

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES MARCH 23, 2011

Chairperson, Sarah Broughton called the meeting to order at 5:00 p.m.
Commissioners in attendance: Ann Mullins, Nora Berko, Jason Lasser,
Jamie McLeod, Jay Maytin and Brian McNellis. Excused was Willis
Pember.

Staff present:

Jim True, Special Counsel
Amy Guthrie, Historic Preservation Officer
Sara Adams, Historic Preservation Planner
Kathy Strickland, Chief Deputy City Clerk

MOTION: Jay moved to approve the minutes of Feb. 23rd second by Ann.
All in favor, motion carried.

MOTION: Jason moved to continue 610 E. Hyman Avenue, Conceptual,
public hearing until May 25, 2011, second by Jay. All in favor, motion
carried.

**518 W. Main – Conceptual Major Development and Residential Design
Standard Review, Demolition, Relocation, Parking Reduction and
Setback Variances, Public Hearing**

Exhibit I proof of publication

Exhibit II exhibits from work session in July

Exhibit III photo of 7th and Main

Exhibit IV parking photos

Sara Adams said in addition to conceptual etc. as listed above the applicant is requesting a reduction in the size of the trash recycling area. This hearing was continued from Feb. 23rd and the applicant re-noticed the hearing to tonight to capture a side yard setback variance and the trash/utility recycle service area that was requested. Peter has eliminated one unit, 12 to 11 which also reduces the number of parking spaces that need waived. You are required to have one parking space per unit so 11 on-site parking spaces are required. The applicant is providing 8 spaces and requesting a waiver of 3 spaces. The roof forms of the detached building on Main Street and the building behind the historic resource have been changed and there are two different options proposed. The applicant has also worked on the front porch of the new building that fronts Main Street to make it more substantial. The historic home will sit on the ten foot front yard setback and

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previously it was to be five feet. The existing lilacs and cottonwoods will be maintained on-site. Overall staff is supportive of the project and it meets the guidelines for conceptual review. In terms of mass there are two roof options. Staff feels the flat roof is more simpler and relates to the false front of the O2 building next door. Staff is also recommending that the stepped roof behind the historic resource be changed to a flat roof with decks. The three story building at the rear is appropriate and the plate heights are eight feet and the project is within the height limit. Staff feels the scale is appropriate for the property and the proposed modules are proportionate to what you find in the district.

Parking:

HPC has the purview to reduce the parking requirement and possibly waive the fee of the parking spaces. It is \$30,000 per parking space and they are asking for three which would amount to \$90,000. 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 of architectural character of a designated historic property, an adjoining designated property or a historic district. After reviewing parking with the parking department etc. there seems to be enough parking in the area to support the reduction of 3 spaces. The lot is 7,500 square feet and the parking is proposed all the way across.

Jay asked if we can restrict residents at 518 W. Main from getting a residential parking permit.

Jim True, special council said he doesn't feel that would be appropriate and how it would be enforced. You are asking that the deed restriction for any resident in this project not be allowed to apply for something that other residents in the city are allowed to apply for. I do not feel this is appropriate or under HPC's authority.

Utility trash recycling area:

Sara said the requirement is that the area be 20 feet long, ten feet deep and ten feet high. The applicant is proposing 20 feet long, 8 feet deep and 8 ½ feet high. The Env. Health Dept. feels confident that the proposed dimensions were adequate for the project and they will work with the applicant to determine what composting/recycling will work on the property.

Setback variances:

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Sara said there is a side yard variance closest to the Ullr and it is for two light wells. They will stick 2 feet in to the side yard where five feet is required. You will not see them from the street. If you required them to meet the setback it would bring all the buildings closer together and we don't feel that would be a positive outcome on the preservation of the historic resource.

Residential design variances:

The requirement is for a 50 square foot entrance porch for the new building. The front porch is measuring 39 square feet and it needs to be 50 square feet. They need direction as to how to meet that requirement.

Peter Fornell, applicant thanked Sara for doing a thorough job. Last July was our first work session and we came up with an idea that was over the height and it was one large attached building. It really didn't have any consideration to the historic asset. We then came back in February which posed the new structure which incorporated the concerns of HPC and the design was three separate buildings. The roof forms were a single slope and we reduced the size of the units so that we are under the allowable FAR. The new design is around 7,200 square feet. Regarding the affordable housing there is a need for category two housing.

Peter said with the third set of plans we changed the walkways to coincide with the cabin and we are down to 7,050 square feet. We have expanded the variety of roof forms. At the last meeting everyone liked the idea of a flat roof. We also have a second choice. We have reduced the units from 12 to 11. Some of the roof forms have flat roofs with patio decks. The historic asset is moved back to the ten foot lot line. Regarding the height we wanted to make sure we had a product that matched the goals of having varying heights. We have one story, two story and three stories on the property. The three story is 50% of the overall building. The two story is 25% of the building element and the one story is 25 to 30% of the overall building envelope. We have a good mix of varying building heights. I would like to compare myself to the work that was done on 7th and Main affordable housing project. Chapter 7 in the guidelines 7.2 talks about alleys and uses 7th and Main as an example.

Ann asked how many square feet are on the historic front porch. Amos Underwood said it is 60 square feet but has an overhang.

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Chair-person Sarah Broughton opened the public hearing.

Doug Allen

Doug said he has been an Aspen resident for 30 years and a property owner in the neighborhood. Your job is historic preservation. Historic preservation consists of more than just saving the small house. This project is totally changing the context of the house and impacts the neighborhood. This is not a charity project, it is a for profit venture with the potential of making millions of dollars and it should be allowed only in the context of maintaining the historic context of the house. When you pile all these buildings onto the lot and then in addition don't provide adequate parking the project is not appropriate. Staff said the neighborhood can absorb all the parking but it can't. The Jewish Center has yet to be built. People don't give up their car and cars need to be stored and these things are being ignored way too much.

Steve Goldenberg

I live across Main Street on Hopkins Ave. and we are also going through parking problems with the Boomerang. Everyone gets two parking permits plus a guest permit if you want it. It is 50% more than the number you come up with. If the statutory requirement is one space per unit there are a number of two bedrooms and they will generate more than one space per unit. It is at least 1.5 spaces per unit. Applying that to 11 units you need 16 spaces and we are only going to have 8 spaces. We looked at the parking study for the Jewish Center and half of their requirements are met from the north side of Main Street.

Paul Taddune, attorney

I am here on behalf of the Christiania and I own 523 W. Main. I agree with the comments that parking is an issue for both sides of Main Street. The reduction in parking is symptomatic and there is a problem with the development as a whole. The aesthetics of the project I am impressed with. What we are not focusing on is the density. Historically you should concern yourself with the use. We are going from the use of one unit to 11. There should be a proportion between the size of the unit and the use of it. As an observation I'm not a big fan of flat roofs. The sloping roof is a much better treatment. This is not a perpetuation of an historic use, it is actually working against it when you have so many units vs. the one unit that was there before.

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Cheryl Goldenberg, 430 W. Hopkins

I'm concerned about the parking. The Christiania when it was developed got away with very little parking because we were worried about the historic lodges. The Christiania doesn't have enough space to park. These people will be my neighbors and I just want them to have a nice place but they will need places to park their cars. I walk everywhere but we still need a car to pick up groceries etc. The people that have two bedroom places will have two cars. These people need a place to park. Little Ajax has 14 units and 24 parking spaces.

Chairperson, Sarah Broughton closed the public hearing.

Jamie addressed the flat roof. I am not a huge advocate of flat roofs. I like how you have broken up a lot of the forms from the last time to this time. On the front building the previous option looked to be more in scale. I am also in favor of deck space and Ok with demolition and relocation. I'm not in favor of the parking waivers. I am concerned about the access to the utility and trash area and can support the height and depth reduction. I can support the west side yard setback variance for the light wells.

Brian said the flat roofs are not the most functional design but from a mass and scale it fits better. Possibly some kind of pitch could be incorporated that would be lower than what was presented at the last meeting. I am also concerned with the utility and trash accessibility. I am concerned about the parking. I live in a building that has 11 units and 8 parking spaces and we have space on the street to park. Given the area I am not sure 8 spaces will work and I am in favor of the cash-in-lieu.

Ann said she appreciates the public comment and it helps to hear what people have to say. In terms of the flat it works with all the gables. The ten foot setback is appreciated on the historic house. I cannot support the parking waivers and the parking should be the code at least one to one. The west setback and trash recommendation are appropriate.

Jason said the flat roofs seem to increase the mass as one big volume. The decks help to relate to the historic mass. The proposal is to move the historic building to add development and is that appropriate. The bigger question is this the right amount of development on this property. Having the affordable housing on Main Street is commendable. Hopefully 11 parking spaces can fit on the property. I am concerned about the livability

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and the floor plan and I couldn't live in these units. Is it our purview to be talking about floor plans and livability and the parking is somewhat tied in.

Sarah said the land use code is one space per unit.

Jim said basing parking to the livability of the units might not be appropriate. It needs to be tied to the criteria.

Jason referenced criteria 26.515.040 (A) 1,2,3 – for a special review for waiving parking. The criteria has not been met. Jason said he has no problem with the dimensional changes of the trash area as long as it is approved by the Environmental Health Dept. The front porch is workable.

Jay commented that he feels the parking code is incorrect, it falls short of the need but none the less that is what we have to work with. The parking code should talk about bedrooms. You want one space per unit and that doesn't change the amount of drivers in the building, one to one doesn't solve the problem. The argument is that we have the ability to make changes to a bad rule. I would give the waiver in order for 11 families to live in affordable housing rather than 8 families. We can sabotage our community by only allowing 8 units or help the community by giving the waiver and having 11 units. The commission needs to grant the waiver to get more units.

Nora said the guideline is the integrity of the historic district and when you have this amount of parking the integrity of the historic district is being eroded. It is a bad rule and the code needs to be changed. Every time we grant a waiver we are turning our backs to the root problem which is the code. I cannot support the cash-in-lieu because that money goes to help solve transportation problems. The flat roofs look out of scale with all the gables. The public comments were good as you are going from a one family lot to 11 units. The question is how much housing. The front porch should be 60 feet.

Sarah thanked the applicant for the model because it helps the HPC to understand what is going on. Regarding the roofs and mass there still needs to be more study. The width of the addition to the west should be restudied to bring in the full size of the deck. It is nice to have people on Main Street sitting out on the porches. As a direction I am in support of the flat roof and the density on this lot can work. On a dense lot you need to look at snow, ice and where it can go and how you deal with it to make it safe. I am in

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agreement about the parking waiver. I live in an 8 unit building and we have 8 spaces. All of us only have one car. I feel the code is appropriate and I am in favor of one car per unit. I would be interested in some creative solution for this project. Someone brought up paid off-site parking which could be an interesting solution. I am ok with the utility trash area and the variance.

Sara mentioned that she met with parking and transportation for options for this project. Finding off-site parking spaces, such as those at the Rio Grande Parking Garage, doesn't work.

Sarah said we all need to work together to get a parking solution so that a project like this can move forward and that we are all comfortable with.

Jason mentioned the car share program. Sara said parking and transportation see that as taking up a parking space on the lot and are generally opposed to it for this type of project.

Peter said if we are going to promote affordable housing and promote people living inside the S curves instead of people going through the S curves twice a day we need to decide what is more important 23 people or 3 parking spaces. This project is a need in this community. I am under the FAR and so many people come in here and sit down in front of everyone and they start 2 -1 hoping you will twiddle them down to 1.2 and what they should have done is come with the project that the community is needing in the first place. I could just build three bedrooms but we have enough of those in the inventory. It serves the community better to have 11 units rather than 8. The work force needs the most help in housing. Why wouldn't we offer to a home owner to use the parking garage at a better price and then we are incentivizing that person to put their car away.

Jay said a three bedroom inventory is not what is needed in affordable housing right now.

Peter said he took photos at 4th Street and Bleeker and there is plenty of parking. 1102 Waters Ave. which was a free market product that isn't doing anybody any good except the person building it and his requirement was three parking spaces and he got a waiver for all three of them. Waters Ave. is where day skiers park and it is a dead end street.

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Sarah said we need to focus on what needs to get solved and give recommendations.

Ann also agreed that we need to give the applicant direction.

Peter said the useful life of a flat roof is less than a sloped roof. What is the ongoing cost for these people. I don't want them to have to pay four or five hundred dollars in association fees.

Vote - sloped roof vs. flat
5 sloped – 2 flat

Brian said we aren't necessarily accepting the design presented tonight. Sarah said it could be a sloped roof with further refinement. The board agreed that the sloped roof needs refinement.

Sarah said she is comfortable with looking at the roof at final because Council and P&Z will look at the project and know that the roofs and massing are still being refined and that includes the porch. HPC will review everything at final.

Sara asked if P&Z should be looking at the re-design. Sarah said HPC should see the design not P&Z otherwise it will be confusing.

Jamie said she is in favor of 11 units and we just need to develop the parking.

Jason said he understands the time constraint but every time a project comes back it gets massaged and improved. I feel we need one more meeting.

MOTION: Ann moved to approve resolution #4 as written with the following changes.

Roof to be restudied after the project goes to P&Z and Council for approval at final.

Parking: The applicant will continue to work with the city to find a solution to provide the 3 additional required parking spaces.

Sara said the parking requirement needs to be nailed down on this property due to growth management etc.

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Sarah said it sounds like we are approving 8 onsite-parking spots and three off-site.

Jason said you aren't going to put them in the parking garage and we are avoiding the decision and we need another meeting to make sure all our recommendations are clear for P&Z and Council.

Peter said there are places in town that parking is an issue and places in town where it is not an issue.

Ann said her motion regarding the parking is per the code, if you have 11 units you have 11 spaces and if you have 8 units you have 8 spaces. That is the motion.

Brian and Ann said the requirement for parking says on or off-site.

Sara clarified to meet the requirement you have to have one space per unit on-site and it has to be the dimensional standard.

Nora said if we pass this, it's muddy and we should have a resolution with total approval.

Peter said by building this affordable housing we are reducing the number of trips in and out the S curves.

Motion died for lack of a second.

MOTION: Sarah moved to approve resolution #4 for 518 W. Main as stated in staff's memo with the following changes:

- 1. (a) A sloped roof is approved for the new development with further refinement and approval at final. (both buildings)*
- 4. Parking Waiver – The three additional required on-site parking spaces be provided off-site in a dedicated parking spot or other alternatives, one of which may be cash-in-lieu payment for the 3 spaces. The parking for the total project will meet code either on-site or off-site, one per unit and to be reviewed and approved at final.*

Clarification: Brian said we need 11 spaces mitigated for.

Sara said the mitigation in the code is \$30,000 for each space.

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Sarah said she would rather have people have the ability to park their car instead of the cash-in-lieu.

Sara said the code does recognize these situations and it says it is \$30,000 per space of mitigation and it goes toward the big bucket that the City, RFTA and other groups decide to disperse.

Peter said he is not opposed to paying the cash-in-lieu and we will hope that the best thing happens with those dollars and Council can make that decision.

Peter said if it comes up with a solution can it be amended at final?

Jim said you are approving 8 spots on-site and waiving any additional requirement but recommending that the applicant explore other alternatives to the three off-site. At final you could accept the alternative.

Sarah said he can come back and say he exhausted the solutions and can pay the cash-in-lieu or he can say he found three spots or he could say he found an alternative solution.

Jay said we have the authority to waive it or accept the cash-in-lieu but we can't force him to come in with a solution. If there is no alternative he can pay the cash-in-lieu.

Sarah said we want the door open for an alternate solution for the three spots and if he can't do that then there needs to be the cash-in-lieu.

MOTION second by Jamie.

Vote:

Jamie, yes; Brian, yes; Sarah, yes; Jay, yes; Ann, no; Nora, no; Jason, no. Motion carried 4-3.

MOTION: Jay moved to adjourn; second by Sarah. All in favor, motion carried.

Meeting adjourned at 7:45 p.m.

