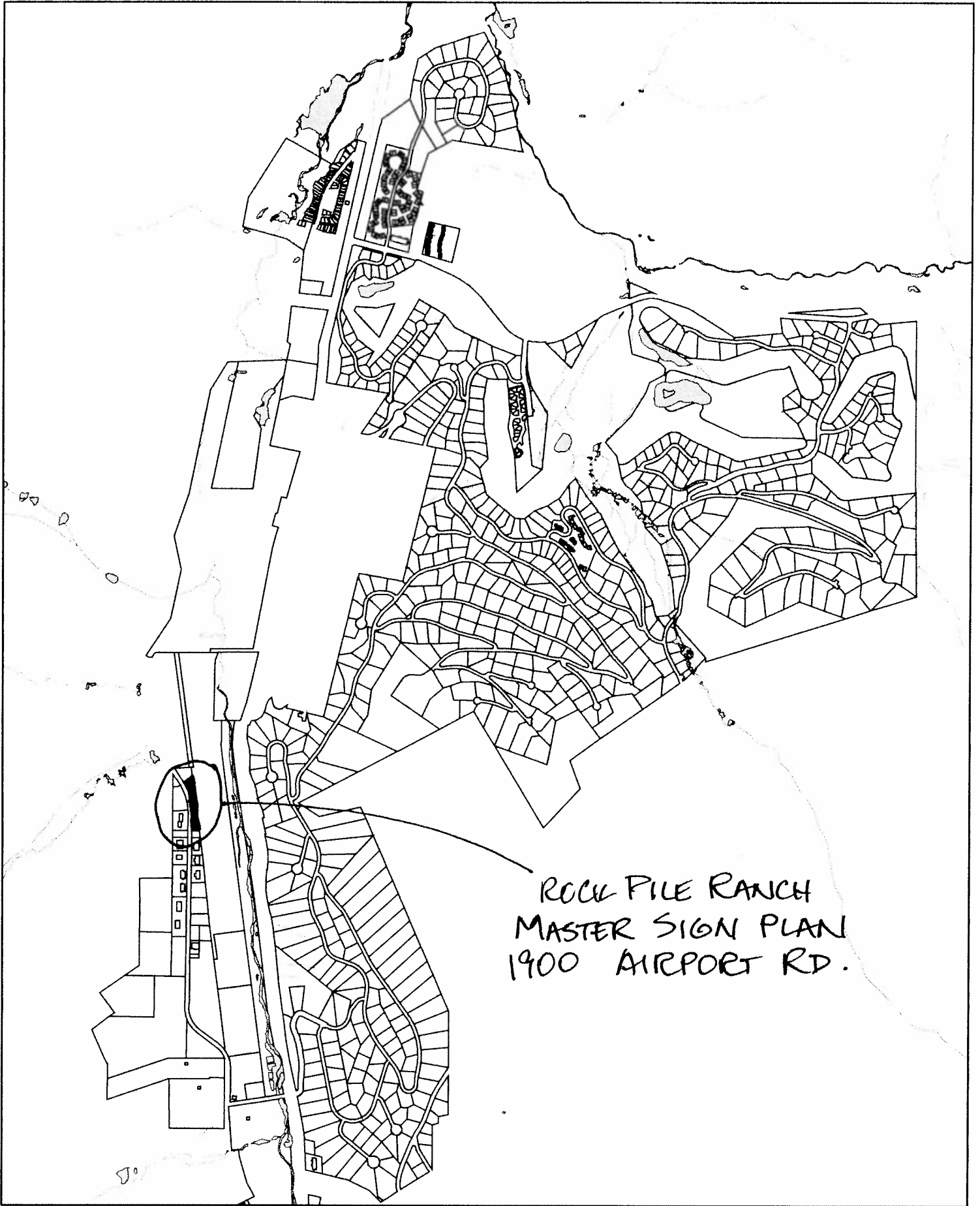


Town of Breckenridge
Planning Commission Agenda
Tuesday, May 18, 2010
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the May 18, 2010 Planning Commission Meeting; 7:00 p.m. Roll Call</i>	
	<i>Approval of Minutes May 4, 2010 Regular Meeting</i>	4
	<i>Approval of Agenda</i>	
7:05	<i>Consent Calendar</i>	
	1. Rock Pile Ranch Master Sign Plan (MGT) PC#2010027 1900 Airport Road	13
	2. Cedars Townhome Unit 12 Addition (CK) PC#2010026 505 Village Road	18
7:15	<i>Worksessions</i>	
	1. Energy Policy (JP)	29
	2. Joint Town Council Meeting Topics (CN)	40
8:45	<i>Town Council Report</i>	
8:55	<i>Other Matters</i>	
9:00	<i>Adjournment</i>	

For further information, please contact the Planning Department at 970/453-3160.

**The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.*



ROCK FILE RANCH
MASTER SIGN PLAN
1900 AIRPORT RD.



Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of this product for any purpose is at user's sole risk.

Breckenridge North

printed 2007

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Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of the product for any purpose is at user's sole risk.

Breckenridge South

printed 2007



PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:03 P.M.

ROLL CALL

Rodney Allen Jim Lamb Dan Schroder
Leigh Girvin Michael Bertaux JB Katz
Dave Pringle arrived at 7:16 p.m.

APPROVAL OF MINUTES

On page 5, Mr. Allen's comments should state that the absolute policy should be stronger, and that he was opposed to negative points. This point was not accurately captured in the minutes.

With one change, the minutes of the April 20, 2010 Planning Commission meetings were approved unanimously (6-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the May 4, 2010 Planning Commission meeting was approved unanimously (6-0).

Mr. Allen mentioned that the joint Town Council and Planning Commission meeting would be June 22nd, and that the Commission may discuss this during Other Matters. Mr. Schroder mentioned that the Commission should discuss the upcoming historic preservation commissioner training as well.

CONSENT CALENDAR:

1. Froehlich-Olmstead Residence (JP) PC#2010022, 714 Highlands Drive
2. Carter Park Overlook (MGT) PC#2010024, 50 Carter Drive

Ms. Girvin requested to see the full size site plans. (Mr. Thompson presented the full size site and landscape plan to the Commission.) On the existing site conditions it mentions a 20' trail easement and an existing trail that was east of the easement that would be need to be moved. (Mr. Thompson presented the trail location and noted that the adjacent property owner's fence was in the incorrect location, outside of her property line. The Staff is discussing moving the fence with the property owner. Mr. Mosher is working with Open Space and Trails department and the property owner to resolve the issue.) What are the buffers to Carter Park? (Mr. Thompson: It is double the width of the south setback.)

3. Elsner-Adelman Residential Addition (JP) PC#2010023, 53 Wildcat Road

With no requests for call-up, the consent calendar was approved as presented.

WORKSESSIONS:

1. Exterior Lighting Policy (JP)

Ms. Puester presented. Staff had been directed by the Town Council to look at amending the Exterior Lighting Policy (Title 9, Chapter 12 of the Town Code) to allow for lighting along walkways to shops between buildings. Some storeowners feel that canopy lighting would enhance the pedestrian and shopping experience as people meander through the site to shops in the rear of the property.

Staff has spoken with the two current users of canopy type lighting (La Cima Mall and Shoppes at Historic South Main). Both owners indicated that the intent of the lighting was for ambiance during winter months. Neither has been using the lighting during the summer months. The property manager of La Cima felt that the lights were not needed in the summer months. The owner of Shoppes at Historic South Main stated that the lighting was not needed in the summer but if it were allowed, the lights should have clear bulbs. Both property owners and managers considered it holiday lighting. Both properties have colored lighting and have changed the color of the lighting from year to year.

Staff took the issue to the Planning Commission worksessions on February 16th and March 16th. The following modifications have been proposed based on those meeting comments and interviews with current canopy light users:

- Added a definition for canopy lighting and included canopy lighting in *Exemptions 9-12-8*. Canopy

lighting is proposed to be allowed November 1 to the end of the Breckenridge Ski Resort ski season (consistent with holiday lighting).

- Bistro lighting for outdoor restaurants/bar areas allowed in all Lighting Zone Districts, rather than only Lighting Zone 1. (Bistro lights are allowed only from May 1 to October 31.)
- Included a wattage restriction and hour limitation (to business hours) for bistro lights.
- In the bistro lighting definition, the word “dining area” has been replaced with the word “restaurant” for clarification. This would ensure that commercial businesses can use these lights, not private residential properties.
- Language has been added to require holiday, bistro and canopy lighting to be maintained.

Staff has not proposed to require a permit for canopy lighting. Staff believes that this would work well as an exemption similar to holiday and bistro lights and not much will be gained by issuing a permit. Staff also has not proposed any language on time of day for canopy lights to be turned off as it would be similar to holiday lighting which does not have a time limit. This is not required for other on-site lighting and Staff feels that this would be both an enforcement and public relations challenge.

A few of the Commissioners suggested canopy lighting be white or clear bulbs only, have bulb spacing requirements and length requirements. After discussing the canopy lighting with the current users, the owners have utilized colored bulbs during winter months only in conjunction with their holiday lighting. Staff believes that a color limitation of white lights for the canopy would appear to stand out more since the remainder of the lighting on the building and/or trees are generally colored holiday lights, and Staff has not proposed a color limitation in the policy. Staff has also not included a spacing requirement as people who utilize canopy lighting may only utilize small holiday lighting string lights which are close together and low wattage. Also, Staff has not included a length requirement as previously suggested, as this would also be difficult to measure and enforce since properties have very individual widths between buildings and depths of the site.

Commissioner Questions/Comments:

Mr. Schroder: I appreciate the rationale that has been presented, and I agree with Staff that a permit is not necessary. Most people, especially business owners, want things to look nice. The word “walkway” in the language in the definition means that private roadways couldn’t be included? (Ms. Puester: Correct.) I do not think we should be discussing this ordinance. It’s not needed. During the holiday season I believe that colored lights can be used in any direction on buildings, vertical, horizontal, etc. I believe that canopy lighting should be allowed only in the winter season and is the same as holiday lighting. If we were to allow for canopy lights outside of the holiday period, lights should be white. I agree that we shouldn’t be enforcing length, spacing, etc. I agree with the way that Staff has written the hours of operation for holiday, canopy and bistro lights.

Ms. Katz: If canopy lighting is supposed to attract customers in, it makes sense in the winter only because the sun goes down so early. In the summer, the days are longer, the spaces can be seen from the sidewalk and it may not be needed. I agree with not requiring a permit at this time, and if it does become a floodgate we can require one in the future. There are not a lot of places that actually qualify for this due to the requirements. Why don’t we just say it can be over walkways and not private road? I agree with Ms. Girvin regarding lighting color being ok with holiday lighting color. (Mr. Neubecker: Staff agreed that it would be difficult to enforce and people would be confused between “holiday lights” and “canopy lights”.) I agree with Mr. Pringle regarding hours for holiday and bistro lighting.

Mr. Lamb: On page 36, the intent was for ambience during winter months, and that the lights were not needed in the summer. I am confused by the property manager comment that in the summer the lights are considered “tacky” but in the winter they are considered “ambience”. (Ms. Puester: I think the message behind his statement was that ambience of the lighting has to do with the holidays and people being outdoors and enjoying Breckenridge. The entire town is lit up with holiday lighting in the winter. Summer has longer daylight hours as Ms. Katz said.) I agree that a permit should not be required; no abuses here. If there are abuses in the future we can look into this. We have enough regulations. I agree with Ms. Girvin and Ms. Katz. Also agree with Mr. Schroder that we do not need discuss this issue further. I think that bistro lighting should turn off after business hours.

- Ms. Girvin: I think we need to keep this simple. Most people don't understand the difference between the different types of lighting. I do not think we should require a permit for this. I think that canopy lighting and holiday lighting should be in the same family, and that the rules can be the same. They can be colored but cannot be flashing, blinking, etc. Bistro lighting is for outdoor dining areas in the summer, and the lights should be white or clear only as written in the existing code. Does the Town of Breckenridge have to follow this ordinance? They are on at the Welcome Center? (Mr. Neubecker: We are aware that our lights are still on at the Welcome Center.) Bistro lighting in the summer time needs to be turned off at the end of their business day, whether its 10pm or 2am. Canopy and holiday lighting, I think it can stay on all night, if that is what people want.
- Mr. Bertaux: If La Cima or Shops on Main Street were coming in now I think that we would want them to get a permit for their lighting. I think that there is a difference between the different lighting types. That is why we have distinct definitions. I think that the holiday lights are over-done in some locations. (Ms. Girvin: I don't think that the code for holiday lights says you can only have a certain quantity of lights.) I think the lights should be clear or white for bistro lighting. I think that colored lights should just be in the winter season. Bistro lights should be in the summer season, canopy lights in winter. I think they should be shut off at the end of the business day. In response to Mr. Burke, it is probably the Council's job to increase business. It is the Commission's job to create standards that are fair and clear to all users in the community.
- Mr. Pringle: Believes that there are more people doing this than the two users that were interviewed; at least one more at Michael's restaurant (Pasta Jay's). My concern is that we began with holiday lights, and now the shop owners have let the lights continue on past the season and that the lights are up for the entire ski season, just turned off. (Mr. Allen: This is allowed in the code.) I am concerned that if we don't get ahead of this at the onset, there will be concerns later. I think holiday lights are holiday lights. I think canopy lights are a completely different subject, and that a permit should be required for canopy lights. (Ms. Puester: Another option could be to not allow canopy lights at all.) I get concerned about the quantities that could come up with future projects in plazas and over roadways, specifically the Gondola Lots Master Plan. I agree with Ms. Girvin regarding lighting color. Because we say colored lighting is allowed, that doesn't preclude the use of white lights. I think that Mr. Burke makes a good point regarding separation of holiday and canopy lighting. I think that there will be people that will want to use canopy lighting in the summer time, and I am not sure how we will address that. I think that holiday lights are unregulated, we should cut it off at the end of the season and call all the rest of it canopy lighting. I think holiday lighting could be on as many hours as they want. Bistro lighting should turn off at the close of business.
- Mr. Allen: Does everyone agree that canopy lights should be treated the same or differently from holiday lights? (No consensus. Mr. Neubecker: The reason that holiday lights and canopy lights were considered the same was due to the definition of holiday lights regarding "architectural features.") I don't think there are that many places that would do canopy lighting. We could educate those shop owners on additional requirements. We want to find ways to encourage people to go to into businesses and stimulate activity. We have consensus on allowing over walkways only, not private roads such as the gondola lot master plan. I am opposed to requiring a permit, and that means we are 5-2 as a Commission. Believe that the Town can send a letter or email to shop owners regarding additional regulations. I feel strongly that colored lights along horizontal plane will look gaudy and I favor white or clear, which will entice consumers into individual businesses. I think we have consensus on bistro lighting. My concern with the canopy lighting is the residential neighbors and adjoining properties could be looking down; therefore, it should be turned off at the end of business. Once the business is closed I don't think they need to be on, since the purpose is to draw people in. If canopy lights are clear and white they should be allowed during both summer and winter.
- Mr. Burke: My concern is that we haven't asked other shop owners or users about summer use for canopy lights. Shouldn't we allow for this in the summer too? We only asked the two individuals that are currently using this type of lighting at the holidays. I agree that holiday lights and canopy lights are different from one another. (Mr. Neubecker: We thought it would be confusing to separate the two types of lighting.) If you do canopy lighting separate from holiday lighting you have a hard time understanding when it was allowed. If you have a policy that is clear, you don't need a permit. I don't think this policy is clear. I hear all the time that tourists like the "winter wonderland" nature of our community. The holiday lights need to be done well, but I like the lights being on through the end of the ski season. I do not think that you have addressed what Council asked which is to direct

people into town businesses. It seems like all we have distinguished is where you can put lighting. I think bistro lighting should be treated differently. I think for bistro lighting should possibly be yellow, because white is very bright and bistro lights are used for ambience. I would not allow multi-colored lights for bistro though. (Mr. Allen: The issue we were addressing was that prior to this discussion there were two businesses doing this type of lighting, and now we have clarified what it is so that it would be allowed by the Code. Currently canopy lighting is not allowed.) (Ms. Katz: With regard to comment on not fulfilling our job, having served on both Town Council and Planning Commission, I understand that the Council asks Commission to review things and the Commission makes specific recommendations after reviewing policy. Sometimes our recommendation is to do a lot and sometimes it is to do nothing. Planning Commission has the discretion to review things fully and we may determine that in the summer, canopy lights may not be needed. If Council disagrees with our recommendation, they can direct Staff to make that change.)

2. Condominium Exterior Remodels (CN)

Mr. Neubecker presented. Recently the Planning Commission asked about the review process for condominium exterior remodels and if the process was sufficient. Some Commissioners thought that these remodels should be reviewed in greater detail due to their size and impact on the community.

In the past, most exterior condominium remodels have been Class C Minor permits, although a few larger or more complex projects have also been reviewed in work sessions prior to the formal application submittal (e.g. Village at Breckenridge). Development permit applications are classified based on the scale of the project, impact to the community, and anticipated Staff time to review the application thoroughly.

Condominium remodels are classified as Class C Minor because they require relatively little Staff time, but are important enough to bring to the Planning Commission. Some examples of other Class C Minor developments include:

- Change of use outside of a residential district.
- Master sign plans.
- Temporary structures or uses greater than 3 days in duration.
- Minor remodels and additional to commercial, office or industrial structures.
- Matters relating to non-conforming uses.
- Minor amendment to a master plan.
- Installation of solar devices within the conservation district.

In the current review system, Staff meets with the applicant (usually their architect) prior to the formal application submittal. At that time, Staff identifies any potential concerns. In most cases, there are no significant plan changes other than architecture, so many Development Code policies do not apply. Staff will write a report for the Planning Commission and identify concerns related to the Development Code.

Planning Commissioners have an opportunity to ask questions of the Staff during the public hearing. If Commissioners believes that the point analysis is incorrect, the Commission has an opportunity to request a change to the point analysis through the call-up review process. This would also be the time to review the full sized plans if requested. Also, if additional materials or plans are needed, or if there are questions that cannot be answered by the project planner, applicant or architect during the meeting, the Planning Commission may continue an application for up to 21 days to allow for additional research.

Staff would like to discuss this issue with the Planning Commission, and decide if this is the right approach, or if condominium exterior remodels should follow a different review process. Some options include:

- Keep the review process as-is.
- Provide “before” photos with the Staff report.
- Provide full size (24” x 36” plans) to the Commission with the Staff report.
- Require greater detail in the plans submitted to Staff and provided to Planning Commission.
- Require computer simulations of the “after” condition of the property.
- Encourage the use of work sessions for large and complex projects.
- Change the review process to a higher classification. This could include a Class B level, which would require public notice and a higher application fee.

Staff believes that the current review process works well, and that the Commission has the proper tools to review condominium remodels, as well as the authority to ask for more information. Staff has made some suggestions above on how this process could be further enhanced with additional information. However, we also look forward to hearing from the Commission on your ideas of how we can improve the review process and provide better information for your decision making.

Commissioner Questions/Comments:

Mr. Schroder: I am sympathetic to all the issues being raised, but I have faith in the Staff's current process. On the larger scale projects, I wonder if there is another header that could be on the agenda, that is an in between a worksession and consent calendar? I don't want to change the classification of the application, but possibly there is a place on the agenda that calls it out differently if it affects our community. (Mr. Neubecker: If there were some key issues that we need to talk about, we would bring it to the Commission. We should keep things on the consent calendar, and if the Commission sees a need we can call it up. If a Commission member makes us aware of a call-up prior to the hearing, we can call the architects/applicants and make sure they come to the meeting.) We always have the opportunity to talk with Staff before the meeting, and get clarification. My position would ultimately be to leave the process as is.

Ms. Katz: I think the process can remain the same, but we can add a worksession if there are a lot of concerns from Staff before something goes to the consent calendar. Can Staff understand in advance what projects might cause the Commission some issues? (Mr. Mosher: Staff can ask that a project be pulled off the consent calendar if there is reason for concern. This will save the applicants money and time, and avoid an additional hearing.) (Mr. Allen: Mr. Pringle, what do you think of this process?) (Mr. Pringle: If you change materials and architectural features the Planning Commission should fully review the project in one meeting, as opposed to just on the consent calendar.)

Mr. Lamb: I think that the Staff has done a great job reviewing Class C Minor permits. If there are serious or structural changes, I think the town takes it very seriously. Having gone through the process, I do not think the town is lax on standards. I expect the Town to continue to review things well.

Ms. Girvin: Over a few years we have consistently asked for material boards, larger plans and asked questions about the application. I would like to keep the review process as is. I do encourage "Before" photos. I do not want 24"x36" plans, but I would encourage greater readability. Possibly one elevation per page would help with this. I do not think requiring 3D modeling is necessary as long as we have good elevations and drawings. I think we can encourage the use of work sessions. I think energy audits are attractive, but then some projects would not remodel at all and I do not want to discourage remodels. I agree with Ms. Katz.

Mr. Bertaux: I think a more in-depth review should be done by Staff. If it is just a repaint it may be just a Class C Minor permit. If it is a remodel like the Village, it might need a closer look at the buildings and the entire site, including streets, walkways, landscaping, parking lots, etc. I also agree that in an older building an energy audit would be helpful to the property owner and the town as well. I remember an application where one unit was going to change a window, which would change the architecture. This did happen and we reviewed it several times. I think that greater detail in plans, 3D modeling and worksessions should be required if the Staff says they are needed. I do not think that anyone needs to pay more money for permits. (Mr. Mosher: Providing larger drawings with more details for the Commission would be beneficial. Continuing these applications as Class C permits is working.) (Mr. Neubecker: I agree with Mr. Mosher that the process doesn't need to be changed, but rather additional information could be provided.)

Mr. Pringle: When we review new multi-family buildings or any structure, we look closely at the elevations and materials being applied to the structure. We spend a lot of time on it, but when someone comes in for a remodel it is a consent calendar item; it is the least amount of time we spend on reviewing. I at least think we should have a work session, especially for projects that are changing architectural elements, materials, windows, etc. I like the dynamics of our discussions with consent calendar items. This is why these things need a more critical look.

Mr. Allen: I support keeping these as a Class C Minor. I review all applications with the same detail. If an application comes through with significant changes with architectural features and that Staff can anticipate that a project may be called off for discussion. I think we should use tools that we have. If the Commission thinks we are going to call-up an application, it would be beneficial to understand

the impact on the agenda. “Before” photos would be helpful. I think 24’x36” plans, or electronic plans, would help, just as long as the plans are clear. Greater detail is helpful. Computer simulations are not necessary. The work session system is currently working. Energy upgrades should not be required. We should encourage remodels, not discourage them.

Mr. Burke: It sounds to me like Staff understands when more information needs to be provided, or a project needs to have a higher level of review from the Commission.

3. Transition Standards (MMO)

Mr. Mosher presented. The Planning Commission last reviewed modifications to the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” and the Character Area for the Briar Rose Transition Area on April 6, 2010.

At that worksession, Staff heard the following Commission comments:

1. The Commission was supportive of having the individual Historic Character Area Standards apply when modifying any historic structure in the Transition Areas.
2. The Commission was supportive of setting the maximum height of residential structures in the Transition Areas to 26-feet (measure to the mean of the roof).
3. The Commission asked Staff to explain and measure examples of the solid to void ratio as they relate to the Historic District and Transition Areas for discussion.
4. The Commission agreed to name the Transition Areas “Character Areas” to relate better to the existing Handbooks of Design Standards.
5. The Commission asked Staff to make some minor changes to the descriptions of the Conservation District, Transition Areas and Historic District.
6. Add some clarifications and descriptions for the Briar Rose Character area (to be presented at a future meeting).

Addressing interests expressed by the Commission, Staff has compiled data regarding the existing solid to void ratios by sampling several contributing buildings within the Historic District, new construction in the Historic District, and two buildings in the Transition Areas.

The study shows that for

- Existing historic structures: The range of solid to void falls between 2.5:1 and 7.6:1 with a 4:1 overall average. Most building ranged between 2:1 to 4:1
- New construction in the Historic District: The range varied higher and lower than the historic structures, with the majority still falling between 2:1 and 4:1. The average (two extremes were eliminated) is about 5:1.
- The Transition Area, the ratio was approximately 4:1, with greater variation on some single elevations.

Reviewing the numbers, it appears that, even without any policy direction identifying specific measuring technique, new construction in the Conservation District has generally fallen within an acceptable solid to void range compatible with those buildings within the Historic District.

The Commission has supported relaxing the size of building masses, building and roof forms, and allowing an increase in building height as these areas buffer the Historic District. It stands to reason the solid to void ratio could be relaxed too.

Staff is supportive of allowing a slight decrease to the solid to void ratio in the Transition Areas by identifying a ratio less than 4:1. In addition, Staff suggested adding descriptions to Policy 274 addressing how the openings are placed and suggest the forms as vertical and rectangular.

Staff has questions regarding this discussion:

1. Did the Commission support adding language to Policy 274 identifying window forms to be rectangular and placed in groupings no greater than three?
2. Did the Commission believe that a solid to void ratio should be specifically identified under Policy 274?
3. Staff welcomed any additional comments.

Commissioner Questions/Comments:

- Mr. Schroder: On example #207 in the exhibits, if the vertical elements got taller they would be a better ratio? (Mr. Mosher: With Commission direction, we need to determine whether or not we should have a specific size of windows or number.) You said not all of the homes in the Transition Areas are represented. How many others? (Mr. Mosher: There were only 2 that have been built in recent years and those are represented here.) What area or historic building is the Benito Residence adjacent to? (Mr. Neubecker: It is across the Klack looking towards French Street Gardens in the Historic District.) Based on the exhibit, my initial reaction whether or not the glass to void is appropriate is “no”. There is too much void (on Benito Residence). I don’t believe I would want to see a lot of these types of buildings in the Transition Area. I believe that the word “discouraging” in the current historic standards gives Staff the teeth to keep the Benito Residence types of windows from happening in the future. (Mr. Lamb: Doesn’t the term “discourage” prevent elements like French doors from happening?) (Mr. Mosher: Design standards have been strengthened by establishing past precedent based on criteria referred to in the Historic Handbooks.) I believe adding some language for clarification would be beneficial.
- Ms. Katz: Could you please draw the example of three ‘banked’ windows for us? (Mr. Mosher drew elevations for the Commission regarding window groupings of three.) I agree that the Benito Residence is a nice building by itself, but it sticks out as it faces the Historic District. The answer would be no, it doesn’t relate to the Historic District with this much void, but I feel like it needs to be looked at in relation to the residences to the north. It needs to be in context. I feel better about not including a specific number for the solid to void. It should be based on the building. (Mr. Pringle: Window openings need to be sympathetic to the adjacent historic forms.) There are a lot of good examples on the page. The current standards can address these issues we are discussing.
- Mr. Lamb: The Briar Rose is kind of its own little entity. (Ms. Girvin: But it is directly visible from the Historic District.) I was on Planning Commission when we saw some of these buildings in the Transition Areas come through and the solid to void ratios on the elevations were based on which direction the elevation was facing. If it was facing the Historic District, it had a different solid to void ratio. I believe it is a beautiful home, but the solid to void is inappropriate facing the Historic District. I believe that the current code, properly read, could have done a better job with the Benito Residence review. I would be more ready to set a certain solid to void ratio if I thought the current code wasn’t working well enough as it is. I believe we should leave it alone.
- Ms. Girvin: Given the definition of Transition Area, the Benito Residence does not conform to the solid to void ratio. It does not support the adjacent Historic District. I believe it needs to exhibit a better ratio for the vertically rectangular windows.
- Mr. Bertaux: What are we trying to get to? Is this going to be a code change? Will it be a point situation? If a person was over the average solid to void ratio, would they get a point deduction, or if they did this correctly they would get positive points? (Mr. Mosher: Our approach is that if we have something to add, we would add this to Policy 274, a Relative Policy subject to points. Maybe we just want to add that they are vertically oriented rectangular in form.) On the 324 Main Street example, would the arched windows be outlawed? (Mr. Mosher: No, unless facing a primary façade.) If we are only talking about re-writing and adding to the policy, the suggestions that are here are sufficient, yet could be written so as to discourage more openings but not to prevent or disallow. I do not want them disallowed in the Transition Areas. I do not believe we want to overwhelm the historic buildings that we are transitioning from. There are probably purposes for those openings on the Benito house, but if it is taken out of context, the elevation is too busy because of the amount of glass. I believe that the bullet points regarding residential and commercial cover the rules, and a semi-colon needs to be added. I believe Policy 274 is going in the direction you want it to go, but the first bullet item may need some additional language regarding the locations of the buildings within the transition area – they need to relate to and be appropriate to their neighbors, including a non-historic structure. (Mr. Neubecker: Let’s keep in mind that the historic standards are based on what was here historically. Not what was built later. What may be next door may have been built before the standards were in place. The historic buildings should be the starting point.)
- Mr. Pringle: On some of the examples you show as a primary façade and on others the complete front elevation. (Mr. Mosher: All of the historic elevations are based on photographs. If the facing elevation was close enough to the front elevation I went ahead and added it.) The relief in the Benito home

elevation and the windows are related. There is a lot of real context, especially with the façade relief, and there are additionally larger mullions to create the separation in the Benito example. The mullions gave it better context, even though there are six windows. We may not want to consider this based on a quantity. I believe that if the Benito house had a setback more like the other homes along Briar Rose, it would fit in better without any concerns. I thought we wanted flexibility in this district. (Mr. Mosher: Regardless of the distance, these are the only building seen from the adjacent Historic District and they should function as a transition from the Historic District.) If you put it in context, I believe the quantity of solid to void is appropriate. The Benito residence may not have enough solid to void ratio, but the greater flexibility allows it to be sympathetic in its context. It is important to understand the context. I agree with Mr. Lamb that we are doing a good job and I don't see where there is a great problem or a need to define a specific ratio. I believe there are different kinds of transition districts - some have more historic looking homes, others are not. Some of these examples fit better where there are more historic type structures, as opposed to the Briar Rose where there is no adjacent Historic District. There are no specific solid to void ratios set for Historic District, why would we have any in the transition area? It is supposed to have greater flexibility. (Mr. Mosher: There will be some revisions to the wording in this policy regarding window shapes. I will bring this back to the next meeting.)

Mr. Allen: On this Benito example on page 66, I see two groups of three windows on the elevation. Would this still be allowed? (Mr. Mosher: We're suggesting that this would not be allowed.) Please explain why? (Mr. Mosher presented the elevations to the Commission, and that this example was a grouping of six windows, three above and three below. With existing historic buildings there are not any examples of window groupings of six and there is also a greater solid to void ratio.) (Mr. Neubecker: We are getting a lot more glass than is recommended on some of these elevations, and we're trying to go a little more historic in character.) I believe that the solid to void ratio on the Benito Residence exhibit is not appropriate, although I believe it is the nicest house on the block. I believe that for the design of the façade that faces and abuts the Historic District, we are in agreement. In other elevations it should be more flexible. I think it is okay if someone wants to put in some windows towards views as long as it isn't facing the Historic District.

Mr. Burke: Based on the question as posed by Mr. Mosher, I think that the solid to void for this house is out of context facing the Historic District. If you were to take that same drawing, and just have 3 large vertical windows rather than 6 windows, would it pass? (Mr. Mosher: Yes, depending on the window forms. They should roughly represent the vertically orientated rectangular windows in the Historic District. Some of these on the elevation are too tall and narrow.) But there would still be the same amount of glass facing the Historic District. (Mr. Mosher: You then will look at what the ratio is.) Do we have the tools that are necessary to review this type of home in the current standards? (Mr. Mosher: Yes, loosely. The current system could have changed the window type.) If it could have been avoided with the standards we have, then what is the purpose of adding these now? (Mr. Mosher: No specific direction is stated in the Transition Standards and there is opportunity to better define this with this review.) (Mr. Neubecker: It is helpful for the applicants, architects and advisors working on projects to have clear direction for design.) I would not support adding a specific ratio.

TOWN COUNCIL REPORT:

Mr. Allen asked that Commissioners let Mr. Burke know what their expectations are for the Town Council liaison.

Ms. Katz: To be a conduit to Council, both ways.

Mr. Schroder: Let us know what is happening on your side.

Mr. Pringle: At one time the Commission was a partner to Council, and we were pretty well nuanced into what was going on, especially vision and transportation issues. I feel like we have been compartmentalized – we (Planning Commission) deal with the applications and you (Council) will deal with the long range planning. We seem to have lost that sense of partnership.

Mr. Bertaux: The Council appointee seems more like a figurehead, and can only participate on a drop-in basis. I think these are legal reasons, but it didn't use to be this way.

Mr. Burke: I wanted to have this position so that I could understand the planning issues better. I know that it is a time commitment, but that is okay. (Mr. Pringle: I think we have lost some of this continuity because the Council representative cannot be involved in some of these discussions such as hearings on development applications.) I think I will bring back the message to Council, and I think we can

have a good relationship without voting. I hear you. (Mr. Allen: You had more involvement tonight than the Town Council representatives in the past have had.) I myself was confused when I began this, because I thought that there was a voice in Council that had heard what had happened at the Planning Commission hearings. I understand that legally this may be an issue. I wanted to do this assignment the first year, because I think that this is critical to my future on the Council.

Mr. Pringle: I think Tim Berry needs to be at the joint meeting in June. I think the Town could benefit from a Council member being more involved in the Planning Commission meetings.

Mr. Allen: Let's put that item on the calendar for the June meeting with Town Council. (Mr. Neubecker: Additionally, Council wanted to talk more about the HERS ratings. Also the Top Ten list items, which is the list of the Top Ten issues that the Planning Staff should be working on. I will bring this to the next meeting and we can prioritize. These are typically code amendments or policy.)

Mr. Burke: As far as Council update goes, the Council very clearly wants more information on HERS Ratings to understand it better. There were some concerns with the potential requirement to have a HERS rating analysis being done before a home could be sold, so that the buyer would know what the energy efficiency is. This did not go forward. Another discussion next week will be about the Club 420. This was not the intent of the ordinance. The debate is that anyone can become a member. The Town Attorney is looking at amending the ordinance regarding this type of private club. We also talked a lot about bike striping on Main Street. Apparently there were some differing opinions on Main Street, and it is tabled and will come back up. There was discussion of the BRC Central Reservation System who is short on cash and we are discussing this further. Valley Brook is moving forward. The Town is spending a lot of money on the loan program. The discussion was about whether the deed restricted homes are at a disadvantage, because they are only going to recoup a portion of that loan back. They may not recoup that money in the sale of the home, only in the savings over a period of time. (Mr. Truckey: It will be \$20,000 max for each loan. The money will come back to the Town.) We saw the Gondola Lots Master Plan and will have future meetings for the business agreements. The Peak 6 Proposal was briefly discussed, and future meetings will be held. The Gondola operation in the summer was approved.

OTHER MATTERS:

1. Mr. Neubecker reviewed the Planning Commission norms.

Commissioner Questions/Comments:

Mr. Schroder: Thanks for including this.

Ms. Katz: I think we could review this twice a year.

Mr. Allen: Minimizing repetition is important. Once you make your point, you have made it.

2. Upcoming Conferences:

June 18th – Historic Commission training in Denver. One day training with lunch included. It is similar to the training that was done here last year.

June 23rd to 25th is the Colorado Municipal League Conference here in Breckenridge. Take a look at the agenda, because there is not a lot that is directly planning related.

ADJOURNMENT

The meeting was adjourned at 10:20 p.m.

Rodney Allen, Chair

Planning Commission Staff Report

Project Manager: Matt Thompson, AICP

Date: May 12, 2010 (For meeting of May 18, 2010)

Subject: Rock Pile Ranch Master Sign Plan Amendment
(Class C Minor; PC# 2010027)

Applicant/Owner: Fred Ebert

Agent: Roger Roberts (owner of Ten Mile Café)

Proposal: The applicant is proposing to create a new Master Sign Plan for the commercial spaces and building identification for this existing building. The sign plan will identify the allowed sign locations, materials and sizes.

Address: 1900 Airport Road

Legal Description: Rock Pile Ranch Condominiums

Land Use District: 31, Commercial and Industrial

Item History

The existing Master Sign Plan for Rock Pile Ranch was approved on October 19, 1999. The Plan sets out signs which all totaled are 91.02 square feet for the tenant spaces. The allowable sign area has been calculated at 128.70 feet based on the Sign Code provisions, which follows the formula of 66% of lineal building frontage for all three buildings. Size, location, and materials were spelled out in the Master Sign Plan. There is 37.68 sq. ft. of allowable signage that could be used on this project.

Staff Comments

The applicant would like to place a freestanding condominium directory sign at the vehicular driveway entrance for Building A. There is one existing freestanding sign that was approved with the original Master Sign Plan. The existing freestanding sign advertises only for the mini-storage and is placed on the slope in the grass between building B and C (please see the site plan). Per the Sign Code, Section 8-2-13: Specific Regulations; Permanent Signs, G. Hotel and Condominium Signs: 1. *“Only one major identification sign shall be permitted for each hotel or condominium project. Such major identification sign shall not exceed the twenty (20) square foot limitation established by subsection 8-2-12B, except when the Commission determines the following exist:*

2. *“Where a hotel or condominium project has linear frontage of one hundred feet (100’) or more and multiple vehicular accesses all of which accesses are not visible from a single location, one freestanding major identification sign may be permitted by the Commission at each point of vehicular access to the project.”*

- 12 Individual unit signs of 6.25 sq. ft. each, totals = 75 square feet
- Freestanding sign for mini-storage: 16 square feet

- Freestanding sign for Building A: 17.48 square feet
- Total of all signs existing and proposed: 108.48 square feet

This Master Sign Plan does not require specific materials; materials shall be in accordance with the Town of Breckenridge Sign Code. The dark green background and either white or gold lettering requirements of the Master Sign Plan will remain the same. All new tenant signage will be required to obtain individual sign permits in conformance with this Master Sign Plan. Advertising on windows and glass doors of retail spaces shall be in accordance with the Town of Breckenridge Sign Code and approval of the landlord.

Point Analysis: Staff finds that the proposed Master Sign Plan modification meets the requirements of the Breckenridge Sign Ordinance. We find all the Absolute Policies of the Development Code to be met. Staff does not believe the application warrants positive or negative points.

Staff Action

The Planning Department has approved the Rock Pile Ranch Master Sign Plan, PC#2010012, with the attached Findings & Conditions. We recommend the Planning Commission uphold this decision.

TOWN OF BRECKENRIDGE

**Rock Pile Ranch Master Sign Plan Amendment
1900 Airport Road
PERMIT #2010027**

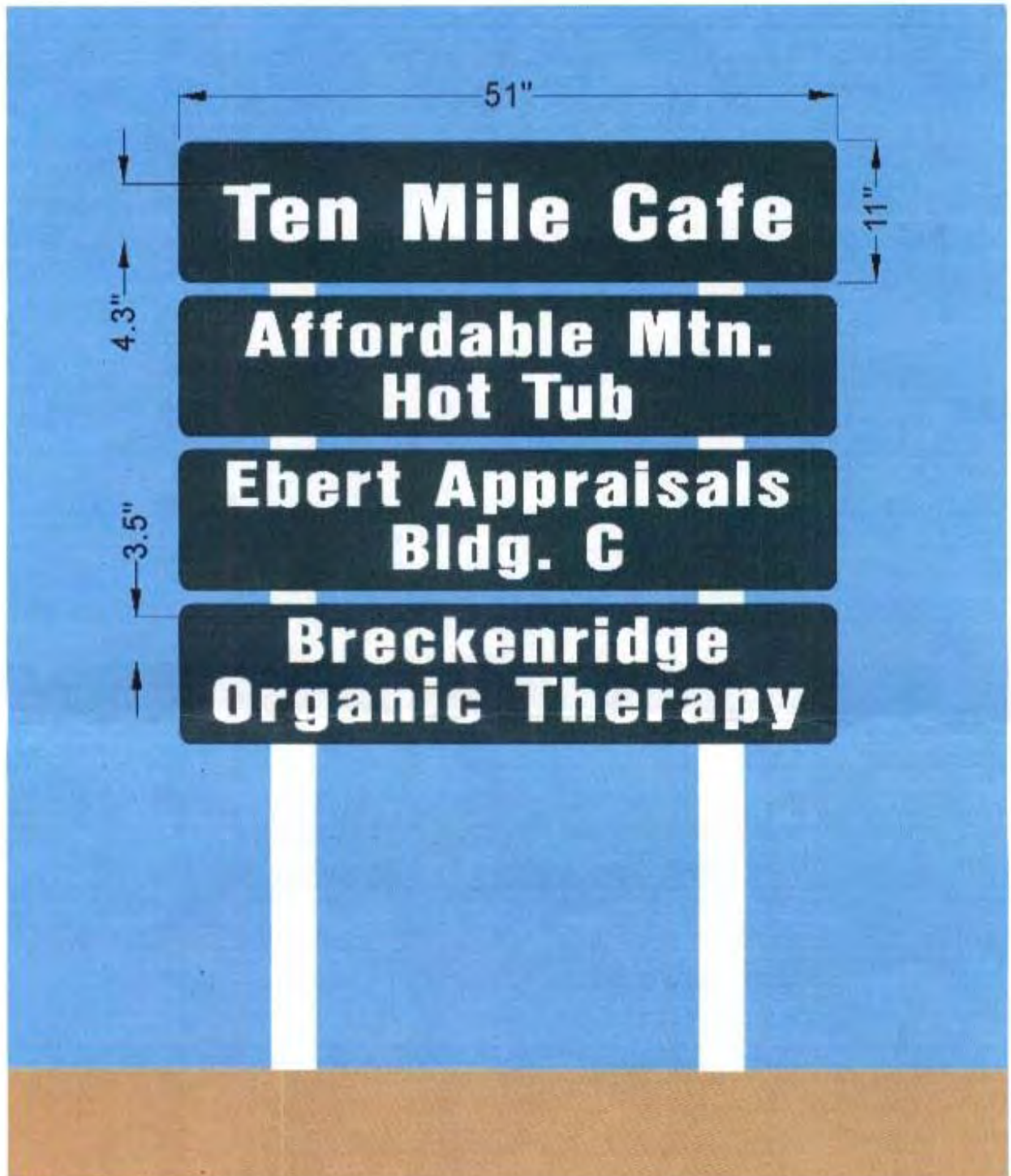
STAFF RECOMMENDATION: Staff has approved this application with the following Findings and Conditions and recommends the Planning Commission uphold this decision.

FINDINGS

1. The proposed project is in accord with the Sign Ordinance and does not propose any prohibited use.
2. The signs will not have a demonstrative negative aesthetic effect.
3. This approval is based on the staff report dated **May 12, 2010**, and findings made by the Staff and/or Planning Commission with respect to the sign. Your sign was approved based on the proposed design of the sign and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **May 18 2010**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to the provisions of Section 2-16 of the Sign Ordinance, may if appropriate, issue a stop order requiring the cessation of work, revoke this permit with costs to constitute a lien on the property and/or restoration of the property.
3. If this sign no longer advertises a bona fide business conducted on the premises, it shall be removed within fourteen (14) days of the closing of such business.
4. The signs shall be maintained in a sound condition and in a neat appearance.
5. Any lighting shall require staff approval at a minimum. All sign lighting shall be from above, and shall include a fully shielded light source.
6. Any changes to the proposed square footages and/or location of any signs shall require submittal and approval of a new Master Sign Plan.
8. All new signs must comply with the current Master Sign Plan and shall require Town of Breckenridge staff approval.
9. Freestanding signs, including sign structure, shall not exceed 10' in height measured from natural grade.





Class C Development Review Check List

Project Name/PC#: Cedars #12 Addition PC#2010026
Project Manager: Chris Kulick
Date of Report: May 10, 2010 For the May 18, 2010 Planning Commission Meeting
Applicant/Owner: Mark J. & Julie E. Steinhafel
Agent: Robbie Dickson/ Equinox Architecture
Proposed Use: Townhome
Address: 505 Village Road
Legal Description: Lot 12, the Cedars at Breckenridge Townhomes
Site Area: (Footprint Lot) 1,227 sq. ft. 0.03 acres
Site Area: (Total Site Area) 122,839 sq. ft. 2.82 acres
Land Use District (2A/2R): 23: 20 UPA (Subject to Four Seasons at Breckenridge Village, Filings 1 & 2 density map)
Existing Site Conditions: The Cedars at Breckenridge Townhomes development was originally approved in 1978. Density for this development was allocated through the Four Seasons at Breckenridge Village, Filings 1 & 2 density map which stipulated a maximum of 99 SFES, (158,400 sq. ft., townhome multiplier). Presently the Cedars development consists of 48 townhome units totalling 56.49 SFES (90,385 sq. ft.). Therefore 42.51 SFES (68,015 sq. ft.) of interior density remains for the subdivision. This is not the first time we have seen additions to a Cedars unit. Several applications have been reviewed and approved for additions, dating back to 1980 and as recent as 2008. Since this extra density is technically owned by the Cedars at Breckenridge Townhomes HOA, staff requested the applicant receive permission from the HOA to utilize some of the remaining density for this project. Lot 12 presently has 1,598 sq. ft. of density and 2,067 sq. ft. of mass. With the proposed addition, Lot 12's density and mass will be increased to 2,319 sq. ft. and 2,735 sq. ft.
Density (3A/3R): Allowed: 158,400 sq. ft. Proposed New: 721 (Lot 12 Total: 2,319) (CedarsTotal: 91,106)
Mass (4R): Allowed: 190,080 sq. ft. Proposed New: 721 (Lot 12 Total: 2,735)
Areas:
Lower Level: 412 sq. ft.
Main Level: 1,100 sq. ft.
Upper Level: 807 sq. ft.
Accessory Apartment:
Garage: 416 sq. ft.
Total: 2,735 sq. ft.
Bedrooms: 0 New (3 Total)
Bathrooms: 1 New (4 Total)
Height (6A/6R): Unchanged
(Max 35' for single family outside Historic District)
Lot Coverage/Open Space (21R): N/A Note: within allowed foot print lot. All common open space will remain.
Parking (18A/18/R): Unchanged
Required: 2 spaces
Proposed: 2 spaces
Snowstack (13A/13R): Unchanged

Fireplaces (30A/30R): One EPA phase II (replacing a non EPA phase II woodburning appliance)

Accessory Apartment: None

Building/Disturbance Envelope? Footprint lot

Setbacks (9A/9R): Addition
 Front: Within footprint lot
 Side: Within footprint lot
 Side: Within footprint lot
 Rear: Within footprint lot

Architectural Compatibility (5/A & 5/R): The addition will be compatible with the existing residence, land use district and surrounding residences.

Exterior Materials: Cedar lap siding with semi transparent stain and cultured stone to match existing architecture of the complex.

Roof: Composition shingles to match existing roof materials.

Garage Doors: Unchanged

Landscaping (22A/22R): No additional landscaping is proposed

Drainage (27A/27R): Positive away from structure

Driveway Slope: Unchanged

Covenants: None

Point Analysis (Sec. 9-1-17-3): Staff conducted an informal point analysis of this residence and found no reason to warrant positive or negative points.

Staff Action: Staff has approved the Cedars #12 Addition, PC#2010026, located at 505 Village Road, Lot 12, the Cedars at Breckenridge Townhomes, with the standard findings and conditions.

Comments:

Additional Conditions of Approval:

TOWN OF BRECKENRIDGE

Cedars #12 Addition
Lot 12, the Cedars at Breckenridge Townhomes
505 Village Road
PC#2010026

STAFF RECOMMENDATION: Staff has approved this application with the following Findings and Conditions and recommends the Planning Commission uphold this decision.

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **May 10, 2010**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **May 18, 2010** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **December 8, 2011**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. An improvement location certificate of the height of the top of the foundation wall must be submitted and approved by the Town during construction. The final building height shall not exceed 35' at any location.

7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

9. Applicant shall submit proof of ownership of the project site.
10. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
11. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
12. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
13. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
14. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
15. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

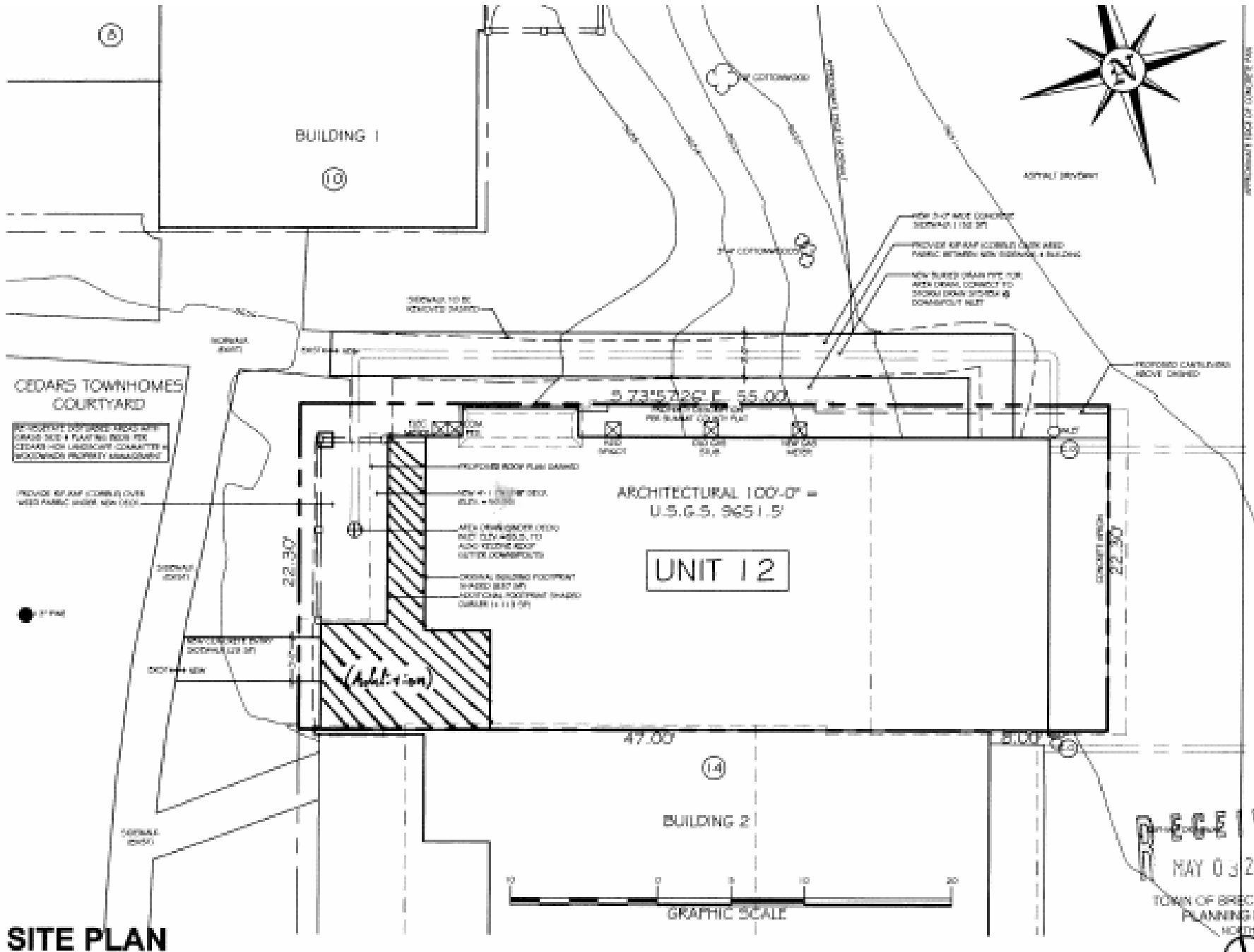
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

16. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
17. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
18. Applicant shall screen all utilities.
19. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
20. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this

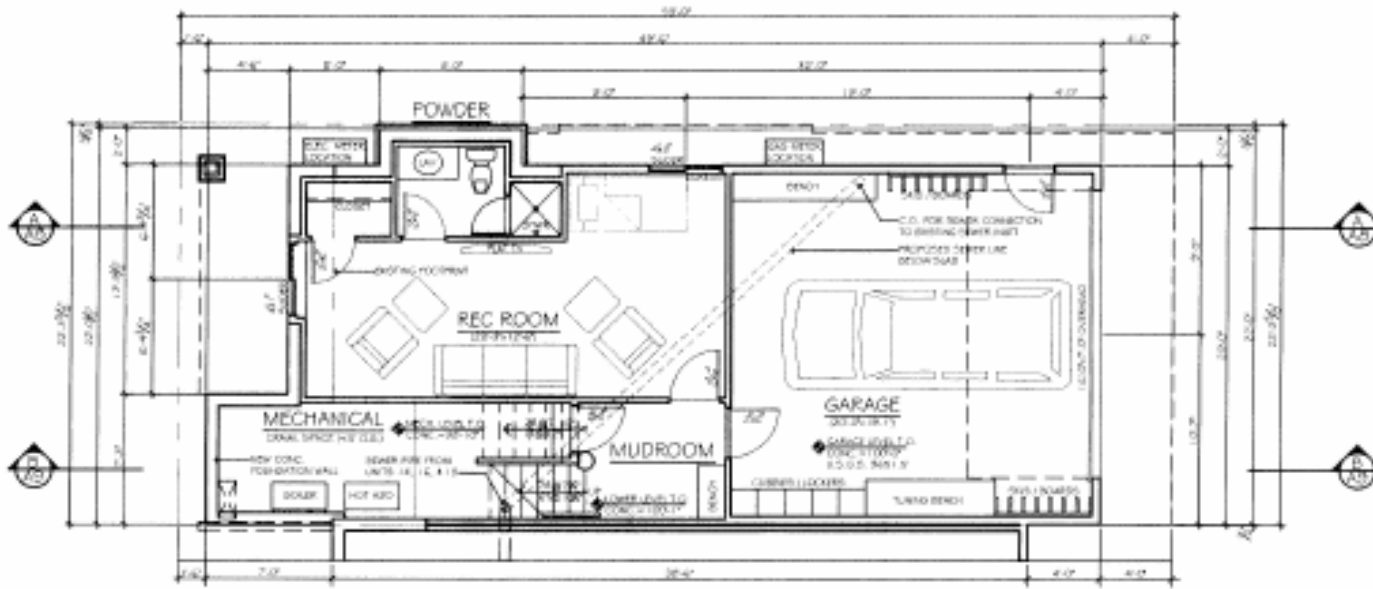
condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.

21. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
22. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
23. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
24. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

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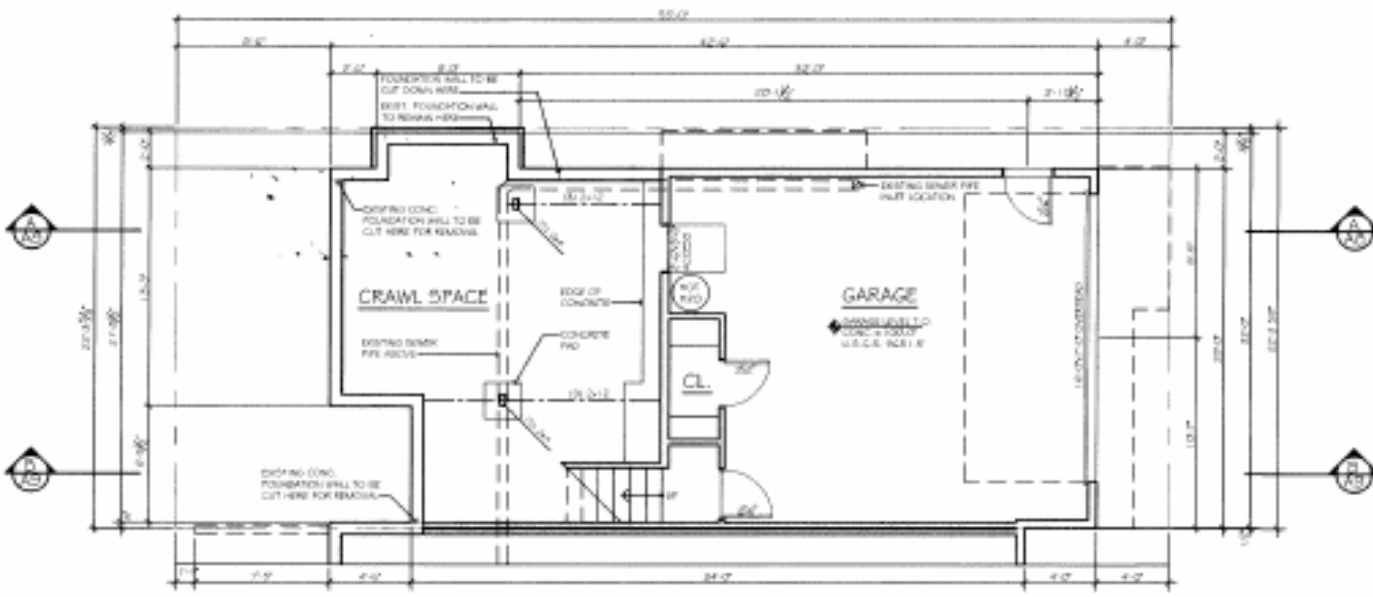


SITE PLAN



PROPOSED LOWER LEVEL PLAN

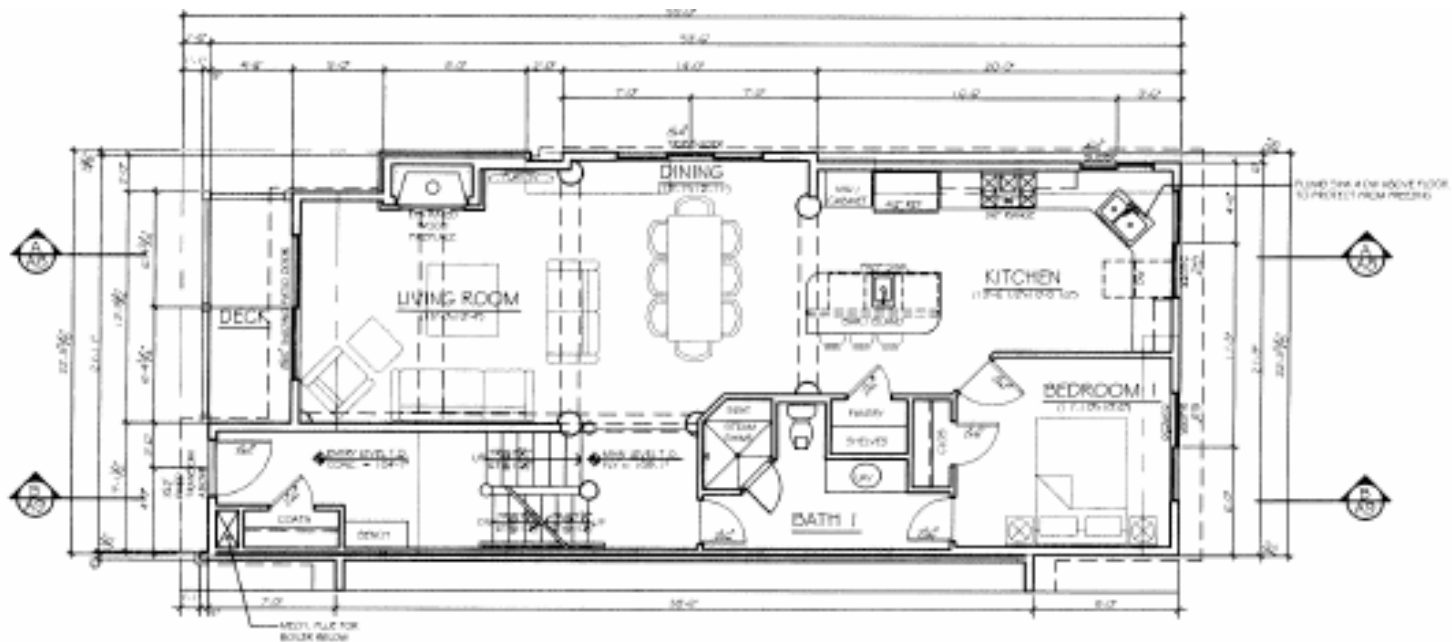
FINISHED 4' 12" SF
GARAGE 4' 12" SF



EXISTING LOWER LEVEL PLAN

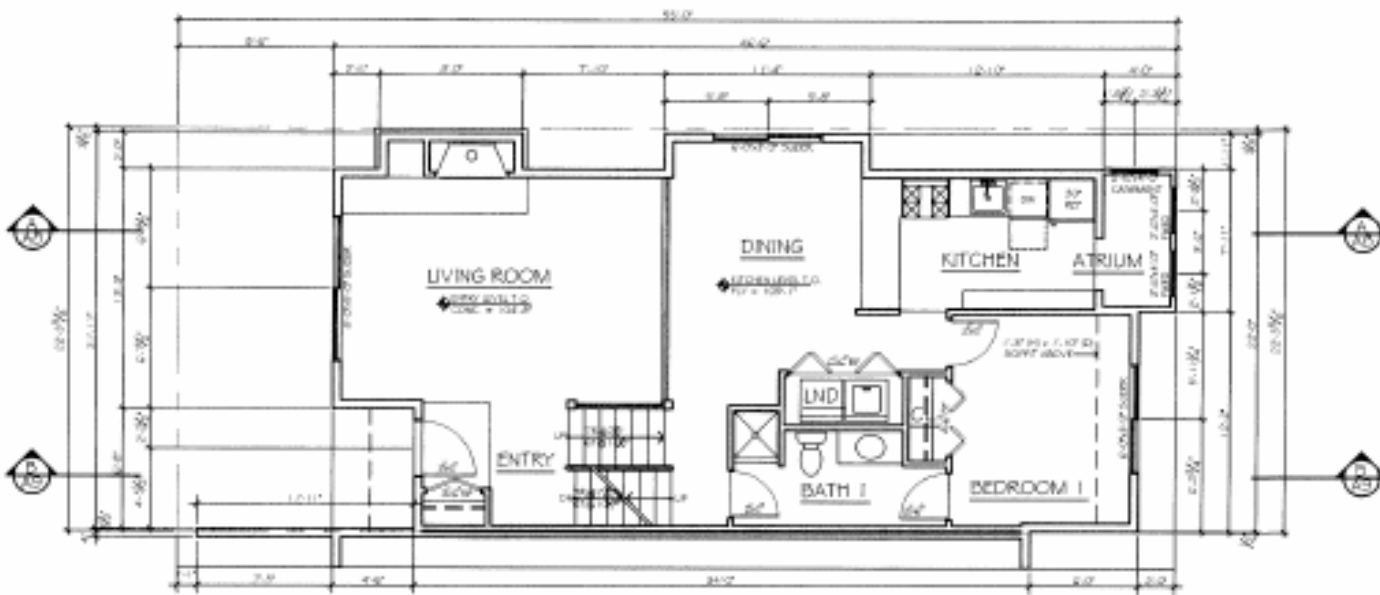
FINISHED 34" SF
GARAGE 4' 12" SF





PROPOSED MAIN LEVEL PLAN

FINISHED 1/100'-0" 



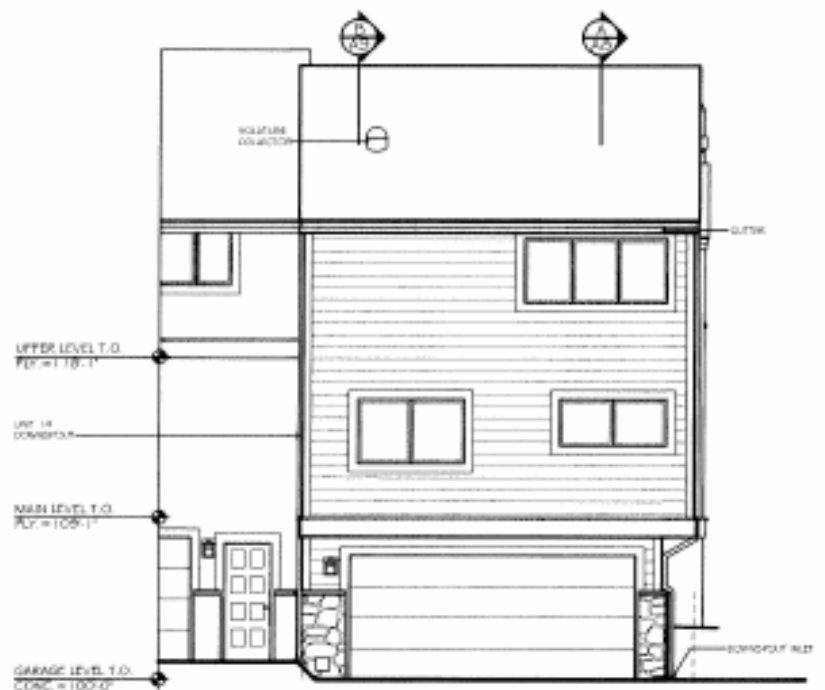
EXISTING MAIN LEVEL PLAN

FINISHED 3/16" 0" 



PROPOSED WEST ELEVATION

1/4"=1'-0"



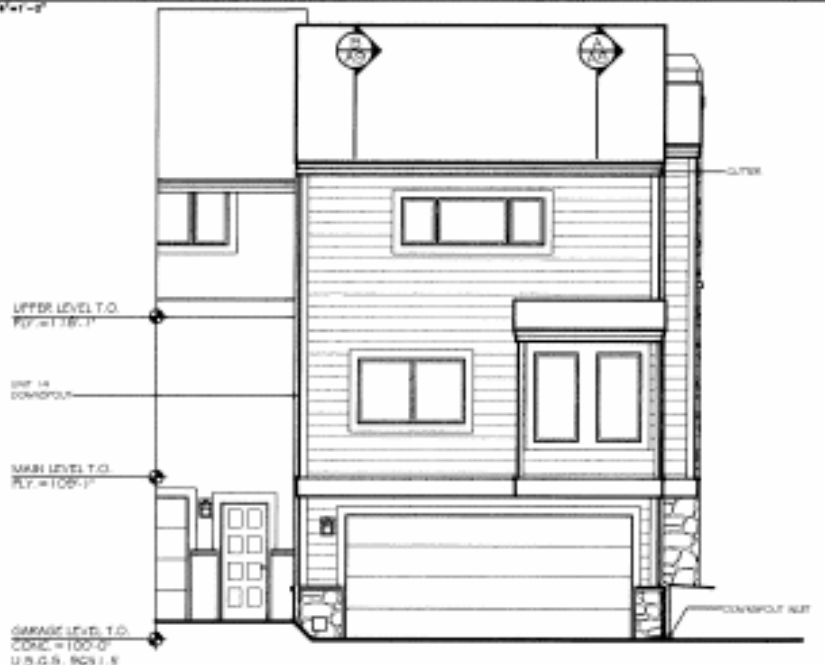
PROPOSED EAST ELEVATION

1/4"=1'-0"



EXISTING WEST ELEVATION

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EXISTING EAST ELEVATION

1/4"=1'-0"

Memo

To: Planning Commission

From: Julia Puester, AICP

Date: May 13, 2010 for meeting May 18, 2010

Re: Energy Policy Worksession

Both the Planning Commission and Town Council have expressed interest in further encouraging sustainable site and building design through the Development Code, specifically Policy 33R *Energy Conservation*. The policy currently addresses energy conservation and renewable energy with the intent of encouraging renewable and conservation methods beyond those required in the Uniform Building Code and State Energy Code. While this relative policy has been in place for many years, the actual amount of energy conservation or production of energy have not typically been measurable, making it difficult to determine how much energy is being saved or produced and therefore, how many points are warranted. This has resulted in concerns on how points were being assigned and if the points have been equitable.

Staff met with the Planning Commission July 16, 2008, September 15, 2009 and January 19, 2010 to discuss this policy as well as held a Planning Commission Field Trip to various sites on the Front Range in October 2009 which focused on energy efficient home designs and construction and Home Energy Rating System (HERS). Staff also presented potential policy changes to the Sustainable Task Force (made up of three Town Council representatives) and to the Town Council February 23, 2010. Minutes from the January 19th Planning Commission meeting are attached to the end of this memo for reference.

Staff has researched energy analysis methods and has met with the Summit County Builders Association representatives and High Country Conservation Center. There was a consensus that the HERS software is the new industry standard for residential development and is effective in quantifying energy use and impacts of different mechanical systems, effectiveness of installation, air leaks in the envelope, lights, appliances, etc.

What Is a Home Energy Rating System (HERS)?

A home energy rating involves an analysis of a home's construction plans and onsite inspections. Based on the home's plans, the Home Energy Rater uses an energy efficiency software package to perform an energy analysis of the home's design. HERS evaluates an existing home to determine where and how energy is being lost, what systems are operating inefficiently and what cost-effective improvements can be implemented to enhance occupant comfort, make the home more durable and lower utility costs. This analysis yields a projected, pre-construction HERS Index. Upon completion of the plan review, the rater will work with the builder to identify the

energy efficiency improvements needed to ensure the house will meet ENERGY STAR performance guidelines. The rater then conducts onsite inspections such as insulation levels, window efficiency, wall-to-window ratios, the heating and cooling system efficiency, the solar orientation of the home, and the water heating system. The inspection typically includes a blower door test (to test the leakiness of the house) and a duct test (to test the leakiness of the ducts). Results of these tests, along with inputs derived from the plan review, are used to generate the HERS Index score for the home. Renewable energy sources which run into the home are included in the HERS score.

The HERS Index is a scoring system established by the Residential Energy Services Network (RESNET) in which a home built to the specifications of the HERS Reference Home (based on the 2006 International Energy Conservation Code) scores a HERS Index of 100, while a net zero energy home scores a HERS Index of 0. The lower a home's HERS Index, the more energy efficient it is in comparison to the HERS Reference Home.

Each 1-point decrease in the HERS Index corresponds to a 1% reduction in energy consumption compared to the HERS Reference Home. Thus a home with a HERS Index of 85 is 15% more energy efficient than the HERS Reference Home and a home with a HERS Index of 80 is 20% more energy efficient. An estimate of the home's energy costs can be provided in the report. Achieving an Energy Star certification is the equivalent of an 80-85 HERS score and a net zero home is a 0 HERS score. The primary reason for using a HERS score is that it is a universally recognized standard to measure energy savings.

Based on obtaining a good HERS score, staff believes that positive points could be assigned as an incentive.

Example: Potential Point analysis for HERS in Policy 33R:

- +1 points for obtaining a Home Energy Ratings Survey (HERS)
- +2 points HERS score of 80
- +3 points HERS score of 60
- +4 points HERS score of 40
- +5 points HERS score of 20
- +6 points HERS score of 0

Commercial Properties

A HERS Index applies only to residential properties of three stories or less. Therefore, a different measurable index would be needed for commercial and large residential projects. Previously, a method such as Leadership in Energy and Environmental Design (LEED) or Green Globes was discussed as an option. After further research and discussion, Staff has found that LEED and Green Globes are focused on general green design, siting and material aspects rather than focused on energy conservation which is what this Policy is geared toward. Therefore, Staff is not recommending using these methods at this time.

There is a method of commercial energy proficiency provisions of the adopted International Energy Conservation Code (IECC). This is a more complex format of calculations than HERS and is detailed in the IECC. Essentially, the energy analysis simulations have results similar to

the HERS scores of saving a certain percentage of energy over a standard code compliant building design. For commercial buildings, the Development Code points could be comparable to the example listed above for the HERS score for residential buildings. The standard design and the proposed design would each be determined by the same approved energy analysis simulation tools in accordance with the “Total Building Performance for Commercial Buildings” section of the adopted IECC. These analyses are prepared by a qualified Colorado Licensed Engineer.

To receive points under Policy 33R, both residential and commercial properties would have to do more upfront work with an analysis for their development permit submittal. However, this relative policy is one of many ways for an applicant to receive points. In discussions with architects and property owners, many people are interested in doing this work upfront anyway to be able to further tout their project as low energy.

Negative Points for Excessive Consumptive Energy Uses

At the January 19th Planning Commission meeting and the February 23rd Town Council meeting, there was some discussion regarding potential negative points in Policy 33R. If negative points were included in Policy 33R, Staff heard from the Planning Commission and Town Council that applicable considerations would be for outdoor heated spaces and outdoor fire pits. Outdoor spas and heat tape were excluded from the list of items for potential negative points. Staff has not determined a point structure for heated driveways or outdoor fire pits but will continue with research on consumptive energy uses and come back to the Commission with that information and a recommendation if desired. We also note that this policy addresses only energy use. It does not deal with other “green” topics such as water use, air quality or material sources. These may be topics for future discussion under other existing policies.

Also, the Planning Commission had previously asked what the energy use was for heated driveways verses a snowplow truck removal.

The following numbers have been generated through the Sopris Foundation located in Aspen. The numbers have been calculated specifically for these uses in Aspen’s winter and elevation.

Heated Driveway **12,922 lb CO2/winter** (*based on 1,000 sq. ft. driveway, 22 week season, system boiler on 4 hours/day; boiler capacity 150 Btu of natural gas per sf of heated driveway*)

Snowplow Truck Removal **950 lb CO2/winter** (*based on snowplow removal in Aspen 30 events per winter, Caterpillar 930G or Bobcat skidloader-0.71 gallons & 15.8 lb CO2 per storm (times 2 for longer driveway)*)

Staff has also included a pamphlet from the Sopris Foundation on Carbon usage in Aspen attached to this memo (for additional information or a PDF that can be read in bigger font, please visit www.soprisfoundation.org).

In general terms, we believe it is important to format policies so that both positive and negative points can be assigned for each topic. With regard to energy conservation, HERS lends itself

nicely to both positive and negative points. Proposals for energy hogs such as heated exterior spaces also lend itself to the assessment of positive and negative points. Energy conservation considerations in construction have risen in importance to the Town Council and society in general and we believe that irresponsible construction practices should be discontinued in the Development Code.

Staff would like to get Commissioner input on the following questions:

- Does the Commission support Staff's direction proposed to address Policy 33R revisions?
- Is there additional information that the Commission would like to have Staff research?
- Is the Commission comfortable with Staff drafting a revised version of Policy 33R for review at another worksession?

Meeting Minutes from January 19, 2010 Planning Commission

Commissioner Questions/Comments from meeting of January 19, 2010:

Ms. Girvin: Do you think the HERS rating will meet the need for measuring? (Mr. Morgan: Yes. It is the nationally recognized rating system. It is done by the United States Green Building Council -USGBC.) Is there a target in the sustainability code for the HERS rating? (Mr. Morgan: As adopted, the houses under our code would be a "100". Each house would be different. In the theory that you would give positive points if it was an upgrade from the sustainable code, you might aim to reach an 80 or a 90. It is an engineered calculation. Inspections during the construction process are really critical.) I think that the matrix is really helpful that staff put together, and I think we have been a little inconsistent with points awarded under policy 33R in the past. I like that the HERS rating is quantifiable and that it is becoming an industry standard. It is not a new thing to the building industry. I don't think it is too much of a leap to require testing and have thresholds for meeting and rewards for exceeding. I agree with Mr. Bertaux that we need to require something for commercial and multi-family as well. I agree with Mr. Schroder that requiring LEED or making it mandatory should be flexible, but it needs to be addressed. I would like to hear more input from local architects, developers and real estate community.

Mr. Bertaux: Is the HERS index applicable to buildings in the historical district? (Mr. Morgan: It could be used for all areas in town, but there may be exemptions for historic buildings. New buildings should try to meet the 100 score. HERS could be a benefit to a historical building to determine an energy rating and methods that could be used to improve the energy efficiency without damaging historic fabric.) You brought up the example of a person that wants to add a hot tub. Would they have to go through this analysis? (Mr. Morgan: Only buildings that were built under the Sustainable Code.) Who is going to do all of these energy audits? Town staff? (Mr. Morgan: A third party would complete the audit, that is where the \$1,200 comes in.) So the third party wouldn't also be a sales person for insulation? (Mr. Morgan: No.) Wouldn't it be fairer to audit both homes and commercial? I think we should be looking at both. (Mr. Morgan: Yes, we should require it for both.) I agree with Mr. Pringle's thoughts. If testing is required, it should be required for residential, commercial and industrial. We need to be consistent. I

think that awards for meeting a target are important. I like that Frisco is doing LEED and I think we should do it as well. I am concerned that people doing an energy audit be independent, and not selling anything else.

Mr. Pringle: I am confused about the process and how we would award positive points under 33R. We would require people to do an energy rating and then how would we award points? I am not so sure that the plans we look at are developed to a level where a HERS rating could be done to award these points. (Mr. Morgan: They would have to do additional work to commit to that energy level during the planning review process.) This is quite a deviation from our current process. (Mr. Grosshuesch: I think there are ways to handle this. When Mr. Morgan gets the plans and it doesn't meet that goal, they wouldn't get a permit for construction and would have to come back through the planning process.) I think that this seems complicated. If somebody used "energy star appliances" and carpeting and paint that doesn't have volatile organic compounds (VOCs) how would we make sure that this is continued? (Mr. Morgan: We would be looking for these at building permit. We wouldn't be able to review if they are changing these things out in the future.) I think that we ought to put this out to the community and see what kind of response we get from them. I think that this is going to add a dimension to our building process. Our original quest was that if we are going to give positive points for 33R, how do we measure it? I am cautious on how fast this is going. This is a moving industry and changes continually. I am not opposed to where we are going, but cautious. I like the idea of an energy saving component for the development that we have a way to test it before we award points, but this might be so complicated I am not sure it is where we want to go. I think that positive points should be awarded if baselines are exceeded. I do not think there should be a mandatory LEED certification. We need buy-in from the development community.

Mr. Schroder: Do we know of any other jurisdictions that are requiring testing? (Mr. Morgan: Boulder. Frisco requires LEED for commercial buildings.) The price for energy testing is around \$1,200? (Mr. Morgan: Yes, for now.) I think that I am resistant to the words "required" and "mandatory". We want to make consistent decisions. I would like to "encourage" rather than mandate, and highly incentivize. I appreciate the ability to quantify the improvements.

Mr. Lamb: It was interesting on our field trip that the architect mentioned that only a few people were able to do this energy rating testing, and now they said that there were as many as 14 people that can do this testing in Boulder alone. It is a great industry to have in a community. (Ms. Best: We are considering requiring a HERS rating, but there would be positive points for going above and beyond what the testing shows. The Planning Commission needs to decide if we should award positive points for going above and beyond.) I agree with pretty much everything that has been said. I am struggling with the mandate of this. If someone were seeking positive points I think we should make them get a good HERS rating, but I am a little concerned with mandating it. If someone was building a small house we may be able to determine if they are building a good house without this testing process. I think it is a good discussion to begin, and appreciate the ability to measure it. I think we need the development community to weigh in. I support LEED certification for commercial buildings.

Home Energy Use

Lights use natural window light	0 lb CO2
Cooling open a window for fresh air.....	0 lb CO2
Washing cold water, air dry	0.4 lb CO2/day
Snow shovel by hand	0 lb CO2/winter
Bathing hot shower, 5 minutes.....	3.5 lbs CO2/shower
Home energy efficient house	3.8 lbs CO2/sf/yr

Lights four 26 Watt CFL bulbs for 12 hours	1.7 lbs CO2/day
Cooling electric fan	1 lb CO2/day
Washing cold water, electric dryer	4.4 lb CO2/day
Snow snowplow truck removal	950 lbs CO2/winter
Bathing hot shower, 10 minutes	7 lbs CO2/shower
Home average US household	10 lbs CO2/sf/yr

Lights four 100 Watt bulbs for 12 hours	6.5 lbs CO2/day
Cooling air conditioner	7 lbs CO2/day
Washing hot water, electric dryer	8 lbs CO2/day
Snow heated driveway	6 tons CO2/winter
Bathing soaking in avg hot tub	9 lbs/day
Home large size, many amenities	51 lbs CO2/sf/yr

Travel | Recreation

Driving take the bus instead	0.2 lb CO2/passenger mile
Flights long, extended trip*	0.3 lb CO2/passenger mile
Recreation cross country ski	negligible CO2
Exercise walk, hike outdoors	negligible CO2
Extra average car idling in traffic	12 lbs CO2/hour

Driving hybrid electric car, 41 mpg	0.5 lb CO2/mile
Flights medium trip*	0.5 lb CO2/passenger mile
Recreation lift-serviced skiing	45 lbs CO2/day
Exercise gym workout	21 lbs CO2/visit
Extra snowmobiling	87 lbs CO2/hour

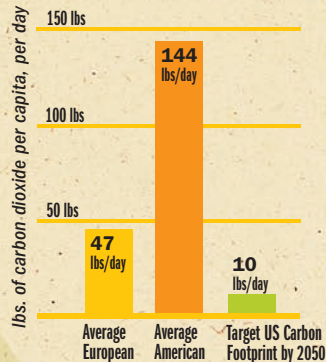
Driving average 23 mpg vehicle	0.9 lb CO2/mile
Flights short trip*	0.9 lb CO2/passenger mile
Recreation heli-skiing	419 lbs CO2/day
Extra private jet	3.4 tons CO2/hour

Food | Drink | Work

Water tap water	negligible CO2
Alcohol New Belgium beer.....	1.8 lbs CO2/12-oz bottle
Food fruits & vegetables	1.6 lbs CO2e/lb
Food banana	0.25 lbs CO2e/banana
Work laptop computer	0.3 lb CO2/day
Extra coffee	0.4 lb CO2/cup

Water dispenser with hot/cold	3.1 lbs CO2/day
Alcohol domestic wine.....	5.5 lbs CO2/750 ml bottle
Food chicken, fish, eggs	6 lbs CO2e/lb
Work desktop computer	2.2 lb CO2/day
Extra LCD 40" flatscreen TV	0.7 lb CO2/day

Water bottled Fiji water	1 lb CO2/liter
Alcohol French wine	6.2 lbs CO2/750 ml bottle
Food beef	22 lbs CO2e/lb
Food cheeseburger	6.6 lbs CO2e/burger
Work send a UPS package	4.7 lbs CO2/package
Extra yellowtail sushi	0.5 lb CO2e/piece



- * In addition to other factors, more fuel is burned during takeoff & landing in a short flight than on long flights.
- ▶ The distance a product is shipped from where it was produced, or the specific model of a home appliance or personal vehicle alter the actual carbon footprint. These estimates are based on best available information.
- ▶ For a complete explanation of the calculations, refer to "Daily Carbon" at www.soprisfoundation.org

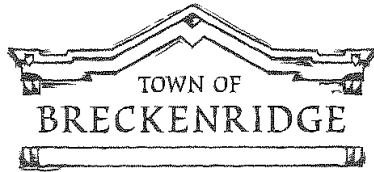
	A	B	C	D	E	F	G	H
1	Carbon In Our Daily Lives (Card version)							
2	From Piper Foster							
3	Revision by Rick Heede, CMS							
4	14-Jan-09							
5								
6								
7								
8		Sector or activity						
9			Quantity	Units	Source of estimate	Notes	CMS verified?	
10		HOME ENERGY USE						
11								
12		Lights: use natural window light	-	lb CO2	Foster			ok
13		Cooling: open a window for fresh air	-	lb CO2	Foster			ok
14		Clothes: air dry the clothes	-	lb CO2	Foster			ok
15		Snow: shovel by hand	-	lb CO2/winter	Foster			ok
16		Bathing: hot shower, 5 minutes	3.5	lb CO2/shower	Heede (2008a)	Average of fuel input (natural gas) and electricity (US average carbon intensity), 3.75 gpm showerhead, 11 gallons of hot water delivered for a 5-minute shower		yes
17		Home: energy efficient house	3.8	lb CO2/sqft-yr	Heede (2008b)	The author's own home in Old Snowmass, Colorado: 6-year average energy and emissions, Holy Cross Energy is high-carbon utility (1.61 lb CO2/kWh), 4,000 passive-solar home averages 390 kWh per month (and 1.17 kWh per sf-yr), and 3.80 lb CO2e per square foot per year. While a number of homes around the US use no fossil energy -- i.e., low or negligible CO2 emissions -- this home is more representative of a grid-connected high-efficiency home. Total emissions: 7.7 tons CO2e.		yes
18		Laptop computer (home use)	0.3	lb CO2/day	Heede (2008a)	EIA RECS data from 2001, too dated: 77 kWh/yr, wattage and hours not specified. Laptops run ~15-45 watts vs desktops ~60-250 watts (www.michaelbluejay.com)		yes
19								
20								
21		Lights: house lights - four 26-w CFL bulbs	1.7	lb CO2/day	Heede (2008a)	Replace the four 100-watt incandescents below with four 26-watt CFL lamps		yes
22		Cooling: electric fan	0.5	lb CO2/day	Heede (2008a)	EIA RECS data table, emissions per day calc by Heede, US ave electric EF		yes
23		Clothes: washing machine, cold water	0.4	lb CO2/day	Heede (2008a)	EIA RECS data table, emissions per day calc by Heede, US ave electric EF		yes
24		Snow: snowplow truck removal	950	lb CO2/winter	Heede (2008a)	Snowplow removal in Aspen, 30 events per winter, Caterpillar 930 G or Bobcat skid loader (0.71 gallons & 15.8 lb CO2 per storm [times 2 for longer driveway])		yes
25		Bathing: hot shower, 10 minutes	7.0	lb CO2/shower	Heede (2008a)	See 5-minute shower above, times two.		yes
26		Home: average US household (2,171 sf)	10	lb CO2/sf-yr	Heede (2008b)	RECS 2005 data, all 111 million US households, fuel consumption by type, emissions calculations by CMS, average household 2,170 sf and 26,222 lb CO2/yr (13.1 tons CO2/yr). The average home in Aspen (many of which are not occupied year-round) emit 25.5 tons CO2/yr and 23.2 lb CO2e/sf-yr.		yes
27		Desktop computer (home use)	1.0	lb CO2/day	Heede (2008a)	EIA RECS data. CMS worksheet cell G93.		yes
28								
29								
30		Lights: 4 100-Watt bulbs for 12 hours each	6.5	lb CO2/day	Heede (2008a)	Four 100-watt incandescent A-lamps on 12-hours per day (exterior lights)		yes
31		Cooling: air conditioner	8.4	lb CO2/day	Heede (2008a), EIA RECS	Average energy and emissions for 81 million US households using Central AC or Room AC units		yes
32		Clothes: washing machine, hot water	4.0	lb CO2/day	Heede (2008a), HMM 1995	Heede, Homemade Money, p. 194, clothes washer. Includes estimated water heating energy. Also ref to EIA RECS and E source data.		yes
33		Clothes: electric dryer	4.0	lb CO2/day	Heede (2008a)	RECS data 2001, 1,079 kWh/yr.		yes
34		Snow: heated driveway	12,922	lb CO2/winter	Heede (2008a)	1,000 sf heated driveway, 22-week season, system boiler on 4 hrs per day; boiler capacity: 150 Btu (of natural gas) per sf of heated driveway area		yes
35		Bathing: soaking in an avg hot tub	9	lb CO2/day	Heede (2008a)	EIA RECS data, 2,300 kWh/yr; Aspen data suggests ~18 lb CO2 per day.		yes
36		Home: large size, many amenities	51	lb CO2/sf-yr	Heede (2007), ASHES rpt	Aspen household energy data reviewed by CMS for ASHES rpt, this Red Mtn house of 10,000 sf, 50.65 lb CO2e per sf-yr, and 253 tons CO2e total is one the most energy-intensive in Aspen.		yes
37		LCD 40" Flatscreen TV	1.2	lb CO2/day	Heede (2008a)	CMS worksheet cell K761. Assumes a 40 inch LCD TV using (per CNET) 0.28 w/square inch; assuming (per Nielsen Media Research) 4.3 hrs per individual (granted, not the same as hrs of on-time per TV), 0.85 kWh/d and, at US carbon intensity of 1.354 lb CO2/delivered kWh), 1.16 lb CO2/day. EPA: 275 million TVs consume >50 billion kWh; UCS: "10 coal-fired powerplants".		yes
38								
39								
40								
41		TRAVEL RECREATION						
42								
43		Driving: take the bus instead	0.2	lb CO2/passenger-mile	Heede (2008c), Heede (2008b)	Result based on Aspen's Roaring Fork Transit Authority, 2007 data: valley routes: 2.23 vehicle miles, 1.6 million riders, average 16 miles per ride, 26.1 million passenger-miles, 3,037 tons CO2 (accounting for 13.4 percent biodiesel): 0.233 lb CO2 per passenger-mile.		yes

	A	B	C	D	E	F	G	H
						Why are we giving the green light to an extended air trip (high total emissions)? Just because the emission RATE is lower? This is where providing a good climate stewardship label (green vs red) becomes misleading. I propose we show emissions for a 3,000-mile vs 1,000 vs 100 mile air trip, or something else.		
44		Flights: long, extended trip*	0.3 lb CO2/passenger-mile		Heede (2008a)		yes/no	
45		Recreation: cross country ski	negligible lb CO2		Foster		ok	
46		Exercise: walk, hike outdoors	negligible lb CO2		Foster		ok	
47								
48								
49		Driving: hybrid electric car, 41 mpg, solo	0.5 lb CO2/mile		Heede (2008a)	Motor Trend magazine, 2004 test showed average of 40.8 mpg. CMS calculates typical 0.48 lb CO2 per vehicle mile.	yes	
50		Flights: medium trip*	0.5 lb CO2/passenger-mile		Heede (2008a)	Ditto air travel above.	yes	
51		Recreation: lift-serviced skiing	45 lb CO2/day		Heede (2008a)	Data on Aspen Skiing Company for 2007: 30,767 tons CO2 and 1.37 million skier-days averages to 45 lb CO2 per skier-day. Copper averages 43 lb/day.	yes/no	
		Exercise: Running shoes		INSERT		http://60percent.blogspot.com/2008/11/runners-footprint.html identifies that 42kWh (Nike) go into the assembly of shoes, but this neglects the energy demanded to procure and process the material for the shoes. http://www.runnersworld.com/article/0,7120,s6-240-488-12892-1-1X2X3X4X5X6X7X8X9X10-11,00.html talks about life cycle but doesn't deliver a footprint number.	no	
52								
53								
54								
55		Driving: average commuting vehicle	0.9 lb CO2/mile		Heede (2008d)	Based on CMS commuting survey in Hershey Pennsylvania, 186 survey returns, fuel economy of each vehicle from EPA website, average daily commute of 13.2 miles per day, 6,400 miles per year, 283 gallons of fuel, 5,553 lb CO2 per year, average 22.77 mpg, and 0.86 lb CO2 per mile.	yes	
56		Flights: short trip*	1.0 lb CO2/passenger-mile		Heede (2008a)	CMS uses the thirteen flights (UAL, CRJ700s & Dash-8s) analyzed by Heede through Dec08, flying the 131 miles between Aspen and Denver, using an average of 6.1 gallons of fuel per passenger per flight and emitting 0.974 lb CO2 per passenger-mile, or 128 lb CO2 per flight. GEO adopted short flight EF of 0.64 lb CO2 per pax-mile.	yes/no	
57		Recreation: heli-skiing	419 lb CO2/day		Heede (2008a)	Based on Canadian Mountain Holidays data, using Bell 212 ferrying four groups of 10 skiers at a fuel burn rate of 625 lb per hour or 2,096 lb CO2 per hour; 40-passenger total per 8-hr day converts to 419 lb CO2 per person.	yes	
58		Recreation: snowmobiling	87 lb CO2/hr		Heede (2008a)	National Vehicle and Fuel Emissions Laboratory, US EPA: 1.571 million snowmobiles used 396 million gallons in 89.5 million hrs (2000). CMS calc: 396/89.5 = 4.42 gallons per hour; gasoline EF of 19.594 lb CO2 = 86.63 lb CO2 per hour. Piper Foster snowmachine contact (Todd Palin) suggested average day of 6 hrs, or 520 lb CO2.	yes	
59		Exercise: a health/gym/recreational club	21 lb CO2/visit		Heede (2008a)	Averages an Aspen health club and the municipal Aspen Recreation Center. Utility data converted to CO2 emissions divided by annual visitors.	yes	
60								
61		*The shorter a flight, the more fuel is burned in take-off and landing than longer flights, which average the fuel consumption over longer flight				CMS note: this statement is unclear. Besides, the basic comparison here is between rates per passenger-mile, not of emissions per trip. See note above.		
62								
63								
64								
65		FOOD DRINK ¥						
66								
67		Water: tap water	0.0 lb CO2/liter		Heede (2008a)	Tap water from source to wastewater: Electricity input to the Aspen water plant (1.26 lb CO2 per 1,000 gallons) plus electricity and natural gas input to the Aspen Wastewater Treatment Plant (11.6 lb CO2 per 1,000 gallons); 12.88 lb CO2 per 1,000 gallons equates to 0.0034 lb CO2 per liter. Reverse osmosis process in a large seawater desalination plant (50 million gpd) means 0.040 lb CO2/liter.	yes	
68		Alcohol: New Belgium beer	1.8 lb CO2/12-oz bottle		Heede (2008a), New Belgium Brewery	Comprehensive life-cycle inventory of NBB's Fat Tire amber ale, including upstream (packaging, raw materials, 30.7 percent), brewery operations (3.5 percent), and downstream distribution, retail, use, and waste (65.8 percent).	yes	
69		Food: fruits & vegetables	1.6 lb CO2e/lb		Heede (2008a), Weber & Matthews	Based on Weber & Matthews life-cycle emissions from field to table, including transportation and processing, methane sources, refrigeration, etc. Results in lb CO2e per lb of product; CMS shows comparison of "fruits & vegetables" and "chicken/fish/eggs" and "red meat."	yes	
70		A banana	0.2 lb CO2e/banana		Craig/MIT (2008)	Based on the estimate provided by Tony Craig, MIT Center for Transportation & Logistics: Total Carbon footprint: 98 g CO2 equivalents This comes from: 43 g transportation 2 g electricity use and ripening process 15 g for growing the banana 20 g for packaging materials 18 g for disposal. 98 g CO2e = 0.216 lb CO2e.	yes	
71								
72								
73		Water: dispenser with Hot/Cold	3.1 lb CO2/day		Heede (2008a), EIA RECS	ACES 9th edition 3.07 lb CO2/day), her calculation assumes that 5 gallons are used daily ... Better to list 3.07 lb CO2/day	no/yes	
74		Alcohol: domestic wine	5.5 lb CO2/750 ml bottle		Heede (2008a), Colman & Paster (2007)	CMS uses data from Colman & Paster (2007) for vintners in Napa, California, glass manufacture, and bottling. Pablo Paster replied to CMS request to estimate transportation by truck from Napa to Aspen.	yes	

December update

	A	B	C	D	E	F	G	H
75		Food: chicken & fish & eggs	6.0	lb CO2e/lb	Heede (2008a), Weber & Matthews	See above.	yes	
76		Cup of joe	0.4	lb CO2/cup	Heede (2008a), Starbucks	Preliminary and partial estimate of Starbucks cup of coffee. Store energy only, excludes growing, shipping, roasting, transportation, HQ, other sources. Jim Hanna & Heede to confirm or revise. I have left 2 msgs for Hanna without reply: NOT confirmed.	yes/CK	
77								
78								
79								
80								
81		Water: bottled Fiji water	1.0	lb CO2/liter	Heede (2008a), Pablo Paster	Life-cycle emissions estimate from manufacturing plastic bottles, filling in Fiji, shipping from Fiji to San Francisco, and trucking to Aspen: 0.973 lb CO2 per one liter bottle. LCA by Pablo Paster, CMS added trucking from SF to Aspen.	yes	
82		Alcohol: french wine	6.2	lb CO2/750 ml bottle	Heede (2008a), Colman & Paster (2007)	CMS uses data from Colman & Paster (2007) for vintners in France, bottling and shipping to USA and trucking to Chicago. CMS adds transportation by truck from Chicago to Aspen. Piper: the average glass of wine is between 5 & 6 ounces. There are only about 25 fluid ounces in a bottle, 0.75 liter bottle.	yes	
83		Food: beef	22.1	lb CO2e/lb	Heede (2008a), Weber & Matthews	See above.	yes	
84		Food: cheeseburger	6.6	lb CO2e/burger	Heede (2008a), Cascio (2006)	Estimate by Cascio, Jamais (2006) Carbon footprint of a Cheese Burger, www.openthefuture.com/2006/12/the_footprint_of_a_cheeseburge.html . Camais' estimate is based on Univ Stockholm research -- which includes energy inputs to fertilizers, agriculture, pickle and cheese and bun and beef production, and cooking the burger -- and he converts original energy inputs in MJ into fuel and emissions.	yes	
85		Work: send a package	4.7	lb CO2/package	Heede (2008a), UPS CSR 2006	UPS data shows 2.11 tonnes CO2 per 1,000 packages, or 4.65 lb CO2 per average package; includes aircraft, rail, and trucking emissions.	yes	
86		2 pieces of yellowtail sushi	1.0	lb CO2/2 pieces	Heede (2008a), TreeHugger.com	The Carbon Footprint of Sushi, by Lloyd Alter 31may07. CO2 emissions per 15 g piece of tuna: 224 g CO2. CMS converts to 0.494 lb CO2 per single 15 gr piece (rice and seaweed not estimated), or 0.99 lb CO2 per 2 pieces.	yes	
87								
88								
89		¥ These figures depend on shipping method and distance						
90								
91								
92								
93								
94		MISC						
95								
96		Avg Chinese, per capita, 2005	25	lb CO2/day	Heede (2008a), EIA website	EIA data on per capita emissions from consumption and flaring of fossil fuels for all countries. Note: does not include other industrial CO2 sources (e.g, cement) or biospheric carbon flux, or non-CO2 gases such as methane, nitrous oxide, or high-GWP gases.	yes	
97								
98		Avg world, per capita, 2005	26	lb CO2/day	Heede (2008a), EIA	EIA data on per capita emissions from consumption and flaring of fossil fuels for all countries.	yes	
99								
100		Avg German, per capita, 2005	62	lb CO2/day	Heede (2008a), EIA website	EIA data on per capita emissions from consumption and flaring of fossil fuels for all countries.	yes	
101								
102		Avg European per capita, 2004	47	lb CO2/day	Heede (2008a), CDIAC website	See CMS worksheet cell E1008: Avg per capita, Europe in 2004 from CDIAC.ornl.gov/ftp/trends/co2_emis/weu.dat		
103								
104		Avg American, per capita, 2005	122	lb CO2/day	Heede (2008a), EIA website	EIA data on per capita emissions from consumption and flaring of fossil fuels for all countries.	yes	
105								
106		Avg Aspenite, per capita, 2004	263	lb CO2/day	Heede (2008a), Heede (2006)	Aspen emissions of CO2 based on the comprehensive municipal inventory for the year 2004. Non-CO2 emissions, which are 3.06 percent of total, are not included.	yes	
107								
108		Low carbon lifestyle, USA 2050 (scenario A)	24	lb CO2/day	Heede (2008a)	This scenario is a simple reduction from actual per capita emissions in US in 2005 by 80 percent in 2050 -- in accordance with a general consensus that emissions must be cut by 80 percent by 2050 in order to avoid "dangerous climate change." In other words, does not account for US population growth, or for the US having to reduce emissions by more than 80 percent in order to help the world cut total emissions by 80 percent by 2050.	yes	
109								

	A	B	C	D	E	F	G	H
110		Low carbon lifestyle, USA 2050 (scenario B)	10 lb CO2/day		Heede (2008a), Global Commons Institute, CMS	This scenario is based on the Global Commons Institute's Contraction & Convergence model for world emissions to be reduced by 79.5 percent below 2000 emissions by 2100. This model calls for US per capita emissions to decrease by 97 percent from 2000 to 2100 (from 5,389 kg C to 157 kg C per capita per year). CMS has converted the results of the GCI model for US per capita emissions in 2050 from 382 kg C per year to 8.3 lb CO2 per day. CMS also adjusted the GCI model to account for actual US emissions being higher in 2007 than the 2003 model assumed (since the US has done nothing about reducing emissions); this adjustment essentially delayed the US CO2 emissions reduction response, and 2050 emissions are 9.9 lb CO2 per capita per day.	yes	
111								
112						Piper: We'll have to discuss which scenario result to use. I lean toward scenario B based on GCI model. Scenario A is too simple, although it can be made more sophisticated (e.g., include US population growth) with more time. Aspen, for example, has committed to reduce total emissions by 80 percent below 2004 by 2050.		
113								



MEMORANDUM

TO: Planning Commission
FROM: Chris Neubecker
DATE: May 12, 2010
SUBJECT: Joint Meeting with Town Council

The Joint Planning Commission/Town Council meeting is scheduled for June 22nd, from approximately 6:00 PM - 7:30 PM in the Town Hall Auditorium. The Council is aware of the limited time available during past joint meetings, and will actively work to keep their work session meeting on schedule to reserve adequate time for discussions with the Commission.

Please note that the joint meeting is during the Town Council meeting (alternate Tuesday). Dinner will be served to the Planning Commission, Town Council and staff.

Proposed topics for discussion include:

1. Planning Commission Top 10 List: What are the most important policy issues that staff should be working on? Please see the attached list for the current status of various issues.
2. Energy Policy: We will provide an update on our progress, and some limitations to this policy. We will look for feedback on other issues related to sustainability but not addressed in the energy policy.
3. Town Council Liaison: We will discuss the role of the Town Council Liaison to the Planning Commission, the history of this relationship, its benefits and limitations, and the future role of the Town Council at Planning Commission meetings. Tim Berry, the Town Attorney, will also be available at the meeting to advise on the legal issues of this relationship.

Staff is currently working on the following policies that are on the Top 10 List:

- Footprint Lots
- Energy Conservation Policy
- Landscaping Policy
- Transition Area Standards
- Canopy / Bistro Lights

Some other issues that should be considered for the Top 10 List include:

- Affordable Housing Policy
- Free Basement Density under Commercial Landmarked Properties

- TDR Policy
- Condo Hotels Definition
- Water PIF and Parking Codes

We welcome feedback on the proposed joint meeting agenda. We would also like each Commissioner to consider what issues you believe are most important. From there, we can develop a master Top 10 List to present to the Town Council on June 22nd.

"Top 10" List for Discussion, Updated 05/14/2010

Topic:	Issue:	Comments:	Next Steps
Home Size Limits (JP)	Town Council has expressed a concern over the growth in single family home size and the impact on neighborhood character. They suggested we consider a policy that would set limits on single family home size outside the Conservation District, instead of unlimited, as currently allowed.	Presented at public open houses on 2/2/09 and 2/4/09. In general, those in attendance were opposed to placing a cap on home size. Task Force of residents was created, and changes made. Went to PC work session on September 1, 2009.	ADOPTED October 27, 2009 (Ord. 32, Series 2009)
Accessory Dwelling Units & Incentives (MGT)	Per Workforce Housing Plan, find ways to encourage construction of ADUs and deed restrict them. (Suggested by TC Housing Committee). Also need to address stoves and 2nd kitchens in basements, even if not intended as ADU.	ADUs are seen as de facto affordable housing by many. If we can encourage their construction, and/or require them to be occupied by locals, the stock of employee housing will increase. However, many owners never intend to rent the units, and build them strictly as guest quarters for visitors.	Need to talk with PC to see if they support idea, or what concerns they may have. Need to talk with PC to see how incentives could be implemented. No significant progress to date.
Landscaping/Weeds/Wildfire (JC)	Creating defensible space is a priority, considering the threat of wildfire due to MPB, steep slopes and an aging, monoculture forest. This policy (or policies) would address the mitigation of fuels, creation of separation between structures and heavily forested areas, prescribe forest management techniques, modify the current policies on Mountain Pine Beetle mitigation, and establish revised landscaping policies. These changes would likely involve several different policies including the landscaping policy in the Development Code, new policies on defensible space, and modifications to the current MPB ordinance. Landscaping policy needs minor revisions, including possibly lowering the multiplier for positive points. Landscaping makes it too easy for some bad projects to pass a point analysis. Also need to revise the Landscaping Handbook, as some currently recommended species do not grow well at this altitude, and to encourage greater species diversity.	Some public showed significant opposition to the Defensible Space ordinance at the TC meeting on 2/24/09. Main concerns raised were to the size of Zone 1, and the perceived need to clear-cut in this zone. Others were concerned with labeling their property as a high risk area, and the impact to insurance rates. Still others were concerned about the total cost to the community (private + public land owners) to implement these proposed policies.	Policy adopted June 9, 2009. POLICY REPEALED. Voluntary policy adopted on August 11, 2009. Staff is working on the landscaping policy. We have had meetings with PC on 7/21/09, 8/18/09, 9/15/09, 10/20/09, 1/19/10, 2/2/10, 4/20/10.
Solar Panels Update (JP)	The Governor's Energy Office has required 80% efficiency for solar hot water systems to participate in their grant program. In addition, recent applications reveal that our current code may be restricting property owners from achieving greater efficiency on solar PV systems. This change would modify the adopted code to allow systems to be more effective, which attempting to address architectural compatibility.	Presented to PC on 1/20/09. They generally supported changes, including allowing in historic district. Had some concerns on historic buildings, but not much. At 2/24/09 TC meeting, changes suggested include: no panels above ridgeline, minimize visibility, removing non-functional panels, establishing priorities for placement location, no loss of historic rating. PC work session on 3/3/09.	Revised ordinance ADOPTED April 14, 2009
LUD 31 Update (CN/LB)	Change guidelines to allow parking and affordable housing as allowed uses. Furthermore, need to remove language on Airport PUD, which is now expired.	On 2/24/09 TC approved an ordinance that amends LUD 31 to allow surface parking. Still need to modify LUGs to assign density for affordable housing.	ADOPTED April 28, 2009. Modification ADOPTED April 28, 2009.
Energy Conservation Policy (JP/LB)	Comprehensive review of energy conservation, renewable energy, heated driveways, outdoor fire pits, subdivision code, etc.	TC supports use of HERS rating for positive points. Does not want it required. HERS does not address heated drives and firepits. Need to find another way to address these "energy hogs".	Discussed with PC on 7/15/09, 9/15/09 and 1/19/10. Scheduled for PC work session May 18, 2010.

"Top 10" List for Discussion, Updated 05/14/2010

Topic:	Issue:	Comments:	Next Steps
Others on Current Top 10			
Affordable Housing Policy (CN/LB)	Change requirement for residential developments: % of project as EH to get positive points. (Suggested by TC Housing Committee)	TC and PC support awarding positive points only for market rate density used for affordable housing. Not for "free" density provided by the Town.	
Ground Floor Offices (MT)	Continue to develop the existing policy, to address the use of offices on ground floor, similar to the existing prohibition of residential on the ground floor in the overlay district.	No significant progress to date. Concerns about adopting such a policy during slow economy.	
Footprint Lots (CN/JP)	Change or eliminate policy. Policy is designed to allow footprints only for master planned projects. Has been allowed in past on smaller historic lots as means to subdivide, but this encourages construction of primary structures at rear of historic structures.	Presented to PC on 2/3/09, 3/3/09, 10/20/09 and 3/16/10. PC could support allowing footprints outside the Conservation District, but does not like the effect of allowing them inside the District. Suggested a site visit to see the effect of those already approved/built. Site visit with Town Council on 5/11/10.	Focus on "primary looking structures" in rear yards. Use a form-based policy to address building scale and materials.
Free Basement Density Under Commercial Buildings (MM)	Allow commercial buildings to get real leasable basements as incentive for Landmarking and preservation.	Presented to PC on 2/3/09. They supported the idea of allowing the basement to be used for support functions for the main commercial use. This does not include additional retail space, but could include an office for the retail above, restrooms, and storage for the retail above. Need to provide more detail on potential impact to parking, and number of historic commercial properties.	No significant progress to date. Need to convince PC and TC that this is an incentive that will help get historic buildings preserved without too much impact from new density. TC wants to know how many buildings this might apply to.
Restoring Historic Sheds Without Negative Points for Setbacks (MGT)	As an incentive for restoration, allow historic sheds or other structures currently over a property line to be relocated onto a property, restored and placed on a foundation, without allocating negative points under Policy 9/R.	Presented to PC on 2/3/09 4/7/09, 4/21/09. They generally supported idea. Supported 1' from alley, but must be 3' from side property lines. Should only allow for historic structures relocated from same site. Not allowed for structures moved to the property from another lot.	ADOPTED June 23, 2009.
Adopt Transition Area Standards (MM)	The transition area was established as the buffer around the historic district. While the overall Conservation District standards were adopted, individual standards for each transition area have not been adopted.	Have discussed several different transition character areas, building heights and scale, building orientation, roof forms and solid to void ratios.	Mosh has reviewed standards and made suggested changes. Have had a few meetings with PC in winter/spring 2010. Need to have a few more through summer 2010.
Others To Do Some Day			
Sunset Density for Positive Points (MM)	By creating an incentive, more developers may be willing to sunset extra density from the property. Could never be used in future.	Presented to PC on 2/3/09. They did not support the idea. Suggested that we forget about it.	Nothing planned at this time.
Historic District Period of Significance (CN)	Many communities use a 50-year rule to designate "historic" buildings. Some of our ski era buildings may be significant, or older than 50 years, but built after 1942.	Staff showed photos of early 1960s buildings to the Commission. There did not appear to be any significant qualities or a consistent theme of design that needed protection. Some of this concern was addressed in, or led to, the neighborhood preservation policy.	Nothing planned at this time.
Transit Policy	Reduce points so a shelter or shuttle does not get +4 points. Maybe only +2 points. Considering requiring shuttles to qualify as a "condo-hotel".	No significant progress to date.	Nothing planned at this time.
Parking at large single family homes (CK?)	Large homes are often rented and/or used by many guests, placing greater burden on parking demands. Consider policy which would base parking spaces on number of bedrooms or master suites. Concerns include potential to require more paving and hardscape in front yards.	Chris Kulick presented to PC on 4/21/09. Staff research showed that this is a problem that does not exist. Suggested we forget about it for now.	Nothing planned at this time.

"Top 10" List for Discussion, Updated 05/14/2010

Topic:	Issue:	Comments:	Next Steps
Affordable Retail (MT)	Just like affordable housing provides living space for locals at affordable prices, affordable retail could do the same for local businesses, and encourage retention and creation of locally owned, independent businesses.	No significant progress to date.	Nothing planned at this time.
Historic Sheds stabilization incentives (MGT)	Historic sheds at to the character of the town and represent our heritage. These sheds are threatened by development or demolition by neglect. What incentives could be provided to encourage property owners to restore and use the sheds?	"Incentives" may mean fee waivers, loans, grants or density bonuses. Would need to run these by TC to see if any are feasible.	Nothing planned at this time.
Minimize hard surfaces (Policy 7?)	This issue arose during revised landscping policy discussion. Relates to surface runoff, but current policy 7 does not address this sufficiently.		Nothing planned at this time.
Brick as a primary material (Grand Hotel at Gondola)	Concern that we want hotel to be brick, but code recommends against too much brick. Maybe allow with approval of a master plan; or allow for "significant" buildings.	Both PC and TC seem agreeable to considering a change	Nothing planned at this time.
Canopy / Bistro lights over pedestrian paths (JP)	Allow strings of lights as a canopy over walkways interior to a site. Could help to make areas more attractive, and encourage pedestrians to walk to businesses in the back of the lot. Need to decide if these are year round, like bistro lights, or just allowed in winter like holiday lighting.	Council gave direction to allow this and change code at Jan 12, 2010 meeting	Discussed with PC on February 16, March 16, April 20 and May 4, 2010. Need to schedule with TC.
Tie TDR map to Dev. Code (no TDRs into historic district) (CN)	Development Code is not clear that no TDRs are allowed into Historic District. Also, should we discuss the assignment of points for TDRs? Should projects still receive negative points under density policy if TDRs provided?		Nothing planned at this time.
Policy 9 Setbacks	Exception for small lots created through master plan curenly applies only to SFR subdivisions. Mosh suggested that the exception also apply to other affordable housing projects, such as duplex subdivisions.	A suggested change to the development code has been drafted and is in G:\Code Amendments\Density Transfers	Nothing planned at this time.
Policy 6 Building Height (outside historic District)	Per policy 6 (Absolute) "B.", Currently allow buildings to exceed 35' for projects other than SFR and duplex; we should chancge this so that all structures in Transition Area are no greater than 35' tall.		
Condo hotels definition	We should require that a condo hotel include a front desk/check in area that is common area owned by the HOA. Not as commercial space that can be sold or used for another purpose. Also, consider requiring a condo-hotel to operate a shuttle (instead of giving positive points for it.) Maybe also require condo-hotel to have interior hallways, and to be in one building (like a hotel) instead of exterior access, like The Corral or Los Pinos. Current definition also requires "food services" so we need to decide what this means. I'm sure the Corral and Los Pinos don't have a restaurant. What do we mean by "food services"?		Nothing planned at this time.
Public Clocks	Glen: If a public clock is installed (eg: The Village at Breck) it should be required to be maintained and the correct time.		Nothing planned at this time.
Wildlife Issues	Mark: How is wildlife addressed in currenty codes? Do we need to strengthen these policies?		Nothing planned at this time.
Water PIF and Parking	Chris N: Need to clarify definitions of "restaurant", "snack bar/deli" etc. Too confusing as in. Need to decide if we want to incentivize disposable dishes with lower rates for "snack bar/deli".		Nothing planned at this time.
Sign Code Update	One freestanding sign per lot, instead of one freestanding per building.		Nothing planned at this time.
Sustainable Communities Policy	Everything else that's green but not in the Energy Policy		Nothing planned at this time.
Engineering Standards	Consider changes to Engineering Standards that are more environmentally friendly, such as requiring or incentivig "rain gardens" and green detention areas instead of storm drains and surface runoff. Also, find was to encourage less pavement.		Nothing planned at this time.