

MEMORANDUM

TO: City of Aspen Planning and Zoning Commission

FROM: Jessica Garrow, Long Range Planner

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

MEETING DATE: February 7, 2012

BACKGROUND & OVERVIEW:

The Planning and Zoning Commission approved an update to the Aspen Area Community Plan (AACP) in November, 2011. The document includes a number of policies and action items that require implementation. In addition, as the Planning and Zoning Commission has reviewed current planning cases, Commissioner Bert Myrin kept a tally of issues and items the group has identified as needing to be updated or addressed in the land use code (Exhibit A).

The purpose of this meeting is to give the Planning and Zoning Commission an opportunity to identify their AACP implementation priorities.

NEXT STEPS:

City Council is scheduled to hold a work session on March 5th to identify their AACP implementation priorities and to direct city staff work programs. As part of that work session, staff will present implementation priorities identified by various City Departments. The information will include an estimate of staff time, monetary resources, and any outside consulting resources required to implement each topic. Planning staff will identify potential work program priorities on some of the topics that relate directly to Community Development work programs, including updating mitigation studies, examining Environmentally Sensitive Area (Stream Margin, 8040 Greenline, etc.) regulations, and general zoning changes. City staff is working on this process through February.

Staff would like to include any P&Z identified priorities as part of that work session packet. In an effort to streamline that process, staff suggests that at the February 7th meeting the P&Z identify a list of 5 – 10 top priorities the P&Z feels is very important to implement. This could include land use code items, or could be related to other topics in the AACP such as the West of Castle Creek plan (from West of Castle Creek Corridor Chapter), exploring Health Impact Assessments (from Lifelong Aspenite Chapter), identifying a threshold when a development proposal will trigger a transportation study (from Transportation Chapter), or any other item in the AACP. A copy of the AACP is available online at www.AspenCommunityVision.com.

ATTACHMENTS:

EXHIBIT A – P&Z list of potential code changes, compiled by P&Z Commissioner Bert Myrin

Exhibit A, P&Z list of potential code changes, compiled by P&Z Commissioner Bert Myrin

1. Facilitate a process for non-profits to move on from Aspen with some certainty for expectations (by the community and the non-profit) of the transition – Bert
2. Exterior stairways – Jasmine
3. Roof top elevator structures – Cliff
4. Sub grade calculation and # of levels – Cliff
5. Solar orientation for new PUD's (Sanitation District housing) - Bert
6. Concern that hedges of 42 inches may grow taller with time – Cliff
7. Dimensional limits on height that make buildings appear an entire story taller, avoid height creep – Cliff
8. Progressive sale on R-30 with no cap for house size within city limits – Cliff
9. Stream margin review and green line review criteria (criteria needs improvement) – Jasmine
10. Fix code to address buildings that failed in some way e.g. Jerome Professional (required vested rights to be extended to a point where codes will likely have changed), Cooper St Pier (involved in a legal battle w/ City), Wienerstube (involved in a legal battle with city), Stage III (financially required too much \$ to max out under code), Dancing Bear (too tall and it grew taller), Chart House (financially required too much \$ to max out under code), Building proposed in the Clark's Market Parking Lot (met all codes, yet would have put Clark's Market out of business, yet we haven't fixed the code since) – Bert
11. 26.470.100 1 employee = 400 s/f net livable (see pg 5 of 11/16/10 staff packet 632 E Hopkins). Is 500 s/f more realistic and should the code reflect 500 sf? – Bert
12. No extension of vested rights for GMQS approvals. 11/16/10 632 E Hopkins – Bert
13. Buy down not less than 950 s/f and this qualifies as housing for 2.26 employees? Seems like we are under counting – 2 bedroom should = 2 employees not 2.26. – Bert
14. Residential downtown no parking requirement for penthouse 11/16/10 632 E Hopkins can't be zero – Jasmine
15. Standardize greenway sidewalks 1/16/10 632 E Hopkins – Non greenway street sidewalks ACRA, Obermeyer are frequently covered in snow in winter. – Bert
16. Get a list from assessor of all tax exempt properties and zone them as non-profit
17. Consider a recapture property tax for conversion of tax exempt or agriculture to higher use as occurs elsewhere in the country. – Jim
18. Story Poll's when installed should be photographed by staff in case removed later – Aspen Walk - Mike Wampler
19. APCHA 3/1 – Change building code to require AH energy efficiency units and energy star appliances – Bert
20. 3/8/2011 Stage 3 use of TDRs's pg 8 of staff memo: Staff believes increasing the units beyond 2,000 sq/ft NLA to 2,500 sf NLA with the use of TDRs is acceptable and is consistent with city policies and the current code. However, staff does not believe increasing the unit size beyond this is appropriate. Staff believes this could negatively impact the TDR Program. Review the effects of the 2,000 sq/ft limit since the 2006 prohibition – has it become a negotiating point for developers? A similar request was denied by P&Z on an Aspen Alps unit. – Bert
21. 3/8/11 Stage 3 pg 16 \$50k pedestrian cash in lieu – what is the process for this being spent versus returned to the developer eventually? - Bert
22. Stage 3 parking applicant pg 8 – Parking calculations don't provide a logical end result: The subject site is within the *Aspen infill Area*, as defined in Section 26.104.100 of the Code. Consequently, Section 26.515.030 of the Code provides that the commercial component of the project must provide one (1) off-street parking space for every 1,000 square feet of net leasable area (up to 100% of which may be provided through a payment-in-lieu). The project includes approximately 9,988 square feet of net leasable area (NLA), which requires 9.98 off-street parking spaces. The five (5) residences qualify as multi-family

development with in a mixed-use building pursuant to Section 26.104.100 of the Code, and they are in the C-1 zone district; therefore, pursuant to Section 26.515.030 of the Code, there is no parking required for the residential dwelling units. As a result, the total off-street parking requirement for the project would be ten (10) spaces, but since the existing deficit is allowed to be carried forward, the actual requirement is for just six (6) off-street parking spaces. The new proposal includes sixteen (16) off-street parking spaces (thirteen in the garage and three on the alley side of the street level), or ten more than the requirement. The requirement of only 6 indicates the code is not aligned with reality. – Bert

23. Changes to the code to address neighboring impact of lot line to lot line construction – eg. Noise from garage fans, or highly efficient furnaces, AC or lighting – Bert
24. Elevator towers back while street facing entry to the front is challenging – Aspen Walk – Is there elevator technology or design that could address this? – Bert
25. Parking at AH needs discussion – Cliff
26. May 19, 2011 frustrating that HPC would make a decision about parking – it should be P&Z purview – 518 W. Main - Cliff
27. May 19, 2011 Consider abating versus perpetuating non conforming uses. 217/219 S. Third – Bert
28. Project Monitors assigned by P&Z as currently occurs with HPC? See remodel / demolition of Spring Street Commercial building. Stan & Bert
29. 13 employees required per the code for Lift One under current code – the applicant though that would not pass community muster so they are offering 100% AH. The AH requirement of only 13 indicates the code is not aligned with reality. – Bert
30. 7/5/11 The tree regulations are improperly drafted or improperly enforced. Either we should preserve trees or not, because whenever tree removal comes up, the result is removal of the trees. – Jasmine
31. 7/5/11 The timeshare regulations are improperly drafted or improperly enforced . Timeshare regulations should get tourists in beds. – Jasmine
32. 7/19/11 We should prevent outcomes like the one at Spring and Hopkins when a renovation results in different development than what was approved. The example here is the sunken first floor. Is it possible, in a resolution to put in elements of conditions, that if you told us you can't do this because of A, and A didn't hold, so they changed something, then a developer is obligated to return to P&Z.
33. 7/19/11 – Lift 1 – Height measurement for Lift 1 was calculated differently than code. Was this successful? Should the code change to match this?
34. 7/19/11 Lift 1 – resolution section 8 defined measurements for height and FAR. Chris suggested this language might be appropriate for a code amendment for lodging an d commercial but not residential. – Chris Bendon
35. 8/2/11 Ongoing tracking of AH rental units that have mandatory occupancy. Housing commitments are made by owners and developers. In the past the housing office has had a licensed real estate broker on staff – we need a process. - Jasmine
36. 8/2/11 Aspen Walk - no one on council could approve it as presented after P&Z. I think we should work on aligning P&Z approvals (or the code) closer to the expectations of the elected officials (who in theory, represent the community). – Bert
37. 8/9/11 all development must go through public notice / approval. It is very confusing to the public because on historic homes neighbors will receive lots of opportunity to comment while a non-historic home can go through staff approval with absolutely no notice to the neighbors. – Stan
38. 9/8/11 Dancing Bear PUD Amendment – 3rd floor deck screening grew much taller than anticipated in part because of the rooftop access.

39. Little Annie's – review pedestrian amenity calculations for what is essentially proposed as a scrape and replace because they appeared to reduce the 25% requirement down to 10% for this development based on credits for what is existing even though it will be entirely scraped and replaced.
40. 69 Shady Lane 13,000 square foot house on the river – too.... much, close, etc. – Cliff
41. South Aspen PUD – concerned about the 50% replacement in our code – Mine Dump Apartments. – Stan
42. Extensions of vested rights should require current code because there has been too much good learning. If an applicant wants the benefit of extended vested rights they should accept the new code. – Stan
43. South Aspen PUD – wanted a hotel – zone to prohibit non-hotel use in the area. Single family was already removed as a use from this zone so expand on that. CC zone now prohibits residential on ground floor so it can be done. – Cliff
44. Zone post office and forest service and non-profits and lodging to prohibit uses by right that don't fit with the long term goals of the community to align expectations for the next Silver Lining Ranch or Given. – Bert
45. Avoid other AH units sitting empty as is the case with the Motherlode
46. PUD's on lots less than 27,000 sq/ft. – Jasmine
47. Cooperation between P&Z and engineering and Community Development regarding traffic plans