

To: **Lex Tarumianz, CFA, Aspen Snowmass Sotheby's International Realty**

From: **Patrick Rawley, AICP, ASLA, Rawley Design Planning LLC**

Date: **16 May 2023 (updated 12 June 2024)**

Re: **Land Use Overview / 301 S. Seventh Street, Pitkin County, Colorado**

The purpose of this analysis is to provide a review of existing zoning and site conditions, evaluate the ongoing land use process seeking subdivision, and the development potential for 301 S. Seventh Street, Parcel ID: 273512300003, Pitkin County, Colorado (the "Property"). This analysis has not reviewed matters of title.

General Land Use Overview

- The Property is located in the R-15 (Moderate Density Residential / 15,000 SF minimum parcel size) zone district of Pitkin County and contains 0.927 acres (40,407+/- Square Feet/ SF). The parcel is a legally created parcel. The dimensional limitations of the R-15 zone district will be reviewed later in this analysis.
- The Property is located on the west side of South 7th Street in Pitkin County within the Urban Growth Boundary (UGB). A single-family residence is currently located on the Property. According to the Assessor, the residence contains 879 SF of heated area. A detached garage and three detached sheds are also identified by the Assessor.
- Location within the UGB primarily impacts how floor area is measured and allows subgrade space and garage space to be exempted from floor area up to a certain size. Floor area will be reviewed below. While exempted from floor area, subgrade space and garages are not exempt from the Growth Management Quota System employed in Pitkin County.
- The R-15 zone district is a "floor area ratio" zone district meaning available floor area is based on parcel size. The R-15 provides for a .16 : 1 floor area ratio. Therefore, the current allowable floor area is approximately 6,465 SF. Based on location within the UGB, a 4,000 SF basement and 750 SF garage may be provided exempt from floor area. TDRs are required for gross floor area above 5,750 SF.
- All development in Pitkin County must be contained in an Activity Envelope. As no Activity Envelope has previously been delineated on the Property, Activity Envelope review is required. Activity Envelope approval for two (2) lots has occurred at the Conceptual Subdivision approval, which is discussed further below.

- In addition to Activity Envelope approval, Site Plan approval, which reviews physical development, will be required. Site Plan review can occur as part of the Detailed / Final Subdivision process or may be pursued as its own land use process. Site Plan approval carefully considers the materiality of the proposed structures and organizational characteristics of the site plan. A firm concept of development approach will be required for Site Plan review such as the location of proposed structures and proposed total square footage.
- Development will be required to meet Scenic View criteria which generally requires earth-toned, non-reflective materiality and consideration of neighboring properties.
- A Caretaker Dwelling Unit (CDU), which is a separate dwelling unit from the principal residence, can be provided on the parcels in conjunction with the single-family residence via Special Review as part of the Site Plan review process. CDUs are limited to one thousand (1,000) SF of net livable. CDUs are discussed in greater detail later in this analysis.
- The Property is not located within the mapped wildlife range. Standard wildlife development requirements, such as wildlife-appropriate fencing, wildlife-resistant trash enclosures, and other wildlife-related limitations of certain activities, will be required as conditions of approval.
- The Property is not located within a mapped avalanche hazard area, known geological hazard area, or groundwater resource study area. Standard wildfire mitigation techniques are recommended to be incorporated into the site plan regardless of wildfire hazard rating. These standard techniques, largely focused on creating defensible space, will be reviewed below.
- Impact fees, aimed at mitigating the impacts of development, will be due at the time of building permit issuance.

Previously Submitted Land Use Application Impacting the Property

- The Property has received Conceptual Subdivision, Special Review and GMQS Exemption to Use a Transferable Development Right for New Development Right, and Activity Envelope Review approval. The conceptually approved subdivision provided for two (2) approximately 20,203 SF parcels, meeting the minimum parcel size of the R-15 zone district. The parcel size of the two parcels can be varied at Detailed Subdivision Review as long as one parcel is at or greater than 15,000 SF. The P&Z provided its recommendation for Conceptual approval via Resolution No. PZ-009-2023 and the BOCC provided Conceptual approval via Resolution No. 013.2024 on 13 March 2024. Conceptual approval allows an applicant to file for Detail / Final review.

- Subdivision in Pitkin County requires a two-phase, multi-step hearing process: Conceptual review, which occurs before both the Planning and Zoning Commission (P&Z) and the Board of County Commissioners (BOCC), and Detailed and Final Plat review, again before P&Z and BOCC. The P&Z provides a recommendation following their review and the BOCC makes the final decision at each phase of review. Subdivision approval is not granted until Detailed / Final approval is obtained.
- Following Detailed / Final Subdivision approval, each resulting parcel, if equally divided, would have a maximum floor area of 3,232 SF ($20,203 \text{ SF} \cdot .16 = 3,232 \text{ SF}$).
- Following Detail / Final approval, one parcel will have a development right from the fathering parcel. The other parcel will need to establish a development right through the extinguishment of a Transferable Development Right (TDR). The TDR creating the development right allows development up to 2,500 SF. To attain the maximum floor area of 3,232 SF, an additional TDR will be required. While TDRs are currently worth 2,500 SF of floor area, code changes in Pitkin County could modify TDRs to being worth 500 SF per TDR certificate. This could be an advantage to the ultimate developer of the Property as less of the TDR will be unutilized.

Potential Development Scenarios

- A possible scenario for development under the existing code, not considering the submitted subdivision process, is as follows:

Above grade area: 5,000 SF

Garage: 750 SF

Total area: 5,750 SF

or

Above grade area: 6,464 SF (using 714 SF of one (1) TDR)

Below grade area: 1,036 SF (using same TDR)

Garage: 750 SF (using same TDR)

Total area: 8,250 SF

- A possible scenario for development for development of two residences following subdivision creating equally sized lots is as follows:

Residence 1 (using development right from fathering parcel):

Base above-grade floor area: 3,232 SF;

Below grade area: 2,018 SF

Exempt garage: 500 SF

Total gross area: 5,750 SF

Residence 2 (initial development right via TDR, final area using second TDR)

Base above-grade floor area: 2,500 SF (using one (1) TDR)

Additional available floor area:	732 SF (using additional TDR)
<i>(Total above grade floor area:</i>	<i>3,232 SF)</i>
Below grade area:	1,018 SF (using additional TDR)
Exempt garage:	750 SF (using additional TDR)
Total area:	5,000 SF

- A possible scenario for development of a compound following subdivision creating one lot at 15,000 SF and one at 25,000 SF

Two (2) residences (25,254 SF lot and using development right from the fathering parcel and one TDR)

Base above-grade floor area:	4,040 SF
Below grade area:	3,460 SF
Exempt garage:	750 SF
Total area:	8,250 SF

House 2 (15,153 SF lot and using one TDR for development right)

Base above-grade floor area:	2,500 SF
Below grade area:	1,750 SF (using additional TDR)
Exempt garage:	750 SF (using additional TDR)
Total area:	5,000 SF

Total Compound area: 13,250 SF

Existing Conditions and Applicable Zoning

As previously provided, the Property is located in the R- 15 zone district of Pitkin County. The stated general intent of the R- 15 district is to provide areas for moderate-density, single-family residential dwelling units with customary accessory uses adjacent to the City of Aspen.

Dimensional Limitations –

The dimensional limitations in the R-15 are as follows:

FAR (Floor Area Ratio) –The R-15 is a Floor Area Ratio zone district. Allowable floor area is identified using a floor area ratio of 0.16 : 1.

Open Space - The Minimum Usable Open Space per Dwelling Unit is 3,000 SF

Setbacks -

From collector streets	50 feet for buildings, 25 feet for outside uses
Front setback	30 feet
Rear setback	10 feet
Side setback	10 feet

Building Height –

Principle structure	28 feet
Accessory structure	20 feet

Survey –

Based on the *Improvement and Topographic Survey* of the Property prepared by True North Colorado LLC., dated 9 September 2020, the Property contains 0.927 acres (40,407+/-SF). An existing one story home, a garage, and three sheds are located on the property.

It appears that the property is served by the Aspen Sanitation District for sanitary sewer. A sewer line easement, recorded in Book 472, Page 209, runs along front of the Property, along South Seventh Street. There is a 30-foot easement along the southwest property line (side) for ingress, egress, and utilities recorded in Book 289 Page 729, however, access is taken on the northeast side of the house via an existing gravel driveway. Preferred access that responds to new development should be discussed with the County. A water line bisects the Property from the southwestern corner to the northeastern corner. Discussions with Sarah Oates have provided that discussions with the City of Aspen to relocate this water line are ongoing.

Utilizing the survey and the Pitkin County GIS information, the site is generally flat with isolated areas of slopes on the back portion of the property between 15-30%. Obtaining a geologic report that addresses site specific conditions present on the Property may be required.

Floor Area

In Pitkin County, floor area refers to the area of net livable space of the development as measured from the outside faces of framing or other primary wall members. Veneer facades up to eight (8) inches in thickness are excluded from the calculation of floor area. Fireplaces, stairs, and similar features are included in the floor area on each floor.

Structures which do not exceed thirty (30) inches in height, measured above or below finished and natural grade, whichever is more restrictive, and that are not covered by a roof or horizontal projection from a building are exempt from floor area calculations. Structures that exceed thirty (30) inches above natural or finished grade, and that are not covered by a roof or architectural projection from a building, such as decks, balconies, and stairways, are exempt from floor area up to fifteen percent (15%) of the approved floor area of the parcel. Pergolas and open shade structures are considered a part of this fifteen percent (15%) exemption.

Architectural projections not provided with exterior walls are exempt from floor area calculations if the projection is equal to or less than eight (8) feet when measured from the face of the structure. The area under an architectural projection beyond eight (8) feet from the face of the structure are included in floor area calculations.

Locations within the UBG allow for exemptions from floor area calculations for below grade space up to four thousand (4,000) square feet. Exempt below grade spaces must be located below both the natural and finished grades. If any part of the below-grade space is exposed above natural or finished grade (such as walk-out basement, walls, or courts) the

entire below-grade area shall be included in the floor area calculations. Minimum-sized egress window wells are permitted. Exempt below-grade spaces are no greater than twenty (20) feet in depth and no more than a single story. For purposes of this definition, “story” shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor above. Additionally, garages up to seven hundred and fifty (750) square feet may be exempted from floor area calculations as well.

Caretaker Dwelling Units

The R-15 zone district allows for the construction of Caretaker Dwelling Units (“CDUs”) via Special Review. CDUs are accessory dwelling units which are limited to 1,000 SF of net livable area. The floor area attributed to the CDU counts against the maximum floor area available on the Property. CDUs require a deed restriction to be recorded against the Property which limits the rental of the unit to qualified Pitkin County Employees, as defined in the Aspen/Pitkin County Housing Guidelines. CDUs do not need to be rented and may be utilized by the owner of the Property and their immediate relatives. CDUs can either be connected to the main residence or detached. The relationship of the CDU to the principal residence dictates the manner of review. Many property owners use CDUs as offices or studios, or to house staff such as an *au pair*.

Wildfire Hazard

The Property is mapped, according to current County mapping, in a Low Hazard area for Wildfire. Standard wildfire mitigation techniques will be imposed in connection with any development. This includes the provision of defensible space around all structures. The provision of defensible space requires the removal of brush, debris, and non-ornamental vegetation a minimum of ten (10) feet around all structures. Vegetation must be reduced to break up the vertical and horizontal continuity of fuels a minimum of thirty (30) feet around structures. This office can recommend several Pitkin County approved wildfire experts to provide site specific recommendations.

Emergency vehicle access must be provided to meet Pitkin County standards which generally requires a sixteen (16) foot wide access with maximum grade of twelve (12) percent. Vehicular turnout areas must be provided every seven hundred fifty (750) feet and firetruck turnarounds provided adjacent to any proposed residence.

All structures that are three thousand (3,000) square feet and larger are required to install an in-house sprinkler system with onsite water storage in an amount dictated by the fire marshal.

Conclusion

Sensitive site planning is recommended to ensure the house is well received by neighbors and consistent with County regulations. A review of the required impact fees can be provided. Impact fees are imposed on development regardless of location in the County and will represent a significant expense that will be required to be paid in conjunction with the issuance of a building permit. A specific notable impact fee is the Employee Housing Impact (EHI) fee which is assessed on development in excess of 5,750 SF. There are two tiers of EHI, one for local area residents where the development will be used as a primary residence and one for non-primary residence use. The impact fee for non-primary use is

significantly higher. Other than standard zoning, no issues were found with the Property during our review of available materials.

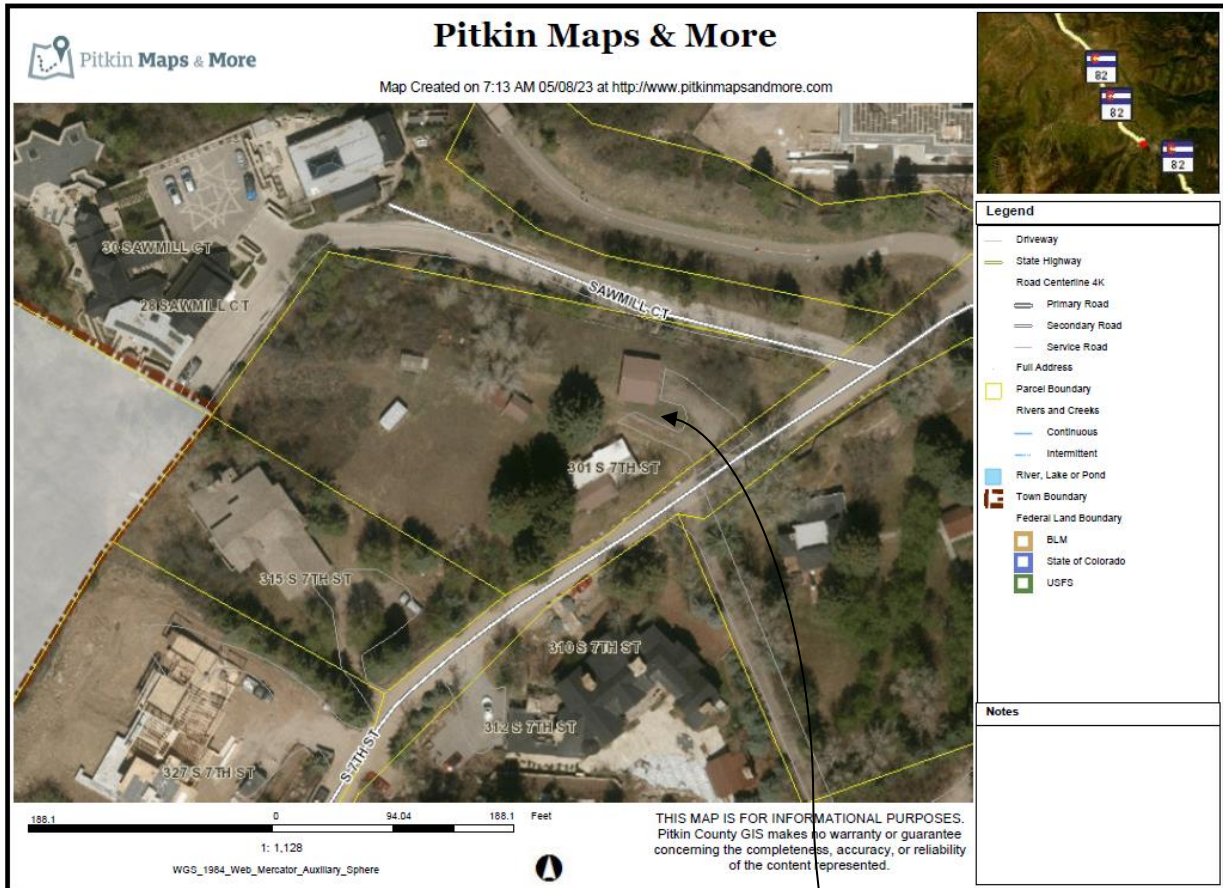
A purchaser of the Property could choose to either follow through on the subdivision process or choose to develop the Property as a single 40,000 SF parcel. The amount of floor area would not change if divided between two parcels or kept on one. If the subdivision is pursued, it may be possible to develop a “compound” of two (2) 3,200 SF single-family houses with additional subgrade and accessory structure area. The advantage of this scenario is that the two reasonably sized residences, each with full kitchens and associated amenities, could be enjoyed. If CDUs are added, additional opportunities for multiple kitchens/living spaces are created.

Please note that every effort is made to provide accurate and complete information. The findings within this analysis are based on our best understanding of the client’s intent and our understanding of land use code provisions that address those intentions. No warranty is expressed or implied as to the suitability or accuracy of this information. This analysis must be confirmed through a formal Pre-application Conference with public agency staff. Rawley Design Planning LLC shall not be responsible for any consequential damages arising from any service or action performed.

Documents Reviewed for this analysis, which will be maintained in this office and available upon request, include the following:

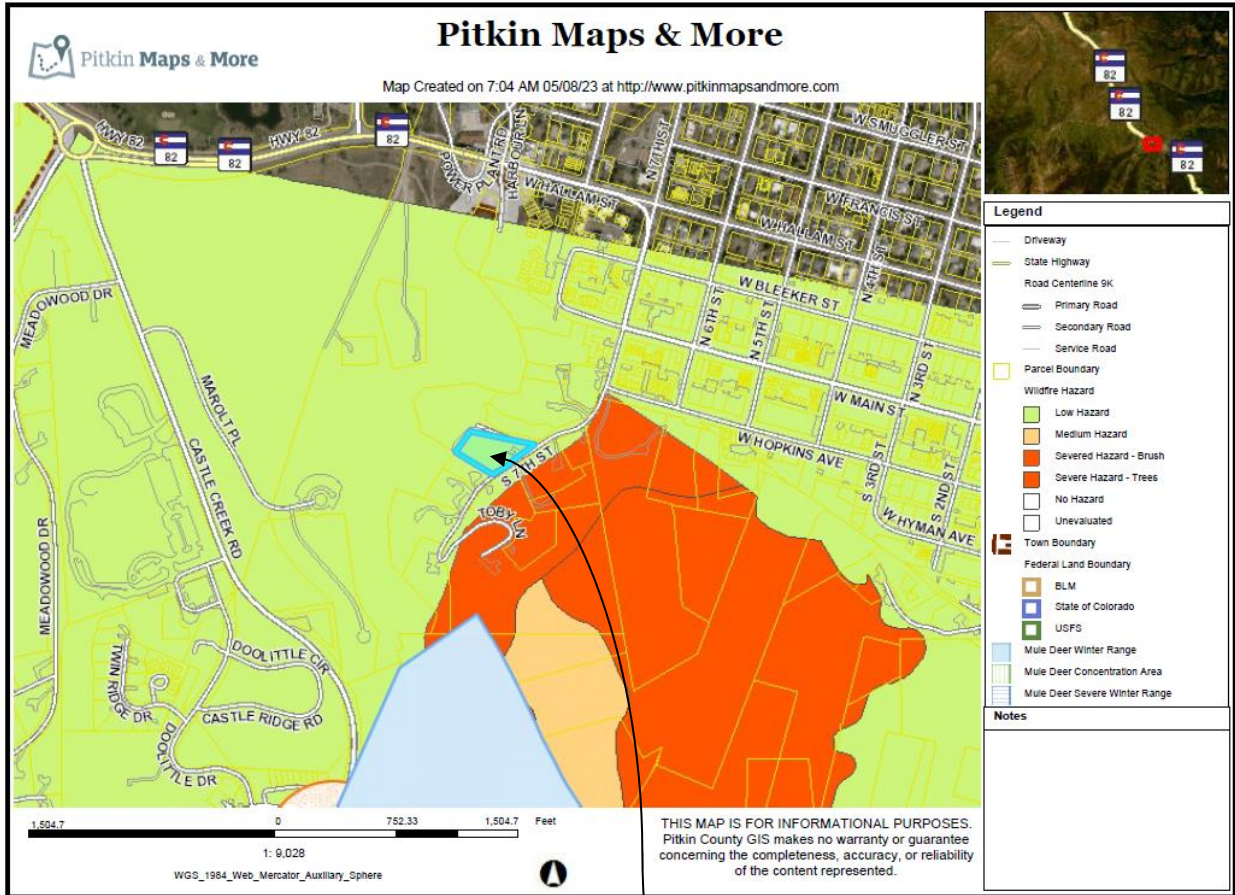
1. Pitkin County Assessor, Parcel Detail Sheet
2. Pitkin County Land Use Code
3. Pitkin County GIS mapping
4. Pitkin County Community Development Department records

Map of Property



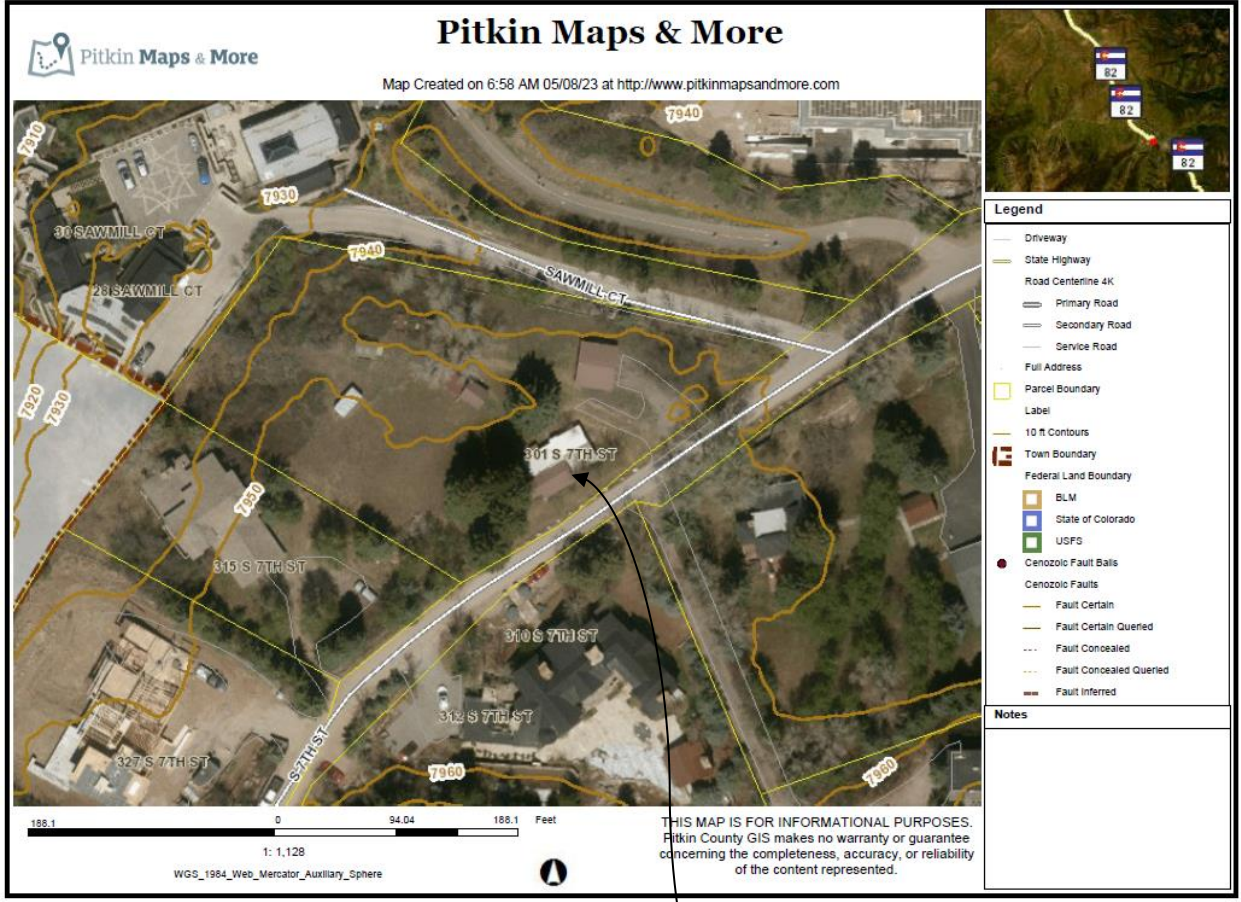
Subject Property

Wildfire Hazard Map



Subject Property

Geologic Hazard Map



Subject Property