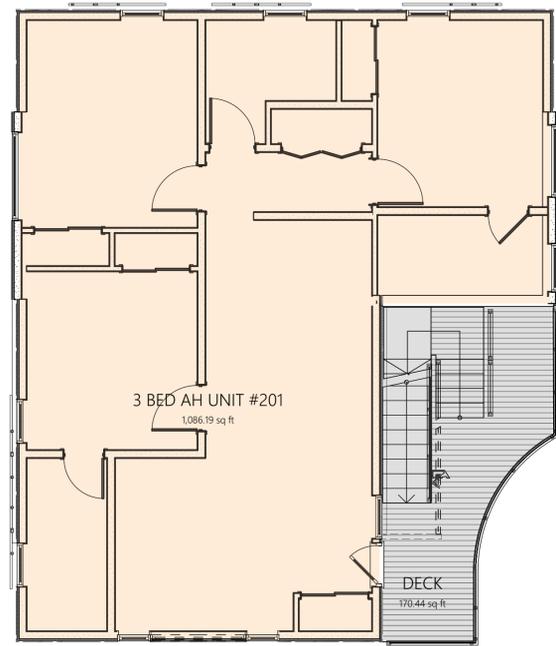


1020 E. COOPER PROJECT | ASPEN CO





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| F.A.R. SCHEDULE | | | |
|---------------------|-------------------------------|----------------|------------|
| LEVEL | USE | TOTAL AREA | FLOOR AREA |
| LOWER LEVEL | | | |
| | 2 BED AH UNIT #101 | 542.7 | 0 |
| | 3 BED AH UNIT #102 | 551.75 | 0 |
| | 2 BED AH UNIT #103 | 527.06 | 0 |
| | EGRESS | 49.17 | 0 |
| | MECHANICAL | 90.95 | 0 |
| | STORAGE | 73.04 | 0 |
| | TOTAL (4.3% exposed) | 1834.67 | 78.89 |
| MAIN LEVEL | | | |
| | 2 BED AH UNIT #101 | 483.3 | 483.3 |
| | 3 BED AH UNIT #102 | 572.12 | 572.12 |
| | 2 BED AH UNIT #103 | 489.89 | 489.89 |
| | STORAGE | 10.93 | 10.93 |
| SECOND LEVEL | | | |
| | 3 BED AH UNIT #201 | 1086.19 | 1086.19 |
| | 2 BED AH UNIT #101 STORAGE | 113.75 | 113.75 |
| | 3 BED AH UNIT #102 BEDROOM | 204.47 | 204.47 |
| THIRD LEVEL | | | |
| | 2 BED AH UNIT #301 | 859.96 | 859.96 |
| DECKS | | | |
| | DECK | 41.82 | 0 |
| | DECK | 122.13 | 0 |
| | DECK | 170.44 | 0 |
| | DECK | 265.34 | 0 |
| | TOTAL DECKS (821.061f exempt) | 599.73 | 0 |
| CARPORT | | | |
| | CAR PORT | 506.59 | 0 |
| | TOTAL | 6,886.32 sq ft | 3899.5 |

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1020 E. COOPER PROJECT

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DRAWING HPC APPLICATION ISSUE 2/10/2021

2 SECOND LEVEL AREA PLAN PROPOSED

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



3 THIRD LEVEL AREA PLAN PROPOSED

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



FAR PROPOSED

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.

Z1.02



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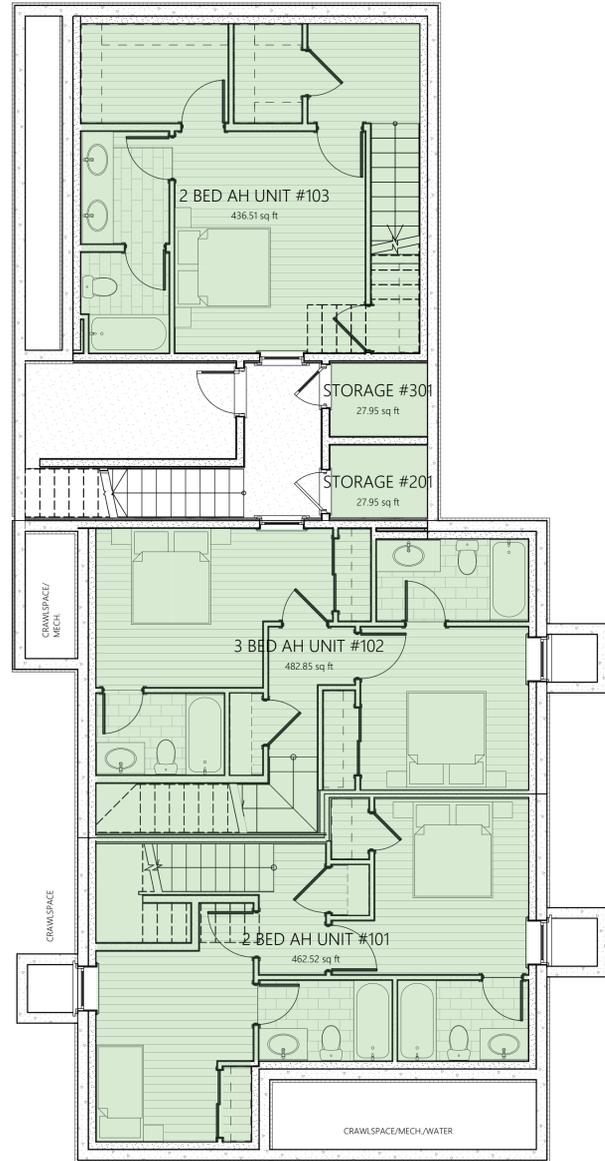
DRAWING HPC APPLICATION ISSUE 2/10/2021

NLA PROPOSED

PROJECT No: 1907
DRAWN BY: CPF

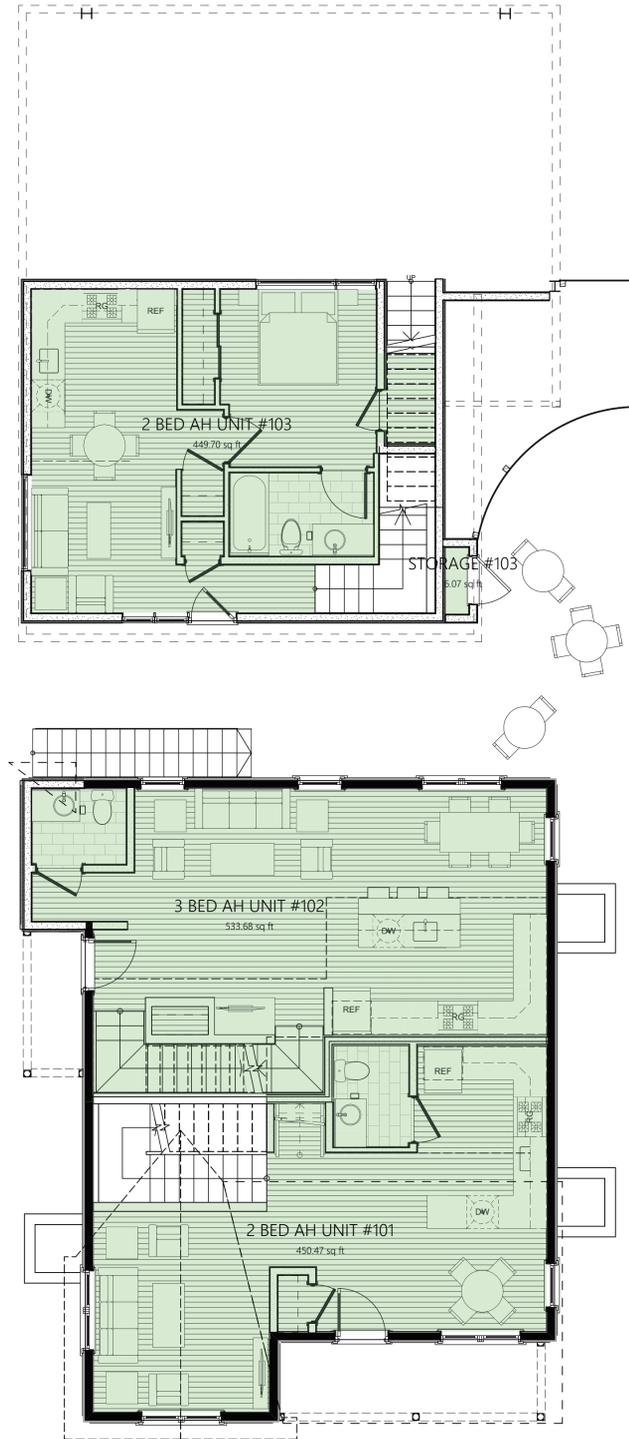
Sheet No.

Z1.03



-1 LOWER LEVEL NLA PLAN PROPOSED

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



1 MAIN LEVEL NLA PLAN PROPOSED

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

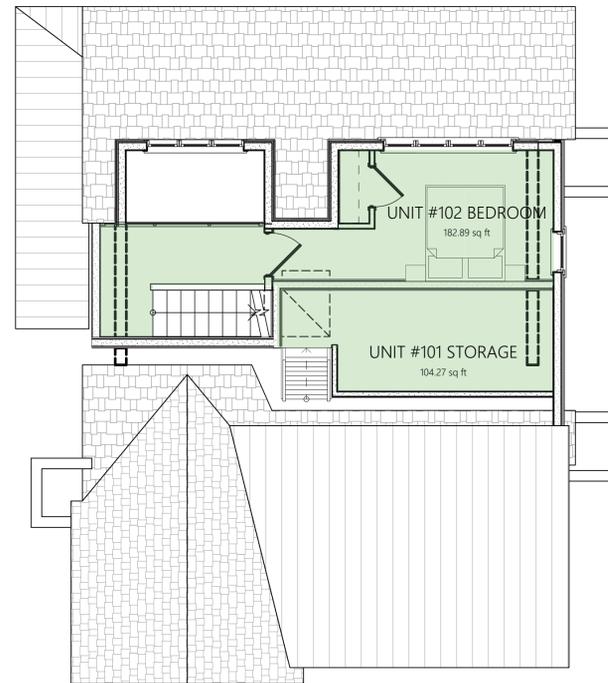
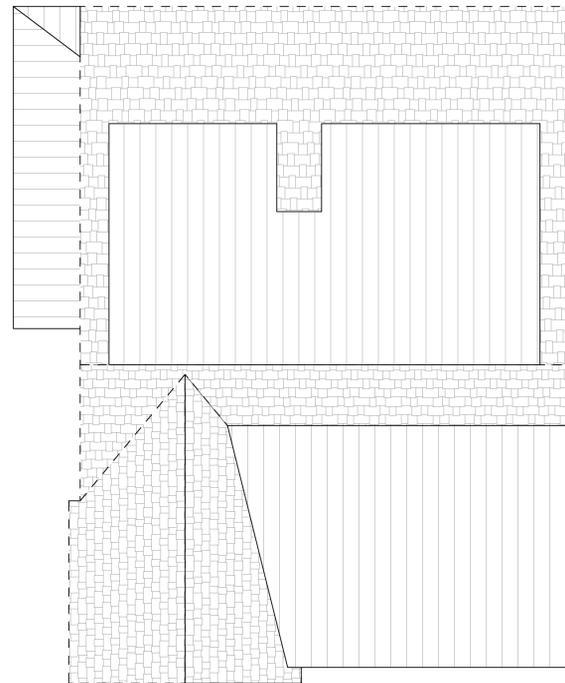




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| NET LIVABLE SCHEDULE | |
|----------------------|----------------|
| FLOOR | AREA |
| LOWER LEVEL | |
| 2 BED AH UNIT #101 | 462.52 |
| 2 BED AH UNIT #103 | 436.51 |
| 3 BED AH UNIT #102 | 482.85 |
| STORAGE #201 | 27.95 |
| STORAGE #301 | 27.95 |
| MAIN LEVEL | |
| 2 BED AH UNIT #101 | 450.47 |
| 2 BED AH UNIT #103 | 449.70 |
| 3 BED AH UNIT #102 | 533.68 |
| STORAGE #103 | 6.07 |
| SECOND LEVEL | |
| 3 BED AH UNIT #201 | 1,011.79 |
| UNIT #101 STORAGE | 104.27 |
| UNIT #102 BEDROOM | 182.89 |
| THIRD LEVEL | |
| 2 BED AH UNIT #301 | 789.52 |
| | 4,966.17 sq ft |



3 THIRD LEVEL NLA PLAN PROPOSED

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



2 SECOND LEVEL NLA PLAN PROPOSED

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



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NLA PROPOSED

PROJECT No: 1907
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Sheet No.

Z1.04



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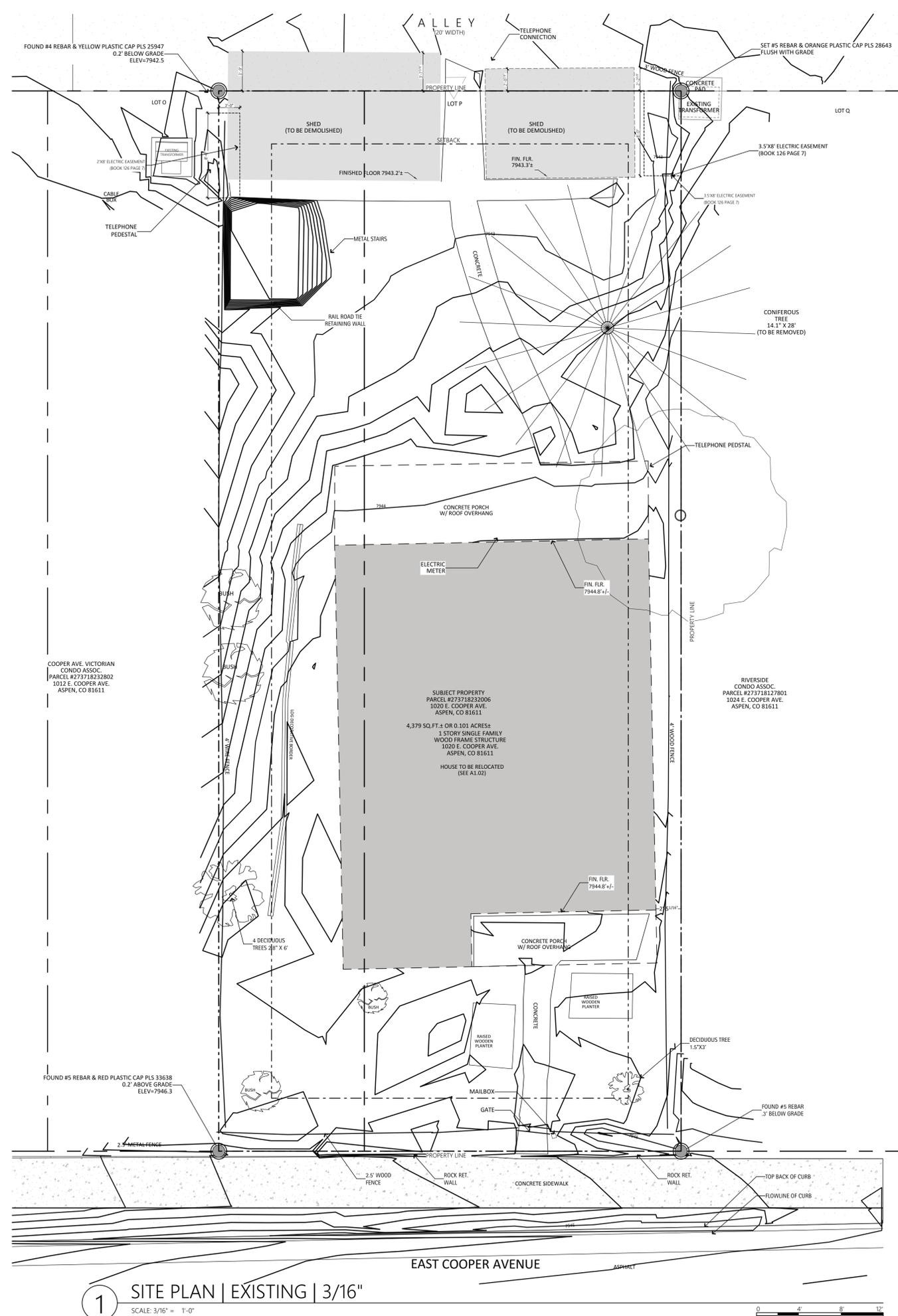
ASPEN CO

DRAWING ISSUE
HPC APPLICATION 2/10/2021

SITE PLAN | EXISTING |
3/16"

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.
A1.01



1 SITE PLAN | EXISTING | 3/16"
SCALE: 3/16" = 1'-0"





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1020 E. COOPER PROJECT

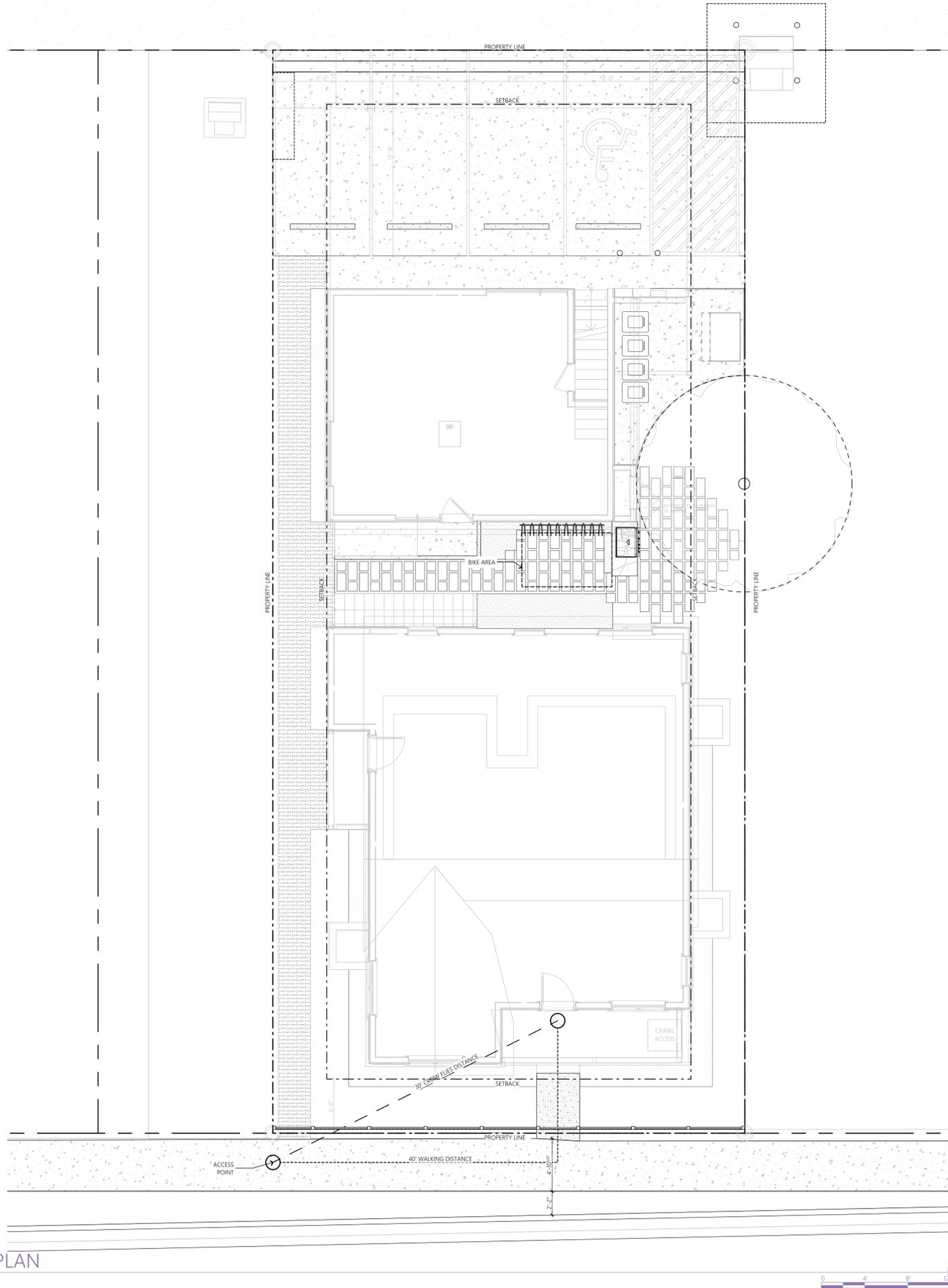
ASPEN CO

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SITE PLAN | TIA | 3/16"

PROJECT No: 1907
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Sheet No.
A1.03



1 TIA SITE PLAN
SCALE: 3/16" = 1'-0"





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1020 E. COOPER PROJECT

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SITE PLAN | LANDSCAPE PROPOSED | 3/16"

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.
A1.04



1 LANDSCAPE PLAN | PROPOSED | 3/16"
SCALE: 3/16" = 1'-0"





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1020 E. COOPER PROJECT

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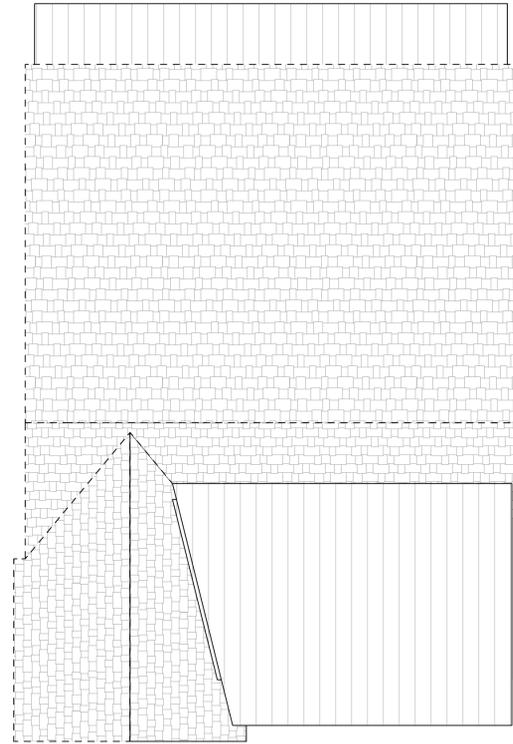
DRAWING HPC APPLICATION ISSUE 2/10/2021

EXISTING MAIN LEVEL FLOOR PLAN | DEMOLITION

PROJECT No: 1907
DRAWN BY: CPF

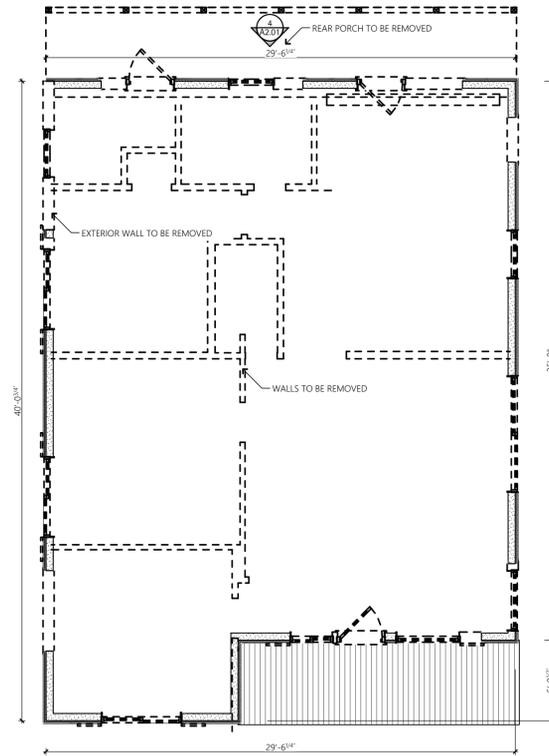
Sheet No.

A1.06



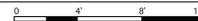
2 ROOF EXISTING PLAN

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



1 MAIN LEVEL DEMOLITION

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





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1020 E. COOPER PROJECT

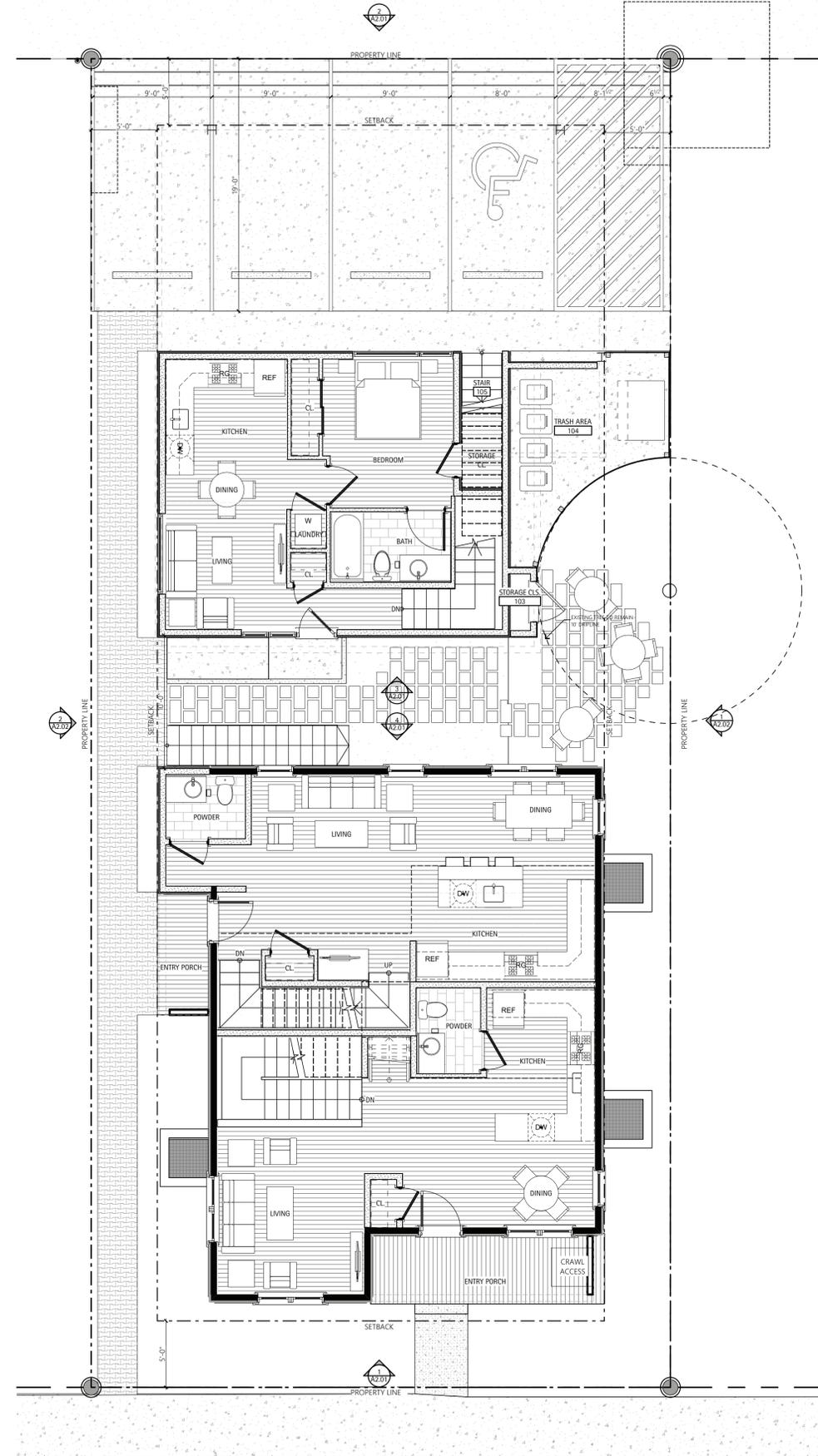
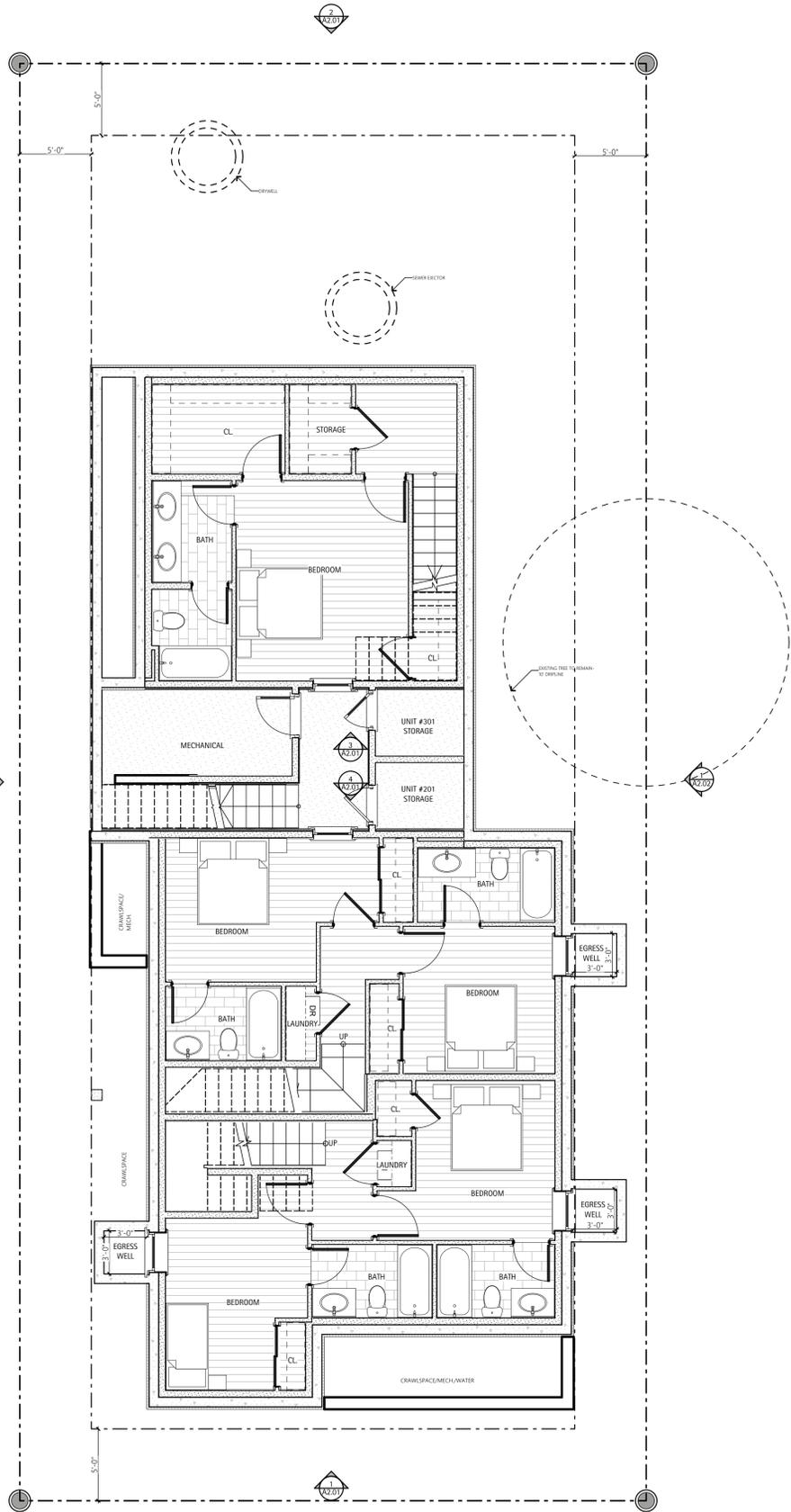
ASPEN CO

DRAWING HPC APPLICATION ISSUE 2/10/2021

LOWER/MAIN LEVEL FLOOR PLAN | PROPOSED

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.
A1.08



BIMcloud: BIMServer - BIMcloud Basic for ARCHICAD 24/1020 Cooper_ Wednesday, February 10, 2021 12:14 PM



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1020 E. COOPER PROJECT

ASPEN CO

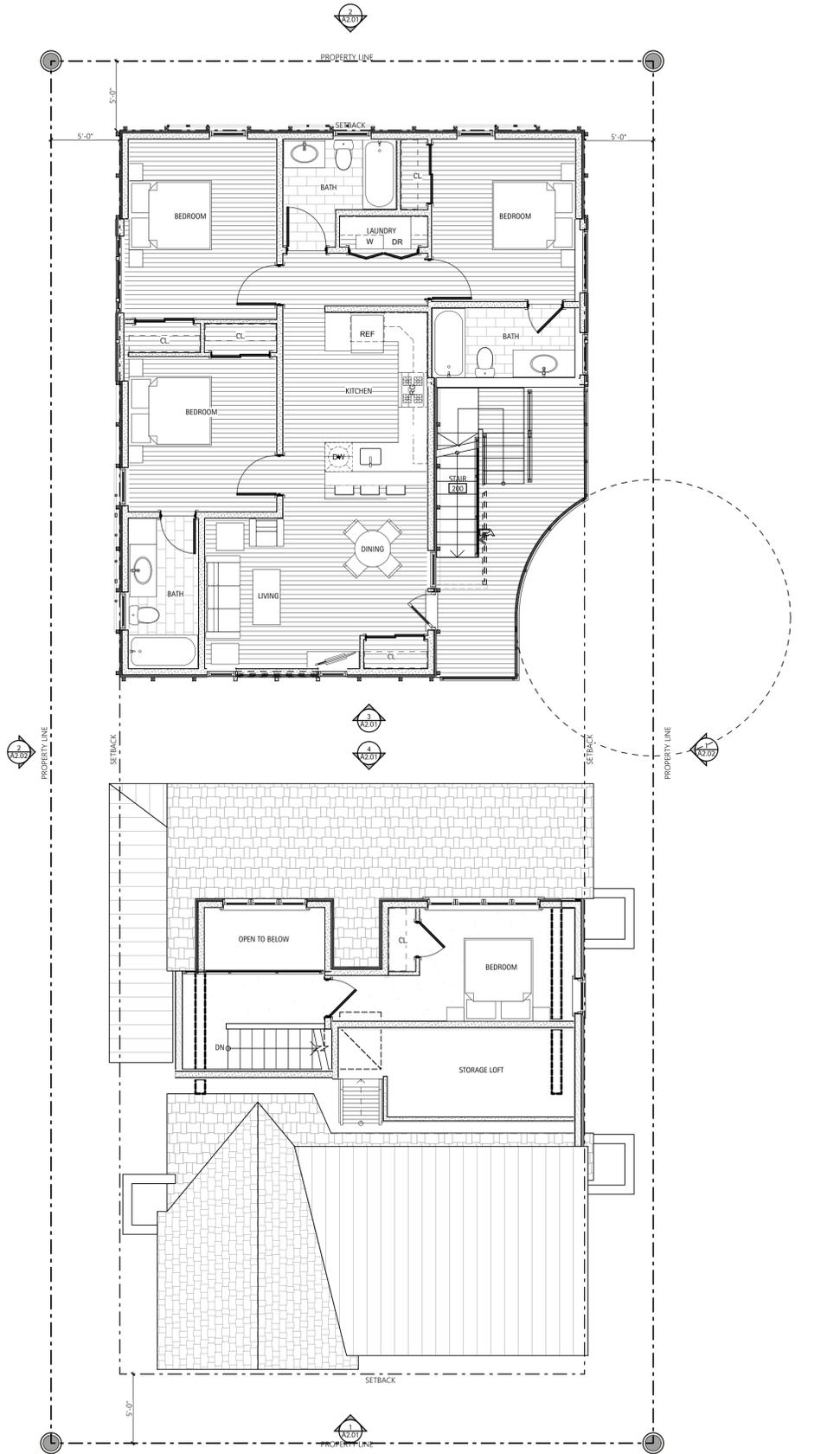
DRAWING HPC APPLICATION ISSUE 2/10/2021

SECOND/THIRD LEVEL FLOOR PLAN | PROPOSED

PROJECT No: 1907
DRAWN BY: CPF

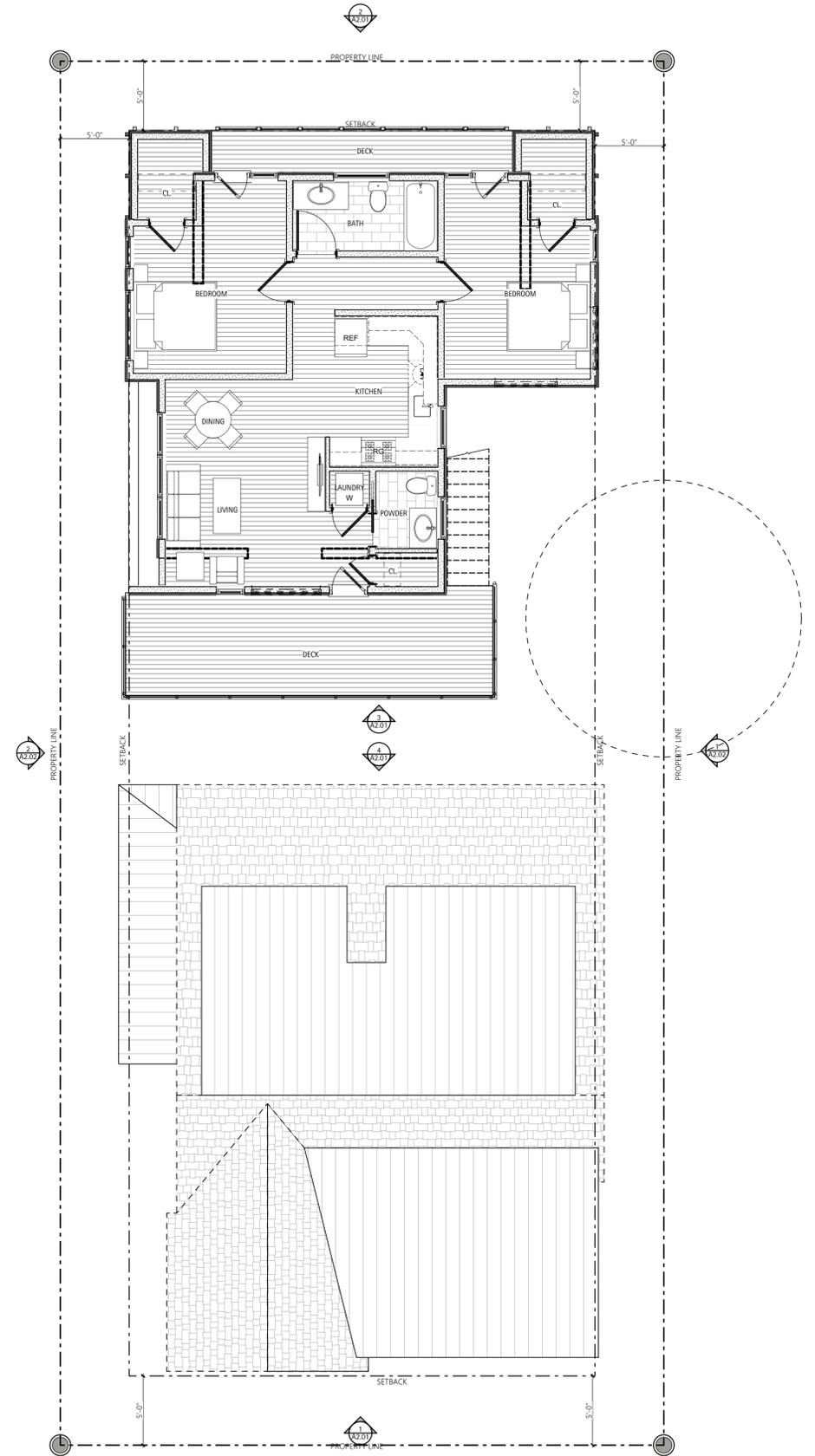
Sheet No.

A1.09



2 SECOND LEVEL PROPOSED

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



3 THIRD LEVEL PROPOSED

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





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1020 E. COOPER PROJECT

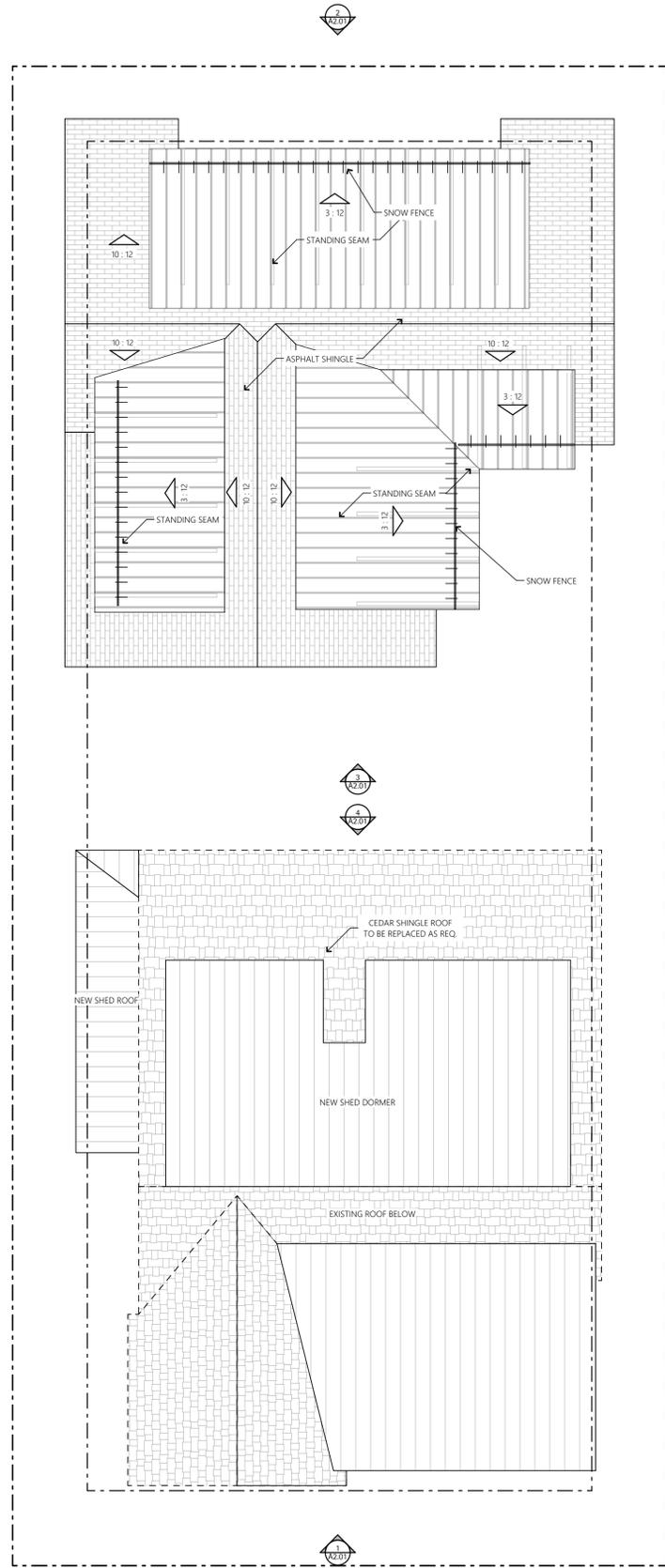
ASPEN CO

DRAWING HPC APPLICATION ISSUE 2/10/2021

ROOF PLAN

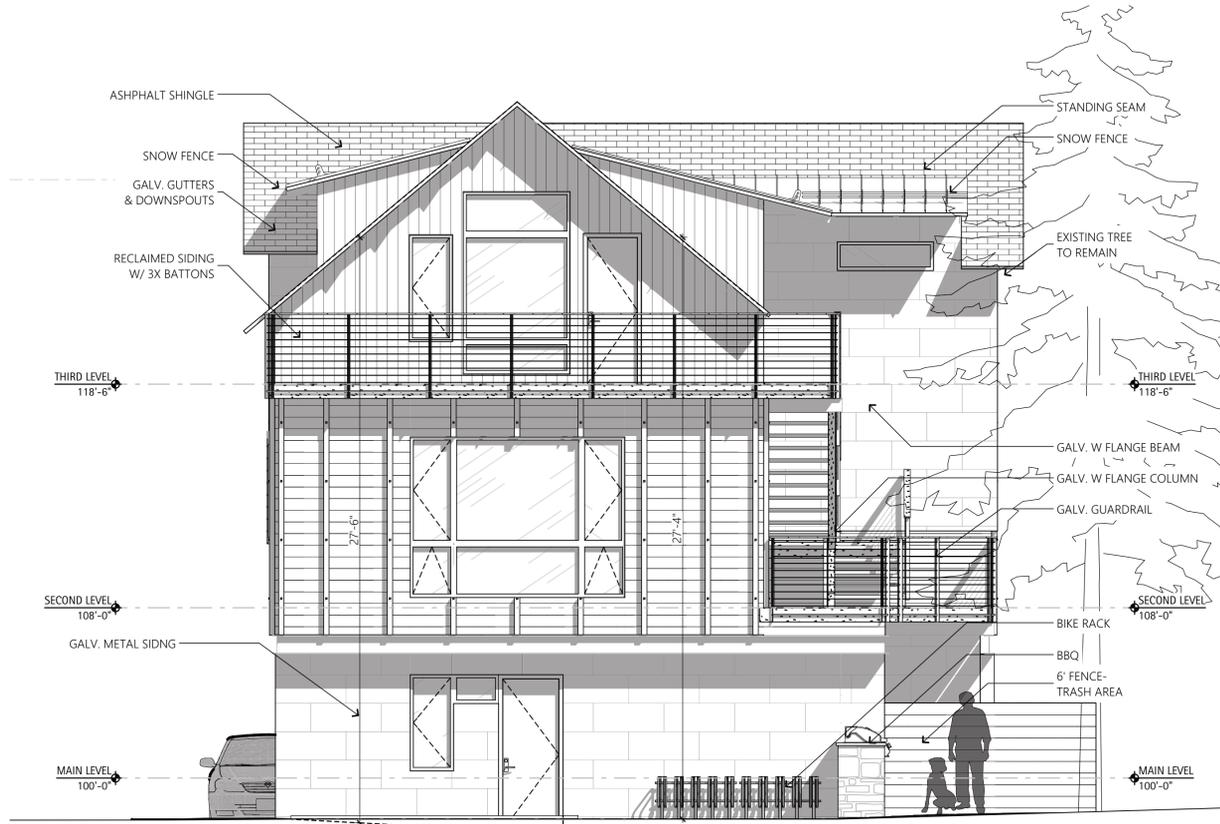
PROJECT No: 1907
 DRAWN BY: CPF

Sheet No.
A1.10



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





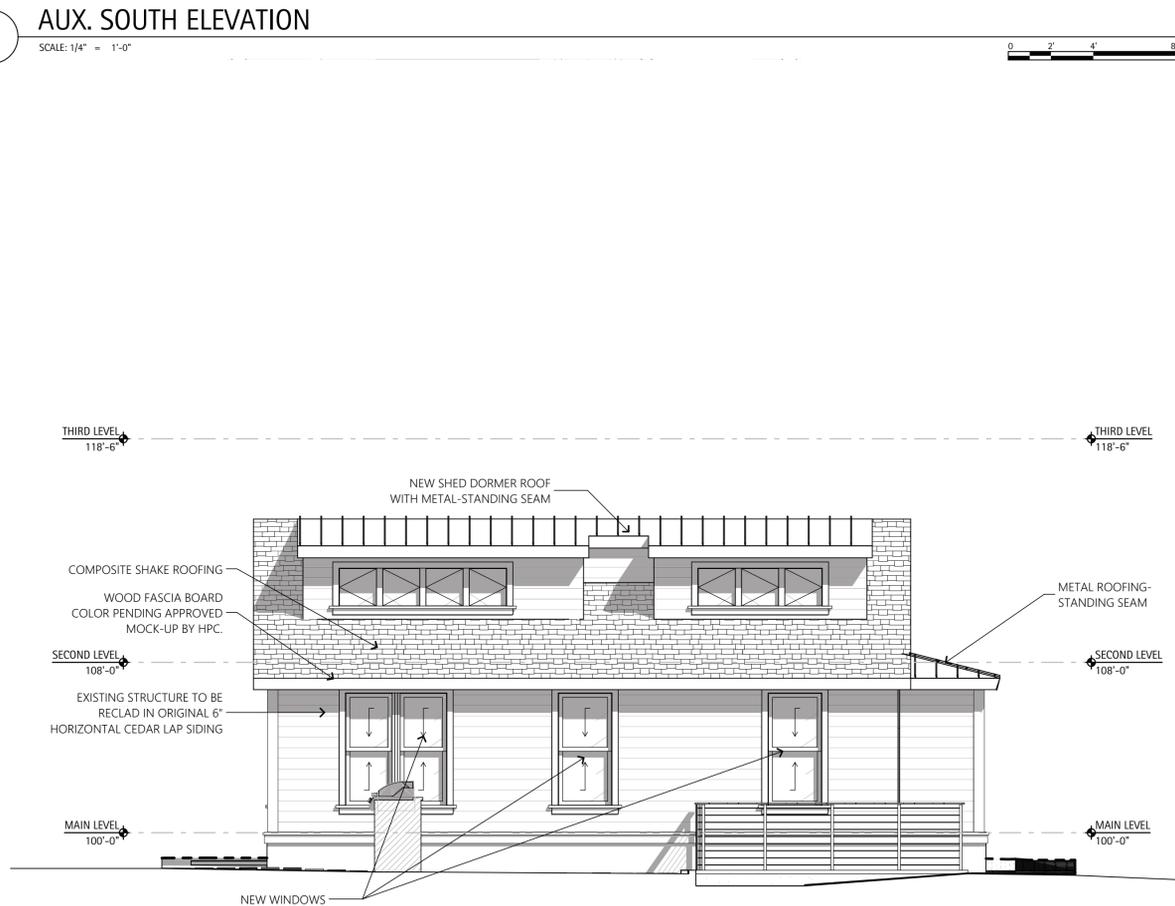
3 AUX. SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



4 AUX. NORTH ELEVATION

SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION

SCALE: 1/4" = 1'-0"





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1020 E. COOPER PROJECT

ASPEN CO

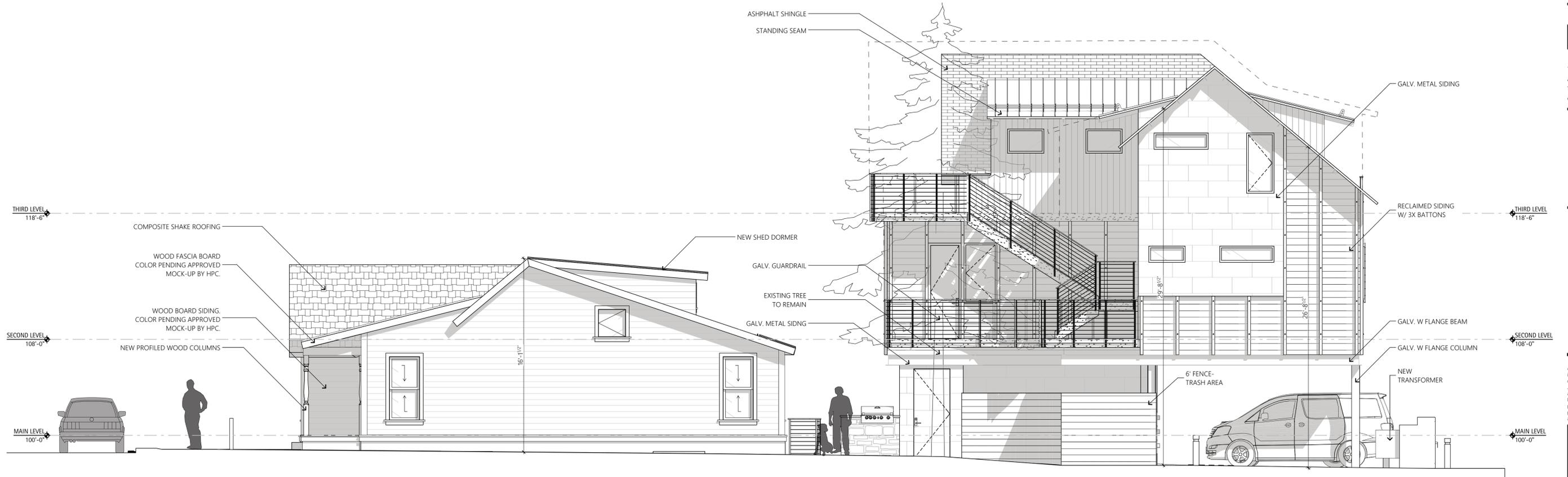
DRAWING ISSUE
HPC APPLICATION 2/10/2021

ELEVATIONS

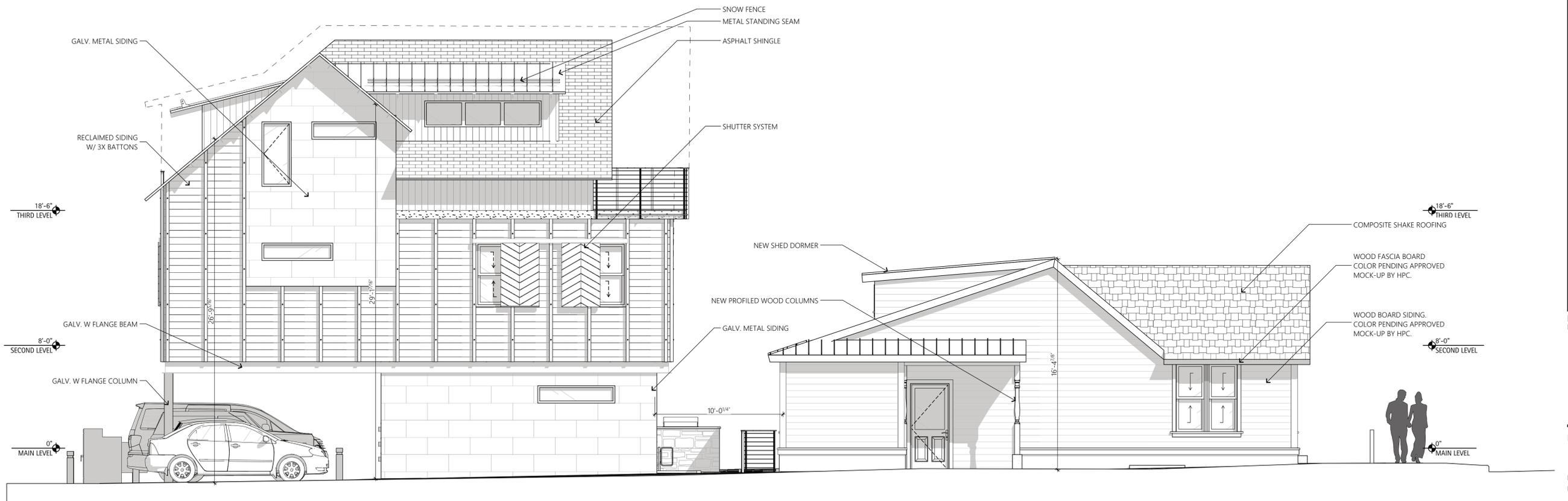
PROJECT No: 1907
DRAWN BY: CPF

Sheet No.

A2.02



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



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





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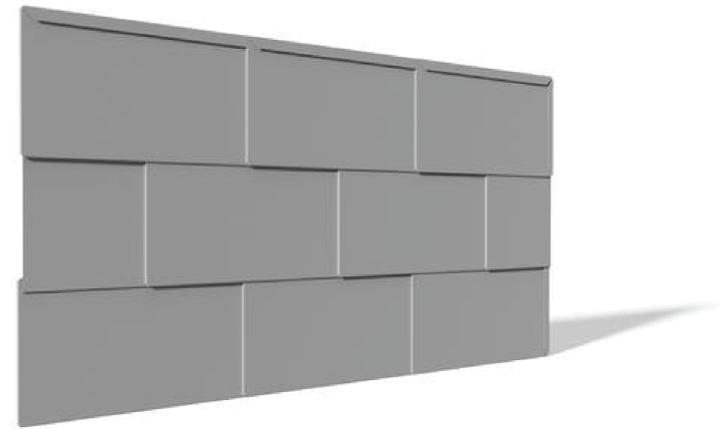
RECLAIMED WOOD SIDING w/ BATTONS



GALVANIZED SLIDER HARDWARE FOR SHUTTERS



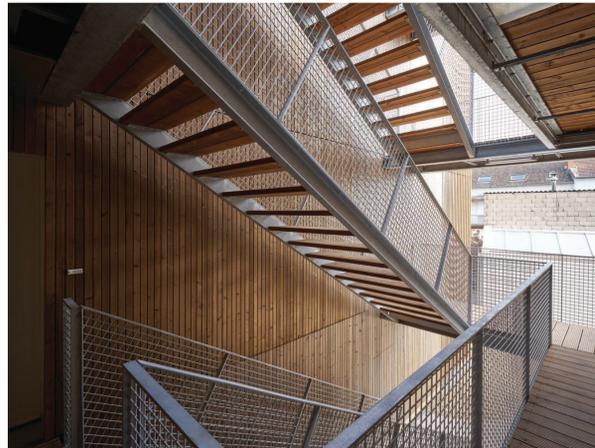
GALVANIZED METAL SIDING (VINTAGE COLOR)



GALVANIZED METAL SIDING (RUNNING BOND LAYOUT)



RECLAIMED WOOD BATTONS w/ GALVANIZED BOLTS



GALVANIZED RAILINGS AND STRUCTURE FOR STAIRS



ASPHALT SHINGLE ROOFING (DARK GREY)



GALVANIZED METAL SIDING (CORNER DETAIL)



GALVANIZED METAL ROOFING (15" STANDING SEAM)

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1020 E. COOPER PROJECT

| ASPEN CO

DRAWING HPC APPLICATION ISSUE 2/10/2021

PROPOSED MATERIALS

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.

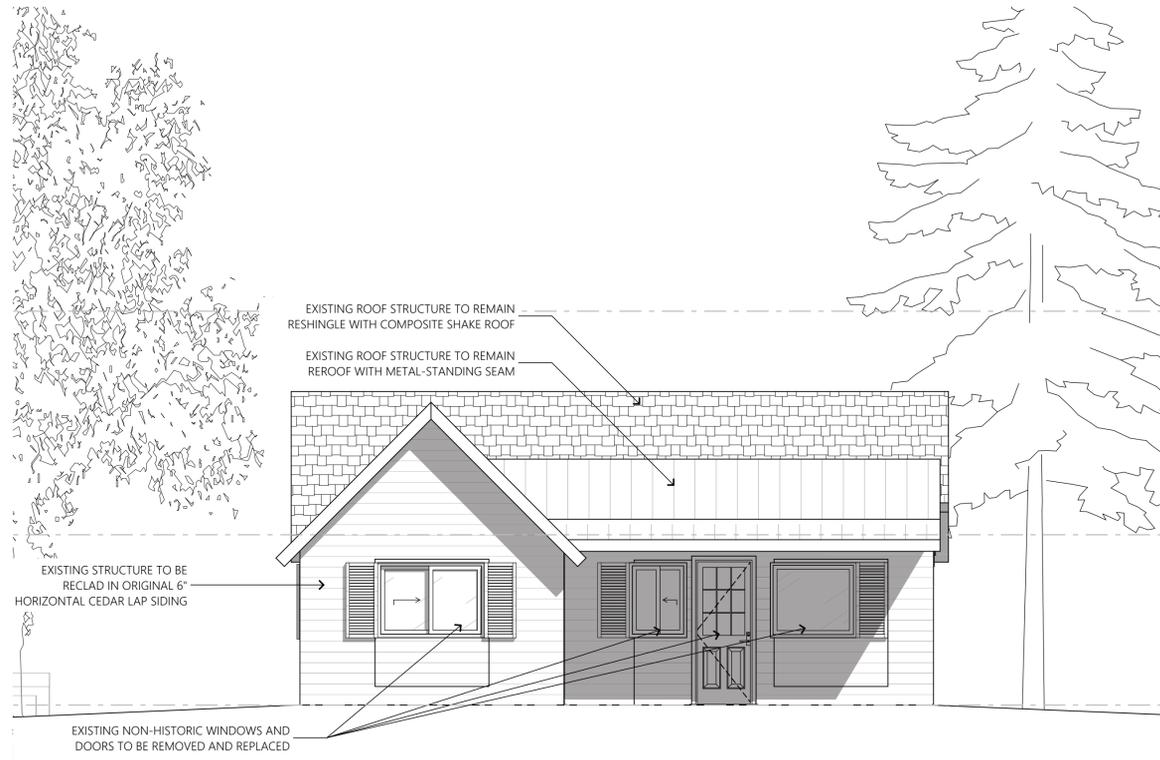
A2.03



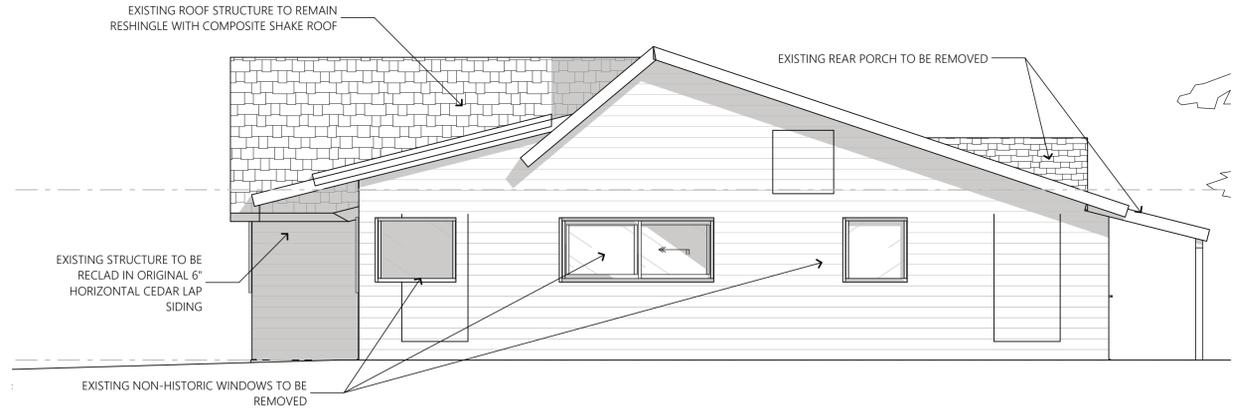
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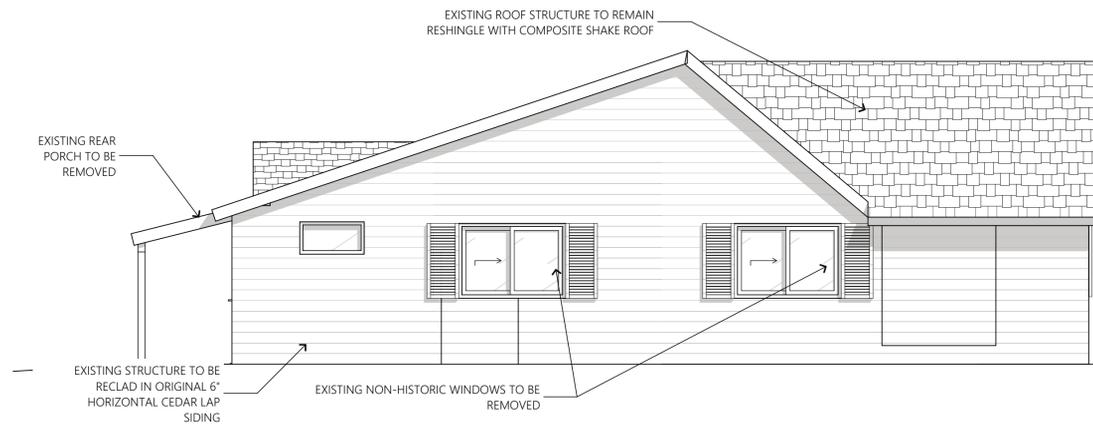
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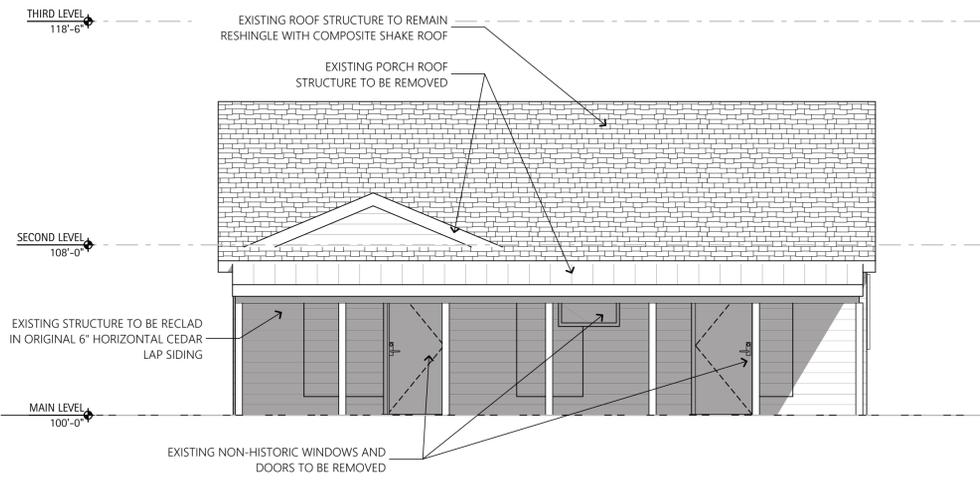
1 SOUTH ELEVATION: HP PLAN
SCALE: 1/4" = 1'-0"



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



2 WEST ELEVATION: HP PLAN
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION: HP PLAN
SCALE: 1/4" = 1'-0"



1020 E. COOPER PROJECT
| ASPEN CO

DRAWING ISSUE
HPC APPLICATION 2/10/2021

HISTORIC
PRESERVATION
ELEVATIONS

PROJECT No. 1907
DRAWN BY: CPF

Sheet No.

HP-1











Alley

East Cooper St.



Dear Members of the Historic Preservation Commission,

As a resident of Aspen for over fifty years, I have long admired the emphasis Aspen has put on maintaining the unique history of our community. This is evident in the role your commission has played in protecting our historic properties.

I live directly to the East of 1020 Cooper and my home is on the lower level of the 1024 Cooper complex. My property is my retirement and I'm very afraid of what I have seen with the plans for 1020 Cooper the last couple of years. It's a repetitive cycle – someone buys the property, puts together plans to maximize their profits, and then tries to bend / break the HPC rules to suit their needs. Why do people continue to buy this property if they don't want to build within the HPC guidelines? They are very aware of the HPC guidelines before they elect to purchase the property.

This project is even larger and more massive than the last one that was rejected by the City Council and the HPC. If this project were approved, I would have no sunlight into my unit and my view out of my windows would be a blank wall. My home's value would drop dramatically.

Our alley is unpaved and already overwhelmed with cars. How would this many people only need 3-4 parking spots?

The HPC guidelines were put in place for a reason – to prevent huge, monolithic structures like this from being built. I have faith the commission will do the right thing and not approve this project that will line the pockets of its developers with profits while watching the property values of neighbors deteriorate.

This is a wonderful, historic property that just needs the right buyer.

Godspeed,

Len Horowitz

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [MT Biz](#)
To: [Kevin Rayes](#)
Cc: [Amy Simon](#)
Subject: 1020 E Cooper Ave projct
Date: Thursday, January 7, 2021 10:22:24 AM

To whom it may concern,

RE: 1020 East Cooper Ave---redevelopment.

I am absolutely not opposed to the employee housing that is proposed.

I live next to 949 East Cooper Ave (over 30 years)- The St Regis Hotel employee housing; and also with in ear shot of The Ski company's housing on the corner of East Cooper and South West End.

I do have problems with a few points:

1- Mass and scale; the plans I have seen so far ; it portends a big boxy oversized structure-not in character with the changing neighborhood

2- The parking is totally inadequate for volume of tenants suggested.

In fact with the present units on East Cooper, parking is full all summer and winter on both sides of East Cooper; from City Market to the roaring fork bridge---off season is getting increasingly busier too.

3-The present designs are totally misrepresented on the back alley size of their plans—it is a narrow alley

4-Their car count for alley parking is totally out of line with reality.

—A few suggestions as this project goes thru review_

-on site parking must be increased-reduce bedroom count.

-.

-No side setback variances should be granted

-There should only be 2 entrances one front and one rear of building .

-Minimum 12 month leases or perhaps go from rental to owner occupied to respect serenity of surrounding neighborhood.. Strict HOA rules to not allow clutter on decks or property itself, 1024 E Cooper has these rules along with maximum occupants allowed and mandatory quiet hours

-This is not a location to try over size maximum density.

-

Mark Tye

Owner 935 East Cooper Ave and #3 Riverside Townhomes; 1024 East Cooper Ave

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

From: [Kristi](#)
To: [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); [Rachael Richards](#); [Skippy Mesirow](#); [Public Comment](#); [Amy Simon](#); [Jessica.Garrow@cityofaspen.com](#); [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); [Rachael Richards](#); [Skippy Mesirow](#); [Public Comment](#); [Amy Simon](#); [Jessica.Garrow@cityofaspen.com](#)
Subject: 1020 E Cooper Avenue Proposed Development
Date: Thursday, January 7, 2021 11:41:39 AM

Happy New Year to all!

Before the meeting scheduled January 13th 2021 I wanted to forward a column written by the much loved and outspoken, Su Lum. Over and over I have listened to the developers talk of how Su would be behind this project and we should give this project our blessing?? The developer obviously didn't know Su Lum AT ALL or is blatantly trying to mislead everyone!~ Anyone who knew anything at all about Su Lum knew cramming a bunch of condos (employee or not) on a small lot in the core of Aspen was not what preserving Aspen was or is about and or what she stood for. She would be rolling in her grave to know a developer took over her beloved little house and turned it into another oversized condo project to get tax and or other credit and breaks for an even larger project!

<https://www.aspentimes.com/opinion/lum-preserving-the-splinters/>

Aspen does not need another property like 1024 East Cooper approved and built with no consideration for preserving any green space at all. We don't need more like this on the main street coming into town! PLEASE don't allow anyone to take away the front yard of 1020 East Cooper. Take that and you might as well build a box and cover the entire property, the charm is gone! They fact that the tiny lot could house 15 individuals plus guest is a huge issue. There is not near enough parking for the project considering how many people can live there at any certain time! MOST people in Aspen have a car and/or a motorcycle. I have lived in Aspen since '95 and I can honestly say I cannot think of a sole back then or now that didn't/doesn't own a car or motorcycle. (most cars in Aspen area larger SUV's) Are applicants going to be required to sell their vehicles in order to rent? Or does no one care, just cram more down 82 and in the Eastend neighborhood?!?!? Please take these well founded concerned into consideration.

I respect that your job is hard and want to thank you for doing what you do.

Thanks so much
Kristi Gilliam

1024 East Cooper #8
970-948-0153

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Tiffany Smith](#)
To: [Kevin Rayes](#)
Subject: 1020 E. Cooper Project - Please Include in Public Comments for HPC Board Mtg on Jan 13
Date: Thursday, January 7, 2021 4:38:06 PM

Dear Kevin Rayes and Aspen HPC Board,

As a resident of 1012 E. Cooper, I'm writing to you regarding my concerns about the new 1020 E. Cooper project.

As with the prior 1020 E. Cooper development project by David McMahan, my primary concern is that the current plan for the addition is still both too tall and too large for the lot and in relation to the historic building. As we have stated all along about both projects, the mass and height of the new structure are still not compliant with 10.3 and 10.4 of the HPC Guidelines as they pertain to these issues. Although affordable housing is a worthy pursuit, HPC's primary responsibility is to ensure that development projects are compliant with and are in the spirit of HPC Guidelines. And this new re-development is actually larger than the previous one, and thus dwarfs the historic house.

I also find it curious that although HPC has strict instructions about the need for the new addition to look quite dissimilar from the historic structure, in this case, per their latest rendering, *the buildings actually look very similar* – both are very basic, angular structures painted in an extremely dark monochromatic color. Honestly, it sort of looks like Darth Vader's house, and not at all like a happy multi-family complex, as it was initially pitched to the neighbors. It makes one wonder who their target residents really are? And are the developers being authentic when they say they want to build a structure that fits among their neighbors and in that neighborhood. I would give it a 2 out of 10 for attractiveness and appropriateness.

And speaking of neighbors, the 1020 E. Cooper Project's historic home's placement on the lot, within five feet of the sidewalk, is out of alignment with both its own historic placement on the lot and its neighbors to the west. Two of those neighbors are themselves historic Aspen homes with traditionally sized front yards and the other is ours at 1012, a replicated Victorian with a large front yard. We realize that the neighbors to the east are at the sidewalk but those projects were not historic developments, and were built decades ago anyway.

Lastly, another big concern is the lack of parking that 1020 is going to have. It is simply not at all realistic to think that the 10+ people that will be residing there will only need four parking spots. *They will need at least 8-10 parking places* and possibly more depending on if the lot is condominiumized (as proposed) and the units are sold to a variety of local business owners to then rent to their employees. If there are two 3-bedroom units and three 2-bedroom units, there could be at least three adults in each of the 3-bedroom units and at least 2 adults in each of the 2-bedroom units, which would mean a total of at least 12 adults living in that complex. And since their APCHA application is for a Category 4 or below rating, then there could be many more residents than that if it's designated Category 1 or 2, which often means young single people who'll be sharing rooms. Parking will be a huge problem not only for the local residents who have parking in the back because there is absolutely no extra parking in our alley, but also for street parking. E. Cooper is almost always completely parked up during winter, spring break and summer – and often fall too during leaf season. This is precious parking for local residents, contractors and day-trip visitors, many of whom come over the

Pass when it's open. Basically, there isn't room for extra dedicated parking spots on the street without "bumping" others who already park there.

At the end of the day, this narrow, undersized lot with a historic home previously owned by a popular Aspen newspaper columnist is really best suited for a single-family dwelling or perhaps a duplex, not a large multi-unit complex. This project in no way honors Su Lum, our neighbor who we knew, and her love of Aspen, its history, her home and her garden. She must be turning over in her grave at the idea of this giant black monolith that swallows up almost her entire lovely lot.

Aspen HPC Board, as you are directed to honor and appreciate Aspen's heritage and historic resources, I respectfully request that you seriously consider what I have said and prioritize Aspen's history and the neighborhood's wellbeing over that of a corporate real estate development team.

Mr. Rayes, I'm planning to attend the meeting virtually but in case I can't or there is a technology glitch, please include my email to the board as part of the public comments.

Thank you for your service to Aspen.

Best regards,

Tiffany Smith

1012 E. Cooper, Unit #1

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Stephen Abelman](#)
To: [Kevin Rayes](#)
Cc: [Amy Simon](#)
Subject: 1020 East Cooper Avenue / Stephen and Helene Abelman
Date: Friday, January 8, 2021 11:34:39 AM

Dear Kevin, Amy, City of Aspen and the HPC Board,

Happy New Year to you all. We hope you all are healthy and having a good start to 2021. We, Stephen and Helene Abelman are owners of two condominium units at 1012 East Cooper Avenue, Cooper Avenue Victorian (CAV), just to the west of the proposed 1020 project. We have concerns regarding the size and intensity of the project, along with the legal issues surrounding this project.

The history of this property, with the McMahon Family's previous application proposal for a single family home, shows both size and mass concerns, not only by the neighboring property owners, but ALSO by the HPC Board and the City of Aspen. The legal guidelines are again being ignored in the present 1020 proposal.

We are very much in favor of affordable housing in Aspen, but do not feel the pursuit of affordable housing has the rights to ignore the present legal and building guidelines relative to lot size, presently set by the HPC Board and the City of Aspen.

Along with the mass and scale issues, the surrounding parking situation is also, presently difficult at best. Adding the 5 units, of any type makes parking even more problematic. Having 5 units, most likely 10+ people living at 1020 East Cooper, will make for a parking nightmare. as the building can only have 4 parking spaces, 3 regular spaces and 1 ADA designated space.

Another problem that needs to be addressed is the close proximity of the proposed 1020 structure to both buildings on the east and west sides, thus causing a fire hazard issue if our fire department needs to get in between the buildings.

In the end, if any of us as individuals, proposed building a structure as large as this proposed project, we would clearly be denied. This is what occurred with the McMahan's, after going to the HPC and the City of Aspen. It is not right that now, due to corporate developer pressure on the HPC Board and the City of Aspen, an entire neighborhood has to endure a project which does not fit legally and physically on this smaller property. It is quite obvious, in looking at the renderings and the potential number of residents living on this small property , that the project size is not appropriate, nor sensible.

A single family home, duplex or 3 unit structure is a much more practicable solution.

Thanks for reading our concerns and please pass them on to the HPC Board, along with the other public comments regarding this project.

Kind regards,

Stephen and Helene Abelman
1012 East Cooper Avenue
Unit 4 and Unit 5

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Lou Stover](#)
To: [Amy Simon](#); [Kevin Rayes](#)
Subject: 1020 E. Cooper
Date: Friday, January 8, 2021 12:21:55 PM

Hello there,

I am very concerned about the proposed redevelopment of 1020 E Cooper, Aspen. There has been a lot of word smithing about this project, which reminds me of my corporate marketing days: PR articles in the papers, references to Su Lum, etc. As Su's neighbor I know she didn't like our project with its shed in the back. Read what she actually wrote.

It's just TOO BIG. Too many units, too few parking places, congestion in an already crowded dead end alley, etc.

It introduces renters to what has been an all owner neighborhood. Again, word smithing: it's being called Multi-family.

And we have to live with this monstrosity.

Lou Stover
1006 E. Cooper
Aspen

From: [Bukk Carleton](#)
To: [Amy Simon](#); [Kevin Rayes](#)
Subject: 1020 East Cooper Avenue
Date: Monday, January 11, 2021 8:45:58 AM

RE: 1020 East Cooper Avenue

Dear HPC members:

As we all know, HPC stands for Historic Preservation Commission. Preservation means not only keeping a few sticks from the past upright, but it means preserving the look, the feel, and the property itself.

Your commission has various guidelines one must follow to be approved under your rulings.

At the moment, you have a plan in front of you on 1020 East Cooper which pushes the existing building as far to the front of the property line as possible – just feet from East Cooper Avenue and the sidewalk.

On the backside, the design pushes the building to the last inch of the 5' setback, creating a need to place cars under the building and thus raising the building to a 3-story height.

To the west, they have pushed the building to 5' of a lot line which they are not legally allowed to do, as they have not properly assimilated that land obtained through adverse possession. In addition, the same illegal proposed location will result in the building being just 6 ½ feet from the existing building (1012 East Cooper) on the westside of the property which is a violation of the City's fire code.

This is not preservation of property. All other historical buildings in the neighborhood have front lawns. All the buildings that use the alley have cars parked outside their buildings thus creating smaller structures and more land availability.

Your restrictions call for any new buildings on the site to be no more than 100% of what exists. The proposed plan is 4x that amount.

Why is the HPC staff recommending approval of this application for the developer? Is it because the developer says it is providing affordable housing?

The HPC has received multiple complaints from the neighbors that the proposed plans are detrimental to the neighborhood- not only disrupting ways of living but also creating dollar devaluation. This is all very true.

But what no one has discussed is what will happen to the people using this property if built as proposed?

Instead of enjoying a new home; they will be miserable. Where will they park their cars? Where will their guests park? Will they be forced to stand in lines for buses or walk the streets of Aspen? Where will their children put their bikes? Where will their children play? What about their pets? Why should a family with a child in a stroller be forced to live on a third floor? Just because these people are earning less than others in Aspen, does not mean they should not be able to enjoy their lives.

The elephant in the room no one wants to talk about is the fact that the developers are not interested in the welfare of the neighborhood, the City, or the people who will be living in what they create- they are only in it to make tons of money. In fact, they stated in one of their neighborhood Zoom meetings that once it is built, they will sell- leaving all those living in, next to, or in the neighborhood in distress.

If the developers of this property were really interested in those needing affordable housing, they would build on the land available by the airport, where there is enough land and space where people living there can enjoy their lives. Or the developer could plan a larger development on a larger parcel where a small fraction of the planned units would be affordable, and people could integrate in a normal way with the rest of the community.

To get what they want, the developers have cleverly cherry-picked the City's various regulations. This should not be allowed.

For example, do not allow them to avail themselves to the benefits of historical preservation categorization but then avoid the requirement that any new building be low in height by instead bringing in the height limits permitted under multifamily zoning. They continuously cherrypick and then if they cannot get what they want under either HPC or Zoning, they will pull out the affordable housing claim. The result is a humongous structure that is no benefit to the neighborhood, the City, nor the people destined to live in it. The result is a massive use of a tiny historical property which has

never been contemplated by the City.

I have a simple request. If you are interested in preserving Aspen, please do your job. If this developer wants to erect a structure that meets your requirements, I am sure everyone would welcome it. But if not, let the developer walk away and do not feel guilty. The developer will have just proven it is not interested in the welfare of those who need affordable housing, the developer is just proving that its objective was to attain a massive profit by creating a structure that would yield retail values at \$2,200 per square foot.

The developer's current plan has created a design using every square inch of land for building- just like a can of sardines. And those people destined to live in that building will have the same feeling- existing (not living) in a can of sardines.

Please do what you have been entrusted to do.

Best regards, Bukk Carleton

1012 E Cooper

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Danusia Novak](#)
To: [Torre](#); ann.mullins@cityofaspen.co; [Ward Hauenstein](#); rachel.richards@cityofaspen.co; [Skippy Mesirov](#)
Cc: Kristi@rof.net; cbryan@garfieldhecht.com; [Kevin Rayes](#); [Amy Simon](#)
Subject: 1020 East Cooper, LLC project
Date: Monday, January 11, 2021 12:59:11 PM

Dear Commissioners,

I am the president of the Vincenti Homeowners Association which consists of the 5 units directly across the alley from this proposed development.

4 out of the 5 of us have lived here in excess of 30 years.

While I applaud the expansion from a single family home to employ housing units, the proposed development is too excessive. I feel 3 employee housing units for that small a lot would be more consistent with the neighborhood. I would also insist that the alley which is owned by the City of Aspen be paved. There is obviously minimum parking on Cooper aka Hwy 82 .

Paving of the alley would also eliminate the dust created by the cars and also allow children and grandchildren enjoy a play area.

Any additional thoughts or questions, please contact me at 619-291-4441.

Sincerely,
Mike Pack
1015 E. Hyman #4
Aspen, CO 81611

January 12th, 2021

Dear HPC Members,

As one of the largest employers in Aspen, we recognize the importance of housing our workforce and have actively worked to bridge the gap between the current demand and actual supply.

We know that the City of Aspen has several projects in the pipeline, but the deficit is large enough that we cannot rely on the City of Aspen and a few select employers to deliver affordable housing developments. We also need the private sector to play a contributing role – and as such, we support the 1020 East Cooper Project Team in their endeavor to deliver high-quality affordable housing in the downtown area. We know firsthand how challenging it can be to garner community support for even the most well-conceived project.

We believe the 1020 East Cooper Project is a well-placed, much-needed, housing development that will add to the growing fabric of full-time employees living in the East of Aspen neighborhood. I also understand the need for diverse offerings in our affordable housing stock and we appreciate the effort to create units that will allow for young professionals and families to be close to downtown and proximate to the services they need whether it be City Market or being able to walk or ride to the Yellow Brick. For years, the Aspen Skiing Company has housed critical employees in an 8 unit affordable housing complex a block away at 832 E. Cooper. Mixing affordable and free market housing helps maintain Aspen's vibrancy and is goal of the Aspen Area Community Plan.

This project is a great example of how we can embed much needed affordable housing into our community in a meaningful way – and not just rely on larger housing developments to get us closer to meeting demand.

As an employer and neighbor, we support this project and look forward to the vibrancy it will contribute to this neighborhood.



Philip Jeffreys
Project Manager – Workforce Housing
Aspen Skiing Company

Philip Jeffreys
Aspen Skiing Company
P.O. Box 1248
Aspen, CO 81612

(970) 379-7950 cell
pjeffreys@aspensnowmass.com

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

From: [Kevin Rayes](#)
To: [Kevin Rayes](#)
Subject: [1015 East Hyman](#)
Date: Friday, February 5, 2021 9:12:59 AM

Hi Kevin, I'm a neighbor as well. I wanted to let you know I went over and talked to the resident who has this parking spot in the alley. The fence you speak of is actually a trellis that sits on top of the railroad ties that form her patio. This patio has been there since the property was built so it is not blocking any access to the parking spot. I also took a picture of the current parking situation - see attached. I measured 12 feet from her car to the shade where the future parking spots for 1020 Cooper are planned.

I want to make sure it is called out that this is still an outstanding issue for the proposed development at 1020 Cooper. At the last hearing, Amy said someone must be parking in the alley illegally and we now have confirmed that is not accurate. It will be physically impossible for someone to pull into / pull out of a 90 degree parking spot with less than 12 feet of distance to work with. This is the narrowest point in alley.

Not sure what next steps are on this but this will be raised as an issue at the hearing on 2/10

Best, Baron

On 2/5/21, 9:29 AM, "Kristi" <kristi@prof.aet> wrote:

Here is Kevin's contact.

-----Original Message-----

From: Kevin Rayes <kevin.rayes@cityofaspen.com>
Sent: Thursday, January 21, 2021 3:26 PM
To: Kristi <kristi@prof.aet>
Subject: RE: 1015 East Hyman

Hi Kristi,

I am the same Kevin on the zoom call last week. I am happy to help and get everyone on the same page regarding the neighboring parking space.

You may have to zoom into the condo plat that I sent in order to read some of the text. I went ahead and highlighted the parking area memorialized in the condo plat so you can see it easier (see attachment above). The affordable units are memorialized in the supplemental condo plat attached above. The parking spot is included in this plat as well but it is much more faint and hard to see.

The parking space is memorialized within the property boundary of 1015 E. Hyman. It appears a fence was constructed along the perimeter of the property at some point in the past, partially blocking full access to the spot. From what I can tell, the individual parking in this space may be partially encroaching into City right-of-way (see attached screenshot). Do you know if the fence located at the rear of 1015 E. Hyman was ever permitted?

Thanks.

To promote the health and safety of our staff and community and to minimize the spread of COVID-19, Community Development staff are conducting business by email and phone and are only available in person by appointment. Contact information for our entire staff and how best to get the services you need can be found on our website: cityofaspen.com/177/Community-Development. Thank you for your understanding.

Kevin Rayes
Community Development Department
Planner

110 S. Galena St.
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<https://www.aspencommunityvoice.com/>

<https://www.cityofaspen.com/>

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-----Original Message-----

From: Kristi <kristi@prof.aet>
Sent: Thursday, January 21, 2021 12:56 PM
To: Kevin Rayes <kevin.rayes@cityofaspen.com>
Subject: 1015 East Hyman

Hi Kevin- I believe you were the Kevin on the Zoom call last week regarding the parking for the property across the Alley from 1015 East Hyman. (S-HORRIBLE!) On the Plat that you just sent, I didn't see the employee housing units... I am trying to find out if the parking spot that Julie (owner of an employee housing unit at 1015 East Hyman) is a deeded spot and/or whose property is the parking on? She has had the same parking space since '91 and thought I being told this was her spot. If it is not hers then that is going to be one more person having to park somewhere on the street if this structure is approved! It is soooooo tight as it is. Let me know what you find out! Thanks so much!! (You can see her small car parked there on the left hand side over the years) Kristi Gilliam

Dear Historic Preservation Committee,

Thank you for the time to listen to public comments on this project. These discussions are often emotional and opinionated so it's important we stay grounded in facts. Only with facts can we make informed decisions. The following are facts – not opinions.

Fact: The neighborhood opposition to this property is not about affordable housing. This is about the overwhelming mass and scale as well as the number of tenants that will live on such a small parcel of land. If this project were three units - in line with the size of the lot - there would be widespread neighborhood support.

Fact: The developer would like to portray opposition to this project as a few neighbors to the East and West. The reality is people throughout the neighborhood – East, West, North and South – and up and down the block have written in and are on this call to express their concerns.

Fact: Despite HPC feedback to reduce mass and the number of potential tenants, the developer made trivial adjustments to the last proposal. They only reduced the back structure by a few feet and made no adjustments on the potential number of tenants

Fact: By reducing the livable sq footage and keeping the same number of tenants, this negatively impacts the livability and quality of life for the tenants.

Fact: The APCHA has confirmed 2 people per bedroom are permitted. That means this development could house 24 people on a 4,379 sq foot lot. That is one person for every 182 sq. ft.

Fact: You will likely hear support for this project during these public comments. Please ask yourself if any of those people expressing support actually live in the neighborhood that will be negatively impacted.

Fact: You saw the picture in the application of the number of multi-family properties surrounding 1020 Cooper. This is indicative of how overdeveloped the neighborhood already is and adding this many tenants will just compound the quality-of-life issues we experience today

Fact: The back structure completely overwhelms the historic resource and goes against the very principle by which the HPC was created to ensure massive structures like this are not built on our historic properties.

Fact: The developer is trying to maximize the number of tenants on this property to turn a profit - at the expense of quality-of-life of homeowners in the neighborhood. There are currently major traffic, parking and trash issues and these would only be compounded.

Fact: This neighborhood has a dead-end alley with only one way in and out. We are often blocked today without any way to get out. This would only make that matter worse including issues with access for emergency response vehicles.

Fact: The amount of trash generated will be too much to support a single dumpster. A second dumpster should be required and a location for it needs to be determined.

Fact: The real estate market in Aspen is in high demand and there will another project for this property that protects the historic resource and works well for our community

Again, the opposition you hear for from homeowners throughout the neighborhood has nothing to do with affordable housing. This has significant impacts on the neighborhood that require thorough diligence. I would hope at a minimum the HPC members would visit this property and tour the neighborhood before considering approval. With this many potential tenants, it will negatively impact the quality of life for 50-60 homeowners.

This is a good project on the wrong piece of land. We as a community can do better. Let's not settle and regret the decision for many years to come.

Thank you

Baron Concors



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RESERVATIONS 970/925-5775 • OFFICE 970/925-4554 • FAX 970/925-5317
WEBSITE www.huts.org • E-MAIL huts@huts.org

February 1, 2021

Amy Simon, Planning Director
City of Aspen Community Development

Kevin Rayes, Planner
City of Aspen Community Development

Re: 1020 East Cooper Project

Dear Amy and Kevin,

10th Mountain Division Hut Association supports the proposal to develop affordable housing at 1020 East Cooper Street. The community benefits of this project such as historic preservation, affordable housing, environmental sustainability and local character are undisputable and the proponents are to be commended for bringing a thoughtful and valuable project to the table.

Unfortunately, it seems that owners of adjacent residential units are concerned that this project will be bad for the neighborhood. While one can understand that these owners want to preserve and protect their interests, it bears noting that there are numerous examples in the Aspen area where affordable housing has been integrated with free market housing with very positive outcomes. One good example is 10th Mountain's affordable housing project it constructed on Ute Avenue in 1994.

Fritz and Fabi Benedict, founders of 10th Mountain Division Hut Association, had previously donated land to 10th Mountain for affordable housing purposes and by 1994 there was a clear need to develop housing in order to attract and retain qualified, long term, valuable employees. 10th Mountain constructed - in the midst of free market real estate - a single building with a studio and a 2-bedroom unit plus a small attached garage and has managed them to Aspen Pitkin County Housing Authority rules and regulations ever since. This housing project adds value to 10th Mountain, to the community, and to the neighborhood because it is designed, built, maintained, and administered thoughtfully and to high standards. Most important, the long-term residents are good people and good neighbors: they take pride in where they live, look out for their neighbors, keep their front porches tidy, park their cars in designated areas and undoubtedly contribute to the town's vibrant and critically important local community character.

The 10th Mountain Division Hut Association, a 501(c)3 nonprofit organization, has been headquartered in Aspen since 1981 and operates a system of 36 backcountry huts in the central Rocky Mountains of Colorado. Its main administrative offices are located in the Benedict Building at 1280 Ute Avenue.

Sincerely,

Ben Dodge
Executive Director

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Chris Bryan](#)
To: [Kate Johnson](#); [Jim True](#)
Cc: [Amy Simon](#); [Kevin Rayes](#); [Phillip Supino](#)
Subject: FW: Errors in 1020 E. Cooper Updated Application
Date: Sunday, February 14, 2021 6:37:12 PM

Kate and Jim –

Thanks for your letter dated February 12, 2021. As I understand the letter, the City is fully supporting the 1020 E. Cooper Ave. redevelopment proposal. But there are still issues that have not been addressed in the City’s vetting this proposal—namely, erroneous calculations in the application that either were not caught in staff’s review or were ignored for unexplained reasons. While some of the errors that my HOA clients have pointed out have been corrected, some still persist. Below is an email from Michael Smith of Cooper Victorian Homeowners Association that he sent to staff.

While you and I may disagree as to the wisdom and propriety of approving this dense 5-unit project on the subject property, I think we can all agree that HPC should have the accurate information to make its decision.

Please ensure that these issues will be addressed and that the record will reflect this correspondence and the corrections that staff will presumably make before HPC meets on Wednesday.

Thanks,

CHRIS

Christopher D. Bryan
Shareholder

Garfield & Hecht, P.C.
Aspen | Avon | Carbondale | Crested Butte | Denver | Glenwood Springs | Rifle

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Begin forwarded message:

From: Gmail 2 <msmith1012e@gmail.com>

Subject: Errors in 1020 E. Cooper Updated Application

Date: February 12, 2021 at 4:22:27 PM CST

To: Kevin Rayes <kevin.rayes@cityofaspen.com>

Cc: 1020EastCooperProject <1020eastcooperproject@gmail.com>, Amy Simon <amy.simon@cityofaspen.com>

Kevin,

I have reviewed the updated information provided by the applicant and while it appears that the errors that I pointed out in the Floor Area calculations in the packet for the 02-10-21 meeting have been corrected, **I find that the HPC meeting packet continues to contain potentially false or misleading information.**

1. The letter from Bendon Adams (p.49) states that "Floor area has been reduced from 4,277 sf (December application) to 4,241 sf (January application) to 3,899.5 sf (February "current" application)." This implies there has been a 378 sf reduction in floor area (8.8%), which is absolutely untrue. Bendon Adams certainly knows this. Floor area was corrected in the "current" application to 3,899.5 from a stated 3,678.4 sf in the most recent application that contained numerous errors and yet was still accepted by the city and posted on its website. However, some of the errors that were fixed in this latest submittal were errors that existed in each of the prior (December and January) submittal. One error corrected was the counting of stairway area on the topmost level in two of the units (units #101 and #103). This error existed in the prior submittals, and therefore the applicant is making a false statement about the reduction in floor area. Based on my calculation from the public data, actual floor area for the December application was 4,146 sf and 4,110 from the January application (the difference being the two exterior storage areas the HPC would not allow being constructed on the exterior of the historic resource). **The reduction from 4,110 sf in January, when the applicant was told to reduce the mass and scale, to the most recent submittal is 210.5 sf (5.1%).**

2. I question the appropriateness of including the 114 sf attic storage space as floor area and living area (104 sf) for unit #101. The City of Aspen floor area guidelines state that "Attic space that is conveniently accessible and is either habitable or can be made habitable shall be counted in the calculation of Floor Area." It was never quite clear how this area was to be accessed but a reexamination of the drawings seems to show that this storage space may be accessed from a pull-down ladder (see applicants main level NLA plan drawings for this unit). According to the City of Aspen in their Floor Area guidance: "An attic area accessible only through an interior pull-down access ladder is exempt." **Removing this as living space would make this unit only 3 sf above the APCHA minimum, and this is currently the only unit that exceeds that minimum.** I can see the motivation of the applicant to include the footage, but who at the City of Aspen has reviewed this and ruled on whether this should be considered Floor Area and living space?

Also, please also provide this letter to the HPC Commissioners. I remain concerned that they are not

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

receiving the full picture of how immaterially the applicant has changed their project to respond to their concerns about mass and scale and open space. Certainly with no reduction in bedrooms but a reduction in living space and storage, livability has decreased.

Sincerely,

Michael Smith

713 703-6501 (cell)

msmith1012e@gmail.com

From: [Bukk Carleton](#)
To: [Kevin Rayes](#); [Amy Simon](#)
Subject: Thoughts for HPC staff
Date: Tuesday, January 19, 2021 9:26:33 AM

Dear Amy and Kevin,

Would you please disseminate this to the entire HPC staff?

I would appreciate a response as to their thinking.

Bukk Carleton
1012 E Cooper

Dear HPC Staff,

As a property owner and taxpayer in Aspen, I appreciate the work you do.

Regarding the application for 1020 East Cooper Avenue, I was surprised at what culminated after a staff review – it was and is my understanding that it is the staff's job to obtain facts with regard to how well a project complies with HPC's guidelines and then pass those facts onto the HPC Board so that they can then make an informed and accurate decision.

Listening to the hearing last week, I did not hear that coming through. Instead, what I heard was an endorsement for approval of the proposed plan without the objective facts being disseminated to the Board.

HPC guidelines would apply in regard to this application in the following manner:

- 1) The guidelines call for any additional space to be added to the property should not be increased beyond 100% of what is presently existing. If the staff was making a distinction between that guideline which mentions a building attached to the existing building and a building that is separated from the existing building, then I am wondering why they would think the existing guidelines should not apply. A separate building would call for even more space needs due to the need for access and meeting fire codes. In like manner, if the staff were

driving a 11' high truck and came upon a tunnel entrance indicating that the top of the tunnel was 10'6" would they continue to drive into the tunnel? Even if by some notion, they felt there was some exemption to the guideline it would be in any case incumbent upon staff to point out that the new proposal was close to 5,000 SF more than double the earlier proposal of 2000+ SF and that amount of square footage was already decided by City Council to be too large in mass and scale for the property.

2) The developer's design calls for relocating the existing structure to the front of the lot. The guidelines call for setbacks emulating contemporary setbacks with neighboring historic structures which are set back and have a front lawn. All neighboring properties have front lawns. Part of HPC guidelines state that there will be a lawn in front of a historic structure and thus moving this structure to the front of the lot does not meet HPC guidelines.

3) The guidelines call for any new structure to not overwhelm the existing structure. The height of the new building standing 18' above the existing structure (almost a triple over the existing building height) is certainly overwhelming and, again, does not meet the HPC guidelines and should have been flagged as a serious deficiency of this application.

4) The whole question of whether the property is appropriate for multifamily use. The lot is approximately 43' wide. The Zoning requirement calls for a minimum width of 60'. This should have been flagged as a significant issue suggesting multi-family use may not be appropriate on this non-conforming lot.

5) The developer has proposed three-bedroom units which are "only" 16% lower than what is (again) the requirement for 3-bedroom units. Regardless of the developer's desire or thinking, 16% less does not meet requirements and one would think that would be brought to the attention of the Board by staff as well.

At this point, I would think the staff would pass on these facts to the commission so the Board could then decide as to what they wish to do with the application.

I have two additional thoughts as to the staff's responsibility for a fact-finding mission:

A) It should physically measure the distances in the rear alley to see what driving radii are or are not being met in the design. This would include an analysis based on summer and winter weather when snow becomes an impediment

B) Determine what is the maximum number of occupants that can be put into a proposed structure on this lot as designed. APCHA guidelines provide minimum occupancy to meet requirements, but that will not prevent a landlord from allowing significantly

higher occupancy, which diminishes livability and quality of life for all residents, and of course puts pressure on the neighborhood. At a minimum, according to APCHA guidelines, roommates could occupy the buildings up to the number of bedrooms which would provide 12 individuals living on this property with only 4 parking spaces available.

To my mind, the neighbors should not have to come up with this information, it should be provided by the Staff to the applicant, the public and to the Board.

It seemed apparent to me that the Staff bought into the developer's concept that existing HPC guidelines promulgated to preserve the history of Aspen are items that can be ignored. Whether they are called "guidelines", "statutes" or "regulations", these are the rules established by the City to be sure that the historic preservation is just that - preserved.

Thus, it is not appropriate for the Staff to a) buy into a developer's claim as to what is and is not permissible to be ignored in the way of rules and b) to become an advocate of a proposal if the staff is to ignore all the guidelines in making a pitch for approval. By doing so, having eliminated the parameters by which the Board is supposed to adhere to- the Staff, in effect, has become no better than a group of people with an opinion, and that opinion having eliminated both the facts and the guidelines, is no better than the opinion of a person walking down the street.

With that said, if the staff wanted to have a second section where they can break out any of their thoughts (which might be positive or negative), then I would suggest that be separately defined and explained.

Some thoughts I would propose would encompass- what kind of a lifestyle will the occupants experience in the proposed development?

That, of course, gets into opinion. As a group, the staff might think it is adequate or desirable. To my mind, the current 1020 proposal would give occupants a lifestyle significantly below what one would hope would be provided to a normal individual living in Aspen, who should not be considered a second-class citizen. Examples of not being able to live a normal life:

- Not providing enough parking spaces for the number of units so at least one individual (and probably eight people) will be forced to spend their time walking the streets of Aspen or flagging down a bus.
- If the occupants have children, where will they play?
- Where will pets go outside?
- If the occupants have young children still in cribs or too young to walk, why will the

occupants have to climb three floors with a stroller to be able to live?

- Why should the occupants have to keep their shades drawn just so that they are not looking into someone's face just 10' away?
- Why should three people assigned to a 3-bedroom unit be forced to squeeze into a unit with a 2 bedroom size?

Certainly, this design does not result in a lifestyle that the developers would wish upon themselves.

I am also convinced that if the Staff is providing opinions you might want to point out that if the developers did not design a plan that forced cars to have to park under the planned building, then a whole floor could be eliminated.

I hope the above is useful not just in the instance of 1020's application but all future applications that will come before you.

Again, I am interested in feedback from the staff as to what they believe their function is and whether, in fact, the staff believes it should be transmitting facts to the board and the public - but leaving the decision as to what to do with the facts up to the Board.

I would hope it would be part of the staff's obligation to look at not only the various rules and regulations (i.e. guidelines) but whether the proposed structure(s) provide those individual(s) who are the lifeblood of the City- providing services in which all residents/visitors are dependent upon- a normal lifestyle.

Perhaps instead of coming up with the feel-good term of "affordable housing" a more accurate description - at least for this project - is "inferior housing."

Best regards, Bukk Carleton

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Amy Simon](#)
To: [Wes Graham](#); [Kevin Rayes](#); [Kate Johnson](#); [Jeff Halferty](#); [Kara Thompson](#); [Roger Moyer](#); [Scott Kendrick](#); ["Sheri Sanzone"](#)
Subject: FW: Public comment 2/17
Date: Wednesday, February 17, 2021 3:15:25 PM

Hi- here is an additional public comment for tonight.

From: Bukk Carleton <bgcarleton@gmail.com>
Sent: Wednesday, February 17, 2021 12:58 PM
To: Amy Simon <amy.simon@cityofaspen.com>; Kevin Rayes <kevin.rayes@cityofaspen.com>
Subject: Public comment 2/17

Dear HPC Board Members:

In reviewing the recent application of 1020 E Cooper and the HPC staff's approval, it has ignored every major guideline having to do with historic preservation.

The guidelines call for any additional building to be no larger than 100% of what is there. This building is almost 5x larger (1,075 SF v 5664 SF)

The guidelines call for a front set back from the road matching other historic properties and a front lawn. The developer contemplates no front lawn.

The guidelines call for the additional building to not be significantly higher than the existing structure. These plans call for a height double of the existing building.

The developer in designing a building all the way to the front of the sidewalks and raising the roof of the new building to significant heights is claiming it can do this under zoning. But under zoning, they could not design a multifamily property on this lot as zoning requires a minimum of 60' width for a multifamily development. This property is only 44.1' wide.

Accordingly, the applicants cannot claim ability to make their various proposed plans within zoning because the zoning does not exist for this type of use on this lot.

In fact, if the HPC decides to nullify all its guidelines as to how to preserve historic property then, in effect, it is saying that it is not overseeing this project. If it is not overseeing the development, it goes back to zoning where a multifamily property is disallowed. Thus, we have gone full circle.

With the developers looking to secure approximately \$700k per unit in affordable housing credits representing \$3.5 million dollars without having to put a stick in the ground, one can foresee the developers are going to continue to push their plan. At some point, hopefully at the coming meeting, the HPC Board will state in no uncertain terms that the developer's plan is too massive for this lot.

Under the proposed application, at a minimum, 12 people can reside in the units and without too much imagination, this could reach 20 or more. The developer plans to have only 4 parking spots in an incredibly dense area. This plan will result in either individuals in the units walking the streets like the homeless, or a massive influx of cars in the area which cannot be accomodated.

The prior applicant had almost reached the point of approval in its plan of a single-family residence- had they just dropped the roof line and cut back square footage in a few areas; I believe the neighborhood would have found it an acceptable plan.

According to calculations of cost versus market values, the prior developer could also make money with a single residence plan- perhaps not as much as they would with this multi unit plan but that is where the HPC comes in- to oversee responsible development while preserving and protecting Aspen's historic properties.

There is a very limited number of historic properties in Aspen but there are many more lots where affordable housing could be developed in a responsible way. This development is not responsible. The city, recognizing the limited number of the historic properties, formed the HPC to preserve historic properties. That is the HPC's mission.

Best regards,

Bukk Carleton

1012 E Cooper Avenue Unit 2

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Bukk G. Carleton President
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603-298-9999
603-298-5065 (fax)
bgsingleton@gmail.com

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

From: [Caroline McDonald](#)
To: [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); rachael.richards@cityoaspen.com; [Skippy Mesirow](#); [Amy Simon](#); [Kristi Bukk Carleton](#); wil.mcdonald; cbryan@garfieldhecht.com; bvc@concors.com; [Lou Stover](#); [Ray surfdog](#); [Megan Tackett](#); [Sarah Yoon](#)
Subject: Partially read public comments at HPC meeting 01/13/2021
Date: Thursday, January 14, 2021 4:16:53 PM

01/13/2021, HPC MEETING, 1020 E COOPER APCHA

Seemingly, the first buyers of 1020 E. Cooper who wished to build a single-family home were dissuaded by community development's 19 step process to drop their project; then to recoup some of their losses sold their property to employee housing developers for future sale to meet the housing mitigation needs of proposed large scale commercial development.

Who can say that this was not the outcome that community development wanted? This, considering the ease that this persuasion can be accomplished with a motivated staff and the current code. It is common knowledge that the city is hell-bent in obtaining as much employee housing as they can, by any and all means possible.

No one can blame the wishful second homeowner for dropping their project considering community development's staff history of addressing subjective minutia, protracted reviews, bias, fraudulent representation of self- validation, and the significant costs associated with an onerous process that generates 160 pages of mostly rhetorical busywork that everyone in government knows exists but no one does anything about.

This gross overreach of discretionary authority has been allowed by a succession of city councils because of the significant revenue stream and self serving staff recommendations.

Municipal government's purpose is to provide services to the public at cost, not to be an onerous enterprise enabled by home rule legislation against the so-called rich, second homeowner.

Such over-the-top municipal enterprise as practiced by community development can be perceived by the public as predatory.

How can a succession of city councils over decades, turn a blind eye to legislating ordinances that if they were in the shoes of the ordinance's recipients, they would not condone themselves? This is a question that should be answered.

Comparing the two packages submitted for HPC review, the Australian's single-family home and the five plex, one is struck first by the significant massing of the three story, five Plex and secondly by the review criteria differences.

Clearly the impact and the scale of the proposed employee housing development will have deleterious effects on the neighborhood that a single-family home would not.

Staff findings: staff concerns relating to parking: "80% of required parking mitigation will be met on site which is a major benefit for tenants and contributes to the livability and quality of this project." What's great for this project is not great for the neighborhood.

Besides limiting views and sun exposures, this significant development will burden the neighborhood with additional vehicles that will not be able to park in season.

Exhibit A-7, staff findings: "given the residential use of the surrounding neighborhood, plenty of on street parking exists throughout the immediate area." This statement is blatantly false .

To estimate that only four parking spaces will suffice for a five, unit employee housing apartment is unrealistic considering there could be one car owned for each of the possible 8-18, tenants of the 5 apartment units.

Everyone who lives in this neighborhood will attest that there is a dearth of parking spaces available in season. Cash in lieu for parking space is not a viable solution because it does not solve the problem that the neighborhood will be burdened with for decades.

This city sponsored cash in lieu solution addressing deficiency in required parking typifies a shortsighted and cash hungry government that does not give a hoot for the quality of life of the property owners in this neighborhood.

What's good for city staff and the corporate developers is not good for the quality of life in this neighborhood. Most definitely if this employee housing project is completed as defined, this neighborhood's property values will decline and this city council should be held accountable.

This proposed development, HPC steered and justification rationalized by Amy, is an egregious example of municipal overreach of discretionary authority by Community Development as exemplified by their duplicity in review standards.

All large scale developments should have employee housing on site. Why should the never ending corporate greed for more profits result in an environmental, density and living standard penalty to stable neighborhoods? APCHA specified subsistence wage, tranche housing has been made to order for higher corporate profits and market dominance by wage limit mandates. Is APCHA a blessing to Aspen employees or a low wage purgatory trap? Greed, largesse and social capital has always been the name of the game in Aspen, where we truly have the best municipal government that money can buy.

It is not surprising, considering the voting demographics, that there has not been for two decades any meaningful representation in Aspen government to protect property rights for the free market homeowner and there has never been any city compunction to rectify this deficiency. This biased governance is fundamentally un-American and reprehensible. If you pay significant taxes you should have some say in not being regulatorily taken to the cleaners.

The City Staff of Barwick's Ghost are still here.

Scott and Caroline McDonald

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January 22, 2021

CHRISTOPHER D. BRYAN
cbryan@garfieldhecht.com

Via E-Mail

Jim True, City Attorney
City of Aspen
130 S. Galena Street, 3rd Floor
Aspen, Colorado 81611
E-mail: jim.true@cityofaspen.com

**RE: Application of 1020 E. Cooper, LLC
Multi-Family Affordable Housing at 1020 E. Cooper Ave.**

Dear Jim:

As you are aware, this firm represents the Riverside Condominium Association (“Riverside”) and the Cooper Avenue Victorian Condominium Association, Inc. (“Cooper Victorian”) (Riverside and Cooper Victorian are referred to collectively herein as the “Associations”). We wanted to reach out to you after the January 13, 2021, Historic Preservation Commission (“HPC”) meeting to discuss some issues that, in the limited public comment time, could not be sufficiently vetted at the hearing but that your office and the City Staff members should consider as Applicant revises its proposal.

First, the obvious issue is that the proposal fails to comply with pertinent provisions of the City of Aspen Historic Preservation Design Guidelines (the “Guidelines”). As stated therein, “[t]he design guidelines provide a basis for making decisions about the *appropriate treatment of historic resources and compatible new construction.*” The Guidelines “serve to reinforce the purpose of the Historic Preservation Chapter in the Aspen Land Use Code.” City Staff and the HPC are charged with determining “that a sufficient number of the relevant guidelines have been adequately met in order to approve a project proposal.” Property owners are encouraged to choose “[u]ses that closely relate to the building’s original use . . . Every reasonable effort should be made to provide a compatible use for the building that will require minimal alteration to the building and its site.” Section 24.415.010 of the Aspen City Code (“Code”) incorporates the Guidelines by stating “. . . new construction in historic areas shall respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them *as defined in historic preservation guidelines.*” (emphasis added). Section 24.415.060(B)(1) states that the HPC has adopted the Guidelines, which “set forth the standards necessary to preserve and maintain the historic and architectural character of designated properties and districts.” Further, Section 24.415.060(B)(2) states that “[c]onformance with the applicable [HPC] guidelines and the common development review procedures set forth in Chapter 26.304 will be necessary for the approval of any proposed work.” The proposal for 1020 E. Cooper is proceeding as a “major development” in accordance with Code Section 26.415.070(D)(3)(b)(2), which provides that “[t]he HPC will review the application, the staff analysis report and the evidence presented at the hearing to determine the project’s conformance

with the City Historic Preservation Design Guidelines.” At the HPC hearing, 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.” (Code Section 26.415.070(D)(3)(b)(3).) Any attempt to argue that the Guidelines are merely advisory and not binding is posterous.

In this instance, it is clear that the historic resource is merely being used as a vehicle to crowd five “affordable housing units” into an undersized lot, failing to follow the Guidelines and preserve the historic resource and disregarding quality of life issues. This is a serious abuse of the historic preservation process, an abuse that has been perpetuated by City Staff not only in supporting the proposal but, in essence, advocating for it to the detriment of the HPC’s mission in violation of the Code and Guidelines. The policies set forth above are not being followed – the historic resource currently sits on the site with a large front and side yard; it is being moved to the minimal front and side yard setback of five feet. The historic resource is a small single-family home without a basement or window wells; it is being put on a basement, split into two residential units, and window wells added. Adaptive uses (new uses) of historic resources should “retain[s] the historic character of the building while accommodating new functions.” As an example, the Guidelines state that it would be “inappropriate to turn the living room of a historic building into a bathroom,” for it results in a major change in the floor plan. In the current proposal, the floor plan of the historic resource is eviscerated.

Chapter 1 of the Guidelines opens with “[t]he character of a historic structure is greatly influenced by. . . the physical characteristics of the specific site, and the way in which the historic resource is situated on the lot.” Under the current proposal, as stated above, the historic resource will be relocated in a way that destroys the historic nature of the resource’s site location and the site itself. The lot will be completely filled with structures with the exception of the minimal five-foot setbacks and the ten-foot strip between the buildings. As discussed at the January 13 HPC hearing, the lots to the west of this property all have large front yards, following the “overall development pattern of the neighborhood” – as currently located, the historic resource is “consistent” with the neighborhood; the relocation will create a deviation therefrom. Guideline 1.1 states that “[a]ll projects shall respect the historic development pattern or context of the block, neighborhood or district.” All of that has been ignored here. Guideline 1.7 states that applicants should “[e]nsure that open space on site is meaningful and consolidated into a few large spaces rather than many small unusable areas.” Open space on this site will not be preserved by the proposal, and the space provided is such that residents will be crowded together in trying to use it. Guideline 9.2 states that “[p]roposals to relocate a building will be considered on a case-by-case basis. . . It must be demonstrated that on-site relocation is the best preservation alternative in order for approval to be granted.” Based on the foregoing, it can hardly be said that is the true in this instance. Furthermore, pursuant to Guideline 9.3, “[i]t must face the same direction and have a relatively similar setback.” Although forward movement is preferred to lateral (though that is occurring here as well), the loss of 25 feet of front lawn cannot be ignored.

Both the HPC and City Council had serious concerns that the prior proposal, for a single-family home attached to the historic resource, did not comply with the Guidelines as it was too large in mass and scale as compared with the historic resource. The matter was continued several times by HPC based upon these concerns, was approved by a vote of 4-2 (again, these concerns), was called up by City Council and remanded back to HPC due to these concerns, and then continued several times until the new applicant came back with the current proposal. Although this is a “new” proposal, for a detached, separate building,

this issue is exacerbated and, based upon the prior process and concerns, should be looked at through the same lens.

Chapter 11 of the Guidelines is crucial to the analysis of this proposal. In the introduction, it states that “a new building should be designed in a manner that reinforces the basic visual characteristics of the site.” Here, the proposal destroys the basic visual characteristics of the site. “A new design must relate to the fundamental characteristics of the historic resource (site, location mass, form, materials details)” *Id.* “A new building must be compatible in mass and scale with its historic neighbor.” *Id.* The current proposal is larger – both physically and in scope (due to it being a multi-family structure of five units) – than the 2019 proposal of a single-family home. Guidelines 11.3 and 11.4 require the HPC to consider the mass and scale of the new building *as it relates to the historic resource*. The City Staff report for the January 13 HPC meeting hardly even mentions these provisions, nor does it really discuss mass and scale. Applicant wants HPC to consider the fact that the Riverside Condos and the Cooper Avenue Victorian Condos are “three stories” and thus that should make this project acceptable in mass and scale; however, this ignores the directive of the Guidelines, which requires HPC to consider mass and scale *as compared with the historic structure*. How the project appears in mass and scale to neighboring properties is irrelevant, especially when these neighboring structures are not historic landmarks. Moreover, the lots on which Riverside Condos and the Cooper Avenue Victorian Condos are located are significantly larger than the small, nonconforming lot where the historic resource is located.

The criteria of Guidelines 11.3 and 11.4 simply cannot be met by this proposal. Especially in light of the fact the 2019 project, which was of a smaller mass and scale than this proposal and for which HPC and City Council had concerns that similar Sections 10.3 and 10.4 (applying to additions to historic structures) could not be met, a finding that the mass and scale of this proposal is appropriate would be arbitrary and capricious and could subject the City to costly and protracted litigation. This historic resource is tiny; the proposal is massive in comparison. In particular, Guideline 11.4 states that “[t]he primary plane of the front [of the new structure] shall not appear taller than the historic structure.” The proposed new building is nearly three times the height of the historic resource, almost to the maximum height allowed in the zone district. There will not be any natural light available between the buildings on the property, and by maximizing the setbacks, none on either side as well. City Staff failed to follow the Code and outline how this proposal conforms to the Guidelines, because it does not, but Staff evidently was too invested in allowing affordable housing that it chose to ignore these issues, in dereliction of its duties.

Second, it has been stated by Staff, HPC members, and ourselves that this is a non-conforming lot for the Residential Multi-Family (“RMF”) Zone District (4379 square feet compared to the required 6000 square feet), such that but for the historic resource, a multi-family structure could not be constructed on the lot *at all*; only a single-family home would be allowed. As discussed throughout the Application and the January 13 HPC hearing, the subject property is located in the RMF Zone District, which is governed by Section 26.710.090 of the City Code. As City staff members know, and the Commissioners too, Section 26.710.090(d) requires lots to have a minimum of 6,000 square foot area and a minimum width of 60 feet. The subject lot is 4,379 square feet. There is an exception in Chapter 26.312 of the City Code, entitled “Nonconformities,” that provides an exception that “a lot of record containing a property listed on the Aspen Inventory of Historic Landmark Sites and Structures need not meet the minimum lot area requirement of its zone district for historic structures.” *See* Section 26.312.050(c). However, unlike the

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Jim True, Aspen City Attorney
January 22, 2021
Page 4

provision in the Code section immediately prior to this, which states that certain lots created before 1971 that “do not meet the requirements for *lot width* and area” can continue as nonconforming (*see* Section 26.312.050(b)), the historic landmark nonconforming lot must nonetheless meet the zone district lot width requirements. In this instance, the lot is fewer than 60 feet wide, and the use thereof should be limited accordingly. It is important to note that the lots for Riverside and Cooper Victorian actually *exceed* the minimal lot size in the RMF Zone District. This small lot is an anomaly in this neighborhood and should be recognized as such. Furthermore, the purpose of the Nonconformities Chapter is “to permit nonconformities to continue, but not to allow nonconformities to be enlarged or expanded. The provisions of this Chapter are designed to curtail substantial investment in nonconformities in order to preserve the integrity of the zone districts and the other provisions of this Title but should not be construed as an abatement provision.” Construction of this project would be a substantial investment in a nonconformity and would not preserve the integrity of the zone district. The small size of the subject lot enhances even more the inappropriate mass and scale of the subject project and certainly enlarges and expands the existing nonconformity in violation of Chapter 26.312 of the City Code. For these additional reasons, the project should be denied.

In sum, it is clear that this proposal is a classic example of trying to fit a square peg in a round hole. Applicant’s presentation of an affordable housing project has caused City Staff and the HPC to ignore the applicable Code and Guidelines, which will work to the City’s detriment and expose the City to legal challenge. Su Lum’s house is a designated historic landmark in Aspen; it should not be used as a vehicle to allow a dense, multi-family development on a tiny lot in violation of the City’s own rules and regulations. Purchasing property with a historic resources does not, and should not, allow the owner to “game the system,” which is what is happening with this proposal and City Staff’s recommendations.

Please contact me to discuss these issues further before all parties involved spend additional time and financial resources on this matter.

Very truly yours,

GARFIELD & HECHT, P.C.



Christopher D. Bryan

cc: Riverside Condominium Association
Cooper Avenue Victorian Condominium Association, Inc.
Mary Elizabeth Geiger, Esq.
Kate Johnson, Esq.

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Stephen Abelman](#)
To: [Kevin Rayes](#); [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); [Rachael Richards](#); [Skippy Mesirov](#)
Subject: /
Date: Monday, February 8, 2021 5:46:48 AM

Dear City of Aspen, Aspen City Council and HPC Board,

My wife and I are so discouraged with the outcome of the proposed updated application, presented in a meeting dated Thursday, Feb. 4th 2021.

The "very" minor mass and scale changes were disappointing, and actually make the situation worse, when you consider how many people the developer plans to cram on the small property. Please, we need you all to address the fact that 24 to 26 people will ultimately be living on this property, with cars, trucks, dogs, cats, visitors and children. Please have a sense of decency, as it is not "caring" to have that many people living on top of each other.

There is not enough outdoor space, parking and living area to accommodate the proposed number of units and people. Please think of this also from a health perspective, it is just "too many people".

We feel that the ultimate decision on this project is being driven by whether or not the developer can make a significant profit on building this project. WHAT!!!! So, we base this outcome on how a neighborhood, homes and families will function on whether there is "enough" profit for a developer. If this is the case, "SHAME ON ALL OF US"!

Along with the number of people living in the proposed homes, and the surrounding neighborhood there are so many "moving parts", which require additional area, to "just to live and exist".

Sitting outside, smoking a cigarette, health care when needed, visiting family and friends, outdoor BBQ, home maintenance and repairs, deliveries, garbage and recycle functions, etc. All of these functions are all there on a daily basis, facilitating our lives.

Even when there are only 2 to 4 people living on a property, the above daily events take up a lot of "space". When you consider 24 to 26 people living on a property, just the simple needs of living in a space will grow exponentially.

Please, for the sake of the ultimate residents of 1020 East Cooper and the surrounding neighborhood, use some sound reason in regards to your decisions on whether this project should move forward, in the present proposed size.

Kind regards,

Steve and Enee Abelman
1012 East Cooper Avenue

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Greg Lucas](#)
To: [Kevin Rayes](#)
Subject: 1020 E Cooper - Letter from concerned Neighbor
Date: Monday, February 8, 2021 6:34:35 AM
Attachments: [1020 Cooper Letter 020821.pdf](#)

Kevin,

Please see attached in regards to the hearing this Wednesday. Please confirm receipt and that it will be shared with HPC members. Thank you

Dear HPC members,

The latest iteration of this project is just another example of the developer doing as little as possible to try and jam this project through the process. It only reduces the overall footprint by a couple of feet. We know this isn't acceptable given the guidance of HPC members at the last hearing which was to reduce the mass/scale and reduce the potential number of occupants.

The priority of this project isn't affordable housing – it's profit by the developer at the expense of all the neighboring homeowners. We already have issues with parking, people constantly blocking the alley, and trash.

This project is bigger than the one last year that was remanded by City Council and sent back by the HPC.

We appreciate you doing the right thing by the neighbors all up and down the street who you are hearing from that oppose this project. It will significantly affect our neighborhood in a very negative way.

Greg Lucas

1024 E Cooper

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Leslie Saladino](#)
To: [Kevin Rayes](#)
Subject: 1020 E Cooper Project
Date: Monday, February 8, 2021 11:18:51 AM

Kevin,

Please send my letter below to HPC members for the hearing this Wednesday on 1020 E Cooper.

Regards, Leslie

To Whom It May Concern,

I have reviewed the developer's proposal and I'm honestly frightened about what is being proposed.

The main responsibility of the Historic Preservation Commission is to preserve the history of Aspen - especially miner's cottages such as this. This project has a back structure that completely overshadows the historic structure and the small lot is completely overwhelmed. Should this project be approved, it would be such an eyesore for the city and a huge regret for many years to come.

The parking situation in our neighborhood during peak times and Summer months is already unbearable. My friends and family often drive around for 20-30 minutes looking for somewhere to park often leaving them to park far away and walk to my home. With the summer traffic on 82, it's often very dangerous to even cross the street - I can't imagine what it would be like if this were approved.

Not only would this be miserable for all of us in the neighborhood, this would be miserable for the tenants as well. Can you imagine living on such a small lot where people are crammed in like this? Imagine 15-20 of these tenants gathering in the small outdoor area on the property. Imagine the amount of noise and trash this number of people would generate.

I hope common sense prevails in this situation. We need to do what is best for the residents and homeowners of Aspen - not the developers.

Regards, Leslie Saladino

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Tiffany Smith](#)
To: [Kevin Rayes](#)
Subject: 1020 E. Cooper Ave. Project - What else?? ;)
Date: Sunday, February 7, 2021 1:17:27 PM

Hi Kevin,

I hope you are well and staying safe! Please see below for my email to be sent in its entirety to each Aspen Historic Preservation Commission Board Member. Please do not summarize my comments but send the email as I have written it. There has been some concern expressed amongst the neighbors, per the Jan 13th online HPC meeting, that our emails are simply being summarized and relayed to the Board merely as a tally, i.e., 10 for lower roof height, 12 for reducing mass, 11 for reducing units, etc. I'm not sure that's true but just in case, I want my request to be clear.

Thanks again for your always helpful attitude.

Blessings,
Tiffany Smith

Dear Aspen HPC Board,

Thank you so much for your service to the Aspen community. I know it can often feel like a thankless task, especially for a volunteer job! And I very much appreciate the time and consideration you gave both the 1020 E. Cooper Project Application and the neighbors' comments at the last AHPC meeting.

This last Thursday, Michael and I "attended" the 1020 E. Cooper Project Updated Application Zoom meeting. First off, I'm grateful for their efforts to listen to and accommodate some of our concerns with the project. I really like the look of the dormers and I think, overall, the changes they've made are a really good start.

That said, our continuing concerns are the size and height of the addition in proportion to the cabin, the potential of having dozens of adult residents live there, and the dire lack of enough dedicated parking spaces for these residents. And part of my concern is certainly not *who* is living there (although I'm not a huge fan of having a bunch of 20-somethings rotating in and out of there, having lots of friends over like a flop house, partying all night, and leaving their stuff everywhere like they *will* do - we have three kids in their 20's and I wouldn't necessarily want to live next to one of them either!) - it's how *many* are living there.

So, my request is the same as it was last month – that they continue to lower the height of the Addition and reduce the total number of units to three or at most four. They refused to even lose just one bedroom, much less a unit or two this last time. We all know they can afford to make these changes, they just don't want to. Yes, Jim will make less money on this project, but with the eight 810 W. Main units being sold for AH rentals and the Burlingame Phase III coming on board in the next year or so, which will add 79 more units to Aspen's AH inventory, *losing this one unit (or even better, two) will NOT make a meaningful difference to Aspen workers*, and that's what this is *supposed* to be about for the City of Aspen. It's *not* supposed to be about developers making as much money as they can at the expense of an *entire* neighborhood. That's just selfish, greedy and shameful. I believe in capitalism *and*

affordable housing, but honestly. Why should the profit margin of the developers (and they will make money even at 3 units), and keeping a unit that could potentially house up to four to six adults with cars, outweigh the negative livability impact on two entire blocks of current Aspen citizens that number well over 200 people? That's what just doesn't make sense to us. "For the greater good" doesn't apply here as this would be "for the lesser good". Do we really want Aspen to become like another Vail – overbuilt and ugly? Yikes! Multi-family doesn't have to mean high-density.

But really, Affordable Housing concerns are not part of AHPC's prime directive anyway. You have been chosen to represent the best interests of Aspen's Historic resources.

Dropping at least one unit will allow the property to provide one parking spot per unit, which is reasonable. It will also result in the builders being able to reduce the Addition by one floor so that it really is a 2-story building (vs. a 3-story building that "looks like a 2-story building" per Sarah Adams – which it doesn't), and thus it will not loom over the historic cabin and cover the lot in an out-of-proportion and overwhelming way. It will also reduce the population of the property by at least two people, and possibly by four to six.

The developers should also seek a deed restriction that limits each of the four units to no more than three adults, depending on the number of bedrooms. And they should insist on a Cat 4 or at least a Cat 3 APCHA rating for this property, to again, reduce the number of potential residents.

These reasonable and meaningful changes, especially a 3-unit property, would likely get a thumbs-up from the community so that the project can get on its way without much (or any) further bother, and thus Aspen workers will have access to three or four AH units more quickly. And we will happily welcome them!

I think this compromise is the best, most fair option for the neighborhood and the future residents of 1020 - less crowding and stress for everyone in an already busy and full part of town. And, most importantly for you, as AHPC Board members, it will allow the historic cabin to have a more prominent and appropriate presentation on this historic lot. As you know, these lots in Aspen's historic East End are now extremely rare. Please do your primary duty as AHPC Board members and fight to preserve the integrity of not only the cabin but also the lot. Please do not vote to approve this project as it now stands – still too tall and too big in relation to the historic cabin and its non-conforming, skinny lot. Both the historic resource and the neighborhood deserve better.

One last thing, regarding the latest recommendation by Amy Simon and Kevin Rayes, current Aspen Planning Director and Aspen City Planner, respectively. We're all wondering why Amy Simon is still in charge of advising your Board on an historic project? Isn't the point of HPC to be independent and to put Historic Preservation first? It's actually no surprise at all that Amy would recommend that your HPC Board accept this current plan for 1020 E. Cooper since she recommended approval for the last plan, which was worse. Of course she would. That's sort of a no-brainer. As I understand it, that is literally a big part of her job right now - to get more Affordable Housing projects in the pipeline. Which means, I would say that her recommendation necessarily comes with a bit of shade since her priority is no longer preserving historic resources, but instead is overall city planning, including encouraging and approving AH projects. I know it's not Amy's fault. She's just doing her job as Planning Director but she's hardly objective on this particular matter. And in fact, Sarah Yoon, the actual Aspen Historic Preservation Planner, is seemingly completely out of the loop on this

project as all related information flows only through Amy's office and we (the neighbors) have heard nothing at all from Sarah Yoon. I know that this is the "new normal" with AHPC and the City but it seems very odd and potentially inappropriate since Amy now has conflicting priorities. Appropriately save a historic resource to its best advantage or build a large AH project that's ultimately to the detriment of the historic resource and existing neighborhood?

Again, thank you for your service to Aspen and its precious historic resources. They are rare and worth saving in an honorable and meaningful way. I appreciate you taking the time to consider my comments. Take care and stay safe.

Blessings,

Tiffany Smith, 1012 E Cooper, Unit #1

PS The Developer is trying to drum up support for this project but oddly none of the supporters thus far are from our block, and certainly are not neighbors. Instead, they seem to be local employers or friends of his who don't actually live in the neighborhood. Easy for them to say this is a good project, right? They won't be circling the block for an hour trying to find a place to park near their house or condo nor will they have to deal with a heaping dumpster next door, a packed and narrow dead-end alley or a dark behemoth of a building just a few yards from them. It's so easy to be generous with other people's property and inconveniences. I don't think the Crown family's SkiCo gives two hoots about what's good for our neighborhood.

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Sallyanne Johnson](#)
To: [Kevin Rayes](#)
Subject: 1020 E. Cooper Development Project
Date: Sunday, February 7, 2021 1:59:19 PM

I would like to weigh in on the above-mentioned project.

I understand there are only minor changes to mass and scale in the revised proposal recently submitted by the developers, and that the number of units/apartments and potential number of people living in these apartments remain the same. It is my opinion that the mass, scale and density for such a small property is inappropriate for the neighborhood, and out of line with the very guidelines set by the HPC itself. Quite frankly I think Su Lum would be appalled by this project.

As a neighbor, I don't believe there is any doubt that the proposed density will dramatically impact both neighbors AND residents of 1020 E. Cooper as far as noise, trash but especially parking. It would be difficult for this dead-end alley to support a lot more traffic, and it is inevitable that additional vehicles not provided a specific parking space will add to the impossible-to-find-parking situation we already have in the surrounding streets.

Even a substantial reduction in density will negatively impact this neighborhood, and I would hope you understand and take this into consideration as you continue to evaluate this ill-conceived project.

Sallyanne Johnson
1007 E. Hyman Ave, Aspen

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Gmail 2](#)
To: [Kevin Rayes](#)
Subject: 1020 E. Cooper Packet Discrepancies
Date: Monday, February 8, 2021 4:35:59 PM

Kevin,

I have spent some time reading through the HPC packet for the upcoming meeting and find some issues that may include significant mistakes or even misrepresentations by the applicant. I'm wondering who at the city is verifying what is submitted and reporting any inaccuracies or misrepresentations to the HPC Board? Problems I see:

1. The applicant has indicated that unit 102 of the Landmark is now a 3 bedroom unit. In the table on page 14 of the packet, the applicant represents that the 1,143 SF three bedroom unit is 162 SF above the APCHA minimum. However, they are comparing the footage to the 900 SF standard for a 2 bedroom unit. This 3 bedroom unit is actually 57 SF below the 1,200 SF APCHA minimum for a 3 bedroom unit. So it appears that only a single unit of the proposed five units actually exceeds the minimum dimensional standards set forth by APCHA. This appears to me to be a significant issue that should be highlighted to the HPC Board, given the significant concern about the overcrowding and lack of livability that may result from this development.

2. The Applicant's table on p. 146 of the packet sets forth the schedule of Floor Area. If you go back to the same table provided for the prior application (p.136 of the packet for the 01/13/21 meeting) you see that applicant is representing that total Floor Area has been reduced by 599 SF (from 4,277.4 to 3,678.4 SF). Unit 101, which did not appear to change at all, now shows 558 SF of main level Floor Area, which is a reduction of 117 SF from the prior representation. However, the applicant's table on p.148 shows no change in net livable area of unit 101 from the prior submittal. Is it possible that the floor plans for the unit stayed the same, the Floor Area decreased by 117 SF and the net livable footage remained the same?

3. The same Floor Area table on p.146 of the packet shows Unit 102 is a 2 bedroom unit with 572 SF of Floor Area, which is a reduction of 111 SF from the applicant's prior submittal. Nevertheless, the applicant represents (p.14) that this is now a 3 bedroom unit with an additional 82 SF of net livable area compared to the prior submittal. Clearly, the reduction in Floor Area represented by the table on p.146 seems incompatible with the increase in footage.

4. The change in Floor Area referred to above in point #2 based on the Architect's total Floor Area tables shows a reduction of 599 SF. The total net livable footage has been reduced by 166 SF. There was some reduction in exterior storage space, which could account for a Floor Area reduction that is larger than the net livable footage reduction, but it seems unlikely to explain the large difference between 166 SF and 599 SF. Has anyone queried the applicant to explain how the Floor Area has been reduced 14% when net livable footage only decreased by 3%?

5. Separately, the applicant represents in the letter on p.49 that the Floor Area has been reduced by 484 SF (not 599 SF). Possibly this is referring only to the detached rear building, but in the case of that structure, net livable footage was reduced by only 248 SF. So again, there seems to be a very large difference between the two numbers.

Hopefully I am wrong about these possible errors. If they exist, however, it demonstrates that

the applicant is either very careless with its submittal or making misrepresentations that they hope the HPC staff does not catch. I believe the members of the public and the HPC Board both are counting on staff to properly verify this submittal and make sure what is presented is wholly accurate.

If you are not going to be able to check these items above and verify the accuracy of the applicant's submittal prior to Wednesday's meeting, I would ask that you let me know and also provide this email to the HPC Board as a relevant public comment regarding the applicant's submittal. Thank you.

Sincerely,

Michael Smith

713 703-6501 (cell)
msmith1012e@gmail.com

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

From: [Krisi](#)
To: [Kevin Reyes](#)
Cc: [Baron Conors](#)
Subject: RE: 1015 East Hyman
Date: Friday, February 5, 2021 12:35:02 PM

Kevin - Thank you I appreciate it. I also want to bring up some points that I disagreed with from the last meeting. There is no way your department has REAL and CURRENT facts about the parking situation. I realize you might be able to pull a report on # of guest parking permits issued to an Owner OR parking passes purchased per day in 2019 BUT 2020 they did not issue daily permits and it was a nightmare! I have owned since 2001 and no one from the City has ever approached me or anyone in our complex or any of the complexes in the area to find out how many cars each person/condo has and if there is ever trouble parking. I know my housekeeper, Comcast, Plumbers, roofers are anyone else in the area not being asked how many blocks away they have to park to come to work!!!!!! Do you have many times a week a construction worker is parked in an Owners parking space because there is no parking anywhere close? Is there any research from 2020 which shows how many days tourists coming over independence pass park there all day long? I have a window on the street and I watched people park on Cooper and get picked up to go to their construction jobs most likely on Eastwood Preserve etc all summer long! I realize a new system is in the works but that will not change the fact that as soon as people coming over the pass have a chance to park and walk 3 short blocks they will. It does not change the fact that no matter how much the city charges per day people have to park someone where, it does not change the fact that every business in the core uses the east side for their employees park. (they are not driving up to Red Min and Parking)

At the meeting yesterday the developers STILL could not say the MAX number of people per unit when asked if there was a potential for 24 plus guest they said it is not up to them. They did not address the parking spot that belongs to 1015 East Hopkins that would need to be moved in order for people to back out. They could not address how many cars could be coming to the east side on a PERMINATE bases! This affects EVERY OWNER that already lives there and we pay A LOT to live there! This small 450sqft lot cannot handle the potential for 24 people and there great! Too simply say you have done research and there seems to be adequate parking in Summer in the east end is merely not true. THIS IS A REAL ISSUE.

Kindly,

Krisi

From: Kevin Reyes <kevin.reyes@cityofaspen.com>
Sent: Friday, February 5, 2021 12:49 PM
To: Baron Conors <bv@conors.com>; Krisi <krisi@rof.az>
Cc: Amy Simon <amy.simon@cityofaspen.com>
Subject: RE: 1015 East Hyman

Hi Baron,

Thank you for reaching out. I am going to include your email as a public comment so that it may be discussed at HPC next week. My colleague, Amy and I will look into the details and provide some clarity to the situation.

Thanks again.

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Kevin Reyes
Community Development Department
Planner

130 S. Galena St.
Aspen, CO 81611

P 970.429.2797
C 970.319.6499

<https://www.aspen.ut-protection.com/v1/uf7/>

<https://www.cityofaspen.com/g-y2EYjYdMzU2Yag3OTk1Yg-e4b-NmNmMFKwNTkLM2JNnMAMWJWlNq1OWZ0TRz2NzGZOWJkYAMSNQqYtYbYnNZWbMa2ODcWOTRYtE2NA-4p-YXAaOmNpDhZmFzcGvGomF2YW5hbJpZmZpY2U2aWVZVWthWxX2V1YVWbOmM2NTFpNDFBNjSOGNM2N2E3MDY1NjA5ZWQyNDU0aWYs>

<https://www.aspencommunityvoice.com/g-ZDRnGyAMnZDVOD0JMQ-e4b-Mj2NTEzZLZGM3MTRnNmZyQcY2E2MDhN4Bm2FvjgZVM1ZmZkRZDE2MWE5NjgMTENTZyXcwz-4p-YXAaOmNpDhZmFzcGvGomF2YW5hbJpZmZpY2U2aWVZVWthWxX2V1YVWbOmM2NTFpNDFBNjSOGNM2N2E3MDY1NjA5ZWQyNDU0aWYs>

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-----Original Message-----

From: Baron Conors <bv@conors.com>

Sent: Friday, February 5, 2021 9:13 AM

To: Krisi <krisi@rof.az>; Kevin Reyes <kevin.reyes@cityofaspen.com>

Subject: RE: 1015 East Hyman

Hi Kevin, I'm a neighbor as well. I wanted to let you know I went over and talked to the resident who has this parking spot in the alley. The fence you speak of is actually a trellis that sits on top of the railroad ties that form her patio. This patio has been there since the property was built so it is not blocking any access to the parking spot. I also took a picture of the current parking situation - see attached. I measured 12 feet from her car to the sheds (where the future parking spots for 1020 Cooper are planned.)

I want to make sure it is called out that this is still an outstanding issue for the proposed development at 1020 Cooper. At the last hearing, Amy said someone must be parking in the alley illegally and we now have confirmed that is not accurate. It will be physically impossible for someone to pull into / pull out of a 90 degree parking spot with less than 12 feet of distance to work with. This is the narrowest point in alley.

Note sure what next steps are on this but this will be raised as an issue at the hearing on 2/10

Best, Baron

On 2/5/21, 9:29 AM, "Krisi" <krisi@rof.az> wrote:

Here is Kevin contact.

-----Original Message-----

From: Kevin Reyes <kevin.reyes@cityofaspen.com>

Sent: Thursday, January 21, 2021 5:20 PM

To: Krisi <krisi@rof.az>

Subject: RE: 1015 East Hyman

Hi Krisi,

I am the same Kevin on the zoom call last week. I am happy to help and get everyone on the same page regarding the neighboring parking space.

You may have to zoom into the condo plot that I sent in order to read some of the text. I went ahead and highlighted the parking area memorialized in the condo plot so you can see it easier (see attachment above). The affordable units are memorialized in the supplemental condo plot attached above. The parking spot is included in this plot as well but it is much more faint and hard to see.

The parking space is memorialized within the property boundary of 1015 E. Hyman. It appears a fence was constructed along the perimeter of the property at some point in the past, partially blocking full access to the spot. From what I can tell, the individual parking in this space may be partially encroaching into City right-of-way (see attached screenshot).

Do you know if the fence located at the rear of 1015 E. Hyman was ever permitted?

Thanks.

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<https://www.aspencommunityvoice.com/g-QTYZJEYtEYtEMdZG5Yg-e4b-YT1M2YtM2YSDY3ZY2ZmFzcGvGomF2Y2M1SMGFmY2H1M2Y2mM5MjBRZ2ZGRnNjMmM2M2Y2Nw-4p-YXAaOmNpDhZmFzcGvGomF2YW5hbJpZmZpY2U2aWVZVWthWxX2V1YVWbOmM2NTFpNDFBNjSOGNM2N2E3MDY1NjA5ZWQyNDU0aWYs>

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-----Original Message-----

From: Krisi <krisi@rof.az>

Sent: Thursday, January 21, 2021 12:56 PM

To: Kevin Reyes <kevin.reyes@cityofaspen.com>

Subject: RE: 1015 East Hyman

Hi Kevin - I believe you were the Kevin on the Zoom call last week regarding the parking for the property across the Alley from 1015 East Hyman. (TS HORRIBLE!) On the Plat that you just sent, I didn't see the employee housing units... I am trying to find out if the parking spot that Julie (owner of an employee housing unit at 1015 East Hyman) is a decided spot and or whose property is the parking on? She has had the same parking space since '91 and bought it being told this was her spot. If it is not hers then that is going to be one more person having to park somewhere on the street if this structure is approved? It is sooooo tight as it is. Let me know what you find out! Thanks so much!! (You can see her small car parked there on the left hand side over the years) Krisi Gilliam.

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

From: jacquehinman@gmail.com
To: [Kevin Rayes](#); [Amy Simon](#)
Cc: "[Kristi](#)"; "[Baron Concors](#)"
Subject: Additional Neighbor Comment and Concern Regarding 1020 E Cooper Avenue Proposed Development; additional comments in body of this email
Date: Monday, February 8, 2021 5:56:46 PM
Attachments: [Initial Opposition to 1020 E Cooper project - 10-29-20 letter - Hinman.pdf](#)

Mr Rayes and Ms Simon,

Thank you again for the opportunity to comment on the 1020 E Cooper Avenue proposal. As a reminder, I am the owner of the unit that is directly adjacent to the proposed development. My property is at 1024 E Cooper, Unit #7. The location of my property is shown in the previous letter that I sent back in October (attached for your reference). Now that we have heard more from the developer, I have additional comments, as follows:

1. Mass and Scale – as I stated 4 months ago, the mass and scale of the proposed development is still too great for such a small property, and not in line with HPC guidelines. The recent changes that the developer proposed were quite minor - lowering the roof a few feet on the back structure and increasing the front setback by 1 foot. Despite guidance from the HPC, they have not reduced the number of units or the maximum number of people that could live on this small property – which could be as much as 24-26 people. The density is just too large for the size and configuration of the lot and the neighborhood.
2. Parking/ Alley Issues – the parking strategy makes no sense considering both the density and the layout of the alley upon which the parking is located. I might first note that it is impractical to offer such a low number of parking spaces for so many tenants (Not that I am not suggesting more parking, as that is not feasible). Regardless, even given the proposed parking configuration, the tenants will be pulling into a dead end alley to park and the parking layout will be dangerous to make work. I am not sure if you are aware that there is a parking spot in the alley that is directly behind the developer's planned parking spots. It will make it nearly impossible for the tenants to pull in and out of their designated spots, and they will not be able to come into the 1024 parking area to turn around either due to the narrowness of the alley. Add a bit of piled snow and ice and this creates a dangerous dead end with no recourse. I would seriously encourage the reviewers to go and look at the alley to understand the problems.

I certainly agree with the concept of redeveloping the property to a more useful purpose while maintaining the historic structure, and I applaud the City's effort to encourage more available employee housing in Aspen. I also understand the challenges that you have in dealing with interests from a variety of stakeholders. I would simply ask that you require the project to work within the confines of the lot, HPC requirements, and practicality of parking/ traffic/ etc. I would applaud an employee housing project that makes sense at 1020 E Cooper – it just needs to be less dense and of a smaller scale. While I understand that the developers want to maximize their return on investment, I also know that the City affords developers several allowances and benefits to create employee housing. I know that there is a solution that works for all stakeholders on this project – a slightly smaller, less dense structure will be friendly to the neighborhood, and friendly to the employees, and should still allow the developer a reasonable return on their investment.

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

I'm hoping that everyone is able to keep their sense of community and caring during these tough times to work this out. Thanks again for your tireless work on this process.

Sincerely, Jacqueline Hinman
Owner, 1024 E Cooper Avenue, #7

Jacqueline Hinman

Email: jacquehinman@gmail.com

Mobile: +1.303.618.9911

www.jacquehinman.com

From: jacquehinman@gmail.com <jacquehinman@gmail.com>
Sent: Thursday, October 29, 2020 7:02 PM
To: torre@cityofaspen.com; ann.mullins@cityofaspen.com; ward.hauenstein@cityofaspen.com; rachael.richards@cityofaspen.com; skippy.mesirow@cityofaspen.com; PublicComment@cityofaspen.com; Amy.Simon@cityofaspen.com; Jessica.Garrow@cityofaspen.com
Cc: 'Kristi' <kristi@rof.net>
Subject: Neighbor Comment and Opposition to 1020 E Cooper Avenue Proposed Development

City of Aspen Councilmembers and Public Comment officials,

Thank you so much for the important work you do for Aspen. I own a condo at 1024 E Cooper and have attached a letter summarizing my concerns and opposition to the initial new concepts being proposed at 1020 E Cooper Avenue. Please note that I am fully supportive of the redevelopment of this historic miner's cabin and understand the delicate balance that you walk in responding to multiple, and often differing developer, historic preservation, and neighborhood concerns. I appreciate the opportunity to provide commentary so that the right project and development concepts are brought forward.

Warmest personal regards, Jacqueline Hinman

Jacqueline Hinman

Email: jacquehinman@gmail.com

Mobile: +1.303.618.9911

www.jacquehinman.com

October 29, 2020

Via Email to:

City of Aspen and Council Members

Subject: Initial Neighbor Objection to Proposed Development of 1020 E Cooper Avenue

Esteemed Council Members and City Officials,

I am an owner at the Riverside Condominium located at 1024 E Cooper Avenue and am writing to voice my concern over the potential new development next door at 1020 E Cooper Avenue. I am sorry that I was not able to attend the virtual meeting recently held but have written to you before regarding the previous development.

My unit is #7, the unit that is the closest to (and directly east of) the property at 1020 E Cooper Avenue. I have attached photos of the location of my condo in relation to the current 1020 structure on the next page for context. I have visited the new project website and received an update from my neighbors that attended the meeting. I am deeply concerned, and oppose, the concepts of the new development as proposed so far. Specifically, I am concerned about the following concepts that have been proposed:

- Elimination of the setback (HPC requirements) of the old miner's cabin
- Significant scale of the addition, which will essentially block the view and sunlight that comes in from my west living room window. In fact, I would worry about privacy in my own home with a massive structure and units looking down on my unit, right along the fence line. I understand that there is a desire to build something larger than the original miner's cabin, but a different structure and layout could be accommodated that is not nearly as massive in scale and scope
- The stated proposal of 4 parking spaces which would not accommodate the number of units proposed. In particular, since there is a large tree on the 1024 side that needs to be saved, the parking area in the back cannot accommodate more than 4 parking spaces, which would suggest that the number of units and residents needs to be scaled back.

I certainly understand the desire and need to appropriately redevelop historic properties, and appreciate the care and attention to detail that all of you and HPC exercise in achieving the right balance for residents. I look forward to attending future discussions on the proposed development and thank you in advance for applying the appropriate judgment and requirements for this property, especially since it is in the downtown core on a major thoroughfare.

Many thanks,



Jacqueline Hinman
1024 E Cooper Avenue, #7
Aspen, CO 81611-2143
jacquehinman@gmail.com

Page 2

Jacqueline Hinman letter to City of Aspen and Council Members
October 29, 2020



Outside view of living room window of my condo at 1024 E Cooper #7 (red square); dividing fence between properties and corner of historic miner's cabin is shown in leftmost side of photo.



View of highlighted window above from inside of my condo. The Victorian roofline that can be seen through the window is the roof of 1012 E Cooper, not 1020 E Cooper (property in question).

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [MT Biz](#)
To: [Amy Simon](#); [Kevin Rayes](#)
Cc: [Baron Concors](#)
Subject: RE: 1020 E Cooper Ave projct
Date: Sunday, February 7, 2021 5:14:56 PM

Hello

I am hoping I can attend next meeting.

I am still adamantly opposed to the amount of possible people living on a site that is so small. My building can house 9 people at 2 per bedroom (935 east Cooper ave)... 1 person per 600 feet.... 6000 Sq ft lot.

Sara Adams the planner of the project sent out emails that implied...

"..... you can imagine, the neighbors provided robust in-person public comment at the hearing - many voices representing a small property constituency."

I am offended by this attitude. We in THE FASHIONABLE EAST END have a wonderful neighborhood, and we care.

The project as is... is **too big**... 1 person per 260 feet... Or less.

It is not nimbysm, I provide affordable housing. I have affordable housing next door and down the block.

1020 E Cooper is Simply too much density, too big and not enough parkingwe are THE " many voices representing a small property constituency."

ABSURD, cause we actually care about our neighborhood. THE DEVELOPERS ARE LOBBYING THE 100% EMPLOYEE HOUSING Buzz words... AT THE EXPENSE OF OVERBUILDING FOR OUR AREA.... ie. neighborhood.

The developers ignored the council suggestions, still looking for maximum profit for employee housing.

Too big, too dense, too little parking.

Do not give in.....

Mark Tye

----- Original message -----

From: Amy Simon <amy.simon@cityofaspen.com>

Date: 1/7/21 2:41 PM (GMT-03:00)

To: MT Biz <fun22@comcast.net>, Kevin Rayes <kevin.rayes@cityofaspen.com>

Subject: RE: 1020 E Cooper Ave projct

Thank you Mark. We will forward this to the HPC. If you decide you want to attend the virtual meeting please let me know if you need guidance on how to join. Hope all is well for you.

From: MT Biz <fun22@comcast.net>
Sent: Thursday, January 7, 2021 10:22 AM
To: Kevin Rayes <kevin.rayes@cityofaspen.com>
Cc: Amy Simon <amy.simon@cityofaspen.com>
Subject: 1020 E Cooper Ave projct

To whom it may concern,

RE: 1020 East Cooper Ave---redevelopment.

I am absolutely not opposed to the employee housing that is proposed.

I live next to 949 East Cooper Ave (over 30 years)- The St Regis Hotel employee housing; and also with in ear shot of The Ski company's housing on the corner of East Cooper and South West End.

I do have problems with a few points:

1- Mass and scale; the plans I have seen so far ; it portends a big boxy oversized structure-not in character with the changing neighborhood

2- The parking is totally inadequate for volume of tenants suggested.

In fact with the present units on East Cooper, parking is full all summer and winter on both sides of East Cooper; from City Market to the roaring fork bridge---off season is getting increasingly busier too.

3-The present designs are totally misrepresented on the back alley size of their plans—it is a narrow alley

4-Their car count for alley parking is totally out of line with reality.

-A few suggestions as this project goes thru review_

-on site parking must be increased-reduce bedroom count.

-.

-No side setback variances should be granted

-There should only be 2 entrances one front and one rear of building .

-Minimum 12 month leases or perhaps go from rental to owner occupied to respect serenity of surrounding neighborhood.. Strict HOA rules to not allow clutter on decks or property itself, 1024 E Cooper has these rules along with maximum occupants allowed and mandatory quiet hours

-This is not a location to try over size maximum density.

-

Mark Tye

Owner 935 East Cooper Ave and #3 Riverside Townhomes; 1024 East Cooper Ave

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

From: [Kevin](#)
To: [Kevin Reyes](#) <kevin.reyes@cityofaspen.com>
Cc: [Amy Simon](#)
Subject: RE: 1015 East Hyman
Date: Friday, February 5, 2021 12:35:01 PM

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Sent: Friday, February 5, 2021 12:49 PM
To: Baron Cousins <baron@cityofaspen.com>; Kristi <kristi@cityofaspen.com>
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Thanks again.

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Community Development Department
Planner

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<https://www.aspenart-protection.com/v1/uf/>
<https://www.aspencommunityvoice.com/g?N=VJdMjA4MDJUM0GZINw=4h-N7g1Y7EgMWjNTc0Gy2VYwMTY0fDbNDQ5ZmB0BjNjZkM0BMTg0ND0MDM0MjYTMWU0NDQ5ODhMjMzZmEg-pYXA0OnNpdHhZmFzcGVuOmF2YW50bWpZmZpY2U0SjVGVZW1haWwXZVY1Wk0BjNjZkEzNDh0YjZjNjNmNWQxYVUyY1Y1MWR0bW0x>

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From: Baron Cousins <baron@cityofaspen.com>
Sent: Friday, February 5, 2021 9:13 AM
To: Kristi <kristi@cityofaspen.com>; Kevin Reyes <kevin.reyes@cityofaspen.com>
Subject: RE: 1015 East Hyman

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Kevin Reyes
Community Development Department
Planner

130 S. Galena St.
Aspen, CO 81611

P 970.429.2797
C 970.319.6499

<https://www.aspenart-protection.com/v1/uf/>

<https://www.cityofaspen.com/g?N=VJdMjA4MDJUM0GZINw=4h-N7g1Y7EgMWjNTc0Gy2VYwMTY0fDbNDQ5ZmB0BjNjZkM0BMTg0ND0MDM0MjYTMWU0NDQ5ODhMjMzZmEg-pYXA0OnNpdHhZmFzcGVuOmF2YW50bWpZmZpY2U0SjVGVZW1haWwXZVY1Wk0BjNjZkEzNDh0YjZjNjNmNWQxYVUyY1Y1MWR0bW0x>
<https://www.aspencommunityvoice.com/g?N=VJdMjA4MDJUM0GZINw=4h-N7g1Y7EgMWjNTc0Gy2VYwMTY0fDbNDQ5ZmB0BjNjZkM0BMTg0ND0MDM0MjYTMWU0NDQ5ODhMjMzZmEg-pYXA0OnNpdHhZmFzcGVuOmF2YW50bWpZmZpY2U0SjVGVZW1haWwXZVY1Wk0BjNjZkEzNDh0YjZjNjNmNWQxYVUyY1Y1MWR0bW0x>

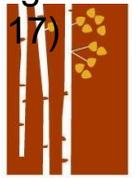
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This message is intended only for the individual or entity to which it is addressed and may contain information that is confidential and exempt from disclosure pursuant to applicable law. If you are not the intended recipient, please reply to the sender that you have received the message in error and then delete it. Further, the information or opinions contained in this email are advisory in nature only and are not binding on the City of Aspen. If applicable, the information and opinions contained in the email are based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. The opinions and information contained herein do not create a legal or vested right or any claim of detrimental reliance.

-----Original Message-----

From: Kristi <kristi@cityofaspen.com>
Sent: Thursday, January 21, 2021 12:56 PM
To: Kevin Reyes <kevin.reyes@cityofaspen.com>
Subject: RE: 1015 East Hyman

Hi Kevin - I believe you were the Kevin on the Zoom call last week regarding the parking for the property across the Alley from 1015 East Hyman. (S HORRIBLE!) On the Plat that you just sent, I didn't see the employee housing units... I am trying to find out if the parking spot that Julie (owner of an employee housing unit at 1015 East Hyman) is a decided spot and or whose property is the parking lot? She has had the same parking space since '91 and bought it being told this was her spot. If it is not hers then that is going to be one more person having to park somewhere on the street if this structure is approved? It is sooooo tight as it is. Let me know what you find out! Thanks so much!! (You can see her small car parked there on the left hand side over the years) Kristi Gillilan.



THE GANT
Aspen

January 11, 2021

RE: Support for 1020 East Cooper Project

HPC Members,

Our communities' efforts over the years to ensure employee housing availability has been an integral part of our success as a community. Providing for the ability to effectively recruit and retain qualified talent to our workforce. Over the years, both completion to other resort areas as well as diminished opportunities for additional employee housing burden this deficit.

The proposed project at 1020 East Cooper is a unique opportunity to continue these efforts, does not require any land use code amendments and will preserve a historic asset. It seems to me to be a natural fit, and such an opportunity does not come along that often.

In the interest of continuing to support our efforts to preserve our mountain town quality of life, ensure additional employee housing needs are met, and remain competitive in a tightening market; I am very much in support of this project and urge your support and approval as well.

I am available for further comment if you wish.

Direct Number: 970-920-6070
Email Address: donnie.lee@gantaspen.com

Sincerely,

Donnie Lee
General Manager

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: Mary Elizabeth Geiger <megeiger@garfieldhecht.com>
Sent: Friday, February 12, 2021 9:35 AM
To: Kate Johnson; Jim True
Cc: kevin.reyes@cityofaspen.com; Chris Bryan; Amy Simon
Subject: Information for HPC Packet - 1020 E. Cooper
Attachments: Vincenti House_Condo Plat_Parking Highlighted.pdf; IMG_0911.jpg

All: there was some discussion at the hearing on January 13, 2021, as to whether the parking space being used in the alley behind 1020 E. Cooper is a legal/deeded parking space. Per the attached plat for 1015 E. Hyman, it is. Please be sure to include this information in the packet when it is uploaded today as this is important to the efficacy if using the alley for additional parking and whether the turn radius can be accomplished for the proposed spaces. The owner who parks in that spot took the attached photograph of the alley. She measured from her car to the sheds (where the 1020 Cooper cars would park) and it was 11.5 feet. This is the narrowest point in the alley. It will be impossible for cars to maneuver into a 90 degree parking spot with such little room.

Please do not hesitate to contact either Chris or me if you have any questions.
-Mary Elizabeth

Mary Elizabeth Geiger
Attorney

Garfield & Hecht, P.C.
Aspen | Avon | Carbondale | Crested Butte | Denver | Glenwood Springs | Rifle

901 Grand Ave., Suite 201
Glenwood Springs, Colorado 81601
Phone: (970) 947-1936 x813
Facsimile: (970) 947-1937
Cell: (970) 452-9047**
Email: megeiger@garfieldhecht.com
Webpage: <https://avanan.url-protection.com/v1/url?o=www.garfieldhecht.com&g=NDVhNmYzYjI0ZWJmMGY2NWlWm2VjOGE3Ym0DEzMmE5MDczMDk0OGI1MjcXy2JkMzQ2MThlMTBjM2JhNWUwZjQ1ZWJmMGY2NWlWm2VjOGE3YQ==&h=YWI5ZmVjNDdm0DEzMmE5MDczMDk0OGI1MjcXy2JkMzQ2MThlMTBjM2JhNWUwZjQ1ZWJmMGY2NWlWm2VjOGE3YQ==&p=YXAzOmNpdHlvZmFzcGVuOmF2YW5hbGpvc2mZpY2UzNjVfZW1haWxzX2VtYWlsOmI3ZWFiZmI2Y2Q3MjllMTMxZmJjZWE5ODE4NTEzZjJiOnYx>

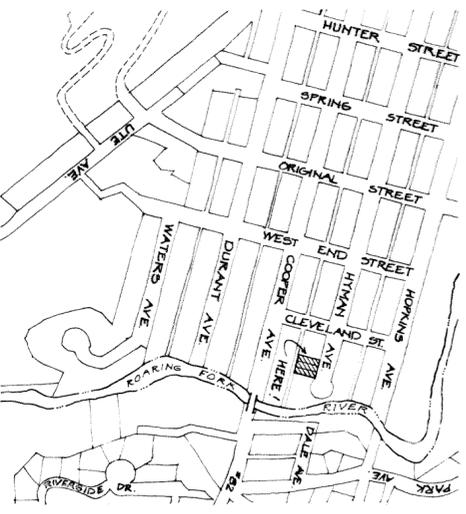
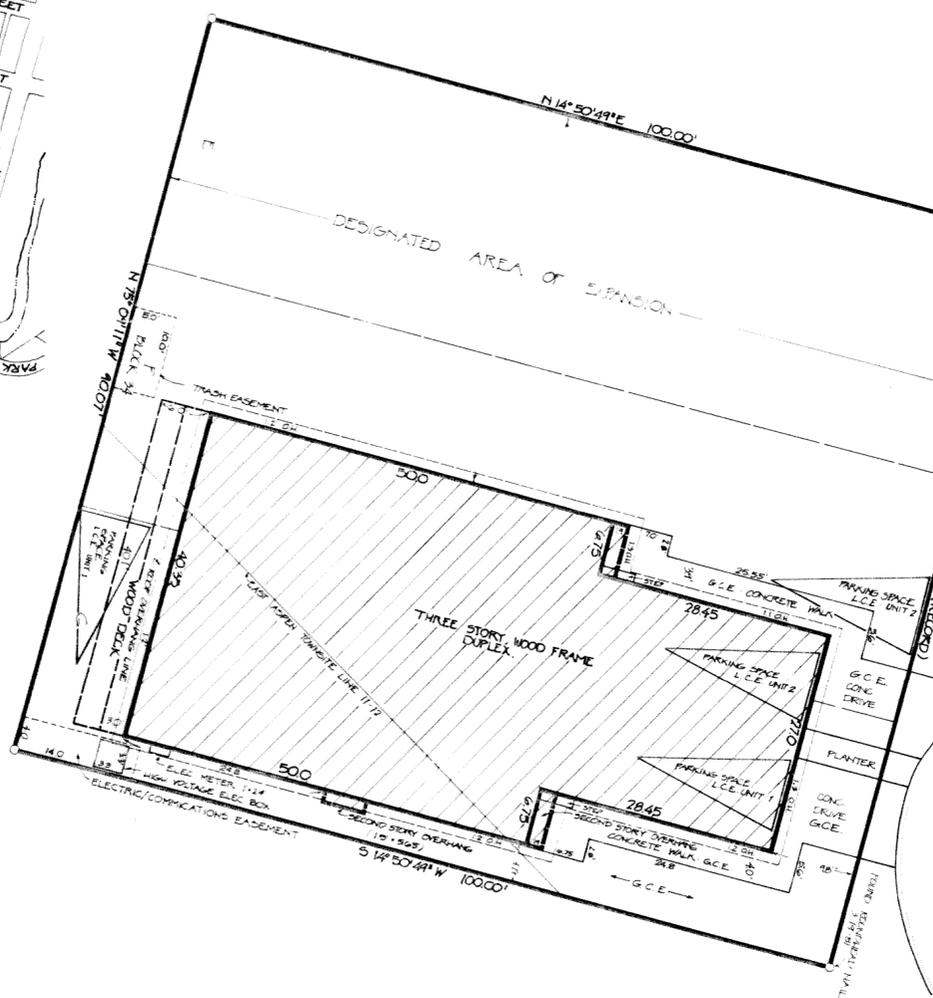
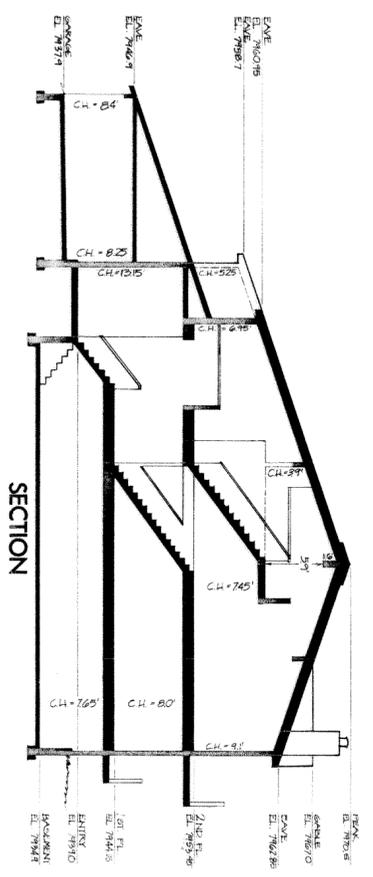
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Today

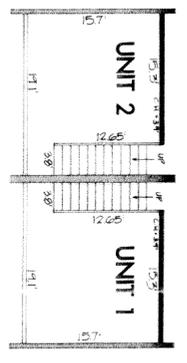
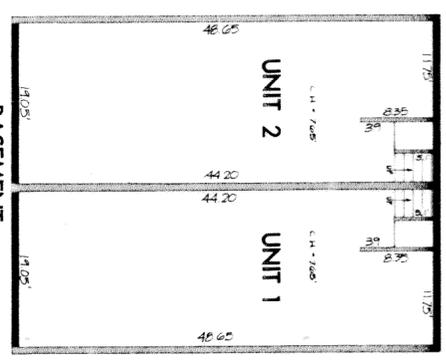
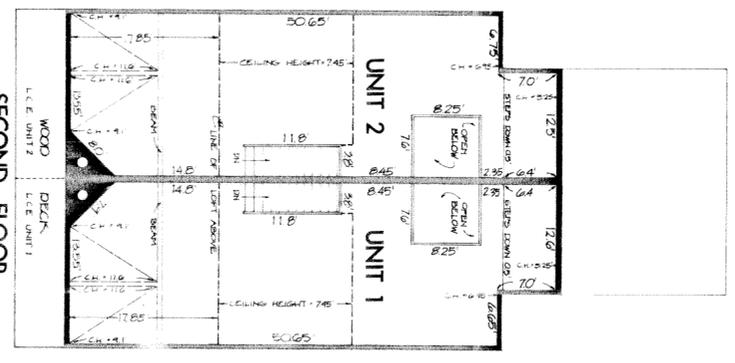
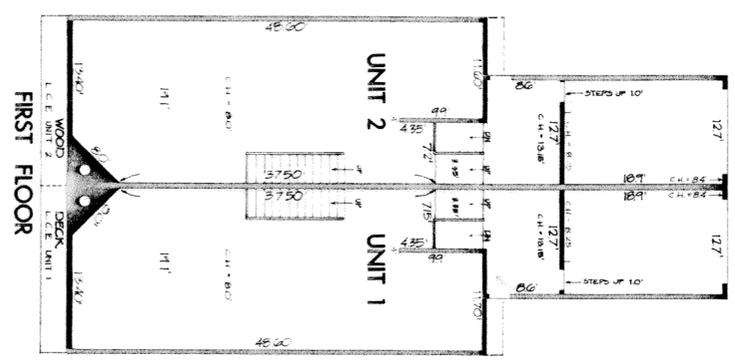
Exhibit C- Public Comments from Previous HPC Hearings
(January 13-8, February 17)



VINCENTI CONDOMINIUM



SCALE: 1" = 20'
 G.C.E. - GENERAL COMMON ELEMENTS
 L.C.E. - LIMITED COMMON ELEMENTS
 PLAT PREPARED BY:
 Alpine Surveys
 Post Office Box 1730
 Aspen, Colorado 81611
 303 925 2898



OWNERS CERTIFICATE

VINCENTI BUILDING COMPANY, A MICHIGAN CO-PARTNERSHIP, AND FRACTIONAL PARTS OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

SURVEYORS CERTIFICATE

I, JAMES F. REISER, A REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT THIS MAP REPRESENTS AN ACCURATE FIELD SURVEY OF THE VINCENTI CONDOMINIUM AND FRACTIONAL PARTS OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 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991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CITY OF ASPEN CONDOMINIUM APPROVAL

THIS CONDOMINIUM MAP OF THE VINCENTI CONDOMINIUM WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, THIS 29th DAY OF SEPTEMBER, 1981, BY THE CITY ENGINEERS AND ZONING COMMISSION THIS 29th DAY OF SEPTEMBER, 1981.

PLANNING & ZONING COMMISSION APPROVAL

THIS CONDOMINIUM MAP OF THE VINCENTI CONDOMINIUM WAS APPROVED BY THE CITY ENGINEERS AND ZONING COMMISSION THIS 29th DAY OF SEPTEMBER, 1981.

CITY ENGINEERS CONDOMINIUM APPROVAL

THIS CONDOMINIUM MAP OF THE VINCENTI CONDOMINIUM WAS APPROVED BY THE CITY ENGINEERS OF THE CITY OF ASPEN, COLORADO, THIS 29th DAY OF SEPTEMBER, 1981.

CLERK & RECORDERS CERTIFICATE

THIS CONDOMINIUM MAP OF THE VINCENTI CONDOMINIUM WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDERS OF THE COUNTY OF ASPEN, COLORADO, THIS 29th DAY OF SEPTEMBER, 1981, AT 9:24 AM. THE CLERK AND RECORDERS OF THE COUNTY OF ASPEN, COLORADO, IS HEREBY CERTIFIED THAT THIS MAP WAS FILED IN BOOK 1100 AT PAGE 99.

Title CONDOMINIUM MAP
 LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34
 CITY OF ASPEN, COLORADO
 Job No 81-34
 Client VINCENTI

From: [Kristi](#)
To: [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); [Rachael Richards](#); [Skippy Mesirov](#); [Public Comment](#); [Jessica.Garrow@cityofaspen.com](#); [Amy Simon](#); [Rachael Richards](#)
Subject: 1020 East Cooper
Date: Tuesday, February 9, 2021 4:50:53 PM

Dear Council -

I respect each one of you for doing what you and trying to please all.

1020 East Cooper has been difficult for all of us, who have attended and sat through these meetings month after month to see that rules are not bent and stretched. We do want to protect our properties (we have worked hard for them!) and also PROTECT one of the last remaining Historic assets. Please keep in mind, we all have worked extremely hard in our lives to make Aspen our home. PLEASE don't overlook the people that live on the EAST side already. Many of us are NOT the Walmart's or Jones's many of us are hardworking people that pay our taxes and try to be good neighbors to those around us. I may not be an employee, but I have worked my &&& off since 1995 in Aspen to make a life, working 3 jobs in the beginning so I could afford to own. We need our council to enforce the rules and not bend just because a bigger dog comes in looking to line his pockets and disrupt the entire neighborhood, at all of our detriment and expense.

Thank you so much for hearing me out, once again.

Kristi Gilliam
Gilliam Properties of Aspen
970-948-0153

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Jessie Young](#)
To: [Amy Simon](#); [Kevin Rayes](#)
Subject: 1020 East Cooper
Date: Tuesday, January 12, 2021 9:56:04 PM

Hi Amy and Kevin,

I am writing in support of the proposed project at 1020 East Cooper. From the materials I have reviewed and having lived in affordable housing on the east side of town at 962 East Hopkins for a number of years having only recently moved to Smuggler Park, I believe that additional affordable housing - especially located on this side of town - is important to our community and to the neighborhood. The project's location along Highway 82 adds to its desirability for additional housing units (as opposed to a single family home). This neighborhood, with such great access to downtown, can greatly benefit from more "lights on" as is being offered by this project. From my experience living in the neighborhood, it often feels deserted and would benefit from more activity and residents. With the headache that is the "entrance to Aspen," additional affordable housing on this side of town is essential.

The reuse of an old building and the addition of a new building along the alley for affordable housing is exactly what is needed. It appears that the project is building less than allowed, and the architecture relates to the neighborhood. The relationship between the historic building and new building works well. Four parking spaces seems reasonable for five units considering the close proximity to downtown, transit, and trails and the availability of on-street parking. Furthermore - having lived essentially in the basement affordable housing unit at 962 East Hopkins (an opportunity I was lucky to have had), I can attest that having more housing in town that does not bury our workforce is a valid goal in and of itself.

Warm Regards,

Jessie Young

--

Jessie Young
jbyoung@gmail.com
970.948.4534

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Karen Watson](#)
To: ann.mullins@cityofaspen.co; rachel.richards@cityofaspen.co; [Skippy Mesirov](#); [Torre](#); [Ward Hauenstein](#); [Kevin Rayes](#); [Amy Simon](#); [Sarah Yoon](#)
Subject: 1020 East Cooper Parking concerns
Date: Monday, January 25, 2021 9:34:41 AM

Dear City of Aspen:

My family and I have been coming to Aspen since I was young. Last Summer (2020) I rented a 3 bedroom condo at 1024 East Cooper #2 (Tracy McCuthin's unit). We had one assigned parking spot. I brought my car and my daughter brought her car for work reasons. There was NO off street parking to be found. I called my agent and complained. We had such a difficult time finding parking, that my husband drove a car home (cancelling his flight home). Loving Aspen as much as we do, we put an offer on a unit at Eau Clair but cancelled that when we were told there was NO assigned parking! This is a huge issue already and is getting worse with the more structures being built without sufficient parking. I cannot imagine five, 2-3 bedroom condos being proposed on the historic sight at 1020 East Cooper with only 4 designated off street parking spots. How can that be preserving anything much less the historic property!

Karen Watson

Sent from my iPad

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Kristi](#)
To: [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); [Rachael Richards](#); [Skippy Mesirov](#); [Public Comment](#); [Amy Simon](#); [Jessica.Garrow@cityofaspen.com](#); [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); [Rachael Richards](#); [Skippy Mesirov](#); [Public Comment](#); [Amy Simon](#); [Jessica.Garrow@cityofaspen.com](#); [Sarah Yoon](#); [jeffrey.halferty@cityofaspen.com](#); [gretchen.greenwood@cityofaspen.com](#); [kara.thompson@cityofaspen.com](#); [roger.moyer@cityofaspen.com](#); [scott.kendrick@cityofaspen.com](#); [sheri.sanzone@cityofaspen.com](#)
Subject: 1020 E Cooper Avenue Proposed Development
Date: Tuesday, January 19, 2021 11:24:22 AM

Dear Council and HPC-

I want to thank each of you for trying to do your best in many difficult situations recently.

I don't want to see this happen at 1020 East Cooper.

201 West Main was redeveloped by longtime Owner/Developer into 8 Employee housing units. Selling for \$710,000 to \$745,000 (2 already closed) [Click to view listing\(s\)](#) I had a client view the two unsold units on Saturday. She thought it might be a good investment, considering the fact that she could resale, in a few years and make a nice profit. She called me after the showing and she was disgusted! She said it was the worst thing she had ever seen. She could not believe Aspen would consider putting its valued employees in these. She said she wouldn't put her dog in it! Plastic bathtubs, Formica counters, cheapest construction she had ever seen. She said there was no way they spent over \$100/per square foot. (I am not here to debate the actual cost, just relaying what I was told)

With 8 units at an average of \$725,000 the developer is looking at making approx. \$5,800,000. It's highly doubtful, even in this market, this same Owner could have made near this amount on Main Street using the higher quality materials needed to sell a house in Aspen these days. This Owner/Developer mostly likely got *a lot of credits* too! This is most likely going to be the same situation at 1020 East Cooper.

Both developers bragging about needing "no city subsidizing" which they certainly don't need with everything they get in return!!!! The City has made a fortune this year and should be able to buy property and/or develop the property they have and make the employee housing units something employees, Pitkin County, neighbors, visitors, etc. can be proud of not a bunch of junk where the developers are the real winners.

I ask all of you to dig deep and ask yourself: Is the proposed project for 1020 East Cooper a true reflection of HPC and a statement and reason HPC was formed? Will this project be something the neighborhood can be proud of for years to come? Will it be a property that will transcend those passing by on daily bases, to a time when BIGGER DID NOT ALWAYS MEAN BETTER? A time when a small house with grass and a yard WAS the American dream. Is this proposed project something HPC and City Council can honestly be proud of and feel that with a lot of hard work and difficult decisions, they approved the best application for this special (and one of the few) historic properties located a main entrance to Aspen for all to see and admire????????????? **IF IT WON'T BE, IT SHOULD NOT BE APPROVED, NO MATTER WHO GETS PAID OR WHO WILL BE LIVING THERE!**

Thanks so much

Kristi Gilliam

1024 East Cooper #8

970-948-0153

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Kristi](#)
To: [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); [Rachael Richards](#); [Skippy Mesirov](#); [Public Comment](#); [Amy Simon](#); [Jessica.Garrow@cityofaspen.com](#); [Torre](#); [Ann Mullins](#); [Ward Hauenstein](#); [Rachael Richards](#); [Skippy Mesirov](#); [Public Comment](#); [Amy Simon](#); [Jessica.Garrow@cityofaspen.com](#); [Sarah Yoon](#); [jeffrey.halferty@cityofaspen.com](#); [gretchen.greenwood@cityofaspen.com](#); [kara.thompson@cityofaspen.com](#); [roger.moyer@cityofaspen.com](#); [scott.kendrick@cityofaspen.com](#); [sheri.sanzone@cityofaspen.com](#)
Subject: 1020 E Cooper Avenue Proposed Development
Date: Tuesday, January 19, 2021 11:24:22 AM

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Both developers bragging about needing "no city subsidizing" which they certainly don't need with everything they get in return!!!! The City has made a fortune this year and should be able to buy property and/or develop the property they have and make the employee housing units something employees, Pitkin County, neighbors, visitors, etc. can be proud of not a bunch of junk where the developers are the real winners.

I ask all of you to dig deep and ask yourself: Is the proposed project for 1020 East Cooper a true reflection of HPC and a statement and reason HPC was formed? Will this project be something the neighborhood can be proud of for years to come? Will it be a property that will transcend those passing by on daily bases, to a time when BIGGER DID NOT ALWAYS MEAN BETTER? A time when a small house with grass and a yard WAS the American dream. Is this proposed project something HPC and City Council can honestly be proud of and feel that with a lot of hard work and difficult decisions, they approved the best application for this special (and one of the few) historic properties located a main entrance to Aspen for all to see and admire????????????? **IF IT WON'T BE, IT SHOULD NOT BE APPROVED, NO MATTER WHO GETS PAID OR WHO WILL BE LIVING THERE!**

Thanks so much

Kristi Gilliam

1024 East Cooper #8

970-948-0153



January 12, 2021

Dear HPC Members,

As many of you know, the Aspen Chamber Resort Association (ACRA) is an active community organization in Aspen for over 45 years, and during that time we've successfully supported the business community by making Aspen more competitive in the resort marketplace. In recent years, we have represented our members in public affairs by advocating for the development of affordable housing and transportation upgrades/improvements, and we have taken an active role in convening community dialogue and initiatives that we believe serve the community at-large.

As the competition tightens, one of the key challenges our local businesses face is the ability to attract and retain qualified employees across a broad span of industries, due to the lack of affordable housing for both individuals and families. This challenge is certainly not new, but it is proving more challenging to solve.

We are proud to be a part of a community where both private and public sectors are working toward addressing this deficit with the provision of affordable housing developments in and around town. We also applaud the development of affordable housing throughout the valley. All housing for our workforce helps, as we have seen local rental units converted into short-term rentals for visitors.

As demand continues to increase for the quality of life that our mountain towns offer, so does the complexity of the solutions. There are no easy answers as we weigh the tensions between stakeholders. One constant will prevail: ACRA will support the development of employee housing in Aspen and the opportunities it creates for our businesses and community members to thrive.

Thank you for your service to Aspen.

All the best,

Debbie Braun
President and CEO
Aspen Chamber Resort Association

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Lincoln manuel](#)
To: [Amy Simon](#); [Kevin Rayes](#)
Subject: 1020 Cooper project
Date: Tuesday, January 12, 2021 8:00:59 AM

Dear HPC,

The project at 1020 Cooper is important to our community and to our neighborhood. The reuse of an old building and the addition of a new building along the alley for affordable housing is exactly what our neighborhood needs. The renderings look great. The project is building less than allowed, and the architecture relates to the neighborhood. The relationship between the old building and new building works well. Four parking spaces seems reasonable for five units considering the close proximity to downtown, transit, and trails. Overall we support this housing project.

Lincoln Manuel

409 Park Circle #2

Dear HPC Members,

My wife and I live directly behind the 1020 Cooper property. We have monitored the proposed projects the last few years and were glad to see the city council and HPC deny the effort to build such massive structures that overwhelm the historic resource.

This project is no different. Why wouldn't your previous concerns about mass and scale apply to this development as well? We welcome affordable housing in our community, but this is a very small lot that will be completely overwhelmed with a large structure. If they really want affordable housing, make it three units instead of five.

Also, there is a designated parking spot in the alley of our property that is directly behind the current sheds located on 1020 Cooper – please see pictures below. Based on the current plans, there is no possible way cars will be able to pull into and out of the proposed development parking. I measured the distance from the current sheds to the vehicle parked on our property and it is only 12 feet.

According to the City of Aspen Engineering Standards (see below), Section 4, any 90-degree angle parking spots require a width of 24 feet in the alley. The proposed plan would be half this amount and present a dangerous, unrealistic parking scenario for the tenants.

Finally, we have a serious parking issue in our neighborhood already as we have an unpaved alley which makes it very difficult to traverse with snow on the ground.

My sincere hope is that the HPC members honor their roles as public servants and makes a decision that is best for the public – not for developers.

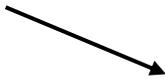
Sincerely,

Lorne and Laura Leil
1015 Hyman #2

Table 9 – Parking Lot Design Standards

| Angle of Parking Space | Minimum One-Way Drive Aisle | Minimum Two-Way Drive Aisle | Minimum Parking Stall Size and Clearance |
|-----------------------------|-----------------------------|-----------------------------|---|
| 0 (Parallel) | 11' | 22' | 8.5' x 22' |
| 45 | 11' | 22' | 8.5' x 18' 8' x 16' compact (up to 25%* of required parking in lots with more than 15 parking spaces and clearly marked as such) 7' height clearance for enclosed parking |
| 60 | 16' | 24' | 8.5' x 18' 8' x 16' compact (up to 25%* of required parking in lots with more than 15 parking spaces and clearly marked as such) 7' height clearance for enclosed parking |
| 75 | 22' | 24' | 8.5' x 18' 8' x 16' compact (up to 25%* of required parking in lots with more than 15 parking spaces and clearly marked as such) 7' height clearance for enclosed parking |
| 90 | 24' | 24' | 8.5' x 18' 8' x 16' compact (up to 25%* of required parking in lots with more than 15 parking spaces and clearly marked as such) 7' height clearance for enclosed parking |
| Cross-over drive aisle | 18' | 24' | N/A |
| Drive aisle with no parking | 11' | 22' | N/A |

There is a designated parking spot on the plat directly behind the current sheds running east to west.



12 feet width between sheds and parked car in designated spot. This does not meet City of Aspen Engineering standards and makes it impossible for cars to pull in and out of proposed parking spots.



Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Lou Stover](#)
To: [Amy Simon](#); [Kevin Rayes](#)
Subject: 1020 Cooper project from an on-the-scene view .. please distribute
Date: Tuesday, February 16, 2021 4:18:11 PM

Hello Aspen Historical,

At the last HPC meeting, the developers were directed/told that the project is too big. They have since only made a few minor changes ... but it is still way too big. There are still five units and 10 bedrooms with no upper limit on the number of occupants. Sounds like it could turn into a “frat house” in a family neighborhood.

First it was pitched as “historic”. Then the theme was switched to “affordable housing”. We neighbors have been portrayed as “anti employee housing”, which is not true.

Concerns about the narrow alley behind the project have been ignored. Why isn't the City standing behind its citizens? Why isn't the City working to achieve a settlement between the parties? With all the construction of affordable housing in the City, why couldn't this one be designed in a reasonable size for this neighborhood? What percentage of reduction to the stock of total units would one less unit make? The height and mass of the rear building could become acceptable.

Please remember that long after the developers have disappeared, we will have to live with the cars, blocked alley, parking, noise and people from this over sized development.

Regards,
Lou Stover
1006 E Cooper
Aspen

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Mark Tache](#)
To: [Kevin Rayes](#)
Cc: [mark tache](#)
Subject: 1020 Cooper Project
Date: Wednesday, February 17, 2021 5:47:24 PM

Kevin: I'd like to respond to the proposed 1020 Cooper Avenue employee housing development project.

Background - I've lived at 1001 E. Hyman Ave for close to thirty years. Prior to that my Grandma lived at the location since 1962. We have experienced all the growth, both good and bad, during these fifty-nine years.

My wife and I rebuilt on the property in 1997 and reused 80% of the old miners cabin. As per the city's regulations at that time, we provided an ADU which my brother has lived in since. He is a coach with AVSC and would not have the opportunity to live in Aspen without the ADU.

During the 90's many homes were built in the neighborhood and the majority of ADUs were never used in the capacity the city intended and this created an additional lack of employee housing units which was very unfortunate.

We have always supported employee housing and believe that it strongly contributes to the uniqueness of Aspen. It provides a healthy balance in the community with opportunities for those who could never afford to live in town. Having grown up in Aspen, I've witnessed the mass exodus of friends and long time locals who could not find a way to stay in the community.

The main critical issue we have with the 1020 project is the parking. This alley is already already at capacity during the slack season when only locals access, but during the summer and winter it swells well beyond capacity and is a safety hazard. The alley width is also not compliant due to a historic house on the corner of Cooper and Cleveland. This house has no alley setback.

I commend the city's solutions to help mitigate the added pressure by discouraging vehicle ownership to new owners, but I think that's unrealistic. And, I also think your anticipated owner capacity per unit is overly optimistic... my guess would be closer to 18 -20 total tenants living in the apartments increasing the vehicle numbers even more.

I'd like to get your thoughts on this.

Thanks, Mark

*Mark & Christin Taché
1001 E. Hyman Ave.
Aspen, CO 81611
Cell: 970-366-0700*

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

From: [Caroline McDonald](#)
To: [Kevin Rayes](#); [Amy Simon](#)
Cc: [Ward Hauenstein](#); [Torre](#); [Rachael Richards](#); [Ann Mullins](#); [Skippy Mesirov](#)
Subject: This is a Complaint letter to be included in the 1020ECooper February 17th agenda pkg; from Scott and Caroline McDonald, 1000 E. Cooper
Date: Tuesday, February 16, 2021 3:39:44 PM

This is our complaint to the city of Aspen about the Community Development's HPC process regarding the duplicities of the 1020 E Cooper Project and others.

This complaint is really about why the city of Aspen was so difficult in its plans review process for 1020 E Cooper, for a single family home on a 4000 sq ft lot. The city's apparent coordinated attack on the applicant owner with inordinate accumulated time and review costs. The applicant had enough of this nonsense endorsed by council and staff of their never ending trap of HPC's circular logic and subjective micromanagement. I can personally testify this will drive any applicant mad, which was the plan all along, to force the applicant to sell or contract his property to meet housing mitigation requirements for purportedly the 1A development. This seems a logical conclusion because Jim DeFrancia is involved in building this high density, 5 unit, closet apartment project. The city's importance placed on massing and height concerns regarding the impact to the neighborhood were immediately thrown out the window for DeFrancia's 3 story massive monolith. DeFrancia was a former HPC commissioner, fancy that. He abides by the secret different strokes for different folks ordinance practiced by the city council who have the discretionary authority to end this extortion enterprise.

This DeFrancia development at 1020 E. Cooper, is at the expense of an already overdeveloped neighborhood with inadequate parking. This is all about Crown greed, Gorsuch greed, and Lowe greed to maximize the operational profits at 1A by not including staff housing on-site.

The massive development of 1A, 320,000 sq ft of hotel and condos, some free market, carries with it city mandated housing mitigation for 91 full-time employees. The limitless cupidity of the city of Aspen is the same as the developers, with yearning eyes on the significant tax revenue stream 1A would provide. That can buy a lot of city largess and it drives the city to be just as desperate for employee housing as the developers. This is why the city of Aspen over-reached its extensive discretionary, subjective empowerment to torture and bully the single-family home applicant of 1020 E. Cooper into submission to sellout to the corporate developers.

1A, which crawls up the slopes of Ajax Mt. is nothing less than an ostentatious monument for the Crowns, the Gorsuch's and the Lowe Enterprises. Talk about excessive massing and scale for the site and the subordination of Ajax Mt.

Aspen is finite, but not for the city or the developers.

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Michael Smith](#)
To: [1020EastCooperProject](#)
Cc: [Kevin Rayes](#); [Amy Simon](#)
Subject: Re: Errors in 1020 E. Cooper Updated Application
Date: Tuesday, February 16, 2021 2:06:42 PM

Sara,

Thank you for your reply. I appreciate the thoroughness of your response, but have a few items I would like to clarify with you.

First, contrary to what you wrote, I never said or even assumed your mistake was intentional, but after I challenged your floor area calculations in my earlier letter to the city, the fact that you indeed did discover errors in your floor area calculation should certainly have indicated to you that those errors existed or might have existed in your earlier applications. At a minimum it should have caused you to re-check those submittals since you compare your now corrected floor area in your revised submittal to the earlier numbers. That is why I my letter below said “Bendon Adams certainly knows this.” Again, you were put on notice that your floor area calculations had problems. You may characterize your failure to re-check your numbers as an “honest mistake”, but it is hard not to view it as bad faith for you to not review your prior submittals when you are making comparisons. According to your response, my letter below has prompted that review. While it is appreciated, I think the public and the city staff (as well as your customer) deserved more careful work from the beginning.

Second, I never had any consultants looking at your drawings and identifying potential issues. I simply conducted a fairly basic review of the architect’s drawings from your February 10 submittal and compared them to your prior submittals. It became clear to me there were errors. Since I am not an architect or land use professional, you might well understand my skepticism regarding the thoroughness of the entire review process within your firm and at the city.

Third, I take it a ship ladder represents a permanent ladder, rather than a pull-down ladder, that will allow access to the attic space in Unit 101. Can you please verify that this will be such a ladder? I understand that if this is different from a pull-down ladder, then it could lead to the space being counted as floor area when it would not be if it were a pull-down ladder.

Sincerely,

Michael Smith

713 703-6501 (cell)
msmith1012e@gmail.com

On Feb 16, 2021, at 1:36 PM, 1020EastCooperProject
<1020eastcooperproject@gmail.com> wrote:

Dear Michael, HPC, and City Staff.

Thank you for bringing this to our attention. We have looked into it and found that your comments in part 1 are partially correct and your comments in part 2 are not correct.

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

We appreciate the heads up on the floor area calculations and make every effort to be as accurate as possible in our application. Please see our response below.

1. The letter from Bendon Adams (p.49) states that “Floor area has been reduced from 4,277 sf (December application) to 4,241 sf (January application) to 3,899.5 sf (February “current” application).” This implies there has been a 378 sf reduction in floor area (8.8%), which is absolutely untrue. Bendon Adams certainly knows this. Floor area was corrected in the “current” application to 3,899.5 from a stated 3,678.4 sf in the most recent application that contained numerous errors and yet was still accepted by the city and posted on its website. However, some of the errors that were fixed in this latest submittal were errors that existed in each of the prior (December and January) submittal. One error corrected was the counting of stairway area on the topmost level in two of the units (units #101 and #103). This error existed in the prior submittals, and therefore the applicant is making a false statement about the reduction in floor area. Based on my calculation from the public data, actual floor area for the December application was 4,146 sf and 4,110 from the January application (the difference being the two exterior storage areas the HPC would not allow being constructed on the exterior of the historic resource). **The reduction from 4,110 sf in January, when the applicant was told to reduce the mass and scale, to the most recent submittal is 210.5 sf (5.1%).**

The December submittal was reviewed by the City’s Zoning Officer and deemed accurate. The City’s calculations and measurements are complex and the floor plans are finalized or “stamped” by Zoning during building permit review. We do our best to provide accurate calculations but sometimes things are accidentally overlooked. The City counts stairs on all levels except the topmost level. This methodology applies to calculations of both floor area and net livable area. It appears that DJA counted the stairs on the ground level of Units 101,102 and 103 when calculating floor area, and the stairs were correctly exempted when calculating net livable area. The December application did not have a second floor stairway in Unit 102, therefore the stairway should have been exempted on the ground level and counted in the basement. The February application for consideration by HPC on 2/10 proposes the addition of a dormer, second floor bedroom, and extension of the stacked stairway to the second level. This means that the stairway is counted on the basement and ground levels, and exempted on the second level.

Upon a closer look, this mistake was carried forward to all iterations and has recently been corrected. We appreciate Michael’s consultants looking at our drawings and identifying potential issues – we strive to have as accurate a drawing set as possible for Conceptual HPC Review. The total floor area in the December and January applications (which are no longer proposed) that was counted when it should have been exempted is: Unit 101=76sf; Unit 102=60sf; and Unit 103=56sf.

The assumption that this miscalculation was intentional is unfounded. The applicant

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

and Zoning Officer both missed it on the “floor area” pages of the drawing set. The key takeaway is that the project was and is well under the maximum floor area and the project has been reduced in mass and scale. For context, the square footage that was missed in the stair calculation is a total of ~192sf. The error in the floor area calculation was an honest mistake and has been corrected.

2. I question the appropriateness of including the 114 sf attic storage space as floor area and living area (104 sf) for unit #101. The City of Aspen floor area guidelines state that “Attic space that is conveniently accessible and is either habitable or can be made habitable shall be counted in the calculation of Floor Area.” It was never quite clear how this area was to be accessed but a reexamination of the drawings seems to show that this storage space may be accessed from a pull-down ladder (see applicants main level NLA plan drawings for this unit). According to the City of Aspen in their Floor Area guidance: “An attic area accessible only through an interior pull-down access ladder is exempt.” **Removing this as living space would make this unit only 3 sf above the APCHA minimum, and this is currently the only unit that exceeds that minimum.** I can see the motivation of the applicant to include the footage, but who at the City of Aspen has reviewed this and ruled on whether this should be considered Floor Area and living space?

The storage space in Unit 101 was reviewed by the Zoning Officer and the Building Department prior to the HPC meeting on January 13th. Zoning confirmed that the proposed loft storage accessed by a ship ladder meets the Land Use Code criteria to be counted as both net livable space and floor area, and the Building Department confirmed that Building Codes are met with the proposed space.

Sincerely, Sara

On Fri, Feb 12, 2021 at 3:22 PM Gmail 2 <msmith1012e@gmail.com> wrote:

Kevin,

I have reviewed the updated information provided by the applicant and while It appears that the errors that I pointed out in the Floor Area calculations in the packet for the 02-10-21 meeting have been corrected, **I find that the HPC meeting packet continues to contain potentially false or misleading information.**

1. The letter from Bendon Adams (p.49) states that “Floor area has been reduced from 4,277 sf (December application) to 4,241 sf (January application) to 3,899.5 sf (February “current” application).” This implies there has been a 378 sf reduction in floor area (8.8%), which is absolutely untrue. Bendon Adams certainly knows this. Floor area was corrected in the “current” application to 3,899.5 from a stated 3,678.4 sf in the most recent application that contained numerous errors and yet was still accepted by the city and posted on its website. However, some of the errors that were fixed in this latest submittal were errors that existed in each of the prior (December and January) submittal. One error corrected was the counting of stairway area on the topmost

level in two of the units (units #101 and #103). This error existed in the prior submittals, and therefore the applicant is making a false statement about the reduction in floor area. Based on my calculation from the public data, actual floor area for the December application was 4,146 sf and 4,110 from the January application (the difference being the two exterior storage areas the HPC would not allow being constructed on the exterior of the historic resource). **The reduction from 4,110 sf in January, when the applicant was told to reduce the mass and scale, to the most recent submittal is 210.5 sf (5.1%).**

2. I question the appropriateness of including the 114 sf attic storage space as floor area and living area (104 sf) for unit #101. The City of Aspen floor area guidelines state that “Attic space that is conveniently accessible and is either habitable or can be made habitable shall be counted in the calculation of Floor Area.” It was never quite clear how this area was to be accessed but a reexamination of the drawings seems to show that this storage space may be accessed from a pull-down ladder (see applicants main level NLA plan drawings for this unit). According to the City of Aspen in their Floor Area guidance: “An attic area accessible only through an interior pull-down access ladder is exempt.” **Removing this as living space would make this unit only 3 sf above the APCA minimum, and this is currently the only unit that exceeds that minimum.** I can see the motivation of the applicant to include the footage, but who at the City of Aspen has reviewed this and ruled on whether this should be considered Floor Area and living space?

Also, please also provide this letter to the HPC Commissioners. I remain concerned that they are not receiving the full picture of how immaterially the applicant has changed their project to respond to their concerns about mass and scale and open space. Certainly with no reduction in bedrooms but a reduction in living space and storage, livability has decreased.

Sincerely,

Michael Smith

713 703-6501 (cell)

msmith1012e@gmail.com

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Gmail 2](#)
To: [Kevin Rayes](#)
Subject: 1020 E. Cooper Packet Discrepancies
Date: Monday, February 8, 2021 4:35:59 PM

Kevin,

I have spent some time reading through the HPC packet for the upcoming meeting and find some issues that may include significant mistakes or even misrepresentations by the applicant. I'm wondering who at the city is verifying what is submitted and reporting any inaccuracies or misrepresentations to the HPC Board? Problems I see:

1. The applicant has indicated that unit 102 of the Landmark is now a 3 bedroom unit. In the table on page 14 of the packet, the applicant represents that the 1,143 SF three bedroom unit is 162 SF above the APCHA minimum. However, they are comparing the footage to the 900 SF standard for a 2 bedroom unit. This 3 bedroom unit is actually 57 SF below the 1,200 SF APCHA minimum for a 3 bedroom unit. So it appears that only a single unit of the proposed five units actually exceeds the minimum dimensional standards set forth by APCHA. This appears to me to be a significant issue that should be highlighted to the HPC Board, given the significant concern about the overcrowding and lack of livability that may result from this development.

2. The Applicant's table on p. 146 of the packet sets forth the schedule of Floor Area. If you go back to the same table provided for the prior application (p.136 of the packet for the 01/13/21 meeting) you see that applicant is representing that total Floor Area has been reduced by 599 SF (from 4,277.4 to 3,678.4 SF). Unit 101, which did not appear to change at all, now shows 558 SF of main level Floor Area, which is a reduction of 117 SF from the prior representation. However, the applicant's table on p.148 shows no change in net livable area of unit 101 from the prior submittal. Is it possible that the floor plans for the unit stayed the same, the Floor Area decreased by 117 SF and the net livable footage remained the same?

3. The same Floor Area table on p.146 of the packet shows Unit 102 is a 2 bedroom unit with 572 SF of Floor Area, which is a reduction of 111 SF from the applicant's prior submittal. Nevertheless, the applicant represents (p.14) that this is now a 3 bedroom unit with an additional 82 SF of net livable area compared to the prior submittal. Clearly, the reduction in Floor Area represented by the table on p.146 seems incompatible with the increase in footage.

4. The change in Floor Area referred to above in point #2 based on the Architect's total Floor Area tables shows a reduction of 599 SF. The total net livable footage has been reduced by 166 SF. There was some reduction in exterior storage space, which could account for a Floor Area reduction that is larger than the net livable footage reduction, but it seems unlikely to explain the large difference between 166 SF and 599 SF. Has anyone queried the applicant to explain how the Floor Area has been reduced 14% when net livable footage only decreased by 3%?

5. Separately, the applicant represents in the letter on p.49 that the Floor Area has been reduced by 484 SF (not 599 SF). Possibly this is referring only to the detached rear building, but in the case of that structure, net livable footage was reduced by only 248 SF. So again, there seems to be a very large difference between the two numbers.

Hopefully I am wrong about these possible errors. If they exist, however, it demonstrates that

the applicant is either very careless with its submittal or making misrepresentations that they hope the HPC staff does not catch. I believe the members of the public and the HPC Board both are counting on staff to properly verify this submittal and make sure what is presented is wholly accurate.

If you are not going to be able to check these items above and verify the accuracy of the applicant's submittal prior to Wednesday's meeting, I would ask that you let me know and also provide this email to the HPC Board as a relevant public comment regarding the applicant's submittal. Thank you.

Sincerely,

Michael Smith

713 703-6501 (cell)
msmith1012e@gmail.com

Dear Commissioners,

Staff indicates in their Exhibit A.1 of the packet that all HPC design guidelines that apply are met. This is patently false. **Staff is not entitled to “alternative facts”.**
The facts are these:

1.1 States:

- *Building footprint and location should reinforce the traditional pattern 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.*

The 1890 Sanborn maps, which the staff chooses not to use, show the Cooper block at Cleveland and also show a detail of the east half of the Cooper block from the site of 1024 to the River. All the buildings labeled dwellings have substantial yard space and front setbacks. We also know that the four existing historic dwellings on this block, including the subject property, have substantial front setbacks and open space. This project has been designed as a setback to setback development, with extremely minimal pervious cover, which leaves no useful open space visible from the street. **Clearly, 1.1 is not met.**

1.7 States:

- *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*

The open space on this site is wholly inadequate, especially when one considers the density of use that the applicant is proposing. Almost all the open space is used as narrow, impervious walkways and staircases around the buildings. The tiny (approx. 150 SF) gathering space behind the historic is not meaningful, and certainly does not support and complement the historic building in any way.
Clearly, 1.7 is not met.

11.3 States: *Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel.*

There is no similarity in scale and proportion between the 3-story new building and the single story historic building. No degree in architecture is required to see that. Still, staff claims its true. **Clearly, 11.3 is not met.**

11.4 States: *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.*

The ridge peak of the historic stands 15'-6" above grade. The ridge peak of the proposed new building rises 32'-6" above grade. Without any need for interpretation, the 3-story structure that the applicant proposes to construct behind the historic resource is dramatically taller and not at all similar in scale to the historic building. **Clearly, 11.4 is not met.**

If staff wants to ignore the published HPC guidelines in the interest of promoting affordable housing (and helpfully lining the pockets of a wealthy developer), then staff should at least be honest about it. State openly that these guidelines have not been met, but that the end goal of affordable housing makes such guidelines unnecessary. Otherwise, all future historic preservations that come before this commission will use the approval of this massive 3-story box behind the historic to say that their 3-story proposal clearly meets the guidelines. I see no exceptions in the guidelines that allow staff to apply the criteria differently for single-family homes as compared to mulit-family homes. Staff is making a farce of the historic preservation process for very little good purpose. **In the end, approval of this project as proposed will destroy the credibility of Historic Preservation, and will also harm the livability of this neighborhood, all to add a mere 0.06% (six one-hundredth's of 1%) to APCHA's affordable housing stock as compared to a reasonable 3 unit project. This project as configured should be rejected.**

Sincerely,

Michael Smith
1012 E. Cooper #1

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Mike pack](#)
To: [Amy Simon](#)
Cc: [Stephen Kanipe](#); [Sam Weller](#); [Kristi Gilliam Hyman Ave Alley](#); [Friars Mike](#)
Subject: 1020 E Cooper project
Date: Tuesday, February 16, 2021 6:00:03 PM

Hi Amy. I'm Mike Pack and President of the Vincenti HOA directly across the alley from this project. To be clear, I am in favor of the reasonable development of this site. 3 units would be very compatible on that lot. NOT 5. Cooper is also Hwy 82 ;kids aren't playing on that road BUT could play on a paved alley also the increase traffic warrants the pavement of the alley. Most of us have lived here (and paid taxes) for decades without asking the City for anything. I'm aware of the existing procedure to have an alley paved but I strongly feel that the City owns the alley and should be responsible for paving it ..
Please call if you have any questions. Mike Pack. 1-619-291-4441

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Lorne Leil](#)
To: [Kevin Rayes](#)
Cc: ggreenwood@ggaaspen.com; [Amy Simon](#); [Sarah Yoon](#)
Subject: Re: 1020 Cooper Project
Date: Wednesday, January 13, 2021 9:17:27 PM
Attachments: [image001.png](#)

I cannot make the meeting but a neighbor just sent me a message this topic came up at the hearing. I talked to the neighbor who parks in the alley and she confirmed it is a designated parking spot on the plat of our property. I suggest you reach out to her to confirm - her name is Julie Peters. If that is in fact a real parking spot, 1020 Cooper's project cannot happen - those tenants would be unable to pull out of their parking spots.

On Tue, Jan 12, 2021 at 7:43 PM Kevin Rayes <kevin.rayes@cityofaspen.com> wrote:

Hi Lorne,

Thank you for your comments.

We will pass these along to the HPC prior to tomorrow's hearing.

Are you interested in tuning into the hearing?
If so, please let me know and we will send you a link to join.

Thanks.

To promote the health and safety of our staff and community and to minimize the spread of COVID-19, Community Development staff are conducting business by email and phone and are only available in person by appointment. Contact information for our entire staff and how best to get the services you need can be found on our website: cityofaspen.com/177/Community-Development. Thank you for your understanding.



Kevin Rayes

Community Development Department

Planner

130 S. Galena St.

Aspen, CO 81611

P 970.429.2797

C 970.319.6499

www.cityofaspen.com _

www.aspencommunityvoice.com



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This message is intended only for the individual or entity to which it is addressed and may contain information that is confidential and exempt from disclosure pursuant to applicable law. If you are not the intended recipient, please reply to the sender that you have received the message in error and then delete it. Further, the information or opinions contained in this email are advisory in nature only and are not binding on the City of Aspen. If applicable, the information and opinions contained in the email are based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. The opinions and information contained herein do not create a legal or vested right or any claim of detrimental reliance.

From: Lorne Leil <lorne.leil@gmail.com>

Sent: Tuesday, January 12, 2021 5:38 PM

To: ggreenwood@ggaaspen.com; Amy Simon <amy.simon@cityofaspen.com>; Kevin Rayes <kevin.rayes@cityofaspen.com>

Subject: 1020 Cooper Project

Hello, Please see my attached letter for the HPC regarding the proposed development at 1020 Cooper Avenue. We live directly behind the property. Thank you

Lorne Leil

Aspen Office
625 East Hyman Avenue, Suite 201
Aspen, Colorado 81611
Telephone (970) 925-1936
Facsimile (970) 925-3008

GARFIELD & HECHT, P.C.

ATTORNEYS AT LAW
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January 6, 2021

CHRISTOPHER D. BRYAN
cbryan@garfieldhecht.com

Via E-Mail

City of Aspen
Historic Preservation Commission
c/o Ms. Sarah Yoon
Community Development Department
130 S. Galena Street, 3rd Floor
Aspen, Colorado 81611
E-mail: sarah.yoon@cityofaspen.com

**RE: Application of 1020 E. Cooper, LLC
Multi-Family Affordable Housing at 1020 E. Cooper Ave.**

Dear Commissioners:

This firm represents the Riverside Condominium Association (“Riverside”) and the Cooper Avenue Victorian Condominium Association, Inc. (“Cooper Victorian”) (Riverside and Cooper Victorian are referred to collectively herein as the “Associations”). These complexes are located on either side of 1020 E. Cooper Avenue, Aspen, Colorado at 1024 E. Cooper Avenue and 1012 E. Cooper Avenue, respectively. This letter will serve as the Associations’ concerns and opposition to the application submitted by 1020 E. Cooper, LLC (“Applicant”) for approval of a multi-family complex (the “Application”) that is scheduled for public hearing before you on January 13, 2021.

As you are aware, members of these two Associations actively participated in the review process for the 2019 proposal by Applicant to redevelop this property with the relocation of the historic landmark and an addition thereto to create a larger single family home. At that time, members of Riverside and Cooper Victorian opposed the project due mainly to the proposed mass and scale of the addition, concerns that were shared and voiced by HPC members, who narrowly approved the project on a vote of 4-2. The 2019 proposal was called up by the City Council and then remanded back to HPC due to these same concerns of mass and scale pursuant to Sections 10.3 and 10.4 of the Historic Preservation Guidelines. The 2019 proposal was never finally approved.

Specifically, HPC and City Council members were concerned with the large addition on the back of the historic home and the effect on the neighbors. When the HPC considered the proposal at its August 26, 2020, meeting, it came to light that the applicant’s re-design had raised the roof another few feet, without discussion with HPC, and several Commissioners still believed

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that the mass and scale of the project was not appropriate. The hearing was continued to September 23, 2020, but it appears that the Applicant, in accordance with a prior e-mail to concerned neighbors, decided to revise the project to its current form – an application for a multi-family development.

As this current application is for a *new* building in addition to the relocation and remodel of the historic home, Section 11 of the Guidelines applies rather than Section 10. Regardless, the concerns regarding mass and scale still exist, and additional concerns regarding parking and subdivision are also raised with this new proposal. Specifically, Section 11.2 states that the new building should not overwhelm the historic structure; Section 11.3 states that the new building must be similar in scale and proportion to the historic structure; and Section 11.4 states that the primary plane of the front of the new building should not appear taller than the historic structure. Moreover, since this is a multi-family complex, the provisions of the Americans with Disabilities Act (“ADA”) apply, pursuant to Section 12.1.

The Application states that the existing historic structure will be relocated toward the front of the lot and will be converted into two two-bedroom units, with a new structure located behind it that will consist of three units – a two-bedroom and two three-bedroom units. The Application states that these units will be sold to local employers to utilize as affordable housing pursuant to either Category 3 or 4 of the APCA guidelines, and that Applicant expects the project to house 12.75 full time employees. It is worth noting that all of the renderings of the project show families living in these units, meaning that this maximum provision of employee housing likely will not be realized.

The Application states that the new building will nearly reach the allowed maximum height of 32 feet, which is approximately 3 feet higher than the 2019 proposal, and over double the height of the existing historic structure. Renderings of the project in the Application show a deck on the front of the new building that is even above the roof of the historic structure. Although the Application states that by setting this building back from the historic structure the “perception of the height difference” is reduced, it is difficult to see how one can reduce a doubling of height. Furthermore, the 2019 proposal, at staff’s request, demolished the non-historic addition to the landmark home as an aid in reducing the mass of the project. The current proposal appears to maintain this non-historic addition in order to allow for more square footage for units in the landmark. Clearly, the mass and scale of the proposal has not been reduced from that in 2019 and, in fact, is increased as described herein and by the creation of five units on the property, taking the mass and scale consideration from that of a single family to potentially seventeen occupants if each unit is occupied by a family.

Applicant wants HPC to consider the fact that the Riverside Condos and the Cooper Avenue Victorian Condos are “three stories” and thus that should make this project acceptable in mass and scale; however, this ignores the directive of the Guidelines, which requires HPC to consider mass and scale *as compared with the historic structure*. How the project appears in mass and scale to neighboring properties is irrelevant, especially when these neighboring structures are not historic landmarks. The criteria of Sections 11.3 and 11.4 of the Guidelines

simply cannot be met. Especially in light of the fact the 2019 project, which was of a smaller mass and scale of this proposal and for which HPC and City Council had concerns that similar Sections 10.3 and 10.4 (applying to additions to historic structures) could not be met, a finding that the mass and scale of this proposal is appropriate would be arbitrary and capricious and could subject the City to costly and protracted litigation.

It is important to note that the cover letter for the Application states, at the top of page 4, that “[t]he units are proposed to be rentals that are sold to Pitkin County employers to rent to APCHA qualified employees. . .” Yet, the Application specifically states that a historic lot split, pursuant to Section 11.5 of the Guidelines, is not being requested. As the City Attorney knows, it is unlawful to sell units separately unless a subdivision or condominiumization has been approved. Our review of the relevant public records and other available materials indicates that no subdivision agreement has been approved for this property. That critical issue needs to be addressed by the Applicant in order for this project to qualify as affordable housing and is relevant to the issue of parking for this proposal. Absent proper land use approvals that are a prerequisite for the proposed development, HPC would be unlawfully exceeding its jurisdiction and abusing its discretion in approving the Application.

Pursuant to Section 26.515.040 of the Aspen Municipal Code (“City Code”) and Table 26.515-1 therein, Applicant is to provide one parking space per unit, which means five parking spaces. Applicant proposes four parking spaces, one of which will have to be designated and designed as an ADA space (which is required by Section 12.1 of the Guidelines), with a payment of cash-in-lieu to satisfy the fifth space requirement. In support of the proposition that this will be sufficient parking, the Application states that car share and We-Cycle memberships will be offered to tenants along with a “welcome packet with alternative forms of transportation, bike and walking trail maps, and bus schedules” in order to discourage car ownership. However, if these units are to be sold to various employers, as the Application contemplates and as discussed above, Applicant has no control over whether these proposals will be followed. Furthermore, it is unrealistic to believe that twelve or more people occupying the units will, collectively, only own three cars (the ADA parking space will not be available for use unless a resident holds an ADA parking permit). Although the letter of the City Code may be technically met by this proposal, HPC is duty-bound to consider, in a practical sense, this impact on the historic property that has always been a small, single-family home necessitating only one or at most two on-street parking spots. If approved, the five units could easily end up needing twelve parking spots (one per bedroom), creating a major problem for the surrounding neighborhood and congesting an already-busy dense part of town – not to mention diminishing the charm of the historic property at issue. Even local employees have many reasons to have to run errands in town or to leave Aspen to meet basic shopping or travel needs for which a car is necessary.

Section 12.1 of the Guidelines requires that this project comply with the ADA. The Application provides for one ADA parking spot but otherwise does not mention (much less prove) compliance with ADA accessibility requirements. Every unit is either more than one story or only accessible by stairs. It is unclear whether common areas would even be ADA-compliant

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or -accessible. In fact, the Application fails to address Section 12.1 at all. For this reason alone, the Application must be denied for failure to satisfy Section 12.1's criteria.

As discussed throughout the Application, the subject property is located in the Residential Multi-Family ("RMF") Zone District, which is governed by Section 26.710.090 of the City Code. As City staff members know, and the Commissioners too, Section 26.710.090(d) requires lots to have a minimum of 6,000 square foot area and a minimum width of 60 feet. The subject lot is 4,379 square feet. There is an exception in Chapter 26.312 of the City Code, entitled "Nonconformities," that provides an exception that "a lot of record containing a property listed on the Aspen Inventory of Historic Landmark Sites and Structures need not meet the minimum lot area requirement of its zone district for historic structures." *See* Section 26.312.050(c). However, unlike the provision in the section immediately prior to this, which states that certain lots created before 1971 that "do not meet the requirements for *lot width* and *area*" can continue as nonconforming (*see* Section 26.312.050(b)), the historic landmark nonconforming lot must nonetheless meet the zone district lot width requirements. In this instance, such cannot be met, as the lot is less than 60 feet wide. Furthermore, the purpose of the Nonconformities Chapter is "to permit nonconformities to continue, but not to allow nonconformities to be enlarged or expanded. The provisions of this Chapter are designed to curtail substantial investment in nonconformities in order to preserve the integrity of the zone districts and the other provisions of this Title but should not be construed as an abatement provision." The City Code dictates that nonconforming historic landmark sites must meet all provisions of Chapter 26.415 concerning Historic Preservation. As set forth above, the mass and scale of the proposed project do not meet the Guidelines' requirements. That indisputable fact, coupled with the small size of the subject lot (enhancing even more the inappropriate mass and scale of the subject project), certainly enlarges and expands the existing nonconformity in violation of Chapter 26.312 of the City Code. For these additional reasons the project should be denied. If HPC fails to require compliance with that City Code requirement, it will be exposing the City to legal challenge.

Finally, with the small lot size and the additional strip of land that was added to it from the lot of 1012 E. Cooper pursuant to the 2006 adverse possession claim (*see* Letter from Tom Todd to HPC dated 10/30/20 included in the Application), the proposed new building would sit only seven feet from the Cooper Avenue Victorian building since that is barely two feet from the adjusted lot line and the proposal is up to the five-foot sideyard setback. The fire department requires a minimum ten-foot distance between multi-family buildings. This is yet another example of the project's inappropriate mass and scale, and another reason that approval of the Application is inappropriate and contrary to the applicable criteria.

In sum, we respectfully request that HPC take a hard look at the mass and scale of this proposal and the criteria of Sections 11.3 and 11.4 of the Guidelines, in conjunction with the review and discussion of the prior proposal for this property in 2019 and 2020 and concerns therewith, along with the City Code's Nonconformities Chapter and safety requirements. HPC should not be persuaded or sidetracked by the proposal to bring addition affordable housing units

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to the center of Aspen – this is not the place for such a proposal, not only because it dwarfs the historic structure and ignores the realities of car ownership and the occupation of units, but also because it enlarges and expands a nonconformity and creates a fire hazard. Furthermore, HPC must consider the requirements of Section 12.1 of the Guidelines, which are not even discussed or addressed by the Application.

For these reasons, HPC should vote not to approve the Application.

While the Application is laudable in some respects, this is simply the wrong location in Aspen for the proposed development. We are confident that HPC and City staff will come to the proper conclusion that the Application is neither viable pursuant to the Guidelines nor legally permissible.

Please do not hesitate to contact me with any questions regarding the Associations' concerns.

Very truly yours,

GARFIELD & HECHT, P.C.

/s/ CHRISTOPHER D. BRYAN
Christopher D. Bryan

cc: Riverside Condominium Association
Cooper Avenue Victorian Condominium Association, Inc.

Exhibit C- Public Comments from Previous HPC Hearings (January 13 & February 17)

From: [Amy Simon](#)
To: [Mary Elizabeth Geiger](#); [Kate Johnson](#); [Jim True](#)
Cc: [Kevin Rayes](#); [Chris Bryan](#)
Subject: RE: Information for HPC Packet - 1020 E. Cooper
Date: Friday, February 12, 2021 11:58:00 AM

Good morning- the packet was already uploaded before we received your comment. We will forward additional public comments to the HPC in a batch before the hearing.

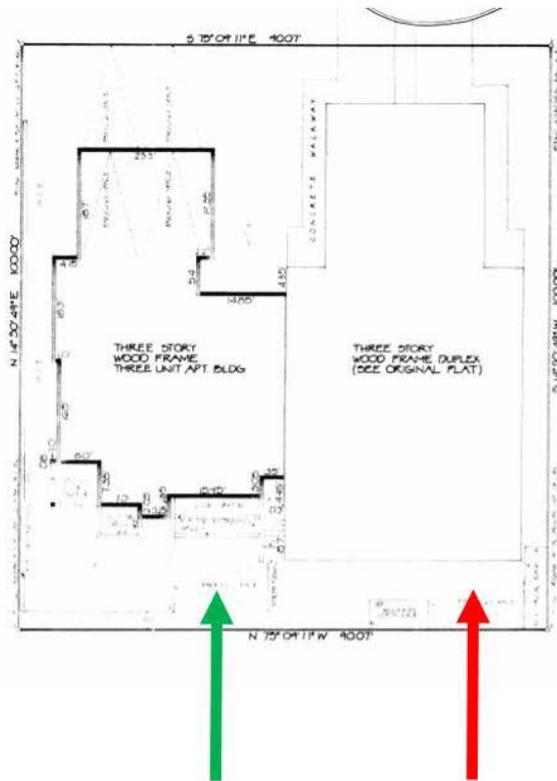
We have had several internal discussions about the parking question in the alley. This is a standard 20' wide platted alley.

Representations being made about parking on the opposite side of the alley behind 1020 E. Cooper seem to be inaccurate. A neighbor submitted the photo below to the record for the January 13th meeting. This photo shows a car fully parked in the alley, which is not permitted. Furthermore, the sheds shown in this photo are proposed to be removed which will address the fact that they encroach into the alley by about 4' themselves.



The Vicenzi condos behind 1020 E. Cooper have a plat on record from 1982, below, showing two on-site parking spaces. Sorry for the image quality- this is the record as filed with the Clerk and Recorder. The parking space indicated with a red arrow seems to have been subsequently filled in by the condo owners with trees, based on the GIS image to the left, making the condo out of compliance with their parking requirement. The parking space with a green arrow is in use by a tenant of the building, Julie Peters of Unit 5, as we understand it. It appears that space is not being fully accommodated on the property as it was shown on the plat. Various fences, objects, snow, etc. have eased the area available to park out towards the alley and are causing Julie's car to at least at times encroach into the public right-of-way, which is not approved and must be corrected.

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)



Please let me know if you have any further questions about this. Thank you.

-----Original Message-----

From: Mary Elizabeth Geiger <megeiger@garfieldhecht.com>

Sent: Friday, February 12, 2021 9:35 AM

To: Kate Johnson <kate.johnson@cityofaspen.com>; Jim True <jim.true@cityofaspen.com>

Cc: kevin.reyes@cityofaspen.com; Chris Bryan <cbryan@garfieldhecht.com>; Amy Simon <amy.simon@cityofaspen.com>

Subject: Information for HPC Packet - 1020 E. Cooper

All: there was some discussion at the hearing on January 13, 2021, as to whether the parking space being used in the alley behind 1020 E. Cooper is a legal/deeded parking space. Per the attached plat for 1015 E. Hyman, it is. Please be sure to include this information in the packet when it is uploaded today as this is important to the efficacy if using the alley for additional parking and whether the turn radius can be accomplished for the proposed spaces. The owner who parks in that spot took the attached photograph of the alley. She measured from her car to the sheds (where the 1020 Cooper cars would park) and it was 11.5 feet. This is the narrowest point in the alley. It will be impossible for cars to maneuver into a 90 degree parking spot with such little room.

Please do not hesitate to contact either Chris or me if you have any questions.

-Mary Elizabeth

Mary Elizabeth Geiger

Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

Attorney

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Email: megeiger@garfieldhecht.com

Webpage: [https://avanan.url-protection.com/v1/url?](https://avanan.url-protection.com/v1/url?o=www.garfieldhecht.com&g=NDVhNmYzYjI0ZWJjODgxYQ==&h=YWI5ZmVjNDdmODEzNmE5MDczMDk0OGI1MjcxY2JkMzQ2MThlMTBjM2JhNWUwZjQ1ZWJmMGY2NWlwM2VjOGY3YQ==&p=YXAzOmNpdHlvZmFzcGVuOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmI3ZWFiZmI2Y2Q3MjllMTMxZmJjZWE5ODE4NTEzZjJiOnYx)

[o=www.garfieldhecht.com&g=NDVhNmYzYjI0ZWJjODgxYQ==&h=YWI5ZmVjNDdmODEzNmE5MDczMDk0OGI1MjcxY2JkMzQ2MThlMTBjM2JhNWUwZjQ1ZWJmMGY2NWlwM2VjOGY3YQ==&p=YXAzOmNpdHlvZmFzcGVuOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmI3ZWFiZmI2Y2Q3MjllMTMxZmJjZWE5ODE4NTEzZjJiOnYx](https://avanan.url-protection.com/v1/url?o=www.garfieldhecht.com&g=NDVhNmYzYjI0ZWJjODgxYQ==&h=YWI5ZmVjNDdmODEzNmE5MDczMDk0OGI1MjcxY2JkMzQ2MThlMTBjM2JhNWUwZjQ1ZWJmMGY2NWlwM2VjOGY3YQ==&p=YXAzOmNpdHlvZmFzcGVuOmF2YW5hbGpvZmZpY2UzNjVfZW1haWxzX2VtYWlsOmI3ZWFiZmI2Y2Q3MjllMTMxZmJjZWE5ODE4NTEzZjJiOnYx)

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Exhibit C- Public Comments from Previous HPC Hearings
(January 13 & February 17)

From: [Tiffany Smith](#)
To: [Kevin Rayes](#)
Cc: [Amy Simon](#)
Subject: 1020 E. Cooper Ave. Neighborhood
Date: Friday, January 15, 2021 1:30:00 PM

Dear Kevin,

Thank you for your presentation at Wednesday night's online meeting regarding the 1020 E. Cooper Project. I appreciate your service to Aspen. That said, I do have serious doubts and reservations regarding some of the things you presented, particularly the idea that there will be "plenty of parking" when *our own personal experience* is that there is *already* often NOT ENOUGH parking in that block and in the alley. Local residents, day-trip tourists, contractors, visitors of residents and holiday renters already park there by the dozens.

I was also interested in Figure 7 that was shown – an image of a short barely 2-block area described as having "only four deed-restricted affordable units". *Only* 4 units in a tiny area? And in fact, when I just looked at APCA's Affordable Housing map online, between West End St. (1 block west of Cleveland, our corner) and the River and within 2 blocks N and S of E. Cooper, there are **23 AH rental units and 4 AH owned units**. And besides, *not 1 resident* on Wednesday night's web meeting made an issue of having more affordable housing units in our neighborhood. In fact, we welcomed the idea if handled appropriately. The main issues, as have been stated time and again, are the out-of-proportion mass and scale of the 1020 E. Cooper addition, a lack of respect for the historic resource and the project's lack of parking.

And lastly, I was particularly struck by your seemingly sincere belief in this statement that you showed to us: *Our housing policy should bolster our economic and social diversity, reinforce variety, and enhance our sense of community by integrating affordable housing into the fabric of our town. A healthy social balance includes all income ranges and types of people. Each project should endeavor to further that mix and to avoid segregation of economic and social classes"*

In reference to this, I'd like to give you – and any official associated with this project – a little background on some of the people who live on our block, and I think once you've read this that you'll agree that our neighborhood already reflects the: "*A healthy social balance includes all income ranges and types of people*" sentiment – *and* see that we're not exactly exclusive Beverly Hills ;)

* Scott McDonald and his son, Will, were both raised at the little historic house on the corner of E. Cooper and Cleveland, 2 doors down from us. They're hardly upper-class.

*Lou and Ray Stover, at 1006 E. Cooper, neighbors of the McDonalds' and the ones who followed what HPC told them to do several years ago and built a wonderful addition to their own historic resource. In fact, in complying with HPC's ruling on their project, they shrunk their plan's footprint and left a lot of money (in in-door square footage) on the table. This is obviously something Jim DeFrancia and Jean Coulter are refusing to do because *they* don't want to leave *any* money on the table. Lou grew up in a small Texas town where her father was a professor. Ray's lived all over as his father was in the foreign service. Ray actually served as a pilot during Viet Nam. They built a small tech business together and have settled full-time in Aspen. The friendly and civic-minded Stovers definitely aren't Bill and Melinda

Gates.

*Across the alley from them is Diane Munisch and I think she was an accountant and now she works the cheese counter at Whole Foods down in Willits. And our friend, Sally Ann, who lives there too is a therapist. And most of the people who live in their complex on E. Hyman are similar – just normal people who chose Aspen for its small mountain town lifestyle.

*In our 4/5-unit complex at 1012 E. Cooper, a non-historic 70's version of a Victorian-style building, there are Bob and Paulette Koffron of Michigan, a retired engineer (who was raised on a farm) and a retired school teacher respectively, Bukk Carleton from back East who is in real estate and often rents out his unit to local seasonal workers – this last summer it was a delightful young woman who worked at the theatre, and then there's Steve and Enee Ableman from Florida, and Michael and I from Texas – all of us were raised in a very middle class way and work/worked professional jobs. Personally, I grew up in a small 3-2 out in the suburbs, attended public schools and helped put myself through college and helped put Michael through grad school. In fact, my dad was raised very poor in a small Texas town – like not-enough-food/stuff-newspapers-in-your-shoes/wash-windows-before-school-when-your-7-years-old poor but he went to college on a basketball scholarship then joined the Navy and was fortunately able to pull himself out of his impoverished circumstances. None of us at 1012 are the Lord and Lady Grantham landed gentry types either. NOTE: Yes, we have 5 units at our complex (1 of which is a tiny efficiency) but our lot is over 6,000 SF, so *almost a 1/3 larger than 1020*.

*At 1024 E. Cooper, there's Kristi Gilliam, a local real estate agent, Jaime Rubinson, also in Aspen real estate, 3 local landscape workers, a guy who manages the rug store in town, Baron Concors, who's a tech officer from Dallas, and a couple of owners who rent out their places to local and seasonal workers, etc. Again, no elites there, it's mostly just people who work in Aspen.

*Across the alley from 1020, is Julie (she's the one who has the deeded parking space in the alley). She's a retired teacher and a local who owns the affordable housing unit in her complex. She's a sweet woman who likes to walk her cat and visit the neighbors. Not exactly an exclusive socialite.

And, of course, there are many more similar stories among our neighbors but these are the ones that come to mind as I write this. All this is to say, that making a big point of factoring in “economic and social diversity” while deciding on *this* particular project should not be a primary focus since we're fortunate to already have lots of locals and semi-locals, including local employees, we're of varying income levels and experiences and our origins are from across the nation and world – plus, *none of us* are members of some exclusive class. That's what we love about it! And here's the thing – we are very aware of and immensely grateful for the blessings that we have. So, before you stand in judgement of us – or any other neighborhood, please consider what I've shared with you and actually get to know the people in a neighborhood before making assumptions about their intentions. It's about kindness and respect for everyone. It's about the truth.

In closing, if the City of Aspen *is authentic* about socially and economically integrating the city, then they have work to do in other neighborhoods – the West End north of Main, Red Mountain, Cemetery Lane area, the areas close to Aspen Mountain, the area along 82, east of town, etc. They're part of the “fabric of our town” too and it's not fair for the areas of town that are zoned multi-family to alone bear the burden of *inappropriately high-density projects*

that upset the livability conditions of a neighborhood.

Again, thank you for your service to the Aspen community.

All the best,

Tiffany Smith

From: [Leisha John](#)
To: [Kevin Rayes](#)
Subject: 1020 E Cooper
Date: Monday, June 7, 2021 11:54:51 AM

Hello,

I live at 1039 E. Cooper (but previously lived at 1024 E Cooper Ave). I have attended many of the meetings and still believe the proposal for 1020 miner's cabin is way too large in terms of mass and scale as it relates to the small undersized lot. It seems the developers completely ignored public comment, HPC's deliberations and City Council's discussion at their Special Meeting. While I'm in favor of developing the lot (with an appropriate scale and following the historical regulations) I want to understand why Mayor Torre, Councillor Mullins and Councilor Mesirov, who all agree that this project should be scaled down and rethought, are being ignored?

--

Leisha John

From: [Greg Hamra](#)
To: [Kevin Rayes](#)
Subject: 1020 E. Cooper Av.
Date: Monday, June 7, 2021 11:10:04 PM

Mr. Rayes and Aspen City Councillors:

I'm a property owner at 1039 E. Cooper Av. I've been following the ongoing drama with the property at 1020 E. Cooper Av. and would like to say that, while I am all for more affordable housing and greater density *in general*, I feel the proposed plans for **this particular property** are inappropriate for **this particular area**.

- there's not enough parking on the street or in the alleyway to accommodate the projected occupancy slated for this large project
- the daylight and views on the properties to the east and west would be significantly, adversely affected by the massive scale of this proposed edifice

I would be interested in seeing a less obtrusive project put up here with a bit more of a setback and designed for fewer occupants.

Thank you for your consideration.

Greg Hamra, LEED AP | 305.310.4169

From: [Skippy Mesirow](#)
To: [Caroline McDonald](#); [Jim True](#)
Subject: Re: HPC public written comments for HPC's June 9th 2021: 1020ECOOPER proposed project
Date: Friday, June 4, 2021 1:20:49 AM

Hello Caroline,

As a quasi-judicial hearing, we cannot discuss or take in comment outside of the public hearings for reasons of fairness and transparency. I am copying our City Attorney Jim True to capture this for the public record if needed in the future. Thank you for your thoughts, it is important I not read them so that I need not recuse myself from any future hearing.

From: Caroline McDonald <scottandcarolinemcd@gmail.com>

Date: Thursday, June 3, 2021 at 10:40 PM

To: Torre <torre@cityofaspen.com>, Ann Mullins <Ann.Mullins@cityofaspen.com>, Ward Hauenstein <ward.hauenstein@cityofaspen.com>, Rachael Richards <rachael.richards@cityofaspen.com>, Skippy Mesirow <skippy.mesirow@cityofaspen.com>, johndoylesculpture@gmail.com <johndoylesculpture@gmail.com>, info@saveaspen.org <info@saveaspen.org>

Subject: Fwd: HPC public written comments for HPC's June 9th 2021: 1020ECOOPER proposed project

----- Forwarded message -----

From: **Caroline McDonald** <scottandcarolinemcd@gmail.com>

Date: Thu, Jun 3, 2021 at 8:33 PM

Subject: HPC public written comments for HPC's June 9th 2021: 1020ECOOPER proposed project

To: <kevin.rayes@cityofaspen.com>

Date: 06\03\2021

To: HPC commissioners, City Council members and SaveAspen.Org.

From: Caroline McDonald, 1000 East Cooper Ave. Aspen, Co 81611

Subject: Deficient parking for blk 34 from P C Assessors Office data.

Ref: Quasi judicial mis-statements of fact by City Staff, Councilman Skippy Mesirow contrary to neighbors' testimony and assessors data. Deficient parking for blk 34 is supported by evidence.(assessors map bedroom count)

Council member, Skippy Mesirow was allowed to voice at a quasi judicial hearing, "That no parking problem existed when he lived in the neighborhood (of APCHA' 1020 E COOPER PROJECT) ." This is technically false and misleading, but has been allowed to stand. Skippy did not state that he lived on blk 33, not 34, nor did he divulge that his Block 33 has only 58 bedrooms and relatively ample off-street parking, where as block 34, will have 148 bedrooms, deficient off-street parking and approximately 1/3 less linear feet of on-street parking due to hwy 82. It is readily apparent that Skippy's blk 33 has more than adequate parking on site compared to blk 34 with the proposed 1020ECooper Project.

Documents need to be submitted by city staff to substantiate "there is no parking problem on blk 34': This biased, standing premise that the City Council Quasi-Judicially determined, helped justify remanding the project back to the HPC. This seems a duplicitous violation of their own "Quasi Judicial principles."

Furthermore, Councilman Ward Hauenstein misstated that, the HPC was out of line to discuss and question the number of bedrooms in the 1020ECooper project, His statement was also allowed to stand and is a gross distortion of fact. The number of bedrooms is proportionally related to the massing of the city's proposed APCHA addition, therefore since these bedrooms are dimensionally barely compliant to code, it is appropriate for the HPC to discuss the number of bedrooms for them to follow their own massing guidelines.

The city absurdly offers parking reduction for "cash in lieu" for deficient parking. What does it do to mitigate Blk 34 on street parking limitation? Nothing. The additional impact of potentially 20 more cars parking on street will result in a dramatic increase in the frequency of being required to park 2, 3 or 4 blocks from your home in season. Obviously the City doesn't care.

We, as second homeowners, 3000 strong, find we have no representation on this council to defend our Civil Liberties and Rights regarding real property ownership. This lack of representation for any American would seem blatantly wrong considering Aspen unique demographics.

Observation: City Staff and this Council are apparently in bed with big developers, justified by the prospects of monetary or social capital gain. The Council and staff in a quasi-judicial hearing, have resorted to bias and distortion to stuff 12 bedrooms onto 1020 E Cooper to meet Lift One's employee housing quota. Sincerely, Caroline McDonald

From: [Jim True](#)
To: [Kevin Rayes](#)
Cc: [Kate Johnson](#)
Subject: FW: HPC public written comments for HPC's June 9th 2021: 1020ECOOPER proposed project
Date: Friday, June 4, 2021 8:05:01 AM

More for the record.

From: Rachael Richards <rachael.richards@cityofaspen.com>
Sent: Friday, June 4, 2021 7:08 AM
To: Jim True <jim.true@cityofaspen.com>
Cc: Phillip Supino <phillip.supino@cityofaspen.com>
Subject: FW: HPC public written comments for HPC's June 9th 2021: 1020ECOOPER proposed project

FYI

From: Caroline McDonald <scottandcarolinemcd@gmail.com>
Sent: Thursday, June 3, 2021 9:40 PM
To: Torre <torre@cityofaspen.com>; Ann Mullins <Ann.Mullins@cityofaspen.com>; Ward Hauenstein <ward.hauenstein@cityofaspen.com>; Rachael Richards <rachael.richards@cityofaspen.com>; Skippy Mesirow <skippy.mesirow@cityofaspen.com>; johndoylesculpture@gmail.com; info@saveaspen.org
Subject: Fwd: HPC public written comments for HPC's June 9th 2021: 1020ECOOPER proposed project

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To: <kevin.rayes@cityofaspen.com>

Date: 06\03\2021

To: HPC commissioners, City Council members and SaveAspen.Org.

From Caroline McDonald, 1000 East Cooper Ave. Aspen, Co 81611

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Dear HPC members,

I am a resident of Aspen for over twenty years. I observe local city council and HPC hearings as someone interested in keeping Aspen from being overdeveloped and turning into a town we no longer recognize. As you know, there is a lot of emotion across our community regarding the overdevelopment of Aspen. The case of 1020 E Cooper is just a micro example of this issue. Let's look at the facts surrounding 1020 E Cooper.

First, the use of the property is irrelevant in decision making regarding this property. The developers are trying to distract everyone from the mass and scale issues by playing on sympathy for affordable housing. As much as we all want more affordable housing, that doesn't mean one can break all the HPC and land use rules in pursuit of achieving that goal. The very purpose of the HPC is to prevent the construction of mega-structures like this and to protect the history and legacy of our town.

The 1020 E Cooper project breaks several HPC codes including the following –

10.8 - Design an addition to be compatible in size and scale with the main building.

The fact is the proposed addition is almost 300% the size of the main building.

10.11 - Roof forms shall be compatible with the historic building.

The fact is the roof form of the addition completely overwhelms the historic building.

11.3 - Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel.

The fact is the new building is almost 300% the size of the historic building.

11.4 - Design a front elevation to be similar in scale to the historic building.

The fact is the primary plane of the addition is much taller than the historic building.

Approving this project will clearly paint the picture of the HPC siding with big developers versus the residents of Aspen.

The right answer is of course for the HPC to be the voice of reason and recommend the project be downsized to meet HPC guidelines. The developer's argument is that they will not make any money should the project be downsized. Why is that the city's problem? If the developer cannot make the economics work while complying with HPC code, then they should sell the property to someone else.

We as a community can do better and push for a solution that works within the historic guidelines that were put in place to protect Aspen.

Thank you

Greg Lucas

210 E Hyman Ave

From: [Steve Carlton](#)
To: [Kevin Rayes](#)
Subject: HPC Hearing - 1020 Cooper
Date: Friday, June 4, 2021 9:48:05 AM

Below is my letter for the HPC regarding the 1020 Cooper project. Regards, Steve

Dear HPC Committee,

The very purpose HPC exists is to preserve the historic properties in our town and to prevent huge structures like this from being built. The 1020 Cooper project violates the most basic HPC guidelines regarding mass and scale.

I've attended the last few HPC meetings on this topic and here are my observations...

- 1) Little dialogue happens about the very obvious issues with mass and scale. This project is bigger than the SFH previously denied by HPC due to mass and scale.
- 2) The discussion always turns to comparing this project to the condominiums on either side of it. Those properties are not historic – they do not have to abide to HPC guidelines like this project does. It's comparing apples to oranges.
- 3) Why does staff continue to recommend the project despite the clear issues with mass and scale?

If approved, I'm very concerned with the precedent this will set for our beloved town. We will see more and more of these projects come forward where the mass / scale will overwhelm the historic structure. Let's learn from past mistakes and do what is right for our city.

The council remanded the project back to HPC because of the previous dialogue around too many people living on the property, how it impacts the neighborhood, etc. Let's not talk about any of that and focus on the key issues of mass / scale and how the new structure completely overwhelms the historic structure.

Please push for a project that reduces mass and scale and protects this precious piece of Aspen history.

Steve Carlton

From: [Caroline McDonald](#)
To: [Kevin Rayes](#)
Subject: HPC public written comments for HPC's June 9th 2021: 1020ECOOPER proposed project
Date: Thursday, June 3, 2021 9:34:29 PM

Date: 06\03\2021

To: HPC commissioners, City Council members and SaveAspen.Org.

From Caroline McDonald, 1000 East Cooper Ave. Aspen, Co 81611

Subject: Deficient parking for blk 34 from P C Assessors Office data.

Ref: Quasi judicial mis-statements of fact by City Staff, Councilman Skippy Mesirow contrary to neighbors' testimony and assessors data. Deficient parking for blk 34 is supported by evidence.(assessors map bedroom count)

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From: [Skippy Mesirow](#)
To: [Kristi Gilliam](#); [Jim True](#)
Subject: Re: 1020 East Cooper
Date: Friday, June 4, 2021 1:14:21 AM

Hello Kristi,

As a quasi-judicial hearing, we cannot discuss or take in comment outside of the public hearings for reasons of fairness and transparency. I am copying our City Attorney Jim True to capture this for the public record if needed in the future. Thank you for your thoughts, it is important I not read them so that I need not recuse myself from any future hearing.

From: Kristi Gilliam <kristi@rof.net>

Date: Thursday, June 3, 2021 at 4:54 PM

To: Torre <torre@cityofaspen.com>, Ward Hauenstein <ward.hauenstein@cityofaspen.com>, Rachael Richards <rachael.richards@cityofaspen.com>, Skippy Mesirow <skippy.mesirow@cityofaspen.com>, Public Comment <PublicComment@cityofaspen.com>, Ann Mullins <Ann.Mullins@cityofaspen.com>

Cc: kevin.rkevin.rayes@cityofaspen.com. <kevin.rkevin.rayes@cityofaspen.com.>

Subject: 1020 East Cooper

Dear City Council and HPC

NOTHING has changed regarding the application on 1020 East Cooper! The developers have in NO WAY listened to any of the Neighbors and/or any other people who took the time to fill put the survey monkey NO ONE is for overbuilt mass projects on our small historic lots or any others! Please do not approve a project simply to satisfy the employee housing quota! Approving these type projects that are over built are going to have on going consequences in years to come when most likely all of you are out of office.

11.3 The back building is NO WHERE NEAR similar in scale?!?!?!? Are there different rules depending on who the applicate is? THIS SHOULD NOT EVER BE THE CASE! It's really discouraging to see this applicant's project gaining more traction and its bigger than the last! This is unfair and should never have gotten this far!

11.4 the primary plane of the front shall not appear taller than the historic structure?!?!? This requirement again is being thrown under the rug! Why have it, if it is not going to be respected and adhered to?!?!?

1.1 if approved the cabin will be 3 small feet from the current fence-

taking up the entire yard! This is wrong! Not only does it also go against code, it is pathetic! (They are already cutting down a huge tree in the back that is healthy) We can't keep doing this! These code were put in place for reason! We need to do a better job preserving the green space not removing it all! This was such a big deal when I moved to Aspen in '95..and now it is all about smashing as much construction and people together that the land can hold, but this is not what the majority of tax paying citizen want.

I respect each of you, your job I truly believe is a tough one, but we are have to try and think out of the box on how to improve the employee housing situation without burdening everyone else and realistically further Aspen with more and more cars and NO PARKING! The Parking issue is already at crises level in the Summer! Last year it was a total mess and it will only get worse as more and more people continue to move here permantely (check with the schools) I am in real estate and I am seeing more and more people moving to Aspen full time. We are seeing fewer and fewer people renting out their places, instead much more Owner use and much more family use than we have ever seen in the past. The car situation is only going to get worse if more places are built that do not provide for parking! Last week I walked around to several of the employee housing properties in town and took photos I can glad send. EVERY PARKING SPOT HAD A CAR IN IT! Believing that most people in town will not have a car is ignorance and thinking by giving someone one a buss pass or some other stupid concession is going to encourage them to give up their car is ridiculous!! We have got to find a way to force developers to provide adequate parking for the long term residences. The Fee in lieu is a joke!! Making the town more stressful for EVERYONE because of the lack of parking, is not the answer!!

Anyway, thanks for listening to my opinion!!

Kindly,

Kristi Gilliam
Gilliam Properties of Aspen
1024 East Cooper #8
Aspen, CO 81611
970-948-0153
kristi@rof.net

Dear HPC Commissioners:

I am writing an additional letter to you to express my concerns about misrepresentations and lack of clarity related to certain aspects of the 1020 E. Cooper project proposal.

Code Compliance

The applicant referred numerous times to its “fully code compliant” project in its February 17, 2021 presentation. Yet without the historic resource, this multi-family project would not be allowed on this non-conforming lot. As such, the Historic Preservation Design Guidelines (HPDG), which are incorporated into the Land Use Code, govern this project, and it is up to this commission to judge compliance. This project remains non-compliant with multiple, important HPDG provisions including 1.1, 1.7, 1.12, 11.3 and 11.4.

Detrimental Rear Lean-to Addition

The applicant has worked to sell the idea that the rear addition is of an early time period, and in its most recent application states that “the 1020 Project preserves a unique landmark that comprises two attached buildings and adapts the property to multi-family housing, which is likely its original use.” This is nothing short of fanciful speculation and contradicts the findings of HPC staff in the December 11, 2019 Staff memo to HPC addressing the first 1020 Cooper LLC application, which states clearly on page 4, “Based on staff and HPC feedback, the applicant has made a number of changes from the original proposal, including removing the non-historic rear lean-to from the house.” Later, on page 5, the staff memo states, “the project involves the demolition and replacement of an older addition that is considered to have been particularly detrimental to the historic resource.” *Staff clearly determined in 2019 that the rear addition is detrimental to the historic resource.* However, in its memo to HPC for the January 13, 2021 meeting on the current affordable housing project staff contradicts its earlier findings stating, “Staff finds the proposal to preserve the historic resource as free-standing, with a detached and adequately distanced new structure at the rear of the lot to be a successful preservation outcome. There are only a few examples of miner’s cottages in Aspen that have been preserved with no significant addition, as this one will be.” But this will not be a miner’s cottage preserved with no significant addition. Rather it preserves a rear addition that is, in staff’s own words “detrimental to the historic resource.” This outcome is far worse than a proper preservation where the non-historic addition is removed and the idea this project merits special consideration must be debunked by the Commission.

Building Height

Throughout their presentation and documents, the applicant refers to building “heights” as being substantially below the 32’ maximum height. However, few people that are not architects or members of this Commission may know that the height being referred to represents only the height to the 1/3 point of the roof pitch. The true height (as the word would be defined in the dictionary) of the east-west ridge line is 33’, which is the dominant feature any pedestrian would perceive towering over the 16’ historic resource.

Mass and Scale

- The applicant knows well that guideline 11.4 (“The primary plane of the front shall not appear taller than the historic structure”) is not met for this project, so they refer you to the height of the third floor deck as representing the primary plane of the new building, since the large front gable over this deck steps back a few feet. Even by their own admission this is 4’ taller than the historic structure, so violates the guideline. But they exclude the railing of this deck, which continues the primary plane and rises another 3.5’, placing it 7.5’ above the historic. But all of

this is architectural obfuscation. Clearly, what the eye perceives as the front plane (and what guideline 11.4 means by “shall not appear”) is the massive front gable, which rises to over 33’, dominating the 15.5’ front gable of the historic. No obfuscation and spin should convince the Commission that this guideline is met.

- The applicant talks around guideline 11.3 (“Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel”) by referring to the size of the neighboring buildings, because they know this guideline is not met. The guideline does not refer to neighboring buildings, only the historic buildings, because that is the relevant reference to whether the new building overwhelms the historic resource. It takes little more than a look at the south elevation, where the three-story new building towers over the historic resource to know this guideline is not met. A look at the east elevation, however, truly drives home the massive disparity in overall mass and volume between the historic (even including the non-historic addition) and the new building. I personally have requested from the applicant a calculation of above ground volume under roof for the historic building and the new building. The applicant refused. My own estimate, based on square footages and heights, is that the new structure comprises 3 times the volume of the historic structure, even including the non-historic addition. The Commission should insist on this calculation to judge the true disparities in the proportions of these buildings.

Neighborhood Opposition

Proponents of this project, with the assistance of the local media, have spread a false narrative that the neighborhood opposition is rooted in aversion to affordable housing. The truth is that this neighborhood came together to oppose the 2019 single-family home project, submitted on behalf of this same 1020 Cooper LLC, because it did not adhere properly to the HPDG. The proposal was to build a large single-family home, but one which was substantially smaller in mass and scale than the currently proposed multi-family housing. HPC approved the project, but City Council used their call-up review to send it back to HPC to reconsider mass and scale, fence height and the tree straddling the lot line. Now the neighborhood is understandably perplexed that this much larger project, which dwarfs the historic resource, can be deemed to meet the rules regarding mass and scale that the prior project did not. The neighbors have stated repeatedly that they welcome a properly-scaled affordable housing project. Such a project could still be submitted after the Commission rejects this over-scale development.

The applicant and staff seem unified in wanting this project approved. I believe these points, among others that will be made by member of the public, should caution against such approval. A project that properly complies with the HPDG is possible with your guidance and rejection of the current proposal.

Sincerely,

Michael Smith
1012 E. Cooper #1

Dear HPC Commissioners:

The 1020 E. Cooper applicant has returned with a project that has not changed in any meaningful way from the one rejected previously by HPC. This project is about nothing more than maximizing development at minimal cost. There is no proper restoration of the historic resource and removal of the detrimental non-historic addition. Dressing up the exterior and keeping the non-historic addition without properly restoring the historic to its original shape and appearance is an affront to historic preservation. The mission of the HPC is historic preservation. From an historic preservation perspective, the applicant seeks much from the Commission and gives little in return:

- The applicant is asking to move the resource far forward on the lot, misaligning the structure with the historical pattern (evident from the two other historic homes on the same side of the street, the 1896 Aspen Map by W.C. Willits and the 1890 Sanborn map showing the Cooper block at Cleveland) in clear violation of **HPDG 1.1** (“Building footprint and location should reinforce the traditional pattern of the neighborhood”).
- The applicant asks for approval to construct an enormous second building on the lot, with a 3-story façade and height of the front peak that sits at 33.5’, over twice the height of the 15’-6” front peak of the historic, in clear violation of **HPDG 11.4** (“The primary plane of the front shall not appear taller than the historic structure”). The sheer size of the massive rear structure, clearly evident from the south and east elevations, is completely out of proportion with the historic building, even including the non-historic addition, in clear violation of **HPDG 11.3** (“Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel”).
- The applicant asks for approval to remove nearly all of the substantial open space on the lot, breaking what little remains into mostly paved walkways, paved parking, staircases, trash areas, and one small shared sitting area, in clear violation of **HPDG 1.7** (“ensure that open space on site is meaningful and consolidated into a few large spaces rather than many small unusable areas”) and **HPDG 1.12** (“Do not cover areas which were historically unpaved with hard surfaces, except for a limited patio where appropriate”).
- The applicant asks for approval of what amounts to a setback to setback development, with the historic resource and its non-historic addition in combination with the new housing structure to the rear, pushing to the setback limits on every side, in clear violation of **HPDG 1.1** (“In a residential project, setback to setback development is typically uncharacteristic of the historic context. Do not design a project which leaves no useful space visible from the street.”)

As itemized above, this project violates multiple, important principles of HPC. The applicant hopes that the halo of developing affordable housing will cause the Commission to overlook these violations. Please honor your obligation to Aspen’s history and principles and reject this application.

Sincerely,

Michael Smith
1012 E. Cooper #1

From: [Stephen Abelman](#)
To: [Kevin Rayes](#)
Subject: Please Include in your packet to the HPC- thanks!
Date: Thursday, June 3, 2021 9:55:51 AM

Dear Aspen HPC,

We want to repeat our thanks to all of you for your continued hard work in guiding our city related to building policies, historic preservation and employee housing. We are also very thankful to the HPC for attending to difficult decisions, regarding the present development application for 1020 East Cooper Avenue. As we have said before, many times previously, we are so very supportive of employee housing, right next to our home, and in our neighborhood.

We are also very supportive of Kevin Rayes's statement regarding the mission statement of our Aspen Housing Policy- "Our housing policy should bolster our economic and social diversity, reinforce variety, and enhance our sense of community by integrating affordable housing into the fabric of our town. A healthy social balance includes all income ranges and types of people. Each project should endeavor to further that mix and to avoid segregation of economic and social classes."

Kevin, you are right on!! We feel that your statement should also include that our dedicated city and county employees should all be able to live in safe and comfortable living conditions--- AND be paid reasonable wages.

So, our decisions regarding 1020 East Cooper comes down to one simple rule, "love thy neighbor". We are looking out for "All" our neighbors here in Aspen, including our future neighbors at 1020 East Cooper.

If in fact, the developer and APCA would agree to restrict occupancy to "1" unrelated adult per bedroom, it would go a long way in creating a much nicer community for the 1020 East Cooper future occupants. The question is, how will and who will manage this situation? We would suggest a deed restriction.

We still face the mass, scale and parking issues that could easily be resolved with fewer units. It does seem that even with fewer units, the developer has good incentive to build a more appealing structure, provide significant and comfortable employee housing and fulfill the mission statement of the "Aspen Housing Policy". Especially since the FTE payouts have very recently been increased.

We feel that if the HPC can appeal to the developer to build fewer units and adhere to the density restrictions of each unit / bedroom, this project can be very successful on all fronts. In that, we (Aspen) could better preserve the historic structure,

provide quality and comfortable housing for city employees and support staff and still give ample profit to the developer.

Thanks again for your hard work and attention to this issue.

Kind regards,

Steve and Enee Abelman
1012 East Cooper Avenue

From: [Patricia Glass](#)
To: [Kevin Rayes](#)
Subject: Resident Issues with the current 1020 E. Cooper Avenue Project to forward to all members of the Historic Preservation Commission
Date: Sunday, June 6, 2021 12:09:21 PM

Good Afternoon Kevin - I am a resident and owner at 1001 E. Cooper Avenue, just across the street from 1020 E. Cooper Avenue project. I am deeply concerned and distressed and have listed below

my primary issues with the current 1020 E. Cooper Project plans. Kindly forward this entire email to all members of the Historic Preservation Commission for their prompt review and consideration.

Thank you

- Historic Preservation Design Guideline (HPDG) 11.3 states, “Construct a new building to appear similar in scale and proportion with historic buildings on the parcel... (and that) reinforces the basic visual characteristics of the site” - However, the current new building’s mass at well over 3,000sf is more than 3 times the mass of the historic cabin which is only just over 1,000sf. So this important guideline is not met.
- HPDG 11.4 states, “The primary plane of the front shall not appear taller than the historic structure” - However, in a true comparison of actual building height, which is what pedestrians and residents will see when looking at the development and is the spirit of the guideline, is that the new building is twice the height of the cabin, and thus certainly appears much taller than the historic, so this crucial guideline is also not met.
- HPDG 1.1 which states, “Building footprint and location should reinforce the traditional pattern of the neighborhood. 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.” - At a setback of a mere 6.5ft, the historic cabin will be placed closer to the sidewalk than cabins on this block were originally, including this one per the Willits 1896 map, and it will be closer to the sidewalk than any other dwelling building in the neighborhood. A neighbor realized that the BendonAdams Table 1 regarding neighborhood dwelling setbacks is incorrect, and that 1012 E. Cooper is actually set back 22’ (not 10.6’), 1024 E. Cooper *dwelling* (not patio wall) is set back 8.5’ (not 0’) and 1034 E. Cooper *dwelling* is set back 10’ (not 0’). And ALL other dwellings in this area have setbacks with yards and trees that are larger, some much larger, than 1020 will be, which means this guideline is also not met.
- HPDG 1.7 which states, “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” - Most of the open space square footage of the current 1020 development are hardscapes like small private decks, and various walkways and stair cases, and the other open spaces are so small as to not be accurately called “open” and “meaningful”, so it’s also not met.
- AACP Housing Policy IV.6 states, “Residents of affordable housing and free market housing in the same neighborhood should be treated fairly, equally, and consistently with regard to any restrictions or conditions on development such as parking...” - However the current plans for 1020 have the developers paying cash in lieu for the 5th unit’s parking space. Though this is allowable by Code, common practice in this neighborhood is for complexes to provide at least 1 parking spot per unit, so the current application is unreasonable, inequitable and discriminatory towards the prospective

tenants since it does not provide 1 parking space per unit, which means this policy is not met. These workers should be able to have a car (which could be an EV) and park it like other residents in the neighborhood.

- AACP Housing Policy IV.5 states, “the design of new affordable housing should optimize density while demonstrating compatibility with massing, scale and character of neighborhood” - This relates directly to HPDG’s 11.3, 11.4, 1.1 and 1.7 and supports HPC’s prior findings regarding 1020 E. Cooper, and means this policy is not met.
- The Historic Preservation Commission’s primary responsibility is to preserve as best they can Aspen’s unique history and its valuable historic resources. And even though they can consider other aspects of the Code, they must prioritize the Historic Preservation Design Guidelines over other areas. They are the only commission in Aspen who are solely designated to this important task.
- We advocate for an affordable housing project on the 1020 site that is more compatible with the narrow, non-conforming lot size and that will properly respect and honor the historic cabin and lot. Per the recent increase in affordable housing credit values, the developers will still make a tidy profit if they reduce the size of the new building.

Patricia Glass
C: 917-593-6523

All spelling errors courtesy of iPhone autocorrect

Dear Aspen Historic Preservation Commission,

I'm writing to you yet again regarding 1020 E. Cooper.

First of all, let me shout from the Aspen Mountaintop – I personally welcome an affordable housing complex next door to us at 1020 E. Cooper! The only trick is getting it to the right size to fit that narrow, non-conforming historic lot and to best honor the historic cabin.

Secondly, I continue to stand by you in your January and February decisions regarding 1020. I can only imagine how hard that was then and has been since.

Regarding the “updated” 1020 E. Cooper plan for the June 9th meeting, interestingly, despite all the public comment, your commission’s deliberations, and even City Council’s discussions, it isn’t actually updated at all. It’s exactly the same as the February 10th plan. Same height, same mass, same size, same placement on the lot – same everything. The developers didn’t listen to anyone at all. They kept their plans and simply changed the narrative of the application to include bits of the Aspen Area Community Plan as a way of swaying your attention away from the importance of your job – historic preservation, and towards helping the developers get as many bedrooms as possible in order for them to get the biggest payout possible. For them, this is about money, which is understandable for developers – and possibly mitigating their own affordable housing needs for Gorsuch Haus. It seems they might be in a bit of a pickle there. However, that’s not your problem.

Here’s the concern – the 1020 E. Cooper Project plans still do not meet the following Historic Preservation Design Guidelines, which are arguably some of the most important since they ensure that the historic resource is best preserved as it was meant to be and is able to be viewed by people as such:

- 11.3 states, “Construct a new building to appear similar in scale and proportion with historic buildings on the parcel... (and that) reinforces the basic visual characteristics of the site” – **This is not met because at about 3,400sf the new building is more than 3 x the size of the 1,055sf historic resource. That new building still appears enormous compared to the much smaller proportions of the cabin.**
- 11.4 states, “The primary plane of the front shall not appear taller than the historic structure” – **This is not met because peak-to-peak, the new building's actual height (not their wonky comparison to the new addition's front deck as the “primary plane”) is about 30 feet taller than the historic cabin, so the new building itself obviously appears much taller than the historic structure, in fact it looms over the cabin.** Besides, no reasonable person when viewing this new building would consider the front deck (what they’re calling the “primary plane”) as the top height of the building, but even still, the deck IS higher than the historic cabin. Creating that front deck so that it could be the “primary plane” was clearly obfuscation, and a means to an end – lowering the comparison point between the two structures. *If you look at both the front elevation renderings of 1020 and the East and West elevation drawings, you will*

clearly see the actual huge size, mass and height difference between the historic cabin and the new building.

- 1.1 states, “Building footprint and location should reinforce the traditional pattern of the neighborhood. 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.” – **This is not met because not only do the buildings’ footprints and hardscapes sprawl all across the historic, essentially unchanged 130-year-old lot, but my research shows that almost every property in this entire neighborhood, including neighboring 1012 E Cooper, 1006 E Cooper (a historic resource), 1000 E Cooper (a historic resource) and the Villager across the street all have much larger front and side yard areas (with lots of grass, trees, etc.) than 1020 will have, so the buildings will not reinforce the traditional pattern of the neighborhood – or reflect its own important history, which seems to getting forgotten in all of this debate. It will literally be the house/building set CLOSEST to the sidewalk on the entire street.**
- 1.7 states, “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” - **By the developer’s own admission, most of their designed open spaces are small private decks (which aren’t reasonably usable in the winters), walkways and stairs, so 1.7 is also not met. If you look at the 1020 Landscape Plan you will see how little green and open space there will be on this narrow, tiny lot.**

As the COA’s website so aptly states, “Historic Preservation connects us to our heritage, enabling us to learn from and appreciate the stories and context of our past. Preserving our historic resources differentiates us as a community and contributes to our long-term cultural awareness and sustainability.” And as members of Aspen’s Historic Preservation Commission, it must necessarily mean that your primary responsibility is to best preserve Aspen’s precious historic resources. For your particular commission, it wouldn’t seem logical for historic preservation to take a back seat to other considerations. And as my above comments show, clearly the current plan would mandate that the best, most optimal historic preservation efforts be sacrificed in order to develop 1020 as a large complex, whether it was free-market or affordable worker housing.

I also think it’s interesting that the developers have chosen to weave AACP into their narrative, which necessarily talks about livability issues which was the cause of your recent unfortunate troubles with the developers and City Council. In this updated application, they mention AACP Housing Policy IV.6 which states, “Residents of affordable housing and free market housing in the same neighborhood should be treated fairly, equally, and consistently with regard to any restrictions or conditions on development such as parking...” And my research shows **all of the single-family homes, townhouses and 3- to 24-unit condo complexes within 3 blocks of 1020 provide at least 1 parking spot per unit (even the APCHA complex - Ute City Place at 909 E. Cooper and the SkiCo complex at 832 E. Cooper do), yet 1020 won’t.** It’s true that code allows the developers to pay cash-in-lieu instead of providing the 5th spot (they want the unit and its

bedrooms for the FTE's but can't fit the parking spot) but **isn't that inappropriate, discriminatory and unfair towards the new residents since common practice in this neighborhood, "the same neighborhood", is to provide 1 spot per unit?** And while we applaud the City for trying to reduce carbon emissions, even electric vehicles need a place to park and plug in. The City of Aspen is even acknowledging this by currently implementing their plans to install many more EV stations in town. We may be moving away from fossil fuel car engines but it's not realistic to think that we're eliminating personal transportation anytime soon and Aspen workers are entitled to have a car just like everyone else in this neighborhood.

They also mention Housing Policy IV.5 which states, "the design of new affordable housing should optimize density while demonstrating compatibility with massing, scale and character of neighborhood" **which goes directly to HPDG's 11.3, 11.4, 1.1 and 1.7 and supports your prior findings regarding 1020.**

In my opinion, the best and only decision can be to deny this application based on their non-compliance with these Historic Preservation Design Guidelines, which are part of the LUC, aka "Code", unless the developers agree to substantially reduce the size and mass of the new building and to provide one parking spot per unit, as is the common practice for this neighborhood. If the developers want you to consider the AACP and its affordable housing livability goals, then ask why should the future residents suffer because the developers don't want to provide enough parking and outdoor living space? And ask yourselves, the City appointed advocates for historic resources, why should these historic resources suffer because the developers want as many bedrooms as possible so that they can make as much money as possible? Not a good look even if it's for affordable housing. Besides, rules should be rules and should apply fairly and equitably to everyone and every project. I hope that you stand up for truth and justice for everyone.

Speaking of rules, I'd like to ask the City if they're going to back up the developers' decision to make this property restricted to one non-related adult per bedroom by deed restricting the 1020 E. Cooper lot to reflect this policy? If left to their own devices, I wonder if the unit owners will abide by the developers' "rule"?

Lastly, I want to thank you for your dedicated service to this community. I know it can be thankless, but I believe it's meaningful and important for the future of our wonderful town. Aspen's history matters and is a large part of what sets this incredible town apart from many other resort communities.

All the best,
Tiffany Smith
1012 E. Cooper, #1

From: [Steve Carlton](#)
To: [Kevin Rayes](#)
Subject: 1020 Cooper Project
Date: Thursday, August 19, 2021 4:06:30 PM

Kevin -

Please pass my letter below onto the HPC. Thanks

Dear HPC Committee,

The very purpose HPC exists is to preserve the historic properties in our town and to prevent huge mega structures from being built. The 1020 Cooper project violates the fundamental HPC guidelines regarding mass and scale.

I've attended the last few HPC meetings on this topic and here are my observations...

- 1) Little dialogue happens about the very obvious issues with mass and scale. This project is bigger than the SFH project previously denied by HPC due to mass and scale.
- 2) The discussion always turns to comparing this project to the condominiums on either side of it. Those properties are not historic – they do not have to abide to HPC guidelines like this project does. It's comparing apples to oranges.
- 3) Why does staff continue to recommend the project despite the fact the mass and scale violated HPC guidelines?

If approved, I'm very concerned with the precedent this will set for our beloved town. We will see more and more of these projects come forward where the mass / scale will overwhelm the historic structure. Let's learn from past mistakes and do what is right for our city.

The city council remanded the project back to HPC because of the previous HPC dialogue around too many people living on the property, how it impacts the neighborhood, etc. Let's not discuss any of that and focus on the key issues of mass / scale and how the new structure completely overwhelms the historic structure.

As Mayor Torre stated during the city council review of this project, "This is a good project – it should reduced by 20%." Please push for a project that reduces mass and scale and protects this precious piece of Aspen history.

Steve Carlton

207 Hopkins

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August 17, 2021

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**RE: City of Aspen Historic Preservation Commission (“HPC”) Hearing August 25, 2021
Application of 1020 Cooper LLC
Multi-Family Affordable Housing at 1020 E. Cooper Ave. (“Application”)**

Dear Counsel:

As you are aware, this law firm represents the Cooper Avenue Victorian Condominium Association, Inc. (“Association”) in the above-referenced matter. We write to you prior to the August 25, 2021, Historic Preservation Commission (“HPC”) meeting to discuss some issues with the hearing on remand from the City Council regarding the Application for redevelopment of 1020 E. Cooper Avenue (the “Application”). The Association remains opposed to this Application.

First, as we have communicated numerous times, the obvious issue is that there is pending litigation concerning the Application and the *City Council’s decision* on the Applicant’s appeal of the HPC’s denial of the Application at its February 17, 2021, meeting. We respectfully formally request that the City agree to stay, or table, this hearing on the Application until the C.R.C.P. 106 action filed by the Association, styled as Pitkin County District Court Case No. 2021CV30049, is resolved; at the very least, the HPC’s consideration of this matter should be stayed until the Court rules on the pending Motion to Dismiss in that civil action. If this HPC hearing is not stayed or otherwise continued, then all parties involved will be caught in a procedural quagmire as the status and outcome of that litigation will affect whether the HPC can even hear the Application on remand. It is only fair to City staff and HPC members, as well as the Applicant’s paid professionals and the opposing neighbors, to minimize additional costs and fees while the litigation is pending.

In the event the HPC hears the matter on remand on August 25, 2021, the City should be aware that those proceedings may be rendered null and void in the event the Association prevails in its pending C.R.C.P. 106 lawsuit. The fact that Applicant itself previously requested a continuance of the June 2021 HPC meeting shows that there is no prejudice to anyone, but much to be gained from not creating more work for everyone when there is active litigation that may make such work a nullity.

Second, it is important to remember why we have zoning restrictions and why compliance with historic preservation guidelines is important. The first purpose of zoning in the United States was to control bulk. The evils of tall buildings, crowded together on land parcels too small and streets too narrow, were explored by special commissions appointed in 1913 and 1916 by the Board of Estimate and Apportionment of the City of New York and in 1923 by the Chicago Real Estate Board. Their recommendations formed the bases of the first zoning ordinances adopted in these two large cities. *American Society of Planning Officials*, Information Report No. 111, June 1958.

As we stated in our June 1, 2021, letter to you, the Application has not changed in mass and scale since it was considered by the HPC at its February 17, 2021, meeting (*see* page 7 of the June 9, 2021 Application) – Applicant indicates that there is “no change” in any aspect of the Application except for some updated renderings (no change in the actual drawing sets/dimensions/sizes) and Historic Preservation Reviews. In fact, Mayor Torre’s remarked at the April 19 hearing “The point that I think is relevant and that is within the HPC’s purview and that is about the mass and size of the building and its relationship to the historic resource and in that what I looked at as the record is—you know—something that struck me was that we’re really talking about perhaps consideration of a reduction of the size of the project, 15 to 20 percent is the range that I’ve looked at as far as what would make sense...” The Association questions how there can be updated Historic Preservation Reviews when there have not been changes in the Application.

The proposed new building is still three stories compared to the single-story historic resource. In the cover letter from applicant dated June 9, 2021, Applicant again states that this should not be troublesome because there are three-story buildings on either side of the Property and thus, pursuant to HPDG Chapter 1, the Application is consistent with the context of the neighborhood and that pursuant to HPDG Chapter 11, the mass and scale is appropriate. Such statements are a thinly veiled attempt to draw attention away from the fact that these neighboring properties, including the Association’s, do not have a small historic resource located thereon that is to be protected—and that there are other smaller, historic single-family homes located on this block and in the Residential Multi-Family (“RMF”) zone district. HPDG 1.1 clearly references respecting the *historic* development pattern and context of the block, not the modern development pattern and context.

Applicant is creating its own version of the facts by ignoring this historic development pattern, including setbacks, within the zone district and block; such historic patterns should not be ignored when considering the Application’s compliance with Chapters 1 and 11 of the HPDG. As you know, HPDG 11.4 states that, in addition to the new building’s being similar in mass and scale and not overwhelming the historic resource, the Applicant should minimize “any addition to the historic resource and shift square footage to the new structure.” Instead, the Application from January 2021 to February 2021 actually shifted to put a three-bedroom unit in the historic resource and reduce the square footage in the

addition (*see* pages 31 and 32 of the June 9, 2021 submittal)¹. The Applicant states that the upper deck on the new building is only five feet higher than the highest point of the historic resource, ignoring the fact that the actual height of the new building is still nearly double that of the historic resource (*see* pages 3 and 32).

In addition, Applicant's June 9, 2021, cover letter makes the absurdly speculative statement that the Application "adapts the property to multi-family housing which is likely its original use." This statement was not made at the prior HPC hearings and has no basis in fact. Although Applicant has surmised that the historic resource appears to maybe be two buildings "stitched together," the size of the cabin, the one entrance thereto and the admitted dearth of information regarding its original construction (*see* page 25 citing to HPDG 10.2 – "without a clear understanding of how the buildings were stitched together, removal of the rear addition is not the best preservation principle...") draw into question the validity of making such statement; again, this is a thinly veiled attempt to pepper the HPC with misinformation to try to persuade it to approve the Application despite the fact that, as proposed, the new structure will dwarf the historic resource that the HPC is charged with protecting. Michael Smith provided a letter to the HPC prior to the scheduled June 9, 2021, a copy of which is attached hereto, that sets forth additional misinformation that has been provided by the Applicant.

It is important to note that the Application may comply with the *letter* of the City of Aspen Land Use Code ("LUC") with regard to affordable housing, but most certainly does not comply with the HPDG. Nor does the Application comply with the *spirit* of the LUC and HPDG.

On page 4, the Applicant recognizes that the LUC "discourages subgrade affordable housing units" and that the Application "has maximized below grade living space within the 50% threshold." Of the five proposed units, three have nearly 50% of their livable area below grade, which is not optimal for "livability" as set forth in the 2012 AACP Housing Policy IV.1. Note that this cover letter does not highlight the fact that four of the five proposed units are below the minimum square footage of livable area (*see* page 44) under APHCA standards. To approve a reduction in minimum net livable square footage, HPC would have to find:

- (1) significant storage space located outside the unit (one unit has only 6 square feet of exterior storage, two others only 28 square feet);
- (2) more windows than required by code (as noted above, three units have half their livable space below grade);
- (3) availability of site amenities "such as pool or proximity to park or open space" (the units are within walking distance of downtown but so are any units within Aspen's core, open space on site is minimal and mostly paved, only two units have any private outdoor area – see below);
- (4) above ground units versus ground level (see above, hardly accomplished); and

¹ All page numbers herein are referring to the June 9, 2021 submittal by Applicant unless otherwise noted.

- (5) “possibility that project can achieve higher density of deed restricted units with a reduction variance” – this has been the crux of the discussion of mass and scale issues as a reduction in units would reduce mass and scale (*see* pages 44-45).

The Application simply does not meet the criteria to allow for the reduction in the size of the affordable housing units. The HPC must balance the preservation of the historic resource with the provision of affordable housing units; yet in this instance, the Application falls short of providing either, and must be denied.

As mentioned above, the lot will end up being mostly paved with the exception of the small yard in front of the historic resource, minimal grassy areas in the five-foot side yards and in between the two buildings (*see* Figure 3, page 12; page 89). This hardly complies with HPDG 1.7, which requires the Applicant to provide “positive open space within a project site” that is “meaningful and consolidated into a few large spaces rather than many small unusable areas.” The “open space” is reduced to barely a few hundred square feet and decks that are not usable during the winter months, yet are the only “private open space” (AACP Policy IV.1) provided. Although the LUC and APCHA may encourage density in affordable housing, that is not a license to create a cramped situation where the residents will not have much meaningful private outdoor space of their own.

If the City refuses to stay, or table, the Application as requested above and instead moves forward with a hearing on the Application before HPC on August 25, 2021, there are some procedural matters that must be addressed. The City Attorney’s office needs to provide better guidance to the HPC regarding its role in articulating findings to support its decision – whether that is to approve or deny. It is typically standard procedure for either municipal staff or the attorney to prepare findings both for and against an application, and even prepare draft resolutions reflecting both, prior to a quasi-judicial hearing so that the deciding body has guidance when it comes to making its decision (this is especially necessary for a volunteer citizen board for whom this is not regular practice). At the February 17, 2021, HPC hearing, the City Attorney’s office did not provide any guidance in this regard, written or verbal. Nor did the staff report provide alternative findings in the event of a denial. We respectfully request that such guidance be provided for the August 25, 2021, HPC hearing so that the supportive findings for any decision are clear.

In addition, we have reviewed the correspondence concerning the recent HPC member appointments that was provided in response to our CORA request. It is clear that Peter Fornell must recuse himself from considering the Application, as he was intimately involved in the Applicant’s acquisition of the Property (and may have a vested or monetary interest in the Application) and made public comments favoring approval in earlier HPC proceedings; he has stated that he will recuse himself. Jodi Surfes must also recuse herself, as this is a remanded hearing and thus only those HPC members that participated in the January and February 2021 HPC hearings on the Application should participate in the hearing set for August 25, 2021. Moreover, Ms. Surfes previously worked at Aspen Skiing Co., which has vocally supported the Application, creating issues of bias that could trigger procedural and substantive due process claims.

As we have raised numerous times throughout Applicant’s proposals for the Property, this Application is *not* “fully Code compliant.” The lot is non-conforming, which means the Application starts from a place of non-compliance. Further, the proposal does not comply with the mass and scale guidelines

of Chapter 11 of the HPDG, which guidelines are incorporated into the LUC, nor does it comply with Chapter 1 of the HPDG regarding historic development patterns, or the LUC and APCHA provisions regarding the size of the affordable housing units. We direct your attention to our letters of January 22, 2021, and June 1, 2021, attached hereto for reference, with regard to all of the reasons why the Application must again be denied.

Please contact me to discuss these issues in further detail before the August 25, 2021, HPC meeting. Also, please ensure that a copy of this letter and the attachments are included in the public comments for the HPC's packet for the August 25, 2021, meeting and distributed to the City Staff members who have reviewed the Application and will be attending that meeting, as well as the Applicant.

Very truly yours,

GARFIELD & HECHT, P.C.



Christopher D. Bryan

Attachments

cc: Mary Elizabeth Geiger, Esq.

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January 22, 2021

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Via E-Mail

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E-mail: jim.true@cityofaspen.com

**RE: Application of 1020 E. Cooper, LLC
Multi-Family Affordable Housing at 1020 E. Cooper Ave.**

Dear Jim:

As you are aware, this firm represents the Riverside Condominium Association (“Riverside”) and the Cooper Avenue Victorian Condominium Association, Inc. (“Cooper Victorian”) (Riverside and Cooper Victorian are referred to collectively herein as the “Associations”). We wanted to reach out to you after the January 13, 2021, Historic Preservation Commission (“HPC”) meeting to discuss some issues that, in the limited public comment time, could not be sufficiently vetted at the hearing but that your office and the City Staff members should consider as Applicant revises its proposal.

First, the obvious issue is that the proposal fails to comply with pertinent provisions of the City of Aspen Historic Preservation Design Guidelines (the “Guidelines”). As stated therein, “[t]he design guidelines provide a basis for making decisions about the *appropriate treatment of historic resources and compatible new construction.*” The Guidelines “serve to reinforce the purpose of the Historic Preservation Chapter in the Aspen Land Use Code.” City Staff and the HPC are charged with determining “that a sufficient number of the relevant guidelines have been adequately met in order to approve a project proposal.” Property owners are encouraged to choose “[u]ses that closely relate to the building’s original use . . . Every reasonable effort should be made to provide a compatible use for the building that will require minimal alteration to the building and its site.” Section 24.415.010 of the Aspen City Code (“Code”) incorporates the Guidelines by stating “. . . new construction in historic areas shall respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them *as defined in historic preservation guidelines.*” (emphasis added). Section 24.415.060(B)(1) states that the HPC has adopted the Guidelines, which “set forth the standards necessary to preserve and maintain the historic and architectural character of designated properties and districts.” Further, Section 24.415.060(B)(2) states that “[c]onformance with the applicable [HPC] guidelines and the common development review procedures set forth in Chapter 26.304 will be necessary for the approval of any proposed work.” The proposal for 1020 E. Cooper is proceeding as a “major development” in accordance with Code Section 26.415.070(D)(3)(b)(2), which provides that “[t]he HPC will review the application, the staff analysis report and the evidence presented at the hearing to determine the project’s conformance

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with the City Historic Preservation Design Guidelines.” At the HPC hearing, 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.” (Code Section 26.415.070(D)(3)(b)(3).) Any attempt to argue that the Guidelines are merely advisory and not binding is postposterous.

In this instance, it is clear that the historic resource is merely being used as a vehicle to crowd five “affordable housing units” into an undersized lot, failing to follow the Guidelines and preserve the historic resource and disregarding quality of life issues. This is a serious abuse of the historic preservation process, an abuse that has been perpetuated by City Staff not only in supporting the proposal but, in essence, advocating for it to the detriment of the HPC’s mission in violation of the Code and Guidelines. The policies set forth above are not being followed – the historic resource currently sits on the site with a large front and side yard; it is being moved to the minimal front and side yard setback of five feet. The historic resource is a small single-family home without a basement or window wells; it is being put on a basement, split into two residential units, and window wells added. Adaptive uses (new uses) of historic resources should “retain[s] the historic character of the building while accommodating new functions.” As an example, the Guidelines state that it would be “inappropriate to turn the living room of a historic building into a bathroom,” for it results in a major change in the floor plan. In the current proposal, the floor plan of the historic resource is eviscerated.

Chapter 1 of the Guidelines opens with “[t]he character of a historic structure is greatly influenced by. . . the physical characteristics of the specific site, and the way in which the historic resource is situated on the lot.” Under the current proposal, as stated above, the historic resource will be relocated in a way that destroys the historic nature of the resource’s site location and the site itself. The lot will be completely filled with structures with the exception of the minimal five-foot setbacks and the ten-foot strip between the buildings. As discussed at the January 13 HPC hearing, the lots to the west of this property all have large front yards, following the “overall development pattern of the neighborhood” – as currently located, the historic resource is “consistent” with the neighborhood; the relocation will create a deviation therefrom. Guideline 1.1 states that “[a]ll projects shall respect the historic development pattern or context of the block, neighborhood or district.” All of that has been ignored here. Guideline 1.7 states that applicants should “[e]nsure that open space on site is meaningful and consolidated into a few large spaces rather than many small unusable areas.” Open space on this site will not be preserved by the proposal, and the space provided is such that residents will be crowded together in trying to use it. Guideline 9.2 states that “[p]roposals to relocate a building will be considered on a case-by-case basis. . . It must be demonstrated that on-site relocation is the best preservation alternative in order for approval to be granted.” Based on the foregoing, it can hardly be said that is the true in this instance. Furthermore, pursuant to Guideline 9.3, “[i]t must face the same direction and have a relatively similar setback.” Although forward movement is preferred to lateral (though that is occurring here as well), the loss of 25 feet of front lawn cannot be ignored.

Both the HPC and City Council had serious concerns that the prior proposal, for a single-family home attached to the historic resource, did not comply with the Guidelines as it was too large in mass and scale as compared with the historic resource. The matter was continued several times by HPC based upon these concerns, was approved by a vote of 4-2 (again, these concerns), was called up by City Council and remanded back to HPC due to these concerns, and then continued several times until the new applicant came back with the current proposal. Although this is a “new” proposal, for a detached, separate building,

this issue is exacerbated and, based upon the prior process and concerns, should be looked at through the same lens.

Chapter 11 of the Guidelines is crucial to the analysis of this proposal. In the introduction, it states that “a new building should be designed in a manner that reinforces the basic visual characteristics of the site.” Here, the proposal destroys the basic visual characteristics of the site. “A new design must relate to the fundamental characteristics of the historic resource (site, location mass, form, materials details)” *Id.* “A new building must be compatible in mass and scale with its historic neighbor.” *Id.* The current proposal is larger – both physically and in scope (due to it being a multi-family structure of five units) – than the 2019 proposal of a single-family home. Guidelines 11.3 and 11.4 require the HPC to consider the mass and scale of the new building *as it relates to the historic resource*. The City Staff report for the January 13 HPC meeting hardly even mentions these provisions, nor does it really discuss mass and scale. Applicant wants HPC to consider the fact that the Riverside Condos and the Cooper Avenue Victorian Condos are “three stories” and thus that should make this project acceptable in mass and scale; however, this ignores the directive of the Guidelines, which requires HPC to consider mass and scale *as compared with the historic structure*. How the project appears in mass and scale to neighboring properties is irrelevant, especially when these neighboring structures are not historic landmarks. Moreover, the lots on which Riverside Condos and the Cooper Avenue Victorian Condos are located are significantly larger than the small, nonconforming lot where the historic resource is located.

The criteria of Guidelines 11.3 and 11.4 simply cannot be met by this proposal. Especially in light of the fact the 2019 project, which was of a smaller mass and scale than this proposal and for which HPC and City Council had concerns that similar Sections 10.3 and 10.4 (applying to additions to historic structures) could not be met, a finding that the mass and scale of this proposal is appropriate would be arbitrary and capricious and could subject the City to costly and protracted litigation. This historic resource is tiny; the proposal is massive in comparison. In particular, Guideline 11.4 states that “[t]he primary plane of the front [of the new structure] shall not appear taller than the historic structure.” The proposed new building is nearly three times the height of the historic resource, almost to the maximum height allowed in the zone district. There will not be any natural light available between the buildings on the property, and by maximizing the setbacks, none on either side as well. City Staff failed to follow the Code and outline how this proposal conforms to the Guidelines, because it does not, but Staff evidently was too invested in allowing affordable housing that it chose to ignore these issues, in dereliction of its duties.

Second, it has been stated by Staff, HPC members, and ourselves that this is a non-conforming lot for the Residential Multi-Family (“RMF”) Zone District (4379 square feet compared to the required 6000 square feet), such that but for the historic resource, a multi-family structure could not be constructed on the lot *at all*; only a single-family home would be allowed. As discussed throughout the Application and the January 13 HPC hearing, the subject property is located in the RMF Zone District, which is governed by Section 26.710.090 of the City Code. As City staff members know, and the Commissioners too, Section 26.710.090(d) requires lots to have a minimum of 6,000 square foot area and a minimum width of 60 feet. The subject lot is 4,379 square feet. There is an exception in Chapter 26.312 of the City Code, entitled “Nonconformities,” that provides an exception that “a lot of record containing a property listed on the Aspen Inventory of Historic Landmark Sites and Structures need not meet the minimum lot area requirement of its zone district for historic structures.” *See* Section 26.312.050(c). However, unlike the

provision in the Code section immediately prior to this, which states that certain lots created before 1971 that “do not meet the requirements for *lot width* and area” can continue as nonconforming (*see* Section 26.312.050(b)), the historic landmark nonconforming lot must nonetheless meet the zone district lot width requirements. In this instance, the lot is fewer than 60 feet wide, and the use thereof should be limited accordingly. It is important to note that the lots for Riverside and Cooper Victorian actually *exceed* the minimal lot size in the RMF Zone District. This small lot is an anomaly in this neighborhood and should be recognized as such. Furthermore, the purpose of the Nonconformities Chapter is “to permit nonconformities to continue, but not to allow nonconformities to be enlarged or expanded. The provisions of this Chapter are designed to curtail substantial investment in nonconformities in order to preserve the integrity of the zone districts and the other provisions of this Title but should not be construed as an abatement provision.” Construction of this project would be a substantial investment in a nonconformity and would not preserve the integrity of the zone district. The small size of the subject lot enhances even more the inappropriate mass and scale of the subject project and certainly enlarges and expands the existing nonconformity in violation of Chapter 26.312 of the City Code. For these additional reasons, the project should be denied.

In sum, it is clear that this proposal is a classic example of trying to fit a square peg in a round hole. Applicant’s presentation of an affordable housing project has caused City Staff and the HPC to ignore the applicable Code and Guidelines, which will work to the City’s detriment and expose the City to legal challenge. Su Lum’s house is a designated historic landmark in Aspen; it should not be used as a vehicle to allow a dense, multi-family development on a tiny lot in violation of the City’s own rules and regulations. Purchasing property with a historic resources does not, and should not, allow the owner to “game the system,” which is what is happening with this proposal and City Staff’s recommendations.

Please contact me to discuss these issues further before all parties involved spend additional time and financial resources on this matter.

Very truly yours,

GARFIELD & HECHT, P.C.



Christopher D. Bryan

cc: Riverside Condominium Association
Cooper Avenue Victorian Condominium Association, Inc.
Mary Elizabeth Geiger, Esq.
Kate Johnson, Esq.

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June 1, 2021

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Via E-Mail

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**RE: City of Aspen Historic Preservation Commission (“HPC”) Hearing June 9, 2021
Application of 1020 Cooper LLC
Multi-Family Affordable Housing at 1020 E. Cooper Ave. (“Application”)**

Dear Counsel:

As you are aware, this law firm represents the Cooper Avenue Victorian Condominium Association, Inc. (“Association”) in the above-referenced matter. We write to you prior to the June 9, 2021, Historic Preservation Commission (“HPC”) meeting to discuss some issues with the hearing on the Application for redevelopment of 1020 E. Cooper Avenue (the “Property”). The Association remains opposed to this Application.

First, the obvious issue is that there is pending litigation concerning the Application and the City Council’s decision on the Applicant’s appeal of the HPC’s denial of the Application at its February 17, 2021, meeting. We respectfully request that the City agree to stay, or table, this hearing on the Application until the C.R.C.P. 106 action filed by the Association, styled as Pitkin County District Court Case No. 21CV30049, is resolved.

Second, equally obvious, is that the Application has not changed in mass and scale since it was considered by the HPC at its February 17, 2021, meeting. In fact, the Applicant has added a powder room to one of the units in the historic resource, thus triggering an analysis of the Application under Chapter 10 of the Historic Preservation Design Guidelines (“HDPG”), concerning additions to historic resources. Thus, rather than reducing mass and scale, the Applicant has increased it, adding more applicable

guidelines in that regard than Chapter 11, which still applies due to the new building proposed. Therefore, if the hearing goes forward, HPC must again deny the Application.

If the City refuses to stay, or table, the Application as requested above and instead moves forward with a hearing on the Application before HPC on June 9, 2021, there are some procedural matters that must be addressed. The City Attorney's office needs to provide better guidance to the HPC regarding its role in articulating findings to support its decision – whether that is to approve or deny. It is typically standard procedure for either municipal staff or the attorney to prepare findings both for and against an application, and even prepare draft resolutions reflecting both, prior to a quasi-judicial hearing so that the deciding body has guidance when it comes to making its decision (this is especially necessary for a volunteer citizen board for whom this is not regular practice). At the February 17, 2021 HPC hearing, the City Attorney's office did not provide any guidance in this regard, written or verbal. Nor did the staff report provide alternative findings in the event of a denial. We respectfully request that such guidance be provided for the June 9, 2021, HPC hearing so that the supportive findings for any decision are clear.

In addition, we have reviewed the correspondence concerning the recent HPC member appointments that was provided in response to our CORA request. It is clear that Peter Fornell must recuse himself from considering the Application, as he was intimately involved in the Applicant's acquisition of the Property (and may have a vested or monetary interest in the Application); he has stated that he will recuse himself. Jodi Surfes must also recuse herself, as this is a remanded hearing and thus only those HPC members that participated in the January and February 2021 HPC hearings on the Application may participate in the hearing set for June 9, 2021. Moreover, Ms. Surfes previously worked at Aspen Skiing Co., which has vocally supported the Application.

As we have raised numerous times throughout Applicant's proposals for the Property, this Application is *not* "fully Code compliant." The lot is non-conforming, which means the Application starts from a place of non-compliance. Further, the proposal does not comply with the mass and scale guidelines of Chapter 11 of the HPDG, which guidelines are incorporated into the LUC. We direct your attention to our letter of January 22, 2021, attached hereto for reference, with regard to all of the reasons why the Application must again be denied.

Please contact me to discuss these issues in further detail before the June 9, 2021, HPC meeting.

Very truly yours,

GARFIELD & HECHT, P.C.



Christopher D. Bryan

Attachment

cc: Cooper Ave. Victorian Condo. Association
Mary Elizabeth Geiger, Esq.

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January 22, 2021

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Via E-Mail

Jim True, City Attorney
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Aspen, Colorado 81611
E-mail: jim.true@cityofaspen.com

**RE: Application of 1020 E. Cooper, LLC
Multi-Family Affordable Housing at 1020 E. Cooper Ave.**

Dear Jim:

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First, the obvious issue is that the proposal fails to comply with pertinent provisions of the City of Aspen Historic Preservation Design Guidelines (the “Guidelines”). As stated therein, “[t]he design guidelines provide a basis for making decisions about the *appropriate treatment of historic resources and compatible new construction.*” The Guidelines “serve to reinforce the purpose of the Historic Preservation Chapter in the Aspen Land Use Code.” City Staff and the HPC are charged with determining “that a sufficient number of the relevant guidelines have been adequately met in order to approve a project proposal.” Property owners are encouraged to choose “[u]ses that closely relate to the building’s original use . . . Every reasonable effort should be made to provide a compatible use for the building that will require minimal alteration to the building and its site.” Section 24.415.010 of the Aspen City Code (“Code”) incorporates the Guidelines by stating “. . . new construction in historic areas shall respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them *as defined in historic preservation guidelines.*” (emphasis added). Section 24.415.060(B)(1) states that the HPC has adopted the Guidelines, which “set forth the standards necessary to preserve and maintain the historic and architectural character of designated properties and districts.” Further, Section 24.415.060(B)(2) states that “[c]onformance with the applicable [HPC] guidelines and the common development review procedures set forth in Chapter 26.304 will be necessary for the approval of any proposed work.” The proposal for 1020 E. Cooper is proceeding as a “major development” in accordance with Code Section 26.415.070(D)(3)(b)(2), which provides that “[t]he HPC will review the application, the staff analysis report and the evidence presented at the hearing to determine the project’s conformance

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Second, it has been stated by Staff, HPC members, and ourselves that this is a non-conforming lot for the Residential Multi-Family (“RMF”) Zone District (4379 square feet compared to the required 6000 square feet), such that but for the historic resource, a multi-family structure could not be constructed on the lot *at all*; only a single-family home would be allowed. As discussed throughout the Application and the January 13 HPC hearing, the subject property is located in the RMF Zone District, which is governed by Section 26.710.090 of the City Code. As City staff members know, and the Commissioners too, Section 26.710.090(d) requires lots to have a minimum of 6,000 square foot area and a minimum width of 60 feet. The subject lot is 4,379 square feet. There is an exception in Chapter 26.312 of the City Code, entitled “Nonconformities,” that provides an exception that “a lot of record containing a property listed on the Aspen Inventory of Historic Landmark Sites and Structures need not meet the minimum lot area requirement of its zone district for historic structures.” *See* Section 26.312.050(c). However, unlike the

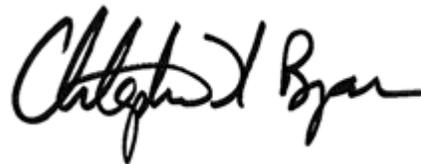
provision in the Code section immediately prior to this, which states that certain lots created before 1971 that “do not meet the requirements for *lot width* and area” can continue as nonconforming (*see* Section 26.312.050(b)), the historic landmark nonconforming lot must nonetheless meet the zone district lot width requirements. In this instance, the lot is fewer than 60 feet wide, and the use thereof should be limited accordingly. It is important to note that the lots for Riverside and Cooper Victorian actually *exceed* the minimal lot size in the RMF Zone District. This small lot is an anomaly in this neighborhood and should be recognized as such. Furthermore, the purpose of the Nonconformities Chapter is “to permit nonconformities to continue, but not to allow nonconformities to be enlarged or expanded. The provisions of this Chapter are designed to curtail substantial investment in nonconformities in order to preserve the integrity of the zone districts and the other provisions of this Title but should not be construed as an abatement provision.” Construction of this project would be a substantial investment in a nonconformity and would not preserve the integrity of the zone district. The small size of the subject lot enhances even more the inappropriate mass and scale of the subject project and certainly enlarges and expands the existing nonconformity in violation of Chapter 26.312 of the City Code. For these additional reasons, the project should be denied.

In sum, it is clear that this proposal is a classic example of trying to fit a square peg in a round hole. Applicant’s presentation of an affordable housing project has caused City Staff and the HPC to ignore the applicable Code and Guidelines, which will work to the City’s detriment and expose the City to legal challenge. Su Lum’s house is a designated historic landmark in Aspen; it should not be used as a vehicle to allow a dense, multi-family development on a tiny lot in violation of the City’s own rules and regulations. Purchasing property with a historic resources does not, and should not, allow the owner to “game the system,” which is what is happening with this proposal and City Staff’s recommendations.

Please contact me to discuss these issues further before all parties involved spend additional time and financial resources on this matter.

Very truly yours,

GARFIELD & HECHT, P.C.



Christopher D. Bryan

cc: Riverside Condominium Association
Cooper Avenue Victorian Condominium Association, Inc.
Mary Elizabeth Geiger, Esq.
Kate Johnson, Esq.

Exhibit D- Public Comments From This Hearing

Dear HPC Commissioners:

I am writing an additional letter to you to express my concerns about misrepresentations and lack of clarity related to certain aspects of the 1020 E. Cooper project proposal.

Code Compliance

The applicant referred numerous times to its “fully code compliant” project in its February 17, 2021 presentation. Yet without the historic resource, this multi-family project would not be allowed on this non-conforming lot. As such, the Historic Preservation Design Guidelines (HPDG), which are incorporated into the Land Use Code, govern this project, and it is up to this commission to judge compliance. This project remains non-compliant with multiple, important HPDG provisions including 1.1, 1.7, 1.12, 11.3 and 11.4.

Detrimental Rear Lean-to Addition

The applicant has worked to sell the idea that the rear addition is of an early time period, and in its most recent application states that “the 1020 Project preserves a unique landmark that comprises two attached buildings and adapts the property to multi-family housing, which is likely its original use.” This is nothing short of fanciful speculation and contradicts the findings of HPC staff in the December 11, 2019 Staff memo to HPC addressing the first 1020 Cooper LLC application, which states clearly on page 4, “Based on staff and HPC feedback, the applicant has made a number of changes from the original proposal, including removing the non-historic rear lean-to from the house.” Later, on page 5, the staff memo states, “the project involves the demolition and replacement of an older addition that is considered to have been particularly detrimental to the historic resource.” *Staff clearly determined in 2019 that the rear addition is detrimental to the historic resource.* However, in its memo to HPC for the January 13, 2021 meeting on the current affordable housing project staff contradicts its earlier findings stating, “Staff finds the proposal to preserve the historic resource as free-standing, with a detached and adequately distanced new structure at the rear of the lot to be a successful preservation outcome. There are only a few examples of miner’s cottages in Aspen that have been preserved with no significant addition, as this one will be.” But this will not be a miner’s cottage preserved with no significant addition. Rather it preserves a rear addition that is, in staff’s own words “detrimental to the historic resource.” This outcome is far worse than a proper preservation where the non-historic addition is removed and the idea this project merits special consideration must be debunked by the Commission.

Building Height

Throughout their presentation and documents, the applicant refers to building “heights” as being substantially below the 32’ maximum height. However, few people that are not architects or members of this Commission may know that the height being referred to represents only the height to the 1/3 point of the roof pitch. The true height (as the word would be defined in the dictionary) of the east-west ridge line is 33’, which is the dominant feature any pedestrian would perceive towering over the 16’ historic resource.

Mass and Scale

- The applicant knows well that guideline 11.4 (“The primary plane of the front shall not appear taller than the historic structure”) is not met for this project, so they refer you to the height of the third floor deck as representing the primary plane of the new building, since the large front gable over this deck steps back a few feet. Even by their own admission this is 4’ taller than the historic structure, so violates the guideline. But they exclude the railing of this deck, which continues the primary plane and rises another 3.5’, placing it 7.5’ above the historic. But all of

Exhibit D- Public Comments From This Hearing

this is architectural obfuscation. Clearly, what the eye perceives as the front plane (and what guideline 11.4 means by “shall not appear”) is the massive front gable, which rises to over 33’, dominating the 15.5’ front gable of the historic. No obfuscation and spin should convince the Commission that this guideline is met.

- The applicant talks around guideline 11.3 (“Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel”) by referring to the size of the neighboring buildings, because they know this guideline is not met. The guideline does not refer to neighboring buildings, only the historic buildings, because that is the relevant reference to whether the new building overwhelms the historic resource. It takes little more than a look at the south elevation, where the three-story new building towers over the historic resource to know this guideline is not met. A look at the east elevation, however, truly drives home the massive disparity in overall mass and volume between the historic (even including the non-historic addition) and the new building. I personally have requested from the applicant a calculation of above ground volume under roof for the historic building and the new building. The applicant refused. My own estimate, based on square footages and heights, is that the new structure comprises 3 times the volume of the historic structure, even including the non-historic addition. The Commission should insist on this calculation to judge the true disparities in the proportions of these buildings.

Neighborhood Opposition

Proponents of this project, with the assistance of the local media, have spread a false narrative that the neighborhood opposition is rooted in aversion to affordable housing. The truth is that this neighborhood came together to oppose the 2019 single-family home project, submitted on behalf of this same 1020 Cooper LLC, because it did not adhere properly to the HPDG. The proposal was to build a large single-family home, but one which was substantially smaller in mass and scale than the currently proposed multi-family housing. HPC approved the project, but City Council used their call-up review to send it back to HPC to reconsider mass and scale, fence height and the tree straddling the lot line. Now the neighborhood is understandably perplexed that this much larger project, which dwarfs the historic resource, can be deemed to meet the rules regarding mass and scale that the prior project did not. The neighbors have stated repeatedly that they welcome a properly-scaled affordable housing project. Such a project could still be submitted after the Commission rejects this over-scale development.

The applicant and staff seem unified in wanting this project approved. I believe these points, among others that will be made by member of the public, should caution against such approval. A project that properly complies with the HPDG is possible with your guidance and rejection of the current proposal.

Sincerely,

Michael Smith
1012 E. Cooper #1

Exhibit D- Public Comments From This Hearing

Dear HPC Commissioners:

The 1020 E. Cooper applicant has returned with a project that has not changed in any meaningful way from the one rejected previously by HPC. This project is about nothing more than maximizing development at minimal cost. There is no proper restoration of the historic resource and removal of the detrimental non-historic addition. Dressing up the exterior and keeping the non-historic addition without properly restoring the historic to its original shape and appearance is an affront to historic preservation. The mission of the HPC is historic preservation. From an historic preservation perspective, the applicant seeks much from the Commission and gives little in return:

- The applicant is asking to move the resource far forward on the lot, misaligning the structure with the historical pattern (evident from the two other historic homes on the same side of the street, the 1896 Aspen Map by W.C. Willits and the 1890 Sanborn map showing the Cooper block at Cleveland) in clear violation of **HPDG 1.1** (“Building footprint and location should reinforce the traditional pattern of the neighborhood”).
- The applicant asks for approval to construct an enormous second building on the lot, with a 3-story façade and height of the front peak that sits at 33.5’, over twice the height of the 15’-6” front peak of the historic, in clear violation of **HPDG 11.4** (“The primary plane of the front shall not appear taller than the historic structure”). The sheer size of the massive rear structure, clearly evident from the south and east elevations, is completely out of proportion with the historic building, even including the non-historic addition, in clear violation of **HPDG 11.3** (“Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel”).
- The applicant asks for approval to remove nearly all of the substantial open space on the lot, breaking what little remains into mostly paved walkways, paved parking, staircases, trash areas, and one small shared sitting area, in clear violation of **HPDG 1.7** (“ensure that open space on site is meaningful and consolidated into a few large spaces rather than many small unusable areas”) and **HPDG 1.12** (“Do not cover areas which were historically unpaved with hard surfaces, except for a limited patio where appropriate”).
- The applicant asks for approval of what amounts to a setback to setback development, with the historic resource and its non-historic addition in combination with the new housing structure to the rear, pushing to the setback limits on every side, in clear violation of **HPDG 1.1** (“In a residential project, setback to setback development is typically uncharacteristic of the historic context. Do not design a project which leaves no useful space visible from the street.”)

As itemized above, this project violates multiple, important principles of HPC. The applicant hopes that the halo of developing affordable housing will cause the Commission to overlook these violations. Please honor your obligation to Aspen’s history and principles and reject this application.

Sincerely,

Michael Smith
1012 E. Cooper #1

Leisha John

1039 E Cooper Ave, #15

Aspen CO, 81611

Dear Kevin and the HPC members,

I own a unit at Chateau Roaring Fork, 1039 E. Cooper #15. Previously (2017-2020) I lived at 1024 E Cooper so this I my neighborhood. Re: the plans for the 1020 E Cooper historic property, I'm in favor of affordable housing but at a reduced mass and scale compared to the current plans. Three units seems reasonable to me vs. four or five. My arguments for a smaller 3-unit structure are three-fold:

- 1) The current plans don't meet the HPDG
- 2) The plans do not align with the 'story' of the property and the mission of HPC i.e., AACP encourages owners of landmark properties to preserve structures to the highest possible degree of historic integrity while minimizing adverse impacts to the neighborhood.
- 3) Mayor Torres agrees the project should be substantially smaller.

More details here:

- 1) See below (HPDG points) – esp. see underlined sections. The HPC seems to be completely disregarding these guidelines which is going against the spirit of the HPC's mission.
- 2) I understand that there was a mill at the end of the block, at the river, where Chateau Au Claire is now, and that the houses on this block, and on this side of town, were primarily for Aspen middle-moderate income workers. From the two early maps, including the Sanborne map (popular map makers for insurance purposes), the homes on this block, including 1020 E. Cooper, were single-family cottages, or cabins, set back on lots. They had pretty large lots but with single-family homes. Putting a huge 'box' on the back-end of the small miner's cabin on this undersized lot is not in line with its history. Furthermore, having very little 'green' space (by covering up this tiny lot with a building that comes so close to the sidewalk and covering almost the entire property) is totally contrary to the original cabin/property.
- 3) *At the April 19, 2021 City Council Meeting Regarding HPC and 1020 E. Cooper project:* Mayor Torre stated on the record, "The point that I think is relevant and that is within the HPC's purview and that is about the mass and size of the building and its relationship to the historic resource and in that what I looked at as the record is—you know—something that struck me was that we're really talking about perhaps consideration of a reduction of the size of the project, 15 to 20 percent is the range that I've looked at as far as what would make sense..." At least two other council members agreed that it could be done better.

Per Aspen Historic Preservation Design Guidelines (HPDG):

Neighborhood and District Patterns:

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.

1.7 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.

1.12 Provide an appropriate context for historic structures. See diagram.

- Do not cover areas which were historically unpaved with hard surfaces, except for a limited patio where appropriate.

Mass and Scale:

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.

From: [Greg Lucas](#)
To: [Kevin Rayes](#)
Subject: Letter for HPC Meeting
Date: Thursday, August 19, 2021 5:08:27 PM

Kevin, please pass on the letter below to HPC members regarding 1020 E Cooper. Greg

Dear HPC members,

I am a resident of Aspen for over twenty years. I observe local city council and HPC hearings as someone interested in keeping Aspen from being overdeveloped and turning into a town we no longer recognize. As you know, there is a lot of emotion across our community regarding the overdevelopment of Aspen. The case of 1020 E Cooper is just a micro example of this issue. Let's look at the facts surrounding 1020 E Cooper.

First, the use of the property is irrelevant in decision making regarding this property. The developers are trying to distract everyone from the mass and scale issues by playing on sympathy for affordable housing. As much as we all want more affordable housing, that doesn't mean one can break all the HPC and land use rules in pursuit of achieving that goal. The very purpose of the HPC is to protect our historic properties from being overshadowed and to protect the history / legacy of our town.

The 1020 E Cooper project breaks several HPC codes including the following –

10.8 - Design an addition to be compatible in size and scale with the main building.

The fact is the proposed addition is almost 300% the size of the main building.

10.11 - Roof forms shall be compatible with the historic building.

The fact is the roof form of the addition completely overwhelms the historic building.

11.3 - Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel.

The fact is the new building is almost 300% the size of the historic building.

11.4 - Design a front elevation to be similar in scale to the historic building.

The fact is the primary plane of the addition is much taller than the historic building.

Approving this project will clearly paint the picture of the HPC siding with big developers versus the residents of Aspen.

The right answer is of course for the HPC to be the voice of reason and recommend the project be downsized to meet HPC guidelines. The developer's argument is that they will not make any money should the project be downsized. Why is that the city's problem? If the developer cannot make the economics work while complying with HPC code, then they should sell the property to someone else.

We as a community can do better and push for a solution that works within the historic guidelines that were put in place to protect Aspen.

Thank you

Greg Lucas

210 E Hyman Ave

Dear HPC Commissioners:

I find myself writing once again to this Commission requesting that it honor its mandate to protect an historic resource and properly apply the Historic Preservation Design Guidelines (“HPDG”), even when many forces in the City of Aspen, including City Staff and the City Council (“CC”), try to interfere with and override this mandate. In February, this Commission correctly found that the application for 1020 E. Cooper did not meet the design guidelines regarding mass and scale and denied the project. That decision was appealed by the applicant to the CC, and the CC adopted Resolution #40 resolution finding that this Commission, “by considering criteria that are not within the LUC or HPDG...abused its discretion in denying the application.” Examples of some of the criteria considered included the number of units (certainly a proxy for mass and scale), number of occupants, the amount of parking and the lack of support of neighbors. As a result, CC reversed the HPC denial and remanded the application back to this Commission for reconsideration.

Here, I think it is instructive to quote from the current Aspen Area Community Plan (“AAP”), adopted by ordinance in the City of Aspen, with respect to Historic Preservation Policies:

II.2 Ensure that the Historic Preservation Benefits Package encourages owners of landmark properties to preserve structures to the highest possible degree of historic integrity *while minimizing adverse impacts to the neighborhood.*

It would be impossible for this Commission to honor this AAP Policy without considering how well the applicant had minimized adverse impacts to the neighborhood. So clearly the CC did not honor its own policies when it resolved that this Commission abused its discretion by considering such adverse impacts as overcrowding or too little parking. These issues are well established in the record and remain part of the record of this remanded application.

Nevertheless, there is ample evidence in the record that this application, which remains unchanged from the February version that was denied, is not “code compliant” as claimed, and fails to meet multiple, important elements of the HPDG (which is incorporated into the LUC) including 1.1, 1.7, 1.12, 11.3 and 11.4. City Staff falsely states that these guidelines are met. This Commission must use its own judgement to decide.

- The applicant is asking to move the resource far forward on the lot, misaligning the structure with the historical pattern (evident from the two other historic homes on the same side of the street, the 1896 Aspen Map by W.C. Willits and the 1890 Sanborn map showing the Cooper block at Cleveland) in clear violation of **HPDG 1.1** (“All projects shall respect the *historic* development pattern...” “Building footprint and location should reinforce the traditional pattern of the neighborhood”). The applicant would have you ignore the historic pattern and refers to a modern pattern, which is not relevant and which would still place this structure far forward of any building on the block.
- The applicant asks for approval of what amounts to a setback to setback development, with the historic resource and its non-historic addition in combination with the new housing structure north of the historic, pushing to the setback limits on every side, in clear violation of **HPDG 1.1** (“In a residential project, setback to setback development is typically uncharacteristic of the historic context. Do not design a project which leaves no useful space visible from the street.”) This proposal removes nearly all of the substantial open space on the lot, breaking what little remains into mostly paved walkways, paved parking, staircases, trash areas, and one small

shared sitting area, in violation of **HPDG 1.7** (“ensure that open space on site is meaningful and consolidated into a few large spaces rather than many small unusable areas”) and **HPDG 1.12** (“Do not cover areas which were historically unpaved with hard surfaces, except for a limited patio where appropriate”).

- The applicant asks for approval to construct an enormous second building on the lot, with a 3-story façade and height of the front peak that sits at 33.5’, over twice the height of the 15’-6” front peak of the historic, in clear violation of **HPDG 11.4** (“The primary plane of the front shall not appear taller than the historic structure”). The sheer size of the massive rear structure, clearly evident from the south and east elevations, is completely out of proportion with the historic building—even including the non-historic addition—openly violating **HPDG 11.3** (“Construct a new building to appear similar in scale and proportion with the historic buildings on a parcel”).

In addition to clearly not meeting these guidelines, this Commission should consider the relevant comments from our Mayor at the April 19 City Council Special Meeting that resulted in remanding this application back to HPC:

Mayor Torre (p.42-43 of official transcript): “...what I would be looking for is for a consideration of the—the point that I think is relevant and that is within the HPC’s purview and that is about the mass and size of the building and its relationship to the historic resource and in that what I looked at as the record is—you know—something that struck me was that we’re really taking about perhaps consideration of a reduction of the size of the project, 15 to 20 percent is the range that I’ve looked at as far as what would make sense in the discussion points that I heard about the mass and size of the addition and how its relationship to the historic resource is.”

This is left for this Commission to decide, but the applicant chose to resubmit the project as configured in February, ignoring the Mayor and the numerous neighbors, myself included, that have expressed similar comments about a needed reduction in the size of the project. The rear building, as currently proposed, towers over the historic resource and dominates the site in a way that is not consistent with protecting and prioritizing the historic. Removing the 3rd level unit of the new building would result in approximately the 15-20 percent (one unit out of five = 20%, two bedrooms out of 12 = 16.7%) reduction suggested by the Mayor and would be the minimum reduction necessary to meet mass and scale guidelines. It still leaves too little open space for proper compliance with 1.7 and 1.12.

One final consideration is important. This Commission must not prejudice its proceedings and destroy its reputation for fairness by treating this applicant differently than any other applicant that comes before this Commission. The concept of equal protection is well established, and regardless of how the City Staff might cheerlead for affordable housing over free market housing, any preferential treatment for the former will result in another potential abuse of discretion claim. How can this project be approved without the conclusion of favoritism when the substantially smaller single-family home proposal which preceded this was sent back by CC to reconsider mass and scale?

Sincerely,

Michael Smith
1012 E. Cooper #1

From: [Patricia Glass](#)
To: [Kevin Rayes](#)
Subject: Objection to 1020 Cooper Avenue Developers' Massive Plans
Date: Tuesday, August 17, 2021 6:31:27 PM

Hello Kevin - I am writing to lodge, yet again, my passionate objection to the massive 1020 Cooper Avenue project pending before you and up for discussion at the August 25 HPC meeting. If passed it WILL set a precedent for building these large multi-unit complexes (without adequate green space and without adequate parking) on small even historic Aspen lots, and increasing density. That's a given.

I wish to focus on the HPC Design Guidelines that are being intentionally ignored in their plans so that the developers can make as much money as possible. Basically:

- The Application has not changed from when HPC last denied it in February, thus the mass and scale of the new building is still too big and it's still too tall per HPDG 11.3 and 11.4. 11.3 states, "Construct a new building to appear similar in scale and proportion with historic buildings on the parcel... (and that) reinforces the basic visual characteristics of the site" and 11.4 states, "The primary plane of the front shall not appear taller than the historic structure" - Solid evidence to support our argument that these have not been met is that **the proposed new building is more than 3 times the size of the historic resource.** And peak-to-peak, **the new building's actual height is over 30 feet taller than the historic cabin,** so it obviously appears much taller than the historic structure.
- Moving the historic cabin so far forward on the lot to allow space for the new building does not comply with HPDG 1.1 which states, "Building footprint and location should reinforce the traditional pattern of the neighborhood. 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." - this is not met because **almost every property in this area, including neighboring 1012 E Cooper, 1006 E Cooper (a historic resource), 1000 E Cooper (a historic resource) and the Villager Townhomes at 1001 E Cooper across the street all have much larger front and side yard areas than 1020 will have.**
- Allowing the new development to sprawl all over the narrow, non-conforming lot does not comply with HPDG 1.7 which states, "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" - By the developer's own admission, **most of their designed open spaces are small private decks (which aren't reasonably usable in the winters), walkways and stairs,** so it's also not met.
- Although the Aspen Area Community Plan (AACP) is an important document, **historic preservation is the primary focus for the *Historic Preservation Commission*.** Aspen's historic resources rely on HPC to do their job and put historic preservation FIRST.

Even Mayor Torre said in the City Council meeting about 1020 last April that he believed the project should be scaled back 15-20%, and he's the elected leader of Aspen. Besides, City Council voted down the McMann's plans for 1020 a couple of years ago for being too big and tall and it was much SMALLER than this one and HPC has already voted down this project TWICE this year. The developers are just being pushy bullies and that shouldn't work in Aspen.

So, we can say yes to a needed affordable housing project at 1020 E. Cooper, but it must be smaller in order for the project to meet the important HPC Design Guidelines that will preserve the historic integrity of the home and lot.

Thank you,

Patricia Glass (owner across the street at 1001 E. Cooper Avenue)

Patricia Glass
C: 917-593-6523

All spelling errors courtesy of iPhone autocorrect

From: [Paulette Koffron](#)
To: [Kevin Rayes](#)
Subject: Protesting applicants current plan for 1020 E. Cooper
Date: Thursday, August 19, 2021 2:08:07 PM

Dear Kevin,

My husband and I own a condo at 1012 E. Cooper (#3). We greatly support and agree affordable housing is needed in Aspen! We believe a smaller affordable housing complex at 1020 E.Cooper that will both honor and respect the historic lot (which is basically unchanged since the late 1880's) and the historic cabin (which has been a single-family home on that lot the entire time) would provide much needed worker housing, while minimizing adverse impacts to the neighborhood.

Last spring even Mayor Torre said he thought a 15-20% reduction in size of the proposed building made sense. We believe changes to the applicants current plan are definitely needed!

Sincerely,

Paulette and Bob Koffron

Sent from my iPhone

Paulette

Dear Aspen Historic Preservation Commission,

Yep, here we go again. 1020 E. Cooper.

Below is the letter I sent you last June but since that meeting was postponed per the Applicant's request, I'm not sure if you got it, so please see below for my thoughts – or for a refresher if you did read it but may have forgotten its content since we've all slept since then ;)

But before you do, I respectfully request that you consider when reading my and the other letters that you will be receiving from our neighbors, and when listening to the comments at next week's meeting, that despite what you may have heard from the Applicants and how the local press has chosen to depict us, we are not one-dimensional, monstrous, selfish people who care nothing for anyone else but ourselves. We are, in fact, as a whole, just normal people who live lives like you, and most other Aspen residents, do. We have families and pets we love, jobs, hobbies, cultural and environmental interests we care about, and have struggles and blessings just like everyone else. And we love Aspen. Otherwise, we'd just not care at all about 1020. Honestly, I think if you truly knew us, you might better understand and trust our intentions – and might even like us a bit...

Lastly, I want to fully acknowledge that Aspen needs more affordable worker housing. I've talked with a lot of Aspen workers over the last year, and they have unreservedly shared their own thoughts and concerns about Aspen's current, and complicated, affordable housing situation. And happily, 1020 E. Cooper is destined to help satisfy that need. However, Aspen Historic Preservation Commission's primary, if not only, responsibility is to Aspen's precious historic resources. These historic properties can rely *only on you* to protect and preserve them and to help them tell their unique and accurate stories that "connects us to our heritage" and "contributes to our long-term cultural awareness" for the benefit of future generations, per your own webpage. And as stated in II.2 of the AACP, Historic Preservation Program section, "Ensure that the Historic Preservation Benefits Package encourages owners of landmark properties to preserve structures to the highest possible degree of historic integrity while minimizing adverse impacts to the neighborhood."

As you know, your job is to remember the long game. There are other local commissions, governing bodies, agencies and city authorities that are tasked with prioritizing affordable worker housing development. And the developers' profit margin is certainly no concern of yours, despite their protestations. It seems to me that you are, seemingly not of your own volition, standing on the precipice of potentially changing forever the face, and history, of Aspen. Because, approving 1020 E. Cooper project as is, which disregards important HPDG's as noted in my June email below, will set a precedent for all similar historic properties going forward. I believe you don't have to make that choice in order for 1020 E. Cooper to provide necessary worker housing. I respectfully ask that you send the application back to the developers for revision to reduce the new building's size and mass, which will allow it to meet HPDG as well as honor the historic cabin (which has always been a single-family home despite the Applicant's prior wild "hail Mary" speculation – just look at the old maps and talk to neighbors who've lived here for decades). It can be a win-win for the historic resources and AH. And don't forget that this is what Mayor Torre, himself, said at the April 19 City Council meeting regarding 1020. He said that he thought a 15-20% reduction in size made sense, and several others concurred.

Respectfully yours,
Tiffany Smith, 1012 E. Cooper

June Letter:

First of all, let me shout from the Aspen Mountaintop – ***I personally welcome an affordable housing complex next door to us at 1020 E. Cooper!*** The only trick is getting it to the right size to fit that narrow, non-conforming historic lot and to best honor the historic cabin.

Secondly, I continue to stand by you in your January and February decisions regarding 1020. I can only imagine how hard that was then and has been since.

Regarding the “updated” 1020 E. Cooper plan for the June 9th meeting, interestingly, despite all the public comment, your commission’s deliberations, and even City Council’s discussions, it isn’t actually updated at all. It’s exactly the same as the February 10th plan. Same height, same mass, same size, same placement on the lot – same everything. The developers didn’t listen to anyone at all. They kept their plans and simply changed the narrative of the application to include bits of the Aspen Area Community Plan as a way of swaying your attention away from the importance of your job – historic preservation, and towards helping the developers get as many bedrooms as possible in order for them to get the biggest payout possible. For them, this is about money, which is understandable for developers – and possibly mitigating their own affordable housing needs for Gorsuch Haus. It seems they might be in a bit of a pickle there. However, that’s not your problem.

Here’s the concern – the 1020 E. Cooper Project plans still do not meet the following Historic Preservation Design Guidelines, which are arguably some of the most important since they ensure that the historic resource is best preserved as it was meant to be and is able to be viewed by people as such:

- 11.3 states, “Construct a new building to appear similar in scale and proportion with historic buildings on the parcel... (and that) reinforces the basic visual characteristics of the site” – **This is not met because at about 3,400sf the new building is more than 3 x the size of the 1,055sf historic resource. That new building still appears enormous compared to the much smaller proportions of the cabin.**
- 11.4 states, “The primary plane of the front shall not appear taller than the historic structure” – **This is not met because peak-to-peak, the new building's actual height (not their wonky comparison to the new addition's front deck as the “primary plane”) is about 30 feet taller than the historic cabin, so the new building itself obviously appears much taller than the historic structure, in fact it looms over the cabin.** Besides, no reasonable person when viewing this new building would consider the front deck (what they’re calling the “primary plane”) as the top height of the building, but even still, the deck IS higher than the historic cabin. Creating that front deck so that it could be the “primary plane” was clearly obfuscation, and a means to an end – lowering the comparison point between the two structures. *If you look at both the front elevation renderings of 1020 and the East and West elevation drawings, you will clearly see the actual huge size, mass and height difference between the historic cabin and the new building.*
- 1.1 states, “Building footprint and location should reinforce the traditional pattern of the neighborhood. 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.” – **This is not met because not only do the buildings’ footprints**

and hardscapes sprawl all across the historic, essentially unchanged 130-year-old lot, but my research shows that almost every property in this entire neighborhood, including neighboring 1012 E Cooper, 1006 E Cooper (a historic resource), 1000 E Cooper (a historic resource) and the Villager across the street all have much larger front and side yard areas (with lots of grass, trees, etc.) than 1020 will have, so the buildings will not reinforce the traditional pattern of the neighborhood – or reflect its own important history, which seems to getting forgotten in all of this debate. It will literally be the house/building set CLOSEST to the sidewalk on the entire street.

- 1.7 states, “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” - **By the developer’s own admission, most of their designed open spaces are small private decks (which aren’t reasonably usable in the winters), walkways and stairs, so 1.7 is also not met. If you look at the 1020 Landscape Plan you will see how little green and open space there will be on this narrow, tiny lot.**

As the COA’s website so aptly states, “Historic Preservation connects us to our heritage, enabling us to learn from and appreciate the stories and context of our past. Preserving our historic resources differentiates us as a community and contributes to our long-term cultural awareness and sustainability.” And as members of Aspen’s Historic Preservation Commission, it must necessarily mean that your primary responsibility is to best preserve Aspen’s precious historic resources. For your particular commission, it wouldn’t seem logical for historic preservation to take a back seat to other considerations. And as my above comments show, clearly the current plan would mandate that the best, most optimal historic preservation efforts be sacrificed in order to develop 1020 as a large complex, whether it was free-market or affordable worker housing.

I also think it’s interesting that the developers have chosen to weave AACP into their narrative, which necessarily talks about livability issues which was the cause of your recent unfortunate troubles with the developers and City Council. In this updated application, they mention AACP Housing Policy IV.6 which states, “Residents of affordable housing and free market housing in the same neighborhood should be treated fairly, equally, and consistently with regard to any restrictions or conditions on development such as parking...” And my research shows **all of the single-family homes, townhouses and 3- to 24-unit condo complexes within 3 blocks of 1020 provide at least 1 parking spot per unit (even the APCA complex - Ute City Place at 909 E. Cooper and the SkiCo complex at 832 E. Cooper do), yet 1020 won’t.** It’s true that code allows the developers to pay cash-in-lieu instead of providing the 5th spot (they want the unit and its bedrooms for the FTE’s but can’t fit the parking spot) but **isn’t that inappropriate, discriminatory and unfair towards the new residents since common practice in this neighborhood, “the same neighborhood”, is to provide 1 spot per unit?** And while we applaud the City for trying to reduce carbon emissions, even electric vehicles need a place to park and plug in. The City of Aspen is even acknowledging this by currently implementing their plans to install many more EV stations in town. We may be moving away from fossil fuel car engines but it’s not realistic to think that we’re eliminating personal transportation anytime soon and Aspen workers are entitled to have a car just like everyone else in this neighborhood.

They also mention Housing Policy IV.5 which states, “the design of new affordable housing should optimize density while demonstrating compatibility with massing, scale and character of neighborhood” **which goes directly to HPDG’s 11.3, 11.4, 1.1 and 1.7 and supports your prior findings regarding 1020.**

In my opinion, the best and only decision can be to deny this application based on their non-compliance with these Historic Preservation Design Guidelines, which are part of the LUC, aka "Code", unless the developers agree to substantially reduce the size and mass of the new building and to provide one parking spot per unit, as is the common practice for this neighborhood. If the developers want you to consider the AACP and its affordable housing livability goals, then ask why should the future residents suffer because the developers don't want to provide enough parking and outdoor living space? And ask yourselves, the City appointed advocates for historic resources, why should these historic resources suffer because the developers want as many bedrooms as possible so that they can make as much money as possible? Not a good look even if it's for affordable housing. Besides, rules should be rules and should apply fairly and equitably to everyone and every project. I hope that you stand up for truth and justice for everyone.

Speaking of rules, I'd like to ask the City if they're going to back up the developers' decision to make this property restricted to one non-related adult per bedroom by deed restricting the 1020 E. Cooper lot to reflect this policy? If left to their own devices, I wonder if the unit owners will abide by the developers' "rule"?

Lastly, I want to thank you for your dedicated service to this community. I know it can be thankless, but I believe it's meaningful and important for the future of our wonderful town. Aspen's history matters and is a large part of what sets this incredible town apart from many other resort communities.

All the best,
Tiffany Smith
1012 E. Cooper, #1

RESOLUTION # 40
(Series of 2021)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, REVERSING THE DETERMINATION OF THE CITY OF ASPEN HISTORIC PRESERVATION COMMISSION REGARDING THE APPLICATION OF 1020 COOPER LLC AND REMANDING THE APPLICATION TO THE ASPEN HISTORIC PRESERVATION COMMISSION FOR FURTHER CONSIDERATION AS SET FORTH HEREIN.

WHEREAS, pursuant to the Aspen Land Use Code, Title 26, of the Aspen Municipal Code, the applicant submitted an application to the City of Aspen to develop an affordable housing project at 1020 E. Cooper Ave., Aspen, Colorado. Applicant requested Conceptual Major Development, Relocation, Demolition, Growth Management, Certificate of Affordable Housing Credits, Transportation and Parking Management approvals from the Historic Preservation Commission (HPC); and

WHEREAS, the application was considered by the HPC at two separate public hearings. The first hearing took place on January 13, 2021. That hearing was continued until February 17, 2021. At both public hearings, the applicant was afforded an opportunity to address the HPC and public comments both for and against the project were taken; and

WHEREAS, at the time of the two hearings, the HPC consisted of five appointed citizens. However, due to an actual conflict of one of the five appointed citizens, that member recused herself. Thus, the matter was considered by the remaining four members of the HPC; and

WHEREAS, following the second public hearing on the application, a motion to approve the application with conditions was made and seconded. The vote on such motion was two for and two against. Pursuant to the code, that vote was deemed a failed action. Following further discussion, a motion to deny was made and seconded. One member of the HPC who had voted in favor of the application, voted for denial for the express purpose of moving the application on given the clear divide of the HPC; and.

WHEREAS, following the denial of the application by a majority vote of the HPC, the applicant timely appealed the decision. Pursuant to Aspen Land Use Code (LUC) Section 26.415.120 A., an appeal of a decision of the HPC is heard by the City Council.

WHEREAS, LUC Section 26.316.030. - Appeal procedures, states, in pertinent part:

(e) *Standard of review.* Unless otherwise specifically stated in this Title, the decision-making body authorized to hear the appeal shall decide the appeal based solely upon the record established by the body from which the appeal is taken. A decision or determination shall be not be reversed or modified unless there is a finding that there was a denial of due process or the administrative body has exceeded its jurisdiction or abused its discretion.

(f) *Action by the decision-making body hearing the appeal.* The decision-making body hearing the appeal may reverse, affirm or modify the decision or determination appealed from and, if the decision is modified, shall be deemed to have all the powers of the officer, board or commission from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the appellant. The decision-making body may also elect to remand an appeal to the body that originally heard the matter for further proceedings consistent with that body's jurisdiction and directions given, if any, by the body hearing the appeal. The decision shall be approved by written resolution. All appeals shall be public meetings;

and,

WHEREAS, the City Council has reviewed the record on appeal and makes the following findings and determinations pursuant to the Aspen Land Use Code and applicable laws related to administrative determinations.

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

Section 1. FINDINGS

The City Council hereby adopts the recitals set forth above and makes the following findings based on its review of the record on appeal:

- A. 1020 Cooper Ave LLC is the record owner of property located at 1020 E. Cooper Avenue, Aspen, Colorado ("Property"). The property is designated as an historic landmark pursuant to a formal action taken by a prior owner of the property and the City of Aspen.
- B. On or about November 25, 2020, 1020 Cooper Ave LLC submitted an application to redevelop the Property pursuant to the City of Aspen Land Use Code. The application requested Conceptual Major Development, Relocation, Demolition, Growth Management, Certificate of Affordable Housing Credits, Transportation and Parking Management approvals from the Aspen Historic Preservation Commission (HPC).
- C. Pursuant to such application and the LUC, the matter was set for a public hearing before the HPC on January 13, 2021.
- D. The HPC conducted two public hearings considering the application. The first was held on January 13, 2021. That hearing was continued until February 17, 2021. At both public hearings, the applicant was afforded an opportunity to address the HPC and public comments both for and against the project were taken.
- E. Neither the applicant nor any affected party was denied due process at any point throughout the consideration of this application.
- F. Council specifically finds that although members of the HPC found the project's mass and scale to be inconsistent with the guidelines, the basis for these members' conclusions concerning mass and scale were primarily based and clearly tainted by consideration of criteria that are not within the LUC or the Historic Preservation Design Guidelines adopted pursuant to the LUC, and were therefore a misinterpretation and misapplication of the code

and the Design Guidelines. These considerations by members of the HPC included but are not limited to, consideration of the number of units, the number of occupants, the nature of the occupants, the amount of parking and the lack of support of neighbors. Consequently, Council finds that the HPC abused its discretion in denying the application before it.

- G. Finally, although the action was understandable, due to the deadlock of the proceedings at HPC, one member of the HPC, who had voted in favor of the application, voted for denial for the express purpose of moving the application. Although the intent of this action was in good faith and was even at the request of the applicant, since the vote was admittedly without proper legal basis, the action must also be deemed an abuse of discretion on the part of the HPC.

Section 2. DETERMINATION OF COUNCIL

Based on the findings set forth above, the City Council hereby determines that the decision of the HPC must be and hereby is reversed and the matter is remanded to HPC to consider the application pursuant to proper criteria set forth in the Aspen Land Use Code and Design Guidelines adopted pursuant to the LUC and the Aspen Area Community Plan.

INTRODUCED, READ AND ADOPTED by the City Council of the City of Aspen on the 19th day of April 2021.



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 on April 19, 2021.



Nicole Henning, City Clerk

At 4:00 p.m. Mayor Torre called the regular meeting to order with Councilors Richards, Mullins, Mesirow and Hauenstein joining via video conference.

Consideration of 1020 Cooper LLC – Appeal of Aspen Historic Preservation Commission Determination of February 17th, 2021 – James R. True, City Attorney

Pursuant to the Aspen Land Use Code, Title 26, of the Aspen Municipal Code, the applicant, 1020 Cooper LLC, submitted an application for a project at 1020 E. Cooper Avenue. The project involves a historic resource, and the applicant went before the Historic Preservation Commission. The application was considered at two different public hearings. At both hearings, the applicant was afforded the opportunity to address the HPC and public comment was heard in support of and against the project. After the second public hearing, a motion was made to approve the application and seconded. The vote was 2-2. Another motion was made to deny the application and seconded, which ended in a 3-1 vote with the motion being carried. The appeal procedures do not allow for public comment at this time as it's decision must be based on the record. City Council may reverse, refer, or modify the decision made by the HPC. If the decision is modified, Council will have full power to impose reasonable conditions. They may also remand to the original body, which is the HPC with direction given. The decision by City Council will be approved by resolution.

Mayor Torre said that councilor Mesirow's video is down because of his wifi connection, but he is still present and participating in the meeting.

Councilor Hauenstein said he has thoroughly read and reviewed all documents for this meeting.

Councilor Mullins asked how many commissioners are currently on the HPC. Mr. True said there are five members currently, 4 regular and one alternate. The alternate had to recuse herself due to a conflict, so only four voted. Amy Simon said there are normally seven regular members and two alternates on this board.

Councilor Mesirow asked questions regarding process and Mr. True clarified. Councilor Mesirow said he has watched, read and reviewed all of the information presented to him.

Councilor Richards affirmed that she also has reviewed all documents for this meeting as well.

Mayor Torre affirmed that he also has reviewed all necessary documentation.

Mr. True so there will be no additional staff presentation, however, council is able to ask questions of staff.

Council continued to ask clarifying questions regarding process.

Mayor Torre said he is struggling with the fact that an applicant made a request for an active vote and that it has landed us here. He can't help but feel that the denial of this application was not based on the criteria set forth. At this time, he would look at remanding this back to HPC.

Councilor Hauenstein said he feels there was an abuse of discretion by some commission members. He cited commissioners Moyer and Kendrick as both stating that they object to the number of units in the new element. Commissioner Kendrick mentioned community buy-in and that should not have been

considered either regarding guidelines for making this decision. This lacks balance between the different criteria. He's leaning towards approving the original resolution with conditions on page 466.

Mayor Torre said he is not seeing an abuse of discretion, himself. His issue is with the vote that took place after the initial vote.

Councilor Richards said this is not easy for anyone. She respects everyone serving on this board, but she agrees that livability is not one of the standards. This was being focused more on the use of the building instead of the structure itself. She saw an exertion of powers beyond the board. This project is code compliant in this zone district. She agrees with Ward about passing the original resolution with some modifications and suggested a condition regarding noxious odors.

Councilor Mullins thanked everyone for all of the public comment. Having been on HPC for over seven years, sometimes it can be a very hard job. HPC has a set of guidelines, but it's a balancing act and you can't adhere to all of the guidelines all of the time. She agrees about the abuse of discretion and said it's not in their purview to talk about the number of units, to characterize community support, or characterizing the behaviors of the tenant. She does not support HPC's decision, but if a vote was requested to move the project into another arena, that is very bothersome. She's not sure whether to remand or modify at this time. She hopes that HPC would have more members by the time this would get back to them if they do remand it.

Councilor Hauenstein said he is appreciative of all the work that HPC has put in. He doesn't support remanding this back to HPC. It's their duty to make a decision tonight. He would like to approve the project with conditions.

Councilor Mesirow said when he was on P&Z, they had to approve projects they didn't like, but they met the criteria and the code. Looking at this, he has no question that HPC was acting outside of their role. He can't uphold their decision. He does think that this project could be better though, and it does completely overshadow the historic resource. He suggested maybe the HPC guidelines need to be updated.

Mr. True said they can only modify or remand this if there is a finding that there was an abuse of discretion by the HPC.

Councilor Hauenstein said he believes that the HPC made their decision based on an abuse of discretion and he can cite a few items to support the discretion: (1.) Transcript 2, page 120, line 18 and 19. (2.) Transcript 2, page 120, line 17 and 18. (3.) Transcript 1, page 111, line 13-20. (4.) Transcript 1, page 112, line 13 and 14. (5.) Transcript 1, page 97, line 10-16.

Councilor Mesirow confirmed that he agrees with the abuse of discretion that Ward outlined.

Councilor Mullins said she also supports the abuse of discretion.

Councilor Richards said she does believe HPC exceeded its discretion, which is considered an abuse. She did not like the term "livability". She agrees with the findings.

Mr. True said that council now needs to decide to remand the application or to modify the original resolution.

Mayor Torre said he's in favor of remanding this back to HPC. He proposes that council remand this back to HPC for reconsideration pursuant to the criteria set forth in the HPC guidelines. He would be looking for a consideration off the mass and size of the building in relation to the historic resource. He'd like to see a 15% to 20% reduction in size.

Councilor Hauenstein respectfully is not in support of remanding it back to HPC. He said that the applicant has already presented this to the HPC in two different hearings and he feels it's council's responsibility to make a decision.

Councilor Mullins said she supports Torre's suggestion. She said remanding it will allow additional public comment and most important, it will give HPC the opportunity to relook at this project and what is appropriate criteria to be considered.

Councilor Mesirow supports either approving or remanding. His first preference is to remand. The project can get better and HPC is the place to do that with a full hearing. He'd also like to see a reduction in mass and scale. If we can't get there, he can support an approval.

Councilor Richards said last time we remanded a project back to HPC, the owner sold the property because they didn't want to go back through the HPC. She doesn't know that remanding will create any changes with the project. She thinks that asking for reduction in size is asking to act like it's in a different zone district.

Councilor Mullins said she's in favor of remanding this. Mass and scale is within HPC's purview and they can make decisions about that.

Councilor Hauenstein said he is still not in favor of remanding.

Councilor Richards said she is now in line with Ward and is not in favor of remanding. She doesn't feel this will turn out any differently if sent back to HPC.

Mayor Torre said he's not targeting something he wants. He wants to remand it because he feels it belongs at their table and it could come back, he just doesn't know.

Councilor Mullins agreed that it should go back to HPC and be treated how it should have been treated in the first place under the HPC guidelines.

Councilor Hauenstein said he respects the other opinions, but he moved to approve the Resolution on page 466 from the February 17th HPC hearing.

Mr. True asked Councilor Hauenstein to modify his motion to include to direct the city attorney to return to you with a resolution with findings and conclusions that Councilor Hauenstein outlined.

Councilor Richards requested a 15-minute recess to think things through.

Council reconvened at 6:05 p.m.

Councilor Richards said she is going to support Torre and Ann on remanding this back to HPC to be rereviewed under the HPC guidelines. HPC made some mistakes, so we need to let them correct the mistakes and have a fair hearing.

Mr. True said that Amy Simon said the quickest this could get back in front of HPC would be June 9th.

Councilor Mesirow asked if we are going to be appointing new people to HPC and Mayor Torre said yes.

Councilor Hauenstein suggested they take a break and let the city attorney create a resolution to remand this back to HPC.

Council went on break and reconvened at 6:35 p.m.

Mr. True shared Resolution #040, Series of 2021 on the screen. He said it would be appropriate to read this into the record.

Councilor Mullins motioned to adopt Resolution #040; Councilor Richards seconded.

Mayor Torre read the resolution. He said he appreciates this and said he supports the resolution based on process. He hopes all parties return to the table in the best interests of the community and neighborhood and with careful and proper consideration.

Councilor Hauenstein said he respects the decision of council, but he will not be supporting this resolution.

Roll call vote: Hauenstein, no; Mesirow, no; Mullins, yes; Richards, yes; Torre, yes. 3-2, motion carried.

Mayor Torre said this was not easy, but feels they are making the best decision to remand this back to HPC and thanked everyone.

Councilor Richards motioned to adjourn; Councilor Mesirow seconded. Roll call vote: Hauenstein, yes; Mesirow, yes; Mullins, yes; Richards, yes; Torre, yes. 5-0, motion carried.

City Clerk, Nicole Henning