AGENDA

CITY COUNCIL REGULAR MEETING

November 23, 2021

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

WEBEX

www.webex.com
Enter Meeting Number: 2553 478 9554
Password: 81611
Click “Join Meeting”
OR
Join by phone
Call: 1-720-650-7664
Meeting number (access code): 2553 478 9554

I. CALL TO ORDER

II. ROLL CALL

III. SCHEDULED PUBLIC APPEARANCES

IV. CITIZENS COMMENTS & PETITIONS
(Time for any citizen to address Council on issues NOT scheduled for a public hearing. Please limit your comments to 3 minutes)

V. SPECIAL ORDERS OF THE DAY
a) Councilmembers' and Mayor's Comments
b) Agenda Amendments
c) City Manager's Comments
d) Board Reports

VI. CONSENT CALENDAR
(These matters may be adopted together by a single motion)

VI.A. Draft Minutes of November 09th, 2021

VII. NOTICE OF CALL-UP

VII.A. HPC approval for 1020 E. Cooper Avenue– Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing

Credits, Transportation and Parking Management, HPC Resolution #15, Series of 2021

VIII. FIRST READING OF ORDINANCES

VIII.A. Ordinance #24, Series of 2021 - Revised Affordable Housing Mitigation Requirements for Single-Family and Duplex Development

IX. PUBLIC HEARINGS

IX.A. Ordinance #20, Series of 2021 – 2022 Electric and Water Rates and Fees

IX.B. Ordinance #21, Series of 2021 - Fall Supplemental

IX.C. Ordinance #22, Series of 2021 - 2022 Fee Ordinance

X. ACTION ITEMS

XI. ADJOURNMENT

At 5:00 p.m. Mayor Torre called the regular meeting to order with Councilors Doyle, Hauenstein, Mesirow and Richards in person.

CITIZEN COMMENTS:

Cindy Houben & Alain Sunier – Ms. Houben said that she and Mr. Sunier live in the same Midland Park Avenue neighborhood. They are concerned and did an informal petition to limit vacation rentals. She said they want to be supportive of the city's efforts. There issues they have seen in the neighborhood are regarding parking, noise, and trash and have taken before and after pictures. They have also had to call the police. They have concerns about wildlife and turning the neighborhood into a hotel type zone. We are ripe for redevelopment and are really concerned about how that comes to be. Mr. Sunier said this is an issue coming up in a lot of Colorado towns. There is a struggle to balance the tourism and a need to maintain the organic community feel. Short term rentals have fallen between the cracks over the past few years. Our land use code is based on some more classic old school forms of lodging. Ms. Houben handed the petition packet to the mayor.

Mayor Torre said you have an audience in us, and we receive daily emails on this. We are looking at different communities doing different restrictions.

Scott McDonald – Mr. McDonald said he lives at 1000 E. Cooper and said it has been over three years since he informed the city of the Cleveland Street east boundary from a straight line. This 7-foot jog east, makes Cleveland Street 82 feet wide. Is it possible the City of Aspen has been turning a blind eye for the last 60 years? To his knowledge, the city hasn't published an accurate plat mat after the 1959 survey. After three years of letter writing and multiple meetings, they could have cleared this up. No staff or council have made verbal or written acknowledgement to the existence of this error. He's asking how they can sit back over the past three years and wants some action.

City Attorney, James R. True, said there is no error. He said the 1959 survey was adopted by council. His property had a frontage consistent with every plot in town. There is no error or non-feasance or issue. He has explained this to the McDonalds over and over. He is focusing on these informational only lines in GIS, and the 1959 replatting of the city, clearly specifies what those lots in his area are. It's difficult to provide an answer that they do not want to hear, and he doesn't know what else to tell them.

Mayor Torre said he's interested in resolve. Mr. McDonald said they are being lead down the merry path, and the city is digging a deep hole that you can't get out of.

Mr. True said what is relevant to the issue, the replatting confirmed the size of his lot. Surveys since then have confirmed the size of his lot. He said to pursue a quiet title action, which is their only real recourse, through the court system. That is the path they can follow. City council at this point cannot resolve this issue.

Jackie Long – Ms. Long said she's not coming next time. She came to talk about drugs and alcohol in our community. We have a mom and a dad here and two young men speaking. She's also handing out some information, which she titled, "the party's over". There was a young man, a lot of teen drinking in the west end on Halloween weekend, and this young man died of alcohol poisoning. There was no 911 call. This is about our community… what have you done? There were a hundred and fifty kids that swarmed this house. Everyone was scared to call 911. She thinks a drug and alcohol czar is needed. Appoint one. She asked about police funds. Who will be the leader in this town?

Mike Senna – Mr. Senna said there is a huge drug issue in town. He has been in recovery for 16 months today. He's been on both sides of it. He moved here in January 2000. The same people are selling drugs today that were selling drugs then. For a town that seems to be wrapped up in statistics, it's a war. We need to bring awareness to the town that nothing is being done. People come here and sell drugs because they can get away with it and nothing is done. Aspen police won't work with Trident. We need a task force and someone bigger than the police. People come here and get chewed up and spit out quick. The availability is out of control.

Ozzie Mannos – Mr. Mannos said he is from Aspen since 1989. He grew up here, and is one of most damaging places to grow up. It's scary to him that the same mentality exists. He is also in recovery. There isn't enough done to talk about it and discuss. The pressure the kids are constantly under in this town, is a community problem. There is an identity crisis in this town. The dark side of Aspen must be addressed because he has close to 40 friends that he went to school with who are dead, gone. It's not getting any easier.

Caroline McDonald – Ms. McDonald said she's here for climate change. You need to implement a five-year moratorium on building and on carbon. She addressed Mr. Doyle and said she hoped that the city would come up with a carbon imprint on 11,000 dump trucks for 1A. We need to rebuild what we have, and we need to keep it as its own size. Your names will be plastered along with that idol on top of that hill. You have the opportunity to start a moratorium and she hopes they do.

Clay Wells – Mr. Wells said he is here in support of Jackie Long. He said his daughter has benefitted immensely from Jackie. His former father-in-law was a deputy and was a member of the Aspen Club, which helped his daughter to have a place to go after school and people to talk to doing healthy things. There are a lot of people who support Jackie and her efforts.

Janice – she said she's a single mother in Aspen. She found out this past summer that her son was smoking pot at the skateboard park. Someone over there is buying pot for these kids. She's horrified. He's a sophomore in high school and there is all this partying going on. She finds it very disturbing that it's ok. She's a supporter of Jackie. She goes to my church, and she is doing amazing things in this community. Please work with her and help make a difference.

COUNCILMEMBER COMMENTS:

Councilor Hauenstein said there should be an amnesty for kids who are overindulging. There should never be a repercussion that makes kids afraid to call for help.

Councilor Mesirow said we also need to find ways to heal. A way to heal is through the arts. Big ups to everyone who supported this effort on the ballot.

Councilor Richards said she can really only say they are bringing us a serious and ongoing problem. It is going on everywhere. She was also a mother with a son who got into trouble as he was approaching adulthood. She recalled a story from when her son was in high school about a girl who was passed out drunk. This is the same type of incident as what Jackie spoke about. This problem never really goes away. She's happy to work towards more efforts. She also wanted to thank her council members who supported the Wheeler and thank you to the arts group and to Cristal Logan and Mick Ireland. They really deserve congratulations.

Councilor Doyle said he has more fun facts to share about the environment. He spoke about other countries halting fossil fuels. The bad news is, we are still not even close to reaching goals. He said if he could turn back the clock regarding Carolyn McDonald's comments, he might seriously consider a moratorium. He knows that we can and need to do more.

Mayor Torre started with a thank you to the community for working with our utility department on upgrading the water and electric meters. We're about 60 percent done with this project. The city has embarked on a program where we will be supporting some events and putting on our own event in town to help us deal with some depression and suicidality in this community. Please stay tuned for more information.

BOARD REPORTS:

Councilor Richards said she has Reudi Water and Power next week and APCHA tomorrow.

Councilor Mesirow said he had NWCOG and moved their budget forward.

Councilor Hauenstein said he had CCLC, and they reviewed the summer market. Nothing really substantial, but a really successful summer. The City of Aspen only turned up three times for their booth.

Mayor Torre said he has BOH on Thursday and Wheeler tomorrow. Today he took part in a CAST housing taskforce. They went over some of the legislative actions. Had a big conversation on short term rentals. We went back and spoke about the mountain migration report that came out. He printed out the report in case anyone wants to look. We are having a work session on STR's next week.

Councilor Richards said to make sure Tara Nelson is looped in on items, and that you are pulling her in as a legislative liaison for us. Torre said he would like her in on some of these meetings.

Mayor Torre said he has BOH coming up and doesn't think the mask mandate is on the agenda. But he does want their input on some other things. Our state numbers aren't good at all and it's impacting us.

CONSENT CALENDAR:

Councilor Hauenstein has a couple of comments on Resolution #92. There are primary concerns with the eight non theater uses. He's concerned about the impact on residents and neighbors and the John Denver Sanctuary.

Matt Kuhn, Parks Director, said he wants to recognize that as a nonprofit, this is a potential resource for them to augment their operations. We wanted to put a limit to this which is why it's limited to eight events. Theater Aspen has agreed to it, and it does not include the John Denver Sanctuary.

Councilor Richards agrees and supports the management approach, but it's important to pay attention to the neighbors there.

Councilor Doyle's concern is with their quest to keep this up year-round. It says to him, they will eventually want to make it permanent and that's a slippery slope.

Mr. Kuhn said the lease is specific to the tent structure.

Councilor Mesirow said he has questions on the lighting Resolution #101, and his questions are around scope. The dark skies initiative died without anyone talking about it. How are we using smart lighting? Ben Anderson, City Planner, said this firm set up this model that the Dark Skies Association uses and it's on their website. There is a standard we can pursue. There will be a lot of conversation of color of light, technology and compliance with future building code. It's really important for us to have consistency and not contrary to what Pitkin County is doing.

Councilor Richards motioned to approve; Councilor Doyle seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

FIRST READING OF ORDINANCES:

Ordinance #20, Series of 2021 - Tyler Christoff, Director of Utilities

Mr. Christoff said this ordinance contains their annual updates to the utility rates and fees. No changes have been made to the document since council's last review.

Councilor Richards said she reached out to Tyler asking about the senior discount. She applauds him for his work on this.

Councilor Richards motioned to read Ordinance #20; Council Mesirow seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

City Clerk, Nicole Henning, read the ordinance.

Councilor Richards motioned to approve Ordinance #20; Councilor Mesirow seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Councilor Richards motioned to read Ordinance #21; Councilor Hauenstein seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Ms. Henning read the ordinance.

Ordinance #21, Series of 2021 - Pete Strecker, Finance Director

Mr. Strecker summarized the ordinance.

Councilor Richards motioned to approve Ordinance #21; Councilor Doyle seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Councilor Richards motioned to read Ordinance #22; Councilor Mesirow seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Ms. Henning read the ordinance.

Ordinance #22, Series of 2021 - Andrew Kramer, Budget Manager

Mr. Kramer said this is something they do every year. In this case, a lot of the changes are to address inflationary needs.

Mr. Doyle said this seems pretty straight forward, and costs always goes up.

Councilor Doyle motioned to approve Ordinance #22; Councilor Mesirow seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Councilor Richards motioned to read Ordinance #23; Councilor Doyle seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Ms. Henning read the ordinance.

Ordinance #23, Series of 2021 – Pete Strecker, Finance Director

Mr. Strecker said this is a clerical correction for the Department of Revenue who asked for some clarity in our tax code.

Councilor Richards motioned to approve Ordinance #23; Mayor Torre seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

PUBLIC HEARINGS:

Resolution #093, Series of 2021 – 2022 Budget Resolution – Andrew Kramer, Budget Manager

Mr. Kramer recapped what has been discussed over the past month and a half. This will pass the budget for 2022.

Mayor Torre opened public comment.

Mayor Torre closed public comment.

Councilor Richards motioned to approve Resolution #093; Councilor Hauenstein seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Resolution #106, Series of 2021 – Proposed Land Use Code Changes Calculation of Single-Family and Duplex Residential Affordable Housing Mitigation - Ben Anderson, City Planner

Mr. Anderson shared his screen and said that policy resolution is the action city council can take in making a code amendment. The requirements for single-family and duplex affordable housing mitigation requirements are a) credit for existing floor area and b) gross floor area, rather than net floor area basements, garages, and vertical circulation. The review criteria for initiation of a code amendment are to gauge whether there exists a community interest to pursue the amendment, whether it furthers an adopted policy, community goal or objective of the city, and whether it is compatible with the community character. Staff's view is that these criteria have been met. He further explained the calculation changes. The proposed schedule for an ordinance if council approves the policy resolution will be: November 16th at the Planning & Zoning commission, November 23rd at city council for first reading, and December 14th at city council for the public hearing. Staff recommends approval.

PUBLIC COMMENT:

Mike Maple - Mr. Maple said the public outreach of city council has a long way to go. He said affordable housing mitigation is a sound concept, but he's disturbed with how it's being thought about. It is not appropriate to use one denominator to arrive at an impasse and then use a different formula to apply that. He's asking them to take a hard look at how they treat residents and how it's computed, and by recognizing how the occupancy of a house mitigates the housing impact.

Councilor Mesirow said he thinks Mr. Maple isn't understanding the deferment piece and explained it to him.

Mayor Torre asked if things that Mr. Maple brought up will be discussed in the steps moving forward if this is approved tonight. Mr. Supino said yes.

Councilor Hauenstein thanked Mr. Maple and said he remembers him making the same comments in 2015. Deferred mitigation is fair. He fully supports this and it's a good first step. Councilor Hauenstein motioned to approve Resolution #106; Councilor Mesirow seconded.

Councilor Mesirow said you have 100 percent support from me on this. This doesn't come close to addressing the real housing shortage though.

Councilor Doyle thanked Phillip and Ben for their work on this. We need to do more, but it's a great first step.

Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

Councilor Richards motioned to adjourn; Councilor Mesirow seconded. Roll call vote: Doyle, yes; Hauenstein, yes; Mesirow, yes; Richards, yes; Torre, yes. 5-0, motion carried.

____

City Clerk, Nicole Henning

CITY OF ASPEN

MEMORANDUM

TO: Mayor Torre and Aspen City Council

THROUGH: Phillip Supino, Community Development Director

FROM: Amy Simon, Planning Director

MEMO DATE: November 15, 2021

MEETING DATE: November 23, 2021

RE: Notice of Call Up, HPC approval for 1020 E. Cooper Avenue– Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing Credits, Transportation and Parking Management, HPC Resolution #15, Series of 2021

APPLICANT /OWNER:
1020 Cooper LLC
James DeFrancia, Manager

REPRESENTATIVE:
BendonAdams

LOCATION:
Street Address:
1020 E. Cooper Avenue

Legal Description:
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 Identification Number:
PID# 2737-182-32-006

CURRENT ZONING & USE
RMF (Residential Multi-Family), Single-family home

PROPOSED ZONING & USE:
RMF, Multi-family dwelling

PROCESS SUMMARY: Certain land use approvals granted by HPC or P&Z require that Council be notified of the decision through a brief staff summary. The notification is not a public hearing and no applicant presentation or public comment has been accepted in the past. During the Call Up Notice, City Council may uphold the HPC or P&Z decision. Alternatively, Council may request more detailed information be provided through a presentation by staff and the applicant at a future meeting. After hearing the additional project description, Council may uphold the boards' decision or may remand it to require reconsideration of specific issues at a new public hearing. HPC's or P&Z's decision on remand shall be final.

BACKGROUND: 1020 E. Cooper Avenue is a landmarked property containing a Victorian era miner's cottage with numerous exterior alterations, and two sheds constructed at a later date along the alley. The property owner has requested approval to demolish the sheds, relocate and rehabilitate the miner's cottage and to construct two deed restricted affordable housing units in the historic structure, and two in a new detached building at the rear of the site. The proposal has been the subject of several hearings, most recently on November 10th, when HPC granted preliminary approval based on a reduction in the height of the proposed new structure, resulting from the deletion of one proposed unit. The HPC actions subject to Notice of Call Up are Conceptual Major Development, Relocation, and Demolition.

Figure 1: 1020 E. Cooper Site

STAFF RECOMMENDATION:

The topics subject to Notice of Call Up are demolition of the sheds and moving the historic resource in its current form onto a new basement and undertaking repairs and efforts to re-establish the earlier appearance of the home using the limited photos, maps and physical evidence available to do so. There will be only modest additions made to the resource (a dormer and a porch extension, both attached to an existing 1960s era lean-to at the back of the house.) There are very few miner's cottages that have been able to be preserved as a one-story free-standing structure like this one will be. The message that this structure is part of the Aspen's heritage will be significantly reinforced by this project.

Figure 1: *1020 E. Cooper Site*

The Historic Preservation Commission (HPC) reviewed numerous iterations of this proposed redevelopment before it was approved with conditions, with HPC finding that all review criteria were met. As Council is aware, neighbors were actively engaged in the discussion. At the November 10th hearing, a group of neighbors submitted a letter of support for the project as revised, and HPC was complimented for their efforts. While there was a reduction of one affordable housing unit from the original design, the applicant's original plan to generate credits for 12.75 FTEs was only reduced by one, to 11.75 FTEs, with no loss of the original 12 bedrooms of housing proposed. The bedrooms planned for the fifth unit were redistributed to the other units. The progress of the design throughout 2020 is illustrated below.

Figure 3: *Renderings of the street and alley views of the project as it was amended during 2021 reviews.*

Staff supported the proposal with conditions and HPC granted approval with a unanimous vote of 3-0. Please note that of the six member board, two members had conflicts of interest on the review and one member was absent at the November 10th hearing. An affirmative vote of three members is sufficient for approval according to the Municipal Code. Staff recommends Council uphold HPC's decision.

FINANCIAL IMPACTS: N/A

ENVIRONMENTAL IMPACTS: N/A

ALTERNATIVES: N/A

RECOMMENDED MOTION:
"I move to uphold HPC's approval for 1020 E. Cooper Avenue- Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing Credits, Transportation and Parking Management, HPC Resolution #15, Series of 2021."

CITY MANAGER COMMENTS:
____
____
____.

EXHIBITS:
A – HPC memo, November 10, 2021
B – HPC approved plans
C – Draft HPC meeting minutes, November 10, 2021
D – HPC Resolution #15, Series of 2021

CITY OF ASPEN

Memorandum

TO: Aspen Historic Preservation Commission

FROM: Kevin Rayes, Planner

Amy Simon, Planning Director

MEETING DATE: November 10, 2021

RE: 1020 E. Cooper Avenue – Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing Credits, Transportation and Parking Management, **PUBLIC HEARING CONTINUED FROM AUGUST 25TH**

APPLICANT /OWNER:
1020 Cooper LLC
James DeFrancia, Manager

REPRESENTATIVE:
BendonAdams

LOCATION:
Street Address:
1020 E. Cooper Avenue

Legal Description:
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 Identification Number:
PID# 2737-182-32-006

CURRENT ZONING & USE
RMF (Residential Multi-Family), Single-family home

PROPOSED ZONING & USE:
RMF, Multi-family dwelling

SUMMARY:
The applicant has requested Conceptual Major Development, Relocation, Demolition, Growth Management, Certificate of Affordable Housing Credits, Transportation and Parking Management approvals for four 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 two are in a detached new structure located at the rear of the property. On August 25th, HPC reviewed the application to redevelop the landmark and voted to continue the project for restudy. HPC's feedback was related to the scale and proportion of the rear addition and its relationship to the historic resource. Staff finds the restudy to be successful and responsive and recommends approval of the project, subject to the conditions listed in the draft resolution.

Figure 1: 1020 E. Cooper Site Location

TIMELINE OF PREVIOUS HPC HEARINGS REGARDING THIS PROPERTY IN 2021:

- **January 13:** HPC reviewed the application to redevelop the landmark property with five affordable housing units (two within the historic resource and two within the rear addition). HPC continued the project for restudy.
- **February 17:** HPC reviewed the revised application. The vote was tied with two commissioners in support 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.
- **April 19:** City Council reviewed the applicants request to appeal HPCs decision of denial at a public meeting. 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 mass and scale were influenced by factors outside the purview and guidelines such as the number of units, number of occupants, nature of occupants, parking, and lack of neighbor buy-in. Council found that HPC abused its discretion in denying the application. The determination was set forth in Council Resolution No. 40, Series 2021. 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.
- **August 25:** Upon remand from City Council, HPC reviewed the application to redevelop the landmark property and voted to continue the project for restudy. HPC's feedback was related to the scale and proportion of the rear addition and its relationship to the historic resource. Staff finds the restudy to be successful and responsive and recommends approval of the project, subject to the conditions listed in the draft resolution.

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 four 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 eliminate a floor. The previously proposed roof form is simply lowered onto the second level. Staff finds that this revision, in combination with previous adjustments to massing, are effective in addressing concerns expressed by some HPC members. 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 created 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 four deed-restricted affordable housing units are proposed for the site- two in the historic resource and two in the rear building. According to Land Use Code Section 26.470.040.B, *Annual Development Allotments*, 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 APCHA for review and recommendation. Community Development & APCHA staff are highly supportive of this project and acknowledge the community benefit that four affordable housing units will bring.

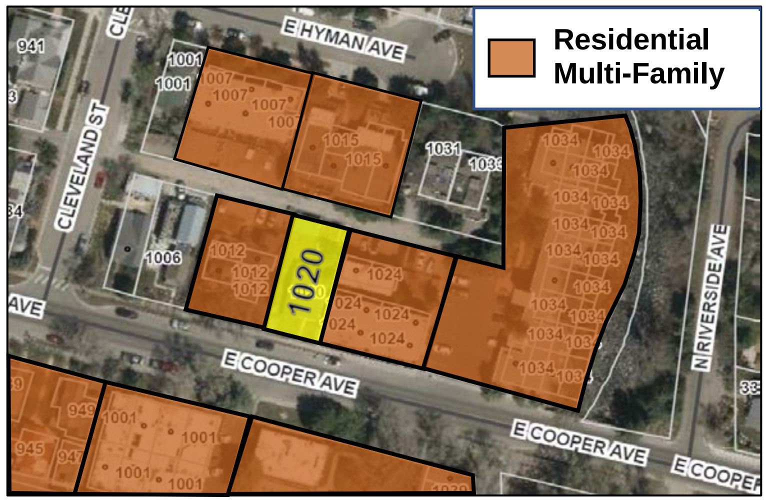


Figure 4: Residential Multi-Family Development Surrounding 1020 E. Cooper

The applicant seeks to establish 11.75 Certificates of Affordable Housing credits, which is commensurate to the full-time employee housing occupancy standards prescribed by APCHA. 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
Four-bedroom	3.50 FTEs/Unit

PROPOSED CERTIFICATES		
Two-bedroom	1 Unit x 2.25 FTEs	=2.25 FTEs
Three-bedroom	2 Units x 3.00 FTEs	=6 FTEs
Four-bedroom	1 Unit x 3.50 FTEs	=3.50 FTEs
Total Proposed	**11.75FTEs**	

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 (Expressed as percent & sq. ft.)
1	2	462.5	450.5	104.3*	1,017.3	900	117.3 **above**
2	3	482.9	477.60	182.9	1,143.4	1,200	5% **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)	1st Level (sf)	2nd Level (sf)	Total (sf)	Min. FA (sf)	Difference (Expressed as Percent)
3	4	653.2	657.6	X	1,310.8	1,450	10% **below**
4	3	X	X	990.9	990.9	1,200	18% **below**

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

One unit exceeds the minimum dimensional standards prescribed by APCHA, and three units fall slightly below the minimum size requirements[1]. Two parking spaces are provided on site (including an ADA-compliant space), which exceeds the minimum required on-site[2]. 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 exterior 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 believes this project will provide high-quality units that incorporate several valuable amenities to improve livability for residents.

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.

Figure 6: Open Front Porch 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 four. 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.

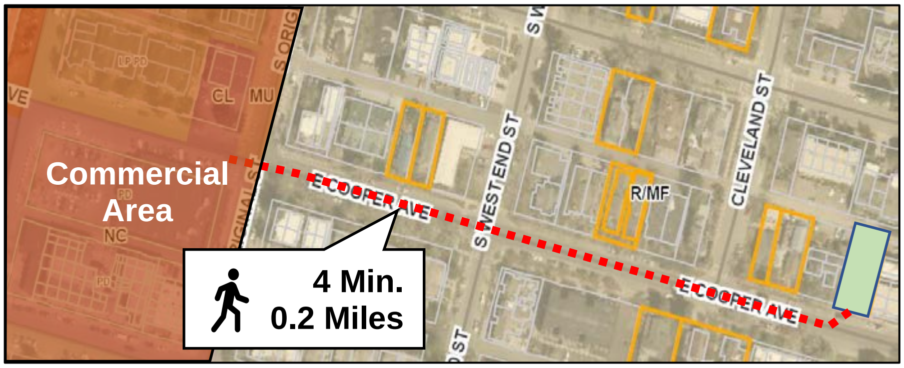


Figure 8: Walking Time from 1020 E. Cooper to Downtown

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 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, two 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. In addition to the on-site parking, given the residential use of the surrounding neighborhood, on-street parking exists throughout the area.[1]

The applicant has also 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.

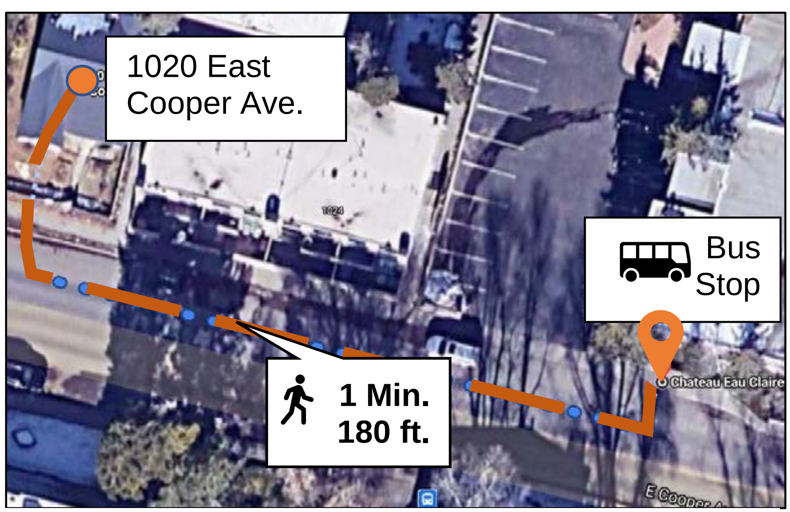


Figure 9: Distance from 1020 E. Cooper to Nearest Bus Stop

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 (AACP) describes the vision for Aspen's future based on community values. The AACP 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 AACP and reiterated in the 2012 AACP:

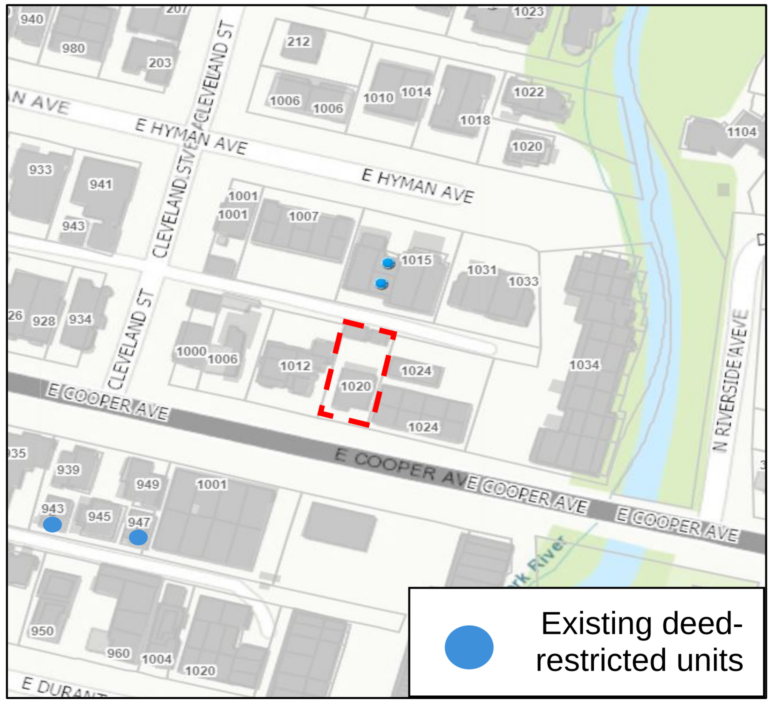


Figure 10: Other Deed-Restricted Units in the Area Immediately surrounding 1020 E. Cooper

"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 Study[1], 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 AACP:

> *The 2000 AACP 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 AACP reiterates the 2000 AACP 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 four affordable housing units within the Aspen infill area serves as a unique and important opportunity to fulfill many of the objectives outlined in the AACP.

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.
4. Discuss how this property will drain to the City's system so that detention is not necessary.
5. Include a backup plan if the alley cannot be regraded to convey drainage to the C&G.
6. Include regrading and conveyance calculations for the alley.
7. Provide letters to serve from all utility providers per section 1.3.5 of the Engineering Standards.
8. Meter designs shall comply with section 5.8 of the Water Distribution Standards.
9. Update civil plans to reflect new site plan.

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 11.75 FTE’s based on the generation rate established in the Regulations and calculated as follows:

1	2-bedroom	X	2.25/bedroom	=	2.25
2	3-bedrooms	X	3.00/bedroom	=	6.00
1	4-bedroom	X	3.50/bedroom	=	3.50
TOTAL					11.75 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:

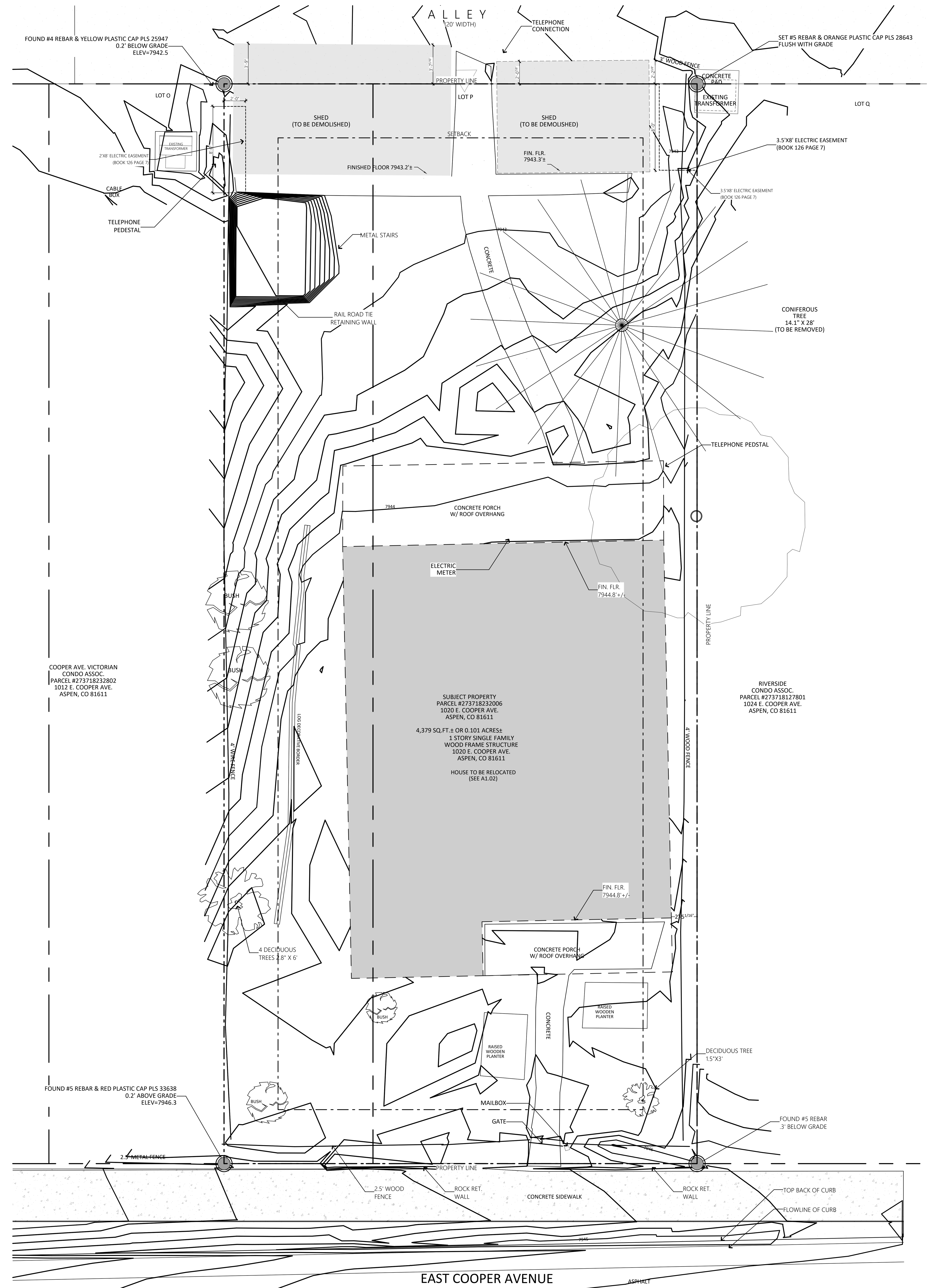
> **"HPC finds this application to comply with the requirements and limitations of the Land Use Code related to Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing Credits, and Transportation and Parking Management approval as well as the dimensional 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 and Current HPC Hearings (Jan. 13th, Feb. 17th June 9th, August 25th & November 10)
Exhibit D – Engineering and APCHA Referral Comments
Exhibit E – Council Resolution No. 40, Series 2021
Exhibit F – Council Remand Minutes, April 19,2021
Exhibit G – HPC Minutes, August 25, 2021

Exhibit B- Application



1 SITE PLAN | EXISTING | 3/16"

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

0 4' 8' 12'

DJA

119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED ARCHITECT DAVID KEITH JOHNSTON 305175

1020 E. COOPER PROJECT

| ASPEN CO

DRAWING	ISSUE
HPC APPLICATION	9/27/2021

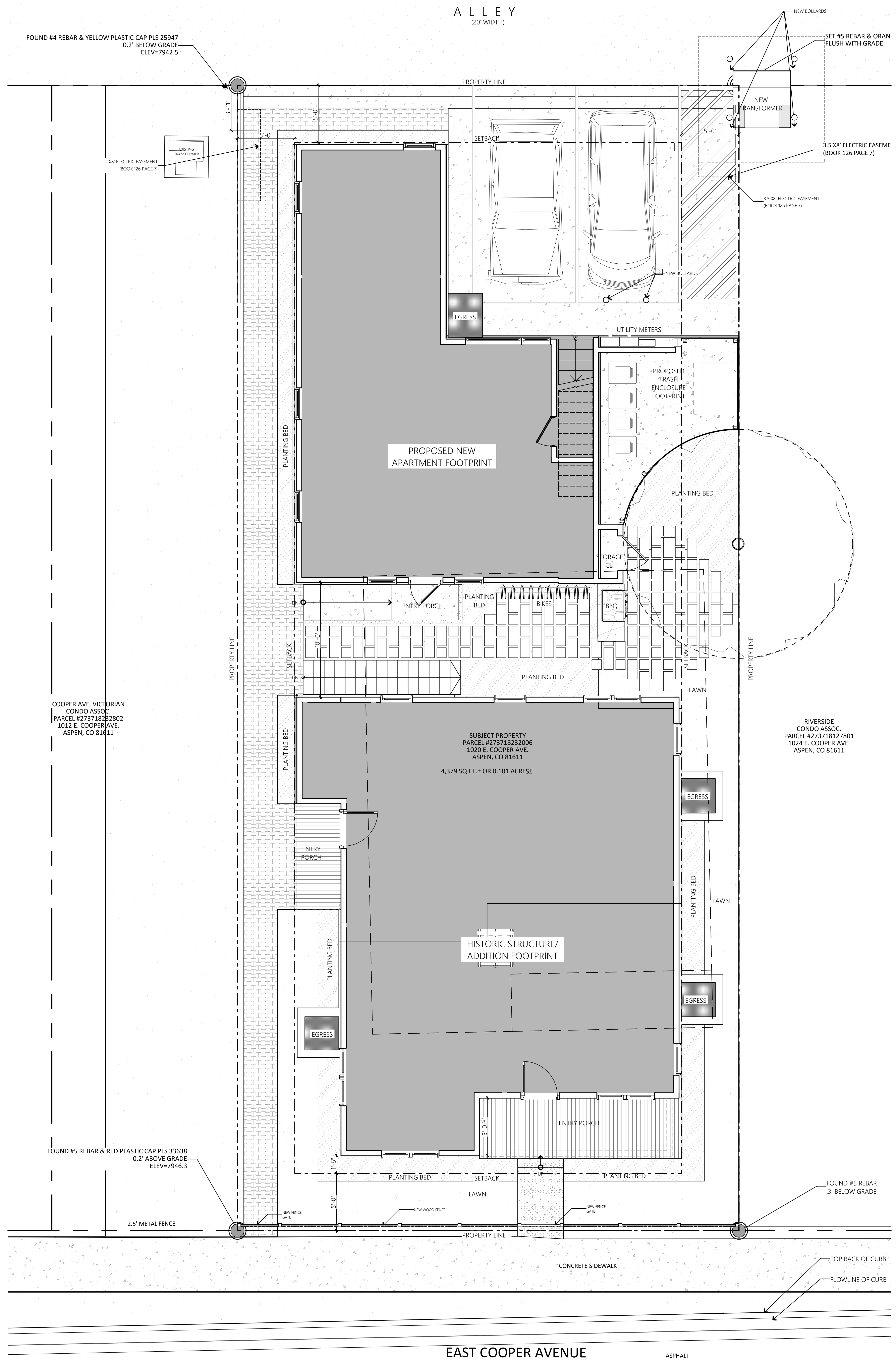
SITE PLAN | EXISTING | 3/16"

PROJECT No:	1907
DRAWN BY:	CPF

N

Sheet No.
A1.01

X:₩Projects₩Aspen₩'20 Projects₩2007 - 1020 E. Cooper₩DWG₩1020 Cooper-Current.pln Monday, September 27, 2021 1:08 PM



1 SITE PLAN | PROPOSED | 1/4"

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

SITE 7945.78' = ARCH 100'-0"

N

DJA

119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED ARCHITECT DAVID KEITH JOHNSTON 305175

1020 E. COOPER PROJECT
| ASPEN CO

DRAWING	ISSUE
HPC APPLICATION	9/29/2021

SITE PLAN | PROPOSED | 3/16"

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.
A1.02

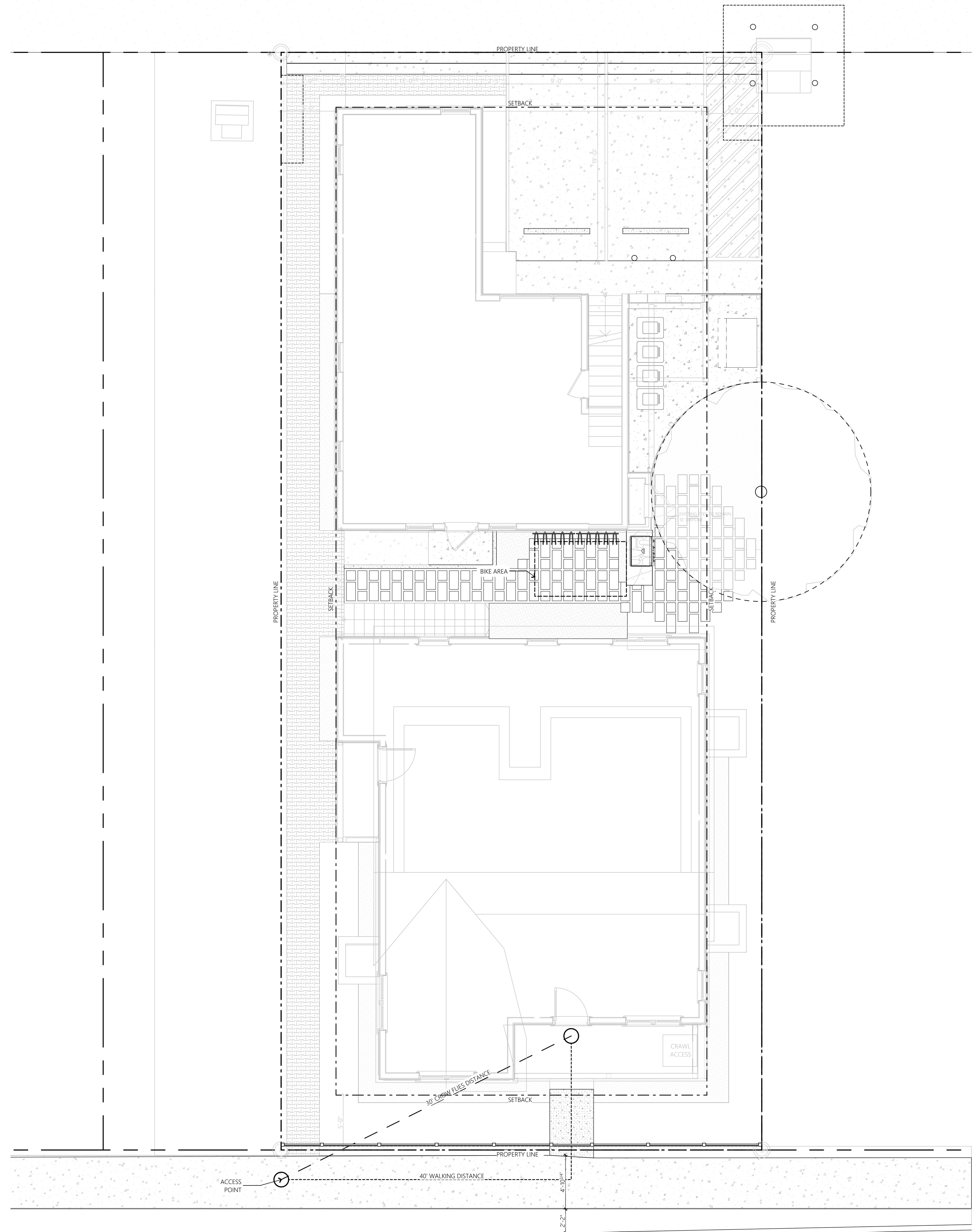
X:\Projects\Aspen\'20 Projects\2007 - 1020 E. Cooper\DWG\1020 Cooper-Current.pln Wednesday, September 29, 2021 1:30 PM

Exhibit B- Application

DJA
119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

1020 E. COOPER PROJECT
| ASPEN CO

DRAWING: HPC APPLICATION
ISSUE: 9/27/2021



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

SITE PLAN | TIA | 3/16"

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.
A1.03

X:\Projects\Aspen\'20 Projects\2007 - 1020 E. Cooper\DWG\1020 Cooper-Current.pln Monday, September 27, 2021 1:08 PM

Exhibit B- Application

1 LANDSCAPE PLAN | PROPOSED | 3/16"

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

N

DJA

119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED ARCHITECT
DAVID KEITH JOHNSTON
305175

1020 E. COOPER PROJECT
| ASPEN CO

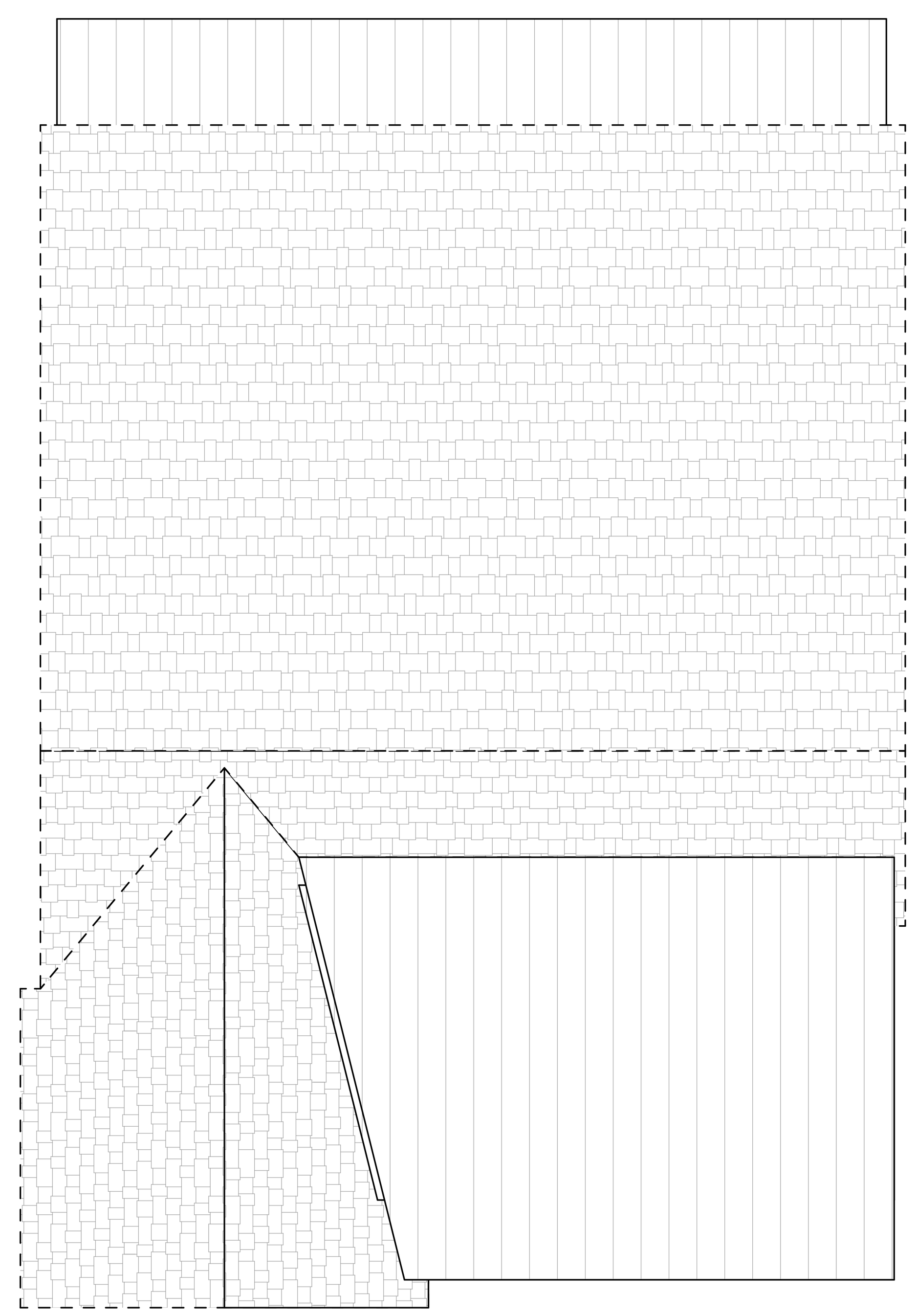
DRAWING	ISSUE
HPC APPLICATION	9/29/2021

SITE PLAN | LANSCAPE
PROPOSED | 3/16"

PROJECT No:	1907
DRAWN BY:	CPF

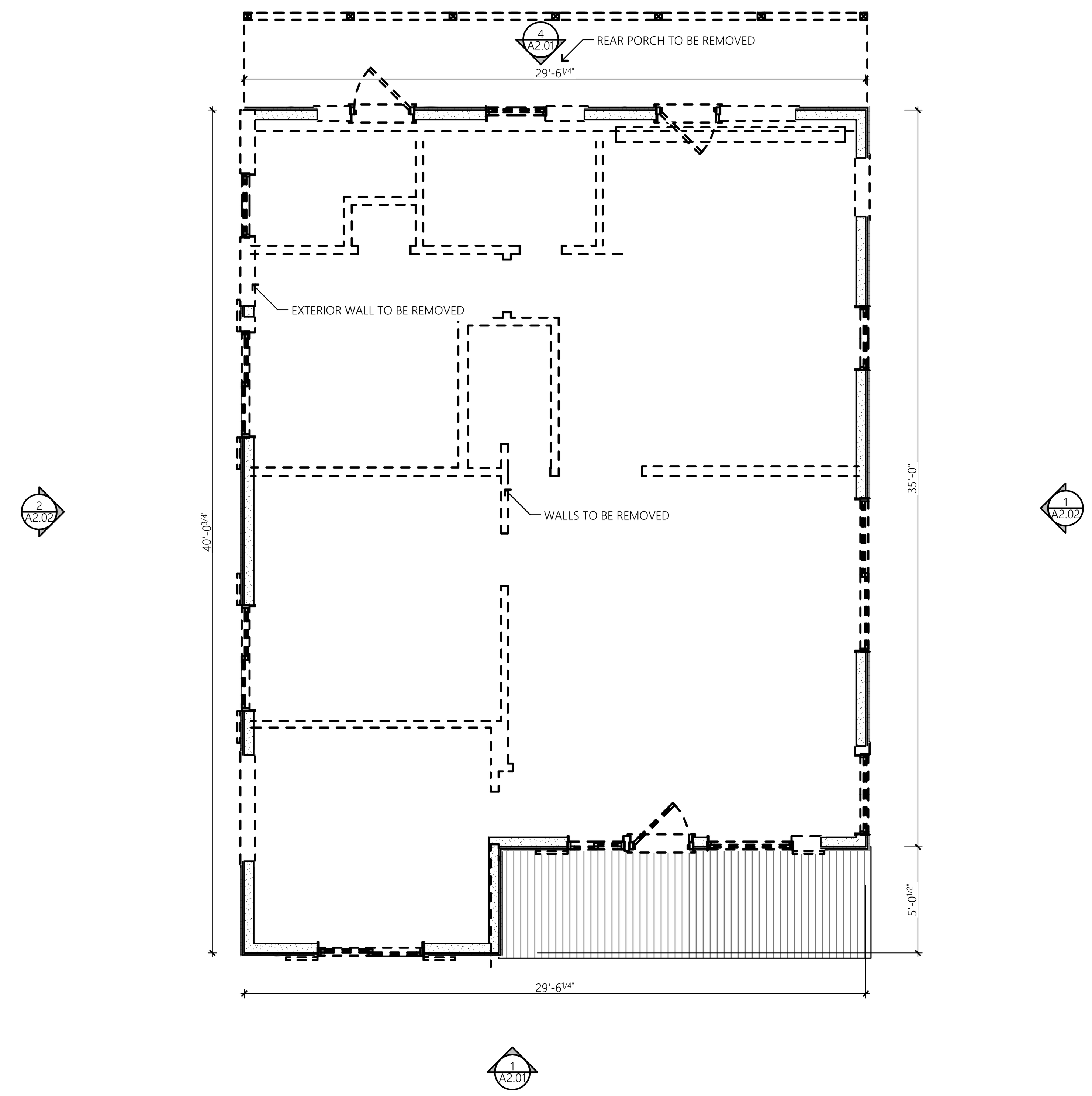
Sheet No.
A1.04

X:\Projects\Aspen\'20 Projects\2007 - 1020 E. Cooper\DWG\1020 Cooper-Current.pln Wednesday, September 29, 2021 1:19 PM



2 ROOF EXISTING PLAN

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



1 MAIN LEVEL DEMOLITION

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

DJA
119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED ARCHITECT DAVID KEITH JOHNSTON 305175

1020 E. COOPER PROJECT

| ASPEN CO

DRAWING HPC APPLICATION

ISSUE 9/27/2021

EXISTING MAIN LEVEL FLOOR PLAN | DEMOLITION

PROJECT No: 1907

DRAWN BY: CPF

Sheet No.

A1.06

X:₩Projects₩Aspen₩'20 Projects₩2007 - 1020 E. Cooper₩DWG₩1020 Cooper-Current.pln Monday, September 27, 2021 1:08 PM

Exhibit B- Application

DJA
119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED ARCHITECT
DAVID KEITH JOHNSTON
305175

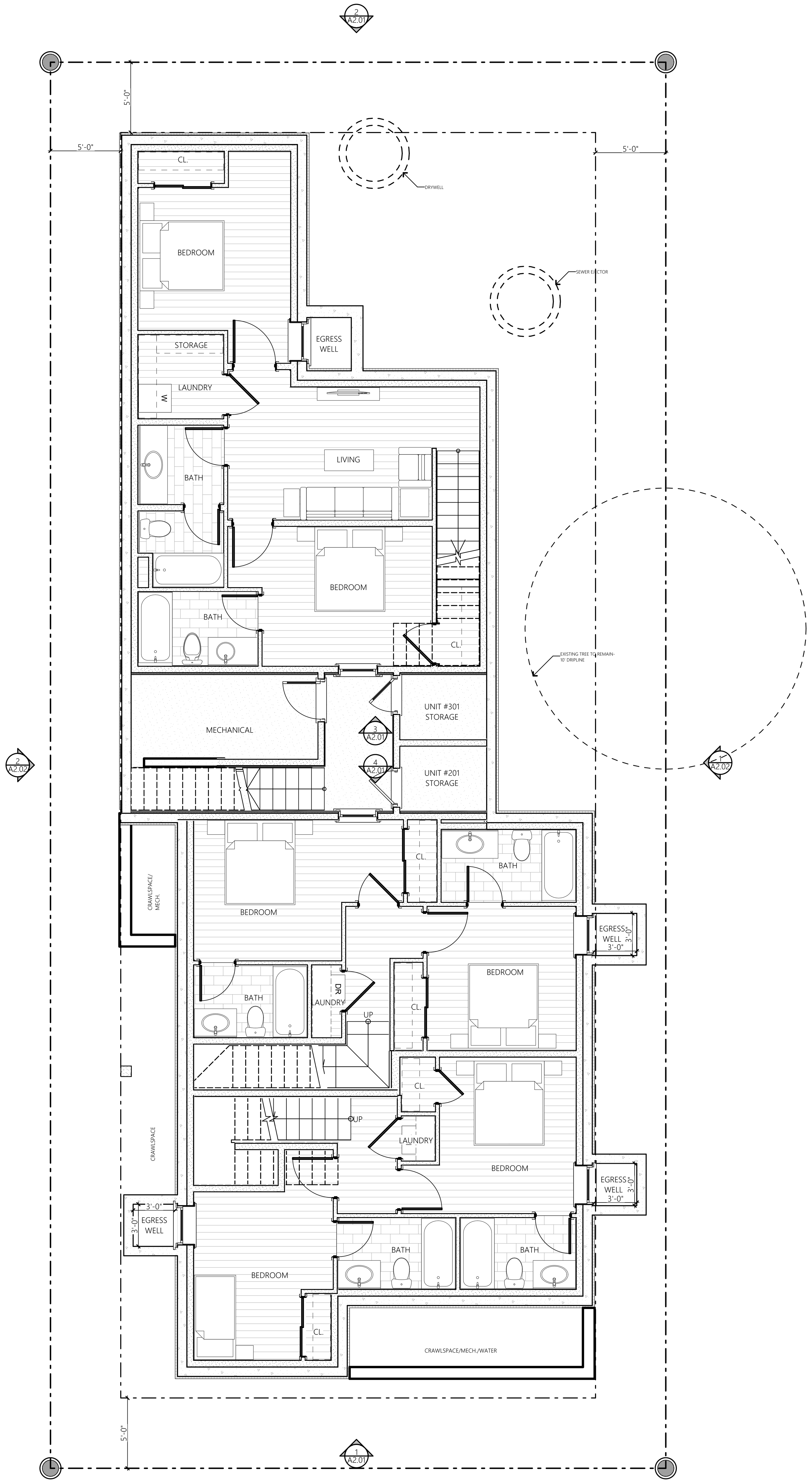
1020 E. COOPER PROJECT
| ASPEN CO

DRAWING ISSUE
HPC APPLICATION 9/27/2021

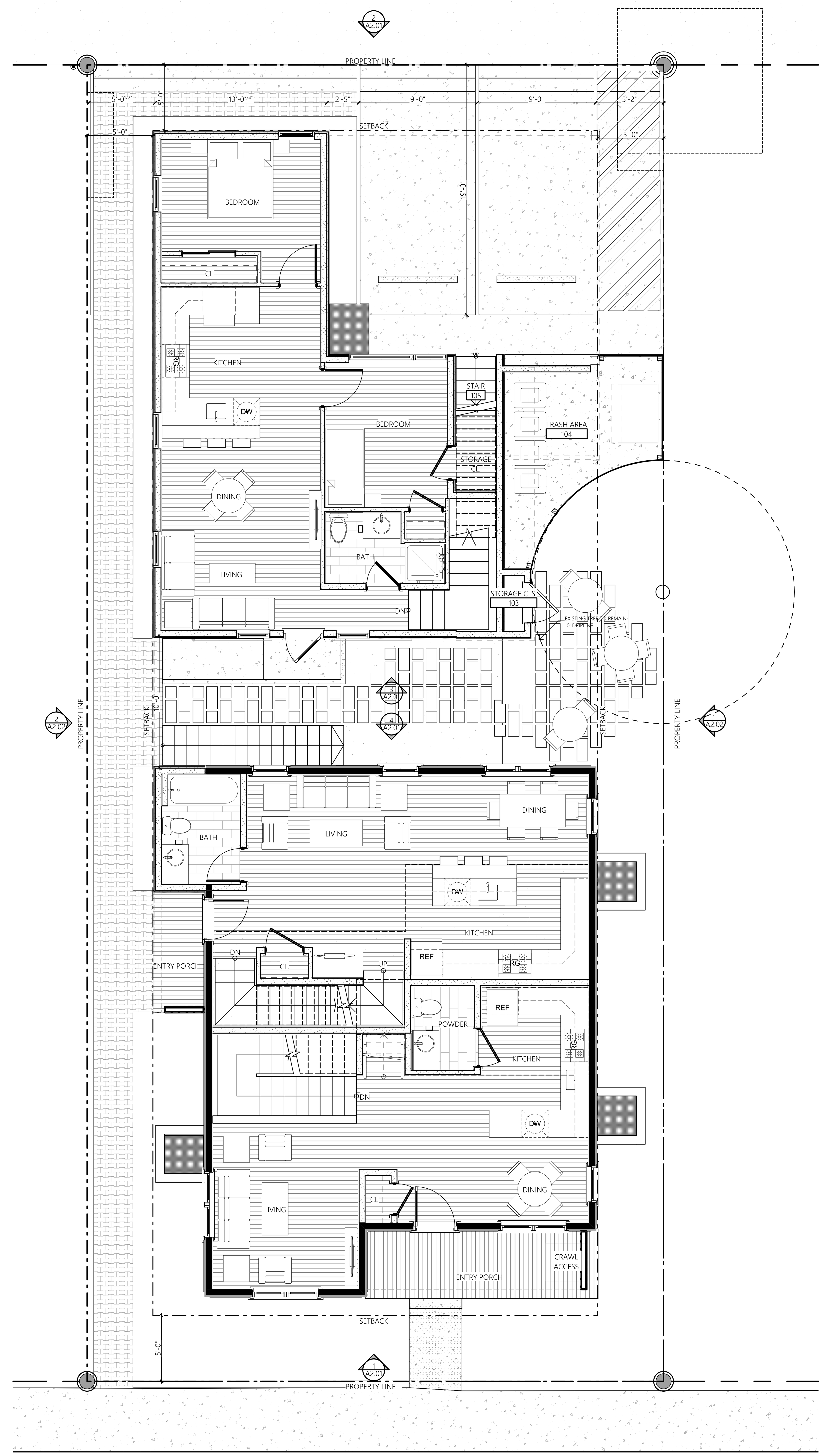
LOWER/MAIN LEVEL FLOOR PLAN | PROPOSED

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.
A1.08



-1 LOWER LEVEL PROPOSED
SCALE: 3/16" = 1'-0"



1 MAIN LEVEL PROPOSED
SCALE: 3/16" = 1'-0"

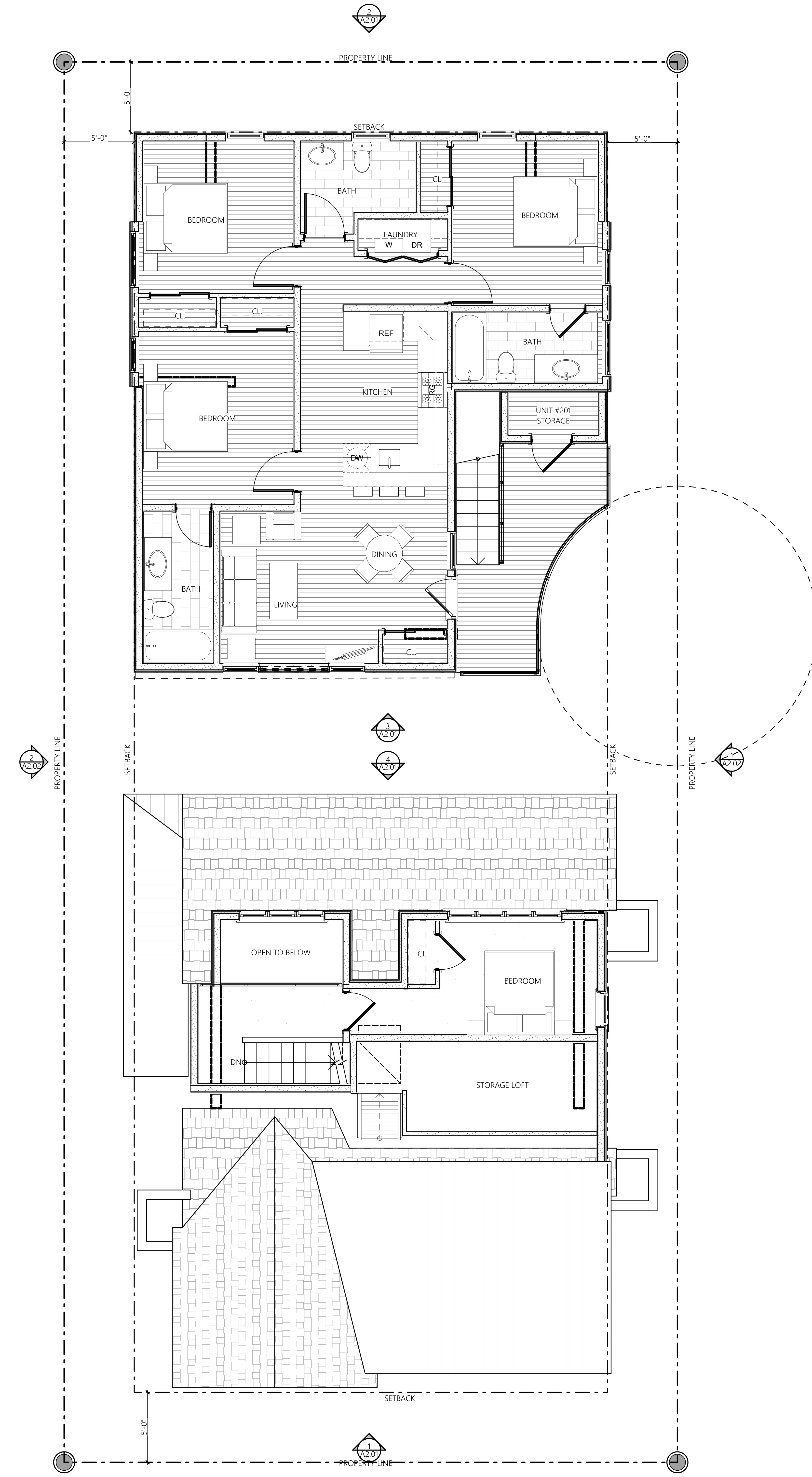
X:₩Projects₩Aspen₩'20 Projects₩2007 - 1020 E. Cooper₩DWG₩1020 Cooper-Current.pln Monday, September 27, 2021 1:08 PM

DJA
119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED ARCHITECT DAVID KEITH JOHNSTON 305175

1020 E. COOPER PROJECT
| ASPEN CO

DRAWING HPC APPLICATION
ISSUE 9/27/2021



2 SECOND LEVEL PROPOSED
SCALE: 3/16" = 1'-0"

SECOND/THIRD LEVEL FLOOR PLAN | PROPOSED

PROJECT No: 1907
DRAWN BY: CPF

Sheet No.
A1.09

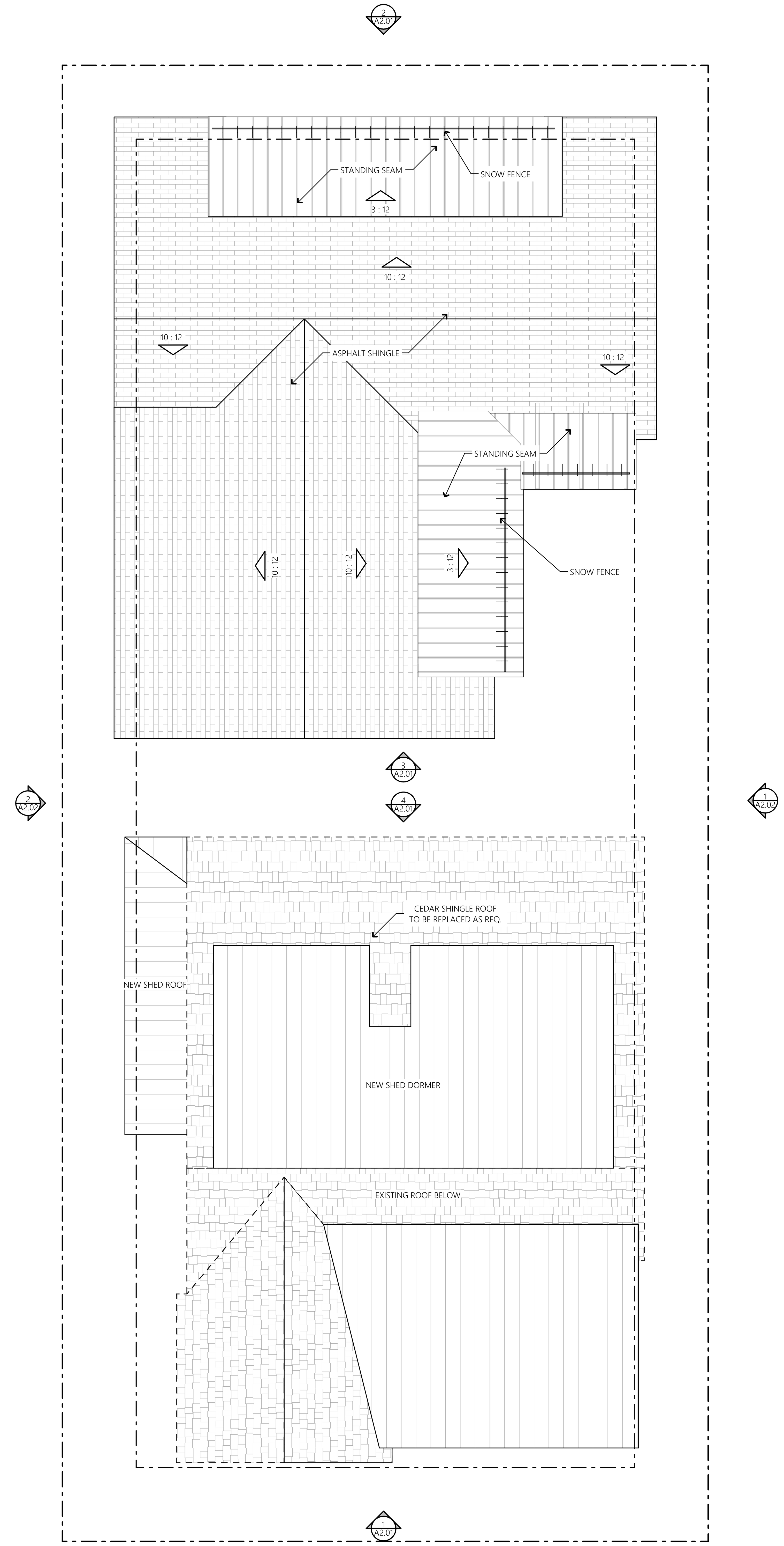
X:\Projects\Aspen\'20 Projects\2007 - 1020 E. Cooper\DWG\1020 Cooper-Current.pln Monday, September 27, 2021 1:08 PM

DJA
119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED ARCHITECT
DAVID KEITH JOHNSTON
305175

1020 E. COOPER PROJECT
| ASPEN CO

DRAWING: HPC APPLICATION
ISSUE: 9/27/2021



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

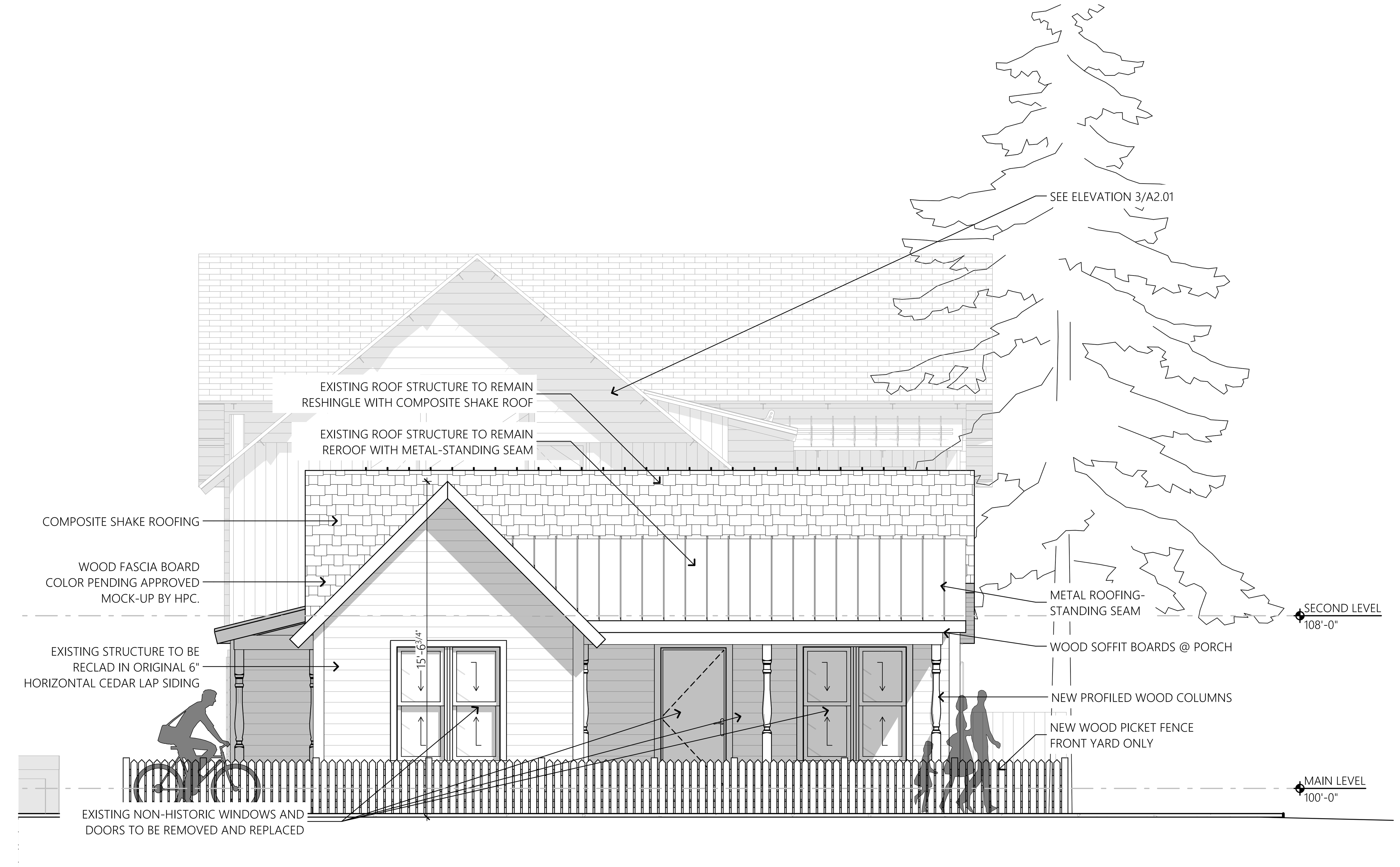
ROOF PLAN

PROJECT No: 1907
DRAWN BY: CPF

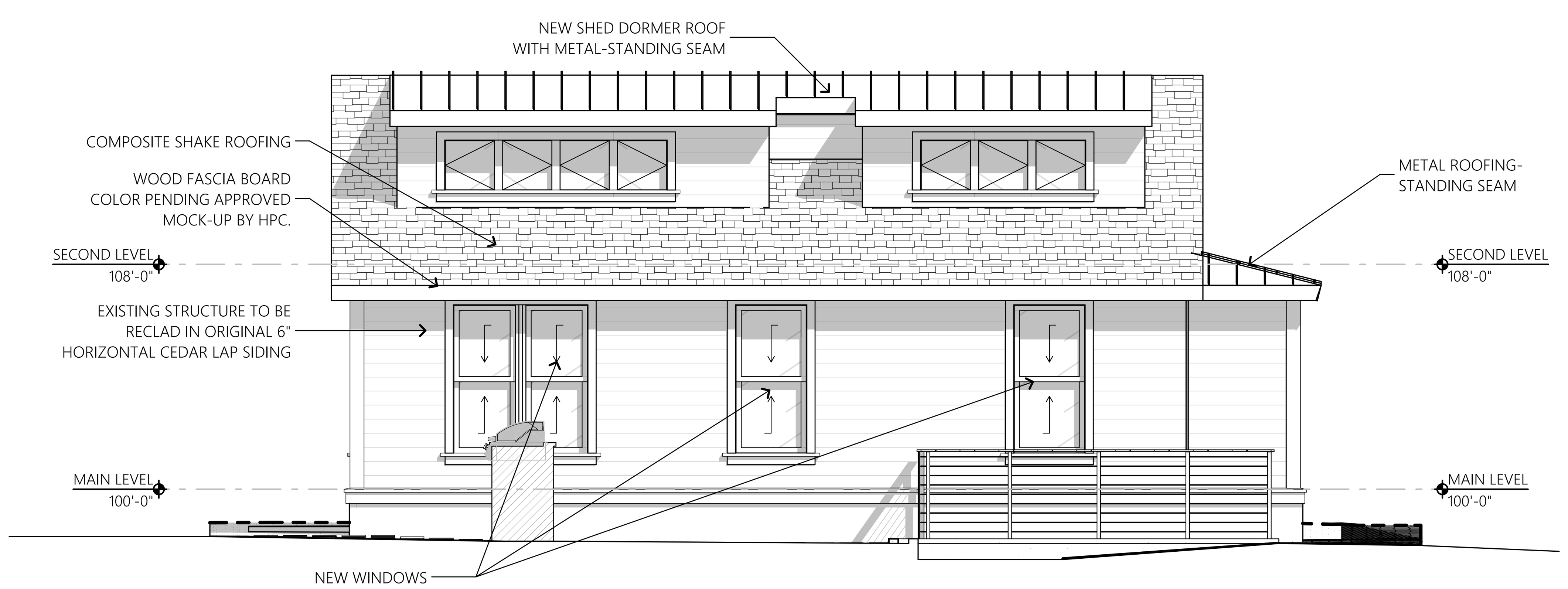
Sheet No.
A1.10

X:\Projects\Aspen\'20 Projects\2007 - 1020 E. Cooper\DWG\1020 Cooper-Current.pln Monday, September 27, 2021 1:08 PM

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"

X:₩Projects₩Aspen₩20 Projects₩2007 - 1020 E. Cooper₩DWG₩1020 Cooper-Current.pln Monday, September 27, 2021 1:09 PM

DJA
119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED ARCHITECT DAVID KEITH JOHNSTON 305175

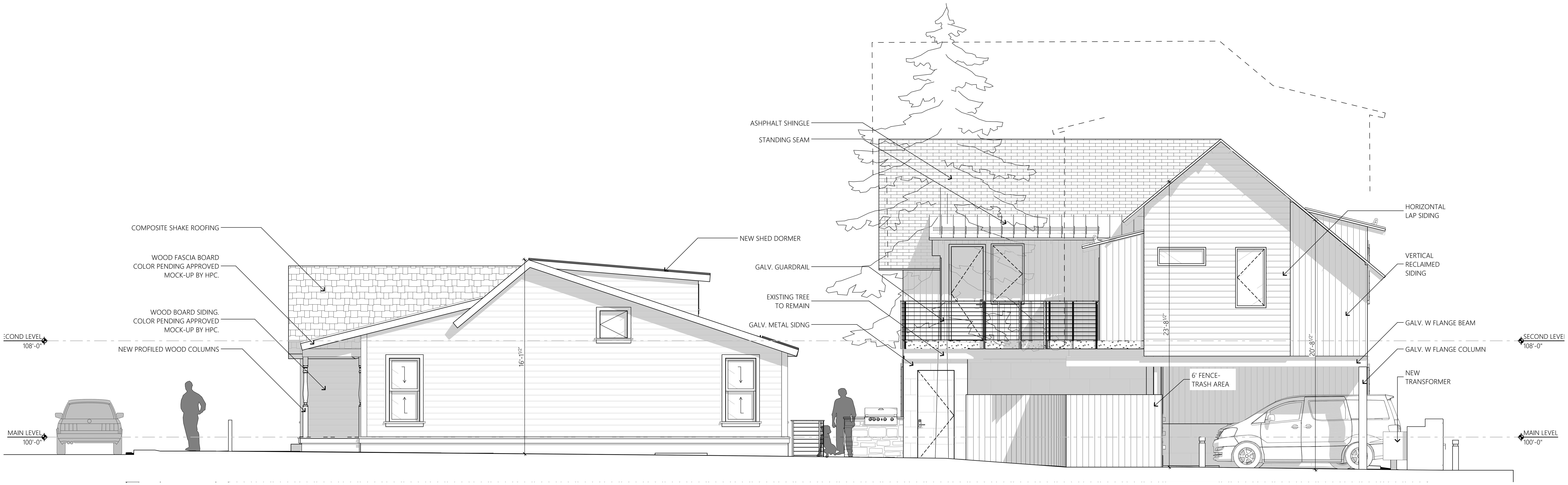
1020 E. COOPER PROJECT
| ASPEN CO

DRAWING: HPC APPLICATION
ISSUE: 9/27/2021

ELEVATIONS

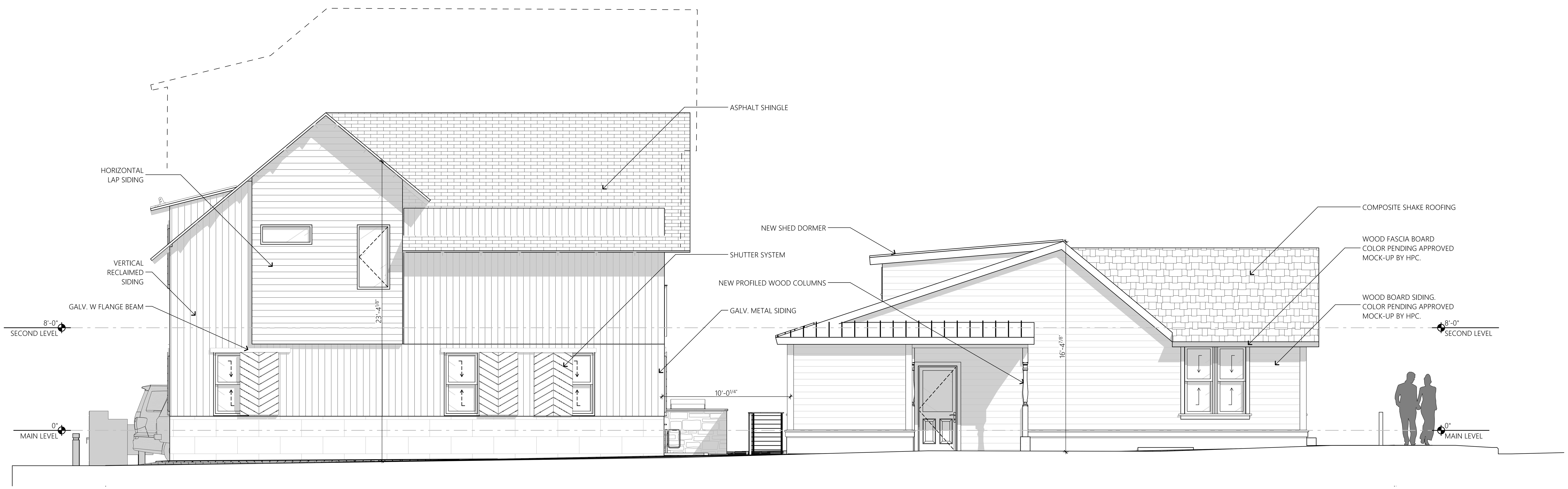
PROJECT No: 1907
DRAWN BY: CPF

Sheet No.
A2.01



1 EAST ELEVATION

SCALE: 1/4" = 1'-0"



2 WEST ELEVATION

SCALE: 1/4" = 1'-0"

X:\Projects\Aspen\20 Projects\2007 - 1020 E. Cooper\DWG\1020 Cooper-Current.pln Monday, September 27, 2021 1:09 PM

DJA

119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

COLORADO LICENSED DAVID KEITH JOHNSTON 305175 ARCHITECT

1020 E. COOPER PROJECT
| ASPEN CO

DRAWING	ISSUE
HPC APPLICATION	9/27/2021

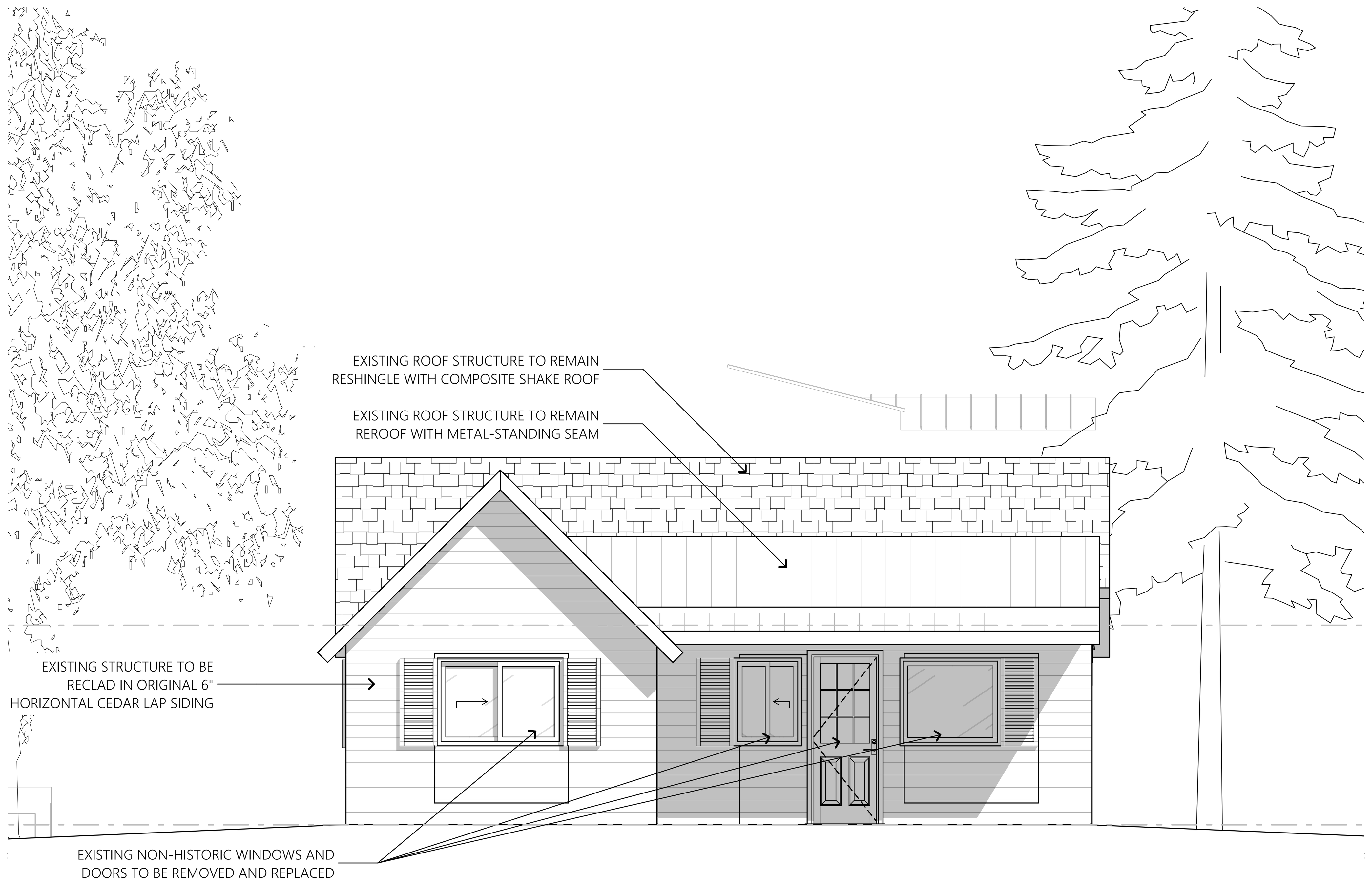
ELEVATIONS

PROJECT No: 1907
DRAWN BY: CPF

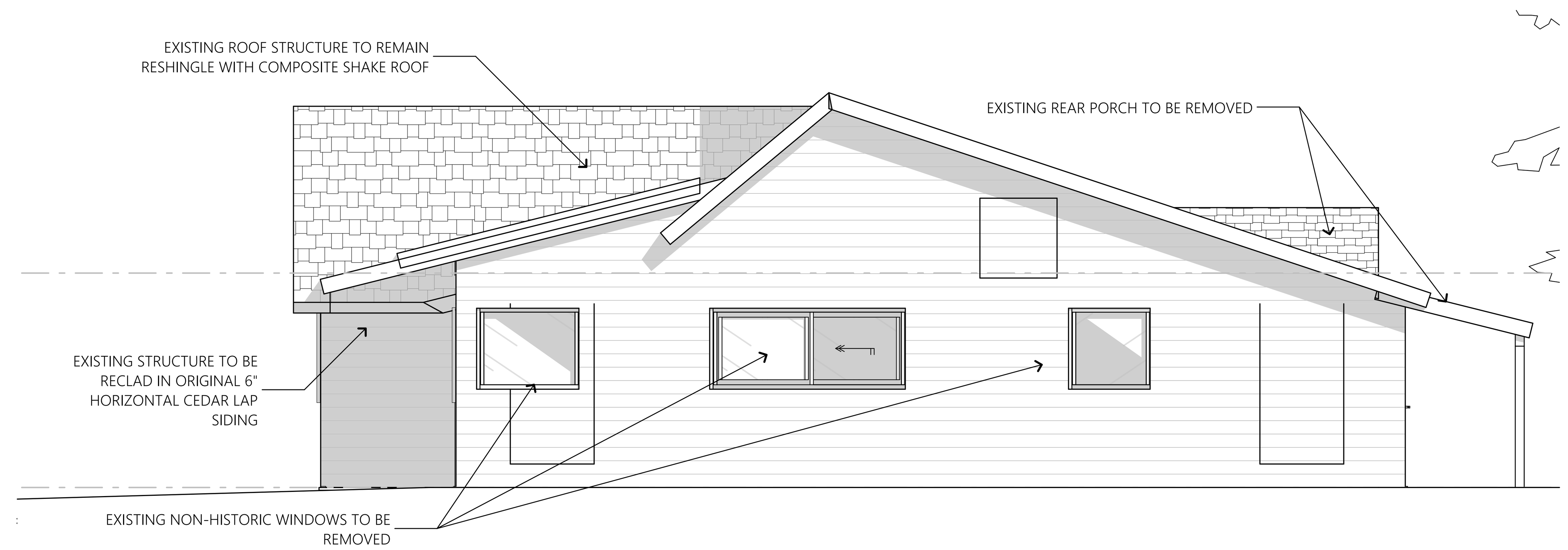
Sheet No.
A2.02

DJA
119 South Spring St. | Suite 203
Aspen, CO 81611
T 970-925-3444
www.djarchitects.com

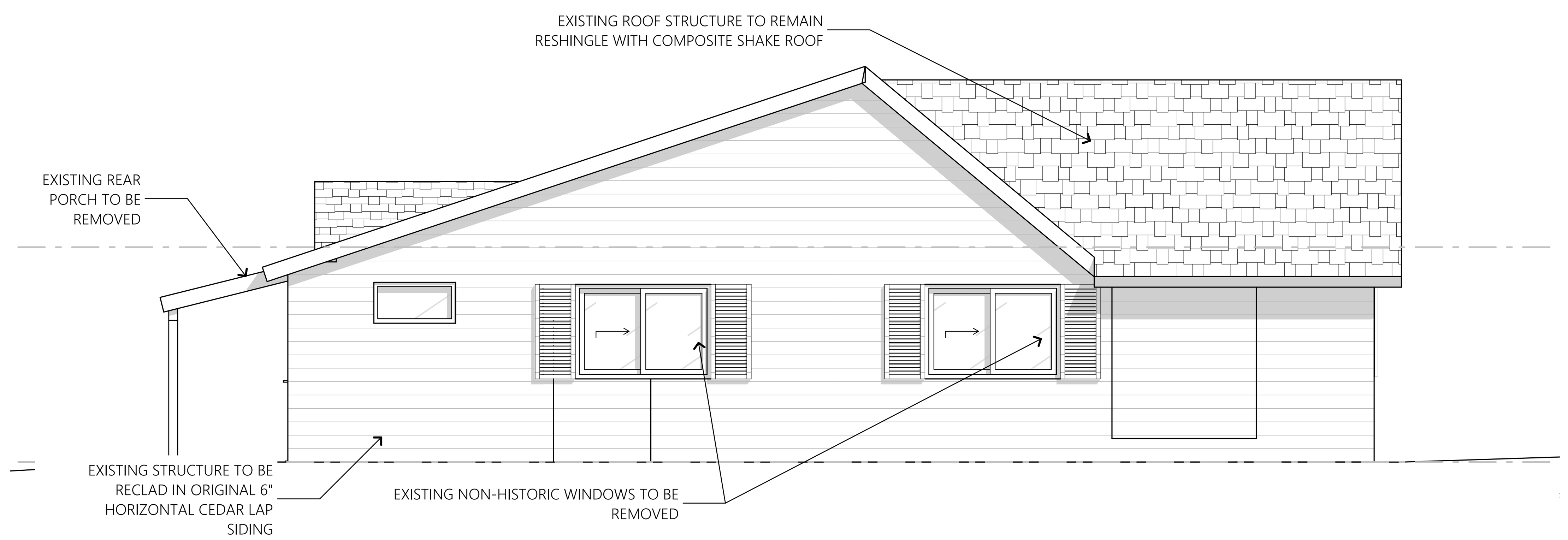
COLORADO LICENSED ARCHITECT
DAVID KEITH JOHNSTON
305175



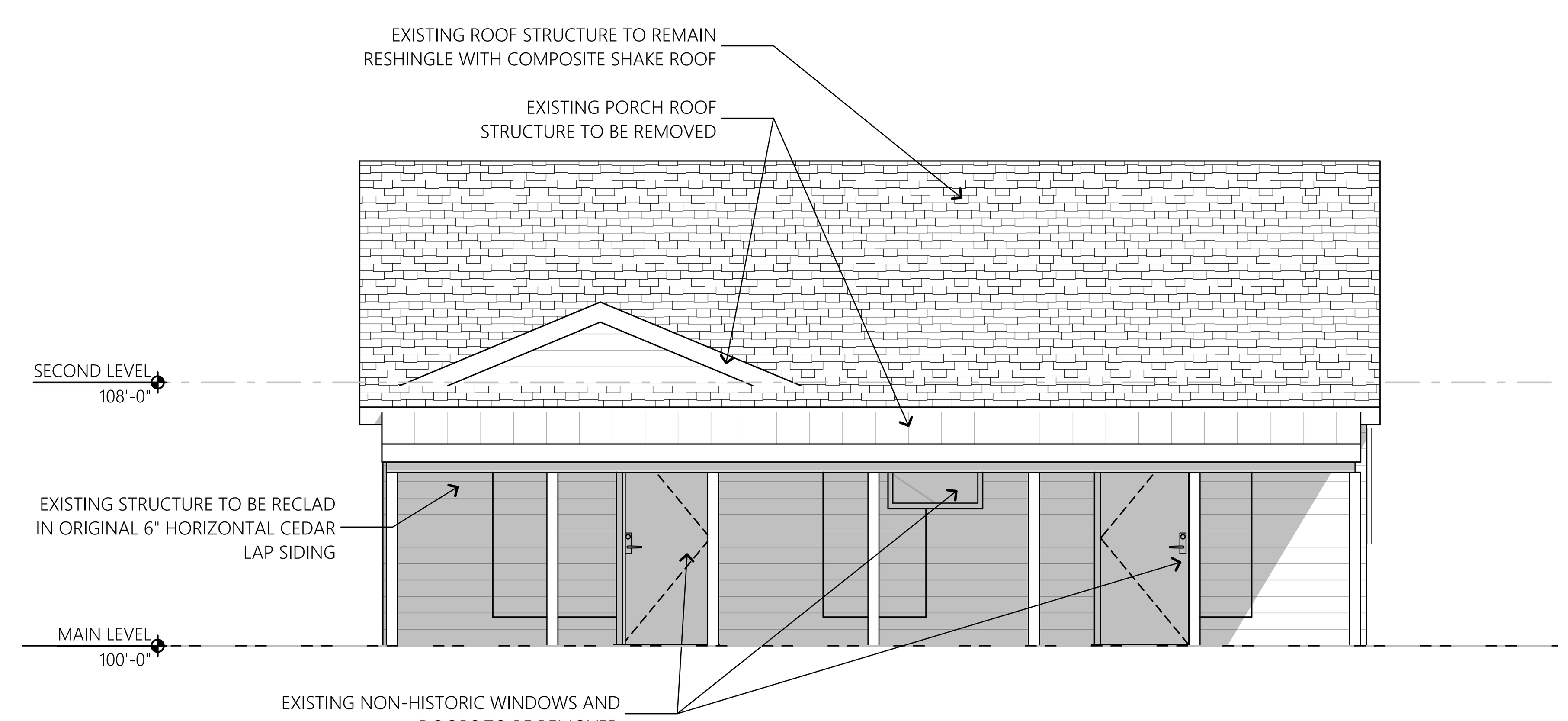
1 SOUTH ELEVATION: HP PLAN
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



1 EAST ELEVATION: HP PLAN
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



2 WEST ELEVATION: HP PLAN
SCALE: 1/4" = 1'-0"
0 2' 4' 8'



2 NORTH ELEVATION: HP PLAN
SCALE: 1/4" = 1'-0"
0 2' 4' 8'

1020 E. COOPER PROJECT
| ASPEN CO

DRAWING	ISSUE
HPC APPLICATION	9/27/2021

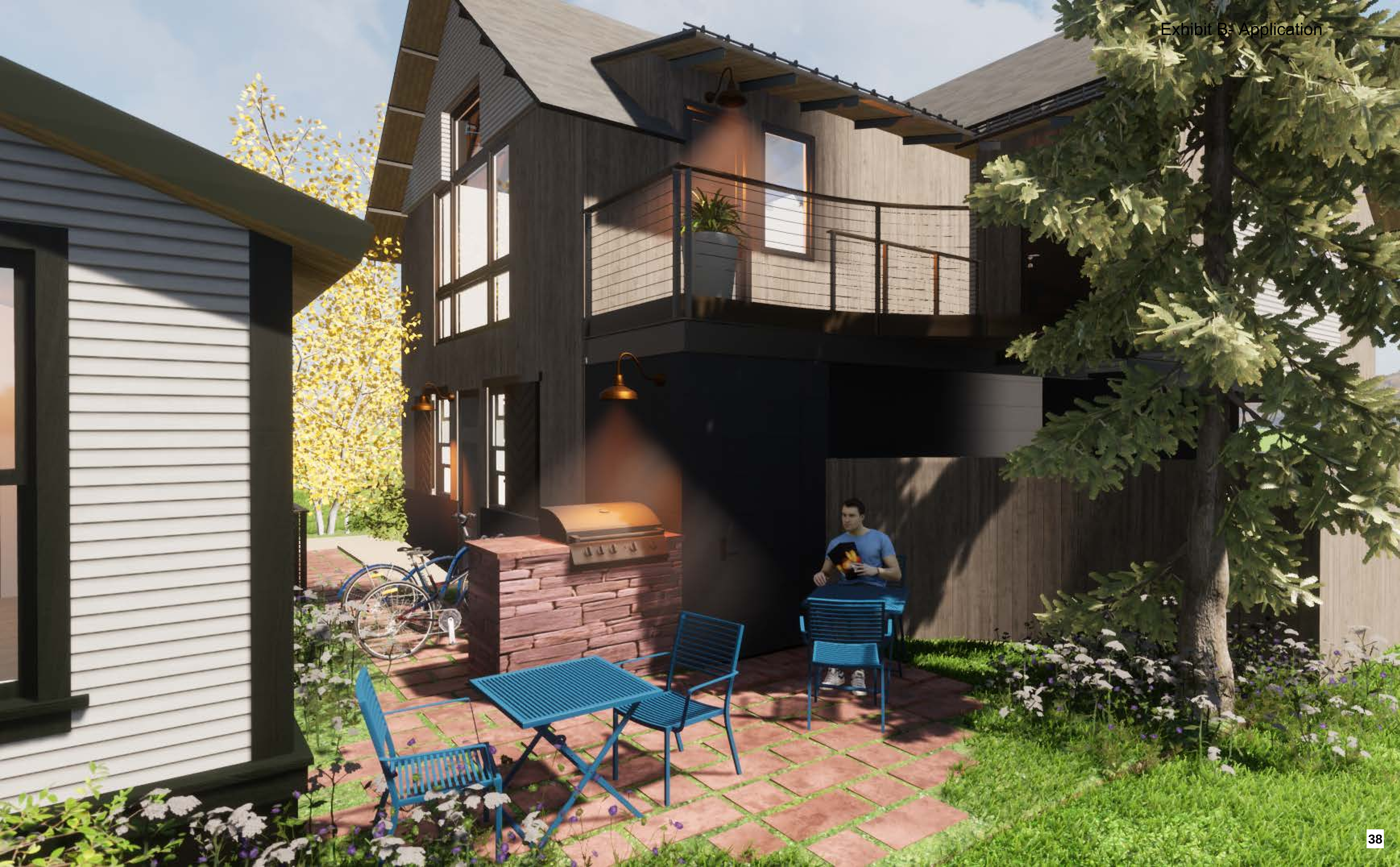
HISTORIC
PRESERVATION
ELEVATIONS

PROJECT No:	1907
DRAWN BY:	CPF

Sheet No.
HP-1

X:\Projects\Aspen\20 Projects\2007 - 1020 E. Cooper\DWG\1020 Cooper-Current.pln Monday, September 27, 2021 1:09 PM


KL-478-MS
DJARCHITECTS




DJARCHITECTS

RESOLUTION # 15, 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; 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 voted to continue the application; and

WHEREAS, on November 10, 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 three to zero (3-0).

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 restoration approach for the miner's cottage, including the design of the front porch, will be reviewed in further detail at Final review.
2. 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.
3. Continue to work with Referral Agencies to advance the project into Final design and permit review.
4. 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.
5. 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.
6. 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 four 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	104.3*	1017.3
2	3	482.9	477.6	182.9	1,143.4

* 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)**	**Total (sf)**
3	4	653.2	657.6	X	1,310
4	3	X	X	990.9	990.9

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. Subject to final approval by APCHA and the City Attorney, the deed restriction shall contain the following language:

   All affordable housing units ("Units") in the Project shall meet the minimum occupancy requirements of the Aspen Pitkin County Housing Authority Employee Housing Regulations effective as of September 2021, and amended from time to time, (the "APCHA Regulations") and shall be permanently restricted to Category 3 (Upper Moderate Income) or Category 4 (Middle Income) housing Categories, as those Categories are defined and used in the APCHA Regulations, as the same may be amended from time to time.

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 two off-street parking spaces will be provided and three parking units 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 10th day of November 2021.

Approved as to Form:

Katharine Johnson, Assistant City Attorney

Approved as to Content:

Kara Thompson, Chair

ATTEST:

Mike Sear, Deputy City Clerk

Chairperson Thompson opened the meeting of the Aspen Historic Preservation Commission at 4:30pm.

Commissioners in attendance: Jeffrey Halferty, Jodi Surfas, Kara Thompson, and Sheri Sanzone. Absent were Peter Fornell and Roger Moyer.

Staff present:
Amy Simon, Planning Director
Kevin Rayes, Planner II
Jim True, City Attorney
Kate Johnson, Assistant City Attorney
Mike Sear, Deputy City Clerk

MINUTES: Ms. Thompson motioned to approve the minutes from August 25th and October 27th, 2021; Mr. Halferty seconded. All in favor; motion carried.

PUBLIC COMMENTS: None.

COMMISSION MEMBER COMMENTS: Mr. Halferty commented on the fantastic work done to the Wheeler. He commended the city, architects, preservationists, and contractors.

Ms. Thompson asked Ms. Simon about the move to the new City Hall and if future meetings would be there.

Ms. Simon mentioned that Community Development is in the process of moving and unpacking and would be in a position the next week to meet in person if anyone would like to stop by. They still need to get some training on the new meeting spaces and are thinking of sometime in the new year to start in person for meetings.

DISCLOSURE OF CONFLICTS OF INTEREST: Ms. Thompson mentioned that Ms. Sanzone was conflicted. Ms. Sanzone confirmed and said she would be leaving before the agenda item begins. Ms. Thompson also mentioned that Mr. Fornell was conflicted as well.

PROJECT MONITORING: Ms. Simon mentioned that she needed to follow up with Ms. Thompson and Mr. Halferty on the Crystal Palace item.

STAFF COMMENTS: Ms. Simon reminded commissioners that this would be the only meeting in November, being that the next one will be canceled due to it falling on Thanksgiving Eve. She also mentioned that they would only have one meeting in December on the 8th, because the second one would fall during the holidays.

CERTIFICATE OF NO NEGATIVE EFFECT: None.

CALL UP REPORTS: None.

Ms. Thompson commented that Mr. Moyer still had not shown up and that they would be moving onto their agenda items. She asked Ms. Simon how to proceed.

Ms. Simon said she was not able to get in touch with Mr. Moyer. She mentioned that they did have a quorum and could proceed with three members, but that all three members would have to be in agreement.

Ms. Sanzone left the meeting.

Ms. Johnson confirmed that any action would require the vote of all three. She mentioned that under the code the applicant has the right to request a continuance. The commission would need to find that good cause exists to grant this continuance because the applicant has already received their first continuance.

Ms. Simon said that she heard from Mr. Moyer and that he had a personal issue come up and would not be joining.

Ms. Thompson asked the applicant about the continuance. Ms. Adams said they would like to proceed with the meeting.

OLD BUSINESS: 1020 East Cooper Avenue – Conceptual Major Development, Relocation, Demolition, Growth Management, Certificates of Affordable Housing Credits and Transportation & Parking Management.

STAFF PRESENTATON: Kevin Rayes, Planner II

Mr. Rayes stated that HPC reviewed this application most recently on August 25th and continued the project for restudy, giving the applicant direction to reduce the bulk and mass of the rear addition. The applicant has returned with a new design which is what is up for discussion this evening. If the application is approved, it will go to City Council for a notice of call up and then back to HPC for detailed review.

Mr. Rayes then showed a map and picture of the current property mentioning the landmark Victorian era home and two sheds at the rear. He said that the applicant is planning on converting the site to 100% affordable housing and demolishing the two rear sheds, which are not historically significant.

Mr. Rayes then mentioned that the maximum height for the Residential Multi-Family zone is 32 feet. He then showed pictures of the evolution of the project's height from the January 13th meeting where it was 31' 8.3". At the February 17th and August 25th meetings the height was reduced to 29' 8.5". Currently the applicant has revised the rear addition from 5 units to 4 units and from 3 stories to 2 stories, resulting in a further reduced height of 23' 8.5". He then showed a side perspective of the revised addition noting the difference between the previously proposed height. He then showed the setbacks, including 6' 6" between the historic resource and the front yard, a 10' buffer between the historic resource and the rear addition and 5' from the rear of the addition to the lot line. All of these comply with zoning for this district.

Mr. Rayes then showed a chart of the Growth Management / Affordable Housing Credits for the revised project. This totaled 11.75 FTEs. He then described the layout of the units and a breakdown of their square footage. This included the two units in the historic resource and the two units in the rear addition. He mentioned that a few of the units were below the minimum net livable area required by APCHA. He then described the criteria needed to allow net livable area to be reduced by up to 20%

below the minimum. This means exceeding the expectations of APCHA guidelines by complying with certain conditions. These include:

- Significant storage, such as additional storage outside the unit.
- Above average natural light, such as adding more window area than the Building Code requires.
- Unit amenities, such as access to outdoor space or private patios.

He said that staff finds that many of these criteria are met. Additional sub-grade and loft storage has been provided. Each unit is at least 50% above grade and plenty of fenestration is being provided. He then showed a few renderings of the outdoor spaces including a private porch on the historic resource and a gathering area and private balconies on the rear additions. He then said that staff finds that the criteria related to Growth Management and Certificates of Affordable Housing are met.

Mr. Rayes then spoke to the Transportation & Parking mitigation. He mentioned that one parking unit is required per residential unit in the Residential Multi-Family zone district. For this project, 4 parking units are required. He emphasized that a parking unit does not mean a parking space. A parking unit can be either an on-site parking space or can be paying cash-in-lieu. In the revised application the applicant is proposing two on-site parking spaces, one of which is ADA compliant, and paying cash-in-lieu for the other two parking units. He pointed out that there is plenty of off-site parking in the area and that the applicant is also proposing to provide on-site bicycle parking and a one-year Car Share membership for the residents. He noted that the location is 180 feet from the nearest bus stop and 0.2 miles from the commercial area of town. He said that staff finds that the Transportation and Parking Mitigation Standards are met.

He then noted that staff recommends the Historic Preservation Commission approve this application for the following:

1. Conceptual Major Development
2. Relocation
3. Demolition
4. Growth Management
5. Transportation and Parking Management
6. Certificates of Affordable Housing Credits.

He noted that in collaboration with the neighbors, some additional language has been added to the Resolution to provide clarity to APCHA regulations. He mentioned that the revised version of the Resolution was emailed to the Commissioners earlier today. Staff recommends that upon approving this project that the revised resolution is adopted.

Ms. Thompson asked if the roof height dimensions that were shown were to the ridge or to the height that the city measures.

Mr. Rayes responded that it is calculated to the way in which the city measures it pursuant to the Land Use Code. He mentioned that the heights shown are the highest point in the application.

Mr. Halferty asked for clarification about the ADA parking spot related to how things change depending on if it is used by a tenant with accessibility issues or not.

Mr. Rayes responded that they confirmed with the building department that if each unit were occupied by tenants that did not require ADA access that they would be allowed to use the space. It is only required for ADA access if one of the tenants requires ADA access. He noted that no matter who occupies the units, the ADA space will be able to be used.

Ms. Surfas asked if these spaces were assigned.

Mr. Rayes said that it would be up to the building owner to determine how they assign parking.

Ms. Simon pointed out that staff has been supporting the project all along, in great part because having the alley building detached goes a long way toward preserving the historic resource. Letting it be a free-standing building has always been a valuable part of the project. She restated staff's support of the work that has been done to come to this design.

APPLICANT PRESENTATION: Sarah Adams of Bendon Adams

Ms. Adams introduced herself as representing the owners of 1020 E. Cooper. She mentioned that since this was the fourth meeting on this project, she would be concentrating her presentation on changes made to the application. She highlighted that the project is still fully code compliant, meets the Aspen Area Community Plan, has wide community support, staff recommendation of approval and most importantly, as Ms. Simon mentioned, that most of the new construction is detached from the historic landmark. She provided as a reminder that the HPC guidelines emphasize that you have to balance the guidelines, not every single guideline needs to be met.

Ms. Adams then spoke to the relocation. They are proposing to shift the historic landmark forward on the lot which facilitates the detached construction and brings the landmark to a more prominent view along the street. She pointed out that 1020 E. Cooper is actually two buildings stuck together. She said that this implies that they are not in their original location. She provided pictures of the interior construction connecting the two buildings. She then showed an overhead of the site plan stating that shifting the landmark will provide more room for maintenance. They are proposing common open space in addition to each unit having private open space. She said they think it is more successful to have open space in the middle of the site due to it being located on Highway 82. She then moved onto Mass and Scale, sighting the two guidelines that were brought up in August as being in conflict (11.3 / 11.4). She pointed out that the third floor was removed, the roof form was simplified and that the ground level and basement were expanded to provide a 4-bedroom unit in the detached building. She said they still think that 11.3 and 11.4 are met in this redesign compared to what was shown in August. She showed a few more renderings comparing the redesign to what was shown in August. She then, in summary, stated that they think that HP design guidelines 11.3 through 11.7 are met, that the intent of the guidelines are met and that the Aspen Area Community Plan policies regarding affordable housing and historic preservation are also met. She then showed a chart comparing the dimensional changes over time. She also showed a bar chart comparing the height and size of this project to other buildings on the block, noting that they are one of the shorter and smaller buildings on the block. She then went over a summary of the unit details. This included a total of 12 beds: one 2 bed unit, two 3 bed units and one 4 bed unit. She mentioned that APCHA is supportive of this project. She then showed the unit floorplans of the landmark and detached building, highlighting the storage spaces. She addressed the proposed parking spaces, noting that no onsite spaces are required but that they are proposing 2 onsite spaces.

She then reminded everyone that there is a lot of demand for affordable housing, showing a few newspaper headlines related to this issue. She concluded with a slide of the requested amendment to the HPC resolution (section 2, paragraph 4). Their intent and commitment, if HPC approves the amended application, is to record a private restrictive covenant that "any lease for any unit or portion of the property shall include an occupancy limitation of no more than one unrelated adult per bedroom."

Ms. Thompson wanted to clarify the relocation of the home was to be 6' 6" back from the property line and that the property line is about 8 feet from the street.

Ms. Adams confirmed the 6' 6" setback from the property line and noted that the 8-foot distance of the property line to the street was a good guess.

PUBLIC COMMENT:

Mr. Chris Bryan, attorney for one of the neighbors, Cooper Avenue Victorian Condominium Association Inc., stated that they had opposed the prior iteration of this project and that there had been some legal action taken in respect to that. He then stated that the Association does support this amended application along the lines of the current configuration. He referenced a letter, written by his colleague, Mary Elizabeth Geiger, that was forwarded to the HPC members. He stated that the Association believes that with the representations made by the applicant and with the reduced mass and scale, that this amended application is something that the neighbors he represents are in support of so long as those conditions are satisfied. He said that he and his clients applaud the applicant for hearing their previous concerns and listening to the members of HPC who agreed with them and revising the project. He said that this is more suitable to the sub-standard lot space, that their concerns have been met and that it addresses a need in the community.

Ms. Julie Peters commented that she appreciated all the changes but is still concerned with the amount of parking.

Mr. Ray Stover commented that he had been involved with this with some degree of angst but wanted to point out one thing that he felt was critical. The intelligence, common sense, and integrity of the HPC commissioners. He stated that while facing sustained and intense pressure, the members stood as agents of rule by law. In the face of pressure to support unrelated goals of affordable housing, the members stood their ground and honored their oath of office. He thanked the commission personally and for other members of Save Aspen.

Ms. Mary Elizabeth Geiger, colleague of Chris Bryan, representing the Cooper Avenue Victorian Condominium Association wanted to clarify something in their letter of support. She said they misstated the bedroom configuration and wanted to be clear that they are supporting the unit bedroom configuration that Ms. Adams presented.

Ms. Kate Johnson, City of Aspen Attorney's office stated that Caroline and Scott McDonald showed up at City Hall as the meeting was started and voiced some concerns about a page in the packet that they feel fraudulently represents their position. Ms. Johnson said she searched for the page and could not find it. She stated that it is a letter from July 10^{th} of 2019 and believes that it was potentially related to a prior application. She stated that the McDonalds were given the call-in information to join the meeting and asked that if they were still on the call that they unmute and voice any concerns.

Ms. Simon stated that she could add some clarification to that. She said that she had gathered some old letters related to previous discussions and included them in an electronic file for this case, wanting to make sure nothing fell through the cracks. They ended up being uploaded to this packet and were old information and not comment on tonight's agenda. She suggested to have them stricken from the record.

Ms. Johnson asked that the commission not consider any letter dated prior to 2020. She asked that it be stricken from the record and that commissioners present not consider any information in those letters in their deliberation tonight.

Ms. Thompson asked Ms. Surfas and Mr. Halferty is they had any comment. They had none and Ms. Thompson had it stricken from the record.

Ms. Thompson asked if there were any board questions or clarification regarding public comment. They were none. She then asked if Ms. Adams had any rebuttal. Ms. Adams said no.

Public comment closed.

Ms. Thompson stated that Ms. Adams had pointed out the two main topics that had been discussed last meeting that Ms. Surfas and Mr. Moyer had concerns over which were Relocation and Mass and Scale. She stated that she continues to support the relocation. She asked if Ms. Surfas or Mr. Halferty had any comments on the relocation.

Mr. Halferty stated that part of the guidelines was to move a historic resource if it helps its prominence and visual nature. He is in support of the relocation.

Ms. Surfas had no comments and stated that it has been explained very well at this point.

Ms. Thompson then brought up the Mass and Scale and stated that herself and Mr. Halferty had supported this previously. She thought that this was an improvement from what was seen before and was happy to see the changes. She asked Ms. Surfas for feedback.

Ms. Surfas stated that she was very happy to see this packet and the changes that were made and is in full support of the current design.

Mr. Halferty commented that it was fantastic that it lost almost 10 feet. He felt that the applicant had done a great job putting it together. He said that he hated to lose the one unit but as far as its presence to the historic resource he is in full support.

MOTION: Ms. Thompson motioned to approve the resolution and did not have any revisions to that. Mr. Halferty seconded and asked if it was the amended resolution that was received that day. Ms. Thompson clarified that it was the amended resolution.

Roll Call vote: Ms. Surfas, yes; Mr. Halferty, yes; Ms. Thompson, yes. 3-0, Motion carried.

Ms. Thompson said that that was for conceptual but wanted to give some feedback for the next meeting. She wanted to tell the applicant that they had represented matching the porch element on the historic resource to what the restoration of the porch would be. She thought that might not be appropriate and that it would be more appropriate and meet guidelines to have that be differentiated from the historic asset. She said that would be the only thing for final that she would like to see. She thanked the applicant for their efforts and appreciated all the public comment they've heard over past number of meetings.

Mr. Jim DeFrancia thanked the commission. He thought the feedback was viable and that they produced a good project that provides quality affordable housing in a terrific location.

MOTION: Ms. Thompson motioned to adjourn. Mr. Halferty seconded. All in favor; motion passed.

____

Mike Sear, Deputy City Clerk

CITY OF ASPEN

MEMORANDUM

TO:	Mayor Torre and Aspen City Council
FROM:	Ben Anderson, Principal Long-Range Planner
THROUGH:	Phillip Supino, Community Development Director
MEMO DATE:	November 17, 2021
MEETING DATE:	November 23, 2021
RE:	Ordinance No. 24, Series of 2021 – First Reading Proposed Land Use Code Changes Calculation of Single-Family and Duplex Residential Affordable Housing Mitigation

---

REQUEST OF COUNCIL:
Council is asked to review and approve Ordinance No. 24, Series of 2021 on First Reading. The Ordinance would have the effect of establishing a revised housing mitigation calculation methodology for single-family and duplex residential development by eliminating the credit for existing floor area in redevelopment scenarios and using a gross, rather than net Floor Area calculation. The redline edits (showing comparison of the existing to new language) of the proposed Amendment to the Land Use Code are included as **Exhibit A.** A clean draft of the proposed language in included as **Exhibit B**.

Staff recommends Council approve Ordinance No. 24, Series of 2021 on First Reading.

SUMMARY AND BACKGROUND:
<u>Process Steps:</u>

- On July 12, 2021 in a Work Session, City Council provided direction to staff to develop a code amendment that would recalculate the affordable mitigation requirements for single-family and duplex residential development. The staff memo from this Work Session is included as **Exhibit C**.

- On November 9, 2021, in a 5-0 vote, City Council passed Policy Resolution No. 106, Series of 2021. The approval of this Policy Resolution formally initiated the Code Amendment process. The Staff Memo and Resolution are included as **Exhibit D**.

- On November 16, 2021, the City of Aspen Planning and Zoning Commission considered the proposed Code Amendment in a public hearing and provided recommendation. The results of this hearing will be presented to Council at First Reading.

- If passed on First Reading on November 23rd, Council would consider the Ordinance in a public hearing at Second Reading on December 14, 2021.

Background

The relationship of Growth Management to Affordable Housing Mitigation has long been a part of Aspen's system of housing the employees generated by different development types. The specific mechanisms within the LUC that have defined this relationship over time have been changed and adjusted numerous times to respond to shifting dynamics in Aspen's development context. It has become apparent through analysis of our Growth Management Allotment system and issued building permits, that residential development and redevelopment is now the dominant contributor to both the real impacts and perceived pressures from development in the community.

Overtime, technical changes to the LUC have had the effect of reducing the mitigation requirements for single-family and residential development and redevelopment in a way that has not been applied uniformly to commercial, lodge, and multi-family residential. In the current context, while the construction and other employee generation impacts of single-family and duplex residences has intensified, increases to generation and mitigation have slowed as a consequence of these trends.

The current mitigation requirements for single-family and duplex development are based on a 2015 study by research consultants, RRC. While staff and consultants from RRC remain confident in the fundamentals of this study – the application and intersection of the findings of this study with other calculation methodologies (particularly Floor Area) has had the effect of significantly reducing required mitigation.

The proposed code changes considered by this Policy Resolution would do two things in response:

1. Remove the credit for existing Floor Area from the calculation of Affordable Housing Mitigation in redevelopment scenarios when demolition occurs.
2. Use a gross Floor Area calculation, rather than a net calculation, in determining mitigation requirements. The gross Floor Area calculation would include all sub-grade areas, garages, and circulation features for the purposes of AH mitigation only. This new methodology would not affect the calculation of allowable floor area in meeting Zone District dimensional requirements, and residential development rights would be unchanged.

What would these changes accomplish?

Staff believes the changes pursued by these amendments would be an effective response to Council's GMQS and affordable housing objectives, and community concerns about residential development and may generate the following outcomes:

1. A more fully responsive mechanism to mitigate for the development activity that is most shaping Aspen's current "growth" context. This includes the continuing trend of increased

demand and valuation of single-family and duplex homes, the scale and pace of scrape and replace redevelopment, and the growing role of Short-Term Rentals across our residential zone districts.

2. Assess a mitigation requirement for development that is clearly generating new, under-mitigated demand for employees.

3. Create a more equitable mitigation requirement across different types of development – Commercial, Lodge, Residential.

4. Create additional demand within the Affordable Housing Credits program by increasing mitigation requirements which may be met through the purchase of credits from the market. This may result in the development of more AH units by the private sector.

STAFF DISCUSSION:

<u>Specific Changes to the Land Use Code Required to Implement</u>

While these proposed changes are impactful, they do not require significant changes to the text of the Land Use Code. Four sections of the Code would need to be amended.

1) <u>26.104.100. Definitions.</u> *Floor Area*. Staff proposes a minor change to the definition of Floor Area. This is not a definition that is utilized frequently under the current code regime. In essence the change would clarify a gross Floor Area calculation that would apply to all levels of enclosed area on a property.

2) <u>26.470.090. Administrative applications.</u> (Growth Management). This is the section (26.470.090.A) that would require the most modification as it describes the employee generation and mitigation requirements for single-family and duplex development. The change would identify the use of gross Floor Area in calculating mitigation requirements and would identify three scenarios for how to calculate employee generation:

    - New construction on an established, vacant lot
    - Redevelopment or renovation <u>that does not trigger "Demolition"</u>
    - Redevelopment or renovation<u> that triggers "Demolition"</u>

    Also, the gross floor area methodology was extended to multi-family expansion scenarios in 26.470.090.B to retain consistency. This is not a code section that is used frequently – and does not apply to scenarios that trigger Multi-Family Replacement requirements

3) <u>26.470.140. Reconstruction limitations</u>. (Growth Management). This section provides description of the limitations on reconstruction rights following demolition of all types of development. Clarification to the application of this section to single-family and duplex development is needed if the change is made to 26.470.090.

4) <u>26.575.020.D. Measuring Floor Area.</u> No changes are proposed to the text other than underlining "floor area ratio" and "allowable floor area" to emphasize what this

section is describing – and providing a note to direct attention to 26.470.090 for the calculation of employee generation and mitigation for single-family and duplex development.

The redline and clean versions of the draft code language are included as **Exhibits A&B**.

Response to Public Comments at Policy Resolution Hearing

A member of the public raised concerns with the proposed Code Amendment in two areas:

1) As a long-time resident, property owner and worker – who has also housed other workers over time, the commenter felt that these policies would penalize his situation and would not recognize the provision of housing for locals that he has provided. The commenter also stated that the deferral of any required mitigation for working locals that is built into the code does not go far enough in protecting locals from increasing mitigation requirements.

Staff Response: Staff would offer first, that if the commenter wanted to renovate or redevelop his property short of the 40% threshold of demolition and did not add Floor Area in the process, there would be no required mitigation. If the commenter did demolish his family's home in a redevelopment scenario and did add floor area, there would be mitigation requirements that could be significant, but if the commenter and his family stayed in the home following redevelopment, they could defer mitigation until the property is sold to a non-local worker.
In short, these new requirements only become impactful in recognizing employee generation if demolition occurs, or if homes add significant gross Floor Area – including basements. And, any mitigation requirements can be fully deferred for local, working residents.

2) The commenter also raised concerns about the unfair impacts to owners of deed-restricted, Resident Occupied (RO) units.

Staff Response: Affordable Housing mitigation requirements are not assessed on any deed-restricted affordable housing units – including RO units. The proposed changes would have no effect on these units if they were to renovate or redevelop.

Public Outreach

Staff has previously discussed the challenges of public outreach on the topic and have engaged in a limited public outreach effort. Here are the opportunities for public engagement that have been part of this process:

- Work Session – July 12, 2021. This work session was advertised in Community Development's regular newsletter and published City Council agendas.

- Policy Resolution – November 9, 2021. This was a properly noticed public hearing. Additionally, the Policy Resolution hearing was promoted in Community Development's regular newsletter.

- Aspen Daily News – November 10, 2021. Megan Webber's article covering the Policy Resolution was on the front page of the print version, the website, and promoted on social media.

- Email – November 15, 2021. This was a direct communication to 50+ members of the development community who regularly interact with Community Development on Land Use issues. This email provided attachments with Staff Memos describing the proposed amendments and informed the recipients of upcoming public hearings with P&Z and City Council.

- Recommendation, Planning and Zoning Commission – November 16, 2021. This was a properly noticed public hearing.

- Ordinance, City Council – December 14, 2021. If the Ordinance is passed at First Reading, Second Reading of the Ordinance will be a properly noticed public hearing.

CONCLUSION AND NEXT STEPS:
The proposed Amendments under consideration would, in staff's view, be a positive step in further recognizing the impacts of single-family and duplex development and redevelopment on employee generation and the demand for affordable housing. While impactful, the code amendments necessary to achieve this change are minimal in scope and complexity and do not alter underlying development rights.

If Council approves Ordinance No. 24 on First Reading, Second Reading is proposed for December 14, 2021.

FINANCIAL IMPACTS:

ENVIRONMENTAL IMPACTS:

ALTERNATIVES: Maintain status quo and not pursue this version of the proposed amendments – or consider other alternatives per Council direction.

RECOMMENDATIONS: Staff recommends Council approve Ordinance No. 24, Series of 2021.

CITY MANAGER COMMENTS:

EXHIBITS:

A – Redline Edits of the proposed Amendment
B – Clean Draft of the proposed Amendment
C – Staff Memo from July 12, 2021; Work Session
D – Staff Memo and Policy Resolution from November 9, 2021

ORDINANCE NO. 24
(SERIES OF 2021)

AN ORDINANCE OF THE ASPEN CITY COUNCIL AMENDING CITY OF ASPEN LAND USE CODE SECTION 26.104.100. DEFINITIONS; 26.470.090. ADMINISTRATIVE APPLICATIONS (GMQS); 26.470.140. RECONSTRUCTION LIMITATIONS; AND 26.575.020.D. MEASURING FLOOR AREA; FOR THE PURPOSES OF REVISING THE METHODOLOGY OF THE CALCULATION OF AFFORDABLE HOUSING MITIGATION FOR SINGLE-FAMILY AND DUPLEX DEVELOPMENT.

WHEREAS, in accordance with Sections 26.208 and 26.310 of the City of Aspen Land Use Code, the City Council of the City of Aspen directed the Community Development Department to craft code amendments to coordinate the Aspen Area Community Plan (AACP), the Land Use Code and City Council affordable housing goals; and,

WHEREAS, Aspen's affordable housing program and Growth Management Quota System are essential tools for the realization of adopted City policies including the maintenance of a sustainable economy and vibrant, lived-in community; and,

WHEREAS, those affordable housing and Growth Management systems require periodic modification to respond to changing legal, social, economic, and policy contexts; and,

WHEREAS, pursuant to Section 26.310.020(B)(1), the City of Aspen conducted Public Outreach through various work sessions with Council; and,

WHEREAS, at a Work Session on July 12, 2021, City Council provided direction to Community Development staff to develop amendments to the Land Use Code related to affordable housing mitigation requirements related to single-family and duplex development; and,

WHEREAS, on November 9, 2021, during a properly noticed public hearing, City Council passed Policy Resolution #106 in, Series of 2021, approving initiation of code amendments; and,

WHEREAS, Community Development staff provided public engagement opportunities, and held discussion with the Planning and Zoning Commission in a public hearing on November 16, 2021 and received formal recommendation from Planning and Zoning Commission in Resolution # XX, Series of 2021; and,

WHEREAS, at a regular meeting on November 23, 2021 City Council by a X – X (X-X) vote, approved Ordinance No. 24, Series of 2021 on First Reading; and,

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

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

Section 1: Section 26.104.100. Definitions; shall be rescinded and readopted as follows (all other elements of 26.104 remain unchanged):

Floor area. The sum-total of the gross horizontal areas of the building measured from the exterior walls of the building. (See, Supplementary Regulations — Section 26.575.020. Calculations and Measurements).

Section 2: Sections 26.470.090.A and B. Administrative Applications.; shall be rescinded and readopted as follows (all other elements of 26.470.090 remain unchanged):

A. Single-Family and Duplex Residential Development or Expansion. The following types of free-market residential development shall require the provision of affordable housing in one of the methods described below:

1) The development of a single-family, two detached residential units, or a duplex dwelling on a lot in one of the following conditions:

   a. A lot created by a lot split, pursuant to Subsection 26.480.060.A.

   b. A lot created by a historic lot split, pursuant to Subsection 26.480.060.B, when the subject lot does not itself contain a historic resource.

   c. A lot that was subdivided or was a legally described parcel prior to November 14, 1977, that complies with the provisions of Subsection 26.480.020, Subdivision: applicability, prohibitions, and lot merger.

2) The net increase of Floor Area of an existing single-family, two detached residential units on a single lot, or a duplex dwelling, during redevelopment and renovation scenarios when the definition of Demolition is not met, regardless of when the lot was subdivided or legally described. This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments.

3) Redevelopment or renovation of an existing single-family, two detached residential units on a single lot, or a duplex dwelling, when the definition of Demolition is met. This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments.

4) Affordable housing mitigation requirements for the types of free-market residential development described above shall be as follows. The applicant shall have four options:

   a. Recording a resident-occupancy (RO), or lower, deed restriction on the single-family dwelling unit or one of the residences if a duplex or two detached residences are developed on the property. An existing deed restricted unit does not need to re-record a deed restriction.

   b. Providing a deed restricted one-bedroom or larger affordable housing unit within the Aspen Infill Area pursuant to the Aspen/Pitkin County Housing Authority Guidelines (which may require certain improvements) in a size equal to or larger than 30% of the Floor Area increase to the Free-Market unit. The mitigation unit must be deed-restricted as a "for sale" Category 2 (or lower) housing unit and transferred to a qualified purchaser according to the provisions of the Aspen/Pitkin County Housing Authority Guidelines.

c. Providing a fee-in-lieu payment or extinguishing a Certificate of Affordable Housing Credit in a full-time-equivalent (FTE) amount based on the following schedule:

<table>
<tr><th>Floor Area per dwelling unit</th><th>Employment Generation Rate</th></tr>
<tr><td>First 4,500 square feet (Floor Area)</td><td>.16 employees per 1,000 square feet of Floor Area.</td></tr>
<tr><td>Above 4,500 square feet (Floor Area)</td><td>.36 employees per 1,000 square feet of Floor Area.</td></tr>
<tr><td colspan="2">Notes:
- The calculation of Floor Area for the purposes of determining employee generation and required mitigation shall be based on the definition of “Floor Area” in 26.104.100, Definitions: “The sum total of the gross horizonal areas of the building measured from the exterior walls of the building.” This calculation is inclusive of all enclosed levels of the buildings on the property – including, basements, crawl spaces, attics with walkable floors, garages, and vertical circulation. This calculation shall not include storage areas of less than 32 square feet, or minimally sized wildlife-resistant trash and recycling enclosures.
- See Figure 2, in 26.575.020.D, for a depiction of “Measuring to Face of Framing” in calculating Floor Area from exterior wall.
- For new construction on a vacant lot, all Floor Area shall be included in the calculation of employee generation and required mitigation.
- For redevelopment or renovation of an existing single-family or duplex that <u>does not meet the requirements of Demolition</u> (26.104.100), only new, additional Floor Area shall be calculated towards employee generation and required mitigation.
- For redevelopment or renovation of an existing single-family or duplex that <u>meets the definition of Demolition</u> (26.104.100), all Floor Area (existing and new) shall be calculated toward employee generation and required mitigation.
- Demolition that occurs as a result of an act of nature or through any manner not purposefully accomplished by the owner, shall be evaluated by Community Development Director, and a credit for existing Floor Area may be issued toward the reconstruction of the home.
- The calculation of the Employment Generation shall be assessed per dwelling unit. Duplex dwelling units do not combine their floor area for one calculation.
- An Accessory Dwelling Unit or Carriage House, as defined by and meeting the requirements of this Title, shall be calculated as floor area of the primary dwelling, unless meeting the criteria for exemption as described in 26.575.020.D.10.
- The above generation rates are based on a study of employment generation of Aspen residences, from both initial construction and</td></tr>
</table>

ongoing operation, performed by RRC Associates of Boulder, Colorado, dated March 4, 2015.

- All required mitigation using Certificates of Affordable Housing Credits or fee-in-lieu for single-family and duplex development shall be provided at Category 2.

Affordable housing mitigation must be provided at a Category 2 (or lower) rate. Certificates must be extinguished pursuant to the procedures of Chapter 26.540, Certificates of Affordable Housing Credit. Fee-in-lieu rates shall be those stated in Section 26.470.100 – Calculations; Employee Generation and Mitigation, in effect on the date of application acceptance. Providing a fee-in-lieu payment in excess of .10 FTE shall require City Council approval, pursuant to Section 26.470.110.C.

Example 1: A new home of 3,400 square feet of Floor Area on a vacant lot created by a historic lot split. The applicant must provide affordable housing mitigation for .54 FTEs.

3,400 / 1,000 x .16 = .54

In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

Example 2: An existing home of 4,500 square feet of Floor Area is expanded by 250 square feet of Floor Area. The renovation does not meet the definition of Demolition. The applicant must provide affordable housing mitigation for .09 FTEs.

250/1000 x.36 = .09

***Note: the mitigation for the additional Floor Area is calculated at .36 FTE /1000sf as the home now crosses the 4,500 square feet threshold identified above.*

In this example the applicant may provide a Certificate of Affordable Housing Credit or a fee-in-lieu payment.

Example 3: An existing home is redeveloped in a fashion that meets the definition of Demolition. The redeveloped home has a Floor Area of 5,700 sf. The applicant must provide affordable housing for 1.15 FTEs.

(4,500/1000 x .16) + (1,200/1000 x .36) = 1.15 FTE

In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

d. For property owners qualified as a full-time local working resident, an affordable housing mitigation deferral agreement may be accepted by the City of Aspen subject to the Aspen/Pitkin County Housing Authority Guidelines. This allows deferral of the mitigation requirement until such time as the property is no longer owned by a full-time local working resident. Staff of the City of Aspen Community Development Department and Staff of the Aspen/Pitkin County Housing Authority can assist with the procedures and limitations of this option.

B. Multi-Family Residential Expansion. The following types of free-market residential development shall require the provision of affordable housing in one of the methods described below:

1) The net increase of Floor Area of an existing free-market multi-family unit or structure, regardless of when the lot was subdivided or legally described and provided demolition does not occur. (When demolition occurs, see Section 26.470.100.E, Demolition or redevelopment

of multi-family housing.) This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments established pursuant to Section 26.470.040.

2) Affordable housing mitigation requirements for the type of free-market residential development described above shall be as follows. The applicant shall have four options:
   a. Recording a resident-occupancy (RO), or lower, deed restriction on the dwelling unit(s) being expanded. An existing deed restricted unit does not need to re-record a deed restriction.
   b. Providing a deed restricted one-bedroom or larger affordable housing unit within the Aspen Infill Area pursuant to the Aspen/Pitkin County Housing Authority Guidelines (which may require certain improvements) in a size equal to or larger than 30% of the Floor Area increase to the Free-Market unit(s). The mitigation unit(s) must be deed-restricted as a "for sale" Category 2 (or lower) housing unit and transferred to a qualified purchaser according to the provisions of the Aspen/Pitkin County Housing Authority Guidelines.
   c. Providing a fee-in-lieu payment or extinguishing a Certificate of Affordable Housing Credit in a full-time-equivalent (FTE) amount based on the following schedule:

Floor Area per dwelling unit	**Employment Generation Rate**
square feet of expansion (Floor Area)	.18 employees per 1,000 square feet of Floor Area
Notes: - The calculation of Floor Area for the purposes of determining employee generation and required mitigation shall be based on the definition of "Floor Area" in 26.104.100, Definitions: *"The sum total of the gross horizonal areas of the building measured from the exterior walls of the building."* This calculation is inclusive of all enclosed levels of the building on the property – including, basements, crawl spaces, attics with walkable floors, garages, and vertical circulation. - The calculation of the Employment Generation shall be assessed per dwelling unit. Multiple dwelling units do not combine their floor area for one calculation. - When a unit adds floor area, the difference between the generation rates of the existing floor area and the proposed floor area shall be the basis for determining the number of employees generated. No refunds shall be provided if Floor Area is reduced. - When demolition is proposed, please see Section 26.470.100.D – Demolition or Redevelopment of Multi-Family Housing. Projects - The above generation rates are based on a study of employment generation of Aspen residences, from both initial construction and ongoing operation, performed by RRC Associates of Boulder, Colorado, dated March 4, 2015.	

Affordable housing mitigation must be provided at a Category 2 (or lower) rate. Certificates must be extinguished pursuant to the procedures of Chapter 26.540, Certificates of Affordable Housing Credit. Fee-in-lieu rates shall be those stated in Section 26.470.050 – Calculations; Employee Generation and Mitigation, in effect on the date of application acceptance. Providing a fee-in-lieu payment in excess of .10 FTE shall require City Council approval, pursuant to Section 26.470.110.C.

Example 1: A multi-family unit of 1,400 square feet of Floor Area is expanded by 400 square feet of Floor Area. The applicant must provide affordable housing mitigation for .09 FTEs.

500 / 1,000 x .18 = .09
In this example the applicant may provide a Certificate of Affordable Housing Credit or a fee-in-lieu payment.

Example 2: A multi-family unit of 1,400 square feet of Floor Area is expanded by 2,600 square feet of Floor Area. The applicant must provide affordable housing mitigation for .47 FTEs, the difference in employee generation of the two unit sizes.
2,600 / 1,000 x .18 = .47
In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

d. For property owners qualified as a full-time local working resident, an affordable housing mitigation deferral agreement may be accepted by the City of Aspen subject to the Aspen/Pitkin County Housing Authority Guidelines. This allows deferral of the mitigation requirement until such time as the property is no longer owned by a full-time local working resident. Staff of the City of Aspen Community Development Department and Staff of the Aspen/Pitkin County Housing Authority can assist with the procedures and limitations of this option.

<u>Section 3.</u> Section 26.470.140. Reconstruction limitations.; shall be rescinded and readopted as follows:

26.470.140. Reconstruction limitations.
In reconstruction scenarios, growth management allotments and any other reconstruction rights that this Code establishes, may continue, subject to the following limitations.

A. An applicant may propose to demolish and then delay the reconstruction of existing development for a period not to exceed one (1) year. To comply with this limitation and maintain the reconstruction right, an applicant must submit a complete building permit application for reconstruction on or before the one-year anniversary of the issuance date of the demolition permit. The City Council may extend this deadline upon demonstration of good cause. The continuation of growth management allotments in a reconstruction scenario for single-family and duplex development are not subject to this time limitation.

B. Single-family and duplex development receive no credit for existing Floor Area for the purposes of determining affordable housing mitigation in redevelopment scenarios that meet the definition of Demolition – per 26.470.090.A.3. The exception to this is when a single-family or duplex is demolished by an act of nature or through any manner not purposefully accomplished by the owner.

C. Applicants shall verify existing conditions prior to demolition with the City Zoning Officer in order to document any reconstruction rights. An applicant's failure to accurately document existing conditions prior to demolition and verify reconstruction rights with the City Zoning Officer may result in a loss of some or all of the reconstruction rights.

D. Reconstructed buildings shall comply with applicable requirements of the Land Use Code, including but not limited to Chapter 26.312, Nonconformities, and Chapter 26.710, Zone Districts.

E. Reconstruction rights shall be limited to reconstruction on the same parcel or on an adjacent parcel under the same ownership.

F. Residential redevelopment credits may be converted to lodge redevelopment credits by right. The conversion rate shall be three (3) lodge units per each one (1) residential unit. This is a one-way conversion, and lodge credits may not be converted to residential credits.

<u>Section 4:</u> Section 26.575.020.D. Measuring Floor Area. (Calculations and Measurements); shall in part (all other elements of 26.575.020.D are unchanged), be rescinded and readopted as follows:

26.575.020. Calculations and Measurements

D. ***Measuring Floor Area.*** In measuring floor areas for <u>floor area ratio</u> and <u>allowable floor area</u>, the following applies:

1. <u>General</u>. Floor area shall be attributed to the lot or parcel upon which it is developed. In measuring a building for the purposes of calculating floor area ratio and allowable floor area, there shall be included all areas within the surrounding exterior walls of the building. When measuring from the exterior walls, the measurement shall be taken from the exterior face of framing, exterior face of structural block, exterior face of straw bale, or similar exterior surface of the nominal structure excluding sheathing, vapor barrier, weatherproofing membrane, exterior-mounted insulation systems, and excluding all exterior veneer and surface treatments such as stone, stucco, bricks, shingles, clapboards or other similar exterior veneer treatments. (Also, see setbacks.)

Note: In measuring Floor Area for the purposes of calculating employee generation and affordable housing mitigation for single-family and duplex development, shall utilize a gross Floor Area calculation. Please refer to 26.470.090.

<u>Section 5:</u>
Any scrivener's errors contained in the code amendments herein, including but not limited to mislabeled subsections or titles, may be corrected administratively following adoption of the Ordinance.

<u>Section 6:</u>
This ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions or ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior resolutions or ordinances.

<u>Section 7:</u>
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.

<u>Section 8:</u>
A public hearing on this ordinance was held on the 14th day of December 2021, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen,

Colorado, a minimum of fifteen days prior to which hearing a public notice of the same shall be published in a newspaper of general circulation within the City of Aspen.

INTRODUCED, READ, AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Aspen on the 23rd day of November 2021.

ATTEST:

______________________________	______________________________
Nicole Henning, City Clerk	Torre, Mayor

FINALLY, adopted, passed and approved this ___ day of __________, 2021.

____
Torre, Mayor

ATTEST:	**APPROVED AS TO FORM:**
______________________________	______________________________
Nicole Henning, City Clerk	James R. True, City Attorney

26.104.100. Definitions

Floor area. The sum total of the gross horizontal areas ~~of each story~~ of the building measured from the exterior walls of the building. (See, Supplementary Regulations — Section 26.575.020, Calculations and measurements).

26.470.090 Administrative applications.
The following types of development shall be approved, approved with conditions or denied by the Community Development Director, pursuant to Section 26.470.060, Procedures for Review, and the criteria described below. Except as noted, all administrative growth management approvals shall not be deducted from the annual development allotments. All approvals apply cumulatively.

A. Single-Family and Duplex Residential Development or Expansion. The following types of free-market residential development shall require the provision of affordable housing in one of the methods described below:

1) The development of a single-family, two detached residential units, or a duplex dwelling on a lot in one of the following conditions:

   a. A lot created by a lot split, pursuant to Subsection 26.480.060.A.

   b. A lot created by a historic lot split, pursuant to Subsection 26.480.060.B, when the subject lot does not itself contain a historic resource.

   c. A lot that was subdivided or was a legally described parcel prior to November 14, 1977, that complies with the provisions of Subsection 26.480.020, Subdivision: applicability, prohibitions, and lot merger.

2) The net increase of Floor Area of an existing single-family, two detached residential units on a single lot, or a duplex dwelling, during redevelopment and renovation scenarios when the definition of Demolition is not met, regardless of when the lot was subdivided or legally described. ~~and regardless of whether demolition occurs~~. This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments.

3) Redevelopment or renovation of an existing single-family, two detached residential units on a single lot, or a duplex dwelling, when the definition of Demolition is met. This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments.

~~2)~~

~~3)~~4) Affordable housing mitigation requirements for the types of free-market residential development described above shall be as follows. The applicant shall have four options:

   a. Recording a resident-occupancy (RO), or lower, deed restriction on the single-family dwelling unit or one of the residences if a duplex or two detached residences are developed on the property. An existing deed restricted unit does not need to re-record a deed restriction.

   b. Providing a deed restricted one-bedroom or larger affordable housing unit within the Aspen Infill Area pursuant to the Aspen/Pitkin County Housing Authority Guidelines (which may require certain improvements) in a size equal to or larger than 30% of the Floor Area increase to the Free-Market unit. The mitigation unit must be deed-restricted as a "for sale" Category 2 (or lower) housing unit and transferred to a qualified purchaser according to the provisions of the Aspen/Pitkin County Housing Authority Guidelines.

   ~~c.~~ Providing a fee-in-lieu payment or extinguishing a Certificate of Affordable Housing Credit in a full-time-equivalent (FTE) amount based on the following schedule:

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.56" + Indent at: 0.81"

Floor Area per dwelling unit	Employment Generation Rate
First 4,500 square feet (Floor Area)	.16 employees per 1,000 square feet of Floor Area.
Above 4,500 square feet (Floor Area)	.36 employees per 1,000 square feet of Floor Area.

Notes:

- ~~The calculation of the Employment Generation shall be assessed per dwelling unit. Duplex dwelling units do not combine their floor area for one calculation.~~
- ~~An Accessory Dwelling Unit or Carriage House, as defined by and meeting the requirements of this Title, shall be calculated as floor area of the primary dwelling.~~
- ~~When redevelopment of a property adds floor area, the difference between the generation rates of the existing floor area and the proposed floor area shall be the basis for determining the number of employees generated. No refunds shall be provided if Floor Area is reduced.~~
- ~~When demolition is proposed, the redevelopment shall be credited the floor area from the demolished residential dwelling unit. Credit from a demolished dwelling unit cannot be allocated to development on a different lot.~~
- ~~The above generation rates are based on a study of employment generation of Aspen residences, from both initial construction and ongoing operation, performed by RRC Associates of Boulder, Colorado, dated March 4, 2015.~~
- The calculation of Floor Area for the purposes of determining employee generation and required mitigation shall be based on the definition of "Floor Area" in 26.104.100, Definitions: *"The sum total of the gross horizonal areas of the building measured from the exterior walls of the building."* This calculation is inclusive of all enclosed levels of the buildings on the property – including, basements, crawl spaces, attics with walkable floors, garages, and vertical circulation. This calculation shall not include storage areas of less than 32 square feet, or minimally sized wildlife-resistant trash and recycling enclosures.
- See Figure 2, in 26.575.020.D, for a depiction of "Measuring to Face of Framing" in calculating Floor Area from exterior wall.
- For new construction on a vacant lot, all Floor Area shall be included in the calculation of employee generation and required mitigation.
- For redevelopment or renovation of an existing single-family or duplex that does not meet the requirements of Demolition (26.104.100), only new, additional Floor Area shall be calculated towards employee generation and required mitigation.
- For redevelopment or renovation of an existing single-family or duplex that meets the definition of Demolition (26.104.100), all Floor Area (existing and new) shall be calculated toward employee generation and required mitigation.
- Demolition that occurs as a result of an act of nature or through any manner not purposefully accomplished by the owner, shall be evaluated

Formatted: Font: (Default) Times New Roman

Formatted: Font: (Default) Times New Roman

Formatted: Normal

by Community Development Director, and a credit for existing Floor Area may be issued toward the reconstruction of the home.

- The calculation of the Employment Generation shall be assessed per dwelling unit. Duplex dwelling units do not combine their floor area for one calculation.
- An Accessory Dwelling Unit or Carriage House, as defined by and meeting the requirements of this Title, shall be calculated as floor area of the primary dwelling.
- The above generation rates are based on a study of employment generation of Aspen residences, from both initial construction and ongoing operation, performed by RRC Associates of Boulder, Colorado, dated March 4, 2015.
- ~~-~~All required mitigation using Certificates of Affordable Housing Credits or fee-in-lieu for single-family and duplex development shall be provided at Category 2.

Affordable housing mitigation must be provided at a Category 2 (or lower) rate. Certificates must be extinguished pursuant to the procedures of Chapter 26.540, Certificates of Affordable Housing Credit. Fee-in-lieu rates shall be those stated in Section 26.470.100 – Calculations; Employee Generation and Mitigation, in effect on the date of application acceptance. Providing a fee-in-lieu payment in excess of .10 FTE shall require City Council approval, pursuant to Section 26.470.110.C.

Example 1: A new home of 3,400 square feet of Floor Area on a vacant lot created by a historic lot split. The applicant must provide affordable housing mitigation for .54 FTEs.

3,400 / 1,000 x .16 = .54

In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

Example 2: An existing home of 4,5~~4~~00 square feet of Floor Area is expanded by 250 square feet of Floor Area. The renovation does not meet the definition of Demolition. The applicant must provide affordable housing mitigation for .09~~7~~ FTEs.~~, the difference in employee generation of the two house sizes.~~

~~*(4,500 / 1,000 x .16) + (150 / 1,000 x .36) – (4,400 / 1,000 x .16) = .07*~~

(250/1000 x.36 = .09 FTE

***Note: the mitigation for the additional Floor Area is~~-~~calculated at .36 FTE /1000sf as the home now crosses the 4,500 square feet threshold identified above.*

In this example the applicant may provide a Certificate of Affordable Housing Credit or a fee-in-lieu payment.

Example 3: An existing home is redeveloped in a fashion that meets the definition of Demolition. The redeveloped home has a Floor Area of 5,700 sf.

(4,500/1000 x .16) + (1,200/1000 x .36) = 1.15 FTE

In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

~~In this example the applicant may provide a Certificate of Affordable Housing Credit or a fee-in-lieu payment.~~

~~d.~~c. For property owners qualified as a full-time local working resident, an affordable housing mitigation deferral agreement may be accepted by the City of Aspen subject to the Aspen/Pitkin

Formatted: Font: (Default) Times New Roman

Formatted: Underline

Formatted: Font: Not Italic

Formatted: Font: Italic

Formatted: Font: Not Italic

County Housing Authority Guidelines. This allows deferral of the mitigation requirement until such time as the property is no longer owned by a full-time local working resident. Staff of the City of Aspen Community Development Department and Staff of the Aspen/Pitkin County Housing Authority can assist with the procedures and limitations of this option.

B. Multi-Family Residential Expansion. The following types of free-market residential development shall require the provision of affordable housing in one of the methods described below:

1) The net increase of Floor Area of an existing free-market multi-family unit or structure, regardless of when the lot was subdivided or legally described and provided demolition does not occur. (When demolition occurs, see Section 26.470.100.E, Demolition or redevelopment of multi-family housing.) This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments established pursuant to Section 26.470.040.

2) Affordable housing mitigation requirements for the type of free-market residential development described above shall be as follows. The applicant shall have four options:
   a. Recording a resident-occupancy (RO), or lower, deed restriction on the dwelling unit(s) being expanded. An existing deed restricted unit does not need to re-record a deed restriction.
   b. Providing a deed restricted one-bedroom or larger affordable housing unit within the Aspen Infill Area pursuant to the Aspen/Pitkin County Housing Authority Guidelines (which may require certain improvements) in a size equal to or larger than 30% of the Floor Area increase to the Free-Market unit(s). The mitigation unit(s) must be deed-restricted as a "for sale" Category 2 (or lower) housing unit and transferred to a qualified purchaser according to the provisions of the Aspen/Pitkin County Housing Authority Guidelines.
   c. Providing a fee-in-lieu payment or extinguishing a Certificate of Affordable Housing Credit in a full-time-equivalent (FTE) amount based on the following schedule:

Floor Area per dwelling unit	Employment Generation Rate
square feet of expansion (Floor Area)	.18 employees per 1,000 square feet of Floor Area
Notes: - The calculation of Floor Area for the purposes of determining employee generation and required mitigation shall be based on the definition of "Floor Area" in 26.104.100, Definitions: "*The sum total of the gross horizonal areas of the building measured from the exterior walls of the building.*" This calculation is inclusive of all enclosed levels of the building on the property – including, basements, crawl spaces, attics with walkable floors, garages, and vertical circulation. - The calculation of the Employment Generation shall be assessed per dwelling unit. Multiple dwelling units do not combine their floor area for one calculation. - When a unit adds floor area, the difference between the generation rates of the existing floor area and the proposed floor area shall be the basis for determining the number of employees generated. No refunds shall be provided if Floor Area is reduced. - When demolition is proposed, please see Section 26.470.100.E – Demolition or Redevelopment of Multi-Family Housing. Projects	

Formatted: Font: 12 pt

- The above generation rates are based on a study of employment generation of Aspen residences, from both initial construction and ongoing operation, performed by RRC Associates of Boulder, Colorado, dated March 4, 2015.

Affordable housing mitigation must be provided at a Category 2 (or lower) rate. Certificates must be extinguished pursuant to the procedures of Chapter 26.540, Certificates of Affordable Housing Credit. Fee-in-lieu rates shall be those stated in Section 26.470.050 – Calculations; Employee Generation and Mitigation, in effect on the date of application acceptance. Providing a fee-in-lieu payment in excess of .10 FTE shall require City Council approval, pursuant to Section 26.470.110.C.

Example 1: A multi-family unit of 1,400 square feet of Floor Area is expanded by 400 square feet of Floor Area. The applicant must provide affordable housing mitigation for .09 FTEs.
500 / 1,000 x .18 = .09
In this example the applicant may provide a Certificate of Affordable Housing Credit or a fee-in-lieu payment.

Example 2: A multi-family unit of 1,400 square feet of Floor Area is expanded by 2,600 square feet of Floor Area. The applicant must provide affordable housing mitigation for .47 FTEs, the difference in employee generation of the two unit sizes.
2,600 / 1,000 x .18 = .47
In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

d. For property owners qualified as a full-time local working resident, an affordable housing mitigation deferral agreement may be accepted by the City of Aspen subject to the Aspen/Pitkin County Housing Authority Guidelines. This allows deferral of the mitigation requirement until such time as the property is no longer owned by a full-time local working resident. Staff of the City of Aspen Community Development Department and Staff of the Aspen/Pitkin County Housing Authority can assist with the procedures and limitations of this option.

26.470.140. Reconstruction limitations.
In reconstruction scenarios, growth management allotments and any other reconstruction rights that this Code establishes, may continue, subject to the following limitations.

A. An applicant may propose to demolish and then delay the reconstruction of existing development for a period not to exceed one (1) year. To comply with this limitation and maintain the reconstruction right ~~credit~~, an applicant must submit a complete building permit application for reconstruction on or before the one-year anniversary of the issuance date of the demolition permit. The City Council may extend this deadline upon demonstration of good cause. ~~This time limitation shall not apply to the reconstruction of single-family and duplex development.~~ The continuation of growth management allotments in a reconstruction scenario for single family and duplex development are not subject to this time limitation.

~~**A.**~~**B.** Single-family and Duplex development receive no credit for Floor Area in redevelopment scenarios that meet the definition of Demolition – per 26.470.090.A.3. The exception to this is when a single-family or duplex is demolished by an act of nature or through any manner not purposefully accomplished by the owner.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Indent: Left: 0", First line: 0"

Formatted: No bullets or numbering

~~B.~~C. Applicants shall verify existing conditions prior to demolition with the City Zoning Officer in order to document any reconstruction rights. An applicant's failure to accurately document existing conditions prior to demolition and verify reconstruction rights with the City Zoning Officer may result in a loss of some or all of the reconstruction rights.

~~C.~~D. Reconstructed buildings shall comply with applicable requirements of the Land Use Code, including but not limited to Chapter 26.312, Nonconformities, and Chapter 26.710, Zone Districts.

~~D.~~E. Reconstruction rights shall be limited to reconstruction on the same parcel or on an adjacent parcel under the same ownership.

~~E.~~F. Residential redevelopment credits may be converted to lodge redevelopment credits by right. The conversion rate shall be three (3) lodge units per each one (1) residential unit. This is a one-way conversion, and lodge credits may not be converted to residential credits.

26.575.020. Calculations and Measurements

D. Measuring Floor Area*. In measuring floor areas for* *floor area ratio* *and* *allowable floor area**, the following applies:*

1. *General. Floor area shall be attributed to the lot or parcel upon which it is developed. In measuring a building for the purposes of calculating floor area ratio and allowable floor area, there shall be included all areas within the surrounding exterior walls of the building. When measuring from the exterior walls, the measurement shall be taken from the exterior face of framing, exterior face of structural block, exterior face of straw bale, or similar exterior surface of the nominal structure excluding sheathing, vapor barrier, weatherproofing membrane, exterior-mounted insulation systems, and excluding all exterior veneer and surface treatments such as stone, stucco, bricks, shingles, clapboards or other similar exterior veneer treatments. (Also, see setbacks.)*

Note: In measuring Floor Area for the purposes of calculating employee generation and affordable housing mitigation for single-family and duplex development shall use a gross Floor Area calculation. Please refer to 26.470.090.

Formatted: Font: Bold

Formatted: Underline

Formatted: Underline

Formatted: Font: (Default) Times New Roman, 12 pt

26.104.100. Definitions

Floor area. The sum total of the gross horizontal areas of the building measured from the exterior walls of the building. (See, Supplementary Regulations — Section 26.575.020, Calculations and measurements).

26.470.090 Administrative applications.

The following types of development shall be approved, approved with conditions or denied by the Community Development Director, pursuant to Section 26.470.060, Procedures for Review, and the criteria described below. Except as noted, all administrative growth management approvals shall not be deducted from the annual development allotments. All approvals apply cumulatively.

A. Single-Family and Duplex Residential Development or Expansion. The following types of free-market residential development shall require the provision of affordable housing in one of the methods described below:

1) The development of a single-family, two detached residential units, or a duplex dwelling on a lot in one of the following conditions:

   a. A lot created by a lot split, pursuant to Subsection 26.480.060.A.

   b. A lot created by a historic lot split, pursuant to Subsection 26.480.060.B, when the subject lot does not itself contain a historic resource.

   c. A lot that was subdivided or was a legally described parcel prior to November 14, 1977, that complies with the provisions of Subsection 26.480.020, Subdivision: applicability, prohibitions, and lot merger.

2) The net increase of Floor Area of an existing single-family, two detached residential units on a single lot, or a duplex dwelling, during redevelopment and renovation scenarios when the definition of Demolition is not met, regardless of when the lot was subdivided or legally described. This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments.

3) Redevelopment or renovation of an existing single-family, two detached residential units on a single lot, or a duplex dwelling, when the definition of Demolition is met. This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments.

4) Affordable housing mitigation requirements for the types of free-market residential development described above shall be as follows. The applicant shall have four options:

   a. Recording a resident-occupancy (RO), or lower, deed restriction on the single-family dwelling unit or one of the residences if a duplex or two detached residences are developed on the property. An existing deed restricted unit does not need to re-record a deed restriction.

   b. Providing a deed restricted one-bedroom or larger affordable housing unit within the Aspen Infill Area pursuant to the Aspen/Pitkin County Housing Authority Guidelines (which may require certain improvements) in a size equal to or larger than 30% of the Floor Area increase to the Free-Market unit. The mitigation unit must be deed-restricted as a "for sale" Category 2 (or lower) housing unit and transferred to a qualified purchaser according to the provisions of the Aspen/Pitkin County Housing Authority Guidelines.

   c. Providing a fee-in-lieu payment or extinguishing a Certificate of Affordable Housing Credit in a full-time-equivalent (FTE) amount based on the following schedule:

Floor Area per dwelling unit	**Employment Generation Rate**
First 4,500 square feet (Floor Area)	.16 employees per 1,000 square feet of Floor Area.
Above 4,500 square feet (Floor Area)	.36 employees per 1,000 square feet of Floor Area.

Notes:

- The calculation of Floor Area for the purposes of determining employee generation and required mitigation shall be based on the definition of "Floor Area" in 26.104.100, Definitions: "*The sum total of the gross horizonal areas of the building measured from the exterior walls of the building.*" This calculation is inclusive of all enclosed levels of the buildings on the property – including, basements, crawl spaces, attics with walkable floors, garages, and vertical circulation. This calculation shall not include storage areas of less than 32 square feet, or minimally sized wildlife-resistant trash and recycling enclosures.
- See Figure 2, in 26.575.020.D, for a depiction of "Measuring to Face of Framing" in calculating Floor Area from exterior wall.
- For new construction on a vacant lot, all Floor Area shall be included in the calculation of employee generation and required mitigation.
- For redevelopment or renovation of an existing single-family or duplex that does not meet the requirements of Demolition (26.104.100), only new, additional Floor Area shall be calculated towards employee generation and required mitigation.
- For redevelopment or renovation of an existing single-family or duplex that meets the definition of Demolition (26.104.100), all Floor Area (existing and new) shall be calculated toward employee generation and required mitigation.
- Demolition that occurs as a result of an act of nature or through any manner not purposefully accomplished by the owner, shall be evaluated by Community Development Director, and a credit for existing Floor Area may be issued toward the reconstruction of the home.
- The calculation of the Employment Generation shall be assessed per dwelling unit. Duplex dwelling units do not combine their floor area for one calculation.
- An Accessory Dwelling Unit or Carriage House, as defined by and meeting the requirements of this Title, shall be calculated as floor area of the primary dwelling.
- The above generation rates are based on a study of employment generation of Aspen residences, from both initial construction and ongoing operation, performed by RRC Associates of Boulder, Colorado, dated March 4, 2015.
- All required mitigation using Certificates of Affordable Housing Credits or fee-in-lieu for single-family and duplex development shall be provided at Category 2.

Affordable housing mitigation must be provided at a Category 2 (or lower) rate. Certificates must be extinguished pursuant to the procedures of Chapter 26.540, Certificates of Affordable Housing Credit. Fee-in-lieu rates shall be those stated in Section 26.470.100 – Calculations; Employee Generation and Mitigation, in effect on the date of application acceptance. Providing a fee-in-lieu payment in excess of .10 FTE shall require City Council approval, pursuant to Section 26.470.110.C.

Example 1: A new home of 3,400 square feet of Floor Area on a vacant lot created by a historic lot split. The applicant must provide affordable housing mitigation for .54 FTEs.

3,400 / 1,000 x .16 = .54

In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

Example 2: An existing home of 4,500 square feet of Floor Area is expanded by 250 square feet of Floor Area. The renovation does not meet the definition of Demolition. The applicant must provide affordable housing mitigation for .09 FTEs.

250/1000 x.36 = .09

***Note: the mitigation for the additional Floor Area is calculated at .36 FTE /1000sf as the home now crosses the 4,500 square feet threshold identified above.*

In this example the applicant may provide a Certificate of Affordable Housing Credit or a fee-in-lieu payment.

Example 3: An existing home is redeveloped in a fashion that meets the definition of Demolition. The redeveloped home has a Floor Area of 5,700 sf. The applicant must provide affordable housing for 1.15 FTEs.

(4,500/1000 x .16) + (1,200/1000 x .36) = 1.15 FTE

In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

d. For property owners qualified as a full-time local working resident, an affordable housing mitigation deferral agreement may be accepted by the City of Aspen subject to the Aspen/Pitkin County Housing Authority Guidelines. This allows deferral of the mitigation requirement until such time as the property is no longer owned by a full-time local working resident. Staff of the City of Aspen Community Development Department and Staff of the Aspen/Pitkin County Housing Authority can assist with the procedures and limitations of this option.

B. Multi-Family Residential Expansion. The following types of free-market residential development shall require the provision of affordable housing in one of the methods described below:

1) The net increase of Floor Area of an existing free-market multi-family unit or structure, regardless of when the lot was subdivided or legally described and provided demolition does not occur. (When demolition occurs, see Section 26.470.100.E, Demolition or redevelopment of multi-family housing.) This type of development shall not require a growth management allocation and shall not be deducted from the respective annual development allotments established pursuant to Section 26.470.040.

2) Affordable housing mitigation requirements for the type of free-market residential development described above shall be as follows. The applicant shall have four options:
   a. Recording a resident-occupancy (RO), or lower, deed restriction on the dwelling unit(s) being expanded. An existing deed restricted unit does not need to re-record a deed restriction.
   b. Providing a deed restricted one-bedroom or larger affordable housing unit within the Aspen Infill Area pursuant to the Aspen/Pitkin County Housing Authority Guidelines (which may require certain improvements) in a size equal to or larger than 30% of the Floor Area increase to the Free-Market unit(s). The mitigation unit(s) must be deed-restricted as a "for sale" Category 2 (or lower) housing unit and transferred to a qualified purchaser according to the provisions of the Aspen/Pitkin County Housing Authority Guidelines.

c. Providing a fee-in-lieu payment or extinguishing a Certificate of Affordable Housing Credit in a full-time-equivalent (FTE) amount based on the following schedule:

<table>
<tr><th>Floor Area per dwelling unit</th><th>Employment Generation Rate</th></tr>
<tr><td>square feet of expansion (Floor Area)</td><td>.18 employees per 1,000 square feet of Floor Area</td></tr>
<tr><td colspan="2">Notes:
- The calculation of Floor Area for the purposes of determining employee generation and required mitigation shall be based on the definition of “Floor Area” in 26.104.100, Definitions: “The sum total of the gross horizonal areas of the building measured from the exterior walls of the building.” This calculation is inclusive of all enclosed levels of the building on the property – including, basements, crawl spaces, attics with walkable floors, garages, and vertical circulation.
- The calculation of the Employment Generation shall be assessed per dwelling unit. Multiple dwelling units do not combine their floor area for one calculation.
- When a unit adds floor area, the difference between the generation rates of the existing floor area and the proposed floor area shall be the basis for determining the number of employees generated. No refunds shall be provided if Floor Area is reduced.
- When demolition is proposed, please see Section 26.470.100.D – Demolition or Redevelopment of Multi-Family Housing. Projects
- The above generation rates are based on a study of employment generation of Aspen residences, from both initial construction and ongoing operation, performed by RRC Associates of Boulder, Colorado, dated March 4, 2015.</td></tr>
</table>

Affordable housing mitigation must be provided at a Category 2 (or lower) rate. Certificates must be extinguished pursuant to the procedures of Chapter 26.540, Certificates of Affordable Housing Credit. Fee-in-lieu rates shall be those stated in Section 26.470.050 – Calculations; Employee Generation and Mitigation, in effect on the date of application acceptance. Providing a fee-in-lieu payment in excess of .10 FTE shall require City Council approval, pursuant to Section 26.470.110.C.

<u>*Example 1:*</u> A multi-family unit of 1,400 square feet of Floor Area is expanded by 400 square feet of Floor Area. The applicant must provide affordable housing mitigation for .09 FTEs.
500 / 1,000 x .18 = .09
In this example the applicant may provide a Certificate of Affordable Housing Credit or a fee-in-lieu payment.

<u>*Example 2:*</u> A multi-family unit of 1,400 square feet of Floor Area is expanded by 2,600 square feet of Floor Area. The applicant must provide affordable housing mitigation for .47 FTEs, the difference in employee generation of the two unit sizes.
2,600 / 1,000 x .18 = .47
In this example the applicant may provide a Certificate of Affordable Housing Credit or request City Council accept a fee-in-lieu payment.

d. For property owners qualified as a full-time local working resident, an affordable housing mitigation deferral agreement may be accepted by the City of Aspen subject to the Aspen/Pitkin County Housing Authority Guidelines. This allows deferral of the mitigation requirement until such time as the property is no longer owned by a full-time local working resident. Staff of the City of Aspen Community Development Department and Staff of the Aspen/Pitkin County Housing Authority can assist with the procedures and limitations of this option.

26.470.140. Reconstruction limitations.

In reconstruction scenarios, growth management allotments and any other reconstruction rights that this Code establishes, may continue, subject to the following limitations.

A. An applicant may propose to demolish and then delay the reconstruction of existing development for a period not to exceed one (1) year. To comply with this limitation and maintain the reconstruction right, an applicant must submit a complete building permit application for reconstruction on or before the one-year anniversary of the issuance date of the demolition permit. The City Council may extend this deadline upon demonstration of good cause. The continuation of growth management allotments in a reconstruction scenario for single-family and duplex development are not subject to this time limitation.

B. Single-family and duplex development receive no credit for existing Floor Area for the purposes of determining affordable housing mitigation in redevelopment scenarios that meet the definition of Demolition – per 26.470.090.A.3. The exception to this is when a single-family or duplex is demolished by an act of nature or through any manner not purposefully accomplished by the owner.

C. Applicants shall verify existing conditions prior to demolition with the City Zoning Officer in order to document any reconstruction rights. An applicant's failure to accurately document existing conditions prior to demolition and verify reconstruction rights with the City Zoning Officer may result in a loss of some or all of the reconstruction rights.

D. Reconstructed buildings shall comply with applicable requirements of the Land Use Code, including but not limited to Chapter 26.312, Nonconformities, and Chapter 26.710, Zone Districts.

E. Reconstruction rights shall be limited to reconstruction on the same parcel or on an adjacent parcel under the same ownership.

F. Residential redevelopment credits may be converted to lodge redevelopment credits by right. The conversion rate shall be three (3) lodge units per each one (1) residential unit. This is a one-way conversion, and lodge credits may not be converted to residential credits.

26.575.020. Calculations and Measurements

D. Measuring Floor Area*. In measuring floor areas for* <u>*floor area ratio*</u> *and* <u>*allowable floor area*</u>*, the following applies:*

1. <u>*General*</u>*. Floor area shall be attributed to the lot or parcel upon which it is developed. In measuring a building for the purposes of calculating floor area ratio and allowable floor area, there shall be included all areas within the surrounding exterior walls of the building. When measuring from the exterior walls, the measurement shall be taken from the exterior face of framing, exterior face of structural block, exterior face of straw bale, or similar exterior surface of the nominal structure excluding sheathing, vapor barrier, weatherproofing membrane, exterior-mounted insulation systems, and excluding all exterior veneer and surface treatments such as stone, stucco, bricks, shingles, clapboards or other similar exterior veneer treatments. (Also, see setbacks.)*

Note: In measuring Floor Area for the purposes of calculating employee generation and affordable housing mitigation for single-family and duplex development, shall utilize a gross Floor Area calculation. Please refer to 26.470.090.

Exhibit C - Staff Memo
7/12/21 Work Session

CITY OF ASPEN

MEMORANDUM

TO:	Mayor Torre and Aspen City Council
FROM:	Ben Anderson, Principal Long-Range Planner
THROUGH:	Phillip Supino, Community Development Director
MEMO DATE:	July 7, 2021
MEETING DATE:	July 12, 2021
RE:	Affordable Housing – Land Use Code Coordination and Council Retreat Preparation.

REQUEST OF COUNCIL:
This Work Session continues previous discussions with Council on topics related to Growth Management, Affordable Housing mitigation, and the Land Use Code (LUC). Council provided previous direction to present possible Land Use Code amendments related to Single-Family and Duplex affordable housing mitigation and Multi-Family Replacement in response to Aspen's current development context and in support of Council's Affordable Housing Goals. Staff and Consultants from Design Workshop will present analysis and request direction from Council on several questions related to these two topics.

By the conclusion of this evening's work session, staff requests Council direction on the following questions:

Single Family and Duplex Development:

1) Does Council support Elimination or Modification of the Credit for Existing Floor Area?

2) Does Council support Elimination or Modification of the Sub-Grade (basement) Exemption in the calculation of Affordable Housing mitigation?

Multi-Family Replacement Requirements:

1) Does Council desire to facilitate the redevelopment of aging multi-family properties? A) To allow for the upgrade or replacement of buildings that are reaching the end of their lifespan? and/or B) To encourage the creation of required on-site affordable housing?

If the answer to Question #1 is yes, to any degree:

2) Does Council desire for staff to propose density changes for multi-family development in the RMF, R-6, and Lodge Zone Districts – where existing multi-family properties are primarily located? If so, does Council prefer that staff present proposed changes as a stand-alone response to multi-family replacement OR as an element of a comprehensive analysis of Part 700 (Zone Districts) in search of other opportunities in the promotion of affordable housing within the zoning regulations?

3) Does Council desire for staff to propose changes to the multi-family replacement requirements in GMQS, particularly related to the requirement of replacing the same number of units and net livable area and bedrooms?

4) Does Council desire for staff to propose changes for the on-site affordable housing requirements for additional Free Market units (particularly the requirement for both Floor Area and Units) in redevelopment scenarios?

A general question:

5) What are Council's views on the importance of RO (Resident Occupied as opposed to Category units) within the affordable housing inventory?

Finally, staff suggests Council consider these questions, and other tangential issues related to affordable housing, growth management, and development trends in Aspen in advance of goal setting at the Council Retreat later this month.

SUMMARY AND BACKGROUND: As part of an ongoing effort to better coordinate the Land Use Code in support of Council's Affordable Housing Goals and in relationship to discussions with Council about the effectiveness of Aspen's Growth Management Quota System in responding to the current development context, staff has continued to study and analyze a range of related topics. This Work Session focuses on potential responses in two specific areas: Single-family and Duplex AH mitigation and Multi-Family Replacement.

In thinking about these issues in general, staff has been guided by the following assumptions:

1) While groundbreaking and successful over time, Aspen's Land Use Code and Growth Management System does not respond to many realities within the current development context. The best evidence of this is the underutilization of the development allotments that are at the heart of the GMQS system – and the community sentiment that we are very much experiencing "growth" pressures – and the lack of new FTEs being created by the private sector as a result of commercial and lodge development.

2) Aspen's Growth Management system and Affordable Housing mitigation requirements have always been directly connected and understood together. The system relies on development to create affordable housing to mitigate its impacts to the local housing stock by creating new FTEs which require housing to be delivered to the community. As prominent development types have evolved, this direct connection has been diminished to some degree in that the development that is taking place is no longer providing the affordable housing that the system depends on and the community expects.

3) Affordable Housing that allows for a year-round, vibrant community and provides essential accommodation for the work force that keeps Aspen functioning, remains Aspen's most pressing challenge. This has become even more true as housing affordability and availability have become an issue throughout the Roaring Fork and Colorado River Valley communities that have historically provided housing options for Aspen's work force.

4) Aspen has for many years been an extreme example of real estate values, and construction and land costs. Additionally, over time, Aspen has become a real estate market dominated by vacation accommodations and unoccupied homes within our residential uses and zone districts. These trends have been true for many years but as the recently released *Mountain Migration Report* (Northwest Colorado Council of Governments, 2021) confirms, the last 18 months have witnessed a fully new scale. These new market dynamics have added additional complexity (which we do not yet fully understand) and importance to these efforts.

In May of 2021, Council passed four Ordinances that were the first steps in responding to these issues. Most importantly, a new Fee-in-Lieu was adopted, reflecting actual development costs of affordable housing. Other improvements were made to the Affordable Housing Credits Program (additional incentives, alignment with APCHA, improved clarity) and to the GMQS chapter of the Land Use Code (Lodge mitigation requirements, improved clarity). Following passage of these changes, staff was given clear direction to keep moving forward on the larger topics of Growth Management and Affordable Housing.

<u>Work Session Agenda</u>
In the discussion this evening, Staff will present two distinct analyses with a separate set of questions for Council related to each. Based on the feedback from Council, staff is prepared to return to Council in the coming weeks with proposed amendments to the Land Use Code. Additionally, Council direction will inform the next step in the AH-LUC coordination process and the possibility of Council developing a specific goal in their upcoming retreat around these topics.

First, staff will present potential changes to the way that single-family and duplex residential development provides AH mitigation. This discussion is in response to previous Council direction to present possible amendments in this area and will give focus to the current credit that is provided for existing floor area and the exemption that is granted for sub-grade (basement) areas in the calculation of AH mitigation.

Second, Jessica Garrow and Eric Krohngold from Design Workshop (DW) will present the findings of their study on Multi-Family Replacement (MFR) requirements. DW was contracted to conduct redevelopment scenarios of existing multi-family properties through the lens of our current MFR requirements. Their analysis raises several questions that will require feedback and direction from Council.

STAFF DISCUSSION:

Single-Family and Duplex Development Affordable Housing Mitigation

Two different AH mitigation calculations apply when the Land Use Code refers to Residential Development. First, and not part of the discussion in this work session, applies when a subdivision with multiple lots are created, a change of use takes place, or a new multi-family project is developed. These types of projects require the assignment of Growth Management Allotments and require that 30% of the project's Floor Area (and 60 or 70% of the project's units) be some balance of deed restricted affordable housing. This requirement could also be called inclusionary zoning in the broader planning world's terminology. These projects require a Planning and Zoning review in the final determination of the mitigation requirements.

The second calculation is typically assessed during the building permit review process. Today, this calculation is much more common than the scenario above. These projects take place on existing residential lots – either as new construction or the redevelopment of an existing home or homes. Different from the above scenario, the mitigation here has been understood as a much more direct impact fee, rather than a form of inclusionary zoning – calculating employee generation on a per square foot basis. No development Growth Management Allotments are required. When a new home is built or square footage is added to an existing home, a 2015 Employee Generation Study established the following mitigation requirements:

.16 FTE per 1,000 square feet of Floor Area up to 4,500 sf.
.36 FTE per 1,000 square feet of Floor Area over > 4,500 sf.

Per the study, these figures were derived from an estimate of the full-time employees generated during the construction and life span of the property. For example, a new home, on a previously vacant lot, with a Floor Area of 5,500 square feet as measured per the LUC would have the following mitigation requirements:

4,500 / 1000 = 4.5 x .16 = .72 FTE
1000 / 1000 = 1 x .36 = .36 FTE
.72 + .36 = 1.08 FTE

While Floor Area is a complex calculation, the discussion in this Work Session focuses on two specific areas for consideration of change:

Existing Floor Area Credit

In redevelopment scenarios, the current code allows for the Floor Area of the existing home to be credited against the Floor Area for the new home. Additionally, in situations where a significant remodel is contemplated, only new, additional floor area is calculated. In both cases, the exemption of the existing floor area is credited, regardless of whether mitigation was ever assessed on the property.

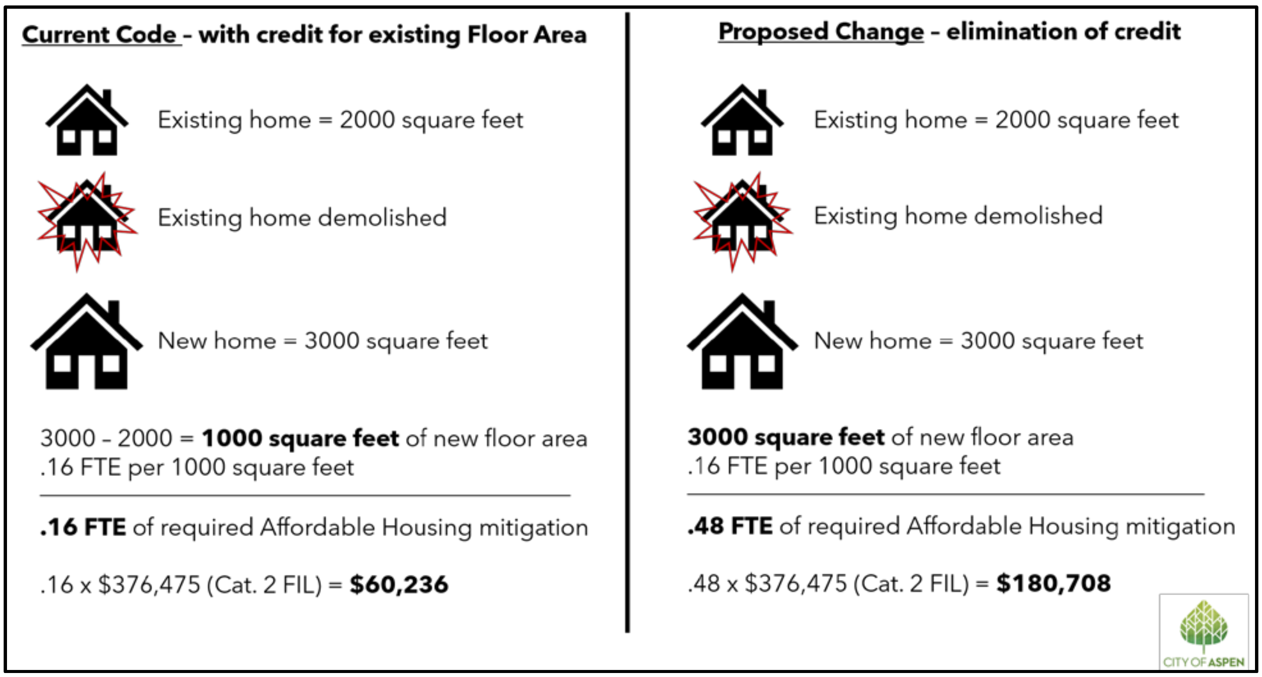


Figure 1: Comparison of a redevelopment project's mitigation requirements – with and without the credit for existing floor area. The existing credit reduced the required mitigation by .32 FTE.

AH mitigation for new residential development became a requirement in the mid-1980s. Depending on the circumstance and the code requirements in effect at the time of the project, on-site units, off-site units, fee-in-lieu, and accessory dwelling units have all been used in meeting mitigation requirements. Because of the change in code requirements over time and the variability of development history on residential properties, simply providing the credit was previously argued as a fair and straightforward response to this issue.

Since 2015, **approximately 325,000 square feet of existing floor area has been credited in redevelopment and major renovation scenarios**. If not credited, the square footage would conservatively translate into 52 FTEs. It is also important to note that a similar credit for existing Floor Area for commercial redevelopment was eliminated from the LUC in a 2017 Amendment and the credit for existing Lodge units was recently eliminated by Ordinance No. 13, Series of 2021.

Sub-Grade (Basement) Exemption

Under current code Sub-Grade areas are effectively exempt from the contribution to both Allowable Floor Area and Affordable Housing Mitigation. In essence a calculation is made based the percentage of exposed wall area and applied to the gross floor area. As a consequence, unless a project purposely exposes a large percentage of the basement to the surface for light wells or other features or the property is on a slope that naturally exposes the basement, the vast majority of the gross floor area of basements is exempt.

In the 2015 Employee Generation Study, sub-grade areas were discussed as having impacts – but it was determined these areas should remain exempt in consistency with the calculations for Allowable Floor Area in limiting the mass and scale of a house.

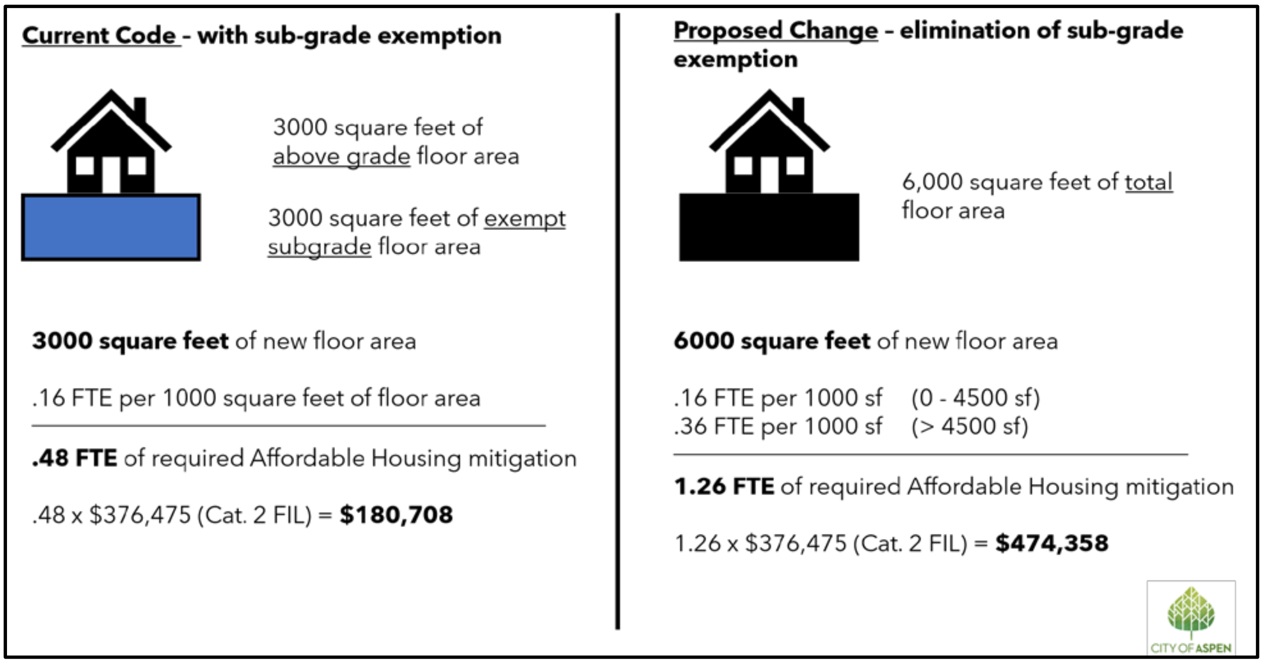


Figure 2: Comparison showing the impacts to AH mitigation created by the Sub-Grade Exemption. In this example the exemption reduces the mitigation requirements by .78 FTE.

Staff does not have a calculation to summarize the total amount of sub-grade area that has been exempted from mitigation over time, but the combination of real estate values on a square foot basis and the exemption of basements from Allowable Floor Area calculations has given significant incentive to maximize the size of these spaces. At this time, staff is proposing to include this area in AH mitigation requirements but is not proposing to limit these areas in relationship to calculation for Allowable Floor Area.

Analysis

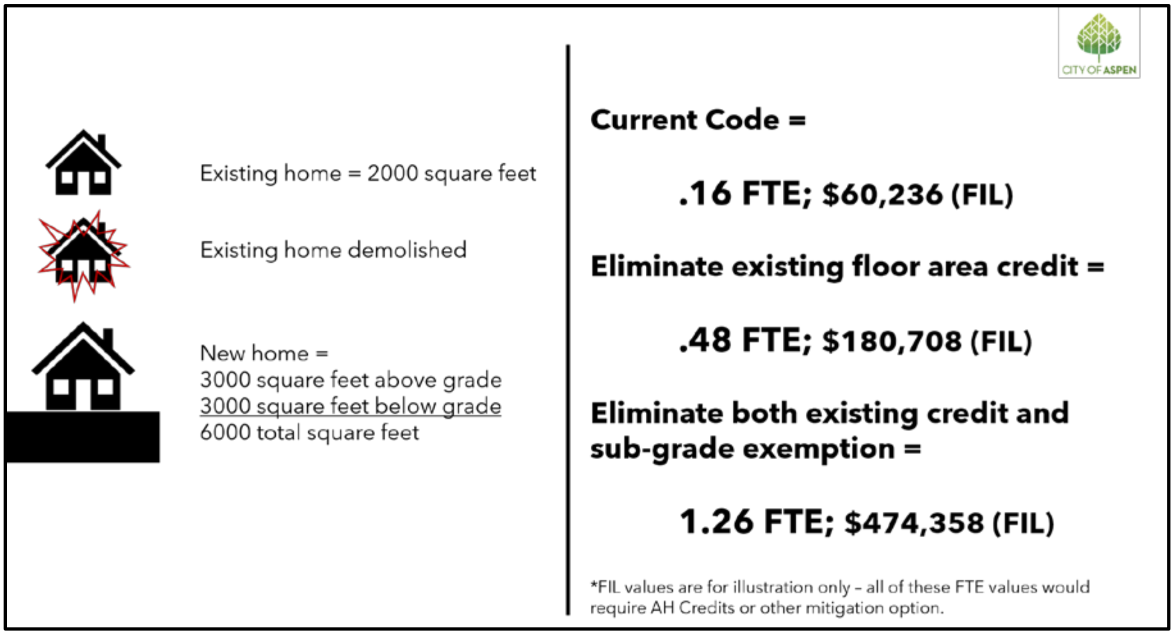


Figure 3: The effect of eliminating both the credit for existing Floor Area and sub-grade exemption.

Staff recognizes the scale of impact that these two changes would have on the current mitigation requirements for single-family and duplex development and re-development. In evaluating these potential impacts, staff analyzed six recent redevelopment projects. Of the six, only one (Project 3) is an outlier due to the size of the sub-grade area and the fact that it is technically two, detached dwellings. The others are representative of typical, single-family projects.

What would these changes accomplish?
Staff believes the changes requested by Council would be an effective response to Council and community concerns about affordable housing requirements for residential development and may generate the following outcomes:

1. A more fully responsive mechanism to mitigate for the development activity that is most shaping Aspen's current "growth" context. This includes the continuing trend of increased demand and valuation of single-family and duplex homes, the scale and pace of scrape and replace redevelopment, and the growing role of Short-Term Rentals across our residential zone districts.

2. Assess a mitigation requirement for development that is clearly generating new demand for employees.

3. Create a more equitable mitigation requirement across different types of development – Commercial, Lodge, Residential.

4. Create additional demand within the Affordable Housing Credits program by increasing mitigation requirements which may be met through the purchase of credits from the market.

The table shows that each project is different in how these changes would impact the eventual mitigation requirement. Some project financial pro formas would be impacted more significantly than others based on the size of the new home's subgrade area or the size of the existing home (and credit for Floor Area) in relationship to the size of the new home.

Table 1: Examples of recent, actual single-family development projects depicting the mitigation requirements under current code and the impacts of eliminating the credit for existing floor area and subgrade exemption.

	EXISTING FLOOR AREA (SF)	NEW FLOOR AREA (SF)	TOTAL GROSS (SF)	BASEMENT GROSS (SF)	BASEMENT FLOOR AREA (SF)	MITIGATION **CURRENT CODE** (FTE AND FIL)	MITIGATION **W/O CREDIT FOR EXISTING FA** (FTE AND FIL)	MITIGATION **W/O BASEMENT EXEMPTION** (FTE AND FIL)	MITIGATION W/O CREDIT FOR **BOTH EXISITNG AND BASEMENT EXEMPTION** (FTE AND FIL)	Δ **DIFFERENCE** BETWEEN CURRENT CODE AND REMOVING BOTH
PROJECT 1	3,072	5,314	8,797	2,563	12	.52 $196K	.85 $320K	1.77 $666K	2.26 $851K	**1.74** $655K
PROJECT 2	4,026	3,237	4,770	1,596	62	0 $0	.52 $196K	.21 $79K	.73 $275K	**.73** $275K
PROJECT 3	0	6,240	17,277	9,846	396	1.62 $610K	1.62 $610K	5.04 $1.9M	5.04 $1.9M	**3.42** $1.3M
PROJECT 4	4,300	4,345	5,697	1,905	553	.01 $4K	.70 $263K	.46 $173K	.91 $343K	**.9** $339K
PROJECT 5	2,232	4,330	7,526	2,981	164	.34 $128K	.70 $263K	1.45 $545K	1.8 $678K	**1.1** $550K
PROJECT 6	2,969	4,255	9,998	4,954	222	.21 $79K	.68 $256K	2.23 $840K	2.7 $1M	**2.49** $921K

Notes: 1) Projects are actual, single-family residential, scrape and replace projects, with building permits issued between 2015 and 2020.
2) The current Fee-in-Lieu (FIL) value for Category 2 was used in calculating a benchmark for the value of the required mitigation.

New Commercial Development	SF Residential Scrape and Replace
6000 square feet of Net Leasable	***6000 square feet of Floor Area***
6000/1000 = 6 x 4.7 FTEs = 28.2 x .65 (mitigation rate) =	4,500/1000 = 4.5 x .16 = .72 1,500/1000 = 1.5 x .36 = .54 .72 +.54 =
18.33 FTEs **Required AH Mitigation** **Roughly $5.5M FIL**	**1.26 FTEs** **Required AH Mitigation** **Roughly $475K FIL**

Figure 4. In spite of the significant increase that these changes would make to residential mitigation, the mitigation per square foot would remain well below that of mitigation required for a similarly sized commercial area.

<ins>Public Outreach</ins>

Typically, when ComDev is proposing an amendment to the LUC, we have a public outreach plan in place to gather input and comment in shaping the amendment. On this set of topics however, staff does not believe that any level of public outreach will move the needle in support of these proposals. In staff's view, removing these long-standing reductions in the required mitigation for residential projects will be unpopular within the development community – and particularly for those that are contemplating redevelopment projects.

In thinking about these proposed changes and the nature of public outreach, it should be noted that all required residential mitigation can be deferred if the owner is a full-time, locally working resident under APCHA Guidelines.

<ins>2015 Aspen Residential Employment Generation Study</ins>

Employment generation studies are essential to the foundation of Aspen's GMQS system in that they establish the measurable impacts of new construction. These studies set the clear nexus between a square foot of construction and the demand for employees that are being created by the new space.

The RRC (consultant) study is built on the assumption that it is measuring the new impacts of residential development for two specific activities – construction and future maintenance and operations. While it does discuss existing Floor Area in redevelopment contexts, the report is most applicable to new development on an established vacant lot. The report also briefly references the inclusion of sub-grade area. On both topics, the report (Credit and Exemption) is responding to these reductions in mitigation as established elements in Aspen's LUC – rather than factors that are driving the impacts of employee generation. What is crystal clear though is that the report establishes a mitigation requirement per 1,000 square feet of residential construction.

Staff raises this topic because of the importance of our mitigation requirements matching the generation studies behind them. If Council were to implement the elimination of the existing floor area credit and sub-grade exemption, <u>staff recommends an update to the generation study to reflect the new stipulations in the LUC and more fully understand the impact of redevelopment scenarios.</u>

<u>Multi-Family Replacement Requirements</u>

Multi-Family Replacement (MFR) requirements were instituted in the late 1980's as it was becoming clear to the community that aging, smaller units were an important free-market rental and ownership housing option for working locals. In redevelopment scenarios, formerly "affordable" units were now out of reach for most locals. The requirements directed that if multi-family units were redeveloped, a percentage of the new units had to be deed-restricted affordable – either Resident Occupied (RO) or Category. The requirements had two purposes: 1) to discourage redevelopment of these multi-family properties into a higher-end, less attainable product; and, 2) if they did redevelop, the community would gain deed-restricted affordable units. In general, the effect of these regulations has translated into most of these multi-family developments remaining as built, and not pursued as redevelopment opportunities.

<u>Why evaluate Multi-Family Replacement now?</u>

1) Some multi-family developments are beginning to age beyond a typical building lifespan.

2) Real estate trends have taken many of these free-market units beyond the range of "affordability" for working locals.

3) While staff is working on the data to evaluate the scale of this trend, it has been observed that many of these units have been converted to short-term rentals.

4) These multi-family projects, if not redeveloped, do not generate opportunities for the creation of affordable housing units.

5) These properties generally occupy areas of the City that are zoned to accommodate density necessary for viable affordable housing, promote a walkable and transit-served community, and reduce resource consumption.

6) Community perspectives on the preference for RO units (as opposed to Category units) seem to be shifting as a consequence of recent trends in real estate valuation and the inability of the free-market to provide missing middle housing to working locals who qualify out of the APCHA system.

Design Workshop

Exhibit A is a Memorandum from a consultant team at Design Workshop that presents the following:

1) A review of current code requirements

2) Interviews with local stakeholders about the MFR requirements

3) Redevelopment Scenarios that apply the MFR requirements to four actual Multi-Family properties.

4) Analysis of the intersection of MFR requirements, zone district limitations, new development cost realities, and the viability of redevelopment projects.

5) Recommendations about possible improvements and areas for further analysis.

In an effort to avoid redundancy, staff recommends Council review the contents of the Memorandum. Design Workshop will present a summary of the findings of the Memorandum at the Work Session and staff will request direction from Council in response to questions raised by this analysis

To restate from the first part of this memo, these are the questions that staff will use in asking for direction from Council on Multi-Family Replacement:

1) Does Council desire to facilitate the redevelopment of aging multi-family properties? A) To allow for the upgrade or replacement of buildings that are reaching the end of their lifespan? and/or B) To encourage the creation of required associated affordable housing?

If the answer to Question #1 is yes, to any degree:

2) Does Council desire for staff to propose density changes for multi-family development in the RMF, R-6, and Lodge Zone Districts – where existing multi-family properties are primarily located? If so, does Council prefer that staff present proposed changes as a stand-alone response to multi-family replacement <u>OR</u> as an element of a comprehensive analysis of Part 700 (Zone Districts) in search of other opportunities in the promotion of affordable housing.

3) Does Council desire for staff to propose changes to the multi-family replacement requirements in GMQS (100% - RO, 50% - Cat. 4), particularly related to the requirement of replacing the same number of units and net livable area and bedrooms?

4) Does Council desire for staff to propose changes for the affordable housing requirements for additional Free Market units (particularly the requirement for both Floor Area and Units) in redevelopment scenarios?

A general question:

5) What are Council's views on the importance of RO (Resident Occupied as opposed to Category units) within the affordable housing inventory?

CONCLUSION AND NEXT STEPS:
First, Based on Council direction this evening, staff is prepared to pursue LUC amendments on the Single-Family and Duplex mitigation topics beginning as soon as August. Staff would present a set of options for Council's consideration as part of the Policy Resolution review, followed by Ordinances to formally Amend the LUC.

On the Multi-Family Replacement topic, staff will need to refine potential code responses using the development scenario tool that Design Workshop has created. The range of potential responses is far greater on this topic and we will want to get it right. Staff estimates and three to six-month timeline depending on Council direction. Also, if Council desires to work on this topic, staff recommends a robust stakeholder and public outreach effort on this set of issues.

Finally, ComDev staff will be prepared to discuss a full range of affordable housing and growth management topics during Council discussion at their Retreat; July 19 and 20. Should Council desire to establish a new goal(s) related to Affordable Housing and / or GMQS, staff will be present to help Council align desired outcomes with possible approaches to create achievable goal language.

FINANCIAL IMPACTS: To be determined, depending on project scope.

ENVIRONMENTAL IMPACTS: To be determined, depending on project scope.

ALTERNATIVES: N/A

RECOMMENDATIONS: N/A

CITY MANAGER COMMENTS:

EXHIBITS: A - Design Workshop Memorandum on Development Scenario Analysis
B - Summary of Current Multi-Family Replacement Requirements

CITY OF ASPEN

Exhibit D - Policy Resolution Packet

MEMORANDUM

TO:	Mayor Torre and Aspen City Council
FROM:	Ben Anderson, Principal Long-Range Planner
THROUGH:	Phillip Supino, Community Development Director
MEMO DATE:	November 3, 2021
MEETING DATE:	November 9, 2021
RE:	Resolution No. 106, Series of 2021 – Policy Resolution Proposed Land Use Code Changes Calculation of Single-Family and Duplex Residential Affordable Housing Mitigation

---

REQUEST OF COUNCIL:
At a Work Session on July 12, 2021, Council unanimously directed staff to develop amendments to the Land Use Code (LUC) that would have the effect of increasing required affordable housing mitigation for single-family and duplex residential development. Specifically, the changes would eliminate the credit for existing floor area and use a gross, rather than net Floor Area calculation when assessing affordable housing mitigation requirements on these types of development (and redevelopment).

Resolution No. 106, Series of 2021 is a Policy Resolution that if approved, would begin the formal amendment process to the LUC. First and Second Readings of an Ordinance approving these amendments would come before Council on November 23rd and December 14th.

Staff recommends Council approve Policy Resolution No. 106, Series of 2021.

SUMMARY AND BACKGROUND: As part of an ongoing effort to better coordinate the Land Use Code in support of Council's Affordable Housing Goals and in relationship to discussions with Council about the effectiveness of Aspen's Growth Management Quota System in responding to the current development context, staff has continued to study and analyze a range of related topics. Staff has held several Work Sessions with Council over the last 18 months toward better understanding the issues and in thinking about possible improvements. As part of this work, Council passed a series of targeted code amendments in May of 2021 – including an update to the Affordable Housing Mitigation Fee-In-Lieu

The relationship of Growth Management to Affordable Housing Mitigation has long been a part of Aspen's system of housing the employees generated by different development types. The specific mechanisms within the LUC that have defined this relationship over time have been changed and adjusted numerous times to respond to shifting dynamics in Aspen's development context. It has become apparent through analysis of our Growth Management Allotment system and issued building permits, that residential development and redevelopment is now the dominant contributor to both the real impacts and perceived pressures that growth creates.

Overtime, technical changes to the LUC have had the effect of reducing the mitigation requirements for single-family and residential development and redevelopment in a way that has not been applied to commercial, lodge and multi-family residential. In the current context, while the construction and other employee generation impacts of single-family and duplex residences has intensified, the mitigation requirements have not kept pace.

The current mitigation requirements for single-family and duplex development are based on a 2015 study by research consultants, RRC. While staff remains confident in the fundamentals of this study – the application and intersection of the findings of this study with other calculation methodologies (particularly Floor Area) has had the effect of significantly reducing required mitigation.

The proposed code changes considered by this Policy Resolution would do two things in response:

1. Remove the credit for existing Floor Area from the calculation of Affordable Housing Mitigation in redevelopment scenarios when demolition occurs.

2. Use a gross Floor Area calculation, rather than a net calculation, in determining mitigation requirements. The gross Floor Area calculation would include all sub-grade areas, garages, and circulation features for the purposes of AH mitigation only. This new methodology <u>would not</u> affect the calculation of allowable floor area in meeting Zone District dimensional requirements, and <u>residential development rights would be unchanged</u>.

STAFF DISCUSSION:

<u>Single-Family and Duplex Development Affordable Housing Mitigation</u>

Two different AH mitigation calculations apply when the Land Use Code refers to Residential Development. First, and <u>not</u> part of these proposed amendments applies when a subdivision with multiple lots is created, a change of use takes place, or a new multi-family project is developed. These types of projects require the assignment of Growth Management Allotments and require that 30% of the project's Floor Area (and 60 or 70% of the project's units) be some balance of deed restricted affordable housing. This requirement could also be called inclusionary zoning in the broader planning world's terminology. These projects require a Planning and Zoning review in the final determination of the mitigation requirements.

The second calculation is typically assessed during the building permit review process. Today, this calculation is much more common than the scenario described above. These projects take place on existing residential lots – either as new construction or the redevelopment of an existing home or homes. Different from the above scenario, the mitigation here has been understood as a much more direct impact fee, rather than a form of inclusionary zoning – calculating employee generation on a per square foot basis. No development Growth Management Allotments are required. When a new home is built or square footage is added to an existing home, a 2015 Employee Generation Study established the following mitigation requirements:

.16 FTE per 1,000 square feet of Floor Area up to 4,500 sf.
.36 FTE per 1,000 square feet of Floor Area over > 4,500 sf.

Per the study, these figures were derived from an estimate of the full-time employees generated during the construction and life span of the property. For example, a new home, on a previously vacant lot, with a Floor Area of 5,500 square feet as measured per the LUC would have the following mitigation requirements:

4,500 / 1000 = 4.5 x .16 = .72 FTE
1000 / 1000 = 1 x .36 = .36 FTE
.72 + .36 = 1.08 FTE

Existing Floor Area Credit

In redevelopment scenarios, the current code allows for the Floor Area of the existing home to be credited against the Floor Area for the new home. Additionally, in situations where a significant remodel that triggers demolition is contemplated, only new, additional floor area is calculated. In both cases, the exemption of the existing floor area is credited, regardless of whether mitigation was ever assessed on the property and regardless of whether the existing Floor Area is renovated or scraped and replaced.

AH mitigation for new residential development became a requirement in the mid-1980s. Depending on the circumstance and the code requirements in effect at the time of the project, on-site units, off-site units, fee-in-lieu, and accessory dwelling units have all been used in meeting mitigation requirements. Because of the change in code requirements over time and the variability of development history on residential properties, simply providing the credit was previously argued as a fair and straightforward response to this issue.

The credit for existing residential floor area, like the previously eliminated credits for existing commercial and lodge development, seems to have its origins in thinking about growth management that came to define the system – that new development is what drives growth. Long-standing, existing development should be exempt, and a new development that mitigates – has provided mitigation forever. Today – it is redevelopment of properties that is driving the growth that the community is experiencing. The whole concept of a credit is undermined by the real impacts to employee generation that redevelopment scenarios are creating.

Since 2015, **approximately 325,000 square feet of existing floor area has been credited in redevelopment and major renovation scenarios**[1]. If not credited, the square footage would conservatively translate into 52 FTEs (or approximately $19.5M of mitigation value based on Cat. 2 FIL). It is also important to note that a similar credit for existing Floor Area for commercial redevelopment was eliminated from the LUC in a 2017 Amendment and the credit for existing Lodge units was recently eliminated by Ordinance No. 13, Series of 2021.

<u>Sub-Grade (Basement) and other Exemptions from gross Floor Area</u>
Under current code Sub-Grade areas (and other areas, like garages and circulation elements) are effectively exempt from the contribution to both Allowable Floor Area and Affordable Housing Mitigation. In essence, a calculation is made based on the percentage of exposed wall area and applied to the gross floor area. As a consequence, unless a project purposely exposes a large percentage of the basement to the surface for light wells or other features, or the property is on a slope that naturally exposes the basement, the vast majority of the gross floor area of basements is exempt.

In the 2015 Employee Generation Study, sub-grade and other exempt areas were discussed as having impacts – but it was determined these areas should remain exempt in consistency with the calculations for Allowable Floor Area in limiting the mass and scale of a house.

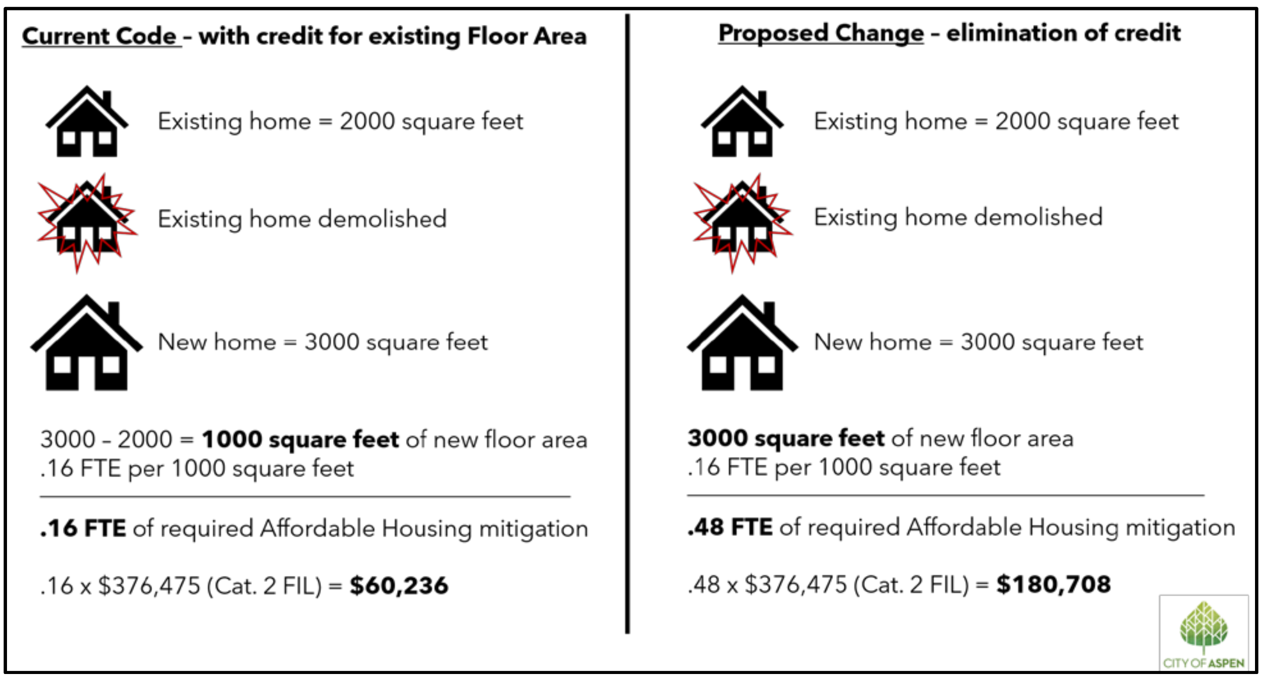


Figure 1: Comparison of a redevelopment project's mitigation requirements – with and without the credit for existing floor area. The existing credit reduced the required mitigation by .32 FTE.

1 Calculated though analysis of a spreadsheet that documents impact fees used in zoning review of issued building permits

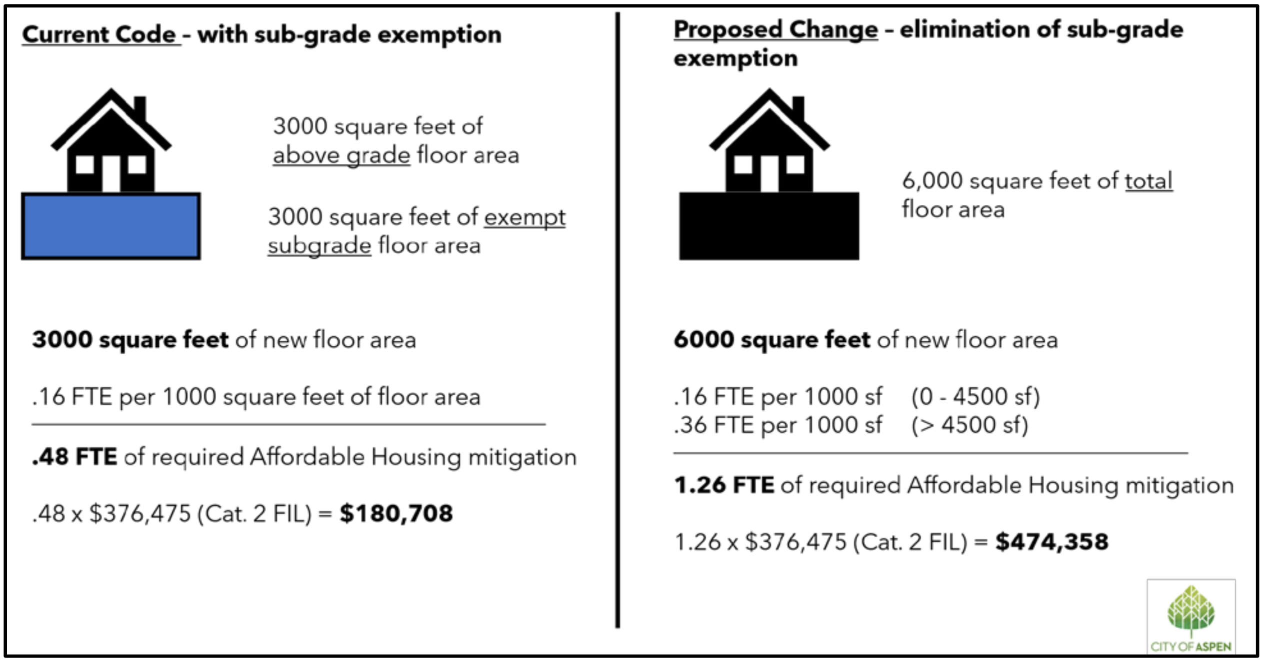


Figure 2: Comparison showing the impacts to AH mitigation created by the Sub-Grade Exemption. In this example, the exemption reduces the mitigation requirements by .78 FTE.

Staff does not have a calculation to summarize the total amount of sub-grade area that has been exempted from mitigation over time, but the combination of real estate values on a square foot basis and the exemption of basements from Allowable Floor Area calculations has given significant incentive to maximize the size of these spaces. At this

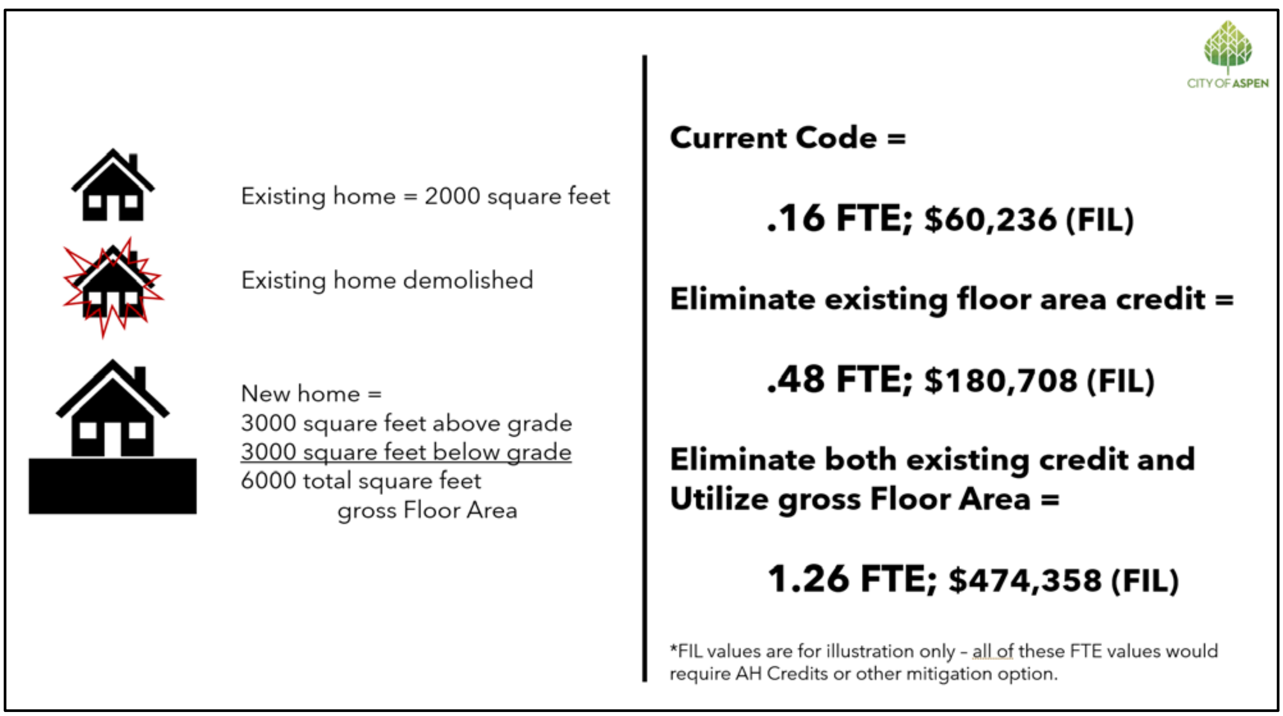


Figure 3: The effect of eliminating both the credit for existing Floor Area and sub-grade exemption.

time, staff is proposing to include this area in AH mitigation requirements but is not proposing to limit these areas in relationship to calculation for Allowable Floor Area.

Analysis

Staff recognizes the scale of impact that these two changes would have on the current mitigation requirements for single-family and duplex development and re-development. In evaluating these potential impacts, staff analyzed six recent redevelopment projects (See Table 1 on page 7). Of the six, only one (Project 3) is an outlier due to the size of the sub-grade area and the fact that it is technically two, detached dwellings. The others are representative of typical, single-family projects.

What would these changes accomplish?

Staff believes the changes pursued by these amendments would be an effective response to Council and community concerns about affordable housing requirements for residential development and may generate the following outcomes:

1. A more fully responsive mechanism to mitigate for the development activity that is most shaping Aspen's current "growth" context. This includes the continuing trend of increased demand and valuation of single-family and duplex homes, the scale and pace of scrape and replace redevelopment, and the growing role of Short-Term Rentals across our residential zone districts.

2. Assess a mitigation requirement for development that is clearly generating new demand for employees.

3. Create a more equitable mitigation requirement across different types of development – Commercial, Lodge, Residential.

4. Create additional demand within the Affordable Housing Credits program by increasing mitigation requirements which may be met through the purchase of credits from the market. This may result in the development of more AH units by the private sector.

Table 1: Examples of recent, actual single-family development projects depicting the mitigation requirements under current code and the impacts of eliminating the credit for existing floor area and subgrade exemption.

	EXISTING FLOOR AREA (SF)	NEW FLOOR AREA (SF)	TOTAL GROSS (SF)	BASEMENT GROSS (SF)	BASEMENT FLOOR AREA (SF)	MITIGATION **CURRENT CODE** (FTE AND FIL)	MITIGATION **W/O CREDIT FOR EXISTING FA** (FTE AND FIL)	MITIGATION **WITH GROSS FA** (FTE AND FIL)	MITIGATION W/O CREDIT FOR **BOTH EXISITNG AND GROSS FA** (FTE AND FIL)	Δ **DIFFERENCE** BETWEEN CURRENT CODE AND REMOVING BOTH
PROJECT 1	3,072	5,314	8,797	2,563	12	.52 $196K	.85 $320K	1.77 $666K	2.26 $851K	**+1.74** $655K
PROJECT 2	4,026	3,237	4,770	1,596	62	0 $0	.52 $196K	.21 $79K	.73 $275K	**+.73** $275K
PROJECT 3	0	6,240	17,277	9,846	396	1.62 $610K	1.62 $610K	5.04 $1.9M	5.04 $1.9M	**+3.42** $1.3M
PROJECT 4	4,300	4,345	5,697	1,905	553	.01 $4K	.70 $263K	.46 $173K	.91 $343K	**+.9** $339K
PROJECT 5	2,232	4,330	7,526	2,981	164	.34 $128K	.70 $263K	1.45 $545K	1.8 $678K	**+1.1** $550K
PROJECT 6	2,969	4,255	9,998	4,954	222	.21 $79K	.68 $256K	2.23 $840K	2.7 $1M	**+2.49** $921K

Notes: 1) Projects are actual, single-family residential, scrape and replace projects, with building permits issued between 2015 and 2020.
2) The current Fee-in-Lieu (FIL) value for Category 2 was used in calculating a benchmark for the value of the required mitigation.
3) On these six projects alone, total employee generation would be increased by 10.38 FTE.

The table shows that each project is different in how these changes would impact the eventual mitigation requirement. Some project financial proformas would be impacted more significantly than others based on the size of the new home's subgrade area or the size of the existing home (and credit for Floor Area) in relationship to the size of the new home.

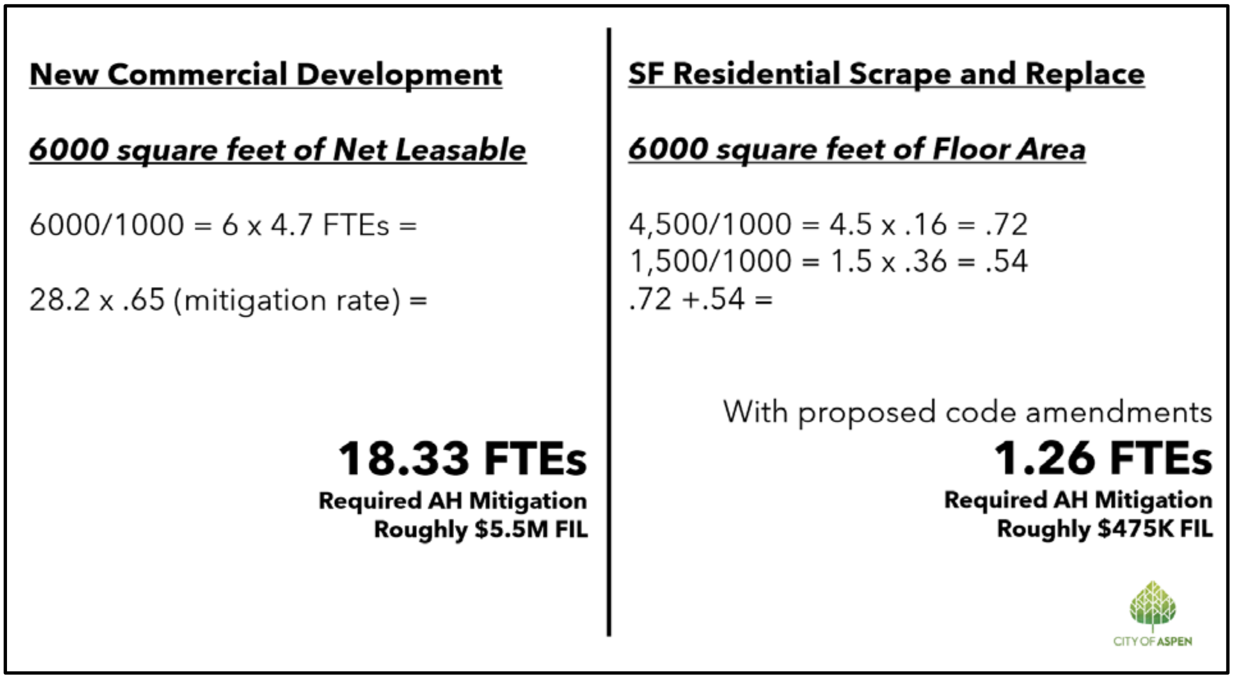


Figure 4. In spite of the significant increase that these changes would make to residential mitigation, the mitigation per square foot would remain well below that of mitigation required for a similarly sized commercial area.

<u>Public Outreach</u>
Typically, when ComDev is proposing an amendment to the LUC, we have a public outreach plan in place to gather input and comment in shaping the amendment. On this set of topics however, staff does not believe that traditional public outreach will move the needle in support of these proposals. In staff's view, removing these long-standing reductions in the required mitigation for residential projects will be unpopular within the development community – and particularly for those that are contemplating redevelopment projects. On the other hand, like many other requirements of the of the LUC that translate into the development of affordable housing – those that may benefit from an additional housing unit being built or those that may generally support additional affordable housing may not be fully engaged in technical aspects of the LUC. Additionally, the context surrounding COVID has made comprehensive outreach efforts challenging.

Staff has posted the process for these potential amendments in two recent editions of the Community Development Newsletter and will continue to do so through Second Reading. Additionally, staff, should Council adopt Resolution No. 106, will conduct direct outreach to members of the development and design community explaining the proposed changes ahead of Second Reading. Any feedback received from this outreach will be summarized for Council consideration.

The public will also have an opportunity to provide comment with Planning and Zoning Commission as that body considers in a public hearing whether to provide formal recommendation in support of the proposed amendments.

In thinking about these proposed changes and the nature of public outreach, it should be noted that all required residential mitigation can be deferred if the owner is a full-time, locally working resident under APCHA Guidelines.

2015 Aspen Residential Employment Generation Study
Employment generation studies are essential to the foundation of Aspen's GMQS system in that they establish the measurable impacts of development. These studies set the clear nexus between a square foot of construction and the demand for employees that are being created by the new development.

The RRC (consultant) study is built on the assumption that it is measuring the new impacts of residential development for two specific activities – construction and future maintenance and operations. The current report is applicable to new development on an established vacant lot and redevelopment scenarios. The report also briefly references the inclusion of sub-grade area. On both topics, the report (Credit and Exemption) is responding to these reductions in mitigation as established elements in Aspen's LUC – rather than factors that are driving the impacts of employee generation. RRC has provided recent (October 2021) evaluation of the 2015 employee generation study as it relates to these specific code changes and per that evaluation, staff does not believe that the proposed amendments would in any way undermine the basis of the study

Staff raises this topic because of the importance of our mitigation requirements matching the generation studies behind them. If Council were to implement the elimination of the existing floor area credit and utilize gross Floor Area, staff recommends an update to the generation study in 2022 to reflect the new stipulations in the LUC and more fully understand the impact of redevelopment scenarios. This study could additionally be expanded to incorporate analysis of short-term rentals and their relationship to residential uses and redevelopment in evaluating employee generation impacts.

CONCLUSION AND NEXT STEPS:
The proposed Amendments under consideration in this Policy Resolution would, in staff's view, be a positive step in further recognizing the impacts of single-family and duplex development and redevelopment on employee generation and the demand for affordable housing. While impactful, the code amendments necessary to achieve this change are minimal in scope and complexity and do not alter underlying development rights.

If Council approves Resolution No. 106, the following dates have been identified for the next steps in the review of these amendments:

November 16th – Review with P&Z for a recommendation
November 23rd – First Reading of Ordinance with Council
December 14th – Second Reading of Ordinance with Council

FINANCIAL IMPACTS:

ENVIRONMENTAL IMPACTS:

ALTERNATIVES: Maintain status quo and not pursue proposed amendments – or consider other alternatives per Council direction.

RECOMMENDATIONS: Staff recommends Council approve Policy Resolution No. 106, Series of 2021.

CITY MANAGER COMMENTS:

EXHIBITS: None

RESOLUTION NO. 106
SERIES OF 2021

A RESOLUTION OF THE CITY OF ASPEN CITY COUNCIL ADOPTING POLICIES AUTHORIZING AMENDMENTS TO THE LAND USE CODE IN SUPPORT OF CITY COUNCIL'S AFFORDABLE HOUSING GOALS

WHEREAS, pursuant to Section 26.310.020(A), a Policy Resolution is required to initiate the process of amending the City of Aspen Land Use Code; and,

WHEREAS, pursuant to Section 26.310.020(A), during a work session on July 12, 2021, the Community Development Department received direction from City Council to draft targeted amendments to the Land Use Code related to growth management affordable housing mitigation requirements for single family and duplex development; and,

WHEREAS, the Community Development Director recommends Council consider potential changes to the General Provisions (26.104), Growth Management Quota System (26.470), and Miscellaneous Supplemental Regulations (26.575) chapters, and other sections of the Land Use Code as necessary for coordination; and,

WHEREAS, City Council has reviewed the proposed code amendment policy direction, and finds it meets the criteria outlined in Section 26.310.040; and,

WHEREAS, amending the Land Use Code as described below will ensure the ongoing effectiveness and viability of the regulations within the City of Aspen Land Use Code to achieve City Council's policy and regulatory goals related to affordable housing; and,

WHEREAS, the regulations and standards in the Land Use Code provide important tools in the development of affordable housing within the City of Aspen; and,

WHEREAS, Aspen's affordable housing system is essential in the maintenance of a sustainable community; and,

WHEREAS, the proposed Land Use Code amendments related to affordable housing will advance specific policy statements in the Aspen Area Community Plan (AACP); and,

WHEREAS, pursuant to Section 26.310.020(B)(2), during a duly noticed public hearing on November 9, 2021 the City Council approved Resolution 0101-2020, by a X-to-X vote, requesting code amendments to the Land Use Code; and,

WHEREAS, pursuant to Section 26.310.020(B)(1), the Community Development Department, following approval of this Policy Resolution will conduct Public Outreach with the public, property owners, and members of the development community; will receive recommendation from the Planning and Zoning Commission in a public hearing; and will propose an Ordinance to be considered at First and Second Reading; and,

WHEREAS, this Resolution does not amend the Land Use Code, but provides direction to staff for amending the Land Use Code; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASPEN AS FOLLOWS:

Section 1: Overall Code Amendment Objectives

The objectives of these code amendments are to:

1. Align City Council's affordable housing goals more closely with policies and regulations in the Land Use Code.
2. Build upon the established successes of Aspen's affordable housing efforts.
3. More directly recognize the employee generation impact of single family and duplex residential development.
4. Improve policies to further encourage both public and private sector development of affordable housing.
5. Maintain existing and increase the free-market and deed-restricted housing units available to the Aspen community.

Section 2: Topics for Potential Code Amendments

1. Affordable Housing Mitigation Requirements for Single Family and Duplex residential development:
    a. eliminates the credit for existing floor area in redevelopment scenarios
    b. calculates mitigation requirements utilizing gross floor area – this would now include sub-grade areas, garages, and circulation elements.

Section 3: Other Amendments as Necessary

Other amendments may be required to ensure coordination between the sections identified above and other sections in the LUC which may not have been anticipated.

Section 4:

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

Section 5:

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

FINALLY, adopted this 9th day of November 2021.

____
Torre, Mayor

ATTEST:

____
Nicole Henning, City Clerk

APPROVED AS TO FORM:

____
James R True, City Attorney

CITY OF ASPEN

MEMORANDUM

TO:	**Mayor and City Council**
FROM:	**Tyler Christoff, Utilities Director** **Ryan Loebach, Senior Project Manager** **Lee Ledesma, Utilities Finance/Administrative Manager** **Justin Forman, Utilities Operations Manager** **Steve Hunter, Utility Resource Manager**
THROUGH:	**Scott Miller, Public Works Director** **Pete Strecker, Finance Director**
MEMO DATE:	**November 15, 2021**
MEETING DATE:	**November 23, 2021**
RE:	**Public Hearing – Ordinance #20 – 2022 Electric and Water Rates and Fees**

REQUEST OF COUNCIL: Staff requests approval of Ordinance #20, Series of 2021, representing updates to Title 25—Utilities—of the City of Aspen Municipal Code as presented during the October 19, 2021, Council work session on 2022 Electric and Water budgets and the November 9th First Reading of this ordinance.

All proposed amendments and additions to Title 25 of the municipal code have been highlighted in yellow, shown in Exhibit A.

SUMMARY AND BACKGROUND: Council approved Cost of Service (COS), rates with a 5-year transition in November of 2018. 2019 water and electric rates represented Year One of the 5-year transition. 2022 proposed water and electric rates represent Year Four of the 2018 COS rate study. This transition represents an incremental approach to utility rate increases. Staff believes this transition meets the functional needs of the utility while creating sustainable change for our customers. Most recently, Council reviewed proposed electric and water rate and fee increases as presented during the October 19, 2021, Council work session.

DISCUSSION: Raftelis Financial Consultants were contracted in 2019 to provide a fee recommendation based on the Utility's COS. Raftelis Financial Consultants were re-engaged in early 2021 to provide a review of Utility Connection Permit fees, as well as Electric Community Investment fees. Staff and Raftelis updated the 2022 COS transition to ensure rates continue to accurately reflect the proportional burden to serve customers of all sizes. This methodology creates a rate structure in which customers requiring a greater share of infrastructure and resources are billed a greater proportional share of utility rates and fees. Staff reviewed these recommendations and applied them to Aspen's rate structure to propose the following changes to Title 25 of the municipal code.

Year Four—Electric Utility Cost of Service Rate Proposal

Year Four of the 5-Year COS rates are incorporated in the proposed language for draft Ordinance #20, (Exhibit A). Applying the Year Four rate adjustments results in updated average electric utility customer monthly bills. Tables below reflect theoretical average monthly cost impacts to the various customer classes including average Aspen residential; 'large' residential; small commercial; and large commercial. The intent of these tables (below) is to demonstrate the formularized monthly change various customer classes may experience in Year 4 of the Utilities COS transition.

ELECTRIC UTILITY RATES	2021 AVERAGE BILL	PROPOSED RATE CHANGE	2022 AVERAGE BILL
kWh Charges	$179.29	*1.00%*	$181.09
Availability Charges	$44.24	*0.0%*	$44.24
Average Residential - Aspen	$223.53		**$225.33**
200 AMP Service / 1500 kwh (percentage change)			**0.81%**

ELECTRIC UTILITY RATES	2021 AVERAGE BILL	PROPOSED RATE CHANGE	2022 AVERAGE BILL
kWh Charges	$67.62	*1.00%*	$68.29
Availability Charges	$30.97	*0.0%*	$30.97
Average Residential - Senior	$98.59		**$99.26**
200 AMP Service / 700 kwh (percentage change)			**0.68%**

ELECTRIC UTILITY RATES	2021 AVERAGE BILL	PROPOSED RATE CHANGE	2022 AVERAGE BILL
kWh Charges	$3,315.49	*2.00%*	$3,376.02
Availability Charges	$183.90	*24.0%*	$228.04
'Large' Residential - Aspen	$3,499.39		**$3,604.06**
600 AMP Service / 15,000 kwh (percentage change)			**2.99%**

ELECTRIC UTILITY RATES	2021 AVERAGE BILL	PROPOSED RATE CHANGE	2022 AVERAGE BILL
kWh Charges	$1,401.79	*1.00%*	$1,421.99
Availability Charges	$42.94	*22.0%*	$52.39
Average Small Commercial - Aspen	$1,444.73		**$1,474.38**
200 AMP Service / 8,000 kwh (percentage change)			**2.05%**

ELECTRIC UTILITY RATES	2021 AVERAGE BILL	PROPOSED RATE CHANGE	2022 AVERAGE BILL
kWh Charges	$3,218.00	*0.00%*	$3,218.00
Demand kW Charges	$2,422.76	*6.40%*	$2,577.31
Availability Charges	$85.65	*22.00%*	$104.45
Average Large Commercial	$5,726.41		**$5,899.76**
400 AMP Service / 45,000 kwh / 130 kw (percentage change)			**3.03%**

<u>Year Four—Water Utility Cost of Service Rate Proposal</u>

Year Four of the 2018 approved 5-Year COS rates are incorporated in the proposed draft Ordinance #20, (Exhibit A). Applying the Year Four rate adjustments results in the following average water utility customer monthly bills. Tables below reflect average monthly cost impacts to the various customer classes including residential (downtown customer); residential (pumped zone customer); and commercial. The intent of these tables (below) is to demonstrate the formularized monthly change various customer classes may experience in Year 4 of the Utilities Cost of Service transition.

WATER UTILITY RATES	2021 AVERAGE BILL	PROPOSED RATE CHANGE	2022 AVERAGE BILL
Water Variable (Consumption)	$31.20	*6.09%*	$33.10
Water Demand	$16.39	*1.34%*	$16.61
Fire Charge	$9.53	*13.75%*	$10.84
Average Residential -- Downtown	$57.12		**$60.55**
2.67 ECUs & 0 Pumps / 10,000 gallons (percentage change)			**6.00%**

WATER UTILITY RATES	2021 AVERAGE BILL	PROPOSED RATE CHANGE	2022 AVERAGE BILL
Water Variable (Consumption)	$189.72	*5.84%*	$200.80
Water Demand	$49.12	*1.30%*	$49.76
Fire Charge	$28.56	*13.73%*	$32.48
Pump Charge	$130.00	*9.62%*	$142.50
Average Residential -- Red Mtn.	$397.40		**$425.54**
4.0 ECUs & 1 Pumps / 50,000 gallons (percentage change)			**7.08%**

WATER UTILITY RATES	2021 AVERAGE BILL	PROPOSED RATE CHANGE	2022 AVERAGE BILL
Water Variable (Consumption)	$368.46	*5.85%*	$390.00
Water Demand	$56.12	*1.30%*	$56.85
Fire Charge	$32.63	*13.73%*	$37.11
Average Commercial	$457.21		**$483.96**
9.14 ECUS & 0 Pumps / 100,000 gallons (percentage change)			**5.85%**

Water Utility Investment Fees/Tap Fees

Each City water account has an individual ECU rating based on water fixtures, irrigated area, and other factors indicative of water demand. An ECU is a unit reflecting that part of the capacity of the water system necessary to serve a standard water customer. For water utility investment/tap fee computation, the following fees are assessed per equivalent capacity unit, (ECU). Raftelis Financial Consultants were re-engaged in 2021 to provide a fee adjustment recommendation based on current Aspen Water Utility fixed asset replacement costs. Aspen Water's fixed asset and infrastructure end of life and replacement costs were reviewed and updated in April of 2021 by Utilities staff. The table below outlines the recommended 2021 rates and associated fee adjustment. These proposed changes are incorporated in the proposed draft Ordinance #20, (Exhibit A).

Water Utility Investment Charge - Tap Fees (2022)			
Billing Areas	**2021 Per ECU Rate**	**Proposed 2022 Per ECU Rate**	**% Increase**
1	$9,334	$9,868	5.72%
2	$18,668	$19,736	5.72%
3	$18,668	$19,736	5.72%
4	$11,668	$12,335	5.72%
5	$16,335	$17,269	5.72%
6	$18,668	$19,736	5.72%
7	$14,001	$14,802	5.72%

Electric Community Investment Fees

Each City Electric account has an individual amperage rating based on electric appliances, lighting, climate control and other factors indicative of electrical demand. The Electric Community Investment (ECI) fee is charged to any customer requesting services for new development and expansion of existing services within the service area and is measured at each individual electric meter. The ECI provides capital to the Electric Department to pay for a portion of infrastructure needed to deliver electric services to new or expanded services. Staff is recommending an incremental 15 to 20% fee adjustment based on 2021 Aspen Electric fixed asset and infrastructure replacement analysis. Staff made the decision to recommend a 2022 ECI fee adjustment for 100 through 400 amp accounts of 15% and for 600 through 3,000 amp accounts a 20% fee adjustment. This structure ensures ECI fees are applied proportionally; a higher fee required by customers requiring a greater share of infrastructure and resources. The table below outlines the recommended 2022 rates and associated increase. These proposed changes are incorporated in the proposed draft Ordinance #20, (Exhibit A).

Electric Community Investment Fee (ECI) 2022					
	Residential		Commercial		
AMP Size	**1 Phase 120/240V**	**3 Phase 120/208V**	**1 Phase 120/240V**	**3 Phase 120/208V**	**3 Phase 277/480V**
100	$1,501	$ 3,001	$ 4,002	$ 4,500	$ 10,385
200	$3,002	$ 6,001	$ 8,004	$ 9,001	$ 17,309
300	$6,003	$ 9,752	$ 12,006	$ 13,501	$ 31,156
400	$8,004	$ 13,003	$ 16,008	$ 18,001	$ 41,542
600	$12,528	$ 20,352	$ 25,056	$ 28,176	$ 65,022
800	$16,704	$ 27,136	$ 33,409	$ 37,568	$ 86,695
1000	$20,880	$ 33,920	$ 41,761	$ 46,960	$ 108,369
1200	$25,056	$ 40,704	$ 50,113	$ 56,352	$ 130,043
1400	$29,233	$ 47,488	$ 58,465	$ 65,744	$ 151,717
1600	$33,409	$ 54,272	$ 66,817	$ 75,136	$ 173,391
1800	$37,585	$ 61,056	$ 75,169	$ 84,528	$ 195,065
2000	$41,761	$ 67,840	$ 83,522	$ 93,920	$ 216,739
2200	$45,937	$ 74,624	$ 91,874	$ 103,312	$ 238,412
2400	$50,113	$ 81,409	$ 100,226	$ 112,704	$ 260,086
2600	$52,368	$ 85,072	$ 104,736	$ 117,776	$ 271,790
2800	$54,725	$ 88,900	$ 109,449	$ 123,076	$ 284,021
3000 Plus	$57,187	$ 92,901	$ 114,374	$ 128,614	$ 296,802

Solar PV and Battery Storage Review

In preparation for emerging technologies and additional customer interest Utilities staff has created a review process to evaluate distributed energy systems attached to the Aspen Electric Utility. Additionally, staff is proposing a new Section in Title 25 to address these technologies and their interaction with the public power grid. These code enhancements allow the Utility to review applications to ensure safety and compatibility with development and grid needs. Staff believes these new programs are critical to keep pace with the changing electric market-place and needs of our customers. These proposed changes are incorporated in section 25.04.037 in the proposed draft Ordinance #20, (Exhibit A).

FINANCIAL IMPACTS: The financial implications of the proposed electric and water rate adjustments, as well as the fee adjustments, are outlined in Water and Electric Long-Range Plans and will be part of the 2022 Budget book at the November first and second reading of Title 25—Utilities—Ordinance changes. Both the Water and Electric departments are enterprise funds supported solely by our customer base. The proposed rates outlined in Title 25 of the municipal code support the Utilities revenue stream and ultimately support the costs of utility operation, long range planning, resource development, and sustainability programing.

ENVIRONMENTAL IMPACTS: The electric and water rate structures continue to place a value on, support, and provide incentive for, conservation and efficiency practices, programs, and policies.

ALTERNATIVES: Council may request portions of the recommended rate and fee adjustments be modified during the November 2021 First Reading of Ordinance #20, Series of 2021, which will become effective January 1, 2022.

RECOMMENDATIONS: Staff requests Council move to adopt Ordinance #20, Series 2021, which will become effective January 1, 2022.

CITY MANAGER COMMENTS:

ATTACHMENTS:
Exhibit A – Ordinance #20, Series of 2021 – Title 25 - Utilities - Aspen Municipal Code

Exhibit A – ORDINANCE NO. 20

Series 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING AND ADDING TO TITLE 25 OF THE MUNICIPAL CODE OF THE CITY OF ASPEN--UTILITIES—SPECIFICALLY CHAPTERS 25.04 ELECTRICITY; 25.08 WATER SERVICE – GENERAL PROVISIONS; 25.12 UTILITY CONNECTIONS; 25.16 WATER RATES AND CHARGES; 25.30 WATER EFFICIENT LANDSCAPING STANDARDS; AND, DELETING CHAPTER 25.24 SUPPLY OF MUNICIPAL WATER FOR SNOWMAKING PURPOSES.

WHEREAS, the City owns and operates a public electric and water system; and

WHEREAS, the City Council has adopted a policy of requiring all users of the electric and water system operated by the City of Aspen to pay fees that fairly approximate the costs of providing such services; and

WHEREAS, the City Council supports electric and water rate structures that place a value on, and incentive for, conservation and efficiency programs, policies, and improvements; and

WHEREAS, the rates outlined in Title 25 of the municipal code support the Utilities revenue stream and ultimately support the ever-increasing costs of utility operation, long-range planning, resource development, and sustainability programing.

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

Section 1.

That Title 25 of the Municipal Code of the City of Aspen, Colorado, which section sets forth Utilities, is hereby amended, and added to, to read as follows:

Chapter 25.04. ELECTRICITY

Sec. 25.04.035. Electric Community Investment Fee.

The Electric Department must expand the electric system facilities to accommodate new development without decreasing current reliability and service standards. The Electric Department distributes electricity to the customers in its service area by means of an integrated and interdependent system-wide network of electric facilities. The Electric Community Investment (ECI) fee will be charged to any customer requesting services for new development and expansion of existing services within the service area as measured at breaker size at meter. If breaker size is not listed in Table below, billing amps are rounded up to next available amperage size shown below.

The ECI will provide additional capital to the Electric Department to pay for a portion of the new facilities needed to deliver electric services to new or expanded services. Effective January 1, 2022, all residential, commercial and city facilities customers of the Aspen Electric Department shall pay the ECI fee as follows:

	ECI Residential		ECI Commercial		
Breaker Amperage	1 Phase 120/240V	3 Phase 120/208V	1 Phase 120/240V	3 Phase 120/208V	3 Phase 277/480V
100	$1,501	$ 3,001	$ 4,002	$ 4,500	$ 10,385
200	$3,002	$ 6,001	$ 8,004	$ 9,001	$ 17,309
300	$6,003	$ 9,752	$ 12,006	$ 13,501	$ 31,156
400	$8,004	$ 13,003	$ 16,008	$ 18,001	$ 41,542
600	$12,528	$ 20,352	$ 25,056	$ 28,176	$ 65,022
800	$16,704	$ 27,136	$ 33,409	$ 37,568	$ 86,695
1000	$20,880	$ 33,920	$ 41,761	$ 46,960	$ 108,369
1200	$25,056	$ 40,704	$ 50,113	$ 56,352	$ 130,043
1400	$29,233	$ 47,488	$ 58,465	$ 65,744	$ 151,717
1600	$33,409	$ 54,272	$ 66,817	$ 75,136	$ 173,391
1800	$37,585	$ 61,056	$ 75,169	$ 84,528	$ 195,065
2000	$41,761	$ 67,840	$ 83,522	$ 93,920	$ 216,739
2200	$45,937	$ 74,624	$ 91,874	$ 103,312	$ 238,412
2400	$50,113	$ 81,409	$ 100,226	$ 112,704	$ 260,086
2600	$52,368	$ 85,072	$ 104,736	$ 117,776	$ 271,790
2800	$54,725	$ 88,900	$ 109,449	$ 123,076	$ 284,021
3000 and above	$57,187	$ 92,901	$ 114,374	$ 128,614	$ 296,802

(Ord. NO 27-2017 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.04.037. Fees for distributed energy systems attached to Aspen Electric.

(a) All projects on properties within the City of Aspen Electric Utility service area that require staff and/or engineering review or that will add distributed energy systems that could include battery storage are subject to electric development review fees prior to issuance of a city electric permit.

(b) The electric development review fee shall be as set forth in Subsection (c) of the Section.

(c) [Electric Development Review Fees.]

System Size in kW	Distributed Energy System Only	Distributed Energy System and Battery Storage
< 15 kW	$150.00	$1,000.00
15 kW and up	$500.00	$1,000.00

Sec. 25.04.039 Senior electric rates.

Any qualified senior citizen who so applies shall be entitled to an adjustment in the individual electric residential availability rates set forth in Section 25.04.040.

Qualified senior citizen shall be defined by the Pitkin County Social Services Department in consultation with the Pitkin County Senior Services Council.

The Utilities Director shall first coordinate with Pitkin County Social Services Department and the Pitkin County Senior Services Council as necessary to ensure that qualified senior citizens are made aware of their eligibility for this program and application procedure is conducive to their participation.

A metered residence owned or leased by qualified seniors shall pay on a monthly basis the sum of charges of: Seventy percent (70%) of standard availability charge; one hundred percent (100%) of electric consumption charge (kwh); and applicable sales tax.

(Ord. No. 17-2020, § 1, 11-24-2020)

Sec. 25.04.040. Electric service rates.

(a) Effective in the January 2022 monthly billing, all residential, commercial and city facilities customers of the Aspen Electric Department shall pay a monthly customer availability charge as follows:

AMP Size	Standard Residential Customer	Senior Residential Customer - 70%	Small Commercial Customer	Large Commercial Customer
100 AMP	$22.72	$15.91	$27.19	$24.58
200 AMP	$44.24	$30.97	$52.39	$45.46
300 AMP	$88.68	$62.08	$85.72	$72.49
400 AMP	$129.27	$90.49	$124.68	$104.50
600 AMP	$228.04	$159.63	$219.50	$183.92
800 AMP	$343.76	$240.63	$330.59	$278.16
1000 AMP	$478.85	$335.19	$460.28	$386.45
1200 AMP	$625.15	$437.61	$600.73	$507.72
1600 AMP	$962.74	$673.92	$924.81	$780.38
1800 AMP	$1,146.12	$802.28	$1,100.85	$935.77
2000 AMP	$1,350.62	$945.43	$1,297.17	$1,102.08
2200 AMP	$1,580.22	$1,106.16	$1,517.69	$1,289.43
2400 AMP	$1,848.86	$1,294.20	$1,775.70	$1,508.64
2600 AMP	$2,163.17	$1,514.22	$2,077.57	$1,765.10
2800 AMP	$2,530.91	$1,771.64	$2,430.75	$2,065.17
3000 AMP and above	$2,961.16	$2,072.81	$2,843.98	$2,416.25

(b) In addition to the monthly customer availability charge, and effective in the January 2022 monthly billing, the residential customer shall pay the sum of the metered use of electric energy measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows:

AMP Size	Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Remaining Usage Over	Per KWh
100 AMP	400	$0.0865	1,080	$0.1296	1,920	$0.1964	1,920	$0.3438
200 AMP	520	$0.0865	1,360	$0.1296	2,800	$0.1964	2,800	$0.3438
300 AMP	1,600	$0.0865	3,600	$0.1296	6,160	$0.1964	6,160	$0.3438
400 AMP	1,600	$0.0865	3,600	$0.1296	6,160	$0.1964	6,160	$0.3438
600 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
800 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
1000 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
1200 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
1600 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
1800 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
2000 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
2200 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
2400 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
2600 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
2800 AMP	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438
3000 AMP and above	2,800	$0.0865	5,440	$0.1296	8,800	$0.1964	8,800	$0.3438

(c) Effective January 1, 2022, all electric accounts that service 5 or more individual units shall be considered a small commercial customer and shall have rates associated with a small commercial account rather than a residential account. Additionally, all commercial accounts that do not meet the requirements for large commercial designation shall be considered small commercial accounts, which includes previous class of small commercial city facilities customers and current and future Electric Vehicle charging stations. In addition to the monthly customer availability charge, and effective in the January 2022 monthly billing, the small commercial customer shall pay the sum of the metered use of electric energy measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows:

AMP Size	Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Remaining Usage Over	Per KWh
100 AMP	880	$0.0928	2320	$0.1160	4800	$0.1741	4800	$0.2813
200 AMP	1280	$0.0928	3120	$0.1160	5760	$0.1741	5760	$0.2813
300 AMP	3360	$0.0928	7120	$0.1160	12240	$0.1741	12240	$0.2813
400 AMP	3360	$0.0928	7120	$0.1160	12240	$0.1741	12240	$0.2813
600 AMP	6560	$0.0928	13200	$0.1160	18400	$0.1741	18400	$0.2813
800 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
1000 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
1200 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
1600 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
1800 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
2000 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
2200 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
2400 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
2600 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
2800 AMP	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813
3000 AMP and above	13600	$0.0928	28000	$0.1160	44800	$0.1741	44800	$0.2813

(d) In addition to the monthly customer availability charge, and effective in the January 2022 monthly billing, the large commercial customer, which includes previous class of large commercial city facilities customers and current and future Electric Vehicle charging stations, (with operable demand metering systems in place and measured usage of forty (40) kW and greater) shall pay the sum of the metered use of electric energy measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows, plus a demand charge per kW of metered customer peak usage for that meter reading cycle:

AMP Size	Usage Up To	Per KWh	Remaining Usage Over	Per KWh	Demand Charge on Customer Peak kW
100 AMP	23200	$0.0638	23200	$0.0797	$19.83
200 AMP	23200	$0.0638	23200	$0.0797	$19.83
300 AMP	23200	$0.0638	23200	$0.0797	$19.83
400 AMP	23200	$0.0638	23200	$0.0797	$19.83
600 AMP	23200	$0.0638	23200	$0.0797	$19.83
800 AMP	23200	$0.0638	23200	$0.0797	$19.83
1000 AMP	23200	$0.0638	23200	$0.0797	$19.83
1200 AMP	23200	$0.0638	23200	$0.0797	$19.83
1600 AMP	23200	$0.0638	23200	$0.0797	$19.83
1800 AMP	23200	$0.0638	23200	$0.0797	$19.83
2000 AMP	23200	$0.0638	23200	$0.0797	$19.83
2200 AMP	23200	$0.0638	23200	$0.0797	$19.83
2400 AMP	23200	$0.0638	23200	$0.0797	$19.83
2600 AMP	23200	$0.0638	23200	$0.0797	$19.83
2800 AMP	23200	$0.0638	23200	$0.0797	$19.83
3000 AMP and above	23200	$0.0638	23200	$0.0797	$19.83

(e) In addition to the monthly customer availability charge, and effective in the January 2022 monthly billing, an alternative 200 AMP customer rate shall be available for new deed-restricted, residential properties with electric heat and built in compliance with International Energy Conservation Codes 2015 edition as stated in Municipal Code 8.46 including amendments as stated in Ordinance 40, Series of 2016. This rate will only be applied to deed-restricted residential electric accounts that have been reviewed and approved as a qualifying residential property by the Utilities Director. This rate shall be the sum of the metered use of electric energy measured in kilowatt-hours (kWh) during the department's monthly meter reading cycle multiplied by the appropriate service rate as follows:

AMP Size	Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Additional Usage Up To	Per KWh	Remaining Usage Over	Per KWh
200 AMP	1,100	$0.0865	2,800	$0.1296	4,000	$0.1964	4,000	$0.3438

(Code 1971, § 23-18.1; Ord. No. 42-1984, § 1 ; Ord. No. 76-1992, § 1 ; Ord. No. 36-1996, § 1 ; Ord. No. 41-2004, § 1 ; Ord. No. 7-2006, § 1 ; Ord. No. 37-2008 ; Ord. No 29-2011 ; Ord. No. 36-2011 ; Ord. No. 37-2014, § 1 ; Ord. No. 44-2015 , Ord. No. 38-2016 , Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.04.046. Property owners financially liable for unpaid utility charges and fees. In situations where unpaid electric utility charges and fees remain on a finaled owner or tenant account, the current owner will be financially responsible and liable for these previous amounts due forty-five (45) days after the transfer of previous owner or tenant.

Chapter 25.08. WATER SERVICE—GENERAL PROVISIONS

Sec. 25.08.090. Equivalent capacity units.

(a) All water service shall be rated by the Water Department in accordance with the following table:

(1) LONG-TERM RESIDENTIAL (Occupancy extending more than one (1) month):

	ECU
1st full bath	0.36
2nd full bath	0.24
Each additional full bath	0.12
Each kitchen (full cooking facilities)	0.25
Each kitchenette (modest cooking facilities)	0.15
Each bedroom	0.10

(2) LODGING BEDROOMS (Occupancy per person extending less than one (1) month):

	ECU
Each bedroom with no bath or cooking facilities, but with dormitory style bathrooms in hallways	0.45
Each bedroom with no bath, but with modest cooking facilities and dormitory style bedrooms in hallways	0.60
Each bedroom with full bath but no cooking facilities	0.55
Each bedroom with full bath and wet bar (microwave and under the counter icebox)	0.65
Each bedroom with full bath and modest cooking facilities	0.70

(3) SHORT- OR MIXED-TERM RESIDENTIAL (Occupancy per person extending less than one (1) month):

	ECU
Each full bath	0.36
Each kitchen (full cooking facilities)	0.25

Each bedroom	0.30

(4) IRRIGATION:

	Line Size	Minimum ECU Rating
Each bib hose in addition to sprinkler system (fixed piping/spray or drip emitters, i.e., hose bib w/ irrigation)	Any	0.05
Hose bib only (i.e., hose bib for irrigation):		
1st hose bib	Any	0.20
2nd hose bib	Any	0.10
3rd hose bib	Any	0.05

Yard Hydrant	.5/hydrant
Irrigation System - Spray	0.01/100 Sq. Ft.
Drip Irrigation System	0.001/100 Sq. Ft.

(5) RESTAURANTS: Each seat: 0.07 ECU.

(6) NONPROFIT CAFETERIA (including school cafeterias): Each seat: 0.048 ECU 1st 25/0.024 ECU thereafter.

(7) OFFICE SPACE: Each one hundred (100) square feet: 0.02 ECU.

(8) RETAIL SPACE: Each one hundred (100) square feet: 0.01 ECU.

(9) COMMERCIAL RECREATIONAL FACILITIES: Each customer: 0.04 ECU.

(10) NONPROFIT RECREATIONAL FACILITIES (including school gyms): Each customer/pupil: 0.04 ECU.

(11) THEATERS, AUDITORIUMS, CONVENTION HALLS AND ASSEMBLY PLACES: Each ten (10) seats: 0.080 ECU year-round/0.048 ECU summer.

(12) SCHOOL ROOMS (not including cafeteria, kitchens, gyms, auditoriums, and administrative office space): Each pupil: 0.02 ECU per maximum capacity.

(13) WAREHOUSE OR INDUSTRIAL SPACE: Each one thousand (1,000) square feet: 0.12 ECU.

(14) GAS STATIONS: Each service or lubrication bay: 0.25 ECU.

(15) CAR WASHES: Each manual washing bay: 0.95 ECU/each automatic washing bay: 1.45 ECU.

(16) HOSPITALS, NURSING HOMES, SANITARIUMS, AND DETENTION CENTERS: Each bed: 0.50 ECU.

(b) The Water Department shall establish fixture or irrigated area maximums for all ECU ratings under Subsection (a). For all fixtures or irrigated area in excess of said maximums, the Water Department shall increase the ECU rating in accordance with the following table:

	ECU
Toilet/urinal	0.05
Mop/laundry sink (per compartment)	0.05
Kitchen sink (per compartment)	0.05
Lavatory sink (per compartment)	0.02
Combo toilets (toilet/bidet, toilet/lav)	0.07
Bar sink (per compartment)	0.05

Garbage disposal	0.05
Household dishwasher	0.10
Commercial dishwasher (per ⅛" of supply line diameter)	0.10
Dishwasher drawer (single)	0.05
Steamer oven	0.05
Household clothes washer	0.10
Commercial clothes washer (per ⅛" of supply line diameter)	0.10
Commercial icemaker (per ⅛" of supply line diameter)	0.05
Steam room	0.08
Water bottle fill station	0.05
Whole home humidifier	0.30
Coffee urn	0.05
Tub/shower (combined or separate)	0.05
Bidet	0.05
Wet saunas	0.08
Humidifiers	0.05
Jacuzzi/spa (per 100 gal. of capacity)	0.02
Swimming pool (per 1,000 gal. of capacity):	0.02
Industrial process or wastewater (not served by sanitary sewer): Each 1,000 gal./day non-consumptively used	1.50
Each 1,000 gal./day consumptively used	3.90
Fountains:	
Non-continuous drinking	0.05
Continuous drinking	0.50
Non-recycling decorative	0.50
Recycling decorative	0.10
Water softener (per ECU):	
Residential	0.02
Commercial	0.01
Fire protection sprinkler heads	0.00

(c) No outdoor water features will be allowed on Aspen Water utility accounts effective January 1, 2022.

(d) In the event that the water service cannot be adequately rated under the tables in Subsections (a) and (b) or if there are unusual or special circumstances warranting a special ECU rating, the service may be rated as determined by the Water Department at the customer's expense. The Water Department may also adjust the ECU rating of any water service if the metered demand of such service differs substantially from the ECU rating under Subsections (a) and (b).

(d) In no event shall the ECU rating be less than the following minimums:

Line Size	Minimum ECU Rating
¾"	1.0
1"	2.0
1¼"	3.0
1½"	4.0
2"	8.0

4"	20.0
6"	30.0
8"	60.0

For line sizes larger than six (6) inches, the minimum ECU rating shall be determined by the Water Department after consultation with the City Manager.

(e) The ECU rating per customer pursuant to Subsections (a), (b), (c) or (d) shall be applied in calculating utility investment charges under Section 25.12.040 and in calculating monthly demand, extraordinary water use, and fire protection charges under Sections 25.16.010 and 25.16.020.

(f) Commercial agricultural uses shall be limited to a maximum of one (1) ECU of potable water without the prior express written consent of the City Manager.

(Code 1971, § 23-44; Ord. No. 27-1985, § 1; Ord. No. 36-1995 , § 1; Ord. No. 43-1996 , § 16; Ord. No. 30-2012 § 4; Ord. No. 15-2019 , § 2, 6-24-2019; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Chapter 25.12. UTILITY CONNECTIONS

Sec. 25.12.040. Utility investment charges.

(a) The utility investment charge per each equivalent capacity unit (ECU) for each billing area shall be as set forth in Subsection (d) of this Section.

(b) The total utility investment charge for a customer shall be the customer's ECU rating multiplied by the charge in Subsection (d).

(c) Before any water is furnished, pursuant to a utility connection application and permit, Water Department personnel shall inspect the property designated on the application and shall certify on the application that the ECU rating on the application equals the ECU rating for the property as developed. Prior to inspection, water may only be furnished to the property for construction purposes upon proper payment therefor. If the ECU rating for the property as developed is less than the ECU rating on the application, the applicant shall be entitled to a refund of any overpayment of the total utility investment charge, but no refund shall be made of any utility hookup charge or of any water main extension costs, water rights dedication fees, interest on any overpayment or other connection costs because of a reduced ECU rating. If the ECU rating of the developed property is greater than the ECU rating on the application and no larger or additional connections are made, no water shall be furnished until the deficit in the total utility investment charge has been paid. If a larger or additional connection is made, no water shall be furnished until the deficits in the total utility investment charge, the utility hookup charge and all other applicable charges and fees, have been paid. In every case, the Utility Connection Permit shall be amended as necessary to reflect the final ECU rating for the property, and the connections.

(d) Utility investment charges (tap fees) are computed as follows:

(1) For the purpose of utility investment charge computation, the following fees shall be assessed per ECU effective January 1, 2022:

Billing Area	Charges per ECU
Billing Area 1	$9,868
Billing Area 2	$19,736

Billing Area 3	$19,736
Billing Area 4	$12,335
Billing Area 5	$17,269
Billing Area 6	$19,736
Billing Area 7	$14,802
Billing Area 8	Reserved

The total utility investment charge shall be the utility investment charge per ECU multiplied by the number of ECU points for the utility connection applied for by the applicant.

(e) System development charges recommended by the Water Department may be authorized from time to time by the City Council. System development charges are fees intended to provide for additional water system development that is intended to enhance the reliability of City water service to all customers, and may include, for example, well system development fees or plant investment fees. Effective January 1, 2021, Well System Development fees that be calculated at a rate of one thousand six hundred seventy-five dollars ($1,675.000)/ECU.

(Code 1971, § 23-58; Ord. No. 27-1985, § 1; Ord. No. 54-1986, § 1 ; Ord. No. 34-1988, § 6 ; Ord. No. 19-1990, § 3 ; Ord. No. 39-1993, § 5 ; Ord. No. 30-2012 § 8 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.12.060. Utility hookup charge.

(a) A utility hookup charge shall be paid to the City to recover the cost of labor and equipment required to make a tap. Effective January 1, 2022, the utility hookup charge shall be as follows:

Line Size	Charges
3/4"	$1,500.00
1"	$2,000.00
1.5"	$2,500.00
2"	$3,000.00
4"	$4,000.00
6"	$5,000.00
8"	$6,000.00

(b) In addition to the costs listed above, the cost of the corporation stop, and other materials used in making the tap shall be charged at the actual cost of materials plus a twenty-five percent (25%) handling and stocking charge. The cost of the installation of the corporation stop shall also be included. The water user shall furnish and pay for all other materials, labor and all expenses in and about the making of all connections with the main, including all costs of the service lines and meter installations, except for the specific costs included in the utility hookup charge in this Section.

(c) If warranted by unusual or special circumstances, the Water Department may impose special utility hookup charges.

(Code 1971, § 23-58; Ord. No. 27-1985, § 1; Ord. No. 54-1986 , § 1; Ord. No. 34-1988, § 6; Ord. No. 19-1990 , § 3; Ord. No. 39-1993 , § 5; Ord. No. 30-2012 § 9; Ord. No. 30-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.12.070. Additional service; fixtures; credits.

(a) No additional service, change of fixtures or demand factors, or change in use of an existing utility connection may be made without application and a utility connection permit issued therefor by the Water Department pursuant to this Chapter. Utility connection permits may be subject to conditions necessary to protect the best interests of the city water utility, including a requirement that a larger tap be installed.

(b) Any additional service, change of fixtures or demand factors or changes in use shall be subject to payment of a utility investment charge (tap fee) and applicable system development charge, based upon the additional ECU rating associated with such additional service, change of fixtures or demand factors or change in use. In no event shall there be any refund or reimbursement under this Section for a reduction in the ECU rating for any utility service. If a larger utility service connection is required, the utility hookup charge shall be assessed as for a new utility service connection.

(c) In the calculation of the utility investment charge and applicable system development charge to be paid by the owner of residential or commercial structures, which are to be substantially remodeled or rebuilt, the utility investment charge and applicable system development charge shall be the charge determined in accordance with Section 25.12.040 for the completed structure, minus the amount of any utility investment charges and system development charges actually previously paid by the landowner or the predecessor of the landowner for connection of water service to the existing structure or structures on the property. Where structures are not substantially remodeled or rebuilt but are merely renovated or less than substantially remodeled the utility investment charge and system development charge shall be the charge determined in accordance with Section 25.12.040 for a new connection having an ECU rating equal to the difference between the new ECU rating of the structure and the former ECU rating of the structure; provided, however, that new water conserving devices are installed in the structure which meet the City standards for new water using devices.

  (1) "Substantial remodel" shall be defined as the increase by fifty percent (50%) in the water using capacity of new water using devices or fixtures installed on a property, as measured by the ECU rating of the existing and proposed structure(s).

  (2) "Rebuilt" shall be defined as the removal and total reconstruction of a structure on a particular piece of property.

  (3) The calculation for the credit to be given for property on which the structures are substantially remodeled or rebuilt shall take into account the amount actually paid for utility investment charges (tap fees) and system development charges in the records as maintained by the City. If no such records are maintained or it is impossible to determine the credit to be given, the credit shall be as calculated by the Water Department, taking into account the following in addition to other criteria deemed relevant:

    a. Size of the water main servicing the area;

    b. Size of the service line to the property;

    c. Size of the meter installed;

    d. Age and use of the building;

    e. Date of original connection to the city water service;

    f. History of fixture installations and upgrades;

    g. Fees charged to similarly situated customers

    h. Any verifiable and relevant records of the applicant;

i. Consideration other than money (e.g., water system upgrades, easements, or water rights) given to the City in exchange for the charge for utility connection or net benefit to the water system; and,

j. Unamortized capital expended for improvements to the system since the date of connection which has not been recovered by the water rates paid by the landowner.

(4) In the event the landowner disputes the amount of credit to be given, he or she shall request and pay the costs of arbitration of the issue by the manager of the City of Aspen Finance department. The conclusion of the arbitrator shall be final if the land is located within the incorporated limits of the City. The City, at its sole discretion, may decline to connect or increase water service for customers outside of the City at the credit established by the arbitrator.

(Code 1971, § 23-62; Ord. No. 27-1985, § 1; Ord. No. 19-1990 ; Ord. No. 30-2012 § 10; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.12.150. Disconnections; maintenance of corporation stop, curb stop, curb box and meters.

(a) In case any owner of premises on which water is used shall cease to use water and desires to disconnect his or her premises, he or she shall not be permitted to remove the curb stop, curb box or meter and appurtenances, except with permission from the Water Department. Corporation stops will be installed by the Water Department but are the property of the owner and shall only be removed or operated by the owner.

(b) The owner of property serviced shall be responsible for the repair and maintenance of the service line, corporation stop, curb stop, curb box and meter and is further responsible for insuring that none of the above become damaged or inaccessible by reason of landscaping, foliage, or construction of improvements on the premises. Note: Maximum allowable age of water meters installed within the Aspen Water Service Area is twenty-five (25) years. Water meters exceeding twenty-five (25) years of age will be required for replacement by the Aspen water department through a customer outreach process. New water meters and their install will be at the expense of the property owner.

(c) In such event a meter, remote and/or Meter Transmitting Unit (MTU) is damaged or concealed or otherwise made inaccessible, the Water Department shall direct that the water user be billed the unmetered rate for his or her water service until such time as the meter, remote and/or MTU is again made operable or accessible by the owner.

(Code 1971, § 23-70; Ord. No. 27-1985, § 1; Ord. No. 30-2102 § 18; Ord. No. 17-2020 , § 1, 11-24-2020)

Chapter 25.16. WATER RATES AND CHARGES

Sec. 25.16.010. Monthly rates for metered water service.

All metered water accounts except temporary construction, grandfathered-in, and pre-tap customer accounts shall pay on a monthly basis the sum of charges one (1) through four (4) that follow:

(a) Effective in the January 2021 monthly billing, all metered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate

1	1.00	$6.22
2	2.00	$12.44
3	2.00	$12.44
4	1.25	$7.78
5	1.75	$10.89
6	2.00	$12.44
7	1.50	$9.33

(b) Effective in the January 2021 monthly billing, all metered accounts shall pay a monthly variable charge per ECU as follows:

Usage Per ECU Up To	Per 1,000 Gallons Rate	Additional Usage Per ECU Up To	Per 1,000 Gallons Rate	Additional Usage Per ECU Up To	Per 1,000 Gallons Rate	Remaining Usage Per ECU Over	Per 1,000 Gallons Rate
4,000	$3.31	12,000	$4.24	16,000	$6.08	16,000	$9.11

(c) Effective in the January 2021 monthly billing, all metered accounts within service area pumped zones shall pay a monthly pumping charge per one thousand (1,000) gallons as follows:

# of Pumps	Rate Per 1,000 Gallons Pumped
1	$2.85
2	$5.70
3	$8.55

(d) Effective in the January 2021 monthly billing, all metered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$4.06
2	2.00	$8.12
3	2.00	$8.12
4	1.25	$5.08
5	1.75	$7.11
6	2.00	$8.12
7	1.50	$6.09

(Code 1971, § 23-101; Ord. No. 27-1985, § 1 ; Ord. No. 48-1986, § 1[A]; Ord. No. 51-1987, § 1 ; Ord. No. 18-1988, § 1; Ord. No. 34-1988, § 1 ; Ord. No. 19-1990, § 2 ; Ord. No. 39-1993, § 6; Ord. No. 45-1999, § 16 ; Ord. No. 41-2004, § 2 [part]; Ord. No. 7-2006, § 2 ; Ord. No. 35-2011, § 2 ; Ord. No. 30-2012 § 20 ; Ord. No 38-2014, § 1 ; Ord. No 45-2015 § 1 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.011. Bulk rates for metered water service.

(a) Effective in the January 2021 monthly billing, the bulk water sales rate and two-tier structure for Buttermilk Metro District will be:

Monthly Block Tiers in Per 1,000 Gallons	Rate Per 1,000 Gallons
First 2,940 gallons	$5.12
Over 2,940 gallons	$12.01

(b) Effective January 1, 2019, the demand charge per fill up for the filler hydrant bulk water sales pursuant to Subsection 25.08.020(e) shall be twenty dollars ($25.00) per use.

(c) Effective January 1, 2019, the variable charge for filler hydrant raw water bulk water sales pursuant to Subsection 25.08.020(e) shall be $15.00 per 1,000 gallons.

(Ord. No. 45-2015 , Ord. No. 38-2016 ; https://records.cityofaspen.com/WebLink/DocView.aspx?id=1412784" web="yes">Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.012. Raw water rates for general raw water accounts.

(a) The raw water rates for non-pressurized raw water irrigation accounts for unmetered service on a per thousand (1,000) irrigated square foot basis to be billed prospectively on an annual basis at the start of each irrigation season are as follows:

(b) Effective January 1, 2021 the non-pressurized raw water rate per irrigation season is as follows:

Non-Pressurized Raw Water	2022 Rate
Per 1,000 Sq. Ft.	$41.79

(c) Carriage rates for raw water (refer to "Definitions" section), shall be the same as set forward in Paragraph (d) below except where a valid contract for conveyance of the customer's own water rights provides for a different rate.

(d) It shall be unlawful for any person to pump or convey water from the raw water ditches without a valid raw water license agreement. Any persons doing so will be subject to a penalty of five hundred dollars ($500.00) for the first offense, one thousand dollars ($1,000.00) for the second offense and one thousand five hundred dollars ($1,500.00) for each additional offense.

(Ord. No. 41-2004, § 5 ; Ord. No. 35-2011, § 3 ; Ord. No. 30-2012 § 23 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.013. Raw water rates for Thomas Raw Water and other pressurized non-potable line accounts.

(a) Raw water rates for accounts using the Thomas Raw Water line or any other pressurized, non-potable water line accounts (including reclaimed water) shall be set in accordance with methods established for cost recover recommendations by the American Water Works Association.

(b) Where specific rates are established by a valid contract for raw water service and such rates result in a lower cost of service than that provided in Subsection 25.16.012(a), the contractual rate will prevail.

(c) All water use from the system requires the installation of an operable water meter. Such uses in place prior to 2009 shall install an operable water meter no later than January 20, 2009.

(d) Provisions for billing are as follows: All pressurized raw water accounts shall have a working meter at the beginning of each irrigation season, no later than April 15th.

(1) Effective January 1, 2022 metered rates for pressurized raw water accounts for seasonal delivery of non-potable water is as follows:

Metered Pressurized Raw Water - Billing to Occur Monthly - May through October	2021 Rate
Per 1,000 Gallons.	$4.84

(2) If the raw water meter required in paragraph (c) above ceases to function properly during the irrigation season, a seasonal bulk water delivery rate has been established as the basis for billing the non-potable pressurized water delivery. Effective January 1, 2022 the unmetered, pressurized raw water rate for seasonal delivery of non-potable water is as follows:

Unmetered Pressurized Raw Water - Billing to Occur Monthly - May through October	2022 Rate
Seasonal Rate Per 1,000 Sq. Ft.	$170.60
Monthly Rate Per 1,000 Sq. Ft. - Based on 6-Month Irrigation Season	$28.43

(e) Carriage rates for raw water, (see "Definitions" section), shall be the same as those in Paragraph (d)(1) except where a valid contract provides for alternate method and procedures for billing.

(f) It shall be unlawful for any person to pump or convey water from the raw water ditches without a valid raw water license agreement. Any persons doing so will be subject to a penalty of five hundred dollars ($500.00) for the first offense, one thousand dollars ($1,000.00) for the second offense and one thousand five hundred dollars ($1,500.00) for each additional offense.

(Ord. No. 41-2004, § 5 ; Ord. No. 30-2012 § 23 ; Ord. No. 38-2014 § 3 ; Ord. No. 45-2015 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.014. Monthly rates for temporary construction water service.

All temporary construction water accounts shall pay monthly the sum of charges one (1) and two (2).

(a) Effective in the January 2022 month billing, all temporary construction accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$6.22
2	2.00	$12.44
3	2.00	$12.44
4	1.25	$7.78
5	1.75	$10.89

6	2.00	$12.44
7	1.50	$9.33

(b) Effective in the January 2022 monthly billing, all temporary construction accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$3.57
2	2.00	$7.14
3	2.00	$7.14
4	1.25	$4.46
5	1.75	$6.25
6	2.00	$7.14
7	1.50	$5.36

(c) Construction accounts shall pay demand and fire protection charges at the same rates as metered customers for a temporary nine-month period. Variable and pumping charges will be waived for a maximum of nine (9) months, or the duration of the construction project, whichever is less. Construction account ECU's will be based on information shown on the building permit and "review" utility connection permit.

(Ord. No. 35-2011 § 4 ; Ord. No. 30-2012 § 24 ; Ord. No. 38-2014 § 4 ; Ord. No. 45-2015 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.015. Monthly rates for grandfathered-in water service

All grandfathered-in water accounts shall pay monthly the sum of charges one (1) and two (2).

(a) Effective in the January 2022 monthly billing, all grandfathered-in accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$6.22
2	2.00	$12.44
3	2.00	$12.44
4	1.25	$7.78
5	1.75	$10.89
6	2.00	$12.44
7	1.50	$9.33

(b) Effective in the January 2022 monthly billing, all grandfathered-in accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$3.57
2	2.00	$7.14
3	2.00	$7.14
4	1.25	$4.46

5	1.75	$6.25
6	2.00	$7.14
7	1.50	$5.36

(Ord. No. 35-2011 § 5 ; Ord. No. 30-2012 § 26 ; Ord. No. 38-2014 § 5 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.016. Monthly rates for pre-tap water service.

All pre-tap water accounts shall pay the sum of charges one (1) and two (2).

(a) Effective in the January 2022 monthly billing, all pre-tap accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$6.22
2	2.00	$12.44
3	2.00	$12.44
4	1.25	$7.78
5	1.75	$10.89
6	2.00	$12.44
7	1.50	$9.33

(b) Effective in the January 2022 monthly billing, all pre-tap accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$4.06
2	2.00	$8.12
3	2.00	$8.12
4	1.25	$5.08
5	1.75	$7.11
6	2.00	$8.12
7	1.50	$6.09

(Ord. No. 35-2011 § 6 ; Ord. No. 30-2012 § 26 ; Ord. No. 38-2014 § 6 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. no. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.020. Monthly rates for unmetered water service.

All unmetered water accounts shall pay the sum of charges one (1) and two (2).

(a) Effective in the January 2022 monthly billing, all unmetered water service accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$110.79
2	2.00	$221.60

3	2.00	$221.60
4	1.25	$138.50
5	1.75	$193.90
6	2.00	$221.60
7	1.50	$166.20

(b) Effective in the January 2022 monthly billing, all unmetered water service accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Per ECU Rate
1	1.00	$4.06
2	2.00	$8.12
3	2.00	$8.12
4	1.25	$5.08
5	1.75	$7.11
6	2.00	$8.12
7	1.50	$6.09

(Ord. No. 35-2011, § 6 ; Ord. No. 30-2012 § 27 ; Ord. No. 38-2014, § 7 ; Ord. No. 45-2015 , Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.021 Senior Water Rates.

(a) Any qualified senior citizen who so applies shall be entitled to an adjustment in the individual water rates set forth in Sections 25.16.010 and 25.16.020.

(b) Qualified senior citizen shall be defined by the Pitkin County Social Services Department in consultation with the Pitkin County Senior Services Council.

(c) The Utilities Director shall first coordinate with Pitkin County Social Services Department and the Pitkin County Senior Services Council as necessary to ensure that qualified senior citizens are made aware of their eligibility for this program and application procedure is conducive to their participation.

(d) A metered residence owned or leased by qualified seniors shall pay on a monthly basis the sum of charges one (1) through four (4) that follow:

(1) Effective in the January 2022 monthly billing, all senior metered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	90%	$5.60
2	2.00	90%	$11.20
3	2.00	90%	$11.20
4	1.25	90%	$7.00
5	1.75	90%	$9.80
6	2.00	90%	$11.20
7	1.50	90%	$8.40

(2) Effective in the January 2022 monthly billing, all senior metered accounts shall pay a monthly variable charge per ECU as follows:

Usage Per ECU Up To	Per 1,000 Gallons Rate	Additional Usage Per ECU Up To	Per 1,000 Gallons Rate	Additional Usage Per ECU Up To	Per 1,000 Gallons Rate	Remaining Usage Per ECU Over	Per 1,000 Gallons Rate
4,000	$3.31	12,000	$4.24	16,000	$6.08	16,000	$9.11

(3) Effective in the January 2022 monthly billing, all senior metered accounts within service area pumped zones shall pay a monthly pumping charge per 1,000 gallons as follows:

# of Pumps	Rate Per 1,000 Gallons Pumped
1	$2.85
2	$5.70
3	$8.55

(4) Effective in the January 2022 monthly billing, all senior metered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	90%	$3.65
2	2.00	90%	$7.31
3	2.00	90%	$7.31
4	1.25	90%	$4.57
5	1.75	90%	$6.39
6	2.00	90%	$7.31
7	1.50	90%	$5.48

(c) An unmetered residence owned or leased by qualified senior citizens shall pay on a monthly basis the sum of charges one (1) through two (2) that follow:

(1) Effective in the January 2022 monthly billing, all senior unmetered accounts shall pay a monthly demand charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	30%	$33.24
2	2.00	30%	$66.48
3	2.00	30%	$66.48
4	1.25	30%	$41.55
5	1.75	30%	$58.17
6	2.00	30%	$66.48
7	1.50	30%	$49.86

(2) Effective in the January 2022 monthly billing, all senior unmetered accounts shall pay a monthly fire protection charge per ECU as follows:

Billing Area	Billing Factor (Included)	Percentage of Regular Metered Demand	Per ECU Rate
1	1.00	30%	$1.22
2	2.00	30%	$2.44
3	2.00	30%	$2.44
4	1.25	30%	$1.52
5	1.75	30%	$2.13
6	2.00	30%	$2.44
7	1.50	30%	$1.83

(Code 1971, § 23-102; Ord. No. 27-1985, § 1 ; Ord. No. 48-1986, § 1(A) (B); Ord. No. 51-1987, § 2 ; Ord. No. 1-1988 ; Ord. No. 8-1990, § 2 ; Ord. 39-1993, § 7 ; Ord. No. 35-2011, § 8 ; Ord. No. 30-2012, § 28 ; Ord. No. 38-2014, § 8 ; Ord. No. 45-2015 ; Ord. No. 38-2016 ; Ord. No. 27-2017 ; Ord. No. 28-2018 ; Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 17-2020 , § 1, 11-24-2020)

Sec. 25.16.023. Property owners financially liable for unpaid utility charges and fees.

In situations where unpaid water utility charges and fees remain on a finaled owner or tenant account, the current owner will be financially responsible and liable for these previous amounts due forty-five (45) days after the transfer of previous owner or tenant.

Sec. 25.16.035. Backflow prevention and cross-connection control.

(a) The purpose of this backflow prevention and cross-connection control program is to protect the City's water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection. As a supplier of public drinking water, the City of Aspen has the authority to survey all service connections within the City's water distribution system to determine whether any connection is a cross-connection; to control all service connections within the distribution system that are cross-connections; to charge a fee for the administration of the cross-connection control program; to maintain records of surveys and the installation, testing and repair of all backflow prevention assemblies permitted or required under this program; and to administer, implement and enforce the provisions of this cross-connection control program.

(b) The provisions of this Section apply to all commercial, industrial, multi-family, and single-family residential service connections with the City's potable water system.

(c) Definitions:

Active Date means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.

Air Gap is a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the public water systems distribution system from any source or sources other than its intended source.

Backflow Contamination Event means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.

Backflow Prevention Assembly means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant or pollutant at the cross connection and is an in-line field-testable assembly.

Backflow Prevention Method means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant or pollutant at the cross connection.

Certified Cross-Connection Control Technician means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.

Containment means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the City's water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the City's water system is prevented.

Containment by Isolation means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer's water system such that backflow from a cross connection into the City's water system is prevented.

Controlled means having an appropriate and properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.

Cross Connection means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow

Multi-Family means a single residential connection to the City water system's distribution system from which two (2) or more separate dwelling units are supplied water.

Service Connection means any connection of a water supply or premises plumbing system to the City of Aspen's water distribution or system.

Single-family means:

(1) A single dwelling which is occupied by a single family and is supplied by a separate service line; or

(2) A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

Uncontrolled means not having an appropriate and/or properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.

Water Supply System means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premises plumbing systems.

(d) Requirements:

(1) Commercial, industrial, multi-family, and single-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified, an appropriate backflow prevention

assembly and or method shall be installed at the customer's water service connection within ninety (90) days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within ninety (90) days, the Utilities Department shall take action to control or remove the cross connection, suspend service to the cross connection, and/or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.

(2) In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly, unless such connections or tees are adequately controlled to achieve containment by isolation.

a. In instances in which an appropriate backflow preventer cannot be installed to achieve containment, the property owner must install approved backflow prevention devices or methods at all cross-connections within the premises plumbing system to achieve containment by isolation.

(3) Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing, and repair, and in accordance with the guidelines and requirements set forth in the Plumbing Code currently observed by the City of Aspen.

(4) Reduced pressure principle backflow preventers shall not be installed in a manner or location that is subject to flooding.

(5) Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.

(6) All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed upon cessation of those seasonal services in lieu of being protected from freezing. Any and all assemblies and methods that are removed from seasonal points of service in lieu of being protected from freezing must be reinstalled and tested by a certified cross connection control technician prior to recommencing seasonal service.

(7) Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, an approved, listed, and adequately sized expansion tank or other approved device having a similar function to control thermal expansion shall be installed.

(8) All backflow prevention assemblies shall be inspected and tested at the time of installation and inspected and tested at least once annually thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician. Backflow Inspectors are required to tag inspected backflow assemblies indicating date of inspection, a pass/fail designation, and their certification information. This tag requirement includes PVBs on irrigation systems.

(9) The City Utilities Department shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within a customer's premises plumbing system in the cases where containment assemblies and or methods cannot be installed.

(10) All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.

(11) No grandfather clauses exist except for fire sprinkler systems in which the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

(12) All building plans for new buildings must be submitted to the City of Aspen Water and Engineering Departments for review and must be approved by both Departments prior to the provision of water service. Building plans must show:

a. Water service type, service line size, and location;

b. Water meter size and location;

c. Backflow prevention assembly size, type, and location;

d. Fire sprinkler system type, line size, location, and type of backflow prevention assembly.

(13) All fire sprinkler lines shall have a minimum protection of an approved double check valve assembly for containment of the system.

(14) All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.

(15) Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.

(16) In cases wherein the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system, the City Utilities Department can choose to not require the backflow protection. In such cases, the City Utilities Department will measure chlorine residual at a location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the City Utilities Department suspects water quality issues, the Department will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically and require such flushing where practicable.

(e) Backflow prevention assemblies or methods shall be tested by a certified cross-connection control technician upon installation and tested at least once annually thereafter. The tests shall be conducted at the expense of the customer.

(1) Any backflow prevention assemblies or methods that are non-testable shall be inspected at least once annually by a certified cross-connection control technician and replaced at least every five (5) years by a master plumber. The inspections and replacements shall be made at the expense of the customer.

(2) As necessary, backflow prevention assemblies or methods shall be repaired and retested or replaced and tested at the expense of the customer whenever the assemblies or methods are found to be defective.

(3) Testing gauges shall be tested and calibrated for accuracy at least once annually.

(f) Reporting and Recordkeeping:

(1) Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.

(2) Copies of records of test reports, repairs and retests shall be submitted to the Utilities Department by mail, e-mail, or hand-delivery by the testing company or testing technician.

(3) Information on test reports shall include, but may not be limited to,

a. Assembly or method type

b. Assembly or method location

c. Assembly make, model and serial number

d. Assembly size

e. Test date; and

f. Test results including all results that would justify a pass or fail outcome

g. Certified cross-connection control technician certification agency

h. Technician's certification number

i. Technician's certification expiration date

j. Test kit manufacturer, model, and serial number

k. Test kit calibration date

(4) The Utilities Department must notify the Colorado Department of Public Health and Environment's Water Quality Control Division (CDPHE) of any suspected or confirmed backflow contamination event and consult with the CDPHE on any appropriate corrective measures no later than twenty-four (24) hours after learning of the backflow contamination event. The Utilities Department shall notify the CDPHE within forty-eight (48) hours after it becomes aware of any backflow prevention and cross-connection control violation or any backflow prevention and cross-connection control treatment technique violation. The CDPHE shall distribute public notice of violations as specified in and required by Colorado Primary Drinking Water Regulation 11.

(g) A properly credentialed representative of the City Utilities Department shall have the right-of-entry to survey any and all buildings and premises for the presence of cross-connections and/or possible contamination risks or hazards, and for determining compliance with this Section. This right-of-entry shall be a condition of water service from the City in order to protect the health, safety, and welfare of customers throughout the City's water distribution system.

(h) Compliance:

(1) Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the Utilities Department shall complete one of the following actions within ninety (90) days of its discovery:

a. Control the cross connection

b. Remove the cross connection

c. Suspend service to the cross connection

(2) The Utilities Department shall give notice of violation in writing to any owner whose plumbing system has been found to present a risk to the City's water distribution system through any uncontrolled cross connection(s). The notice shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to achieve containment, or that the owner must install a backflow prevention assembly on each cross-connection hazard on the premises plumbing system to achieve containment by isolation. The notice of violation will give a date by which the owner must comply.

a. In instances in which a backflow prevention assembly or method cannot be installed to achieve containment, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system to achieve containment by isolation. The notice of violation will give a date by which the owner must comply.

(3) On or before May 1, 2017, and on or before May 1 of each year thereafter, the Utilities Department shall develop and submit to the Colorado Department of Public Health and Environment its written backflow prevention and cross-connection control annual report for the prior calendar year, as required by Colorado Primary Drinking Water Regulation 11.

(i) Violations and Penalties:

(1) It shall be unlawful for any City water customer to operate the customer's premises plumbing system or water supply system contrary to or in violation of any of the provisions of this Code.

(2) A violation of any of the provisions of the Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.

(3) Failure to comply with the terms of this Article, including, but not limited to, failure to pay the necessary fees, charges and taxes, and failure to otherwise comply with the terms of this Article shall constitute an offense and a violation thereof. Every person violating this Article shall be punished, upon conviction, by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) per assembly, or by imprisonment for not more than ten (10) days, or both such fine and imprisonment for each offense. Delinquency for each calendar month shall constitute a separate offense.

(Ord. No. 38-2016 ; Ord. No. 17-2020 , § 1, 11-24-2020)

~~Chapter 25.24. SUPPLY OF MUNICIPAL WATER FOR SNOWMAKING PURPOSES~~

~~Sec. 25.24.010. Definition of "snowmaking."~~

~~*Snowmaking* shall be defined as the conversion of water to artificial snow through a permitted process and its placement on a Nordic ski trail or permitted ski area for the purpose of supplementing or augmenting natural precipitation. Snowmaking shall include the ancillary use of water for the irrigation of permitted ski areas for ski slopes maintenance and protection. Water utilized for snowmaking shall not be used for residential, commercial or industrial or other municipal purposes besides snowmaking.~~

~~(Code 1971, § 23-160; Ord. No. 27-1985 , § 1; Ord. No. 39-1993 § 8)~~

~~Sec. 25.24.020. Authorization of contracts for the supply of municipal water for snowmaking purposes.~~

~~Municipal water may only be supplied for snowmaking purposes pursuant to a contract which is approved by the City Council and whose terms include, at a minimum, the fees, charges and rates established in Section 25.24.030 below. Any such contract may include any additional terms or considerations which the City Council deems appropriate. Any such contract shall be binding upon the parties for the entire term thereof under the said Section 25.24.030 below as in effect at the time the contract was made.~~

~~(Code 1971, § 23-161; Ord. No. 27-1985 , § 1)~~

~~Sec. 25.24.030. Water service rates for the supply of municipal water for snowmaking purposes.~~

~~(a) *Investment and hook-up charges.* The utility investment and hook-up charges imposed by Sections 25.12.040 and 25.12.060 above shall not apply to the supply of municipal water for snowmaking purposes. The combined utility investment and hook-up charges for such water service shall be as set forth below:~~

~~Tap Size (inches)~~	~~Utility Investment~~	~~ECU~~	~~Hook-up Charge~~
~~6~~	~~$50,000~~	~~60.1—100.0~~	~~$ 5,000~~
~~8~~	~~75,000~~	~~100.1—150.0~~	~~6,900~~
~~10~~	~~131,600~~	~~150.1—270.0~~	~~7,000~~
~~12~~	~~175,000~~	~~270.1—432.0~~	~~10,000~~

~~In the event a tap size is requested different than the sizes set forth herein, the City Manager may establish combined utility investment and hook-up charges appropriate for the requested tap size. The combined utility investment and hook-up charges set forth herein are based upon the provision of raw or treated water service, at the option of the City, with the requirement that all water utility service to domestic and commercial customers shall be satisfied first and the provision of water service to snowmaking customers shall be on an interruptible basis as approved by the City Council in the individual contracts for snowmaking services. In the event that non-snowmaking service demands require a reduction in snowmaking service, all snowmaking customers shall have their service reduced on a first-in-time/first-in-right basis. Snowmaking customers having a contract of an earlier date shall be cut off or curtailed only after all snowmaking customers having contracts of a later date have been cut off.~~

~~(b) *Water rates and charges.* The water rates and charges imposed by Sections 25.16.010 and 25.16.020 above shall not apply to the supply of municipal water for snowmaking purposes. The rate per one thousand (1,000) gallons of municipal water supplied for snowmaking shall be computed as follows:~~

~~(1) The sum of the "total operating expenses before depreciation" and the "depreciation" figures contained in the City-audited financial statement for the water fund for the five (5) years immediately preceding the year of use shall be divided by the sum of the annual total treated water consumption contained in the City Water Department Annual Report for the five (5) years immediately preceding the year of use, deriving the resultant rate which is expressed in terms of dollars and cents per one thousand (1,000) gallons, which shall be multiplied by the number of one thousand (1,000) gallons increments delivered; provided, however, that if the City changes its accounting methods and such change results in an increased charge for the supply of municipal water for snowmaking purposes that would not have resulted but for such change of accounting methods, any snowmaking water user, at its sole option and expense, may recompute such charge under the accounting method in existence prior to such change. If the City Finance Director (or comparable officer) concurs in such recomputed charge, that rate shall be paid by the snowmaking water user. In the event concurrence is not obtained, the snowmaking water user, at its sole option and expense, may retain a qualified certified public accountant, acceptable to the City finance Director (or comparable officer) to make such recomputations, which will then be binding upon the City and the snowmaking water user.~~

~~(2) The rate so established shall be applied uniformly for the succeeding period April 16th through April 15th of the following year. The rate shall be annually redetermined for each April 16th through April 15th period during the term of any contract for the supply of municipal water for snowmaking purposes.~~

~~(3) The Council is authorized to charge for such additional costs as are necessary to fairly reflect the costs of supplying service. All such additional costs shall be reflected in the contract executed pursuant to Section 25.24.020 above.~~

~~(c) *Fees and rates for in-City snowmaking; rates for out-of-City snowmaking.* All fees and rates provided for herein shall be for in-City snowmaking use only. Due to the aerial extent of snowmaking, "in-City snowmaking" shall be defined as snowmaking for which the point of connection to the City water system is located within the City boundaries. Fees and rates for out-of-City snowmaking shall be double those fees and rates provided for in Subsections (a) and (b) of this Section.~~

~~(Code 1971, § 23-162; Ord. No. 27-1985 , § 1)~~

CHAPTER 25.30. WATER EFFICIENT LANDSCAPING STANDARDS

Sec. 25.30.010. Purpose.

(a) Promote the values and benefits of healthy landscapes while recognizing the need to invest water and other resources as efficiently as possible.

(b) Establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and renovated/rehabilitated projects.

(c) Use water efficiently without waste by setting a Maximum Applied Water Budget as an upper limit for water use and reduce water use to the lowest practical amount.

(Ord. No. 16-2017 ; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.020. Adoption of City of Aspen Water Efficient Landscaping Standards

Pursuant to the powers and authority conferred by the laws of the State of Colorado and the Charter of the City of Aspen, there is hereby adopted and incorporated herein by reference as if fully set forth the City of Aspen Water Efficient Landscaping Standards as may be amended from time to time by City Council Ordinance. At least one (1) copy of the City of Aspen Water Efficient Landscaping Standards shall be available for inspection at the City of Aspen Utilities Department, the City of Aspen Parks department, and City of Aspen Community Development Department.

(Ord. No. 16-2017; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.030. Applicability.

(a) After June 22, 2017, the City of Aspen Water Efficient Landscaping standards shall apply to the following projects that use City of Aspen potable water:

  (1) Landscaping, grading, installing or disturbing hardscapes, additions to structures, etc. that has a disturbance area greater than one thousand (1,000) square feet and greater than twenty-five percent (25%) of the entire lot or parcel.

  (2) All building permits that trigger a "substantial remodel" per Title 25 of the Municipal Code, defined as the increase by fifty percent (50%) or more in the water using capacity of new water using devices or fixtures installed on a property, as measured by the ECU rating of the existing and proposed structure(s).

(Ord. No. 18-2002 § 3 [part]; Ord. No. 17-2018 ; Ord. No. 28-2018 ; Ord. No. 9-2020 , 1-28-2020; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.040. Review Authority.

Utilities Director, or designee, is authorized to make and enforce the rules and regulations contained in the Water Efficient Landscaping Standards in order to carry out the intent of the standards and this Chapter.

Where no specific or applicable rules, regulations, or standards appear to be set forth in the Water Efficient Landscaping Standards, other rules, regulations, or standards, and recommended practices, as published by professional associations, technical organizations, model code groups, and similar entities, may be used by the City for guidance.

(Ord. No. 16-2017 ; Ord. No. 28-2018 ; Ord. No. 9-2020 , 1-28-2020; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.050. Review Procedure.

(a) *Review Process.* The Utilities Director shall have the authority on behalf of the City of Aspen to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in this Chapter and the Water Efficient Landscaping Standards.

(b) Prior to requesting a Final WELS inspection for Landscaping and Irrigation, applicant must appoint a project lead for Final Packet Submittal. A complete Packet must be submitted through the City's permitting software to the WELS Plans Review Technician before applicant is authorized to request a Final inspection from City Staff.

(Ord. No. 16-2017; Ord. No. 28-2018 ; Ord. No. 9-2020 , 1-28-2020; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.060. Variances.

(a) The City may grant variances to the Water Efficient Landscaping Standards when practical difficulties or unnecessary hardships exist that cause inconsistencies with the purpose and intent of the standards.

(b) Requests for variances from the standards, policies, or submittal requirements of this document shall be submitted in writing with appropriate documentation and justification to the City Utilities Director. Variance requests must, at a minimum, contain the following:

(1) Criteria under which the applicant seeks a variance;

(2) Justification for not complying with the standards;

(3) Proposed alternate criteria or standards to comply with the intent of the criteria;

(4) Supporting documentation, including necessary calculations;

(5) The proposed variance's potential adverse impacts for adjacent landowners; and,

(6) An analysis of the variance request, signed by a qualified landscape professional or qualified irrigation design professional, depending on the topic of the request.

(c) Upon receipt of a complete application for a variance, the City Utilities Director shall prepare a statement to recommend that the variance be approved or denied or to request a modification of the proposed variance.

(Ord. No. 16-2017 ; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.070. Existing Compliance.

(a) The City may grant a determination of compliance for existing projects or portions of existing properties in sufficient compliance meeting the minimum standards.

(b) Requests for determination of compliance shall be submitted in writing with appropriate documentation and justification to the City Utilities Director. Requests for determination of existing compliance must, at a minimum, contain the following:

(1) Landscape and Irrigation Documentation Package; and

(2) Irrigation audit report performed by a third-party certified landscape irrigation auditor.

(c) Upon receipt of a complete application for a determination of existing compliance, the City Utilities Director shall prepare a statement to recommend that the determination be approved or denied or to request a modification of the proposed determination.

(Ord. No. 16-2017; Ord. No. 28-2018 ; Ord. No. 9-2020 , § 1, 1-28-2020)

Sec. 25.30.080. Deposit Requirements for City of Aspen Temporary Certificates of Occupancy or Pitkin County Certificates of Occupancy.

In accordance with the Water Efficient Landscaping Standards, Section 5.8.3, The City of Aspen shall: (a) Receive the signed Approval Letter from the project applicant; (b) Approve or deny the Approval Letter. If the Approval Letter is denied, the City of Aspen shall provide information to the project applicant regarding reapplication, appeal, or other assistance; (c) If a certificate of occupancy is issued in winter months when landscaping and irrigation systems cannot be inspected for compliance, Aspen Water Department will require a deposit equal to the identified cost to complete the landscaping and irrigation plan. Once compliance has been confirmed, the deposit will be returned in full.

Therefore, if a property owner, or their representative, requests a Temporary Certificate of Occupancy for City parcel on City Water or County parcel on City Water prior to complete installation of the landscape and irrigation, followed by a third-party audit, and final City of Aspen Approval Letter, the property owner will submit an estimate to complete the remaining irrigation and landscaping work and pay a deposit as set out below prior to issuance of the Temporary Certificate of Occupancy.

For project cost estimates, applicant is required to submit remaining project cost details including: plant costs, labor costs, and irrigation system costs.

Deposit Schedule for Landscaping and Irrigation	
Project cost estimate	Deposit
$0—50,000	50% -- Minimum $5,000.00
$50,000—100,000	25%
Over $100,000	15%

(Ord. No. 24-2019 , § 1, 11-26-2019; Ord. No. 9-2020 , § 1, 1-28-2020)

Section 2.

Any and all existing ordinances or parts of ordinances of the City of Aspen covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 3.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this

Ordinance. The City of Aspen hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

Section 4.

This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

Section 5.

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

FIRST READING OF THIS ORDINANCE WAS INTRODUCED, READ, ORDERED AND PUBLISHED as provided by law, by the City Council of the City of Aspen on the 9th day of November, 2021.

Attest:

Nicole Henning, City Clerk	Torre, Mayor

FINALLY, adopted, passed, and approved this 23rd day of November, 2021.

Attest:

Nicole Henning, City Clerk	Torre, Mayor

Approved as to form:

James R. True, City Attorney

CITY OF ASPEN

MEMORANDUM

TO: Mayor and City Council
FROM: Andrew Kramer, Budget Manager
THRU: Pete Strecker, Finance Director & Sara Ott, City Manager
MEETING DATE: November 23, 2021
RE: Second Reading – Ordinance #21 - 2021 Fall Supplemental Request

---

REQUEST OF COUNCIL: This fall supplemental request totals $1,092,326 and is reflective of adjustments either newly proposed or previously approved by Council during the last number of months, that require formal appropriations. Additionally, there are several technical adjustments necessitated by accounting requirements, existing financial policies, and internal fund transfers. No changes are proposed from the First Reading of Ordinance #21 Series 2021.

BACKGROUND: Periodically, the City makes mid-year modifications to the year's original spending plan. Spring supplementals largely incorporate the roll forward of capital and operating resources that were unspent but are still required and is necessitated by Colorado law. This fall supplemental packet is largely driven by Council actions taken during the year that include a financial component that need formal adoption, technical and net-zero actions, and resources for new or unforeseen issues that have arisen since the original budget was adopted.

DISCUSSION: The proposed spending plan adjustments have been grouped into New Requests (Exhibit B) and Technical Adjustments (Exhibit C). Expected changes to Revenues and Transfers In (Exhibit D) are also included, although they do not require formal adoption.

New Requests of $525,620 are sought for the following items:

(1) The **Golf Course** experienced significant visitation and use and as such retail sales and lessons expenses exceeded established budgeted levels (which also resulted in greater revenues to offset these costs) as did labor and course materials. Overall one-time budget authority increase of $251,500, partially offset by $143,000 in additional direct revenue as well as additional rounds played.

(2) Three City owned **Employee Housing** units underwent renovations after long term tenants moved out. Scope escalation was experienced as code changes and demolition work exposed some needed improvements. Overall one-time budget authority increase of $217,300.

(3) With a one-year lease adjustment with Aspen Film nearing execution, the City has agreed to temporarily fund the associated homeowner association dues for the theater space within the Isis Building. This agreement necessitates the City support these payments from the **General Fund** for Sep 2021 – Aug 2022; however, dues are outstanding since the last City payment caught them up through June. This request is to cover seven months through year-end, with overall one-time budget authority increase of $56,820 requested.

Technical Requests encompass different types of requests that seek to increase overall budget authority by $1,878,866 and reduce transfers by $1,312,160. These requests are summarized by category type below – many are tied to relinquishing existing budget authority; a net zero reallocation of authority between funds; authorizing use of dedicated funds, or have been previously approved by Council. Finally, some requests tie back to increased tax collections and require pass through appropriation to remit those funds to the designated stakeholder or vendor.

(1) Council Previously Approved:

a. Housing Dev. - Lumberyard Schematic Design (07/27/21): $350,000
b. Parks - Bar X Land Acquisition & Open Space Preservation (06/22/21): $206,970
c. GF Engineering - Emergency Repair of Rapid Flash Beacon (07/27/21): $26,110
d. GF Council – United Nations Mountain Partnership (10/26/21): $25,000

(2) Transfers Between Funds & Net Zero Actions (NO NEW DOLLARS):

a. GF to AMP for ComDev Office Lockers: $55,000
b. GF to Debt Service Fund for Isis HOA Dues: $53,680
c. GF to AMP for Red Brick Electrical Panel Upgrade: $24,920
d. Parks to Golf Course REDUCTION: ($117,000)

(3) City Financial Policies:

a. Employee Separation (ESL/PTO) Payouts: $358,240
b. Central Savings (Previously Missed in Spring Supplemental Package): $133,900

(4) Appropriating Dedicated Resources:

a. Historic Preservation Funds Currently Held in Reserve: $48,000
b. Guardrail Replacement (Insurance Claim Reimbursed): $22,000
c. Grant Funds for Police Dept. Overtime Hours at JAS Event: $9,600
d. Grant Funds for Day Camp (CDHS Funded): $8,100

(5) Relinquishing Existing Appropriation Authority:

a. Eliminate Interfund Loans' (G.F. & Water Utility) Budget Authority: ($1,462,660)
b. Reduce In-Town Transit Authority - Federal Funds Eliminated Need: ($1,735,500)
c. Reduce Project Budget at Wheeler Opera House: ($2,035,000)

(6) Increase Appropriation Due to Revenue Collections:

a. Public Education – 0.3% Dedicated Sales Tax: $764,468
b. Tourism Promotion – 1.5% Dedicated Lodging Tax: $306,078

(7) Remaining Requests:

a. Employee Housing Turnover and Resale of Units: $2,533,800
b. Affordable Housing PPP Unspent Project Budget from 2020: $991,000

RECOMMENDED ACTION: Staff recommends second reading approval of Ordinance #21 and the adoption of the 2021 Fall Supplemental, increasing the 2021 Budget by $1,092,326.

CITY MANAGER COMMENTS:

ORDINANCE No. 21

(Series of 2021)

AN ORDINANCE APPROPRIATING AN INCREASE IN THE

- ASSET MANAGEMENT PLAN FUND OF $79,920;
- PARKS AND OPEN SPACE FUND OF $116,570;
- TOURISM PROMOTION FUND OF $306,078;
- PUBLIC EDUCATION FUND OF $764,468;
- HOUSING DEVELOPMENT FUND OF $1,341,000;
- KIDS FIRST FUND OF $15,580;
- STORMWATER FUND OF $7,400;
- ELECTRIC UTILITY FUND OF $28,390;
- PARKING FUND OF $43,170;
- GOLF COURSE FUND OF $251,500;
- EMPLOYEE HOUSING FUND OF $2,751,100;
- INFORMATION TECHNOLOGY FUND OF $4,700.

AN ORDINANCE DECREASING AN APPROPRIATION IN THE

- GENERAL FUND OF $773,200;
- WHEELER OPERA HOUSE FUND OF $1,990,800;
- TRANSPORTATION FUND OF $1,652,640;
- WATER UTILITY FUND OF $200,910;

WHEREAS, by virtue of Section 9.12 of the Home Rule Charter, the City Council may make supplemental appropriations; and

WHEREAS, the City Manager has certified that the City has unappropriated current year revenues and/or unappropriated prior year fund balance available for appropriations in the following funds: Asset Management Plan Fund, General Fund, Parks And Open Space Fund, Wheeler Opera House Fund, Tourism Promotion Fund, Public Education Fund, REMP Fund, Transportation Fund, Housing Development Fund, Kids First Fund, Stormwater Fund, Debt Service Fund, Water Utility Fund, Electric Utility Fund, Parking Fund, Golf Course Fund, Truscott Housing Fund, Marolt Housing Fund, Employee Housing Fund, Information Technology Fund.

WHEREAS, the City Council is advised that certain expenditures, revenue and transfers must be approved.

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

Section 1

Upon the City Manager's certification that there are current year revenues and/or prior year fund balances available for appropriation in the above-mentioned funds, the City Council hereby makes supplemental appropriations as itemized in the Exhibit A.

Section 2

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

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED AND/OR POSTED ON FIRST READING on the 9th day of November 2021.

A public hearing on the ordinance shall be held on the 23rd day of November 2021, in the City Council Chambers, City Hall, Aspen, Colorado.

ATTEST:

Nicole Henning, City Clerk	Torre, Mayor

FINALLY ADOPTED AFTER PUBLIC HEARING on the 23rd day of November 2021.

ATTEST:

Nicole Henning, City Clerk	Torre, Mayor

Approved as to Form:

Jim True, City Attorney

CITY OF ASPEN 2021 APPROPRIATIONS BY FUND

Exhibit A

CITY OF ASPEN	Revised Opening Balance	2021 Adopted Revenue	2021 Spring Supplemental Revenue	2021 Fall Supplemental	2021 Amended Revenue Budget	2021 Adopted Expense	2021 Spring Supplemental Expense	2021 Fall Supplemental	2021 Amended Expense Budget	2021 GAAP Adjusted Ending Balance
General Governmental Fund										
001 - General Fund	$28,635,879	$35,886,705	$148,289	$1,828,700	$37,863,694	$36,831,720	$6,357,575	($773,200)	$42,416,094	$22,866,699
Subtotal General Gov't Funds	**$28,635,879**	**$35,886,705**	**$148,289**	**$1,828,700**	**$37,863,694**	**$36,831,720**	**$6,357,575**	**($773,200)**	**$42,416,094**	**$22,866,699**
Special Revenue Governmental Funds										
100 - Parks and Open Space Fund	$8,877,067	$11,990,820	$0	$3,177,100	$15,167,920	$13,559,500	$796,401	$116,570	$14,472,471	$9,572,516
120 - Wheeler Opera House Fund	$33,955,866	$4,788,700	$859,527	$2,536,240	$8,184,467	$6,344,570	$2,661,078	($1,990,800)	$7,014,848	$36,584,715
130 - Tourism Promotion Fund	$182,128	$2,412,750	$0	$294,750	$2,707,500	$2,412,750	$170,800	$306,078	$2,889,628	$0
131 - Public Education Fund	$2,369	$2,547,000	$0	$762,100	$3,309,100	$2,547,000	$0	$764,468	$3,311,468	$0
132 - REMP Fund	$4,072,612	$816,000	$0	$0	$816,000	$1,586,700	$470,000	$0	$2,056,700	$2,831,912
141 - Transportation Fund	$10,479,208	$4,938,270	$0	$3,861,670	$8,799,940	$4,641,700	$334,002	($1,652,640)	$3,323,062	$15,956,086
150 - Housing Development Fund	$55,047,591	$18,984,800	$470,000	$11,355,600	$30,810,400	$42,718,690	$4,056,602	$1,341,000	$48,116,292	$37,741,699
152 - Kids First Fund	$6,574,759	$1,994,345	$0	$523,500	$2,517,845	$2,603,640	$759,862	$15,580	$3,379,082	$5,713,522
160 - Stormwater Fund	$2,352,321	$1,588,000	$0	$0	$1,588,000	$1,405,620	$369,797	$7,400	$1,782,817	$2,157,504
Subtotal Special Revenue Funds	**$121,543,921**	**$50,060,685**	**$1,329,527**	**$22,510,960**	**$73,901,172**	**$77,820,170**	**$9,618,542**	**($1,092,344)**	**$86,346,368**	**$110,557,955**
Debt Service Governmental Fund										
250 - Debt Service Fund	$332,663	$6,135,568	$27,190	$53,680	$6,216,438	$6,134,568	$0	$0	$6,134,568	$414,533
Subtotal Debt Service Fund	**$332,663**	**$6,135,568**	**$27,190**	**$53,680**	**$6,216,438**	**$6,134,568**	**$0**	**$0**	**$6,134,568**	**$414,533**
Capital Projects Governmental Funds										
000 - Asset Management Plan Fund	$45,287,551	$4,675,700	($30,000)	$109,920	$4,755,620	$6,234,750	$15,944,205	$79,920	$22,258,875	$27,784,296
Subtotal Capital Fund	**$45,287,551**	**$4,675,700**	**($30,000)**	**$109,920**	**$4,755,620**	**$6,234,750**	**$15,944,205**	**$79,920**	**$22,258,875**	**$27,784,296**
Enterprise Proprietary Funds										
421 - Water Utility Fund	$11,505,774	$10,337,730	$715,000	$0	$11,052,730	$11,696,840	$4,034,403	($200,910)	$15,530,333	$6,785,721
431 - Electric Utility Fund	$5,937,299	$10,614,640	$0	$0	$10,614,640	$10,442,050	$1,492,138	$28,390	$11,962,578	$4,589,361
451 - Parking Fund	$3,051,739	$4,007,830	$0	$0	$4,007,830	$4,273,270	$307,127	$43,170	$4,623,567	$2,436,002
471 - Golf Course Fund	$1,165,652	$2,242,040	$0	$26,000	$2,268,040	$2,324,870	$126,506	$251,500	$2,702,876	$730,816
491 - Truscott I Housing Fund	$1,589,395	$1,321,250	$80,000	$0	$1,401,250	$1,595,410	$745,343	$0	$2,340,753	$649,892
492 - Marolt Housing Fund	$1,515,309	$852,500	$0	$0	$852,500	$1,476,400	$83,505	$0	$1,559,905	$807,904
Subtotal Enterprise Funds	**$24,765,168**	**$29,375,990**	**$795,000**	**$26,000**	**$30,196,990**	**$31,808,840**	**$6,789,022**	**$122,150**	**$38,720,012**	**$15,999,696**
Internal Proprietary Funds										
501 - Employee Benefits Fund	$3,288,615	$5,980,400	$0	$0	$5,980,400	$6,295,700	$70,000	$0	$6,365,700	$2,903,315
505 - Employee Housing Fund	$3,219,516	$2,697,900	$0	$1,250,000	$3,947,900	$436,410	$473,299	$2,751,100	$3,660,809	$5,303,077
510 - Information Technology Fund	$1,592,606	$2,074,050	$443,000	$0	$2,517,050	$2,451,650	$1,251,587	$4,700	$3,707,937	$401,719
Subtotal Internal Service Funds	**$8,100,737**	**$10,752,350**	**$443,000**	**$1,250,000**	**$12,445,350**	**$9,183,760**	**$1,794,886**	**$2,755,800**	**$13,734,446**	**$8,608,111**
ALL FUNDS	**$228,665,919**	**$136,886,998**	**$2,713,006**	**$25,779,260**	**$165,379,264**	**$168,013,808**	**$40,504,229**	**$1,092,326**	**$209,610,362**	**$186,231,290**
Less Interfund Transfers		$27,054,440	$1,214,927	($1,446,060)	$26,823,307	$27,054,440	$1,080,977	($1,312,160)	$26,823,257	
NET APPROPRIATIONS		**$109,832,558**	**$1,498,079**	**$27,225,320**	**$138,555,957**	**$140,959,368**	**$39,423,252**	**$2,404,486**	**$182,787,105**	

2021 FALL SUPPLEMENTAL NEW REQUESTS

CITY OF ASPEN

Department/Description	Operating	Capital
Isis Theater Homeowner's Association Dues (One-time): Because of COVID-19 related shutdowns, Aspen Film Festival has not been able to make payments to the HOA. This supplemental will cover payments that are in arrears since June 2021 through Dec 2021 (each month is $8,120). This is in addition to the 2021 spring supplemental appropriation of $64,400 that funded HOA dues that were in arrears and through May of 2021.	$56,820	
000 - Non Classified Subtotal:	**$56,820**	**$0**
001 - General Fund Total:	**$56,820**	**$0**
Net Profit in Golf - Additional Payments to Vendor for Golf Lessons: The City outsources golf lessons to a third party vendor. Under the agreement, the City collects 100% of the fees, is able to retain 10% and then remits 90% to the vendor. Interest in golf is very high and demand for lessons has exceeded expectations. Additional authority is needed to remit the 90% to the vendor.	$103,500	
Labor due to Increase in Golf Business: An increase in golf activities and Covid 19 protocols meant that the Golf Department employed additional staff and added additional hours for staff duties to ensure patrons' expectations were met. Labor provided additional cleaning in and around the clubhouse, maintenance of golf carts and traffic, and general course maintenance of the course. Golf revenue is projected to be 10% more than 2020, which was the best year the golf course has had.	$98,000	
Additional Materials and Supplies due to Increase in Golf Business: Due to an increase in overall golf business in 2021, additional materials and supplies are needed this year to offset wear and tear on the golf course. Materials and supplies needed this year were additional seed, sand, and fertilizer.	$30,000	
Net Profit in Golf - Additional Retail Buy: To keep up with the demand, additional retail has been acquired to keep customers happy. Increasing goods for sale has a direct and positive effect for revenues. This is the formal action to appropriate authority to cover the additional retail buy in 2021.	$20,000	
471 - Golf Course Fund:	**$251,500**	**$0**
Renovation of 20 Water Place: The original scope of this project involved building a new kitchen downstairs, renovating the bathroom and front porch, replacing interior finishes and fixtures and painting. Unfortunately, asbestos was discovered throughout the house requiring a full abatement and replacement of all interior drywall and insulation ($28,000). Structural deficiencies were then exposed that required remediation ($33,000). The exposed fire sprinkler system piping was determined to be a recalled product that needed to be replaced ($10,000). Additional plumbing and electrical work were required as a result of the removal of the interior walls ($15,000). Inflated labor and materials costs (10% increase to total project cost, or $24,000), also contributed to the budget overage for this project.		$110,000

2021 FALL SUPPLEMENTAL NEW REQUESTS

CITY OF ASPEN

Department/Description	Operating	Capital
Renovation of 705 Cemetery Lane: It was decided to remodel and seperate a vacant half of a City-owned townhome into two units: a primary dwelling and a carriage house. After the building permit application was submitted, a fire suppression/alarm system and replacement of the 40 year old water service line was required. The original construction contract totaled $315,000 of the $350,000 budget, leaving a contingency of $35,000. These two improvements exceeded the contingency. Additional changes to the scope included painting kitchen cabinetry, adding useable storage, mechanical room improvements, window shades, and window replacement/screens.		$82,300
Maintenance of City of Aspen Employee Housing Units: An unexpected amount of unit turnover work at 1101 E Cooper ($10,000), and increased labor and materials costs (10% increase to all maintenance related items, or $15,000), caused employee housing maintenance costs to exeed the budget.	$25,000	
505 - Employee Housing Fund:	**$25,000**	**$192,300**
Total New Requests - Operating / Capital:	**$333,320**	**$192,300**

CITY OF ASPEN

2021 TECHNICAL ADJUSTMENTS

	Operating	Capital	Transfers Out
Previously Approved by Council			
Previously Approved - Lumberyard Schematic Design: On July 27, 2021 Council provided direction to fund the additional resource needed to support the schematic design work to be performed by Cushing Terrell.			
150 - Housing Development Fund:		**$350,000**	
Bar X Land Acquisition and Open Space Preservation: On June 22, 2021 Council supported the acquisition of a 0.18 acre parcel adjacent to Harmony Park at Burlingame in order to preserve this undeveloped lot as a critical wildlife corridor linking Deer Hill, Bar X Open Space and the Roaring Fork River gorge.			
100 - Parks and Open Space Fund:		**$206,970**	
Emergency Repair of Rapid Flash Beacon: On July 27, 2021, Staff received approval for Resolution 71-2021 to receive funds to repair the rapid flash beacon located on Hopkins and Original for $26,110. The electric line that connects the two buttons on the east side of the intersection to each other was broken. This issue occurs frequently, and as a result, the buttons on the east side of Original Street do not work because the electrical connection below grade is separated. When they are pressed, none of the lights activate. This involves construction across the roadways to achieve the connectivity required.			
001 - General Fund Engineering	**$26,110**		
Mountain Partnership Event: The City of Aspen is co-hosting the 2022 United Nations Mountain Partnership meeting. The Mountain Partnership works to bring global attention to achieving sustainable development in mountain regions, promote the inclusion of mountain issues in United Nations declarations and other international documents, and engage in building awareness regarding the challenges faced by moutain peoples and environments. The Mountain Partnership's role is to "facilitate contacts between countries and institutions and creating conditions for partnerships, technical cooperation and resource mobilization at all levels".			
001 - General Fund Mayor and Council:	**$25,000**		
Transfers Between Funds			
FFE for Community Development in the New City Hall: Funding lockers for staff in the new City Hall by transferring existing authority from General Fund operations to a capital project in the Asset Management Fund. This is the formal accounting action required to move the funding into the Asset Management Fund but no new authority is needed.			
001 - General Fund Planning & Building:	**($55,000)**		**$55,000**
000 - Asset Management Plan Fund Planning & Building:		**$55,000**	

CITY OF ASPEN

2021 TECHNICAL ADJUSTMENTS

	Operating	Capital	Transfers Out
Isis Building Interest Payment for Debt (One-time): Transfer of $53,678 to the 250 - Debt Service Fund for the required debt payment associated with the outstanding Certificate of Participation (COP) payments following the refinancing that took place October 2020. Absent lease payments by the tenant that would otherwise cover this cost, the General Fund is required to fund this obligation. This is in addition to the 2021 spring supplemental transfer to the 250 - Debt Service fund of $27,190, for a total of $80,868, funding the 2021 annual debt payment in full.			
001 General Fund Unclassified:			**$53,680**
Red Brick Building Electrical Panel Upgrade: Funding the balance of the contract with Lassiter Electric, to upgrade the electrical panel in the Red Brick by transferring existing authority from General Fund operations to a capital project in the Asset Management Fund. This is the formal accounting action required to move funding from General Fund into the Asset Management Fund. This transfer funds the upgrade in full and allows the capital improvement to be accounted and recorded accurately. No new authority is needed.			
001 - General Fund Red Brick:	**($24,920)**		**$24,920**
000 - Asset Management Plan Fund Red Brick:		**$24,920**	
Reduction to Transfer Due to Increase in Golf Buisness: Golf revenue is projected to end 2021 up over 10% in revenue from 2020, which was the best year ever. This increase in Golf revenue allows the Parks Fund transfer to be reduced without adversely affecting the Golf Fund and keeps more resources in the Parks Fund.			
100 - Parks And Open Space Fund:			**($117,000)**

City Financial Policies

	Operating	Capital	Transfers Out
Employee Payout: Per City policy, payout of employee accrued PTO and sick leave.			
001 - General Fund	**$197,700**		
141 - Transportation Fund	**$76,260**		
152 - Kids First Fund	**$9,080**		
421 - Water Utility Fund	**$25,940**		
431 - Electric Utility Fund	**$17,290**		
451 - Parking Fund	**$31,970**		
Transfer to General Fund for Central Savings: per City of Aspen financial policies (this was not included in the spring supplemental but should have been)			
100 - Parks and Open Space Fund			**$26,600**
120 - Wheeler Opera House Fund			**$44,200**
141 - Transportation Fund			**$6,600**
152 - Kids First Fund			**$6,500**
160 - Stormwater Fund			**$7,400**
421 - Water Utility Fund			**$15,600**
431 - Electric Utility Fund			**$11,100**
451 - Parking Fund			**$11,200**
510 - Information Technology Fund			**$4,700**

CITY OF ASPEN

2021 TECHNICAL ADJUSTMENTS

	Operating	Capital	Transfers Out

Appropriating Dedicated Resources

Utilizing Historic Preservation Reserve Funding: Funding is collected and held in a trust and agency fund. If the defined work is not performed this funding is then used on Historical Preservation (HP) projects.

$48,000 of these funds will be used to pay contractors to review insulation details for Victorian and Mid-Century Modern construction requirements, new preservation recognition program, and purchase a new infrared camera.

This is the formal accounting action to move these funds from the Trust and Agency Fund and into the General Fund for use.

	Operating	Capital	Transfers Out
001 - General Fund Planning:	**$48,000**		

Reimbursable Costs for Guardrail Replacement: A guardrail was damaged near Maroon Creek and required repair. This expense was tied to an insurance claim which was honored and received by the City to offset the expense.

	Operating	Capital	Transfers Out
001 - General Fund Engineering:	**$22,000**		

Police Grant and Reimbursement Funding: This is the formal action appropriating funding for grants awarded to the Police Department and reimbursement of overtime for their help at the JAS Aspen Snowmass event over the Labor Day weekend.

In 2021, the City of Aspen Police Department was awarded grant funding for public safety leadership development through the University of Denver and grant funding to cover part of the cost of the Aspen Police Department's online platform for policy and procedures (Lexipol).

	Operating	Capital	Transfers Out
001 - General Fund Police:	**$9,600**		

State Grant Funding for Day Camp: The Recreation Department received grant funding early this year from the Colorado Department of Human Services.

This grant program provided financial support to childcare providers across the state that were providing license care programs for the community. This grant was utilized by the department to cover both increased staffing expenses and materials and supplies for the City day camp program.

	Operating	Capital	Transfers Out
001 - General Fund Recreation:	**$8,100**		

Relinquishing Existing Appropriation Authority

Accounting Change Per CoA Auditors for Interfund Loans: This is the required adjustment to align budget authority with the auditor's direction on how to account for interfund loans. The change records the interest payment as an expense and revenue and the principal payment is recorded only on the balance sheet.

	Operating	Capital	Transfers Out
001 - General Fund - Reduction to the Wheeler Fund transfer out:			**($1,220,210)**
421 - Water Utility Fund - Reduction to the Wheeler Fund transfer out:			**($242,450)**

2021 TECHNICAL ADJUSTMENTS

	Operating	Capital	Transfers Out
Reduced Expenditure Authority for In-Town Mass Transit: Due to the inflow of federal grants and robust dedicated tax collections from the 1.0% transit sales tax, the City does not need a subsidy to cover the cost of its no-fare city routes. This action merely removes the budget authority for the previously anticipated subsidy that was adopted in the 2021 budget.			
141 - Transportation Fund:	**($1,735,500)**		
Sidewalk and Site Infrastructure Project Phase Three Scope Revision: The original project scope has been revised down from concrete load-in and out path, snowmelt and repair sidewalks, drainage, electrical infrastructure upgrades, generator, and parking lot to just address the immediate need of the concrete load-in and load out path. The other aspects of the project were moved into a future year, releasing $2,035,000 and leaving funding of $215,000 in the project. An electrical assessment will be completed in 2022. The findings of this assessment will allow the future project to be evaluated and refined.			
120 - Wheeler Opera House Fund:		**($2,035,000)**	

Increased Appropriation Due to Revenue Collections

	Operating	Capital	Transfers Out
Public Education - Tax Remittance: Based on improved economic activity which began in March, tax collections have exceeded initial projections. In order to not be restricted in remittance of tax revenue to the school district for the dedicated 0.3% sales tax approved by voters, this technical request is to increase the expenditure authority to accommodate new projections.			
131 - Public Education Fund:	**$764,468**		
Tourism and Promotion - Tax Remittance: Based on improved economic activity, Lodging tax projections have been revised up. This is the formal action to allow these additional funds to be used in 2021 for tourism and promotion.			
130 - Tourism and Promotion Fund:	**$306,078**		

Other Requests

	Operating	Capital	Transfers Out
Purchase and Resale of Employee Housing Units: When employee housing units are sold back to the City of Aspen, the City holds these units on its balance sheet until a new employee takes ownership. At the time of resale, per accounting standards, the City is required to recognize the expense when it regained possession and then the revenue for the resale. There have been 8 units that have turned over this year and are incorporated into the expenditure authority needed in this request. An offsetting revenue of $1,250,000 has also been incorporated to partially offset these costs.			
505 - Employee Housing Fund:	**$2,533,800**		

2021 TECHNICAL ADJUSTMENTS

	Operating	Capital	Transfers Out
Close Out of 50542 - PPP Housing Project: The public-private partnership (PPP) development of rental housing at 802 Main, 517 Park Circle and 488 Castle Creek is complete and on budget. This is the formal action re-authorizing remaining project funding from 2020 in 2021. This normally occurs in the Spring Budget Ordinance but was delayed to the fall based on the timing of payments to the Aspen Housing Partners and close out of this project.			
150 - Housing Development Fund:		**$991,000**	
Total Technical Adjustments - Operating / Capital / Transfers:	**$2,285,976**	**($407,110)**	**($1,312,160)**

2021 FALL REVENUE & TRANSFER DETAIL

Department/Description	New Revenue	Transfers In
Tax Projection Revisions: Based on improved economic activity tax projections have been revised up. The amounts below are the net increase from the original projection to the current forecast.		
001 - General Fund - City Share of County Sales Tax	$1,771,000	$0
City Share of County Sales Tax Subtotal:	**$1,771,000**	**$0**
100 - Parks and Open Space Fund - City of Aspen Sales Tax	$3,177,100	
141 - Transportation - City of Aspen Sales Tax	$308,200	
150 - Housing Development Fund - City of Aspen Sales Tax	$429,100	
152 - Kids First Fund - City of Aspen Sales Tax	$523,500	
City of Aspen Sales Tax - Retained Subtotal:	**$4,437,900**	**$0**
131 - Public Education Fund - City of Aspen Public Education Sales Tax	$762,100	
City of Aspen Public Education Sales Tax - Distributed Subtotal:	**$762,100**	**$0**
130 - Tourism and Promotion Fund - City of Aspen Lodging Tax	$294,750	
141 - Transportation - City of Aspen Lodging Tax	$98,250	
City of Aspen Lodging Tax Subtotal:	**$393,000**	**$0**
120 - Wheeler Fund - City of Aspen Real Estate Transfer Tax	$3,998,900	
150 - Housing Development Fund - City of Aspen Real Estate Transfer Tax	$7,846,100	
City of Aspen Real Estate Transfer Tax Subtotal:	**$11,845,000**	**$0**
Tax Projection Revisions Total:	**$19,209,000**	**$0**
FFE for Community Development in the New City Hall: Funding lockers for staff in the new City Hall by transferring existing authority from General Fund operations to a capital project in the Asset Management Fund. This is the formal accounting action required to move the funding into the Asset Management Fund but no new authority is needed.		$55,000
122 - Planning Subtotal:	**$0**	**$55,000**
Red Brick Revenue Adjustment: Alignment of the $30,000 reduction which eliminated a duplication of grant funding to the General Fund. This corrects the spring supplemental ordinance which was incorrectly loaded it into the Asset Management Fund.	$30,000	
Red Brick Building Electrical Panel Upgrade: Funding the balance of the contract with Lassiter Electric, to upgrade the electrical panel in the Red Brick by transferring existing authority from General Fund operations to a capital project in the Asset Management Fund.		$24,920
552 - Red Brick Center for the Arts Subtotal:	$30,000	$24,920
000 - Asset Management Fund Total:	**$30,000**	**$79,920**

2021 FALL REVENUE & TRANSFER DETAIL

CITY OF ASPEN

Department/Description	New Revenue	Transfers In
Utilizing Historic Preservation Reserve Funding: Funding is collected and held in a trust and agency fund. If the defined work is not performed this funding is then used on Historical Preservation (HP) projects. $48,000 of these funds will be used to pay contractors to review insulation details for Victorian and Mid-Century Modern construction requirements, new preservation recognition program, and purchase a new infrared camera. This is the formal accounting action to move these funds from the Trust and Agency Fund and into the General Fund for use.	$48,000	
122 - Planning Subtotal:	**$48,000**	**$0**
Police Grant and Reimbursement Funding: This is the formal action appropriating funding for grants awarded to the Police Department and reimbursement of overtime for their help at the JAS Aspen Snowmass event over the Labor Day weekend. In 2021, the City of Aspen Police Department was awarded grant funding for public safety leadership development through the University of Denver and grant funding to cover part of the cost of the Aspen Police Department's online platform for policy and procedures (Lexipol).	$9,600	
327 - Engineering Subtotal:	**$9,600**	**$0**
Reimbursable Costs for Guardrail Replacement: A guardrail was damaged near Maroon Creek and required repair. This expense was tied to an insurance claim which was honored and received by the City to offset the expense.	$22,000	
327 - Engineering Subtotal:	**$22,000**	**$0**
State Grant Funding for Day Camp: The Recreation Department received grant funding early this year from the Colorado Department of Human Services. This grant program provided financial support to childcare providers across the state that were providing license care programs for the community. This grant was utilized by our department to cover both increased staffing expenses and materials and supplies for the City day camp program.	$8,100	
542 - Recreation Subtotal:	**$8,100**	**$0**
Red Brick Revenue Adjustment: Alignment of the $30,000 reduction which eliminated a duplication of grant funding to the General Fund. This corrects the spring supplemental ordinance which incorrectly loaded it the Asset Management Fund.	($30,000)	
552 - Red Brick Center for the Arts Subtotal:	**($30,000)**	**$0**
001 - General Fund Total:	**$57,700**	**$0**

2021 FALL REVENUE & TRANSFER DETAIL

Department/Description	New Revenue	Transfers In
1% Transit Tax Refunded to City of Aspen: Coupled with the infusion of federal grant funding for transportation, the resulting sales tax collections from an improved economic environment has resulted in transit funding in excess of projected costs this year. As such, RFTA (the recipient of these grant and tax revenues on the City's behalf) has refunded a portion of excess resources, to be deposited into the City's coffers within the Transportation Fund's fund balance, for future application. Of the total amount, $1.45M was from 2020 following the year-end audit, and $2M has been conservatively estimated for 2021.	$3,455,220	
141 - Transportation Fund:	**$3,455,220**	**$0**
Sale of 312 W Hyman Street: Sale of employee housing unit purchased in 2007.	$3,872,400	
PPP Development Rental Housing: The $9.2M repayment of the construction loan occurred in 2020 and 2021. This adjusts down the 2021 budget based on the timing of the repayment.	($1,992,000)	
In Lieu of Development Fees: Collections have exceeded conservative estimates on this volatile revenue stream and is being reflected in this projection adjustment.	$1,200,000	
150 - Housing Development Fund:	**$3,080,400**	**$0**
General Fund Transfer for Isis Building Debt Service: Increase 250 Fund resources by $53,680 to afford the debt service interest payment on the Isis Building COPs. This is in addition to the 2021 spring supplemental transfer to the 250 - Debt Service fund of $27,190, for a total of $80,868, funding the 2021 annual debt payment in full.		$53,680
250 - Debt Service Fund:	**$0**	**$53,680**
Reduction to Transfer In due to Increase in Golf Buisness: Golf revenue is projected to end 2021 up over 10% in revenue from 2020, which was the best year ever. This increase in Golf revenue allows the Parks Fund transfer to be reduced without adversely affecting the Golf Fund and keeps more resources in the Parks Fund.		($117,000)
Net Profit in Golf - Additional Payments to Vendor for Golf Lessons: Additional revenue collected due to increased interest in golf lessons. These additional collections are split 90% to the vendor and 10% is retained by the City and adds to fund balance.	$115,000	
Net Profit in Golf - Additional Retail Buy: Retail continues to sell and to keep up with the demand additional retail has been acquired to keep customers happy and increases our retail revenues in 2021.	$28,000	
471 - Golf Course Fund:	**$143,000**	**($117,000)**
Purchase and Resale of Employee Housing Units: When employee housing units are sold back to the City of Aspen (typically following a separation), the City holds these units on its balance sheet until a new employee takes ownership. At the time of resale, per accounting standards, the City is required to recognize the expense when it regained possession and then the revenue for the resale. There have been 8 units that have turned over this year and are incorporated into the expenditure authority needed in this request. An offsetting revenue of $1,250,000 has also been incorporated to partially offset these costs.	$1,250,000	
505 - Employee Housing Fund:	**$1,250,000**	**$0**

2021 FALL REVENUE & TRANSFER DETAIL

Department/Description	New Revenue	Transfers In
Accounting Change Per CoA Auditors for Interfund Loans: This is the required adjustment to align budget authority with the auditor's direction on how to account for interfund loans. The change records the interest payment as an expense and revenue and the principal payment is recorded directly to the balance sheet.		
120 - Wheeler Opera House Fund - Reduction to General Fund transfer In		($1,220,210)
120 - Wheeler Opera House Fund - Reduction to Water Utility Fund transfer In		($242,450)
Accounting Change for Interfund Loans:	**$0**	**($1,462,660)**
Total Revenue / Transfers In:	**$27,225,320**	**($1,446,060)**

MEMORANDUM

TO:	City Council
FROM:	Andrew Kramer, Budget Manager
THRU:	Sara Ott, City Manager & Pete Strecker, Finance Director
MEETING DATE:	November 23, 2021
RE:	Second Reading – 2022 Fee Ordinance No. 22 (Series 2021)

Request of Council: This memorandum outlines proposed fee changes included in the City's Municipal Code under sections 2.12 (Administrative) and 26.104 (Land Use). A separate utility rate ordinance has been brought forward for Council consideration. No changes have been made since the first reading on November 9, 2021.

Previous Actions: Each year, City Council adopts a new fee structure that brings current fees forward and adjusts any fees that do not properly align with projected service demand and/or required revenue generation. The current fee ordinance was last amended November 2020.

Summary and Background: Fees are reviewed annually by staff and Council as part of budget development. However, the last outside comprehensive evaluation and update of the City's land use development review and building permit fees was twelve years ago. A one-time supplemental request for a third-party fee study is included in the 2022 adopted budget. The study will include review of public fees, state law, and will be a joint undertaking by Engineering, Utilities, Community Development, and Parks departments.

As noted throughout this year's budget work sessions, some targeted increases are recommended including:

- **Golf Course**: The junior golf pass increases by 14.6% as it had not been changed in many years, and college student golf pass will go to $459. 2-3% inflationary adjustments are proposed for most other fees. (Pages 1-2 on Fee Ordinance)
- **Recreation**: Fees have been adjusted for inflation throughout. The 10-visit punch all-inclusive pass (Page 3) and freestyle ice rink 20-visit punch pass (Page 4) will both increase to manage demand and better package offerings. Water polo, kayak roll, and adult basketball drop-in fees (Page 5) will also increase as part of the department's business plan. Youth tennis clinic fees (Page 6) will be removed because third party providers now run those programs.
- **Red Brick:** Red Brick Arts fee changes provide flexibility to develop new programs and are structured as hourly blocks to allow for flexibility in new program development. The gallery commission percentage has been increased from 35% to 40% which is competitive with other galleries, and the $40 exhibition fee has been eliminated to lower barriers for artists. (Page 7)
- **Police**: The case reporting fee has been increased to $7, and in-person accident reports are now $10. Certified VIN inspections are increasing from $20 to $30. (Page 10)
- **Environmental Health**: A new hourly fee is added for time spent by staff reviewing building permits. This fee matches those charged by Community Development. (Page 12)
- **Parking**: The loading zone reservation fee is deleted. Free parking for electric vehicles in residential zones are formalized, and smart loading zone charges are adjusted. The period covered

by the expedited construction parking reservation fee is increased from 24 to 48 hours notice per space. The proposed electric vehicle charging station rate has been revised from the original fee change submission to be $0.45/kWh. (Page 14)

- **Parks**: The business license fee is altered to "$50 up to 7 days" instead of one- or two-day charges. Other changes are inflationary adjustments. (Pages 16-17)
- **IT**: Not included in the initial budget submission, but discussed at the October 4th work session, are fees to pilot the Community Broadband service. The proposed fees limit service to locations with fiber already installed. (Page 29)
- **Community Development**: Because of the 2022 planned fee study, the only fee proposed is correcting a technical error reducing the One-step Hourly Fee for PD Amendments by 5%. (Page 33)

Proposed fee changes have been built into proposed revenue budgets, but actual collections will depend on the volume of sales or services rendered. Any fee can be amended in any manner as desired by the Council and updated for inclusion in the second reading of the ordinance on November 23, 2021.

Recommendations: Staff recommends second reading approval of Ordinance #22 (Series 2021) amending the current fee schedule.

City Manager Comments:

ORDINANCE NO. 22
Series of 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING THE MUNICIPAL CODE OF THE CITY OF ASPEN TO ADJUST CERTAIN MUNICIPAL FEES INCLUDED UNDER SECTION 2 AND 26 OF THE MUNICIPAL CODE.

WHEREAS, the City Council has adopted a policy of requiring consumers and users of the miscellaneous City of Aspen programs and services to pay fees that fairly approximate the costs of providing such programs and services; and

WHEREAS, the City Council has determined that certain fees currently in effect do not raise revenues sufficient to pay for the attendant costs of providing said programs and services, or are set above levels necessary to achieve full reimbursement of costs.

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

That Section 2.12.010 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Aspen Municipal Golf Course, is hereby amended to read as follows:

Sec. 2.12.010. Aspen Municipal Golf Course

	Early Season	**Regular Season**
Greens Fees / Passes		
Platinum	$2,550.00	$2,600.00
Gold	$1,560.00	$1,600.00
Silver	$980.00	$1,000.00
20 Punch	$785.00	$800.00
Junior	$228.00	$228.00
Twilight	$650.00	$660.00
College Pass	$459.00	$459.00
Senior Greens Fee – 9 Hole	$41.25	$41.25
Senior Greens Fee – Resident	$74.50	$74.50
Military Rate (Must Show Proper ID)	N/A	$86.50
Green Fee – Max Rate	N/A	$180.00
Green Fee – Junior	N/A	$50.00
Green Fee – Guest of Member	N/A	$86.50

	Early Season	Regular Season
Cart and Club Rentals		
Golf Cart – 18 Holes	N/A	$24.75
Golf Cart – Members: 18 Holes	N/A	$22.75
Golf Cart – 9 Holes	N/A	$19.50
Golf Cart – Members: 9 Holes	N/A	$18.00
Golf Cart Punch Pass	N/A	$400.00
Pull Cart – 18 Holes	N/A	$18.00
Pull Cart – Members: 18 Holes	N/A	$15.50
Pull Cart – 9 Holes	N/A	$12.50
Pull Cart – Members: 9 Holes	N/A	$10.25
Rental Clubs – 18 Holes	N/A	$67.00
Rental Clubs – 9 Holes	N/A	$47.00
Lockers and Range		
Locker for Season	N/A	$380.00
Range Large Bucket	N/A	$12.25
Range Large Bucket – Members	N/A	$11.25
Range Small Bucket	N/A	$10.25
Range Small Bucket – Members	N/A	$8.25
Range Punch Pass	N/A	$215.00
Unlimited Range Punch Pass	N/A	$999.00

(Code 1971, §2-33; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 68-1994, §5; Ord. No. 53-1995, §2; Ord. No. 43-1996, §1; Ord. No. 49-1998, §1; Ord. No. 45-1999, §1; Ord. No. 57-2000, §1; Ord. No. 5-2002 §1; Ord. No. 47-2002 §18; Ord. No. 63-2003, §8; Ord. No. 2-2004, §1; Ord. No. 38-2004, §10; Ord. No. 49-2005, §12; Ord. No. 48, 2006, §1; Ord. No. 52-2007; Ord. No. 29-2010§12; Ord. No. 33-2011§1; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.014 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for Recreation Department Fun Passes, is hereby amended to read as follows:

Sec. 2.12.014 Recreation Department Fun Pass

The Recreation Department shall issue Fun Passes that provides access to the holder of such a pass to the following facilities and activities: use of the James E. Moore Pool, public or open skating at the Lewis Ice Arena or Aspen Ice Garden, use of the climbing wall at the Red Brick Recreation Center, fitness classes held at the Red Brick Recreation Center, aquatic fitness classes at the Aspen Recreation Center, tennis court rental and usage at the Aspen Tennis Center. Usage, participation and access to the above activities may be limited to certain times and dates as indicated on the pass.

	Online Fee	In-Person Fee
Daily Admission		
Youth - Resident	N/A	$10.00
Youth - Guest (All Inclusive)*	N/A	$23.50
Adult - Resident	N/A	$12.00
Adult - Guest (All Inclusive)*	N/A	$25.50
Senior	N/A	$10.00
Twilight	N/A	$7.25
Guest 10 Visit Card (All Inclusive)*	$200.00	$225.00
Monthly Pass		
Youth / Senior - Resident	$60.00	$70.00
Adult - Resident	$108.00	$126.00
Family - Resident	$210.00	$240.00
Each Additional	$23.00	$26.00
20 Visit Card		
Youth / Senior Resident	$164.00	$197.00
Adult Resident	$213.00	$239.00
3 Month Pass		
Youth / Senior Resident	$145.00	$165.00
Adult Resident	$257.00	$293.00
Family Resident	$404.00	$467.00
Each Additional	$37.00	$44.00
6 Month Pass		
Youth / Senior Resident	$280.00	$325.00
Adult Resident	$349.00	$399.00
Family Resident	$763.00	$819.00
Each Additional	$70.00	$82.00
Annual Pass		
Youth Resident	$492.00	$540.00
Adult Resident	$599.00	$693.00
Family Resident	$1,299.00	$1,365.00
Each Additional	$135.00	$157.00

*All Inclusive - includes full facility usage of swimming pool, cardio and weight rooms, exercise & fitness classes, climbing tower, public ice skating, equipment rentals including towel, ice skates and locker.

(Ord. No. 27-2003, §2; Ord. No. 38-2004, §14; Ord. No. 49-2005, §3; Ord. No. 48, 2006, §2; Ord. No. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§1; Ord. No. 29-2010§1; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

ORDINANCE NO. 22
Series of 2021

That Section 2.12.015 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Aspen Recreation Center, is hereby amended to read as follows:

Sec. 2.12.015. Aspen Recreation Center

	Online Fee	In-Person Fee
ARC Meeting Room Rental		
Flat Rate	$28.50	$28.50

(Ord. No. 27-2003, §1; Ord. No. 63-2003, §9; Ord. No. 38-2004, §13; Ord. No. 49-2005, §4; Ord. No. 48, 2006, §3; Ord. No. 40-2008; Ord. No. 27-2009§2; Ord. 29-2010§2; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

Sec. 2.12.020. Aspen Ice Garden and Lewis Ice Arena

	Online Fee	In-Person Fee
Rent Entire Facility		
Aspen Ice Garden	N/A	$5,250.00
Lewis Ice Arena	N/A	$5,250.00
Rent Private - Ice		
Aspen Ice Garden	N/A	$319.00
Lewis Ice Arena	N/A	$319.00
Rent Non-Profit		
Aspen Ice Garden	N/A	$254.00
Lewis Ice Arena	N/A	$254.00
Other Fees		
Skate Sharpening	N/A	$7.00
Skate Sharpening - Same Day	N/A	$12.00
Pick-up Hockey / Pick-up Freestyle	N/A	$16.00
Pick-up Hockey, 10 Punch Pass	$128.50	$139.75
Freestyle 20 Punch Pass	$257.00	$279.50
Skating Classes	N/A	N/A
Figure Skates and V Cut Sharpening	N/A	$15.00
Locker Rental		
6-Month Aquatic Locker Rental	N/A	$75.00

(Code 1971, §2-34; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 67-1993, §6; Ord. No. 68-1994, §6; Ord. No. 53-1995, §3; Ord. No. 43-1996, §2; Ord. No. 49-1998, §2; Ord. No. 45-1999, §2; Ord. No. 57-2000 §2; Ord. No. 47-2002 §16; Ord. No. 27-2003; Ord. No. 63-2003, §10; Ord. No. 2-2004, §2; Ord. No. 38-2004, §2; Ord. No. 49-2005, §7; Ord. No. 48, 2006, §4; Ord. No. 52-2007; Ord. No. 27-2009§3; Ord. No. 29-2010§3; Ord. No. 33-2011§2; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.030 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the James R. Moore Pool, is hereby amended to read as follows:

Sec. 2.12.030. James E. Moore Pool

	Online Fee	In-Person Fee
Youth Swim Lessons		
Youth Lessons	$41.00	$43.00
Private Lessons	$51.00	$54.00
Lifeguard Training	$270.00	$299.00
Kayak Roll Session without Membership	N/A	$15.00
Kayak Roll with Membership	N/A	$6.00
Water Polo Drop In without Membership	N/A	$15.00
Water Polo Drop In with Membership	N/A	$6.00
Rentals		
Entire Aquatic Facility – For Profit	N/A	$301.00
Entire Aquatic Facility – Non Profit	N/A	$254.00
Single Lane Rental in Lap Pool	N/A	$21.50
Single Lane Rental - Non Profit	N/A	$14.00

(Code 1971, §2-35; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 53-1995, §4 [part]; Ord. No. 43-1996, §3; Ord. No. 49-1998, §3; Ord. No. 45-1999, §3; Ord. No. 47-2002 §17; Ord. No. 63-2003, §11; Ord. No. 38-2004, §15; Ord. No. 49-2005 §5; Ord. No. 48, 2006, §5; Ord. No. 40-2008; Ord. No.. 27-2009§4; Ord. No. 29-2010§4; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.040 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for miscellaneous leisure and recreation fees, is hereby amended to read as follows:

Sec. 2.12.040. Miscellaneous Leisure and Recreation Fees

	Online Fee	In-Person Fee
Adult Programs		
Adult Basketball – Drop In	N/A	$6.00
Adult Volleyball – Drop In	N/A	$6.00
Men’s Recreation Basketball	$795.00	$836.00
Adult Soccer	$510.00	$510.00
Adult Softball – Men’s League	$1,020.00	$1,020.00
Adult Softball – Coed League	$892.50	$917.00
Adult Flag Football	$459.00	$510.00
Ariel, Circus, Silks & Trapeze – Drop In	N/A	$21.00
Ariel, Circus, Silks & Trapeze – Monthly	N/A	$62.00

	Online Fee	In-Person Fee
Tennis (These fees are a guidance to set yearly fee agreements with the tennis operator)		
Tennis Clinics – Adult	N/A	$32.00
Tennis Clinics – Punch Pass, Adult	$268.00	$305.00
Tennis Lessons - Private (Max Rate)	$102.00	$102.00
Tennis Court Rental Fees (Per Court)	$31.00	$31.00
Tennis Ball Machine Rental	N/A	N/A
Tennis One Month Membership - Individual	$70.00	$84.00
Tennis One Month Membership - Couple	$96.00	$112.00
Tennis One Month Membership - Family	$123.00	$142.00
Youth Programs		
Youth Baseball	$138.00	$144.00
T-Ball	$73.50	$79.00
Girls Softball	$135.00	$144.00
Day Camp	$45.00	$49.00
Martial Arts – Monthly	N/A	$49.00
Sailing	$255.00	$260.00
Youth Biking	$56.00	$65.00
Specialty Camps	$286.00	$288.00
Youth Intramurals		
Soccer	$101.00	$107.00
Soccer – Kindergarten	$57.00	$66.00
Basketball	$103.00	$118.00
Basketball – Kindergarten	$56.00	$64.00
Flag Football	$93.00	$108.00
Climbing Wall		
Beginner Rock Rats	$71.50	$76.00
Boulder Rats	$85.75	$99.00
Intermediate / Advanced Climbing	$97.00	$99.00
Junior Rats	$57.00	$65.00
Gymnasium Rental - 1 Hour	$70.25	$80.00
Junior AROCK	$57.25	$65.00
AROCK	$106.00	$112.00
Other Fees		
Red Brick Facility Rental	N/A	$153.00
Playhouse	$5.00	$5.00
Sled Rental	$10.00	$10.00
Pickleball Drop In Fee	$10.00	$10.00
Pickleball Clinic	$150.00	$150.00
Pickleball Summer/Winter Pass	$150.00	$153.00

	Online Fee	In-Person Fee
Other Fees (continued)		
Personal Training Session – 1 hour	$90.00	$90.00
ARC – Birthday Party – Birthday Room	$150.00	$150.00
ARC – Pavilion Rental	$29.00	$29.00
Shower – Drop In	$7.00	$7.00
Hockey League – Winter	$327.00	$327.00
Hockey Mountain High Tournament – Reg.	$1,000.00	$1,000.00
ARC – Turkey Triathlon	$30.00	$30.00
Skate Rental	$4.00	$4.00
Towel Rental	$4.00	$4.00

(Code 1971, §2-36; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 68-1994, §7; Ord. No. 53-1995, §4 [part]; Ord. No. 43-1996, §4; Ord. No. 49-1998, §4; Ord. No. 45-1999, §4; Ord. No. 57-2000, §3; Ord. No. 47-2002, §15; Ord. No. 63-2003, §12; Ord. No. 38-2004, §12; Ord. No. 49-2005, §6; Ord. No. 48, 2006, §6); Ord. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§2; Ord. No. 29-2010§5; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.043 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Red Brick Center for the Arts, is hereby amended to read as follows:

Sec. 2.12.043. Red Brick Center for the Arts Fees

Program Fees	
Adult Class - up to 2 hrs*	$55.00
Adult Class - 2hrs to 4 hrs*	$90.00
Adult Class - full day rate*	$180.00
Youth – Art Camp (1 week)	$290.00
Youth – Afterschool Art Class	$23.00
Youth – Pre-K Studio	Free
Youth – All Day Art Camp	$62.00
Gallery Commission (% of gross sales)	40%
**Rate for different classes may vary based on suppy costs.*	
Facility Fees	
Tenant Rent (per sq. foot)	$1.98
Parking Permit	$110.00
Room Rental (per hour)	$26.00

(Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

ORDINANCE NO. 22
Series of 2021

That Section 2.12.045 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Wheeler Opera House, is hereby amended to read as follows:

Sec. 2.12.045. Wheeler Opera House

	For-Profit	Non-Profit
All Rates Below Include Rehearsals & Performances		
Ticketed Performance Day Rate	$685	$390
Ticketed 2nd Performance Same Day Rate	$340	$190
Ticketed 2nd Performance Consecutive Day	$480	$270
Ticketed Performance Weekly Rate (<= 5 Days)	$2,600	$1,550
Non-Ticketed Community Events Day Rate	N/A	$130.00
Lobby Performance Stage (105 seated, 125 standing)	$800	$525
Facility – Private Events (Plus Labor)		
Full Venue	$1,700	$815
Lobby Rental (Max 20; No A/V or Food, 4 Hr Max)*	$200	$100
Lobby Rental (Max 125; Hourly w/ 2 Hr Min)	$100	$75
Wedding Flat Fee (Full Venue, 450 Max)	$5,000	N/A
Wedding Flat Fee (Lobby Only, 125 Max)	$1,750	N/A
Photo Shoot in Venue (per Hour)	$150	N/A
** business hours only, no additional labor fees*		
Box Office Royalty		
Inside Sales (as percent of sales)	5%	5%
Outside Sales (as percent of sales)	6%	6%
Per-Order Processing Fee	$5	$5
Credit Card Billback		
Visa & Mastercard	3%	3%
American Express	4%	4%
Box Office Ticket Sellers		
Inside Events (per hour)	$28.50	$25.00
Outside Events (per hour, includes transit)	$35.00	$35.00
Box Office Set-Up		
5+ days notice	$30	$28
3-4 days notice	$40	$38
2 or less days notice	$60	$55

	For-Profit	Non-Profit
Support Services		
Ticket Printing / Ticket	$0.12	$0.08
Client Database Entry	$95	$95
Non-Standard Box Office Reports / Report	$20	$20
Pass Barcoding (per barcoded entered)	$0.50	$0.25
Pass Database Entry (per 100 entries)	$125	$95
Theatre Technician Rates / Hr	$29.50	$27.50
Production Manager (Audio/Lights) Rate/Hr	$35.50	$33.50
Custodial Charge / Day	$95	$68
Food Custodial Charge / Day	$160	$95
Front of House Manager Rate / Hr (2 hr min)	$35.50	$33.50
Front of House Staff Rate / Hr (2 hr min)	$28.50	$26.50
Lobby Setup Fee (stage, chairs, tables, etc)	$200	$100
Theatre Live Events Seat Removal (pit area)	$250.00	$100.00
Coffee/Tee Service (per 100 people)	$30	$20
Catering Coordination	$34.50	$32.50
Merchandise Seller	$150	5% of gross sales
Merchandise – Recorded Material & Other	10% / 20% of gross	N/A
Piano Tuning	$175	$175
Supplies	At Cost	At Cost
Equipment / Instrument Rental		
1999 Steinway Rental / Performance	$360	$255
Piano Tuning / Tune	$225	$200
Keyboard Rental / Performance	$150	$100
Drum Rental / Performance	$250	$200
Fender Rental / Performance	$75	$50
Pro Bass Rental / Performance	$75	$50
Fogger or Hazer / Performance	$40	$25
Video Media Rental	$250	$100
(Christie, DCP, Sony HD Deck)		
Video Media Rental / Week	$900	$400
(Panasonic HD Video Projector)		
Intelligent Light Package / day	$250	$100
Dance Floor / event	$200	$150
Presentation Laptop / day	$100	$65

*In order to qualify for non-profit rates, organization must be a registered Roaring Fork Valley non-profit organization or qualifying performing artist.

(Ord. No. 68-1994, §8; Ord. No. 53-1995 §5; Ord. No. 45-1999, §5; Ord. No. 49-1998, §5; Ord. No. 57-2000, §4; Ord. No. 12-2003, §1; Ord. No. 63-2003, §13; Ord. No. 38-2004, §11; Ord. No. 48, 2006, §7; Ord. No. 40-2008; Ord. No. 27-2009§6; Ord. No. 29-2010 §6; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.050 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Aspen Police Department, is hereby amended to read as follows:

Sec. 2.12.050. Aspen Police Department fees

Law Enforcement Records	
Accident Reports – In Person	$10.00
Case Reports	$7.00
Per Copied Page	*$0.25*
Arrest History / Background Checks	
Arrest History / Background Checks	$10.00
Per Copied Page	*$0.25*
Criminal History Report Per Name Search (5 names per person)	$25.00
Extensive Records Search Per Hour	$25.00
Communications Logging / Hour	$15.00
Per Audio CD	$25.00
Case Report/Accident Photos / CD	$20.00
Records Research / Additional Hour	$25.00
Body Worn Camera (BWC) Video Per Case	$25.00
BWC Records Research / Additional Hour	$25.00

Aspen Police Department	
Alarm User Permit	$114.00
First False Alarm / Year	$118.00
Second False Alarm / Year	$237.00
Third and Fourth False Alarm / Year	$358.00
All Bank Alarms	$380.00
Late Fees	$12.00
Central Alarm License Fee	$314.00
Vehicle Inspection	$20.00
Certified VIN Inspection	$30.00
Off-Duty Security/Officer/Hour	$95.00
Notary Fees	$5.00

Dog Vaccination and License Fees	
Annual Dog Tag Fees	$20.00
Spayed/Neutered Dog Tag Fee	$10.00
Senior Citizen/Active Service Dog Tag Fee	FREE
Replacement Tag	$4.00

(Code 1971, §2-38; Ord. No. 77-1992, §17; Ord. No. 68-1994, §§9—11; Ord. No. 53-1995, §§6—10; Ord. No. 43-1996, §§5—7; Ord. No. 49-1998, §§6—8; Ord. No. 45-1999, §§6—9, 20; Ord. No. 57-2000, §§5, 12; Ord. No. 47-2002, §2; Ord. No.. 63-2003, §2; Ord. 2-2004, §3; Ord. 38-2004, §1; Ord. No. 49-2005, §1; Ord. No. 48, 2006, §8; Ord. No. 40-2008; Ord. No. 27-2009§7; Ord. No. 29-2010§7; Ord. No. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.051 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Engineering Department, is hereby amended to read as follows:

Sec. 2.12.051. Engineering Department fees

Permit and Application Fees	
Encroachment License and Application	$401.70
Encroachment Fees (Minor Encroachment < 3 hrs)	$100.00
Vacation Application ($325 / hr for estimated 18 hours)	$5,850.00
Right-of-way Permit (waived for sidewalk replacement work; additional hourly review rate of $325/hr will be applied to projects requiring more than 4 hours of review time)	$401.70
Encroachment Fees	
Permanent Encroachment Fee (per permit)	$1,000.00
Permanent Encroachment for Earth Retention (per cuft/mo)	$1.40
Temporary Occupation of Right-of-Way Under Encroachments	
By commercial operations not associated with construction, including contractors and vendors (per sqft/mo)	$2.50
Base cost within the core by commercial operations associated with construction, including contractors and vendors (per sqft/mo). Fees increase by 20% for first exception granted, 30% increase for second exception granted, 40% increase for every exception granted thereafter.	$17.00
Outside of the core by commercial operations associated with construction including contractors and vendors (per sqft/mo)	$7.00
Map and Plan Printing	
Per copy cost	$5.00
Landscape and Grading Permit	
Engineering Development Review Fee	See fee schedule
Construction Mitigation Review Fee (as applicable)	See fee schedule
Utilities Development Review Fee (as applicable)	See fee schedule
Parks Development Review Fee (as applicable)	See fee schedule
Zoning Hourly Review Fee (as applicable)/hr	$325.00

(Ord. No. 47-2002, §3; Ord. No. 49-2005, §13; Ord. No. 48, 2006, §9; Ord. No. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§8; Ord. No. 29-2010§8; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.052 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Environmental Health Department, is hereby amended to read as follows:

Sec. 2.12.052. Environmental Health Department fees

Environmental Health Fees	
Event Plan Review	$30.00
Event Inspection Fee	$70.00
Swimming Pool Plan Review	$79.00
Environmental Health Fees (continued)	
Restaurant Site Inspection	$82.00
Food Safety Training	$82.00
Large Childcare	$100.00
Small Childcare	$50.00
Plan review application	$100.00
Plan review & pre-operational inspection (not to exceed)	$580.00
HACCP plan review – written (not to exceed)	$100.00
HACCP plan review – on-site (not to exceed)	$400.00
Building Permit Review (per hour)	$325.00
Real estate review (not to exceed)	$75.00
Food Service License	
Free (K-12 school, penal institution, non-profit serving food insecure populations)	$0.00
Limited food service (convenience, other)	$270.00
Restaurant 0-100 Seats	$385.00
Restaurant 101-200 Seats	$430.00
Restaurant Over 200 Seats	$465.00
Grocery store (0 – 15,000 sq. ft.)	$195.00
Grocery store (> 15,000 sq. ft.)	$353.00
Grocery store w/ deli (0 – 15,000 sq. ft.)	$375.00
Grocery store w/ deli (> 15,000 sq. ft.)	$715.00
Mobile Unit (full-service)	$385.00
Mobile Unit (pre-packaged)	$270.00
Oil & Gas (Temporary)	$855.00
Special Event (full-service)	$255.00
Special Event (pre-packaged)	$115.00

Enforcement Fees and Penalties	
Civil Penalty (4 consecutive or 4/5 inspections that don't "pass")	$1,000.00

(Ord. No. 47-2002, §4; Ord. No. 63-2003, §2 Ord. No. 38-2004, §3; Ord. No. 49-2005, §2; Ord. No. 48, 2006, §10; Ord. No. 40-2008; Ord. No. 15-2009; Ord. No. 27-2009§9; Ord. No. 29-2010§9; Ord. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.053 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Geographic Information System Department, is hereby amended to read as follows:

Sec. 2.12.053. Geographic Information System (GIS) Department fees

GIS Fees	
Preprinted Map Small (11" x 17" or smaller)	$14.00
Preprinted Map Large on Photo Paper (greater than 11" x 17")	$100.00
Large Format Plotting (greater than 11" x 17")	$30.00
Custom Mapping and Analysis or Misc. Services (per hour, min. 1 hr)	$325.00

(Ord. No. 47-2002, §5; Ord. No. 63-2003, §3; Ord. No. 48, 2006, §11; Ord. No. 52-2007; Ord. No. 27-2009§10; Ord. No. 29-2010§10; Ord. No. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.060 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Parking Department, is hereby amended to read as follows:

Sec. 2.12.060. Parking fees

Rio Grande Plaza Parking	
Hourly Rate	$2.00
Maximum Daily Fee	$12.00
Validation Stickers / Visit	$6.00
Business Pass (Unlimited Monthly Access)	$150.00
Unlimited Use Monthly Pass With Reserved Space	$250.00
Lost Ticket Fee	$25.00
5-Day Unlimited Access Hotel Pass	$60.00
Special Events Pass / Day	$6.00
Access Replacement Card	$20.00

Commercial Core Pay Parking (between 7:00 AM and 6:00 PM)	
Hourly Rates (10:00am to 11:00am) High Season	$4.00
Hourly Rates (11:00am to 3:00pm) High Season	$6.00
Hourly Rates (3:00pm to 6:00pm) High Season	$4.00
Hourly Rates (10:00am to 11:00am) Low Season	$2.00
Hourly Rates (11:00am to 3:00pm) Low Season	$4.00
Hourly Rates (3:00pm to 6:00pm) Low Season	$2.00
30 minutes	$1.00
Single Space Meters (per 15 minutes)	$0.50
Residential Permit Parking	
Residential Day Pass	$8.00
Space Rental Fee / Day	$20.00
First and Second Permit for Residence and Guest	Free
Third Permit for Resident and Guest	$25.00
Lodge Guest Permit (4-days)	$3.00
Business Vehicle Permit	$125.00
High Occupancy Vehicle Permit	Free
Electric Vehicles	Free
Electric Vehicle Charging - Level 3 Charger / $0.45 per kWh	$0.45
Smart Loading Zone per 15 minutes	$0.50
Miscellaneous Parking	
Delivery Vehicle Permit	$100.00
Service Vehicle	50% of parking rates
Construction – Residential / Day	$40.00
Construction – Commercial / Day	$100.00
Expedited Construction Parking Reservation (< 48 hours notice) / Space	$100.00
Reserved Spaces for Approved Activities	$50.00
Handicapped Parking	Free
Permit Replacement	$75.00
Tow Truck Cancellation Fee	$40.00
Boot Fee	$75.00
Towing Fee (Tickets / Snow / Farmer's)	$160.00
Towing Fee (72 Hour / Abandoned)	$200.00
Ticket Late Fee	$10.00
Neighborhood Electric Vehicles	Free

1-The residential permit parking program restrictions shall be in effect from 8:00 a.m. until 5:00 p.m., Monday through Friday (official holidays exempted), unless otherwise specified.

2-Neighborhood electric vehicles (NEV's) are defined as follows: A low-speed electric vehicle which does not exceed speeds of 20-25 mph. The vehicle must have seat belts, headlights, windshield wipers, safety glass, tail lamps, front and rear turn signals and stop lamps. These vehicles must have a vehicle identification number (VIN) and be state-licensed. NEV's are only permitted within the City limits and on roads that have speed limits less than 40 mph.

3-High Season includes the months of Jan, Feb, Mar, Jun, Jul, Aug, Sep, and Dec. Low Season includes Apr, May, Oct and Nov.

(Code 1971, §2-39; Ord. No. 36-1994, §1; Ord. No. 68-1994, §12; Ord. No. 53-1995, §20; Ord. No. 43-1996, §17; Ord. No. 49-1998, §9; Ord. No. 45-1999, §9; Ord. No. 57-2000, §5; Ord. No. 4-2002, §1; Ord. No. 47-2002, §19; Ord. No. 63-2003, §15; Ord. No. 49-2005, §14; Ord. No. 39-2007; Ord. No. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No.. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.070 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the City Clerk's Office, is hereby amended to read as follows:

Sec. 2.12.070. Liquor and marijuana license application fees

Liquor Licenses	
Beer Permit (3.2% by Volume)	$10.00
Special Event Permit	$25.00
New License	$1,000.00
Transfer of Location or License	$750.00
Hotel & Restaurant or Tavern including Modest - Renewal Fee	$178.75
Beer & Wine including Modest - Renewal Fee	$152.50
Retail Liquor Store or Drug Store - Renewal Fee	$122.50
Arts or Club-Renewal Fee	$115.00
3.2 Beer-Renewal Fee	$103.75
Optional Premises License	$50.00
Temporary Permit	$100.00
Late Renewal Application Fee	$500.00
Tastings Permit	$100.00
Marijuana Licenses	
Medical or Retail Marijuana Center New License Fee	$2,000.00
Medical & Retail Marijuana Optional Premise Cultivation License	$2,000.00
Medical or Retail Marijuana Infused Products Manufacturers' License	$2,000.00
Medical Marijuana Center Applying for Retail Marijuana Store License	$2,000.00
Medical or Retail Marijuana Transfer of Ownership	$750.00
Medical or Retail Marijuana Change of Location	$500.00
Medical or Retail Marijuana Change of Corporation or LLC Structure	$100.00
Medical or Retail Marijuana Modification of Premises	$100.00
Renewal of Retail or Medical Marijuana License	$1,000.00

(Code 1971, §2-40; Ord. No. 8-1994, §4; Ord. No. 45-1999, §10; Ord. No. 24-2004, §2; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.080 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Parks Department, is hereby amended to read as follows:

Sec. 2.12.080. Parks Department fees

Event Fees	
Application Fee	
For Profit	$145.00
Non-Profit	$56.00
Business License	
Up to 7 Days	$50.00
Event Fees – Non-Profit	
Under 50 People	$56.00
50-100 People	$224.00
101-200 People	$337.00
201-500 People	$561.00
Over 500 People	$1,683.00
Event Fees – For Profit	
Under 50 People	$197.00
50-100 People	$449.00
101-200 People	$673.00
201-500 People	$3,927.00
Over 500 People	$5,610.00
Exclusive Use of Park	$8,415.00
Athletic Camps	
Local (per hour)	$29.00
Non-Local (per hour)	$45.00
Athletic Tournaments/Event	$842.00
Sports Classes / Day Care	
Local (per hour)	$29.00
Non-Local (per hour)	$45.00
Paragliding Commercial Landing Fee	$2.00
Flags on Main Street/Flag	$18.00
Banners on Main Street/Banner	$18.00
Mall Space Leasing	
Price per Square Foot	$4.43

Filming	
3-10 People	$155.00
11-30 People: Still	$255.00
11-30 People: Video	$360.00
31-49 People: Still	$360.00
31-49 People: Video	$460.00
50 and Over People	$870.00
Tree Fees	
Removal Permit	$82.00
Removal Permit - Development	$220.00
Mitigation Fee	$46.00
Development Fees	
Encroachments - Minor Review	$75.00
Encroachments - Major Review	$150.00
Right of Ways - Minor Review	$75.00
Right of Ways - Major Review	$150.00
Landscaping and Grading Permit	$74.00
Landscape/Resource Review (per sqft)	$0.06

(Ord. No. 45-1999, §11; Ord. No. 47-2002, §6; Ord. No. 63-2003, §14; Ord. No. 38-2004, §5; Ord. 52-2007; Ord. No. 33-2011; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.100 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Building and Planning Department, is hereby amended to read as follows:

Sec. 2.12.100. Building and Planning

This Section of the Code sets forth building permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2022:

BUILDING PERMIT FEES	
Total Valuation: $1.00 to $5,000.00	$25.00
Total Valuation: $5,001.00 to $50,000.00	50% of sum of $25 + 5.0% of permit valuation over $5,000
Total Valuation: $50,001.00 to $100,000.00	75% of sum of $2,275 + 3.5% of permit valuation over $50,000
Total Valuation: $100,001.00 to $250,000.00	$4,025 + 2.5% of permit valuation over $100,000

BUILDING PERMIT FEES (continued)	
Total Valuation: $250,001.00 to $500,000.00	$7,775 + 2.0% of permit valuation over $250,000
Total Valuation: $500,001.00 to $1,000,000.00	$12,775 + 1.75% of permit valuation over $500,000
Total Valuation: $1,000,001.00 to $2,500,000.00	$21,525 + 1.5% of permit valuation over $1,000,000
Total Valuation: $2,500,001.00 to $5,000,000.00	$44,025 + 1.25% of permit valuation over $2,500,000
Total Valuation: Above $5,000,000	$75,275 + 0.75% of permit valuation over $5,000,000 plus 0.5% of permit valuation over $10,000,000
Building Permit Review Fee (per hour)	$325.00
Fees Due Upon Permit Submittal	
Plan Check Fees (as percent of total building permit outlined above)	65%
Energy Code Fee (as percent of total building permit outlined above)	15%
Fees Due Upon Permit Issuance	
Building Permit Fee (as percent of total building permit outlined above)	100%
GIS Fee (applicable only if changing building footprint)	$500.00
Renewable Energy Mitigation Payment	(see details below)
Use Tax Deposit – City of Aspen	2.1% of value of materials for projects over $100,000
Use Tax Deposit – Pitkin County	0.1% of value of materials

RENEWABLE ENERGY MITIGATION PAYMENT	
Residential Exterior Energy Use	
Snowmelt – includes roof and gutter de-icing systems	$34 per square foot divided by boiler efficiency (AFUE)
Outdoor Pool	$136 per square foot divided by boiler efficiency (AFUE)
Spa – pkg. or portable spas < 64 sqft are exempt	$176 per square foot divided by boiler efficiency (AFUE)
Residential Onsite Renewable Credits (certain restrictions may apply)	
Photovoltaic Systems	$6,250 per KWH
Solar Hot Water Systems	$125 per square foot
Ground Source Heat Pumps	$1,400 per 10,000 BTU per hr

Commercial Exterior Energy Use	
Snowmelt – includes roof and gutter de-icing systems	$60 per square foot divided by boiler efficiency (AFUE)
Outdoor Pool	$170 per square foot divided by boiler efficiency (AFUE)
Spa – pkg. or portable spas < 64 sqft are exempt	$176 per square foot divided by boiler efficiency (AFUE)
Commercial Onsite Renewable Credits (certain restrictions may apply)	
Photovoltaic Systems	$6,250 per KWH
Solar Hot Water Systems	$224.65 per square foot
Ground Source Heat Pumps	$1,400 per 10,000 BTU per hr

CHANGE ORDER FEES	
Applications for change orders shall cause a revision to the overall project valuation. Fees for the previously submitted permit application shall not be refunded or credited toward change order fees. Not all change orders will require additional fees in each fee category. A change order fee applies each time a change order is submitted. A change order may propose multiple changes, and applicants are encouraged to "bundle" their change order requests to minimize fees.	
Fees Due Upon Change Order Issuance	
Change Order Plan Check Fee for All Review Agencies	$325.00/hr.
Change Order Energy Code Review Fee – if applicable	$325.00/hr.
Change Order Building Permit Fee (as a percentage of revised permit fee)	5%
PHASED PERMITTING FEES	
Applications for Building Permits may be issued in "phases" prior to the entire permit being ready for issuance. For a permit to be issued in phases, all elements of that phase must be reviewed and approved by the Building Department and applicable referral agencies. A Phased Building Permit still requires complete submission of all required documents and information for all phases at initial permit application submission. Issuance of a permit in phases is at the discretion of the Chief Building Official. Fees for phased permit issuance are in addition to fees due for issuance of a complete building permit.	
Fees Due at Issuance of Phase 1 Permit:	0%
Building Permit Review Phasing Fee	35% of Building Permit Fee
Zoning Review Phasing Fee	10% of Zoning Review Fee
Construction Mitigation Phasing Fee	50% of Construction Mitigation Fee
Engineering Development Review Phasing Fee	10% of Engineering Fee
Parks Phasing Fee	10% of Parks Review Fee
Utilities Development Review Phasing Fee	10% of Utilities Review Fee

SPECIAL SERVICES FEES	
Inspection Fee Outside of Normal Business Hrs. (per hour, min. 2 hrs.)	$325.00/hr.
Re-inspection Fee (per inspection)	$325.00/hr.
Special Inspections Fee for Unspecified Inspection Type (per hour, min. 1 hr)	$325.00/hr.
Building Permit Extension Fee – per Occurrence	7.5% of Building Fee Permit ($5,000 maximum per extension)
REPAIR FEES	
Permit Fee	$25.00
Plan Review Fee	$325.00/hr.
Zoning Review Fee	$325.00/hr.
Construction Mitigation Review Fee	10% of CMP Review Fee
Engineering Review	10% of Engineering Review Fee
Parks Review Fee	$325.00/hr.
RE-ROOFING AND ROOFING FEE	
Permit Fee	$25.00
Plan Review Fee	$25.00/100 sqft of roofing
Zoning Review Fee	$325.00/hr.
Construction Mitigation Review Fee	10% of CMP fee
Parks Review	$325.00/hr.
INTERIOR FINISH & FIXTURE REMOVAL FEE	
Permit Fee	$25.00 (minimum)
Plan Review Fee	$325.00/hr. (1 hr. minimum)
Construction Mitigation Fee	10% of CMP Review Fee
TEMPORARY STRUCTURE	
Permit Fee	$25.00
Plan Review Fee	$325.00/hr. (1 hr. minimum)
Parks Review Fee	$325.00/hr. (1 hr. minimum)
Fire Department Review Fee	$100.00
CERTIFICATE OF OCCUPANCY	
Permanent Certificate	Included in Building Permit Fee
Temporary Certificate per Occurrence (max $5,000 ea.)	7.5% of Building Permit Fee

ENFORCEMENT FEES AND PENALTIES	
Projects that had a Land Use review cannot submit for a building permit until all invoices related to the Land Use review have been paid in full. Additional penalties, pursuant to Municipal Code Section 26.104.070, Land Use Application Fees, also may be applicable. *For violations of the adopted building codes other than a stop work order or correction notice, the Chief Building Official may issue a Municipal Court citation. Fees, fines, and penalties by citation for violations of the Building Code shall be established by the Municipal Court Judge according to the scope and duration of the offense. Penalties may include: revocation of Contractor License(s); prohibition of any work on the property for a period of time; recovery of costs to the public for any required remediation of the site; additional Building Permit Review Fees; fees to recover administrative costs required by City staff to address the violation; and, other fees, fines, and penalties or assessments as assigned by the Municipal Court Judge.* *No Certificate of Occupancy shall be issued until all fees have been paid in full. Violations of this policy are subject to fines.*	
Stop Work Order or Correction Notice – 1st Infraction	2 Times Permit Valuation Fee
Stop Work Order or Correction Notice – 2nd Infraction	4 Times Permit Valuation Fee
Stop Work Order or Correction Notice – 3rd Infraction (license subject to suspension or revocation)	8 Times Permit Valuation Fee
COMMUNITY PURPOSE DISCOUNT PROGRAMS	
The Chief Building Official may from time to time implement lower fees to encourage certain types of building improvements as directed by the City Council or City Manager. Example programs may include energy efficiency improvements, accessibility improvements and the like. Special fees shall not exceed those otherwise required. *Notwithstanding the building permit fee schedule, City Council may authorize a reduction or waiver of building permit fees, engineering review fees, or construction mitigation fees as deemed appropriate. The Community Development Director shall waive building permit fees for General Fund Departments of the City of Aspen consistent with City policy.* *The Community Development Director may reduce building permit review fees by no more than 50% for projects with a fee significantly disproportionate to the service requirements. The City may not waive or reduce fees collected on behalf of a separate government agency. The City may not reduce or waive a tax.*	
FEE WAIVERS FOR NON-PROFIT ORGANIZATIONS	
Applications submitted for Building Permits by nonprofit organizations (as determined by their 501(c)3 status and those organizations that do not have a tax base) are eligible to have planning/building permit fees waived based on the following schedule:	
Building Plan Check, Energy Code, Permit Fees, Engineering, Parks and Utilities Review Fees:	
Project Valuation < = $5,000	100% Fee Waiver
Project Valuation > $5,000	50% Fee Waiver of Fees for Project Valuations between $5,000 and $250,000

Fee waivers shall not exceed a combined value of $15,000 for a single project per twelve consecutive month period. All other applicable utilities fees are not subject to this waiver, including but not limited to: investment charge, connection permit, tap fees, hook-up charges, service fees, and electric extension costs.

FEE WAIVERS FOR AFFORDABLE HOUSING PROJECTS

Applications submitted for new projects that are 100 percent affordable housing are eligible for a 100 percent fee waiver for Building, Engineering, Parks, Zoning, and Utility Plan Review fees; Construction Mitigation Plan Review; Aspen Energy Code Payment; Building Permit Fee; and GIS Fee; excluding fees levied by jurisdictions other than the City of Aspen. This fee waiver shall be limited to new projects, and does not apply to existing individual affordable housing units that may be seeking a remodel, expansion, etc.

Category of Work	% of Building Permit Fee Charged	Length of City Agreement
Minor interior upgrade (e.g., paint, carpet, light fixtures)	25%	5 years
Minor exterior upgrade (e.g., new windows, new paint/exterior materials)	25%	5 years
Major interior upgrade A (e.g., remodel units, including bathrooms)	50%	10 years
Major interior upgrade B (e.g., remodel common areas and any kitchen/food service facilities)	50%	10 years
Redevelopment or Major Expansion	75%	20 years

EXPIRED or CANCELLED PERMITS and REFUNDS

Plan Check fees are not refundable for expired or cancelled permits. Impact mitigation fees for un-built projects (construction not started) shall be refunded 100%. Building permit and impact fees for partially constructed projects are not refundable. Expired or cancelled permits are not renewable. Projects with expired or cancelled permits must reapply for building permits and pay all applicable fees. Projects with expired or cancelled permits that have previously paid impact fees need only pay (or be refunded) the difference in impact fees when applying for a new permit.

This Section of the Code sets forth engineering review fees for the City Engineering Department, and shall be applied to applications submitted on or after January 1, 2022:

Engineering Development Fees	
200 – 500 Square Feet	$567.74
501 – 1000 Square Feet	$1,703.21
1,001 – 15,000 Square Feet	$1,703.21 + $2.14 per sq. ft. over 1,000
Above 15,000 Square Feet	$1,703.21 + $2.14 per sq. ft. over 1,000 + $0.103 over 15,000
Additional Planning Review Fee (per hr, min. ½ hr)	$325.00/hr.
Construction Mitigation Fees	
400 – 15,000 Square Feet	$1.07 per sq. ft.

Above 15,000 Square Feet	$1.07 per sq. ft. to 15,000 + $0.03 per sq. ft. over 15,000
Fifty percent of the construction mitigation fee will be collected at permit submission; the remaining fifty percent upon permit issuance. Fees are not triggered unless a Construction Mitigation Review is performed. Triggers for the Construction Mitigation Review are located in the Construction Mitigation Plan requirements.	
Additional Review Fee	
Hourly fee to review changes, additions, or revisions to plans or land use review cases	$325.00/hr.

This Section of the Code sets forth electrical permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2022:

RESIDENTIAL ELECTRICAL FEES	
Fee is based on the enclosed living area only, includes construction of, or remodeling or addition to a single-family home, duplex, condominium, or townhouse.If not wiring any portion of the above listed structures, and are only changing or providing a service, see "Other Electrical Installation Fees" below.	
Living area not more than 1,000 square feet	$155.00
Living area 1,001 to 1,500 square feet	$233.00
Living area 1,501 to 2,000 square feet	$310.00
Living area over 2,000 square feet	$310.00 + $16.00 per 100 sqft over 2,000
Other Electrical Installation Fees	
Including some residential installations that are not based on square footage (not in a living area, i.e., garage, shop, and photovoltaic, etc.). Fees in this section are calculated from the total cost to customer, including electrical materials, items and labor - whether provided by the contractor or the property owner. Use this chart for a service connection, a temporary meter, and all commercial installations.	
Installation Permit on Projects Valuing Less than $2,000	$155.00
Installation Permit on Projects Valuing $2,000 or More	$155.00 + $16.00 per thousand dollars (rounded up)
Re-Inspections	$77.50
Extra Inspections	$77.50
Photovoltaic Generation System (Valuation based on cost to customer of labor, materials, & items)	
Residential: Valuation not more than $2,000	$115.00
Residential: Valuation $2,001 and above	$115.00 plus $11.50 per thousand or fraction thereof (max $500)
Commercial: Valuation not more than $2,000	$115.00
Commercial: Valuation $2,001 and above	$115.00 plus $11.50 per thousand or fraction thereof (max $1,000)

This Section of the Code sets forth mechanical permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2022:

MECHANICAL PERMIT FEES	
Mechanical Permit (per unit)	$66.31
Supplemental Permit for which the original has not expired, been canceled or finalized (per unit)	$26.53
UNIT FEE SCHEDULE	
Furnaces (installation or relocation)	
Forced-air or gravity-type furnace or burner, including attached ducts and vents; floor furnace, including vent; suspended heater; recessed wall heater or floor-mounted unit heater (per unit)	$66.31
Appliance Vents (installation, relocation or replacement)	
Each appliance vent installed and not included in an appliance permit	$33.16
Cooling Systems	
Each refrigeration unit, cooling unit, absorption unit or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code	$33.16
Boilers, Compressors and Absorption Systems (installation or relocation)	
Each boiler or compressor to and including 3 horsepower (10.6 kW) or each absorption system to and including 100,000 Btu/h (29.3 kW)	$66.31
Each boiler or compressor over 3 horsepower (10.6 kW) to and including 15 horsepower (52.7 kW) or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (293.1 kW)	$132.63
Each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW) or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)	$176.83
Each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW) or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW)	$265.25
Each boiler or compressor over 50 horsepower (176 kW) or each absorption system over 1,750,000 Btu/h (512.9 kW)	$331.56

Air Handlers	
Fee does not apply to units included with a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.	
Each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4,719 L/s), including ducts attached thereto	$33.16
Each air-handling unit over 10,000 cfm (4,719 L/s)	$66.31
Evaporative Coolers	
Each evaporative cooler other than portable type	$33.16
Ventilation and Exhaust	
Each ventilation fan connected to a single duct	$26.53
Each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	$33.16
Each hood which is served by the mechanical exhaust, including the ducts for such hood	$33.16
Miscellaneous	
Each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories or for which no other fee is listed in the table	$33.16
Other Mechanical Inspections Fees	
Hourly inspection fee outside of normal business hrs (min. 2 hrs)	$325.00
Re-inspection fees assessed under Section 305.8 (per inspection)	$325.00
Hourly inspections fee for unspecified inspection type(min. 1 hr)	$325.00
Hourly fee for additional plan review required by changes, additions or revisions to plans or plans for which an initial review has been completed	$325.00

This Section of the Code sets forth plumbing permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2022:

PLUMBING PERMIT FEES	
Plumbing Permit (per issuance)	$66.31
Each supplemental permit for which the original has not expired, been canceled or finalized	$26.53

UNIT FEE SCHEDULE	
Fixtures and Vents	
Each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection)	$26.53
For repair or alteration of drainage or vent piping, each fixture	$13.26
Sewers, Disposal Systems and Interceptors	
Each building sewer and each trailer park sewer	$265.25
Each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as traps	$66.31
Rainwater systems, per drain (inside buildings)	$33.16
Water Piping and Water Heaters	
For installation, alteration or repair of water piping or water-treating equipment or both, each	$26.53
For each water heater, including vent	$33.16
Gas Piping Systems	
Each gas piping system of one to five outlets	$13.26
Each additional outlet over five, each	$6.63
Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices	
Each lawn sprinkler system on any one meter, including backflow protection devices thereof	$26.53
For atmospheric-type vacuum breakers or backflow protection devices not included in Fixtures and Vents:	
1 to 5 devices	$26.53
Over 5 devices, each	$6.63
Each backflow-protection device other than atmospheric-type vacuum breakers:	
2 inches (50.88 mm) and smaller	$33.16
Over 2 inches (50.8 mm)	$53.05
Swimming Pools	
Each public pool	$1,591.50
Each public spa	$795.75
Each private pool	$530.50
Each private spa	$265.25
Miscellaneous	
Each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories or for which no other fee is listed in this code	$33.16

Other Plumbing Inspection Fees	
Hourly inspection fee outside of normal business hrs. (min. 2 hrs)	$325.00
Re-inspection fees – inspections required after a failed inspection (per inspection)	$325.00
Hourly inspections fee for unspecified inspection type (min. 1 hr)	$325.00
Hourly fee for additional plan review required by changes, additions or revisions to plans or plans for which an initial review has been completed	$325.00

This Section of the Code sets forth licensing fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2022:

General Contractor Licenses (3-year term)	
Unlimited	$450.00
Commercial	$450.00
Light Commercial	$450.00
Homebuilder	$450.00
Specialty Contractor Licenses (3-year terms)	
Alteration and Maintenance	$142.00
Drywaller Fire Resistive Construction & Penetrations	$142.00
Excavation	$142.00
Insulation / Energy Efficiency	$142.00
Mechanical Contractor	$142.00
Radon Mitigation	$142.00
Roofing	$142.00
Solid Fuel and Gas Appliance	$142.00
Temporary Contractor	$142.00
Tent Installer	$142.00
Concrete	$142.00
Low Voltage	$142.00
Masonry	$142.00
Fire Alarm System Installer	$142.00
Fire Sprinkler System Installer	$142.00

(Ord. No. 63-2003, §7; Ord. No. 38-2004, §6; Ord. No. 49-2005, §8; Ord. No. 48, 2006, §12; Ord. No. 3-2011, §1; Ord. No. 29-2012; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.130 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Car-to-Go Carshare Program, is hereby amended to read as follows:

Sec. 2.12.130. Car-To-Go Carshare Program fees

FEES	
Application	$25.00
Monthly Membership	$10.00
Hourly Usage	$4 - $6
Per Mile Usage	$0.40 - $0.60
Fixed daily Rate	$70 - $90
No Reservation Fee	$50.00
Emergency Cleaning (per hour, plus cleaning costs)	$50.00
Missing/Incorrect Trip Ticket/Reservation	$30 - $50
NSF Check	$30 - $50
Lost Key Fee	$30 - $50
Late Return Fee (per hour, plus applicable taxi fees)	$30 - $50
Low Fuel Fee (plus applicable taxi fees)	$30 - $50
CREDITS	
Inconvenience Credit (per hour, plus applicable taxi fees)	$30 - $50
Referral	$25.00
Refuel / Wash	$4 / $6

(Ord. No. 29-2012; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.140 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Stormwater Department, is hereby amended to read as follows:

Sec. 2.12.140. Stormwater fees

Fee-in-Lieu of Detention Fee (per cubic foot of detention req.)	$78.78
(a) The fee is based on 100 percent of the estimated cost of constructing a detention facility on-site. The City Engineer at his/her sole discretion may require a certified cost estimate for construction of detention meeting the standards contained in the Urban Runoff Management Plan (Manual) established in Sec 28.02.010 and may accept at his/her sole discretion this amount to be paid in-lieu-of detention.	
(b) Required detention storage shall be calculated at the rate of 6.20 cubic feet per 100 square feet of impervious area. The City Engineer at his/her sole discretion may require a certified storage volume estimate for construction of detention meeting the standards contained in the Urban Runoff Management Plan (Manual) established in Sec 28.02.010 and may accept at his/her sole discretion this amount to be used for detention volume storage requirements.	

(Ord. No. 40-2008; Ord. No. 27-2009§11; Ord. No. 29-2010§11; Ord. No. 15-2011§2; Ord. No. 29-2012; Ord. No. 48-2013; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 2.12.150 of the Municipal Code of the City of Aspen, Colorado, which section sets forth user fees for the Community Broadband, is hereby amended to read as follows:

Sec. 2.12.150. Community Broadband

	Monthly Recurring Charge	**Non-Recurring Charge**
High-Speed Dedicated Internet Access (DIA)*		
100 Mpbs/100 Mpbs Upload/Download	$350.00	$250.00
200 Mpbs/200 Mpbs Upload/Download	$500.00	$250.00
500 Mpbs/500 Mpbs Upload/Download	$750.00	$250.00
1 Gbps/1 Gbps Upload/Download	$1,500.00	$250.00
*1. Assumes fiber pair available to location 2. Internet service includes 1 dynamic IP address 3. Higher bandwidth and different services may be available on a customized basis 4. Flexibility at discretion of Aspen City Manager		

(Ord. No 22-2021)

That Section 26.104.070 of the Municipal Code of the City of Aspen, Colorado, which section sets forth land use application fees, is hereby amended to read as follows:

Sec. 26.104.070. Land Use Application Fees

This Section of the code sets forth certain fees related to planning and historic preservation as follows, applicable to applications submitted on or after January 1, 2022:

Planning Review: Deposit and Billing Administration
The Community Development Department staff shall keep an accurate record of the actual time required for the processing of each land use application and additional billings shall be made commensurate with the additional costs incurred by the City when the processing of an application by the Community Development Department takes more time than is covered by the deposit. In the event the processing of an application by the Community Development Department takes less time than provided for by the deposit, the Department shall refund the unused portion of the deposited fee.
The Community Development Director shall establish appropriate guidelines for the regular issuance of invoices and collection of amounts due.

The Community Development Director shall establish appropriate guidelines for the collection of past due invoices, as required, which may include any of the following: 1) assessment of additional late fees for accounts at least 90 days past due in an amount not to exceed 1.75% per month, 2) stopping application processing, 3) reviewing past-due accounts with City Council, 4) withholding the issuance of a Development Order, 5) withholding the recordation of development documents, 6) prohibiting the acceptance of building permits for the subject property, 7) ceasing building permit processing, 8) revoking an issued building permit, 9) implementing other penalties, assessments, fines, or actions as may be assigned by the Municipal Court Judge.	
Flat fees for the processing of applications shall be cumulative. Applications for more than one land use review requiring an hourly deposit on planning time shall require submission of the larger deposit amount.	
The Community Development Director shall bill applicants for any incidental costs of reviewing an application at direct costs, with no administrative or processing charge.	
Land use review fee deposits may be reduced if, in the opinion of the Community Development Director, the project is expected to take significantly less time to process than the deposit indicates. A determination shall be made during the pre-application conference by the case planner. Hourly billing shall still apply.	
Review fees for projects requiring conceptual or project review, final or detail review, and recordation of approval documents. Unless otherwise combined by the Director for simplicity of billing, all applications for conceptual/project, final/detail, and recordation of approval documents shall be handled as individual cases for the purposes of billing. Upon conceptual/project approval all billing shall be reconciled, and all past due invoices shall be paid prior to the Director accepting an application for final/detail review. Final/detail review shall require a new deposit at the rate in effect at the time of final application submission. Upon final/detail approval, all billing shall again be reconciled prior to the Director accepting an application for review of recordation documents.	
Notwithstanding the planning review fee schedule, the Community Development Director shall waive planning review fees for General Fund Departments of the City of Aspen consistent with City policy.	
Notwithstanding the planning review fee schedule, City Council may authorize a reduction or waiver of planning review fees as deemed appropriate.	
Fee Waivers for Non-Profit Organizations	
Applications submitted for Land Use/Historic Preservation reviews by nonprofit organizations, (as determined by their 501(c)3 status and those organizations that do not have a tax base) are eligible to have planning review fees waived based on the following schedule:	
Total Fees < $2,500	100% Waiver
Total Fees $2,500 - $10,000	50% Waiver
Fee waivers shall not exceed a combined value of $6,250 for a single project per organization over a twelve consecutive month period. Notwithstanding the planning review fee schedule, City Council may authorize a reduction or waiver of planning review fees as deemed appropriate.	
Fee Waivers for Affordable Housing Projects	
Applications submitted for new projects that are 100 percent affordable housing are eligible for a 100 percent fee waiver of Planning Review fees.	

Free Services	
Pre-Application / Pre-Permit Meetings	Free
Call-in / Walk-in Development Questions	Free
GMQS – SF or Dx on Historic Landmark	Free
Historic Designation	Free
Historic Preservation – Exempt Development	Free
Historic Preservation – Minor Amendment, HPO Review	Free
Free Services (continued)	
Historic Preservation – Minor Amendment, Monitor Review	Free
Development Order Publication Fee	Free
First Residential Design Compliance Review	Free

Applicant meetings with a Planner to discuss prospective planning applications or prospective building permit applications are a free service and staff time is not charged to the applicant. However, this service is limited to the time reasonably necessary for understanding a project's requirements, review procedures, City regulations, etc. An applicant shall be billed for any pre-application or pre-permit staff time significantly in excess of that which is reasonably necessary. Billing will be at the Planning hourly billing rate. The applicant will be notified prior to any billing for pre-application or pre-permit service.

Planning Review – Administrative, Flat Fees	
GMQS – Temporary Food Vending	$81.00
Code Interpretation – Formal Issuance	$81.00
Historic Preservation – Certification of No Negative Effect	$81.00
Temporary Use – Admin.	$163.00
GMQS – SF or Dx Replacement, Cash-in-Lieu	$325.00
GMQS – SF or Dx Replacement, Admin.	$325.00
GMQS – Change-in-Use for Historic Landmark	$325.00
GMQS – Minor Enlargement for Historic Landmark	$325.00
GMQS – Alley Store	$325.00
GMQS – Exemption from MF Housing Replacement	$325.00
Residential Design Compliance Review (after 1st free review)	$163.00
Residential Design Variance, Admin.	$325.00
GMQS – Minor Enlargement, Non-Historic	$650.00

Planning Review – Administrative, Hourly Fees	
If review process takes less time than the number of hours listed below, refunds will be made to applicants for unused hours purchased within initial deposits.	
Review of Administrative Subdivisions, Condominium Plats, or Amendments (Includes City Attorney and other referral departments' time at same hourly rate; City Engineer review time billed at rate specified below)	$650.00 (2-hour deposit)
Recordation Documents Review - Subdivision plats, Subdivision exemption plats (except condominiums), PD plans, development agreements, subdivision agreements, PD agreements, or amendments to recorded documents (Includes City Attorney and other referral departments' time at same hourly rate; City Engineer review time billed at rate specified below)	$975.00 (3-hour deposit)
Administrative wireless telecommunication review	$975.00 (3-hour deposit)
Admin. Condominium or Special Review Admin. ESA or ESA Exemption Admin. Subdivision – Lot Line Adjustment Admin. PD Amendments Admin. Commercial Design Review Amendment	$1,300.00 (4-hour deposit)
Additional Hours – If necessary (per hour)	$325.00
Referral Agency Fees: Administrative, If Applicable	
Hourly Engineering Review Fee (billed with Planning Case)	$325.00
Hourly Aspen / Pitkin County Housing Authority (billed with Planning Case)	$325.00
City Parks Department, Flat Fee	$650.00
City Environmental Health Department, Flat Fee	$650.00
Planning Review: One-Step Hourly Fee	
Historic Preservation – Minor Development Historic Preservation – Major Development up to 1,000 sq. ft. Temporary Use, City Council Vested Rights Extension, City Council Appeals of Administrative or Board Decisions	$1,300.00 (4-hour deposit)
Historic Preservation – Major Development over 1,000 sq. ft. Historic Preservation – Demolitions and Off-Site Relocations Historic Preservation – Substantial Amendment Board of Adjustment Variance Timeshare -- P&Z Review	$1,950.00 (6-hour deposit)

Planning Review: One-Step Hourly Fee (continued)	
Growth Management (includes AH certification), Conditional Use Special Review (includes ADU @ P&Z), Environmentally Sensitive Area Review, Residential Design Variance – P&Z Minor Subdivision – Lot Split, Historical Lot Split	$3,250.00 (10-hour deposit)
PD Amendment – P&Z Only SPA Amendment, P&Z Only Commercial Design Review, Conceptual or Final Growth Management, Major P&Z or City Council Subdivision "Other" Review – City Council Only	$4,450.00
Additional Hours – If necessary (per hour)	$325.00
Referral Agency Fees: One-Step Review, If Applicable	
Hourly Engineering Review Fee (billed with Planning Case)	$325.00
Hourly Aspen / Pitkin County Housing Authority (billed with Planning Case)	$325.00
City Parks Department, Flat Fee	$975.00
City Environmental Health Department, Flat Fee	$975.00
Planning Review: Two-Step Hourly Fee	
Major Subdivision Review Land Use Code Amendment Rezoning or Initial Zoning (Annexations)	$7,800.00 (24-hour deposit)
Additional Hours – If necessary (per hour)	$325.00
Referral Agency Fees: Two-Step Review, If Applicable	
Hourly Engineering Review Fee	$325.00
Hourly Aspen / Pitkin County Housing Authority (billed with Planning Case)	$325.00
City Parks Department, Flat Fee	$1,300.00
City Environmental Health Department, Flat Fee	$1,300.00
Planning Review: PD Hourly Fee	
Planned Development or PD Substantial Amendment	$10,400.00 (32-hour deposit)
Additional Hours – If necessary (per hour)	$325.00
Referral Agency Fees: PD Reviews, If Applicable	
Hourly Engineering Review Fee (billed with Planning Case)	$325.00
Hourly Aspen / Pitkin County Housing Authority (billed with Planning Case)	$325.00
City Parks Department, Flat Fee	$1,625.00
City Environmental Health Department, Flat Fee	$1,625.00
Planning Review: Public Project Review or Joint Applicant	
Applications for the City's Public Project process shall be assessed land use review fees and/or a portion of joint planning costs as determined appropriate by City Council. If no such determination is made, the application shall be billed as a PD.	

Planning Review: Other	
Hourly fee for any additional plan review for which no other specific fee has been established	$325.00

(Ord. No. 57-2000, §9; Ord. No. 47-2002, §8; Ord. No. 63-2003, §4; Ord. No. 38-2004, §7; Ord. No. 49-2005, §9; Ord. No. 48, 2006, §13; Ord. 52-2007; Ord. No.4 - 2011, §2; Ord. No. 29-2012; Ord. No. 36-2014; Ord. No. 43-2015; Ord. No. 36-2016; Ord. No. 30-2017; Ord. No. 40-2018; Ord. No. 32-2019; Ord. No 20-2020; Ord. No 22-2021)

That Section 26.104.072 of the Municipal Code of the City of Aspen, Colorado, which section sets forth zoning review fees, is hereby amended to read as follows:

Sec. 26.104.072. Zoning Review fees

This Section of the code sets forth certain fees related to zoning as follows, applicable to applications submitted on or after January 1, 2022:

Zoning review fees shall apply to all development requiring a building permit and all development not requiring a building permit, but which requires review by the Community Development Department. The fee covers the Zoning Officer's review of a permit, including any correspondence with the case planner, Historic Preservation Officer, the Department's Deputy Director or Director, or other City staff.	
A permit or a change order to a permit that requires a floor area, height, net leasable, or net livable measurement by the Zoning Officer shall be considered a Major permit. Official confirmation of existing conditions of a property that requires measurement of floor area, height, net leasable area, or net livable area of a structure, prior to demolition or for other purposes also shall be considered a Major permit. All other permits are considered minor permits.	
For the purposes of zoning fees, the square footage used to calculate the fee shall be the greater of the gross square footage affected by the permit or the gross square footage that must be measured to review the permit. All change orders to a permit require additional fees.	
For projects with multiple uses, the zoning review fee for each individual use shall be calculated based on the gross square footage of the use and added to determine the total project fee.	
Zoning review fees for major permits for properties within a Planned Development shall be 125% of the fee schedule.	
Zoning referral fees - for official zoning comments on a planning application - shall be according to the fees policy for planning review.	
Notwithstanding the zoning review fee schedule, the Community Development Director shall waive zoning review fees for General Fund Departments of the City of Aspen consistent with City policy.	
Notwithstanding the zoning review fee schedule, City Council may authorize a reduction or waiver of zoning review fees as deemed appropriate.	
Fees Due at Permit Submittal	
Zoning Permit Fee of $500 or More	50% of Zoning Permit Fee

Special Services – Zoning Review	
Hourly Zoning Review Fee	$325.00
Expedited Zoning Review Fee – services subject to authorization by Community Development Director and subject to department workload, staffing and effects on other projects	Double applicable zoning review fee
Change Order Fees: For changes not requiring a new measurement of floor area, height, net leasable, or net livable space	Minor Zoning Fee
Change Order Fees: For changes requiring a new measurement of floor area, height, net leasable, or net livable space	Major Zoning Fee
Change orders for projects within a PD shall be assessed 125% of the fee schedule.	
Applicant meetings with the Zoning Officer to discuss prospective planning applications or prospective building permit applications are a free service and staff time is not charged to the applicant. However, this service is limited to the time reasonably necessary for understanding a project's requirements, review procedures, City regulations, etc. An applicant shall be billed for any pre-application or pre-permit staff time significantly in excess of that which is reasonably necessary. Billing will be at the Zoning hourly billing rate. The applicant will be notified prior to any billing for pre-application or pre-permit service.	
Business License Approval – Zoning (other fees may be required by City Finance)	Free
Vacation Rental Permit – Zoning (other fees may be required by City Finance)	Free
Special Review or Inspection Hourly Fee – Zoning (when no fee is otherwise established, 1 hour minimum)	$325.00
Certificate of Occupancy or Final Inspection Fee – Zoning	Included in Zoning Review Fee
Demolition Zoning Review Fees	
Minor Zoning Fee – does not require measurement or confirmation of existing conditions	
Up to 500 square feet	$65.00
501 to 2,500 square feet	$163.00
2,501 to 5,000 square feet	$244.00
Over 5,000 square feet	$325.00
Major Zoning Fee – requires measurement or confirmation of existing conditions	Major fee according to specified land use

Exterior Repair Zoning Review Fees	
Applies to residential, commercial, lodging, arts/cultural/civic, or institutional exterior repair work requiring a building permit or review by the Historic Preservation Officer. Based on wall area or roof area being repaired. (Excludes signs and awnings.)	
Up to 500 square feet	$33.00
501 to 2,500 square feet	$65.00
2,501 to 5,000 square feet	$163.00
Over 5,000 square feet	$325.00
Residential Zoning Review Fees	
Applies to single-family, duplex, accessory dwelling units, carriage houses, multi-family, and residential units in a mixed-use building.	
Minor Zoning Fee - Existing Development, Minor Remodel, or Minor Change Order	
- Projects up to $5,000 in total valuation	$33.00
- Projects Over $5,000 in total valuation:	
Up to 500 square feet	$325.00
501 to 2,500 square feet	$650.00
2,501 to 5,000 square feet	$975.00
Over 5,000 square feet	$1,300.00
Major Zoning Fee – New Development, Major Remodel, Demolition with Confirmation, Major Change Order	
Up to 500 square feet (minimum $325.00)	$1.30 / SF
501 to 2,500 square feet	$1.40 / SF
2,501 to 5,000 square feet	$1.55 / SF
Over 5,000 square feet	$1.70 / SF
Major residential permits within a PD shall be 125% of the above fee schedule.	
Commercial Zoning Review Fees	
Applies to commercial projects and commercial portions of a mixed-use project	
Minor Zoning Fee - Existing Development, Minor Remodel, or Minor Change Order	
- Projects up to $5,000 in total valuation	$33.00
- Projects Over $5,000 in total valuation:	
Up to 500 square feet	$325.00
501 to 2,500 square feet	$650.00
2,501 to 5,000 square feet	$975.00
Over 5,000 square feet	$1,300.00
Major Zoning Fee – New Development, Major Remodel, Demolition with Confirmation, Major Change Order	
Up to 500 square feet (minimum $325.00)	$1.30 / SF
501 to 2,500 square feet	$1.40 / SF
2,501 to 5,000 square feet	$1.55 / SF
Over 5,000 square feet	$1.70 / SF
Major commercial permits within a PD shall be 125% of the above fee schedule.	

Lodging Zoning Review Fees	
Minor Zoning Fee - Existing Development, Minor Remodel, or Minor Change Order	
- Projects up to $5,000 in total valuation	$33.00
- Projects Over $5,000 in total valuation:	
Up to 500 square feet	$325.00
501 to 2,500 square feet	$650.00
2,501 to 5,000 square feet	$975.00
Over 5,000 square feet	$1,300.00
Major Zoning Fee – New Development, Major Remodel, Demolition with Confirmation, Major Change Order	
Up to 5,000 square feet (minimum $325.00)	$0.51 / SF
Over 5,000 square feet	$0.62 / SF
Major lodging permits within a PD shall be 125% of the above fee schedule.	
Arts/Cultural/Civic/Institutional Zoning Review Fees	
Minor Zoning Fee - Existing Development, Minor Remodel, or Minor Change Order	
- Projects up to $5,000 in total valuation	$33.00
- Projects Over $5,000 in total valuation:	
Up to 1,000 square feet	$325.00
1,001 to 5,000 square feet	$650.00
5,001 to 10,000 square feet	$975.00
Over 10,000 square feet	$1,300.00
Major Zoning Fee – New Development, Major Remodel, Demolition with Confirmation, Major Change Order	
Up to 5,000 square feet (minimum $325.00)	$0.51 / SF
Over 5,000 square feet	$0.62 / SF
Major Arts/Cultural/Civic/Institutional permits within a PD shall be 125% of the above fee schedule.	
Signs/Awnings/Outdoor Merchandising – Zoning Review Fees	
Individual Sign Permit Fee (per sign)	$65.00
Multiple Sign Permit Fee (per business, unlimited signs)	$163.00
Sandwich Board Sign License (must be renewed annually)	Free
Sandwich board locations must be approved by Zoning Officer.	
Outdoor Merchandising on Public Property	
0 to 4 SF	Free
4 to 50 SF	$65.00
More than 50 SF	$163.00

Outdoor merchandise location must be approved by the Zoning Officer.	
Awnings require a Building Permit	Refer to Building Permit Fee Schedule
Individual Banner Installation Fee	$67.00
Double Banner Installation Fee	$165.00
Light Pole Banner Installation Fee (per pole)	$20.00
Fence– Zoning Review Fee	
Single Family and Duplex Residential	
All Other Uses	$163.00
Wildlife Resistant Trash and Recycling Enclosures –	
Combined Zoning and Building Review Fee	
Single Family and Duplex Residential	$65.00
All Other Uses	$163.00
Enforcement Fees, Fines, and Penalties	
No certificate of occupancy or temporary certificate of occupancy shall be issued until all fees have been paid in full. Failure to pay applicable fees is subject to fines, penalties, or assessments as assigned by the Municipal Court Judge.	
Non-Permitted Work Fee	
Work done without a zoning approval (when one is required), without a building permit (when one is required), or work done counter to an issued zoning approval is subject to this enforcement fee. Non-permitted work fee is per infraction and per project. Additional hourly fees may be applicable to account for staff time. No other action on the project may occur until non-permitted work issue has been rectified to the satisfaction of the Community Development Director. Any correction requiring a building permit or zoning application shall also be subject to the Correction Order Fees described below.	
First Infraction (minimum of $325)	Hourly fee for staff time in excess of one hour
Second Infraction (minimum of $650)	Hourly fee for staff time in excess of one hour
Third Infraction (minimum of $975)	Hourly fee for staff time in excess of one hour
Correction Order Fee	
This fee shall apply to any work required to correct a zoning violation or to permit work that has been accomplished without a permit or not covered by an issued permit. Infractions are per project. For any correction requiring a planning review, the planning review fees shall be increased according to the below schedule.	
First Infraction (minimum of $500)	Two Times Zoning Review Fee
Second Infraction (minimum of $500)	Four Times Zoning Review Fee
Third Infraction (minimum of $500; subject to additional penalties by citation as assigned by the Municipal Judge)	Eight Times Zoning Review Fee
Municipal Court Enforcement - Zoning	
Fees, fines, and penalties by citation for violations of the Land Use Code shall be established by the Municipal Court Judge according to the scope and duration of the offense. Zoning Enforcement Fee may include an assessment for administrative time required by the Zoning Officer to address the violation.	

ORDINANCE NO. 22
Series of 2021

A public hearing on the ordinance shall be held on the 9th day of November, 2021, in the City Council Chambers, City Hall, Aspen, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the 9th day of November, 2021.

Torre, Mayor

ATTEST:

Nicole Henning, City Clerk

FINALLY adopted, passed and approved this 23rd day of November 2021.

Torre, Mayor

ATTEST:

Nicole Henning, City Clerk