

## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Jessica Garrow, City Long Range Planner  
Ben Gagnon, City Special Projects Planner  
Chris Bendon, City Community Development Director

**DATE OF MEMO:** February 13, 2012

**MEETING DATE:** Tuesday, February 21, 4:30pm Council Chambers

**RE:** Code Amendment Priorities

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**REQUEST OF COUNCIL:** No action is requested at this time. This work session provides City Council an opportunity to outline priorities for zoning code amendments. Council may also consider a list of potential code amendment recommended by City Planning & Zoning Commission, attached as Exhibit A. (Exhibit B outlines all of the “Proposed Code Amendments” identified in the AACP.)

A second Council work session is scheduled for March 5<sup>th</sup> to prioritize all AACP implementation steps, including code amendments. City Departments have identified a range of possible initiatives intended to implement AACP policies. For the March 5<sup>th</sup> meeting, staff will incorporate Council’s priorities as identified at the Feb 21<sup>st</sup> work session.

**CODE AMENDMENT PROCESS:** Considering that many code amendments are likely to be requested, staff would also like to get Council direction to change the code amendment process. The goal is to streamline the process while greatly improving efficiency and productivity.

Currently, code amendments are first reviewed at P&Z and then sent to City Council for review and adoption. Occasionally staff and P&Z work on the details of a code amendment, but when it is brought forward to City Council, Council disagrees with the premise or purpose of the amendment. In addition, there have been times when City Council has asked staff to work on specific code amendments, but P&Z disagrees with the concept or premise and has a difficult time reviewing the proposed amendment. This can result in a lot of time spent on code amendments that are not implemented, or it can result in projects getting into the land use review process before an important code change takes effect.

Instead of following this procedure, staff recommends City Council vote on the concept of the code amendment up front – through an official vote at a regular City Council meeting. This allows the public to better understand what code changes are being considered and empowers them to get involved in the process early on.

Following the vote on the concept, staff would work on the specifics and draft language. Staff recommends that this process be done with public input and feedback, such as holding small

group meetings with key interested parties. Relevant boards or committees would be asked to provide a referral opinion. Then the language would be brought forward for City Council's final vote.

**COMMUNITY PLAN PROCESS:** Staff is also interested in taking a look back and examining what could make the long-range planning process more effective. The AACP process has taken approximately four years, and as the process wraps up Council members have asked staff to consider the length of the process, the role of the community, P&Z, Council, and staff in any update, as well as the frequency of updates.

One area that could be improved is the public engagement process as part of long range planning. Though the City has made significant efforts to engage the community on planning in general and the AACP in particular, the code does not require public outreach on long range planning efforts. Participation by the community is essentially limited to the traditional public hearings. Staff is interested in incorporating the public engagement process into the code, and utilizing it in a more effective manner going forward.

**ATTACHMENTS:**

Exhibit A: City Planning & Zoning Commission identified zoning priorities

Exhibit B: AACP identified "Proposed Code Amendments"

## MEMORANDUM

**TO:** City of Aspen Mayor and City Council

**FROM:** Jessica Garrow, Long Range Planner

**CC:** City of Aspen Planning and Zoning Commission

**RE:** **AACP Implementation, P&Z Priorities Recap**

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The Planning and Zoning Commission met on February 7, 2012 to discuss AACP implementation priorities. Members in attendance included LJ Erspamer, Stan Gibbs, Cliff Weiss, Bert Myrin, and Keith Goode. The group reviewed a number of items, and settled on the following policy items as their top priorities. Staff has provided a brief summary of the topics discussed. The priorities are listed below, in no particular order. Where applicable, the priorities are listed with the AACP Policy they further.

An overarching theme of these priorities is to create certainty and predictability in the development review process. Specifically, the P&Z believes the following priorities further Growth Management Policy VII.1: “*Restore public confidence in the development process,*” and Growth Management Policy VII.2: “*Create certainty in zoning and the land use process.*”

- A. **Examine and Amend the Downtown Codes.** The P&Z is interested in a comprehensive review of the allowable dimensional requirements (height, floor area, open space, lot coverage), mitigation levels, and design standards. There is some concern by P&Z related to design standards, and ensuring they are reflective of our historic character. They would like to examine these standards, which relate to Growth management Policy V.3, calling for codes that result in development that “*reflects our architectural heritage in terms of site coverage, mass, scale, density and diversity of heights...*” The P&Z believes this will improve the predictability of the land use process, and will further Growth Management Policy I.6 which calls for lowering building heights. In addition, the P&Z believes this furthers the protection of our small town character, which is referenced in a number of philosophy statements and policies throughout the AACP. The P&Z would also like to examine the current code language that enables a redevelopment to carry forward an existing non-conformity. For instance, the code allows a lot that has less parking or public amenity space than is required in the underlying zone district to carry forward that deficit in a redevelopment. Overall, the P&Z wants to ensure the codes get us the kinds of buildings and development that “fits” in our community.
  
- B. **Strengthen the Lodge Zone District.** The P&Z has expressed concerns related to the allowed use mix in the Lodge Zone District. They are interested in amending the zone district to better encourage the development of lodging units. The P&Z believes this will improve the predictability of the land use process, as well as further the policies set forth in the Lodging Section of the Growth Management Chapter (Policies IV.1 – IV.4)

- C. **Amend the Planned Unit Development (PUD) regulations.** The P&Z has expressed concern about the ability to request a PUD designation on lots less than 27,000 square feet. They are interested in examining the appropriate “cut off point” for a PUD designation. Over the past few years, they have seen applicants with relatively small parcels (6,000 – 10,000 sf) request a PUD to vary some aspect of their underlying dimensional requirements. The P&Z believes examining the minimum lot size requirement, and the PUD process in general will help improve the general predictability of the land use review process, as outlined in AACP Growth Management Policies VII.1 and VII.2.
- D. **Update Residential Zone Districts.** The P&Z has expressed concern about the zone district requirements in the residential zones. Specifically, they would like to examine site coverage requirements, heights, and general mass and scale. They are also interested in examining the exemptions to floor area calculations (e.g. basement exemptions). This furthers the Policies outlined in the Residential section of the Growth Management chapter (Policies III.1 – III.4).
- E. **Update Stream Margin Review and 8040 Greenline Review.** The Land Use Code requires a heightened review for any project located near our rivers and streams, as well as for any development within 100 feet of the 8040 elevation line. The P&Z is interested in updating these regulations to ensure they are adequately protecting these environmentally sensitive areas. This furthers Growth Management Policy II.2, which calls for controlling the location and size of homes to protect our natural environment, as well as Environmental Stewardship Policy III.3, which calls for preserving our riparian habitats.
- F. **Update Parking Requirements.** The P&Z is interested in examining and updating the parking code. This would include an examination of the program generally as well as the specific parking requirements for development. This furthers Transportation Policy V.1, *“Develop a strategic parking plan that manages the supply of parking and reduces the adverse impacts of the automobile.”*
- G. **Explore Amendments to Vesting Extensions.** The P&Z is concerned about the number of recent requests to extend vested rights for projects that were approved more than 3 years ago. The P&Z believes a significant amount of good learning goes into code modifications and that an applicant should, in exchange for extending development rights, agree to accept the current code. They are concerned that extensions will result in development that is not consistent with current community goals, and believe that projects should meet the current code, rather than relying on old codes. The P&Z believes this creates confusion in the community, and that exploring changes to the requirements could improve the certainty and predictability in the land use code process.
- H. **Explore Amendments to the Multi-Family Replacement Program.** The Land Use Code requires that any multi-family unit that has ever housed a local working resident be replaced with affordable housing when it is demolished. The code allows for a 50% or 100% replacement of the number of units, bedrooms, and net livable space that is demolished. The P&Z would like to examine the ability to replace at the 50% level.

## **Proposed Code Amendments Identified in the 2011/2012 AACP**

*(This list is organized by chapter, sub-headings and policy statements. The policy statements may propose amendments to the Land Use Code, Building Code, Housing Guidelines, Historic Preservation Guidelines or Commercial Design Guidelines. For further details on proposed amendments, please see Implementation Steps under each Policy Statement in AACP Appendix.)*

### **Managing Growth for Community & Economic Sustainability**

#### Achieving Community & Economic Sustainability

I.6. Establish lower maximum building heights to maintain Aspen's small town character. (Community Goal, Proposed Code Amendment)

#### Urban Growth Boundary

II.2 Urban densities should be located within the commercial core of Aspen, and appropriate increases in density should only occur if they result in the preservation of land in the proximity of the UGB through TDRs or other land use tools. (Community Goal, Proposed Code Amendment)

#### Residential Sector

III.1. Protect the visual quality and character of residential neighborhoods by reducing site coverage. (Proposed Code Amendment)

III.2. Control the location and limit the size of homes in order to:

- Protect the natural visual quality and scenic value of river corridors and mountainsides, while also preventing environmental degradation and protecting water quality;
- Protect our small town community character and historical heritage;
- Limit consumption of energy and building materials;
- Limit the burden on public infrastructure and ongoing public operating costs;
- Reduce short- and long-term job generation impacts, such as traffic congestion and demand for Community Workforce Housing;
- Limit zoning variances to reduce impacts on the neighborhood and the community;
- Limit site coverage. (Proposed Code Amendment)

III.3. Ensure City and County codes are consistent in the vicinity of City/County boundaries to prevent shifts in the character of neighborhoods, and encourage smoother cross-boundary transitions regarding house size and density. (Proposed Code Amendment)

III.4. Ensure that the County and City Transferrable Development Rights (TDR) programs continue to effectively preserve backcountry areas/agricultural lands and historic structures, respectively. (Work Program for Planning, Proposed Code Amendment)

#### Lodging Sector

IV.1. Minimize the further loss of lodging inventory. (Community Goal, Collaborative Initiative, Proposed Code Amendment)

IV.2. Replenish the declining lodging base with an emphasis on a balanced inventory, and diverse price points. (Community Goal, Proposed Code Amendment)

IV.3. Lodging amenities should be designed to facilitate interaction between visitors and residents. (Community Goal, Proposed Code Amendment)

IV.4. Zoning and land use processes should result in lodging development that is compatible and appropriate within the context of the neighborhood, in order to:

- Create certainty in land development;
- Prioritize maintaining our mountain views;
- Protect our existing lodges;
- Protect our small town community character and historical heritage;
- Limit consumption of energy and building materials;
- Limit the burden on public infrastructure and ongoing public operating costs;
- Reduce short- and long-term job generation impacts, such as traffic congestion and demand for Community Workforce Housing

(Community Goal, Proposed Code Amendment)

#### Commercial Sector

V.3. Ensure that the City Land Use Code supports innovative development that respects our architectural heritage in terms of site coverage, mass, scale, form and a diversity of heights, in order to:

- Create certainty in land development
- Prioritize maintaining our mountain views
- Protect our small town community character and historical heritage
- Limit consumption of energy and building materials
- Limit the burden on public infrastructure and ongoing public operating costs
- Reduce short- and long-term job generation impacts, such as traffic congestion and demand for Community Workforce Housing

(Work Program for Planning, Proposed Code Amendment)

#### Public, Institutional & Non-Profit Sector

VI.1 Zoning and land use processes should result in public, institutional and non-profit development that is appropriate and respectful within the context of the neighborhood, and should clearly reflect its use. (Community Goal, Proposed Code Amendment)

#### Mitigating Impacts

VII.3. Allow abatements in mitigation for certain types of development that provide significant community benefits and are in the public interest. (Community Goal, Proposed Code Amendment)

VII.4. Develop better methods to manage adverse construction impacts, including a construction pacing system that respects quiet enjoyment of our community and neighborhoods. (Community Goal, Proposed Code Amendment)

### Review Process

VIII.3. Ensure that PUD and COWOP processes result in long-term community benefits and do not degrade the built environment through mass and scale that exceed Land Use Code standards. (Community Goal, Proposed Code Amendment)

## **Transportation**

### User Groups & Transportation Demand Management

III.2. Minimize the adverse impacts of development on the valley-wide transportation system that occur during economic booms and periods of intense construction activity. (Collaborative Initiative, Proposed Code Amendment)

III.3. Require development to mitigate for its transportation impacts. (Proposed Code Amendment)

## **Housing**

### Sustainability & Maintenance

I.5. Emphasize the use of durable and environmentally responsible materials, while recognizing the realistic lifecycle of the buildings. (Incentive Program, Proposed Code Amendment)

### Program Improvements

II.6. Eliminate the Accessory Dwelling Unit (ADU) program, unless mandatory occupancy is required. (Proposed Code Amendments)

### Land Use & Zoning

IV.1. Community Workforce Housing (CWH) should be designed for the highest practical energy efficiency and livability. (Incentive Program, Proposed Code Amendment)

IV.2. All CWH must be located within the Urban Growth Boundary. (Proposed Code Amendment)

IV.3. On-site housing mitigation is preferred. (Work Program for Planning & APCHA, Proposed Amendment)

IV.5. The design of new Community Workforce Housing (CWH) should optimize density while demonstrating compatibility with the massing, scale and character of the neighborhood. (Proposed Code Amendment)

IV.6. Residents of Community Workforce Housing (CWH) and free-market housing in the same neighborhood are treated fairly, equally, and consistently, with regard to any restrictions or conditions on development such as parking, pet ownership etc.. (Proposed Code Amendment)

## **Parks, Recreation, Open Space & Trails**

### Recreation

II.4. New recreational facilities should fully offset impacts and maintain the contextual character of the built environment. (Proposed Code Amendment)

## **Environmental Stewardship**

### Greenhouse Gases

I.4. All new development and uses should minimize their greenhouse gas emissions. (Proposed Code Amendment)

### Air Quality

II.4. All new development and uses should minimize their air pollution emissions. (Proposed Code Amendment)

### Water

III.3. Maintain and preserve existing riparian habitat and wetlands. (Work Program for Planning and Engineering Departments, Proposed Code Amendment)

III.4. Reduce the quantity of urban pollutants in stormwater runoff that discharges into the Roaring Fork River and its tributaries. (Work Program for Engineering Department, Proposed Code Amendment)

III.5. Increase the natural filtration of storm- and melt- water. (Work Program for Engineering Department, Proposed Code Amendment)

### Waste Management & Reduction

IV.4. Increase the practice of deconstruction and increase the amount of materials that are diverted from the landfill, reused or recycled. (Proposed Code Amendment)

### Renewable Energy

V.4. Require new development and redevelopment to minimize their energy usage and use on-site renewable energies as the site allows. (Incentive Program, Work Program for Canary Initiative and Building Department, Proposed Code Amendment)

### Wildlife & Wildlife Habitat

VII.1. Sustain, protect and restore biodiversity and native ecosystems through land use planning, resource acquisition and best land management practices on public and private lands. (Community Goal, Collaborative Initiative, Work Program for Planning, Parks, and Open Space Departments, Proposed Code Amendment)

VII.2. Elected and appointed Boards and Commissions should consider environmental and wildlife issues when making decisions. (Community Goal, Proposed Code Amendment)

## **Historic Preservation**

### Energy Efficiency

VI.1. All historic landmark properties should be maintained in a manner that improves energy efficiency while maintaining architectural integrity. (Proposed Code Amendment)

### Publicly Accessible Interiors

IV.1 Explore code changes to preserve exceptional character-defining historic interiors in public buildings and publicly accessible buildings. (Work Program for Planning and Asset Management Departments, Proposed Code Amendment)

## **The Lifelong Aspenite**

### Health & Well-Being

III.1. Promote community-wide collaboration to address health and social service needs throughout the community and in association with new development. (Community Goal, Work Program for Health and Human Services, Proposed Code Amendment)