

ASPEN HISTORIC PRESERVATION COMMISSION

**SEPTEMBER 22, 2010
5:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS
130 S. GALENA
ASPEN, COLORADO**

SITE VISITS:

- I. Roll call
 - II. Approval of minutes – June 23, and July 14th
 - III. Public Comments
 - IV. Commission member comments
 - V. Disclosure of conflict of interest (actual and apparent)
 - VI. Project Monitoring:
 - VII. Staff comments – (15 min.)
 - VIII. Certificate of No Negative Effect issued
(Next resolution will be #11)
-
- I. **OLD BUSINESS**
 - A. 525 E. Cooper Ave., Minor Development – Public Hearing
(15 min.)
 - II. **NEW BUSINESS**
 - A. 1102 Waters Avenue (1hr. 15 min.)
 - III. **WORK SESSIONS/ DISCUSSION**
 - A. Aspen Modern Context Papers (30 min.)
 - IV. 7:15 p.m. Adjourn

Provide proof of legal notice (affidavit of notice for PH)
Staff presentation
Applicant presentation
Board questions and clarifications
Public comments (close public comment portion of hearing)
Chairperson identified the issues to be discussed
Applicant rebuttal (comments)
Motion

No meeting of the HPC shall be called to order without a *quorum* consisting of at least *four (4) members* being present. No meeting at which less than a quorum shall be present shall conduct any business other than to continue the agenda items to a date certain. All actions shall require the *concurring vote of a simple majority*, but in *no event less than three (3) concurring votes* of the members of the commission then present and voting.

I a.

MEMORANDUM

TO: Aspen Historic Preservation Commission
FROM: Amy Guthrie, Historic Preservation Officer
RE: 525 E. Cooper Avenue- Amendment to Minor HPC Review
DATE: September 22, 2010

SUMMARY: The Aspen Grove building is located in the Commercial Core Historic District, but is not considered a contributing building.

The property owner received approval in early 2010 to add 200 square feet of new retail space along Cooper Avenue. The new retail area replaced an equivalent amount that was demolished at the back of the site where a trash storage area was carved out.

In the summer, before construction was finished out, the tenant for the new space approached HPC with a request to add a door facing the courtyard. The door is a convenience for the art gallery to move pieces in and out, but is also a second exit that surfaced as a building code requirement during construction. When the tenant raised the discussion with HPC it was discovered that the windows adjacent to the proposed doors had not been built according to the plans approved by HPC. HPC directed the property owner to file for formal review of the doors and windows, which is the subject of this memo.

A conditional Certificate of Occupancy was issued so that the store could open, however if HPC does not approve the door and windows that are in place, the property owner will have to bring the project into compliance or the C.O. could be revoked.

Staff recommends that HPC approve the door and windows as constructed.

APPLICANT: Aspen Grove Associates, LLP, represented by Dana Eppstein.

ADDRESS: 525 E. Cooper Avenue, the east 22 ½' of Lot C, all of Lots D, E, and F, and the west 25' of Lot G, Block 96, City and Townsite of Aspen, Colorado, Parcel Identification Number: 2737-182-22-002.

ZONING: CC, Commercial Core.

MINOR DEVELOPMENT

The procedure for a Minor Development Review is as follows. Staff reviews the submittal materials and prepares a report that analyzes the project's conformance with the design

guidelines and other applicable Land Use Code Sections. This report is transmitted to the HPC with relevant information on the proposed project and a recommendation to continue, approve, disapprove or approve with conditions and the reasons for the recommendation. The HPC will review the application, the staff analysis report and the evidence presented at the hearing to determine the project's conformance with the City of Aspen Historic Preservation Design Guidelines. 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. If the application is approved, the HPC shall issue a Certificate of Appropriateness and the Community Development Director shall issue a Development Order. The HPC decision shall be final unless appealed by the applicant or a landowner within three hundred (300) feet of the subject property in accordance with the procedures set forth in Chapter 26.316.

Staff Response: The expansion infilled an area of the courtyard, creating a new storefront that is parallel to the street. The exterior finishes replicated the characteristics of the existing building.

HPC required a street facing primary door, which has been installed. The applicant, apparently responding to building code requirements that evolved during change orders to the interior space took the initiative to reconfigure the east facing windows to facilitate a door. This was apparently also driven by an effort to salvage and re-use some of the windows that were in place before the remodel.

Staff recommends that the window and door configuration be approved as constructed (see attached photos). This is a non-historic building that is something of an architectural anomaly in the historic district, due to the deep courtyard. Fenestration patterns vary throughout the building, but all of the materials match. Staff does not find that the new construction detracts in any way from the building or the historic district.

The contractor and property owner are asked to communicate changes to HPC staff in advance in the future, and we will endeavor to provide timely assistance to keep construction progressing on schedule.

STAFF RECOMMENDATION:

Staff finds that the project meets the HP Design Guidelines and recommends approval.

DECISION MAKING OPTIONS:

The HPC may:

- approve the application,
 - approve the application with conditions,
 - disapprove the application, or
 - continue the application to a date certain to obtain additional information necessary to make a decision to approve or deny.
-

RECOMMENDATION: Staff recommends that HPC approve the application as submitted.

Exhibits:

- A. Relevant HPC Design Guidelines
- B. Application

Exhibit A: Relevant HPC Design Guidelines

13.16 Develop the ground floor level of all projects to encourage pedestrian activity.

- Consider using storefronts to provide pedestrian interest along the street. Storefronts should maintain the historic scale and key elements such as large display windows and transoms.
- Large storefront display windows, located at the street level, where goods or services are visible from the street, are particularly encouraged.
- The primary building entrance should be at street level. "Garden level" entrances are inappropriate.

13.17 Maintain the distinction between the street level and the upper floor.

- The first floor of the primary facade should be predominantly transparent glass.
- Upper floors should be perceived as being more opaque than the street level. Upper story windows should have a vertical emphasis.
- Highly reflective or darkly tinted glass is inappropriate.
- Express the traditional distinction in floor heights between street levels and upper levels through detailing, materials and fenestration. The presence of a belt course is an important feature in this relationship.

APPROVED
MAR 19 2010
ZONING

ALL OUTDOOR LIGHT FIXTURES
MUST COMPLY WITH THE CITY OF ASPEN, COLORADO
SECTION 10.1.1.1

APPROX. LINE OF SECOND FLOOR BUILDING
FRONT TO 11' 2" ABOVE GROUND LINE

ROOF & NEW GLAZING

ADJUST METAL FRAMES NEW TO MATCH E

NEW BEARING COLUPE POST

NEW GLASS W/ 4" PER ASPEN CODE

NEW TYPED GLASS

REPLACE EXIST. FRAMING POST TO
MATCH EXIST. BEARING POST

COOPER AVE.

NEW BACK WALL (SEE PLAN E)

RECEIVED
MAR 09 2010
ASPEN
BUILDING DEPARTMENT
(LOOKING WEST)

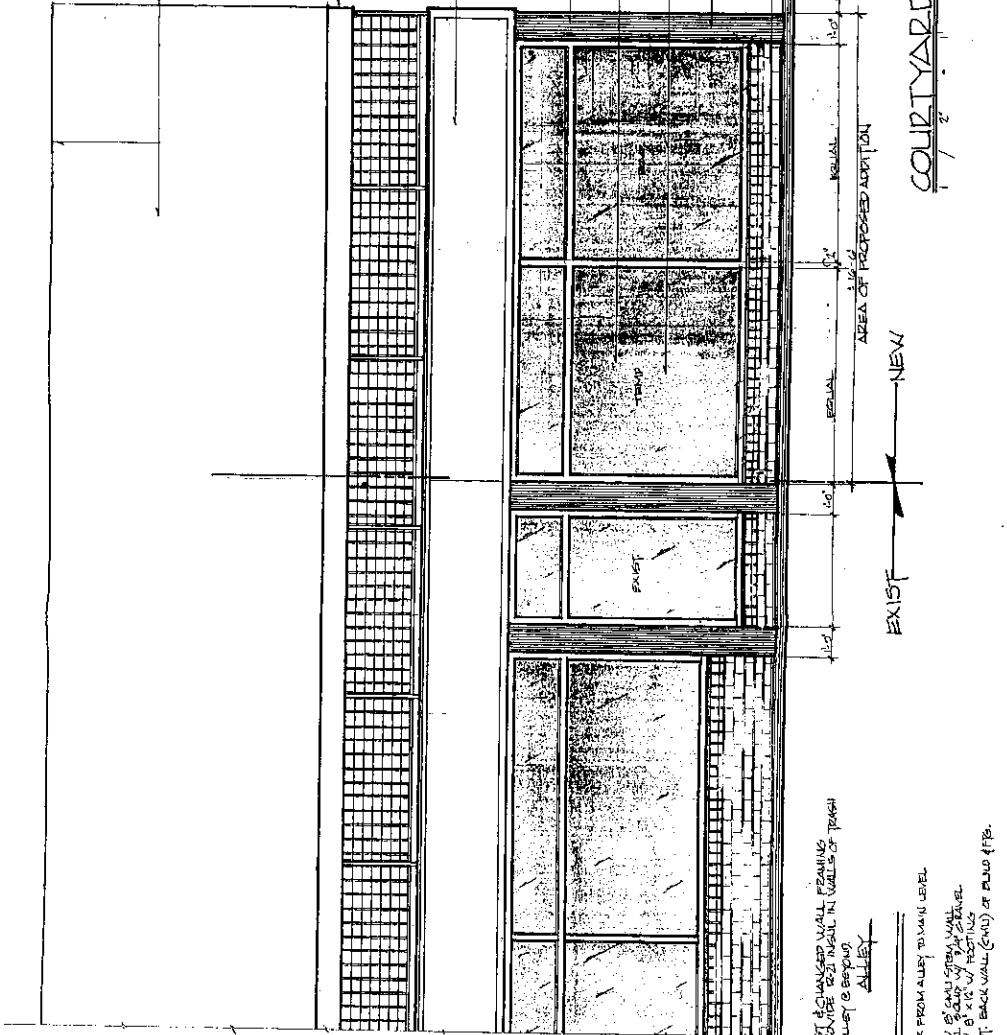
CITY SIDEWALK

PROPERTY LINE (APPROX.)

COURTYARD ELEVATION
(LOOKING WEST)

ASPEN GROVE
SHOPPING CENTER
535 E COOPER AVE., ASPEN, CO

Approved



EXIST
NEW

EXIST. 4" CHANGED WALL FRAMING
FROM 1/2" IN ALL IN WALLS OF TRASH
ALLEY

ALLEY

STRIP FROM ALLEY TO MAIN LEVEL

NEW 8" GLASS WITH 4" SPACER

NEW 8" X 8" W/ FRAMING

EXIST. BACK WALL (5/8") OF PLUS 4" FB.

SECTION (AT NEW TRASH AREA)

UPPER LEVEL RETAIL

ROOF FRAMING

FLOOR FRAMING

NEW 2" x 4" WALLS
2 1/2" @ 12" O.C.

NEW ROOF

NEW 4" x 4" GLASS

FLOOR FRAMING

CEILING BRACE

GRADE/SCAFF.

TRASH BLANKET

ROOF

2 1/2" O.C.

2 1/2" O.C.

2 1/2" O.C.

1/4" = 1'-0"

IIa.

MEMORANDUM

TO: Aspen Historic Preservation Commission
FROM: Amy Guthrie, Historic Preservation Officer
RE: **1102 Waters Avenue-** Historic Landmark Designation, Historic Landmark Lot Split and Ordinance #48 Negotiation, **Public Hearing**
DATE: September 22, 2010

SUMMARY: 1102 Waters Avenue was constructed by the Geary family in 1967 based on a design produced by Fritz Benedict and marketed for construction around the country by Ski Magazine. It is identified on Ordinance #48, Series of 2007 as a “potential historic resource.”

Owners of property on Ordinance #48 have a few options if they wish to proceed with work. They can request staff or HPC approval for their immediate plans without actually agreeing to designation, they can volunteer for designation based on a package of incentives negotiated with City Council, or they can pass on designation and accept a 90 day delay period for the processing of a permit to alter or demolish the building.

The three Geary children still own and use the home, but would like to have individual living space on the property. The proposal before HPC is voluntary landmark designation and preservation of the Benedict designed house, and creation of a new lot with a building envelope identified to accommodate either a single family house or a duplex in the future.

The property is adjacent to the Roaring Fork River. It is flat along Waters Avenue, but approximately half the site drops off steeply to the river. In order to develop the proposed plan, the applicant requests exceptions from some areas of the Municipal Code, specifically Stream Margin review, allowable floor area, and setback requirements. Waiver of affordable housing mitigation and park dedication fees are also proposed.

Some of these considerations are not within HPC’s typical purview or expertise. HPC is asked to provide Council with guidance on the value of preserving the house at 1102 Waters Avenue, and the general appropriateness of the proposed incentives. If the designation is ultimately approved by Council, HPC will review any future plans for development on the site.

STAFF RECOMMENDATION: Staff appreciates the applicant’s willingness to consider preservation, rather than demolition of this modern home. We find the criteria are met for Historic Landmark Designation and Historic Landmark Lot Split. We find that the proposed building envelope balances impacts on the Benedict house, the river, and the neighborhood. We proposed alternative FAR limits and a possible adjustment to the proposed building envelope nearest the historic house. We view the fee waivers as policy issues for Council to decide.

APPLICANTS: Susan Geary Griffin, Bonnie Geary Grenney, and William Scott Geary.

PARCEL ID: 2737-182-66-001.

ADDRESS: 1102 Waters Avenue, Lot 14, Calderwood Subdivision, City and Townsite of Aspen.

ZONING: R-15, Moderate Density Residential

HISTORIC DESIGNATION

26.415.030.B. Criteria. To be eligible for designation on the Aspen Inventory of Historic Landmark Sites and Structures, an individual building, site, structure or object or a collection of buildings, sites, structures or objects must have a demonstrated quality of significance. The significance of 20th century properties like 1102 Waters Avenue is evaluated according to the following criteria:

A property or district is deemed significant as a representation of Aspen's 20th Century history, was constructed in whole or in part more than thirty (30) years prior to the year in which the application for designation is being made, possesses sufficient integrity of location, setting, design, materials, workmanship and association and is related to one (1) or more of the following:

- a. An event, pattern or trend that has made a significant contribution to local, state, regional or national history,
- b. People whose specific contribution to local, state, regional or national history is deemed important and the specific contribution is identified and documented, or
- c. A physical design that embodies the distinctive characteristics of a type, period or method of construction or represents the technical or aesthetic achievements of a recognized designer, craftsman or design philosophy that is deemed important.

Staff Finding: 1102 Waters Avenue was built in 1967, as one home in a subdivision laid out by Aspen architect Fritz Benedict.

Benedict's role as a pioneer architect in postwar Aspen, and as an influential mentor to many designers who arrived here from the 50s and on, is well documented in the research paper "Aspen's Twentieth-Century Architecture: Modernism 1945-1975."

This particular vacation home was developed as a prototype for resorts around the country. It does not purely represent either Modern or Wrightian tenets, but instead is a response to the mountain environment and included Benedict's ideas for dealing with the climate (the cold roof system he invented) and topography (digging the home into the hillside.)

The sponsorship by Ski Magazine reflects Benedict's growing influence in the ski industry (he designed the master plans for Vail in 1962, Snowmass in 1967, and Breckenridge in 1971) and his increasing role as a developer.

The building is unaltered from the original plan. Staff and the applicant agree that the integrity evaluation for this property warrants a perfect score of 100 points. Staff finds that the criteria for historic designation are met.

HISTORIC LANDMARK LOT SPLIT

In order to complete a Historic Landmark Lot Split, the Municipal Code states that the application shall meet the following requirements of Aspen Land Use Code: Section 26.480.030(A)(2) and (4), Section 26.470.070(C), and Section 26.415.120(A). Recent amendments to the code have rendered the latter two code citations inaccurate. Section 26.470.070(C) previously provided for Growth Management exemption of a new home on a Historic Landmark Lot Split parcel. The exemption is now found at Section 26.470.060(2). Section 26.415.120(A) refers to appeals of HPC decisions. The correct code citation is 26.415.110(A), which is procedures for review of Historic Landmark Lot Splits. The relevant code sections are addressed below.

26.480.030(A)(2), SUBDIVISION EXEMPTIONS, LOT SPLIT

The split of a lot for the purpose of the development of one detached single-family dwelling on a lot formed by a lot split granted subsequent to November 14, 1977, where all of the following conditions are met:

- a) *The land is not located in a subdivision approved by either the Pitkin County Board of County Commissioners or the City Council, or the land is described as a metes and bounds parcel which has not been subdivided after the adoption of subdivision regulations by the City of Aspen on March 24, 1969. This restriction shall not apply to properties listed on the Aspen Inventory of Historic Landmark Sites and Structures; and*

Staff Finding: The property is located in a subdivision approved by the City, however there is an exemption from this standard for historic properties.

- b) *No more than two (2) lots are created by the lot split, both lots conform to the requirements of the underlying zone district. Any lot for which development is proposed will mitigate for affordable housing pursuant to Section 26.470.070(B); and*

Staff Finding: The applicant proposes to create two lots. Lot 1, which will contain the Benedict house, is 3,995 square feet in size. Lot 2, where new development will occur, is 6,786 square feet in size. Both conform to the lot size requirements (minimum lot size of 3,000 square feet).

This property is subject to numerous lot area deductions due to a portion of the property being crossed by the river, and the presence of steep slopes. The application indicates that the property qualifies for a single family home on Lot 1, and a single family home or duplex on Lot 2.

- c) *The lot under consideration, or any part thereof, was not previously the subject of a subdivision exemption under the provisions of this chapter or a "lot split" exemption pursuant to Section 26.470.040(C)(1)(a): and*

Staff Finding: The land has not received a subdivision exemption or lot split exemption.

- d) *A subdivision plat which meets the terms of this chapter, and conforms to the requirements of this title, is submitted and recorded in the office of the Pitkin County clerk and recorder after approval, indicating that no further subdivision may be granted for these lots nor will additional units be built without receipt of applicable approvals pursuant to this chapter and growth management allocation pursuant to Chapter 26.470.*

Staff Finding: The subdivision plat shall be a condition of approval. It must be reviewed by the Community Development Department for approval and recordation within 180 days of final land use action.

- e) *Recordation. The subdivision exemption agreement and plat shall be recorded in the office of the Pitkin County clerk and recorder. Failure on the part of the applicant to record the plat within one hundred eighty (180) days following approval by the City Council shall render the plat invalid and reconsideration of the plat by the City Council will be required for a showing of good cause.*

Staff Finding: The subdivision exemption agreement shall be a condition of approval.

- f) *In the case where an existing single-family dwelling occupies a site which is eligible for a lot split, the dwelling need not be demolished prior to application for a lot split.*

Staff Finding: No demolition is proposed.

- g) *Maximum potential buildout for the two (2) parcels created by a lot split shall not exceed three (3) units, which may be composed of a duplex and a single-family home.*

Staff Finding: No more than three total units are planned for this property.

26.480.030(A)(4), SUBDIVISION EXEMPTIONS, HISTORIC LANDMARK LOT SPLIT

- a.) *The original parcel shall be a minimum of six thousand (6,000) square feet in size and be located in the R-6, R-15, R-15A, RMF or O Zone District.*

Staff Finding: The subject parcel is 10,781 square feet and is located in the R-15 Zone District.

- b.) *The total FAR for both residences shall be established by the size of the parcel and the Zone District where the property is located. The total FAR for each lot shall be noted on the subdivision exemption plat.*

Staff Finding: FAR is based on the lot size of the “fathering,” i.e. existing parcel. In this case, deductions are required due to the topography of the site.

The allocation of a limited amount of FAR for an addition to the resource, and transfer of all remaining buildable area to a detached structure is an underlying goal of the Historic Landmark Lot Split. That is the proposal for 1102 Waters Avenue.

A Historic Landmark Lot Split such as this would typically generate 3,763 total square feet of FAR to be shared between the parcels. As part of the Ordinance #48 negotiation, the applicant proposes that FAR be calculated based on the size of each newly created parcel, rather than the fathering parcel. Two small lots will garner more FAR than one large one because of the sliding scale that is used for FAR in the City (the larger a lot becomes, the less additional square footage is accrued, in order to have some form of a cap on maximum house size.)

Calculating the FAR for each individual lot allows 2,025 for Lot 1 (historic house) and 2,975 for Lot 2 (vacant), for a total of 5,000 square feet of FAR. This is 1,237 square feet greater than the standard method for calculating FAR on a Historic Landmark Lot Split.

This site has numerous physical constraints and the envisioned development requires setback variances. Staff does not support the unorthodox FAR calculation that is proposed. The property should not receive more FAR than is typical for a Historic Landmark Lot Split. As a compromise, and an Ordinance #48 incentive, staff would support a variance that eliminates the penalty for sloped areas on the site. The result would be an allowable FAR of 4,528 square feet to be shared by Lots 1 and 2. The property owner will retain the ability to request a 500 square foot FAR bonus from HPC in the future if the proposed new development, when presented, meets the bonus criteria.

- c.) *The proposed development meets all dimensional requirements of the underlying Zone District. The variances provided in Paragraphs 26.415.120.B.1.a, b and c are only permitted on the parcels that will contains an historic structure. The FAR bonus will be applied to the maximum FAR allowed on the original parcel.*

Staff Finding: The development is expected to meet the dimensional requirements of the zone district except for variances to FAR, as described above, setbacks and parking, addressed below.

Section 26.470.060(2), Administrative Applications for Growth Management. New houses on a landmark lot split property are exempt from Growth Management competition, but are deducted from the overall residential development ceiling levels. To receive an exemption, affordable housing mitigation is to be provided. The applicant has requested a waiver to remove the requirement to build an ADU(s) on site or pay cash-in-lieu. This request is addressed below.

26.415.110(A), Benefits. This section describes the review process for Historic Landmark Lot Splits. The process is being properly followed. Both HPC and Council will hold noticed public hearings, with Council making their final determination based on a recommendation from HPC.

BUILDING ENVELOPES AND STREAM MARGIN EXEMPTION

A specific plan for new construction on the site has not been prepared, however the applicant wishes to establish building envelopes, within which all construction activity will be confined, as part of the Ordinance #48 review. The proposed building envelopes will allow for development within the required front and side yard setback area. They also entail an exemption from the Stream Margin review that typically occurs before the Planning and Zoning Commission for properties along the Roaring Fork River.

All properties that fall within the area subject to Stream Margin review, including this property, are required to identify a "top of slope" line, with all development setback 15' from the top of slope. In addition, a maximum height is established by a 45 degree angle originating from the top of slope.

The applicant met with the City Engineer to determine an agreed upon top of slope line. While it was noted that much of the surrounding development, including the historic house, are set well below the top of slope, the City's modern standards for this issue are important policies. The City Engineer has agreed to support a waiver of the 15' building setback and 45 degree height limit at the top of slope based on existing site conditions. HPC staff supports this position as well and believes that this is an important and valuable concession that creates a sensitive and feasible area to build on this property.

SETBACK VARIANCES

The criteria for granting setback variances, per **Section 26.415.110.B** of the Municipal Code are as follows:

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

- a. Is similar to the pattern, features and character of the historic property or district; and/or**
- b. Enhances or mitigates an adverse impact to the historic significance or architectural character of the historic property, an adjoining designated historic property or historic district.**

Staff Response: With regard to setbacks, the zone district, which is generally comprised of parcels that are 15,000 square feet or larger in size, has a deep front yard setback requirement of 25'. In an effort to avoid impacts on the river, the applicant has placed the building envelope for Lot 2 at the front property line, meaning that little to no front setback can be expected. The property does have a significant area of right of way between the pavement and private property, which can provide a green foreground. Staff finds that the front of the building envelope is appropriate in order to offset impacts to neighbors and the river as discussed above.

The west sideyard meets the 10' setback requirement, but the east sideyard, closest to the historic resource, intrudes into the setback requirement in some areas. Staff recommends HPC review this area of the envelope carefully, to ensure reasonable development opportunity, but also the protection of a view plane towards the historic home.

The building envelope requires a rear yard setback variance of 5' along the north, adjacent to neighboring condominiums. Staff supports this placement, although some neighborhood objection has been received, which HPC must consider.

ON-SITE PARKING

The applicant is requesting all on-site parking for Lot 2 be waived. If Lot 2 is developed as a duplex, four spaces would be required. In order to grant a parking waiver, HPC must find that the review standards of Section 26.415.110.C of the Municipal Code are met. They require that:

- 1. The parking reduction and waiver of payment-in-lieu fees may be approved upon a finding by the HPC that it will enhance or mitigate an adverse impact on the historic significance or architectural character of a designated historic property, an adjoining designated property or a historic district.**

Staff Response: There is no on-site parking now, and none is required to be provided for the historic house. Staff understands that the applicant is contemplating at least constructing a one car garage for each unit that is constructed, however the building envelope is constrained and a garage may not be possible.

Staff supports parking waiver for this project. Parking is available on the street.

FEE WAIVERS

The applicant is requesting two fee waivers, which are policy matters to be weighed by Council. They are requesting that affordable housing mitigation, roughly \$334,000 if Lot 2 is a duplex, be eliminated. They are also requesting waiver of Park Dedication fees, which are \$4,429 for each new bedroom, be eliminated. Both the Housing Office and the Parks Department are opposed to the waivers.

Staff's notes that there is already a waiver of some affordable housing mitigation in place when an owner adds a second unit on the same parcel as the historic resource (not on an adjacent lot.) Council may wish to consider the mitigation waiver that would be generated in that circumstance.

VESTED RIGHTS

Once a land use approval is granted, it never expires, however it can become subject to new laws after a certain period of time. "Vested Rights" is the time period when the approval is protected from most changes that may be adopted (approvals are never protected from amendments to the Building Code, and some other life/safety issues.) The City is required to provide a 3 year vesting period. The applicant's request for 10 year vesting is a policy matter for Council.

The HPC may:

- **approve the application,**
- **approve the application with conditions,**
- **disapprove the application, or**
- **continue the application to a date certain to obtain additional information necessary to make a decision to approve or deny.**

RECOMMENDATION: Staff recommends that HPC support landmark designation and the Historic Landmark Lot Split. Staff recommends that HPC request the applicant restudy the proposed FAR and the building envelope placement on Lot 2, where it is near the historic resource. Staff supports the requested parking waivers.

HPC should provide Council with guidance on the relative value of preserving this structure, with regard to the award of negotiated benefits. HPC may choose whether or not to comment on Stream Margin exemption and fee waivers.

Exhibits:

- A. Integrity Score
- B. Public comment
- C. Application

INTEGRITY ASSESSMENT- MODERNIST

Integrity is the ability of a property to convey its significance.

- **LOCATION** *Location is the place where the historic property was constructed or the place where the historic event occurred.*

- 5 - The structure is in its original location.
- 3 - The structure has been moved within the original site but still maintains the original alignment and proximity to the street.
- 0 - The structure has been moved to a location that is dissimilar to its original site.

TOTAL POINTS (maximum of 5)

STAFF SCORE: 5

- **DESIGN** *Design is the combination of elements that create the form, plan, space, structure, and style of a property.*

BUILDING FORM

- 10 -The original plan form, based on authenticating documentation, is still intact.
- 6 - The plan form has been altered, but the addition would meet the design guidelines.
- 0 - Alterations and/or additions to the building are such that the original form of the structure is obscured.

ROOF FORM

- 10 -The original roof form is unaltered.
- 6 - Additions have been made that alter roof form that would meet the current design guidelines.
- 0 -Alterations to the roof have been made that obscure its original form.

SCALE

- 5 - The original scale and proportions of the building are intact.
- 3 - The building has been expanded but the scale of the original portion is intact and the addition would meet the design guidelines.
- 0 - The scale of the building has been negatively affected by additions or alterations.

SOLID/VOID PATTERN

- 10 - The original pattern of glazing and exterior materials is intact.
- 6 - The original pattern of glazing and exterior materials has been altered

- but in a manner that would meet the design guidelines.
- 0- The original pattern of glazing and exterior materials is altered.

CHARACTER-DEFINING FEATURES

- 10 – The horizontal or geometric form, minimalist detailing and features that relate the building to its environment are intact.
- 6 - There are minor alterations to the horizontal or geometric form, minimalist detailing and features that relate the building to its environment.
- 0 - There have been major alterations to the horizontal or geometric form, minimalist detailing and features that relate the building to its environment.

TOTAL POINTS (maximum of 45)

STAFF SCORE: 45

- **SETTING** *Setting is the physical environment of a historic property.*

- 5- The physical surroundings are similar to that found when the structure was originally constructed.
- 3- There are minor modifications to the physical surroundings but the changes conform to the design guidelines.
- 0- The physical surroundings detract from the historic character of the building.

TOTAL POINTS (maximum of 5)

STAFF SCORE: 5

- **MATERIALS** *Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.*

EXTERIOR SURFACES

- 15- The original combination of exterior wall materials and glazing are intact.
- 10- There have been minor alterations to the original exterior wall materials and glazing made in a manner that conform to the design guidelines.
- 5- There have been major changes to the original combination of exterior wall materials and glazing.
- 0- All exterior wall materials and glazing has been replaced.

DOORS AND WINDOWS

- 10- All or most of the original door and window units are intact.

- 5 - Some of the original door and window units have been replaced but the new units would meet the design guidelines.
0 - Most of the original door and window units have been replaced with units that would not meet design guidelines.

TOTAL POINTS (maximum of 25)

STAFF SCORE: 25

- **WORKMANSHIP** *Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.*

COMPOSITION

- 15 -The structural composition that distinguishes the stylistic category of Modernism is intact. Detailing is reduced to composition of elements instead of decorative effects. No decorative elements are used. Design is focused on rationality, reduction, and composition. It is meant to separate itself from style and sentimentality. Materials are generally manufactured and standardized. The “hand” is removed from the visual outcome of construction. Surfaces are smooth with minimal or no detail at window jambs, grade, and at the roof edge.
10-There have been some alterations to the structural composition that would meet the design guidelines
0 - There have been some alterations to the structural composition that would not meet the design guidelines

FINISHES & COLOR SCHEME

- 5 - The neutral or monochromatic color scheme and finishes that define the stylistic category of Modernism is intact.
3 - There have been minor alterations to the neutral or monochromatic color scheme and finishes that define the stylistic category of Modernism.
0- There have been significant alterations to the neutral or monochromatic color scheme and finishes that define the stylistic category of Modernism.

TOTAL POINTS (maximum of 20)

STAFF SCORE: 20

MAXIMUM NUMBER OF POINTS= 100

MINIMUM THRESHOLD FOR DESIGNATION= 75 POINTS

TOTAL STAFF SCORE: 100 POINTS

Amy Guthrie

From: Fonda Paterson [fondapaterson@mac.com]
Sent: Wednesday, September 08, 2010 4:10 PM
To: Amy Guthrie; Sara Adams
Cc: Scott & Wendy Geary; Bonnie Grenney
Subject: 1102 E. Waters historic designation

To the Historic Preservation commission:

We are in full support of the Geary, Grenney, Griffin application for historic designation of the Benedict designed ski chalet at 1102 E. Waters.

Fonda & Charles Paterson
1104 E. Waters Ave.
Aspen, CO

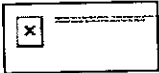
Email secured by Check Point

Amy Guthrie

From: Rothschild, Andrew [arothschild@lewisrice.com]
Sent: Wednesday, September 15, 2010 4:10 PM
To: Amy Guthrie
Cc: ivette rothschild; Steve Hach; blenddog@sopris.net; mark@uhlfelder.com; novillus@earthlink.net; Mitch Haas
Subject: 1102 Waters Ave.

Amy-I met you in July at your office. My wife and I own Unit 16 at 1050 Waters. We are the two story unit immediately adjacent to 1102 Waters. I have met with Mitch Haas re: the Application filed by the Owners of 1102 Waters and my wife has talked to the Owners about it. We appreciated the opportunity to discuss the Application with the Owners and Mitch Haas and we accept their information that they are pursuing the proposed Lot Split for their personal use. At the same time, we realize that, if successful in obtaining a Lot Split and building envelope, the Owners would be able to sell the Lot to a third party for development. While we are interested in being good neighbors, because of the possibility of a sale of the Lot to a third party, we focus our comments on the merits of the proposal. We are concerned primarily with the requested waiver of the Stream Margin Review and the requested variance from the property line setbacks. We believe these requests reflect the uncertainty of whether any structure is feasible on the proposed Lot under existing Aspen code and regulations. We expect the Historic Preservation Commission and, ultimately, the City Council to assess this Application consistent with the existing land use and zoning policies and requirements that have been applied to other comparable Applications. Thank you for considering our input. Andy Rothschild. My e-mail is arothschild@lewisrice.com and I can be reached at 314-517-4122.

Andrew Rothschild
arothschild@lewisrice.com



600 Washington Avenue
Suite 2500
St. Louis, Missouri 63101
314.444.7603 (direct)
314.612.7603 (fax)
www.lewisrice.com

*This message, including attachments, is from the law firm of Lewis, Rice & Fingersh, L.C. This message contains information that may be confidential and protected by the attorney-client or attorney work product privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at 314-444-7600. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient. ***** IRS Circular 230 Disclosure: To comply with U.S. Treasury Department regulations, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and may not be used, for the purpose of (i) avoiding penalties that the IRS might attempt to impose on a taxpayer, or (ii) promoting, marketing or recommending to another party any transaction, arrangement, or other matter. There is no limitation by this Firm on the disclosure of the tax treatment or tax structure of any transaction, arrangement, or matter discussed herein by the intended recipient of this communication.*

Email secured by Check Point

Amy Guthrie

From: Ned Sullivan [novillus@earthlink.net]
Sent: Monday, September 13, 2010 6:49 PM
To: Amy Guthrie
Cc: HPC
Subject: 1102 Waters Avenue application of 15 July 2010

Regarding the hearing for the 1102 E. Waters Avenue application of 15 July 2010, I would like to submit my written comments.

I am a downstream neighbor and full-time resident/owner of a unit at 1150 E. Waters Ave. While I would love to see the existing small house at 1102 E. Waters Ave. remain as is, I am opposed to some of the requested variances for the proposed lot split. Ideally, I would like nothing built there ever, but realize that that NIMBY notion is impossible. However, I feel that the proposed building envelope is too large, and the setback variance for the downstream "back" property line puts any potential new building much too close to the adjacent existing building (Townhouses by the River) at 1050 E. Waters Ave. There are also some mature, healthy spruce and cottonwood trees which would probably be adversely affected by building so close to the property line. I would have no objection to building right to the (front) lot line along E. Waters Ave., but am opposed to the potential size/mass of a new building on Lot 2, and the setback variance requested along the back property line adjacent to 1050 E. Waters Ave. The present owners of the as-yet undivided lot may need some incentives to preserve the existing F. Benedict-designed house, but don't need to be awarded the right to build a huge trophy home or duplex as a reward. I am hoping that some compromise can be agreed upon in the form of downsizing the bonus FARs and setback variances as requested. I will not be able to attend the hearing on 22 September, along with several other owners, but would like to have my thoughts and concerns on record for the hearing. I am sure that other people will comment on this subject as well, and I suspect that many others will also ask for denial of some of the requested "incentives".

Thank you for your consideration to this letter.

Edward M. Sullivan

Email secured by Check Point

Amy Guthrie

From: Georgeann Waggaman [gwagg@rof.net]
Sent: Friday, September 03, 2010 9:54 AM
To: Amy Guthrie
Subject: Waters Av

Amy, I am very much in support of the Geary et al Cabin proposal for Waters Ave. I can understand as their families grow there is a need for more space. I think it will be wonderful to keep the A-Frame and have it designated Historical. It is unique, and an asset to our street. I think the Geary family are the best possible people to develop a new property, after all, they will have to live beside it and endure the construction more than any one! They love the land and the neighborhood and have no desire to overbuild. I fear what could be built there if they had to sell and someone with no sensitivity to the street came in to develop it.

I encourage you to help make this go smoothly for them, this is what HPC is all about.

Thanks,

Georgeann Waggaman
1112 Waters

Email secured by Check Point

Amy Guthrie

From: M.T. [blenddog@sopris.net]
Sent: Wednesday, September 01, 2010 7:33 AM
To: Amy Guthrie; mark@uhlfelder.com; ivette rothschild; Steve Hach
Subject: 1102 Waters Ave

Amy,

Good morning...long time no speak.

Please pass on my comments to Sarah Broughton and HPC.

I own unit #15 at 1050 Waters ave.

I am the river level unit most adjacent to the proposed lot split at 1102 Waters Ave.

When I bought my unit (whether for rental or personal use) I had every reasonable belief that if ever 1102 Waters ave was re-developed it would be done ---as all property in the city--according to the legal setbacks etc of the building code. I know first hand owning an HPC designated property DOES NOT GUARANTEE any future development rights.

I am vehemently opposed to any granting of variances in decreasing stream and left side setbacks.{ Stream setback may actually not be encroachable without a comprehensive State riparian environmental impact study...}

I am opposed to any variances in Height.

I am not opposed to increased FAR or granting a variance to encroach on city right of way on the Waters Ave side of the subject property.

I do not feel the applicant is entitled to 10 year vested rights or waiver of on site parking.

Thank you for your time,

Mark Tye

970-925-7429

blenddog@sopris.net

The above comments are as an individual property owner.

I am also on the HOA Board of 1050 Waters Ave and we are **unanimously** opposed to this application on the grounds of how it will negatively effect us as the most adjacent property owners...

Email secured by Check Point