

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

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

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 June 23 and July 14th,
second by Jamie. All in favor, motion carried.*

Disclosure

Sarah will recuse herself on 525 E. Cooper – Broughton architects are involved in the project next door.

525 E. Cooper Ave. – Public Hearing

Jay chaired 525 E. Cooper

Amy explained that last spring HPC approved a project which infilled the front corner of the Aspen Grove building. The applicant demolished some net leasable in the back and brought it to the front. The tenants that had taken the space came in to ask for a door that they needed for their gallery and during the discussion it was realized that the windows in that space were not approved. In the packet the Cooper street facing elevation was built according to plans. The courtyard was not built according to plan. Facing the courtyard there were supposed to be three fixed windows and one narrower. The narrow window is in place but where the two large fixed windows were there is a door and two smaller windows. The door was desired by the tenant but it is also a building code issue. Dana Epstein, contractor explained that the windows that were installed were salvaged from the previous space. It was a cost resource saving idea but should have been brought in before they were installed. Staff recommends approval because when you look around at that building there is a variety already in the pattern of windows. What they have constructed matches the materials that are in the rest of the building.

Dana Epstein said they used the existing windows in order to try and save money. Dana said he had mis-communicated with Amy when they talked

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

about the windows. The windows were of such a size that everything wouldn't fit.

Jay asked if the big window was salvageable. Dana said he used the framework.

Amy said the tenant was desperate to get into the space and we did issue a conditional co that they could move in but they were operating at their own risk.

Dana said the tenant wanted a tall door and we needed another emergency egress per code.

Ann said what we approved is better than what was constructed. The windows could have been arranged better. This is not an historic building and it doesn't have an enormous negative effect on the historic district. As monitors we need to figure out how to be on top of things but we also need to impress on the contractors and owners that when something comes up you have to come back.

Brian agreed with Ann but pointed out that the closer the door is to the corner it energizes the space.

Jay pointed out that this is a touchy subject because you basically built what was not approved. The only thing that can make this better is a line of molding on the door to match the break of the upper windows.

Dana said they can install that molding.

MOTION: Brian moved to approve the change on 525 E. Cooper Ave. per the as built conditions; second by Ann.

Discussion:

Amy asked if the motion should include the molding.

Jamie said she is opposed to the molding because the door needs to be separate from the windows. Ann agreed.

Motion carried 5-1. Jamie was opposed.

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

1102 Waters Avenue – Historic Landmark Designation, Historic Lot Split and Ord. #48 negotiation – Public Hearing

Amy said this property was identified on Ord. #48 as a potential historic resource from the Post War Era. It is an A frame chalet home designed by Fritz Benedict in 1967 and is still in the original family's ownership. It is a prototype that Fritz Benedict designed for the ski industry. It is in its original condition and is unique and special. This application includes a voluntary designation which staff supports. We find that it meets the designation criteria for its association with Fritz Benedict who was a very influential architect in Aspen and throughout the resort communities. Fritz designed master plans for Vail, Breckenridge etc. The property scored 100% on the integrity scoring sheet. Staff appreciates the landmark designation being brought forward. The ordinance #48 process is give and take and they are offering landmark designation and they want to discuss incentives and benefits that are site specific.

Lot split: The general idea is to take the allowable square footage that the parcel would be able to have and divide it into separated structures. Ideally leaving as little expansion as possible on the historic building and pushing the rest into one or two residential buildings. The property is eligible for the lot split and it can support the historic house on one lot and a single family or duplex on the second lot. The property is affected by slopes and part of it is under the water, The Roaring Fork River. Typically when that type of development occurs you get no development rights with the area that is associated under the river and you get reduced rights for steep slopes, so that affects the amount of FAR you can have on the site. With the top of slope there is a required setback to protect the view and the environmental impacts from the river. The Engineering Dept. determines top of slope and the suggestion is to straighten the line. Normally there is a 15 foot setback on top of slope and this applicant is asking to building to the top of the slope. A single family or duplex could be building on the vacant lot and that review would have to come to HPC for review of the design but you would not be in the position to require any greater setbacks. The rear setback is ten feet and five is being provided. The property is in the R-15 zone district and the applicant wants to come up to the lot line. They also want a waiver of the on-site parking; a single family requires two spaces and a duplex requires four spaces. The applicant is trying to provide a garage on the open lot. In the request there are policy issues that will be dealt with by council; fee

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

waiver requests and a request not to provide affordable housing for the new construction. The housing office is opposed to that waiver. The applicant is also asking for ten years of vested rights under the code that is in place.

Mitch Haas, Haas Land Planning, LLC

Mitch said they are volunteering landmark designation but only in exchange for a certain package of benefits that the applicants need in order to make all of this work. The property is in the Calderwood subdivision and platted by Fritz Benedict and the house was designed by Fritz and we believe it is the first lot in the subdivision to be developed. The original family has owned the property since its creation. The applicants are three siblings who inherited the property through their parents. It is in the R-15 zone district. This is also an Ordinance #48 request. Ordinance #48 sets out a process where an applicant comes in and says ok I'll landmark my property and forever be subject to HPC review and have to retain and preserve the building only if A,B,C is granted for the property to make everything else workable. The ordinance says we have to meet a mutually acceptable agreement for the preservation of the resource. Our goal is to reach an acceptable agreement. A local family owns the property and all of the requests are essential. The package submitted is for an historic lot split approval. Normally on a lot split you figure out your allowable duplex FAR and divide it between the two resulting lots. What we have done is request the historic lot split where that the allowable FAR be based on the lot areas of the resulting lots. Given the artificial constraints of the zoning restrictions and the map top of slope we propose a solution to those constraints in the way of a building envelope that once approved would supersede all those requirements going forward. Any development would fully have to have HPC review for the design and layout. The following are largely City Council discussions: Waiver of the ADU or cash in lieu requirement. If an ADU was required on the property it would end up crowding the property unnecessarily and push development toward the historic resource. We are also requesting waiver of the park dedication fee. We are also requesting a parking waiver of 4 spaces and we are proposing vested rights for ten years.

The constraints are artificially imposed with the stream margin and top of slope mapping. The zoning does not fit with this neighborhood. On Waters Ave. there is not a single lot that has 15,000 square feet. The building next to our property is almost below the top of slope. The majority of development on Waters Ave. is below top of slope. When we look at the zoning restrictions and set backs off the top of slope it becomes clear that the

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

restrictions are constraints on the development of the property. All the structures are in the setback areas and non conform so we don't have a conforming lot of record on the street and we don't have a conforming structure on the street. The lots are not constraint; the zoning is inappropriate. We feel the proposed building envelope is reasonable.

The question has come up about the proximity of the building envelope to the historic resource but HPC has full purview over the lot and HPC can address it when the development is proposed. Loss of this building would be a detriment to the historic preservation program. Staff is suggesting looking at the fathering parcel and not exclude the steep slopes. The allowable FAR would be 4528 square feet.

Mitch said they proposed 2975 square feet of FAR on the vacant lot for a duplex and 2024 square feet of FAR for lot 1. The existing structure is about 1500 square feet but we have never done a FAR calculation. A portion of it is below grade. There is not a lot of potential to add onto the historic house.

Nora inquired about the ditch. Mitch said the ditch runs through the proposed envelope and it would have to be moved. The Park's Dept. said it is an abandoned ditch.

Amy said the Parks Department would be happy to see the ditch return to the river as fast as possible. This ditch has taken water out of the river and the Parks Department would like to see it re-routed.

Ann said once the envelope is determined the house can be pushed up to any edge of the envelope.

Jay said the historic house is not moving.

Brian said any kind of addition on the historic house would have to come through HPC.

Chair-person, Sarah Broughton opened the public hearing.

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

John McCue, adjacent property owner. John inquired about the owners. Mitch said the owners Wendy and William Geary live in the house and their son attends Aspen High School. John asked if you are not permitted a garage structure where would you park or would you be like the rest of us fighting for the spaces in front of our property. Do you have any issues with the fact that there will always be automobiles and trucks parked in front of the potential homes. Mitch said the existing house does not have any on-site parking or garage so they have gotten used to parking on the street. They are going to try to fit one or two one car garages in the design but if it doesn't work then they will live with parking on the street like everyone else.

John McCue also asked if anyone has taken into consideration any of the neighboring buildings and the loss of sight and view of the mountains and trees or anything of that nature or is that irrelevant to the pursuit.

Sarah said the HPC looks at the development in context with the entire neighborhood.

John McCue said there are two of us that live on the end unit and second unit that faces Waters Ave. The one unit has many windows have the view of the trees and mountain which would certainly be obscured if anything came that close over in the envelope. Our unit is the second one from the end we have a very large balcony that looks directly toward the historic house which is quite beautiful to see the A frame single family property. Does loss of that view ever become a consideration.

Jason said it definitely becomes a consideration. Jason said Mark Tye expressed his concerns in a letter and there are quite a few cottonwood trees that are thick on the property which becomes a buffer.

John McCue said the ditch is quite pleasing right now and to relocate it would be a loss for the neighbors that are presently there.

Jay said there are five protective views in the City of Aspen. We all have concerns of someone building in front of us and we will take that into consideration.

John McCue said the house they bought was very expensive but it is all about the location and views and anything that would obstruct that would be

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

very upsetting. I also speak for the Rothchild's who live on the second floor.

Mark Olfelder, neighbor

My family owns the Aspen Townhouses by the river. My family owns 10 of them and my in-laws own one. There are 16 units total. Eight were the originals. I understand that you want to develop every possible spot that you can get your hand on but there has to be a way to weight the balance. I would object to the 0 setback or even a five foot setback. The other issue is how many square feet do you need to have to develop. It seems like the historic building is an excuse to squeeze every square foot and to get every potential benefit out of that property.

Wendy Geary, owner said as far as parking, people park there all the time. As far as the decks that look out over the river the building envelope is set back enough so I would doubt that you would even see anything. Wendy pointed out for the neighbors that the fence line is not the property line. Regarding the windows of the Rothchild's they actually put those in five or six years ago and that wall used to be solid. I have been involved with this for 27 years and we all have our different reasons for the sentimentality of the property. We want the family to have a little piece of Aspen in their lives.

Mitch said they made an effort to talk to immediate neighbors. Mitch said he personally met with Andrew Rothchild who owns the top floor unit and Wendy and Scott met his wife Evette on the property. They have chosen not to oppose this. I sent them the application and have e-mailed them throughout the process. The lower level unit does not have a single window on the side facing the property. There are other neighbors in support of the project and we can't satisfy everyone. We don't see how this proposal will directly impact them.

John McCue pointed out that he has a series of e-mails from the Rothchild's and they abandoned the pursuit of derailing the project because they thought there was adequate resources within the City of Aspen to deal with the right result in the end. Neither of the Rothchild's have agreed or welcomes a structure outside of their home.

Amy said she received a letter from Suzanne Resnick of the Calderwood Subdivision and she is in support of the effort to preserve the A frame ski

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

chalet. She knowledged the family has asked for various concessions and understands the special considerations.

Amy said there was a site visit at NOON and Jamie, Nora, Ann and Jason were present.

John McCue pointed out that all the structure are non-conforming already. Because it happened several years ago doesn't mean it has to be maintained.

Jay asked Amy if you scraped the historic house and kept it one lot what is the allowable FAR. Amy said 3762 square feet.

Mitch said if we do on-site parking you are looking at two curb cuts which eliminate some of the street parking because you can't park in front of the driveways.

Discussions: Designation:

The majority HPC members were in favor of designation. Sarah pointed out that she is torn. The entire neighborhood is confusing especially the development that happened after this building was built mainly on the left side of Waters as you come into it. I am pro preservation and pro this period but I do not think this is something that is a slam dunk.

Jason said this building is a gem. It is a gem from the river and it is really well preserved. When you go inside you feel like you are there when it was built. There aren't many places where you can see it from the back side. It is well designed and thought out.

Ann said this is a perfect example of integrated the site with the house and the design is very discrete and small and when you go around the corner it expands. It is a very interesting piece of architecture.

Nora said her vision is that it will stay that small and there will be two small buildings next to it. It is the mass and scale that I am trying to imagine on the second lot.

Amy said she believes that this prototype just at the point of his career when he was influencing ski resorts in this state that he was trying to think of a way that a simple easy mass would be sensible to the topography.

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

Jamie said she is in favor of designation as long as the building stays as is. The square footage should go onto the next building envelope or a TDR so that the historic house doesn't get a third floor to it.

Jason said historic designation meets criteria 26.415.030B a.b.c. This building is an influence for ski houses nationally and a model for manufacturing. The integrity score was 100 and this is a fantastic looking building.

Discussion: Incentives:

Lot split, variances, stream margin and setbacks. On-site parking, fee waivers and vested rights.

Jay said the lot split is appropriate but he is struggling with the parking, fees and the ADU. If we designate and the FAR of 2975 goes to lot 2 and in doing that lot 1 get no more FAR and no TDR's. Essentially preserving the house how it sits. You would need to find a design that is acceptable to the HPC on lot 2.

Sarah asked how Jay felt about the lot line. Jay said he is fine with that and he can over look the parking.

Sarah said if we did a FAR calculation on the historic house we would probably be closer to 1,000 square feet instead of 1,500.

Ann said the lot split is appropriate for the pattern on waters. Ann said she is very concerned about the size of the building envelope and why it has to be quite so big, particularly the south east corner. It is too close to the historic corner and more breathing room needs to be given to the historic house. The ditch could also be redirected away from the lot. My preference would be that the historic house stay the same and all the FAR land on the adjacent lot. Also I would prefer the on-street parking to keep the building smaller.

Nora said she supports the lot split but the building envelope is almost sitting on top of the historic house. I don't support parking variances but if that is a way to achieve a smaller house that would be acceptable. The historic building should not be blocked.

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

Jason said the lot split is in compliance with 26.480.030 (A) (2) a.b. Parking is an issue because of the adjacent housing complex. The city goals are to eliminate parking and make it a pedestrian town so I am in favor of eliminating parking onsite. I am ok with the setbacks except the south east corner that closely touches the historic resource. The lines could be adjusted at least five feet. It is not in compliance with guideline 26.415.110B. Putting the affordable housing off site is ok but I am against waiving fees. I am also in favor of waiving the stream margin review. Regarding the historic house it should remain as built and the 2975 go to Lot 2. If we keep the gem intact can they get the 500 square foot.

Sarah asked if they have extra FAR could they use it for the historic house or TDR's. Mitch said they don't know what the FAR is on the historic house but if there is a potential we would consider it.

Jason said they should be locked in with the FAR and sell the TDR's.

Jamie said she is in favor of designation and recommends keeping the square footage as is on the historic house and no additions, remodels or third floors add on can be added to the structure. I can support the lot split and all the square footage should go to lot 2 and I am in favor of staff's proposal of 4528 square feet. I am also in favor of the slope reduction and stream margin exemption which pairs into the setback variances. Ok with the stream setback and the front setback. On the side setbacks they should be brought in at least ten feet+ next to the historic structure. I would be in favor of the ditch going down through the two parcels. I am in favor of the five foot setback near the condos but that could be brought in somewhat due to the trees. I would also like to see a tree plan of the trees that are to be removed. I am in favor of waiving the off-site parking for a smaller structure. I am not in favor of waiving the fees but that is a city council decision. The affordable housing can be off-site. I am not in favor of the vested rights being ten years.

Ann said she does not want to see the parking and affordable housing fees waived but she could support a substantial reduction.

Sarah said she is in favor of the lot split. I cannot comment on the square footage of the development without knowing the FAR is of the existing house. That should be brought to City Council. If we are dealing with the existing house being 1,000 square feet then the standard calculation might be

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

the appropriate calculation for the two lots combined. That is an important piece of information that we are missing. There should not be additional FAR allowed on lot 1 because the historic landmark should just be as it is now. In terms of the building envelope I am concerned how tight the lot line is between the historic resource and the new lot. The ditch should be realigned to flow between the two lots. I am also in favor of the waiver of the on-site parking. It would be inappropriate to put garages on that mass because the lot is too small. I am in support of the reduction of fee waivers. I am also not in support of seeing square footage being put on this lot to just be sold as TDR's. Our incentive program works. Sarah thanked the owner for wanting to designate the property and for working with the HPC on the application and we hope we have enough incentives on the table, lot split, setback variances that will make this achievable for your family. This is a nice amount of incentives that will make this work to the common good of everyone.

Mitch said his off the cuff reaction if I can get agreement to leave the existing building as is with no potential to add on or to change it that would represent an exemplary preservation effort worth a 500 square foot bonus to put on the other lot.

Sarah said the bonus is part of what we are negotiating right now. Mitch said we took it off the table figuring we could bring it in later. A number doesn't define what a building is going to look like. This conversation is moot until we know how much FAR is actually on this property. We need to know how much FAR is on this property before we can come to a number, whether it includes the possible 500 square foot bonus in the future or not. It is arbitrary and putting all of us in a precarious situation and yourself to not know what the existing FAR is.

Mitch said in reality that has nothing to do with it because if we are agreeing that the building stay as is then the FAR is a moot point because it is not going to change. If we are committing to the exemplary project now is the time to ask for the 500 square foot bonus because later on it will be difficult to do.

Ann said even if we keep the building completely intact we don't know how much FAR lot 2 is getting because we don't know the FAR of the original building.

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

Mitch said we are saying lot 2 gets the 2975 plus the 500 square foot bonus and lot one will be as is.

Brian said the FAR bonus is subjective to each individual member on the board. You could get it if everyone agrees that the bonus should be thrown into the pot of incentives but not everyone up here agrees to this.

Sarah said she would have felt more comfortable if you came to us and said in order to get a duplex on lot 2 we need X amount of square footage. You would add the 500 square foot calculation into it.

Mitch said you are saying 2975 plus nothing on the historic house which is less than the code would say. I can't say whether the clients are going to commit it s built.

Sarah said it would be great when we are dealing with irregular lots that we see what the footprint would look like.

Mitch said we tried to do it but is it realistic for the applicant to hire an architect to start designing when we don't have an agreement on top of slope, where it would sit and what the allowable FAR is or anything else of that matter.

Sarah said it is two hours of the professional's time if you are asking for all of these incentives.

Jason said it won't be a great preservation effort if a two story box is next to it. We will review that project at a later date.

Mitch said he disagrees because the historic house integrity score would stay at 100%.

Jay said you might end up forfeiting FAR on the property which might be appropriate at this point. If you found out that would be 375 feet left after calculation I would not give it to you. I would request that you forfeit it. You got what you need.

Mitch said that is what we would do if we got the bonus.

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

Sarah said we are uneasy about a few things but we want to give you all the tools you will need to go with to city council and we want it easy in front of council.

Sarah said we are providing a lot split and that in itself is a great incentive. It is awesome so why all of a sudden do we have to keep adding FAR to it and all these other things. There is not a lot of area to put all this stuff on.

Amy said with Ord. #48 we are in a voluntary setting and it is going to be a little harder to determine how much is too much. Staff recommended not to go past what is allowable by right.

Ann said in this case we need to be comfortable with the building envelope.

Amy explained that the FAR is not a guarantee, it may be that with the 2975 square feet they can't show you a design that is set and they might have to sell some TDR's.

Mitch said that is typically true but in Ord. #48 if we negotiate that floor area we have the right to that floor area.

Jay said either in TDR's or square footage.

Mitch said the recommendation as he understands it is lot 2 is ok except for the building envelope closest to the historic resource. The historic house be left as is with no addition.

Sarah said we are in favor of the waiver of on-site parking; support of the lot split; fees and vested rights should be negotiated with city council; the vested rights are particularly for the negotiation.

MOTION: Ann moved to approve resolution #11 for 1102 Waters Ave. with the following recommendations.

HPC supports designation and the historic lot split.

The stream margin exemption is supported.

No addition on lot 1 and the building should be preserved as is.

Supporting the waiver of all parking requirements for lot 2

Support some reduction in the fee waivers and the vested rights.

ASPEN HISTORIC PRESERVATION COMMISSION
MINUTES OF SEPTEMBER 22, 2010

Lot 2's building envelope to have a greater separation from the historic resource. (ten feet off the proposed property line) it would jog as the property line jogs as it coincides with zoning.

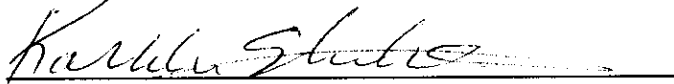
2975 on lot 2 and lot one is as is and the 500 square foot bonus is to be determined in the future.

Motion second by Jay.

All in favor, motion carried. 7-0.

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

Meeting adjourned at 8:00 p.m.



Kathleen J. Strickland, Chief Deputy Clerk