

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES SEPTEMBER 14, 2011

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

Staff present:

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

MOTION: Nora moved to approve the minutes of August 10th and 17th; second by Ann. All in favor, motion carried.

610 E. Hyman Ave.

MOTION: Brian moved to continue the public hearing on 610 E. Hyman until Nov. 9th second by Jason. All in favor, motion carried.

**435 W. Main, Aspen Jewish Community Center, Substantial
Amendment to Major Development Approval.**

Amy said the review was long and the property is in the historic district and it is an entire half a block. There are several cabins from the 1930 or 40's on the site. Through the process the owner volunteered to designate the cabins historic and work with HPC on the development of a new community center. There are vested rights in place and the project approved can be built at anytime, however, they have had some changes in the program and they are before you with amendments. Staff finds that the revisions solve a lot of issues such as the stone. This plan reduces the application of stone on the facades. There was also a lot of discussion about a playground that was to be on the corner of the site and enclosed. The playground has now been moved to the center of the site and that is an improvement. When HPC approved this project there was an agreement to remove 3 of the historic cabins from the site. Since that time we have discovered that is not an easy thing to do. The City has had a terrible time trying to deal with relocated buildings. In the memo we have suggested that the applicant do advertisements in the paper a couple more times offering the buildings in whole and if that doesn't work advertise to salvage the materials so that the buildings aren't wasted and if that doesn't work we feel it appropriate to allow demolition. The fence that goes around the new playground is over

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the height limit and you will see a revision to bring it into compliance. Staff also raised a concern about the possibility of a phase II in the future and we are concerned if you don't know what that is going to look like how can you approve it and what will we all do when they come in ten years from now to build and no one knows what is acceptable so you will see additional drawings for that. Staff recommends approval and we feel this is a great improvement for the preservations of the historic buildings on the site.

Alan Richman, represented the owner
Rabi Mintz
Arthur Chabon, architect

Rabi Mintz said they are excited about finally moving forward. The project is more now of what we need and we are excited about this and the ability to go forward. It is much the same except a little smaller and I hope you all will receive this favorably and we can move forward.

Alan said the original project when through a rather extensive review. The applicant submitted a building permit just as the recession began in 2008. We went back to city council and extended the vested rights in 2010 to 2013. We would like to do the overview and focus on the details. The approval in 2007 that was granted was a single building that would house all of the community's needs along with the preservation of six cabins three on Third and three along the alley. The floor area of the entire of the entire project including the cabins is about is 17,300 square feet which is considerably less than what is allowed. The community center that was approved had an east wing and a west wing with a connecting central lobby and a courtyard. The west wing along 4th street included 3 pre-school classrooms, the religious sanctuary on the second floor and classrooms for gatherings. The east wing was the social room. The cabins along Third Street were affordable housing and the three along the rear of the property were for lodging associated with the community center. The parking on-site was limited to seven spaces. The amendment does two things the first is that it breaks the project into two phases and secondly it simplifies the design elements on the building. The footprint is not really changing and the uses aren't changing in a significant manner. The changes are architectural in manner and the HPC will be the final approval body. The program has us building the west wing which is actually smaller. The program now has two pre-school classrooms and the sanctuary is much smaller and the social hall moves up to the sanctuary and you can open up the space together. Regarding the east wing we don't even

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have a date when it will come forward. We will do the east wing when there is a demand for it. The play area is now on the inside of the site not at the corner. In summary there is much more efficient use of the space and all the programs can be accomplished. The west wing is 10,500 sq.ft. There is considerable more open space and views to the cabins and the design element is simplified considerably.

Exhibit I – public notice

Exhibit II – diagrams

Arthur Chabon when over the elevations.

Originally you entered the building through the courtyard between the social hall and sanctuary, the east and west wings; now the building has a much more prominent place on Main Street. There is a courtyard on Fourth Street with paths that go to Main Street, Fourth Street and the alley. Fourth Street is the formal entrance to the building.

On the Main Street elevation we have eliminated some of the ornament and simplified the building. There is less stone and we divide up the façade. There is vertical siding on the top floor and horizontal siding on the lower level. The view off the alley has also been significantly reduced. On the fence we have brought the stone down and the height of the fence is six feet at the end. We have retained all the setbacks.

Brian inquired about the cabins. Amy said three cabins were approved for relocation in the approval process.

Alan said we had run ads in the past and we are willing to make every effort to have them relocated in town.

Brian also inquired about the vested rights. Amy said you automatically receive three years of protection and they went to council and got an extension until 2013. This review will start a new three year clock which will end in 2014.

Nora asked if the cabins could include the Roaring fork valley. Amy said that is up to the HPC.

Ann suggested that they stay until phase II comes up. Alan said the cabins conflict with the parking and need to be removed.

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Brian said it seems that the windows have gotten a little larger. Arthur said they have gotten larger because they were trying to make it a little lighter feeling. There are fewer window types.

Nora asked if they are asking for approval of Phase I only.

Amy said they are asking for approval of Phase I and II as represented in the drawings presented tonight. Alan said it is important to keep the entitlements of phase II as part of the package. This non-profit applicant has spent enormous time and money obtaining the entitlements and we are confident we have the right form for Phase II.

Willis said phase II consists of a one story structure in the previously entitled footprint.

Ann asked about the materials. Arthur said we have less stone. We are using Comanche stone.

Jason said originally the connector or link piece between phase I and II was primarily transparent and now it is solid. The other change is the stone base wall and the gable piece was similar to the cabins and was successful. Now the stone has been moved down lower but I feel the design was more successful on the original.

Arthur said the design is not only about the cabins. There are other buildings in the area that are important. The tower element on the corner makes a nicer rhythm across the entire street than what we had originally.

Vice-chair Ann Mullins opened the public hearing.

Steve Goldenberg, neighbor

Steve asked about heights. Alan said the main pediment on Main Street is ten inches taller. In exchange the set back on Fourth Street has increased 8 feet.

Rusty Scott, president of the Scott building HOA. It looks like a great project and a plus for the neighborhood. The uses for the cabins for teachers is a good idea. My parents built the building in 1973.

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Ann closed the public hearing portion of the agenda item.

Jamie said she appreciates the changes and the reduction of stone helps it fit into the neighborhood. The roof height changed a little and the copula became smaller and I have no objections at all and we should move forward.

Nora said she appreciates the reduction of stone. The first phase is terrific and leaving it open puts the historic cabins in value. My concern about Phase II is that they become tribute zed. It is critical that one can see them. Churches do have open space associated with them.

Brian said this is a great improvement and one of the first projects I voted on. The changes are good ones. I am saddened that we are losing the small vernacular cabins on Main Street but with that being said this project is a lot more sensitive to the streetscape. Holding the building back away from the sidewalk gives a little relief and bringing down the stone makes it a lot friendlier and warmer from the street. The change in the location of the children's playground gives us the chance to save the spruce tree. The gathering space off the west entry is good and that is where people will hang out. Possibly on the north façade with all the stone you could put in a splash of a different material to bring it down a little more.

With regard to Phase II maybe you can change up the character a little bit so that when you go down Main Street you see the character changes. That could be done with materials.

Ann echoed the commissioner's comments. Simplification of the siding and stone and copula is successful. On phase II maybe you can have it relate a little more to the cabins and the connector could be reworked.

Willis said he is glad they are back on Main Street. It is a well designed project and the architectural changes are all good ones. There is civic architecture in Aspen and I have no problem with the stone. It has a better relationship to the street now and is open more. On Phase II the connector piece should be more open and transparent.

Ann said she would like to see the cabins go to the county before they are demolished.

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Nora said she is having a problem with Phase II because she likes the open space.

Jason said we are getting 10,550 square feet vs. 17,310. The courtyard will be like a park. In talking about the fenestration the original design was a better design because of the link piece between Phase I and II. The transparent link piece broke down the scale. The west façade is the signature façade and that is the one you will see coming downtown. The difference in the horizontal banding from the original I feel the project has been compromised. The link piece I would want to revisit when Phase II comes back. Jason said he is glad to see that this project is going to be built.

MOTION: Ann moved to approve resolution #7 with the condition that #16 be struck and #17 that the site can be within the city or outside the city, second by Willis.

Alan said if we are unsuccessfully in finding placement for the cabins we don't want to be responsible for a bond. Amend #5 if the requirements of #17 are met then the bond isn't necessary. Amy said that should also apply to #4 and #5.

Nora asked for clarification about separating Phase I and II.

Amy said if you approve this Phase II can be built exactly as presented and they will not come back to the HPC unless they want to make changes that are different than what is presented tonight.

Alan said it is entirely likely that we will be back.

Brian said if they get a building permit approval that gives them until 2014 and if they have initiated phase I therefore they are vested perpetually.

Alan said that is a discussion whether they would need another vested rights or if they have common law vesting given the investment that was made in phase I. Vesting deals with changes in the land use code. General land use approval has its own time table.

Ann said everyone has expressed interest in reviewing Phase II aside from the foot print.

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Jim True said that would be difficult unless the applicant would offer to bring it to you.

Rabbi Mintz said this is an approved project. We don't know what is going to happen in Phase II. The likelihood is very strong that we will be back. Everything that was going to be in the second phase is in Phase I. Leaving it open ended with different board members in the future would be unfair to us. It could be three years, five years or 30 years because we have no time line when to come back.

Willis said the issue is the link which needs restudied and we also need a landscape plan associated with phase II.

Ann said the easiest way to get your approval and for us to take a look before Phase II is built is to put in to restudy the connector and the fenestration. We are approving the footprint and the height and the block of building. We are asking to review the skin of the building before it is built.

Brian said if they pull a building permit for phase I and build it and then several years go by and they pull another building permit for Phase II their land use approval has already been vested. Their building permit expires and does that trigger another review.

Jim said they want an approval for phase I and II. Changes could trigger additional reviews for phase II.

Alan said we want an approval that recognizes the entire project.

Brian asked Jim if they have the ability to build Phase II by nature of them breaking ground on Phase I in perpetuity.

Jim said if they broke ground and built phase I there is a time frame. You get into statutory vested right and common law vested rights. Given how this application has been presented and the position that staff has taken they will not be required to come back.

Brian said at some point they will be back for Phase II.

Ann said we would like the restudy of the connector and fenestration.

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Arthur asked if it would be the project monitor.

Jim said typically it would be the project monitor and if there are questions they can bring it to the commission.

Amended motion: Ann amended her motion on condition #5 language and that the fenestration of the connector be restudied and reviewed by staff and monitor on Phase II. Willis amended his second. Motion carried 5-1.

Vote: Nora, yes; Jamie, yes; Brian, yes; Jason, no; Ann, yes; Willis, yes.

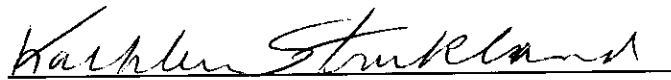
Willis said he likes the fenestration on the original connector approval of Phase II.

Jason said he voted no because he feels the changes were significant and we didn't address it enough. The changes weren't for the betterment of the project.

Motion: Ann moved to adjourn; second by Jason. All in favor, motion carried. Meeting adjourned at 7:00 p.m.

Work Sessions – 514 E. Hyman 330 E. Main Hotel Jerome

Jim True, Special Counsel said as a work session there can be no approvals and the applicant cannot rely on anything that is said by the commission as a whole or by any individual commissioner. There is nothing that can be stated up front that you can rely formally on. Certainly you are trying to get impressions and input and you need to understand that work sessions are not for making final determinations.



Kathleen J. Strickland, Chief Deputy Clerk