

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES SEPTEMBER 21, 2011

Vice-Chairperson, Ann Mullins called the meeting to order at 5:00 p.m. Commissioners in attendance: Jason Lasser, Jamie McLeod, Brian McNellis and Jay Maytin. Nora Berko and Sarah Broughton were seated at 5:30 p.m. Willis Pember was excused.

Staff present:

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

Jay disclosed that he will recuse himself on 517 E. Hyman (Little Annie's) due to a significant financial interest.

**205 S. Spring St. – Conceptual Development, On-site relocation.
Demolition and variances - public hearing.**

Letter from Lisa Markalunas Exhibit I
Diagrams Exhibit II

Amy said at the last meeting HPC discussed a redevelopment plan that would create a detached structure on the alley and one of the sheds is to be torn down and the other shed will be moved. There will also be a lot of restoration work on the historic house itself. The application was continued for options on the placement of the shed and softening the addition on the alley. Staff is recommending approval and there are variances and a FAR bonus requested. A single family is allowed and a duplex would require additional approvals that would occur at final review. They are trying to figure out the best solution for the shed and the new construction.

We would like the board to focus on the character of the new construction. At the last meeting we talked about the context of the neighborhood. Staff is still concerned about the masonry of the building. It is very common for downtown but with the adjacent Crandall building that is wood this should be discussed for final review. The landscape plan is adequate for conceptual but at final we need to see the residential nature of the landscaping; perhaps a wood fence rather than metal. The shed is proposed along the alley which is connected to the new structure and that is preferred by the applicant. Staff supports the FAR bonus and demolition of the shed that was in the fire.

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Staff also supports setback variances along Hopkins. Staff recommends approval with conditions in the resolution.

Greg Hills, developer

Greg said we tried to soften the building and we met with the forester and this is the location for the shed that the forester approved. It is off nine feet from the property line. We also have eliminated the cement planter.

Mike Otto, Oz architecture

Mike explained all the changes to the board. The shed is 9 feet off the property line and two feet off the alley. The two large trees will be retained. We envision having a lot of natural vegetation around the house and grass. We integrated more horizontal siding materials. On the new addition we have introduced punched openings. We also eliminated the planter along the doll house.

Mitch Haas, Hass Land Planning

Mitch said we are amending any of the staff's recommendations. We can restudy all of the recommended items.

Ann asked about the gray siding material.

Mike said they are still studying the material. It could be real horizontal wood, or a composite wood concrete mixture. The product that we do pick will have a wood grain appearance. The windows are a cast stone and the brick material will be more of a tumbled brick to soften it rather than a hard brick. We also might find historic brick to use.

Jason asked about the roof design.

Mike said in the residential we have a 25 foot height. None of the parapets go above the height limits. Part of the pool is recessed into the roof area. We have a three foot parapet screening the equipment off and it is our intent that you will not see the mechanicals.

Jason also asked about the context of the surrounding buildings. Greg said the Crandall building is 32 feet and this one is 25. It is 7 ½ feet higher.

Jamie inquired about the variances that the applicant is applying for.

Amy said they are requesting side yard variances and the 500 square foot FAR bonus.

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Amy said this is in the mixed use zone and residential has an automatic FAR penalty of 20%. Mixed use would allow for a much larger building.

Jamie asked about the square footage. Greg said the Berg house would be little over 800 square feet and the new structure a little under 3,000 square feet above grade including the garage. We are allowed 3,390 of FAR if it is a duplex lot. Some would go below grade.

Brian asked if this isn't approved what are the options. Amy said they could come back with a mixed use scenario. Brian said the incentive that they are providing the town is bringing the house back to its original state.

Greg said under the C1 zoning you can build up to 36 feet high and there would be a lot more building.

Vice-chair Ann Mullins opened the public hearing. Amy said a letter from Lisa Markalunas was submitted, Exhibit I.

Joe Edwards said looking at the pictures that the straight up wall looks overpowering and over powers the Victorian. Possibly do a setback on the first floor level.

Junee Kirk said it is nice to see the three little Victorians next to each other on Hopkins.

Vice-chair Ann Mullins closed the public hearing.

Commissioner comments:

Jamie said the changes on the building are very nice. The fence material looks very commercial and I would encourage you to look at that. With the landscaping around the building you are trying to open it up around the historic building. I am in favor of where the shed is located. I am a little concerned about the five foot setback for the new building off the alley. I am in favor of the 500 square foot FAR bonus. The seven foot front yard setback and the five foot reduction setback request keeps the historic building in its original location. I am in favor of the street orientation off Spring Street. Look at the landscape plan in front of the large building in order to bring the height down in scale.

Ann said she supports the duplex use. The fence needs to be studied as it is too heavy. Possibly do two different fences. The board form concrete is

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interesting but it might be a little too heavy. The 500 square foot FAR is warranted due to the restoration of the house. I would like to see it smaller but we are downtown and there are zoning issues to deal with and you aren't asking for a lot of variances.

Jay said the changes have helped. My one concern is the south setback and you are crowding on the alley. I don't want to see the building move closer to the cabin. The garage should have the ten foot setback. I am in favor of the 500 foot bonus. The project has gotten better and we should move forward.

Brian thanked the applicant for the changes. Brian echoed the other commissioner's comments including the fence and landscape plan. I am not concerned with the position of the building off the alley. I am concerned about the relationship of the building to the historic resource. You have made an attempt to step it down on the corner with the transparency but it falls short. There should be some form of stepping back of the second floor. The new building should be set back in alignment with the historic house.

Jason said he is struggling with guideline 10.6, 10.8. It is the north façade that responds to the historic resource. It is the longest façade on the new building. I am trying to understand the context of that façade. It would be nice to see the drawings of the patio building for final. I am also in favor of the duplex option. We don't want to delay the project but some revisions need to occur. The 25 foot height is as tall as it is going to get. There is a balance and we are close.

Motion: Jay moved to approve Reso. 8 with a restudy of the five foot setback on the south side, restudy of the north façade to have an architectural nod or inflection and be more compatible in size and scale. Motion second by Ann. Motion carried 4-1.

Vote: Jamie, yes; Ann, yes; Jay, yes; Brian, yes; Jason, no.

Jason said moving one more meeting should occur. At final we are only talking about materials.

Greg said we are trying to make this an exceptional project. Whether we can figure everything into the box I am not sure we can fill it all in. We will make an effort.

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Mitch Haas said if we did go with mixed use and stuck with the C1 zone there would be zero setback requirements on the front, side or rear and a whole lot more floor area and height. This is being as sensitive as we can get and we are hearing that there could be more sensitivity done. Greg has demonstrated a better track record than anybody in trying to respond to the issues made by this commission.

Jay said we are 85% close to mass and scale and there are a few things that can occur for final. One idea would be a full streetscape and full landscape plan. We know you want to be a duplex.

**517 E. Hyman Ave. (aka Little Annie's Eatery), 521 E. Hyman Ave.
(aka The Benton Bldg.) and the parking lot on the corner of Hunter and
Hyman – Conceptual Development, Conceptual commercial Design
Standard Review, Demolition, Public Hearing**

Nora seated

Jay recused himself

Sarah seated

Exhibit I – Public Notice

Sara Adams, The project is the redevelopment of the projects at 517 E. Hyman, 521 E. Hyman and the parking lot at the corner of Hyman and Hunter Street. A site visit occurred today and Jason, Jamie, Brian and Ann were present.

John Toya, architect

Stan Clausen, Stan Clausen architects represented the applicant

Sara said HPC is asked to review major development conceptual, commercial design review and demolition of properties located within the commercial core district. The proposal is to demolish the two existing buildings onsite; one is the old Tom Benton design studio and the other houses Little Annie's restaurant. The proposal includes a sub-grade garage and storage area; commercial, free market residential and affordable housing. It also includes merging the three lots into a 15,000 sq. ft. lot. Right now there is a 9,000 sq. ft. lot which is the parking lot, 3,000 sq. ft. which is Little Annie's and a 3,000 sq. ft. lot which is the Benton building. The proposal meets all the requirements of the commercial core zone

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district. There is a request to increase the height of a portion of the building from 38 to 40 feet which is under HPC purview.

There are clearly two separate reviews: Demolition review and the presentation. Demolition review is based on the merits of the existing buildings not what is proposed to possibly replace them.

Disclosure:

Sarah Broughton said her office has done work with the applicant in the past but currently they are not under any contract.

Sara said the criteria for granting demolition are A and B and whether the structure is sound or not. Criteria C talks about practically be relocated and criteria D talks about documentation that exists that supports historic significance to the district. The second set of criteria deals with whether or not the structure contributes to the historic district in this case.

Sara said 521 E. Hyman is the Benton building. Tom Benton was a trained architect and he is recognized as important to Aspen's post war history. Two photos are provided to show what the building looked like and what it looks like now. The building has been heavily altered. This happened in 2004 and the lower portion of the front façade was bumped out and the fenestration was changed and the material palette was changed; however, when you walk around the building and look at the building the form is still intact and the three dimensional geometric shapes that Tom Benton is expressing in the building are still intact. The siding and facades aren't changed very much. Staff is struggling with the recommendation about demolition of this building. As the building sits today it is heavily altered and we cannot require the applicant to restore it to its original appearance. I'll leave HPC with this question: Does the building as it appears today contribute to the integrity of the historic district and does it contribute to the integrity of the historic preservation program?

517 E. Hyman – Little Annie's building. The photograph is from 1967. Sara pointed out that a false front was added. There is no doubt that the restaurant is well loved by the community but the demolition criteria don't address the restaurant use of the building. The historic preservation program and the demolition criteria reflect whether or not there are historic architectural or aesthetic aspects of the building that in this case contribute to the historic district. In staff's opinion this replicated architectural style

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false front building does not meet the criteria to not permit demolition so we are in favor of demolition of the Little Annie's building based on the criteria in the packet. We ask the same question of HPC, does this building that houses Little Annie's contribute to the integrity of the district and the integrity of the preservation program according to the criteria of the packet.

Jim True, Special Counsel said the attorney's office suggest that HPC consider the demolition issue not in context as to what will replace it but in context to what is there now under the two review sections 26.415.080.A.4 I suggest you take public comment now and completely address the demolition issue before the conceptual design review because they are two separate items in the review.

Sarah said she would like to move forward with the hearing and deal with demolition and then conceptual.

Demolition:

Stan Clausen, Stan Clausen and associates
John Toya, architect

Stan said we have separated per the advice of Jim True the presentation into two parts. The Benton building and Little Annie's are structures that are not included in the Aspen Inventory of historic place. When you look at the list of properties that constitute the commercial core historic district you do not find either of those properties listed. For that reason actually we believe that makes it a clear statement that the historic preservation commission over the years has chosen not to include this as an appropriate historic property for land marking. That in itself says everything about the demolition issue that is to say it is not an historic property and it is not a contributing property to the historic district or it would have been on that list and it would have been placed on that list by previous historic preservation commissions. That list includes not only those properties that were part of the original ordinance of 1974 but a number of properties were added in subsequent years as historic preservation committees considered other properties and determined that they were appropriate to put on that inventory. By virtue of it being in the historic district we do not believe it creates a situation that it is under demolition review as an historic landmark structure as per the land use code. Tom Benton did a number of renovations to the building and adding a second floor and modifying the façade as he felt appropriate. In 2004 the prior owner of the bldg. changed the front façade with the permission of the

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HPC from a store front that was a bar that had a large deck out front and the owner could not find a subsequent restaurant that wanted to be in that location so he put a store front façade on the front and considerably altered the façade in an attempt to make it a viable economic building. It also has an inefficient layout internally and on the second floor doesn't provide ADA access to the upper floor. It has been consistently unoccupied.

The Little Annie's was also remodeled on the front façade. It was originally developed as a store front as far back as the parapet wall and it was then altered to include the front section. It may have had an outdoor deck at one point that was closed in. It has no historic features to make it a landmark structure which is why it is not on the inventory. Both of these buildings are proposed for demolition and replacement and while it is part of our presentation to follow what it does do are permit the installation of a continuous sub-grade level which would be difficult to do if these buildings were retained. The sub-grade level will provide for parking which is part of the land use code for a new project. Noted in "Aspen Modern" that there were considerable changes to the Benton building and while this particular report does not make a specific recommendation for any property it does note those properties that have been altered and lost their historic significance. If demolition criteria were to apply the key demolition criteria would be that the structure cannot practically be moved to an appropriate place in Aspen and that is fairly clear for a cinder block building of its size and type. I'm speaking of the Benton building and it would also be true of the Little Annie's building. There is no documentation that supports that the property has historic, architectural, archaeological, engineering or cultural significance. I am sure there are people that want to speak of the cultural significance. Tom Benton did poster making of his anti-war during the Vietnam War all of which make for an interesting story. That story is not encompassed within the Benton building. The building as it stands right now does not reflect that story in any meaningful way. The structure itself does not fit with Victorian architecture. With respect to Little Annie's we will stick with the staff recommendation.

Chairperson Sarah Broughton opened the public hearing.

Georgia Hanson: I am a 40 year resident and I feel very strongly that Tom has earned the right to be acknowledged and I understand the entire building can't be completely returned to where it was. I am surprised that it didn't show up on a list before all the alternations happened. His architectural

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circles that are echoed across the street are important and to the story and the modern movement. I would like to see the developer and this committee come up with a way to signify the importance and his talent as an architect.

June Kirk said she has lived her 43 years. I served on the historic task force commission and we need to look at these buildings as not whether they have historic significance because they were altered but who built them, who lived there and how they contributed to our culture and our history which Tom Benton definitely has. With his poster business he encapsulated the 70's with the people he know and people who governed. If it is a significant person that dwelled in that place, designed the place, it is historic even though it has been altered. I'm sure there is a way to have the façade or parts of it preserved to honor some of our history that is so important to the community. The same with Little Annie's. If you tear the buildings down there goes the character of the neighborhood. People should come along as developers and try to give back to the community in some way. I ask you to work with the developers so that they can preserve a portion of this.

Bill Wiener, retired architect

The Tom Benton building is an architectural form and the core is still there, the roof and the circle. We are here to discuss concepts with the building. I am asking that you don't vote on demolition until you hear the entire story. I am asking that the center part of the roof be retained and the first floor kept open.

Jim said Bill Wiener handed out a book as an **Exhibit II**.

Joe Edwards submitted a photograph. Tom built this building 48 years ago during a time of great conflicts in the issue of land use and whether we are going to turn into something like Vail looks like in the spread of condominiums. Tom was a big mover in that decision to try and stop what happens if you just let the free market developers have their way. Many decisions were made in this building. The building should look like Tom had it in the photograph. It is stupid not to utilize this building as historic. This building and Tom's history are historical on modern Aspen. Modern Aspen is what it is because of what occurred in this building. It is an abomination to demolish this building.

Sara also said there was a letter from Bill Wiener that was included in the book. **Exhibit III**, letters from Matthew Moran and Associates; Kelsey

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Moore; Calie Edward; Meg Braested; Ruth Hosteller; Lonnie White; Linda Edwards and Patrick Siegel. Most are against demolition of either Little Annie's or the Benton building.

Sarah said **Exhibit IV** – map from Bill Wiener and **Exhibit V** is the photograph from Joe Edwards.

Chairperson Sarah Broughton closed the public hearing portion of the agenda item.

Stan Clausen said no one is questioning Tom Benton's importance. In this particular building it is not a building that embodies Mr. Benton. I can think of many places in Aspen's history that were important. Nothing ensures that Little Annie's will remain a restaurant as things change. It is important not to confuse the memories that we have. This corridor has the potential to add vibrancy down Hyman Ave. and to Spring Street.

Jason said as an architect and an artist Tom Benton is the kind of person that I moved to Aspen to be. I moved here because I don't want to see McDonald signs and parking lots etc. Tom Benton had the courage to question systems and our authority and our landscape. This town looks different than any other place. We are losing buildings that represent people. I know his son Brian Benton. He had an open door policy and people could just walk into his building. The inventory list is just a list. This is a case by case commission and a case by case town.

26.415.080.A.4 Demolition of designated historic properties. a. The property has been determined to be an imminent hazard. The structure is not structurally sound. c. The structure cannot practically be moved. d. No documentation exists to support that the property has architectural or cultural significance. There is cultural significance and the one story element is significant. We have heard that if this gets torn down it will not be inconsequential. It would be a significant blow to our culture. The party walls are there and they could be exposed. This building would provide scale on the street if it is kept. On 517 E. Hyman the façade is not original and it would be a stretch to keep it.

Brian said upon moving to Aspen I was exposed to Tom's poster work. I have deep admiration and respect to what he did. His brilliance was highlighted by his art work. Little Annie's doesn't contribute to the historic integrity of the town as it is not an historic façade, it is something that retrofitted. There is not a lot of "teeth" to say that building should be

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preserved. The Benton building does contribute to the character of the town mostly because of its funkiness and it is those collection of elements that make Aspen great. This particular building has been altered significantly and to me it has become a detriment to the streetscape. As a landscape architect that is something that I am constantly looking at. It is my obligation as a member of this board to see to it that there is vitality in the Aspen core and I do not think this building is providing that anymore. I wish this building was intact the way Benton intended it to be. I would be open to maintaining the facade but they aren't usually successful like the Mother Lode.

Ann thanked the public for their comments. The Benton building should not be demolished and it should be restudied and somehow incorporated in the plan that the developer comes up with. We have seen great restoration projects, the Berg cottage and the patio building etc. All are assets to the downtown. We continue to lose the 70's buildings and the size and scale of them and the funkiest of the architecture. I'm not convinced that you couldn't work the interior to make the building work. Little Annie's is one of the busiest restaurants in town and it would be a shame to see that go away and have an empty storefront in its place.

Jamie said this is difficult because it is hard to distinguish between a building and a business. With the Little Annie's building it does bring vitality to that area but our criteria is to judge the building not the business. The one thing the two buildings have going for them is the size and scale of the buildings which is reduced from everything else around them. I'm concerned what that street façade would look like if it was all built out and there was no smaller scale buildings to show the change over time. I would like to see the Benton building studied as to how we can preserve it and if there is a way to preserve it. I haven't made a decision on either building.

Nora thanked the public for their comments and compassion. If we look back we can take a number of buildings and say why didn't we designate that. I'm trying to be cautious about this and this block is the end of the book mark. You have the Wheeler Opera House, Aspen Block, Eagles, Ute City Banque and Benton. I would encourage you to find a way to voluntarily designate it and make it part of something fabulous. You can do an iconic project in keeping what is important to the history of the town culturally as well as architecturally. I have a hard time saying there is nothing there to keep.

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Sarah said while I love the scale and this is my community also there needs to be space for the next Thomas Benton. It is too bad this building couldn't be incorporated. I personally feel that the building in its current state 521E. Hyman structurally cannot be moved given its structure type, 26.415.080.A.4 c. On 517 E. Hyman criteria d. If we could retain Little Annie's as a restaurant for the rest of our lives that would be a different story. That restaurant could close tomorrow and would be an empty store front. That to me does not contribute to the history of our town from an architectural context viewpoint. Not meaning any disrespect to our town and citizens and the friends of Thomas Benton I am in support of demolition and it meets the criteria.

Stan Clausen requested that the motion be set up in two resolutions for the two properties.

Jim said the properties are designated as part of the historic district and they are historic sites. HPC has the purview to consider this and it is appropriate to do two different resolutions.

Stan said should there be a vote for against demolition this meeting would effectively be over because the design was predicated on demolition.

MOTION: Brian moved to approve resolution #9 for the demolition of 517 E. Hyman Ave, Little Annie's, second by Sarah. Sarah amended the motion to allow for demolition under code section 26.415.080.A.4.d. and in addition a,b,c criteria are met. Brian accepted the amendment.

Jason said we will hear more about Little Annie's than the Benton building from community back lash. It is a struggle because I dislike losing the use and demolishing the building but it doesn't meet the criteria and it is a fairly modern building.

Ann said she isn't convinced and there may be documentation that demonstrates that it has some significance. The front was put on in 1971. It is in the historic district and I don't feel any of the criteria in the second portion is met because it does contribute to the historic district.

Vote: Nora, yes; Sarah, yes; Brian, yes; Jason, yes; Jamie, yes; Ann, no. Motion carried 5-1.

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MOTION: Jason moved to deny 521 E. Hyman the demolition request by the applicant for this particular property setting forth that the criteria has not been met 26.415.080.A.4 a,b,c,d and a.b.c. motion second by Ann. Motion carried 4-2.

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

MOTION: Sarah moved to continue Conceptual Development, Conceptual Commercial Design Standards, Public Hearing to Oct 26th second by Jason. All in favor, motion carried.

320 Lake Avenue

Work Session

Sarah recused herself on 320 Lake Ave.

Jim True, Special Counsel – We are going into a work session so the meeting will not be recorded. It is a work session and there is nothing binding on the commission or any individual commissioner. This is done to provide information to the applicant to assist them. There is nothing upon which the applicant can rely of the commission as a whole or individually.

Motion: Ann moved to adjourn; second by Brian. All in favor, motion carried.

Meeting adjourned at 8:30



Kathleen J. Strickland, Chief Deputy Clerk