

City of Aspen Community Development Department

Historic Preservation Application Package



THE CITY OF ASPEN

Attached is a Development Application for properties listed on the “Aspen Inventory of Historic Sites and Structures” or properties within Aspen’s Historic Districts. Included in this package are the following attachments:

1. Development Application Fee Policy, Fee Schedule, and Agreement for Payment Form
2. Land Use Application Form
3. Submittal Requirements
4. Summary of the Application Process
5. Public Hearing Notice Requirements
6. Affidavit of Notice

All applications are reviewed based on the criteria established in the Aspen Municipal Code and “The City of Aspen Historic Preservation Design Guidelines,” both of which are available to purchase at City Hall or on the web at www.bpcnet.com/codes/aspen under “Title 26” and www.aspenpitkin.com, respectively.

- **A CERTIFICATE OF NO NEGATIVE EFFECT** may be issued for minor work that does not materially change the historic character of the property or district, and the proposed work is clearly within the adopted design guidelines.
- **A CERTIFICATE OF APPROPRIATENESS** must be applied for if the proposed work will make material changes that may alter, diminish, eliminate or affect the historic or architectural character of the property or district in any way.

We strongly encourage all applicants to hold a pre-application conference with a Planner in the Community Development Department so that any questions regarding the requirements for submitting a complete application, and the review process, can be addressed.

Also, depending upon the complexity of the development proposed, an applicant should consider scheduling a work session with the HPC early in the conceptualization of the project. It is a good practice on large projects to submit one copy of the development application to the Case Planner for a preliminary determination of any deficiencies in the information being provided, which can reduce the overall cost of materials and staff hours billed.

A preliminary consultation with the Zoning Officer and Building Department is also required in order to determine code compliance and to avoid changes to projects after the review process.



Land Use Review Fee Policy

The City of Aspen has established a review fee policy for the processing of land use applications. A flat fee or deposit is collected for land use applications based on the type of application submitted.

A flat fee is collected by Community Development for applications which normally take a minimal and predictable amount of staff time to process. Review fees for other City departments reviewing the application (referral departments) will also be collected when necessary. Flat fees are cumulative – meaning an application with multiple flat fees must pay the sum of those flat fees. Flat fees are not refundable.

A review fee deposit is collected by Community Development when more extensive staff review is required. Actual staff time spent will be charged against the deposit. Various City staff may also charge their time spent on the case in addition to the case planner. Deposit amounts 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 on the deposit amount shall be made during the pre-application conference by the case planner. Hourly billing shall still apply.

All applications must include an Agreement to Pay Application Fees. One payment including the deposit for Planning and referral agency fees must be submitted with each land use application, made payable to the City of Aspen. Applications will not be accepted for processing without the required application fee.

The Community Development Department shall keep an accurate record of the actual time required for the processing of a land use application requiring a deposit. The City can provide a summary report of fees due at the applicant's request. The applicant will be billed for the additional costs incurred by the City when the processing of an application by the Community Development Department takes more time or expense than is covered by the deposit. Any direct costs attributable to a project review shall be billed to the applicant with no additional administrative charge. In the event the processing of an application takes less time than provided for by the deposit, the department shall refund the unused portion of the deposited fee to the applicant. Fees shall be due regardless of whether an applicant receives approval.

Unless otherwise combined by the Director for simplicity of billing, all applications for conceptual, final, and recordation of approval documents shall be handled as individual cases for the purposes of billing. Upon conceptual approval all billing shall be reconciled and all past due invoices shall be paid prior to the Director accepting an application for final review. Final review shall require a new deposit at the rate in effect at the time of final application submission. Upon final approval all billing shall again be reconciled prior to the Director accepting an application for review of technical documents for recordation.

The Community Development Director may cease processing of a land use application for which an unpaid invoice is 30 or more days past due. Unpaid invoices of 90 or more days past due may be assessed a late fee of 1.75% per month. An unpaid invoice of 120 days or more may be subject to additional actions as may be assigned by the Municipal Court Judge. All payment information is public domain.

All invoices shall be paid prior to issuance of a Development Order or recordation of development agreements and plats. The City will not accept a building permit for a property until all invoices are paid in full. For permits already accepted, an unpaid invoice of 90 or more days may result in cessation of building permit processing or issuance of a stop work order until full payment is made.

The property owner of record is the party responsible for payment of all costs associated with a land use application for the property. Any secondary agreement between a property owner and an applicant representing the owner (e.g. a contract purchaser) regarding payment of fees is solely between those private parties.



Agreement to Pay Application Fees

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

Property Owner ("I"):	Phone No.:
Address of Property: (subject of application)	Email:
	Billing Address: (send bills here)

I understand that the City has adopted, via Ordinance No. , Series of 2011, review fees for Land Use applications and the payment of these fees is a condition precedent to determining application completeness. I understand that as the property owner that I am responsible for paying all fees for this development application.

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

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

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

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

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

I have read, understood, and agree to the Land Use Review Fee Policy including consequences for non-payment. I agree to pay the following initial deposit amounts for the specified hours of staff time. I understand that payment of a deposit does not render an application complete or compliant with approval criteria. If actual recorded costs exceed the initial deposit, I agree to pay additional monthly billings to the City to reimburse the City for the processing of my application at the hourly rates hereinafter stated.

\$ _____ deposit for _____ hours of Community Development Department staff time. Additional time above the deposit amount will be billed at \$315 per hour.

\$ _____ deposit for _____ hours of Engineering Department staff time. Additional time above the deposit amount will be billed at \$265 per hour.

City of Aspen:

Property Owner:

Chris Bendon
Community Development Director

Name: _____

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

Title: _____

ATTACHMENT 2 - Historic Preservation Land Use Application



PROJECT:

Name:	_____
Location:	_____
	(Indicate street address, lot & block number or metes and bounds description of property)
Parcel ID # (REQUIRED)	_____

APPLICANT:

Name:	_____				
Address:	_____				
Phone #:	_____	Fax#:	_____	E-mail:	_____

REPRESENTATIVE:

Name:	_____				
Address:	_____				
Phone #:	_____	Fax#:	_____	E-mail:	_____

TYPE OF APPLICATION: (please check all that apply):

<input type="checkbox"/> Historic Designation	<input type="checkbox"/> Relocation (temporary, on or off-site)
<input type="checkbox"/> Certificate of No Negative Effect	<input type="checkbox"/> Demolition (total demolition)
<input type="checkbox"/> Certificate of Appropriateness	<input type="checkbox"/> Historic Landmark Lot Split
<input type="checkbox"/> -Minor Historic Development	
<input type="checkbox"/> -Major Historic Development	
<input type="checkbox"/> -Conceptual Historic Development	
<input type="checkbox"/> -Final Historic Development	
<input type="checkbox"/> -Substantial Amendment	

EXISTING CONDITIONS: (description of existing buildings, uses, previous approvals, etc.)

PROPOSAL: (description of proposed buildings, uses, modifications, etc.)

General Information

Please check the appropriate boxes below and submit this page along with your application. This information will help us review your plans and, if necessary, coordinate with other agencies that may be involved.

YES NO

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the work you are planning include exterior work; including additions, demolitions, new construction, remodeling, rehabilitation or restoration? |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the work you are planning include interior work; including remodeling, rehabilitation, or restoration? |
| <input type="checkbox"/> | <input type="checkbox"/> | Do you plan other future changes or improvements that could be reviewed at this time? |
| <input type="checkbox"/> | <input type="checkbox"/> | In addition to City of Aspen approval for a Certificate of Appropriateness or No Negative Effect and a building permit, are you seeking to meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> or restoration of a National Register of Historic Places property in order to qualify for state or federal tax credits? |
| <input type="checkbox"/> | <input type="checkbox"/> | If yes, are you seeking federal rehabilitation investment tax credits in conjunction with this project? (Only income producing properties listed on the National Register are eligible. Owner-occupied residential properties are not.) |
| <input type="checkbox"/> | <input type="checkbox"/> | If yes, are you seeking the Colorado State Income Tax Credit for Historical Preservation? |

Please check all City of Aspen Historic Preservation Benefits which you plan to use:

- | | | | |
|---|--|---|--------------------------|
| <input type="checkbox"/> Rehabilitation Loan Fund | <input type="checkbox"/> Conservation Easement Program | <input type="checkbox"/> Dimensional Variances | <input type="checkbox"/> |
| Increased Density | <input type="checkbox"/> Historic Landmark Lot Split | <input type="checkbox"/> Waiver of Park Dedication Fees | <input type="checkbox"/> |
| Conditional Uses | <input type="checkbox"/> Exemption from Growth Management Quota System | <input type="checkbox"/> Tax Credits | |

ATTACHMENT 3 - Dimensional Requirements Form
(Item #10 on the submittal requirements key. Not necessary for all projects.)

Project: _____
Applicant: _____
Project
Location: _____
Zone _____
District: _____
Lot Size: _____
Lot Area: _____

(For the purposes of calculating Floor Area, Lot Area may be reduced for areas within the high water mark, easements, and steep slopes. Please refer to the definition of Lot Area in the Municipal Code.)

Commercial net leasable: *Existing:* _____ *Proposed:* _____
Number of residential units: *Existing:* _____ *Proposed:* _____
Number of bedrooms: *Existing:* _____ *Proposed:* _____

Proposed % of demolition: _____

DIMENSIONS: (write n/a where no requirement exists in the zone district)

Floor Area: *Existing:* _____ *Allowable:* _____ *Proposed:* _____

Height

Principal Bldg.: *Existing:* _____ *Allowable:* _____ *Proposed:* _____

Accessory Bldg.: *Existing:* _____ *Allowable:* _____ *Proposed:* _____

On-Site parking: *Existing:* _____ *Required:* _____ *Proposed:* _____

% Site coverage: *Existing:* _____ *Required:* _____ *Proposed:* _____

% Open Space: *Existing:* _____ *Required:* _____ *Proposed:* _____

Front Setback: *Existing:* _____ *Required:* _____ *Proposed:* _____

Rear Setback: *Existing:* _____ *Required:* _____ *Proposed:* _____

Combined Front/Rear:

Indicate N, S, E, W *Existing:* _____ *Required:* _____ *Proposed:* _____

Side Setback: *Existing:* _____ *Required:* _____ *Proposed:* _____

Side Setback: *Existing:* _____ *Required:* _____ *Proposed:* _____

Combined Sides: *Existing:* _____ *Required:* _____ *Proposed:* _____

Distance between buildings: *Existing:* _____ *Required:* _____ *Proposed:* _____

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

Variations requested (identify the exact variances needed): _____

Matrix of The City of Aspen's Historic Preservation Land Use Application Requirements

To review full procedures for all applications, reference 26.415 of The City of Aspen Building Code, Historic Preservation Ordinance. When submitting multiple step applications, do not replicate submission materials. Two copies of the application are required for a *Certificate of No Effect*, 15 copies are required for each meeting all other review. Also note that an electronic version of all text documents is required in a .txt, .doc, .wpd, or .rtf format.

<i>Type of Review</i>	<i>Application Requirements</i>	<i>Fees Deposit Fee</i>	<i>Notice Requirements</i>
<u>Designation</u>	1-9, 11, 12	\$0	Publication, Posting and Mailing Pursuant to Sections 26.304.060 (E) (3) (a) (b) (c.) at HPC and Council
<u>Exempt Development</u>	Consult with Historic Preservation Officer to confirm exempt status	\$0	None
<u>Certificate of No Negative Effect</u>	1-9, 15, 17	\$245	None
<u>Minor Development</u>	1-10, 15, 16, 17, 36	\$735	Posting Pursuant to Sections 26.304.060 (E) (3) (b)
<u>Major Development / Conceptual</u>	1-10, 14, 17, 18, 19, 20	Development under 1,000 s.f., \$1,470 / Development over 1,000 s.f., \$2,940	Publication, Posting and Mailing Pursuant to Sections 26.304.060 (E) (3) (a) (b) (c)
<u>Major Development / Final</u>	1-10, 16, 21, 22, 36	Paid at time of conceptual	Publication, Posting and Mailing Pursuant to Sections 26.304.060 (E) (3) (a) (b) (c)
<u>Substantial Amendment</u>	1-10, 16, 23, 24, 25, 36	\$735	Publication, Posting and Mailing Pursuant to Sections 26.304.060 (E) (3) (a) (b) (c)
<u>Demolition</u>	1-9, 26	\$2,940	Publication, Posting and Mailing Pursuant to Sections 26.304.060 (E) (3) (a) (b) (c)
<u>Relocation</u>	1-9, 27-34	\$2,940	Publication, Posting and Mailing Pursuant to Sections 26.304.060 (E) (3) (a) (b) (c)
<u>Historic Landmark Lot Split</u>	1-10	\$1,470	Publication, Posting and Mailing Pursuant to Sections 26.304.060 (E) (3) (a) (b) (c) at HPC and Council
<u>Rescinding Designation</u>	1-9, 35	\$1,470	Publication, Posting and Mailing Pursuant to Sections 26.304.060 (E) (3) (a) (b) (c) at HPC and Council

KEY

1. Contained within a letter signed by the applicant, the **applicant's** name, address and telephone number, and the name, address, and telephone number of any **representative** authorized to act on behalf of the applicant.
2. The **street address, legal description, and parcel identification number** of the property proposed for development.
3. A **disclosure of ownership** of the parcel proposed for development, consisting of a current certificate from a Title insurance company, or attorney licensed to practice in the State of Colorado, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements affecting the parcel, and demonstrating the owner's right to apply for the Development Application.
4. An 8 1/2" x 11" **vicinity map** locating the subject parcel within the City of Aspen.
5. A site plan depicting the proposed layout and the project's physical relationship to the land and its surroundings.
6. A **site improvement survey** certified by a registered land surveyor, licensed in the State of Colorado, showing the current status of the parcel including the current topography and vegetation. (This requirement, or any part thereof, may be waived by the Community Development Director if the project is determined not to warrant a survey document.)
7. A **written description** of the proposal and a written explanation of how the proposed development complies with the review criteria and The City of Aspen Historic Preservation Design Guidelines relevant to the development application.
8. **Additional materials**, documentation, or reports as deemed necessary by the Community Development Director.
9. Completed **Land Use Application Form, Signed Fee Agreement, and Fee**.
10. **Dimensional Requirement Form**.
11. Site or historic district **boundary map**.
12. Property or district **description** including narrative text, photographs and/or other graphic materials that document its physical characteristics.
13. Identification of the **character-defining features** that distinguish the entity which should be preserved.
14. Verification that the proposal complies with Section 26.410, **Residential Design Standards**, or a written request for a variance from any standard that is not being met.
15. **Photographs**, building material **samples** and other exhibits, as needed, to accurately depict location, extent and design of the proposed work.
16. An accurate representation of all major **building materials and finishes** to be used in the development, depicted through samples or photographs.
17. **Scaled elevations and/or drawings** of the proposed work and its relationship to the designated historic buildings, structures, sites and features in its context.
18. **Scaled drawings** of the proposed structure(s) or addition(s) depicting their form, including their height, massing, scale, proportions and roof plan; and the primary features of all elevations in the neighborhood context.
19. **Supplemental materials** to provide a visual description of the context surrounding the designated historic property or historic district including at least one (1) of the following: diagrams, maps, photographs, 3-D model (digital or physical) or streetscape elevations.
20. Preliminary selection of primary building materials to be used in construction represented by **samples** and/or **photographs**.
21. A **statement**, including narrative text or graphics, indicating how the Final Development Plan conforms to representations made or stipulations placed as a condition of the approval of the Conceptual Development Plan.
22. **Final drawings** of all proposed structures(s) and/or addition(s) included as part of the development at 1/4" = 1.0' scale
23. A **revised site plan**
24. **Revised scaled elevations and drawings**
25. Photographs and other exhibits to **illustrate the proposed changes**.
26. Written **documentation** that the Chief Building Official has determined the building an **imminent hazard**, or narrative text, graphic illustrations or other exhibits that provide evidence that the building, structure or object is of **no historic or architectural value or importance**.
27. A **written description and/or graphic illustrations** of the building, structure or object proposed for relocation.
28. A **written explanation** of the type of relocation requested (temporary, on-site or off-site) and justification for the need for relocation.
29. A **written report** from a licensed engineer or architect regarding the soundness of the building, structure or object, its ability to withstand the physical move and its rehabilitation needs, once relocated.
30. A **conceptual plan** for the receiving site providing preliminary information on the property boundaries, existing improvements and site characteristics and the associated planned improvements.
31. Evidence of the **financial ability** to undertake the safe relocation, preservation and repair of the building, structure or object; site preparation and construction of necessary infrastructure through the posting of bonds or other financial measures deemed appropriate.
32. **Supplementary materials** to provide an understanding of the larger context for the relocated property and its impact on adjacent properties, the neighborhood or streetscape.
33. If the applicant does not own the receiving site, **proof** from the site's property owner of the willingness to accept the relocated building, structure or object.
34. Evidence that the applicant has or is **seeking the necessary approvals** to place the building on the identified receiving site. If the site is outside of the city limits, verification that the building will be preserved on its new site through a formal action of the other jurisdiction or a preservation easement.
35. A **written description** of how the property does not meet these criteria for designation.
36. A **lighting plan** indicating the location of all exterior light fixtures and site lighting, and **cut sheets** for each type of fixture proposed. Light fixtures must comply with the "City of Aspen Historic Preservation Design Guidelines" and meet the City Lighting Code.

ATTACHMENT 4
General Summary of Historic Preservation Review Process
(Please see Section 26.415 of the Aspen Municipal Code for more detailed information.)

1. An application is first transmitted to the Community Development Director to determine if it is complete. A complete application for a Certificate of No Negative Effect may be approved by the Community Development Director with no further review if it meets the requirements set forth for that type of work in the Aspen Municipal Code.
2. For all other types of reviews, the applicant shall be notified in writing whether the information is complete or if additional materials are required.
3. A date for a public hearing on a complete application will be scheduled before the HPC. Notice of the hearing shall be provided as required in the Aspen Municipal Code.
4. City Community Development Staff will review the submittal material and prepare a report that analyzes the project's conformance with the design guidelines and other applicable Land Use Code sections. This report will be transmitted to the HPC with relevant information on the proposed project and a recommendation to approve, disapprove or approve with conditions and the reasons for the recommendation.
5. The HPC will review the application, the report and the evidence presented at the hearing to determine the project's conformance with the City of Aspen Historic Preservation Design Guidelines. The order of proceedings at the HPC meeting are as follows:
 1. Applicant and public are sworn in
 2. Staff presentation
 3. Commission member questions
 4. Public comment
 5. Commission member comments
 6. Applicant response/clarification
 7. Commission motion and vote
6. The HPC will approve, disapprove, approve with conditions or continue the application to obtain additional information necessary to make a decision to approve or deny. If the application is a one-step review, and it is approved, the HPC will issue a Certificate of Appropriateness and the Community Development Director will issue a Development Order. If the application requires submittal for a final review, materials must be prepared and submitted according to the processes described above. A project that receives final approval will be issued a Certificate of Appropriateness and the Community Development Director will issue a Development Order.
7. HPC decisions are final unless appealed by the applicant or a landowner within three hundred (300) feet of the subject property, as provided in the Aspen Municipal Code. For Major Development, Demolition, or Relocation, a resolution of the HPC action will be forwarded to the City Council to allow them an opportunity to "call up" the decision if they feel there has been an abuse of discretion or denial of due process. No building permit can be issued for construction of the project until the thirty (30) day "call up" period has expired.

8. For Historic Designation and Historic Landmark Lot Split, the two types of historic preservation reviews in which City Council makes the final determination, staff will prepare a report including the recommendation of the HPC, and a hearing will be scheduled before Council. Council will evaluate the application to determine if the review criteria are met. The Council may approve, disapprove or continue the application to request additional information necessary to make a decision to approve or deny.

9. HPC assigns a member of the Commission to be the “project monitor” for each project they approve. The monitor (and Staff) may periodically visit the site as work is under construction. If the applicant requests a change to any aspects of the project change after the HPC approval, the applicant, Staff, and the project monitor will attempt to address them without returning to the full HPC.

10. Before an application for a building permit can be submitted, a final set of plans reflecting any or all required changes by the HPC or City Council must be on file with the City. Any conditions of approval or outstanding issues which must be addressed in the field or at a later time shall be noted on the plans.

11. Once a Development Order has been received, a building permit application may be submitted. At this time the proposal will be reviewed for compliance with the Uniform Building Code and zoning regulations. Fees for water, sewer, park dedication fees, and employee housing will be collected if due. Any document, such as a plat, deed restriction, or other agreement which is required to be filed, must be recorded before the building permit will be issued.

ATTACHMENT 5 - Public Hearing Notice Requirements

Three forms of notice are required by the Aspen Land Use Regulations: publication in the newspaper, posting of the property, and mailing to surrounding landowners. You can determine whether your application requires notice, and the type of notice it requires, from the matrix found in this application packet.

Following is a summary of the notice requirements, including identification of who is responsible for completing the notice.

1. **Publication** - Publication of notice in a paper of general circulation in the City of Aspen is to be done at least fifteen (15) days prior to the hearing. The legal notice will be written by the Community Development Department and we will place the notice in the paper by the appropriate deadline.

2. **Posting** - Posting of a sign in a conspicuous place on the property is to be done fifteen (15) days prior to the hearing. It is the applicant's responsibility to obtain a copy of the sign from the Community Development Department, to fill it in correctly and to provide an affidavit at the hearing that posting took place.

3. **Mailing** - Mailing of notice is to be made to all owners of property within 300 feet of the subject development parcel by the applicant fifteen (15) days prior to the hearing. It is the applicant's responsibility to obtain a copy of the notice from the Community Development Department, to mail it, and to provide an affidavit at the hearing that posting took place. The names and addresses of property owners who will receive notice by mail shall be those on the current tax records of Pitkin County as they appeared no more than sixty (60) days prior to the date of public hearing. Subdivision applications also require notice by registered mail to all surface owners, mineral owners and lessees of mineral owners of the subject property.

Proof of notice must be provided at the public hearing.

_____ *Rezoning or text amendment.* Whenever the official zoning district map is in any way to be changed or amended incidental to or as part of a general revision of this Title, or whenever the text of this Title is to be amended, whether such revision be made by repeal of this Title and enactment of a new land use regulation, or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change shall be waived. However, the proposed zoning map shall be available for public inspection in the planning agency during all business hours for fifteen (15) days prior to the public hearing on such amendments.

Signature

The foregoing "Affidavit of Notice" was acknowledged before me this ____ day of _____, 200__, by _____.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: _____

Notary Public

ATTACHMENTS:

COPY OF THE PUBLICATION

PHOTOGRAPH OF THE POSTED NOTICE (SIGN)

**LIST OF THE OWNERS AND GOVERNMENTAL AGENCIES NOTICED
*BY MAIL***