

**ALAN RICHMAN PLANNING SERVICES, INC.  
P.O. BOX 3613  
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March 27, 2015

Ms. Linda Light Bump  
801 Baseline Road  
Boulder, CO 80302

**RE: LAND USE ANALYSIS FOR 219 NORTH MONARCH STREET, ASPEN CO**

Dear Ms. Bump,

You have asked me to prepare a land use analysis for your property located at 219 North Monarch Street in Aspen. The legal description of the property is Lots G, H and I, Block 72, City and Townsite of Aspen. The property's Pitkin County Parcel ID# is 273707316004.

In preparing this analysis, I reviewed the currently adopted City of Aspen Land Use Code. I also reviewed a copy of a March 30, 1979 survey of the property performed by Johnson Longfellow and Associates and the Pro-Forma Title Report prepared by Pitkin County Title Inc., dated March 12, 2015. There were no exceptions to title listed in this report that were pertinent to my analysis. Following are my findings with respect to this property.

### **Zoning Analysis**

The subject property is approximately 9,000 sq. ft. in size. It is zoned R-6 (Medium Density Residential). The property is improved with a duplex that was originally built as a single family residence in 1956 and was later added onto and converted into a duplex. The most recent addition to the residence was completed in 1980, shortly after the survey was completed, meaning that the survey is outdated, though still informative. The Certificate of Occupancy for the addition classifies the use of the property as "Duplex" and references its status as "final for both sides of the duplex". This makes it clear that the City recognizes the legality of the existing duplex use of the property.

Sec. 26.710.040 B of the Land Use Code lists the uses allowed in the R-6 zone district. The R-6 zone district permits residential and other associated uses to occur on this property. Table 1, on the following page, summarizes the permitted, accessory, and conditional uses that are allowed in the R-6 zone district.

TABLE 1 USES ALLOWED IN THE R-6 ZONE DISTRICT		
Permitted Uses	Accessory Uses	Conditional Uses
Single Family Residence	Accessory Buildings/Uses	Arts, Cultural & Civic Uses
Duplex	Home Occupation	Academic Uses
Two Detached Single Family Residences	Accessory Dwelling Unit or Carriage House	Recreational Uses

Table 2, on the following page, summarizes the dimensional requirements of the R-6 zone district and evaluates the compliance of the existing conditions with these requirements. Some findings from a review of this table and other associated requirements in the Land Use Code are as follows:

1. This lot is a conforming sized lot in the R-6 zone district and contains enough land to permit a single family residence, a duplex or two detached single family residences to be constructed. It is not large enough, however, to allow a lot split to occur (12,000 square feet would be needed to permit a lot split). If two detached residences were built the units could be held in single ownership or could be condominiumized and sold separately to two different owners.
2. While I have not been provided any documentation of the floor area of the existing residence, the records I have reviewed (the County Assessor's files) tell me that the existing improvements are well below the allowable floor area for a lot of this size. So the existing duplex may be remodeled and expanded, or it may be demolished and replaced with a new house containing up to 3,660 square feet of floor area (single family residence) or 4,080 square feet (duplex or two detached residences).

There are also two valued types of space that are exempt from floor area calculations, as follows:

- The first 250 square feet of a garage and half of the second 250 square feet of a garage are exempt from floor area calculations per unit. A 500 square foot garage per unit would give an applicant the greatest possible garage floor area exemption, with only 125 square feet of the garage counting as floor area.
- Areas that are below grade and are not visible from above grade are exempt from floor area calculations. If a space is partially above and partially below grade, then a percentage of that level counts as floor area, based on the percentage of the perimeter wall area that is exposed to view.

**TABLE 2  
 R-6 ZONE DISTRICT ANALYSIS FOR 219 NORTH MONARCH**

<b>Dimensional Requirement</b>	<b>Code Standard: R-6 Zone District</b>	<b>Existing Conditions Found on the Property</b>
Minimum lot size	6,000 sq. ft.	9,000 sq. ft. (conforms).
Minimum lot area per dwelling unit	4,500 sq. ft. per dwelling unit	2 existing units on a 9,000 sq. ft. lot (conforms).
Minimum lot width	60'	90' (conforms)
Minimum front yard	Principal building: 10' Accessory building: 15'	Property received a front yard setback variance from BOA in 1979.
Minimum rear yard	Principal Building: 10' Garage/Accessory Building: 5'	House is more than 10' from the rear yard (conforms).
Minimum side yard	10' for each side yard; total of 30' for both yards	Property received a side yard setback variance from BOA in 1979.
Maximum site coverage	40%	Information not provided.
Minimum distance between detached buildings on lot	5"	Not applicable – only 1 building on the lot.
Maximum height	25'	Information not provided.
Maximum allowable floor area	<ul style="list-style-type: none"> <li>◆ Single family residence = 3,660 sq. ft.</li> <li>◆ Duplex = 4,080 sq. ft.</li> <li>◆ Applicant may purchase and extinguish 1 or 2 historic TDR's to increase floor area by 250 square feet per TDR.</li> </ul>	Information not provided.
Minimum off-street parking	Lesser of 1 space per bedroom or 2 spaces per dwelling unit.	At least 4 spaces are available on-street and elsewhere on-site.

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3. An applicant may purchase one or more historic TDR's (transferrable development right) and land the TDR's on this property by right. Following are the possibilities for landing TDR's on this property:
  - If the property is developed as a single family residence, an applicant could land one (1) or two (2) TDR's on the property. This would increase the allowable floor area for a single family residence from 3,660 sq. ft. to 3,910 square feet with 1 TDR or 4,160 square feet with 2 TDR's.
  - If the property is developed as a duplex or two single family residences, an applicant could land one (1) TDR per unit on the property. This would increase the allowable floor area for a duplex from 4,080 square feet to 4,330 square feet with 1 TDR or 4,580 square feet with 2 TDR's.

A TDR may be purchased on the private market from an owner who extinguishes 250 square feet of floor area on his/her parcel in exchange for the right to convey a TDR to a non-historic property within the City.

4. This is a corner lot. The determination of which lot boundary is the front lot line of a corner lot is regulated by Section 25.575.020.E.2 of the Code. It states that "The front lot line shall be the parcel boundary along the street with the longest block length and the remaining boundary shall be a side lot line". Based on my experience with similarly situated lots and my measurement of an official City map, I conclude that Hallam Street has a longer block length than Monarch Street and will be considered the front lot line by the City.

### **Potential for Historic Designation**

This property is not designated as an historic landmark. The property is also not included on the list of "potential historic resources" that was established by Ordinance 48, Series of 2007. That ordinance was intended to establish an initial list of structures built in Aspen after World War II that owners could voluntarily designate as historic landmarks.

Subsequently, in 2010 the City adopted the Aspen Modern program, along with a map showing the potential historic resources. Structures identified on the map may apply for designation so they are eligible to obtain these incentives.

I reviewed the map with City staff and found that the subject property is not identified on this map as a potential historic resource. Therefore, this property is not eligible for designation unless the owner petitioned the Community Development Director to add the property to the map. However, since the structure has had several additions and exhibits limited architectural merit it would not likely qualify for designation anyway.

## **Residential Design Standards**

Any development proposed for this property will be subject to residential design standards review. Residential design standards review is not intended to dictate architectural style. Rather, it is a process intended to encourage a positive relationship and interaction between the front façade of a residence and the adjoining street. The process applies to most forms of residential development and would apply to an addition to the existing residence or re-development of this property with a new residence.

Section 26.410.040 of the Code establishes the City's residential design standards. Some basic design principles that would apply to the re-development of this lot are as follows:

- The house façades that face Hallam Street and Monarch Street should be parallel to those streets.
- At least 60% of the façade facing Hallam Street (the street with the greater block length) should be within 5' of the front yard setback.
- At least 10% of the above grade square footage of the new residence should be located in a secondary mass (such as a garage) that is detached from the main residence or linked to it by a feature (the "linking element") which is at least 10' long, 10' wide and not more than 9' high.
- The garage(s) should be accessed off the alley. This would eliminate the two curb cuts (one on each street) that presently exist on the property.
- The house should have a street-oriented entrance and principal window. Because this is a corner lot, the street facing entrance should be along Hallam Street (the street with the greater block length). The entrance should have a covered entry porch that is at least 50 square feet in size.
- The house should have a first story street facing element which comprises at least 20% of the building's overall width and has a plate height of 10' or less.

Residential design standards review is an administrative process, which means it is handled by the staff as part of the building permit review process. Staff is authorized to grant up to three (3) variances from the design standards if the applicant can demonstrate that the proposed design fits the site and neighborhood context and that the variance is necessary to respond to unusual site constraints. For example, an applicant who wished to preserve some or all of the large trees on the property might have a valid argument for obtaining variances. Any application that requests more than three (3) residential design standards variances will be referred to the Planning and Zoning Commission.

## **Mitigation Requirements/Impact Fees**

The City has in effect a number of impact fees and similar exactions that would apply to the re-development of this property. The applicable fees include those for affordable housing, transportation/air quality, schools and parks. Water and sewer tap fees and stormwater management fees may also apply but are not addressed as part of this report because they are dependent upon the specific design of the proposed addition or replacement project and are typically calculated by an engineer or contractor.

### 1. Affordable Housing

The City's affordable housing mitigation requirements do NOT currently apply to a remodel project that adds floor area but they DO apply to a demolition project in which the replacement house contains more floor area than the existing residence. Under today's regulations, such projects must be mitigated at the rate of \$79.10 per square foot of additional residential floor area. This fee does not apply to areas that are exempt from floor area calculations (sub-grade spaces, garage areas, etc.), nor does it apply to any existing floor area on the property that is demolished and replaced.

The City has initiated a study to re-evaluate the methodology used to calculate the affordable housing impact fee. That work is ongoing and a new ordinance is likely to be proposed prior to the end of 2015. Until such time as a new ordinance has been drafted and is released to the public I cannot predict how it might impact the re-development of this property.

Rather than pay the affordable housing mitigation fee, an applicant can instead provide an on-site accessory dwelling unit (ADU) or carriage house. An ADU is limited to 300 to 800 square feet of net livable area while a carriage house can contain 800 to 1,200 square feet of net livable area. The floor area of the ADU or carriage house counts towards the maximum allowable floor area of the property.

There are numerous design standards that an ADU or carriage house must comply with. The unit must be separately accessible from the exterior and must have separately accessible utilities. It must have its own parking space. The finished floor height of the unit must be entirely above both natural and finished grade. Finally, the unit must be deed restricted and registered with the Housing Authority to ensure that the unit is only occupied by a local working resident, with lease terms of no less than 6 months in duration.

## 2. Impact Fees

Among the other fees that would apply to a re-development project, two are relatively straightforward to calculate. They apply to the additional residential floor area proposed to be developed, with a credit given for the existing floor area on the property. These fees do not apply to areas that are exempt from floor area calculations (sub-grade spaces, garage areas, etc.). The applicable fees are as follows:

- Parks Development Fee = \$5.45 per added square foot of floor area; and
- Transportation/Air Quality Fee = \$0.61 per added square foot of floor area.

The school lands fee is somewhat more complicated to calculate. It also applies only to the added floor area, with a credit given for the existing floor area on the site. However, to calculate the payment due I would need to know the size of the resulting house, because that size determines which of several possible "student generation rates" applies. I would also need to know the "actual value of the lot", which will be the purchase price of the lot. So I will have to leave the calculation of that fee to the buyer of the property.

### **Tree Mitigation/Sidewalks**

There are numerous mature trees growing in several clumps around the existing duplex. As shown on the GIS map that accompanies this report, some of these trees are located around the perimeter of the property and can be avoided by future development. However, there are a number of trees which are located toward the center of the property or along the alley (where access to the garage will need to be obtained) and are therefore more likely to need to be removed to make way for the property's re-development.

Given these conditions, it will be essential for the buyer to work closely with Aspen's Forester, who is on the staff of the City's Parks Department. I would recommend that once a purchaser has a specific design for a replacement house, he consult with the Forester to determine which trees the Forester feels should be preserved so they may be accommodated by the re-development plan. If the trees make it impossible to develop a house that complies with the City's other zoning and design standards, he may be receptive to a proposal to remove many of the trees. However, if it is possible to re-develop the property without removing the trees he may require the trees to be preserved.

A potential purchaser of the property should also anticipate that the City may require a public sidewalk to be accommodated in the right-of-way along Monarch Street and Hallam Street as a condition of the property's re-development. Since there are not connecting sidewalks on the immediately adjacent properties the City might instead require an applicant to agree to join a sidewalk improvement district if one is formed at a future date rather than require the sidewalk to be built at this time.

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### **Conclusion**

The above represents my land use analysis for 219 North Monarch Street. This analysis has been based on a preliminary review of the facts and regulations applicable to the subject property. The City of Aspen's development review process can be discretionary, and interpretations of relevant provisions can vary with changes in staff and officials. Moreover, re-development of the property could require approval of an application at a public hearing, making it difficult to accurately predict the outcome of any such review process. Consequently, no warranty of the facts, opinions, or interpretations contained herein is either expressed or implied by me.

I trust that this report provides the information you require. Please feel free to call me if you have any questions as to its contents or if you wish to discuss any of my conclusions.

Very truly yours,

**ALAN RICHMAN PLANNING SERVICES, INC.**

A handwritten signature in black ink, appearing to read "Alan Richman". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Alan Richman, AICP