

AGENDA

JOINT WORK SESSION CITY OF ASPEN PLANNING AND ZONING COMMISSIONS & PITKIN COUNTY PLANNING AND ZONING COMMISSION

**Sister Cities
Aspen, Colorado**

November 24, 2009

4:30 PM WORKSESSION

1. Review of the Aspen Area Community Plan update
 - a. Review of Managing Growth – Goals & Action Items

7:30 PM ADJOURN WORKSESSION

MEMORANDUM

TO: City of Aspen Planning and Zoning Commission;
Pitkin County Planning and Zoning Commission

FROM: Jessica Garrow, City Long Range Planner
Ellen Sassano, County Long Range Planner

DATE OF MEMO: November 20, 2009

MEETING DATE: November 24, 4:30pm in Sister Cities

RE: Managing Growth & Economic Sustainability

SUMMARY: The P&Zs reviewed the Lodging Policies and Action Items at their Nov 19th meeting, and completed review of the final Residential Policy and Action Item. At the Nov 19th meeting P&Z made a number of changes to the Lodging Policies and Action Items, including eliminating the idea of “town as the primary amenity,” and instead focused on the need to ensure residents and visitors interact with one another. Following the meeting, Staff made some changes to the Mitigation Policies and Action Items related to Lodging to reflect this change.

The revised document is attached as Exhibit A. All staff additions are done in track changes. Additions are in green underline and deletions are in ~~red strikethrough~~.

Upcoming Meeting Schedule:

The P&Zs requested additional meetings be held on Thursdays in an effort to review the material more efficiently. Staff suggests we evaluate if the Thursday meetings should be continued into 2010 at the final meeting of 2009. Based on P&Z feedback, we have the following meeting schedule:

- Tuesday, November 24th 4:30 - 7:30 in Sister Cities
- Tuesday, December 1st 4:00 - 4:30 in Council Chambers (joint City Council BOCC Meeting)
- Tuesday, December 1st 4:30 - 7:30 in Sister Cities
- *NEW MEETING:* Thursday, December 3rd 3:00 - 6:00 in Sister Cities
- Tuesday, December 8th 4:30 - 7:30 in Plaza 1
- *NEW MEETING:* Thursday, December 10th 3:00 - 6:00 in Sister Cities

ATTACHMENTS:

Exhibit A: 11/19/09 Growth Management draft

DRAFT VISION

Definition of Growth: Growth is any increase in developed square footage, structures, jobs, population, infrastructure, or need for public services. Growth can be a result of new development, or changes in uses.

The Aspen Area is committed to returning to sustainable land use practices that:

- Create a vibrant year-round community with an excellent quality of life;
- Control the pace of growth;
- Preserve the physical scale and historic character of our small town;
- Preserve mountain views;
- Prioritize the use of renewable over non-renewable resources and consume the least amount of non-renewable resources as possible;
- Encourage redevelopment that results in affordable lodging, commercial and residential uses, and discourages projects with minimal community benefit and excessive job generation;
- Encourage local-serving businesses and a diverse tourist economy;
- Develop affordable housing to provide for a critical mass of local residents, while limiting the future demand for additional affordable housing;
- Recognize the physical limits of the geographic bowl that is the Aspen Area;
- Recognize that uncontrolled growth will result in a spiraling need for more affordable housing and more infrastructure, which threatens the small town character of our built environment, scenic mountain views, the natural environment, safe enjoyment of an outdoor lifestyle and the overall quality of life that sustains a healthy year-round community and visitor-based economy.

DRAFT PHILOSOPHY

The, social, economic cultural and architectural character of modern Aspen reflects a Victorian Era western mining town, a scenic Rocky Mountain landscape, the post-war foundations of skiing, summer recreation and unique cultural institutions – and a strong environmental ethic. These elements of the Aspen Area attract people from across the country and around the world and are essential to the long-term sustainability of a vibrant permanent population and diverse tourist economy.

Beginning in the mid-1970s, the Aspen Area has a long history of growth management and land use regulation centered around a desire to preserve the natural environment, a socially diverse community, the unique heritage of our built environment and broader

quality of life goals. Growth management has evolved from a system originally designed to keep growth from out-pacing traditional infrastructure and fiscal capacity, to a system that also directs growth to meet changing community priorities. Both the City of Aspen and Pitkin County have used growth management and other land use tools to preserve open space and rural character, encourage a diverse lodging base and create a critical mass of permanent residents through affordable housing.

But in other ways we have fallen short of achieving important community goals: At times, our land use tools have resulted in growth that is inconsistent with the unique heritage of our built environment, the social diversity of the year-round community, the social diversity of visitors and the outdoor lifestyle and pristine views of a small town located in the Rocky Mountains. And particularly during economic boom periods, the intensity of construction has been inconsistent with a healthy year-round community and sustainable tourist-based economy.

We recognize that the original pillars of our community character evolved into a tourist-based economy, but we also recognize that in the last 20 years the development economy has become dominant, overshadowing tourism in terms of economic activity. Our responsibility is to ensure that future development is controlled in a way that avoids additional damage to the long-term health and stability of our community and to a sustainable visitor-based economy.

We need to preserve the unique visual experience of a small town in the Rockies. Even our most important community goals -- of providing affordable housing, of balancing the lodging base, of a lively downtown with a healthy balance of unique shops and restaurants -- should remain subordinate to a built and natural environment that respects pristine natural beauty along with the modest physical scale and architectural context of our town.

The tools for managing growth are intended to create a healthy balance among a variety of uses, so that one kind of use does not overshadow others. We also manage growth to ensure that it does not outpace the public sector's financial capacity and the provision of necessary infrastructure that maintains both basic public services and a high quality of life.

Our roads and water system are part of infrastructure, as are public trails, affordable housing, a balanced lodging inventory, a lively and interesting downtown, unique restaurants, recycling programs, clean air and water, compelling special events, locally-serving businesses and renewable energy systems.

We must return to sustainable growth practices and we must ensure that our land development regulations are amended to reflect our goals.

The Residential Sector

While some potential remains for the development of new dwelling units on existing vacant lots, the primary source of new construction in the future will be in the area of residential redevelopment. The track record in the Urban Growth Boundary shows that residential redevelopment typically means the demolition of existing homes and replacement with expanded homes that are almost always as large as current code allows. This trend has negatively impacted our community.

1. Pace of Construction

Intense periods of construction activity threaten our community character and the long-term sustainability of the visitor-based economy. Therefore, amending city and county codes to manage the pace of construction activity is essential. The purpose of pacing construction is to maintain a high quality of life for residents and a high quality experience for visitors by preventing traffic congestion, noise, dust, disturbances and reduction in air quality; preventing the disruption of the visual and aesthetic character of city and county neighborhoods and the downtown area through the presence of construction trailers, heavy truck parking, construction fences and disrupted landscaping.

2. House Size

The built environment is an important part of what defines a community's character and identity. The size and location of new and redeveloped homes in the Urban Growth Boundary is out of context with the unique architectural heritage of a small town in the Rocky Mountains, and disrupts pristine mountain views.

Reduction in house size and stronger regulations governing the location of homes on hillsides will preserve and maintain our quality of life by planning for a built environment that reflects historic heritage, preserves scenic mountain views, limits damage to the natural environment, reduces employment generation, limits the public financial burden of additional infrastructure and annual local government operations, prevents negative construction impacts such as traffic congestion, maintains the safety and enjoyment of our outdoor lifestyle and limits the unnecessary use of resources and unnecessary future energy use. (add number after review of house size action item)

The Lodging Sector

During the last 10-15 years, many small- to mid-sized lodges in Aspen have converted to other uses, resulting in the loss of many economy/moderate lodges. At the same time, the market has favored and the land use codes have allowed the development of large second homes and deluxe, high-end, fractional "lodge" projects. Our lodging base should be balanced to accommodate a diversity of visitors, special events staff in order to support a sustainable visitor-based economy. The sizing of new lodges should be modest in bulk, mass, and scale. [\[review when finish aabc chapter\]](#)

We should formulate a strategy that preserves the small to mid-sized lodges that reflect Aspen's historic character. We should incentivize small room sizes, limit amenities that drive excessive job generation, encourage a mixture of different types of inventory in lodge projects and encourage visitors to recognize the town and surrounding areas as their primary amenity.

The Retail Sector

As reflected in past planning efforts, we remain dissatisfied with the diversity of our retail sector.

High-profile locations in the downtown have steadily converted from restaurants to retail, retail has converted to office, high rents have resulted in a continuing shift towards exclusivity and the total number of restaurants and bars has dropped substantially since 2000, contributing to a loss of vitality, diversity and balance. We have also grown concerned that businesses providing basic necessities could be replaced with different uses, as illustrated by the closing of Aspen Drug at the corner of Galena & Hyman.

While recognizing that government involvement in the commercial sector is a complex undertaking, we must identify methods and explore partnerships to retain essential businesses. Additionally, we must encourage more small shops with unique merchandise and restore a healthy diversity of unique stores and restaurants – fostering a stronger sense of vitality for both residents and visitors.

Sustainability for Future Generations

Our long-term sustainability depends largely on our ability to remain an attractive and welcoming place for future generations. The foundations of our high quality of life must be solidly in place, including skiing, summer recreation, scenic beauty, outdoor lifestyle, strong and diverse year-round community, compelling special events, a diverse lodging inventory, our genuine architectural heritage, a vital downtown and a wide range of arts & cultural offerings.

Mitigation

The City of Aspen and Pitkin County require a range of mitigation for new development and redevelopment, including park fees, school fees, affordable housing, transportation fees and others. We must re-evaluate and strengthen our mitigation strategies to discourage the types of development and redevelopment that provide minimal public benefit. We need better information on the amount and types of impacts created by development and redevelopment, and a strategy to ensure that all impacts are offset.

The Future of the AABC: This section will be drafted after the P&Z holds discussions on the issues of Transportation and the AABC.

<p>Mountain experience;</p> <ul style="list-style-type: none"> • protect our small town community character and historical heritage; • reduce environmental degradation and excessive consumption; • limit infrastructure costs and local government operating costs; and • reduce a wide range of short- and long-term job generation impacts, including traffic congestion and demand for affordable housing. 	<p><u>regulations:</u></p> <ol style="list-style-type: none"> <u>1. City 8040 Greenline</u> <u>2. City slope requirements (FAR, Density)</u> <u>3. City and County Stream Margin Review</u> <u>4. County site plan review on slopes</u> <u>5. County slope requirements (FAR, Density) (I-P)</u> <p><i><u>Note to include in document: The existing City and County codes are inconsistent with regard to visual quality, riparian protection, preservation of slopes, and environmental degradation, and are also ineffective in protecting these important qualities.</u></i></p> <p>Amend City's 8040 Greenline process by 1) Adding emphasis in Purpose section to scenic protection rather than only to mitigate for environmental damage, 2) Strengthen criteria re: visual impacts, 3) Require that applicants provide a 3-D model of proposal, as well as requiring a range of specific views from "below." Amend City and County codes to establish strong mountain view protections.</p> <p>2.b Amend City code regarding allowable FAR on slopes with the intent of establishing smaller house size that is more appropriate to sloping, mountainside sites. (City currently reduces allowable square footage by a <u>maximum of 25%</u> to calculate house size, regardless of the steepness of slopes.)</p> <p>2.c For parcels on slopes, amend City code to adopt a new site plan review process that locates building envelopes in the portion of the lot with lowest slope and/or smallest visual impact. Also adopt new criteria to avoid environmental degradation and minimize visual impacts on slopes, much like 8040 Greenline review. (Pitkin County currently has similar regulations for sloped sites, regarding the location of homes and engineering requirements.)</p>
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	<p>2.e Amend County code to reduce allowable FAR on slopes. (County code currently reduces the number of dwelling units allowable based on slopes, but does not address FAR.)</p> <p>2.b Explore prohibiting any building on slopes of 30% or greater. (I-P, AO) (Neither the City nor County currently have an outright prohibition regarding building on slopes.)</p> <p>2.c Amend County code to reduce maximum “hard cap” for house sizes within Urban Growth Boundary from 15,000 s.f. to 7,500 s.f. (I-P) (County philosophy has been to allow large homes near urban area, where services are available. A reduction of house size in the UGB may place pressure on other areas of County where house size limits would remain higher than 7,500, and would likely require the County to look at a countywide house size reduction.)</p> <p>2.d Amend the City and County codes to reduce or eliminate FAR exemptions (e.g. sub-grade space, garages, etc).</p> <p>2.e Ensure that the County TDR market remains stable and healthy if changes are made to the hard cap on house sizes in the County. Scope of work would include: a) Estimate future TDR supply, b) Review potential adjustments to ensure adequate demand, such as reducing the FAR awarded for a TDR, c) Explore a sliding FAR scale for TDRs based on scenic or other value related to sending site, d) Explore potential for inter-jurisdictional TDR exchange between County and City, e) Explore other possible “awards” for receiving sites (aside from FAR). (I-P)</p> <p>Examine a new square footage buy-back program, like a Purchase of Development Rights (PDR) program or a conservation easement approach, for projects that are vested for square footage above 5,750</p>
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<p>3. Protect the visual quality and character of residential UGB neighborhoods by reducing site coverage, mass, scale and form.</p>	<p>to encourage owners to not build more than 5,750 sq. ft. (LT-P)</p> <p>2.f Amend city and county codes to address proper solar orientation of homes, and the accommodation of renewable energy structures. (I-P, B, CI)</p> <p>2.g. Amend city and county codes with regard to development in riparian area, with the intent to strengthen regulations and establish consistency as appropriate.</p> <p>2.h Strengthen the “scenic zones” in the County adjacent to the Aspen Area (along Highway 82 toward Independence Pass, up Castle Creek Road, and up Maroon Creek Road) to limit the visual and development impacts of growth. (I-P)</p> <p>3.a Amend City and County code to reflect policy, using some combination of, 1) reduction of site coverage , 2) create Residential Design Standards that are customized to individual neighborhoods, 3) explore the potential of form-based design standards, 4) explore volumetric FAR calculations. (I-P) <i>(Current Residential Design Standards were based largely on the City’s West End [R-6 Zone District], which currently has site coverage requirements in place.)(Define volumetric and form-based in final document)</i></p> <p>3.b Amend City code to create a 5,000 sq. ft. hard cap. Study historical FAR and site coverage in Aspen and other similar mountain communities such as Crested Butte, Steamboat Springs and Telluride. (I-P) <i>(Part of overall intent is to eliminate the current potential for the largest homes now allowed on the largest city parcels, while creating more demand for City TDRs that would preserve historically designated homes as is.)</i></p>
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<p>4. Encourage permanent residents to stay in existing free market stock and reduce real estate speculation.</p>	<p>3.c Amend the County code to establish a sliding scale FAR for substandard size parcels in the AR-10 zone. (I-P)</p> <p>4.a Amend the city and county land use code to provide incentives for local residents to voluntarily deed restrict their units/houses to an RO level restriction for some period of time <u>or permanently</u> by offering a series of incentives:</p> <ul style="list-style-type: none"> i. -Reduced property taxes; ii. City/county fee abatements; and iii. Faster processing of land use applications and zoning permits (I-P, AO, APCHA)
<p>II. LODGING SECTOR POLICIES</p> <p>1) Lodging development or redevelopment should be designed to encourage interaction between visitors and residents through promotion of local businesses and lodge amenities.</p> <p>2. Lodging development or redevelopment <u>downtown</u> should be modest in bulk, mass, and scale. <u>(staff note: review this when we get to AABC area conversation)</u></p> <p>3) Encourage the development or redevelopment of lodging to maintain a diverse lodging inventory.</p>	<p>II. LODGING SECTOR ACTION ITEMS</p> <p>1.a Amend the land use code and design guidelines to require that any on-site amenities be conveniently accessible and welcoming to both visitors and residents.(I-P)</p> <p>2.a Use the City’s 3-D model of the downtown area to illustrate the kind of development that existing zoning and the City’s Lodging & Commercial Design Guidelines would result in. (I-P)</p> <p>2.b Define “modest” and amend zoning based on the findings of 2.a. (I-P)</p> <p>3.a Research examples of entry level lodging with small rooms, like a youth hostel (e.g. Paris, London, Tokyo). (I-P)</p> <p>3.b Explore the potential for city fee abatements and limited public</p>

<p>4) Prevent the further loss of lodging inventory.</p>	<p>financing with regard to the development/redevelopment of moderate/economy lodging. (I-P)</p> <p>3.c Explore amending the land use code to allow for different types of lodging, like bed and breakfasts, in city residential neighborhoods. (LT – P)</p> <p>3.d Encourage flexibility in unit sizes and configurations that can respond to seasonal and economic change. (I – P)</p> <p>4.a Amend City code to eliminate the provision for new multi-family free market residential as a single use in Lodge Zone District. (I-P)</p> <p>4.b Explore allowing the conversion of existing multi-family free-market buildings to lodging uses. (I-P)</p>
<p>III. ASPEN COMMERCIAL CORE POLICIES</p> <p>1) Ensure that the City’s new Commercial Design Standards and Historic Preservation Guidelines will result in development that reflects the context of architectural heritage in terms of site coverage, mass, scale and form and will maintain a diversity of heights.</p> <p>2) Ensure that stores providing basic products and necessities are maintained in the long-term.</p>	<p>III. ASPEN COMMERCIAL CORE ACTION ITEMS</p> <p>1.a Use City’s new 3-D model of downtown area to test Commercial Design Guidelines and Historic Preservation Guidelines to ensure they implement the policy. (I-P) (<i>Commercial Design Guidelines were adopted in 2007, but have never been applied to an actual development proposal.</i>)</p> <p>1.b Amend the Commercial Design Standards and Historic Design Guidelines and zoning as needed to implement the policy. (I-P)</p> <p>2.a Establish working group including representatives of City, ACRA, Aspen Retail Association to conduct outreach with property/business owners providing essential products in an effort to explore succession planning. (LT-P)</p>

<p>3) Encourage a downtown commercial mix that is balanced, diverse, unique and vital.</p>	<p>2.b Explore potential for adopting criteria to identify an “Essential Public Service” with regard to private sector retail. (I-P)</p> <p>3.a Explore Growth Management incentives for non-prime commercial space including basements and alleys. (I-P)</p>
<p>IV. AABC AREA POLICIES</p> <p>1) Ensure that comprehensive transportation services are in place as part of any substantial new development in the West of Aspen Corridor.</p> <p><u>Add in policy related to lodging after AABC area conversation.</u></p>	<p>IV. AABC AREA ACTION ITEMS</p> <p>1.a Establish Master Plan for West of Aspen Corridor, from Maroon Creek Bridge to end of airport runway. <i>(This is anticipated to be completed as part of the AACP update.)</i></p>
<p>V. PUBLIC SECTOR POLICIES</p>	<p>V. PUBLIC SECTOR ACTION ITEMS</p>
<p>VI. NON-PROFIT/INSTITUTIONAL POLICIES</p>	<p>VI. NON-PROFIT/INSTITUTIONAL ACTION ITEMS</p>
<p>VII. MITIGATION POLICIES</p> <p>1. Ensure that new residential development and residential redevelopment fully mitigates for its range of impacts.</p>	<p>VII. MITIGATION ACTION ITEMS</p> <p>1.a Conduct a comprehensive review of all residential mitigation options. The action items below reflect a range of studies needed for this review. (I-P)</p> <p>1.b Conduct updated study on job generation impacts of residential development and redevelopment. (I-P)</p> <p>1.c Recalculate cash-in-lieu payment amount to reflect the job generation study, as well as the actual cost of providing off-site affordable housing, including the “soft” costs of locating developable property, design, planning, public process, identifying buy-down</p>

<p>2. Encourage moderate lodging with small rooms and minimal on-site amenities to re-balance lodging inventory, limit job generation and limit mass and scale.</p>	<p>properties etc. (I-P)</p> <p>1.d Review potential for establishing a “mitigation menu” of deed-restricted housing projects and potential buy-down properties. Property owners developing or redeveloping single-family or duplex homes may choose from menu to fulfill mitigation requirements. A payment calculation would still be made based on net new square footage, and would determine from which “mitigation menu” they could choose. (I-P) <i>(The rational basis for this approach would be the immediate offset of mitigation rather than accumulating cash in lieu payments for future projects.)</i></p> <p>1.e Re-evaluate City and County ADU programs to determine overall effectiveness, including updated database, rate of rental, survey of ADU owners to explore rental incentives, and investigating legal capability of requiring mandatory occupancy. (I-P)</p> <p>1.f Review existing city and county policies allowing APCHA-eligible homeowners to defer mitigation payments until property purchased by non-APCHA-eligible owner. Amend city and county policies so they are fair and consistent. (I-P, APCHA)</p> <p>1.g Revise list of affordable housing mitigation options for residential redevelopment based on the outcome of studies recommended in action items above. (LT-P, APCHA)</p> <p>2.a Amend County code to implement policy by reducing mitigation for lodge projects with small rooms and limited on-site amenities. (I-P)</p> <p>2.b Reevaluate City code to implement policy. (I-P) (Current city code includes a sliding scale that reduces mitigation for development or redevelopment with small average room size and limited on-site</p>
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<p><u>2. Ensure that new lodging development and redevelopment fully mitigates for its range of impacts.</u></p> <p>3. Ensure that general fees fully mitigate for impacts. (Staff note: this intends to address fees that are taken at time of building permit.)</p>	<p>amenities.)</p> <p><u>2.a Conduct a comprehensive study of job generation associated with lodging development. (I-P)</u></p> <p><u>2.b Examine city and county codes to revise mitigation requirements based on the results of the study. Examine how codes could encourage flexibility in unit sizes and configurations. (I-P) (Current city code includes a sliding scale that reduces mitigation for development or redevelopment with small average room size and limited on-site amenities.)</u></p> <p>3.a Review existing impact fees in the city and county with regard to schools, parks, roads, stormwater etc. (I-P, AO)</p>
<p>VIII. PACE OF CONSTRUCTION POLICIES</p> <p>1) Manage level of construction activity so that it does not degrade quality of life for residents and visitors.</p> <p>2) Reduce the “spike” of construction activity during national economic booms by limiting speculative</p>	<p>VIII. PACE OF CONSTRUCTION ACTION ITEMS</p> <p>1.a Adopt Building Permit Allocation System in City and County, following a review of other cities and towns using such a system. Establish a “target” year determined to be acceptable in terms of construction activity, to be used as baseline for building permit cap. Examine potential for a Building Permit Allocation System with a “sunset” that is tied to specific infrastructure improvements or other accomplishment that ensures improved quality of life. (I-P, B)</p> <p>1.b Identify development to be exempt from pacing system, i.e. explore potential for local residents to “go to the head of the line,” and defer mitigation [see Action Item VII(1.f)]. (I-P)</p> <p>2.a Amend City and County code to implement stricter criteria for the extensions of vested rights after initial three-year term, based on the</p>

<p>development practices.</p>	<p>provision of substantial community benefits. (<i>Vested rights must be granted for three years according to state law.</i>) Conduct research on vested rights policies of other cities and counties. (I-P)</p> <p>2.b Amend building code to restrict the extensions of building permits unless development includes substantial community benefits. (I-P, B)</p>
<p>IX. NEXT GENERATION POLICIES 1.) Ensure that Aspen is an attractive place to live, work and play for the “next generation.”</p>	<p>IX. NEXT GENERATION ACTION ITEMS 1.a Establish working group with representatives of major non-profit institutions, City, ACRA, APCHA, Aspen Retail Association, CCLC, Wilderness Workshop, other environment groups etc. to generate recommendations for implementing this policy. (LT-P)</p>
<p>X. DATA GATHERING POLICIES 1) Track future trends in various population segments for the UGB to inform future public policy discussions.</p>	<p>X. DATA GATHERING ACTION ITEMS 1.a Use Population Segment Chart as a starting point to establish reliable, repeatable methodology for tracking UGB population segments. Require yearly updates as part of city and county annual reports. (I-P)</p>