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LJ Erspamer called the Joint P&Z and HPC Meeting in the Sister Cities Meeting Room to order at 5:15 pm and asked that the joint meeting go on until 7:45 pm. P&Z Commissioners Cliff Weiss, Jim DeFrancia, Brian Speck, Mike Wampler, Bert Myrin, Stan Gibbs, and LJ Erspamer were present. HPC Commissioners Sarah Broughton, Jay Maytin, Brian McNellis, and Michael Hoffman were present. Commissioners excused were Nora Berko, Ann Mullins and Dina Bloom. Staff in attendance were Jim True, Special Counsel, Sara Adams, Jennifer Phelan, Chris Bendon, Community Development; Jackie Lothian, Deputy City Clerk.

COMMENTS

Chris Bendon requested a member from P&Z serve on the Lodge at Aspen Mountain COWOP; it was similar to the Lift One Neighborhood COWOP that Cliff sat on.

LJ Erspamer asked Jim True to explain the process of this meeting. Jim True said that a quorum was needed by both commissions, so Sarah Broughton was needed for the HPC quorum but could not stay or participate in the meeting.

True said the process was for a joint P&Z and HPC Commercial Design Standards Review and the vote was a majority of the total. True said there was a meeting between staff and LJ, Stan and Michael and came up with a procedure and each of the additional issues would act as separate boards and be voted upon separately; P&Z Conceptual PUD, Special Review for Parking and HPC Conceptual Review. The process was that Stan would chair the P&Z and Michael Hoffman would chair the HPC and LJ would chair the joint review and discussions.

Cliff Weiss proposed meeting on the AACCP on the 2 extra meetings in September and October; no objections from the City P&Z.

CONFLICT OF INTEREST

Sarah Broughton was conflicted on the Wheeler Opera House because she was one of the local architects on the Wheeler project.

MINUTES

MOTION: Mike Wampler moved to approve the joint HPC P&Z meeting minutes from June 24, 2009; LJ Erspamer corrected page 10 to LJ excused himself not recused; seconded by Brian Speck. All in favor, motion carried.

MOTION: Brian Speck moved to approve the joint HPC P&Z meeting minutes from July 8, 2009; seconded by Jay Maytin. All in favor, motion Carried.

MOTION: Brain Speck moved to approve the P&Z minutes from July 21, 2009 seconded by LJ Erspamer. All in favor motion carried.

CONTINUED PUBLIC HEARING:

320 E HYMAN – WHEELER OPERA HOUSE – HPC Major Development Review and P&Z Special Review for Parking

LJ Erspamer opened the continued hearing on 320 E Hyman. Sara Adams provided Jim True with the public notice for the P&Z Conceptual PUD Review. Adams said that pages 1 & 2 of the packet were a synopsis of what Jim True just presented.

Sara Adams provided a brief overview of the changes. Adams said the applicant spent a lot of time restudying the rooftop element; there were 5 iterations proposed; the July 8th and 4 different iterations in the packet (Exhibit B). Staff still felt that rooftop access was crucial element to this project it was an extremely important opportunity for the public and supports the Civic Master Plan and the AACCP. Staff felt a unit on the fourth floor was very important and that it should be a year round rooftop space rather than just the summer. On page 4 of the packet there was a chart of the 5 iterations for a comparison. The Civic Master Plan recommends that the program for the Wheeler expansion accommodate as many community arts groups as possible. On page 8 of the packet the chart outlines the differences in floor area calculations for each of the iterations and there wasn't much of a floor area increase and especially in terms of the community benefit would receive from having rooftop access and having a unit that could be rented out and use on the fourth floor.

Adams said that HPC was asked to grant special review for parking, which will establish the parking requirements on the site. Staff is recommending a Transportation Plan be submitted with the final PUD application.

Adams stated that P&Z will be reviewing Growth Management for housing after conceptual PUD is granted by City Council.

Adams said there were no new letters from the public but reiterated the previous public hearing letters from June Kirk, Susan O'Neal, and Lisa Markalunas.

Stan Gibbs asked about alternate #4 with regards to rooftop access. Sara Adams replied that there was no public access to the greenroof with the exception for

maintenance access, which would be a stairway that would still require a height variance.

Bert Myrin asked about the employee generation looked at later. Sara Adams replied yes. Myrin asked if there were 10 employees generated would they just be included in the box or on top of the box.

Jay Maytin asked if the interior plans that were being looked at were not approved. Sara Adams replied that it was the general intent but it was not set in stone until final when you have the detailed plan.

LJ Erspamer asked about the trip generation rates must be calculated pursuant to the standards to the standard Institute of Traffic Engineers Trip Generation rates and submitted as part of the final PUD application. Erspamer said it doesn't say what you would do once you get the results and asked why wasn't there a conclusion to this. Adams responded this was something that came out of the DRC Meeting and will play into the detailed transportation plan in measuring the type of impacts that the addition will have and how that will be mitigated, which is a final review discussion. Erspamer said that on page 23 at the top he did not understand "the Transportation Plan that studies pedestrian connections". Adams said there were concerns raised from the Engineering Department about the connection of the pedestrian mall into the Hyman and Mill intersection and they were talking about making that intersection better in case of 2 Wheeler events at the same time to not impede traffic flow and the Galena Street Shuttle.

Erspamer said on page 77 of the staff memo you talk about 6.28 set back the upper floor to vary the building façade profile and roof forms and asked for the guidelines and asked why 6.29 was not included.

Gram Slaton, applicant, stated that his job was to make one last best case for the public amenity that and would serve with the artist apartment. Slaton said that they have made this a larger and greater use space for the community; this wasn't a "Diva" Apartment. Slaton said that getting an artist to perform here is stated in their contract that was important is where we were going to put up the artists. Slaton used power point to show some of the artists' contracts and their requirements for their stay in Aspen; this is what the artist expects and a big part of talent to come to any location. Slaton spoke of other entities like the MAA, Aspen Film and Theatre Aspen that place performers in the board members house. Slaton said that the Wheeler performers do not want to stay at a board members house they expect to stay in some kind of hotel situation, which Theatre Aspen can't

afford. Slaton said that they were not looking at this unit as long term housing for anyone but rather 2 to 3 nights at the most in most situations and that was what was needed at the Wheeler and a lot of the other arts groups needed. Slaton said the Wheeler does about 35-40 days of live activity a year where they would need to have artist housing because we require the artist to come to town for an extra day just so we can be sure that the artists actually get to town particularly in the winter that means that we are taking about 65-70 days of use of that space as artist accommodations. Slaton said that they would make that space available to all of the other arts groups during the winter and a very conservative profile would be about 30 days annually. Slaton said that in the summer the other arts groups in town would be 30-40 days so if you put that all together there would be about 160 to 180 of the year that space could be used to house artists so there was another half a year not used. Slaton said that the rest of the roof could be used for the public for audiences during performances and after the show even if there was an artist in the unit. Slaton said the audience was not allowed in until about a half hour before the performance and usually the audience was gone a half hour after the performance is concluded and during all of that time the artist is required to be backstage in the dressing room so there was no way the two uses were going to overlap; that means the audiences could have that access without disturbing the artist. Slaton said that half of the year that they were not using it for artist housing it could be used by the public for any number of uses. Slaton said the question of why don't we just buy it someplace else came up at previous meetings and they looked at what was the cost of building verses the cost of buying it retail from someone. Slaton said the cost to build it would be a worst case at \$650,000.00; the cost to buy it from another location would be a lot more than that; building the apartment was a good investment with the payback at 7 or 8 years after completion. Slaton said that this was an amenity for the arts groups being able to use it and the public being able to access. Slaton said the payback comes in better productions from our arts community and better use of available funds by those arts groups.

Jim DeFrancia said those contracts refer to hotels and an artist is not just interested in those 2 bedrooms but being able to call room service or get a car and interested in a concierge; there were all these amenities and services that go along with hotel lodging that will not be available here. DeFrancia question the ability of this facility to accommodate some of those contractual needs. DeFrancia asked if the applicant disagreed with that. Slaton replied that often they will use an independent concierge service for that purpose who will be that hands on person. DeFrancia asked if any performers have ever refused to come here because there was not an apartment in the Wheeler. Slaton responded that a lot of those artists

came in under some other presenter and not under the Wheeler; he said that they have passed on artists during the high times of the year such as Christmas to New Years week and Presidents weekend and Fourth of July. DeFrancia asked if they have done an economic analysis that shows how much or you project to spend on alternative lodging because this is potential business for our local hotels. Slaton replied that they have done some of that artist requirement but if that suite were available then the problem would be solved.

Jay Maytin asked the proposed square foot of the apartment. Slaton responded about 1297. Maytin asked how much the Wheeler has spent on places for artists to stay in the hotels. Slaton replied that he did not have those figures. Maytin said that he would find that figure to be extremely important because if that figure came out to be \$35,000.00 to \$40,000.00 if it would work in your favor towards the unit. Slaton replied that they spent \$15,000.00 to \$20,000.00 on hotel rooms just during Christmas week. Maytin said that he was not asking about the entourage but just for the artist because this was public money and how long would it take to pay back.

LJ Erspamer asked about the statement on page 7 that on this PUD application Wheeler expansion will attract more visitors to the commercial core while not innovating the area with more parked vehicles; how are we going to do that. Slaton replied that Tim Ware was not concerned that the parking garage could accommodate parking. Erspamer asked if anyone has done a study of parking at night in this town. Sara Adams said that at final there would be a detailed transportation plan and trip generation study.

Michael Farewell, architect, asked John Rowland to utilize the massing model to show the different proposals on the 4th floor addition with apartment, reception area, restrooms and exit from the vestibule to the roof terrace. Farewell said that Alternate #1 showed a new stair and used power point showing views from various points. Alternate #2 has a dedicated reception room, public space on the 4th floor with a bar and reception space with 2 means of egress; a couple of bathrooms and a small vestibule opening to a terrace on the southern side. Farewell said the views from around town were minimal in terms of the streetscape. The last option was not to have anything on the 4th floor and not to have public access with a mostly green roof with some photocells and access with a new stair for maintenance; there would need a variance for the height on the stairwell. Farewell said they think this should be a sandstone building similar to the Wheeler to connect visually; they want a building that has both solidity and transparency. The entrance to the building should be in this new addition with a sence of place and theatre to it and

the visibility into the lobby was very important. There will be warmth of light added to the building with some light boxes in the upper windows.

Stan Gibbs asked if there was a magic number in terms of green roof area. Farewell said there was an Engineering requirement for filtration to get the right amount of green roof to handle that water. They would like to place some photo cells on that 4th floor to help with the energy use.

LJ Erspamer asked for an explanation on 6.32 in the commercial core guidelines says when adjacent to a 1 or 2 story historic building, this is not adjacent, that was originally constructed for commercial use a new building within the same block face; he asked what was a block face. Jennifer Phelan replied the block face was center block for all of the buildings around. Erspamer asked if there was a picture of the front; so it was the whole block. DeFrancia said that was one interpretation and another interpretation was the kind of block you are using on the face of the building. Erspamer asked how we apply this language to this application; if it's in the same block that means has to be 28 feet next to it. Phelan said the intent on some of this and the Wheeler was a little bit different animal because of the height that the Wheeler has currently but a lot of the intent was to have modulation in building height so that they are not all at the same height. Adams said that 6.27 in the guidelines a new building or addition should reflect the range in variation in building height of the commercial core. Adams said if you go down 3 bullets it says additional height as permitted in this zone district may be added for one or more of the following reasons; two bullets down from that it says the primary function of the building is civic. Erspamer said that the Motherlode a new building within the same block face should not exceed 28 feet in height within 30 feet. Adams replied the Motherlode was approved before these guidelines were in place and to use these guidelines was to apply contextually to the project in front of you; they were not standards it was a guideline. Erspamer asked if there were any elevations without trees in the way. Farewell said that they could strip out the layer of trees.

Brian McNellis said that the streetscape was mostly deciduous trees which were without leaves for a majority part of the year.

Maytin said there was a lot of discussion on the view from this addition from above; from the mountain and maybe from the northern hills; do you have any rendering showing what it looks like from the top of Little Nell. Farewell replied that they do not have that particular view.

Jim DeFrancia excused himself at 6:30pm.

Public Comments:

1. June Kirk, public, stated concern for the roof public amenity because nobody ever uses roof public amenity and an example was the roof on the Kandycom Building. Kirk said the views from the computer program can be adjusted and any addition to the Wheeler will obliterate. Kirk suggested story poles to show the impact would be on that addition. Kirk said the glass took a lot of energy and there was a way to do the addition and be sensitive to the environment. Kirk requested no variance for any kind of height because these issues haven't been addressed.
2. Cathy Markle, public, asked if the Wheeler Board would be speaking in conversation with the commission or should the Wheeler Board make their comments during the public comments. Erspamer replied during the public comments.
3. Lisa Markaluna, public, voiced concerns about the mass and scale; this was the most historic building in town and it is as much about historic preservation then it is about the arts groups. Both of those must be kept in balance because the preservation of that building must be kept for the future of this community and to honor the past. Markalunas said that the maintenance of the current entrance and stairwell contributed to the significance of the Wheeler and the parking has been totally glossed over; there was less parking in town at night without paid parking. If there were two performances simultaneously there would be a bigger impact on parking and the business community. Markalunas had concerns for the process and it was a shame that the Wheeler Opera House had to be the testing point for the joint process.
4. Kent Reed, public, said that he was the director of the Hudson Reed Ensemble. Reed said that the Wheeler Opera House used to be more of a community venue for resident performing groups and he understands that has changed over the years. Reed asked for consideration for the people that live here and perform here; there is no rehearsal and precedence should be given for resident performing artists.
5. Sean Gooding, public, said that a height variance or FAR variance will impact the historic Wheeler and will also impact his view at the Motherlode and the roof access does not have to go above code. Gooding said that the Wheeler rooftop addition will be an infringement on his property rights and recommend that the 4th floor be gone and relocated to the multipurpose room.

6. Bill Weiner, public, presented a slide presentation and said that he was in favor of the Wheeler expansion but what was being proposed was no solution. Weiner said it was publically dysfunctional and lack the grand space that Aspen needs. He doesn't want to see the idea voted down and wants to fix it; the P&Z review was for community impact and the HPC review was for protecting the Wheeler's historic values; no public body or hearing deals with vision and what it should do or be. The public areas in the building are wide halls not lobbies and the circulation is not obvious and there was too much stuff being forced into a too small volume considering the Diva apartment, ACRA space, the third theater and there should be a sensible route going to a real ticket area, the Grand Stair, a big lobby, and a catering kitchen. A new solution for the exterior will direct us toward obvious and correct facades that pay homage to the Wheeler that looks like a public building and that reflects interior design. Weiner said it was time to rethink this whole effort with a revised program; this is our prime public space. Weiner said there should be no mediocrity in our public buildings.
7. Cathy Markle, Wheeler Board, said that this board has done studies, comments, and commentaries from physics, dancers and other performers and film groups that gave specific detailed laundry lists for the smaller performance space and rehearsal spaces. Markle said this is a civic building and the applicant is the citizens of Aspen through the City of Aspen, which owns the existing Wheeler and the current parcel next door as an adjunct as a way to serve the citizens of Aspen and its arts communities.
8. Lisa Markalunas said that the architects have made progress on the public amenity space with the views for the patrons of the theatres is positive but didn't support 4 stories.

Adams said that the new entrance was an egress issue from the IBC so the primary entrance can't be through the historic Wheeler.

MOTION: Stan Gibbs moved to continue the meeting until 7:30 seconded by Brian Speck. All in favor.

Jay Maytin said that the architects made a comment that there would essentially be no rooftop massing. John Rowland replied that was the 4th option with just a stair coming up.

Erspamer stated there were areas of discussion. The proposed 4 foot setback of the addition remains unchanged and is present in all of the proposed iterations. Both commissions were okay with the front 4 foot setback.

Both commissions agreed on Alternative #4 the green rooftop. Jay Maytin said the height variance required for the apartment was too much and the necessity for the apartment did not have anything solid. Stan Gibbs asked if the public amenity would then be waived. Maytin said that the mass should not outweigh the public amenity and the building itself was a public amenity. LJ Erspamer agreed with Jay. Cliff Weiss agreed with Jay and wanted to see the lobby be grand and did not want to see any more height. Bert Myrin said that he would be happy with 2 stories and to have nothing on that top floor seems like the closest except for a green roof and has considered the whole building a public amenity. Brian McNellis said with all due respect he was not worried about the adjacent property owner and that this was a downtown area where density is expected and appropriate here; he understands everybody's concerns and the architect has done a good job in trying to hide that and understands the need to optimize this building and have public amenity space would be an asset. McNellis was in favor of Option #2 to provide some outdoor space as well as indoor space. Brain Speck said that he preferred option #4 but would consider public amenity space with maybe a modified #2. Gibbs agreed with Brian Speck. Michael Hoffman said option #4 has a clean roof line from a historic preservation view. Hoffman agreed with Jim DeFrancia about the apartment not being accepted by most of the performers and could be a distraction from the Wheeler for a contracted third party for those kinds of services. Hoffman said that the public support for this project would be for Alternative #4. Mike Wampler agreed with most of staff and was struggling with mass but Alternative #4 was less height and agreed that the building was a public amenity. Wampler said that the 4th floor would be a struggle for him to vote for.

Erspamer said the next topic was mass, scale and FAR. Erspamer said the FAR from code was 2.75 and Alternative #4 was 2.67.

Erspamer said that parking was the next issue. Weiss said there has been no information provided on parking. Hoffman said that the whole issue of parking needs to be made a condition of approval by both boards. Adams said that the transportation and parking review was for the final PUD. Weiss said there was an apartment on site for a Wheeler employee so would that person not have a car. Weiss asked about the vehicle for the Diva Apartment. Adams said that the way the process was going to work was that HPC would decide what the actual requirement is and the thinking was discussed in exhibit C; the addition is going two floors below grade so the idea of a parking garage is out of the question. Adams said that in terms of the building being a public amenity they want to utilize the lot as much as possible in its highest best use of this parcel for the arts community. Adams said that was why staff was recommending a zero parking

requirement. Hoffman said that this was a political issue not a staff issue. Hoffman asked that if staff can show that the traffic impacts will be handled. Adams said that it was conditioned on the final PUD. Speck said that parking in town had to be dealt with at some time especially since it has been postponed with so many projects. Weiss said that we were going to deal with the transportation plan at final and what we were talking about here was that employee and all the rest of the parking was at issue. Myrin asked if the parking was an HPC thing. Erspamer replied correct and P&Z is the referral. Adams said just to be clear in the commercial core there is no parking requirement for residential units. Erspamer said this is a tragedy for the Wheeler because of the failure of the elected officials to handle this vital need in our town and there is a mission to tell citizens that parking was not needed in our community and he strongly rejected that however we are near a transportation site so this would be a great opportunity to buy into a project that the city needs to build but they are not going to build one.

Maytin said the applicant was required to provide a certain amount of housing either on site or off site. Adams said after the conceptual PUD was granted by City Council there will be an application by Growth Management and the Planning & Zoning Commission is charged with establishing the employee generation rates for an essential public facility so they will decide how many employees are generated with the addition and then it will go to City Council who will decide the type of mitigation and the degree of mitigation that needs to occur for the number of employees generated. Maytin asked if the actual caretaker of the Wheeler would get to live in the Wheeler. Adams responded that you can request that the affordable housing unit be rental when associated with a business.

John Rowland brought a 15 second video showing the building from Aspen Mountain but since the 4th floor seemed to be off he would not show it. Rowland said that the parking issue was something to give thought to.

MOTION: Stan Gibbs moved to continue the meeting to 7:45, seconded by Brian Speck. All in favor.

McNellis said that if a variance was needed for a green roof access then we should accommodate for that and recommend for a variance for that respect. Maytin said he didn't know if a variance was necessary at this point since there will be no public access if the commission goes that way and is there really anything needed for a worker to go up there. Maytin asked what kind of activity needs to happen on the green roof when there is snow up there; outside of clearing solar panels. Maytin said that one of the accesses shown on July 8th was a door coming from the

Wheeler Theatre and that could still be utilized to access the roof without putting any mass up there. Hoffman said this was a public entity coming before the commissions asking for an approval, and it is the Wheeler Opera House, which is near and dear to every person in this room. Hoffman said the additional program that is being requested by the applicant is going to be a fantastic public amenity; there would be all sorts of groups utilizing the facility. Hoffman said the green roof was a great solution and a floor area variance would probably not be needed. HPC referred P&Z to the approval of the green roof.

LJ Erspamer said it would be a great public amenity to have people up there. Cliff Weiss said that the building is a public amenity and the applicants have bent over backwards to meet a lot of comments and the 4th floor would not get that much use. Weiss did not want the mass and scale but wanted the grand lobby area. Bert Myrin said the Kandycom building had open space on the roof and is not used. Myrin did not support the use of the roof. Brian Speck said that in the future the applicant could come back for that 4th floor space.

MOTION: LJ Erspamer moved to adopt P&Z Resolution #12 seconded by Brian Speck with the amendment to trip generation study and traffic impact study with the criteria from the National Highway. All in favor, APPROVED.

MOTION: Brian Speck moved to extend the meeting until 8:00 seconded by LJ Erspamer. All in favor.

Discussion: LJ Erspamer stated that he wanted to see the transportation study provide traffic counts, delays and things like that. Myrin asked if they could delete 3A from the resolution.

MOTION: Bert Myrin moved to approve Resolution #12 with alternate #4 with a green roof and a stairwell for maintenance only seconded by Brian Speck. Roll call vote: Speck, yes; Wampler, yes; Erspamer, yes; Weiss, yes; Myrin, no; Gibbs, yes. APPROVED 5-1.

HPC Major Development Conceptual Review.

LJ Erspamer voiced concern for the big wall. Cliff Weiss said there was a cutaway walkway on the first floor. Bert Myrin said this went back to the 6.32 adjacent to the MotherLode not the Wheeler.

MOTION: LJ Erspamer moved to extend the meeting to 8:30 seconded by Bert Myrin, APPROVED 5-1.

Michael Hoffman read Ann Mullins letter into the record. Jay Maytin said that he looked at this as the building between two historic structures, the Wheeler and the MotherLode; he said that he was for the expansion but maybe there could be a better building. Maytin said the weight of the mass takes away from the bookend of the Wheeler. Brain McNellis said that he felt this was appropriate for this end of town and this block. McNellis said that the details of the fenestration could be worked out and the three stories were appropriate in this location. Hoffman said the architecture was equal to the task and the design team listened to HPC and agreed that P&Z's decision for the height was good. Hoffman encouraged the design team to make that box the best possible addition to the Wheeler. Maytin agreed with the consensus not to have a fourth floor.

MOTION: Michael Hoffman moved to adopt HPC Resolution #16 removing the parking and deferring parking to final seconded by Jay Maytin. Roll call vote: Maytin, yes; McNellis, yes; Hoffman, yes, APPROVED 3-0.

Joint Review for Commercial Design Standards.

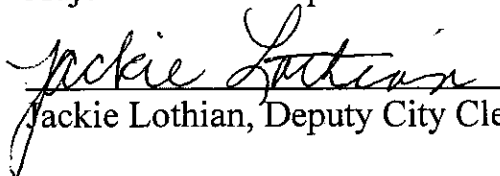
Mike Hoffman said that the public amenity was the whole building. Sara Adams said that you could just waive the public amenity entirely.

MOTION: Cliff Weiss moved to approve joint resolution HPC #17 and P&Z #13 seconded by LJ Erspamer. Strike the floor area from the Resolution. APPROVED 5-2. Myrin and Erspamer no.

HPC adjourned.

LJ Erspamer asked Cliff to speak on the Lift One COWOP. Cliff Weiss volunteered to be on the Lodge at Aspen Mountain COWOP.

Adjourned at 8:30 pm.


Jackie Lothian, Deputy City Clerk