

AGENDA

CITY COUNCIL SPECIAL MEETING

September 19, 2023

6:00 PM, City Council Chambers



Zoom

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us06web.zoom.us/j/89485330390?pwd=CvfoCZUyepbxpslaXeTU2bcz7iVAji.1>

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I. Call to Order

II. Roll Call

III. Public Hearing

Continued Public Hearing

Lumberyard Affordable Housing Planned Development

Ordinance #10, Series of 2023

[Memo_9_19_23_Ordinance 10.pdf](#)

[Exhibit A_Original_Ordinance No. 10_Series of 2023.pdf](#)

[Exhibit B_Redlines_Ordinance No. 10_Series of 2023_.pdf](#)

[Exhibit C_All Public Comments Received Up To 9.15.pdf](#)

IV. Adjourn



MEMORANDUM

TO: Mayor Torre and Aspen City Council

FROM: Sara Ott, City Manager
Ben Anderson, Community Development, Deputy Director
Kate Johnson, Assistant City Attorney
Kevin Rayes, Community Development, Principal Planner

MEMO DATE: September 15, 2023

MEETING DATE: September 19, 2023

RE: Second Reading, Lumberyard Affordable Housing Project
Continued Public Hearing from September 12, 2023

Request of Council

Sept 19, 2023, during a Special Meeting, will be a continuation of the public hearing on Ordinance 10-2023, Planned Unit Development (PD) proposal for the Lumberyard Affordable Housing Project. On September 12th, Council considered public comment and then began deliberation on Ordinance #10 and discussed and voted on possible amendments. Staff used the memo from September 12th as the basis for this memo – but eliminated some of the content to focus discussion and consideration on topics that had not yet been addressed. Council is asked to continue this discussion and debate and provide direction on the remaining topics and identify any topics that that should be addressed prior to consideration of a revised Ordinance #10.

Currently Identified Debate Areas

Over the summer, the Council utilized additional work session time to work through a number of considerations regarding the Lumberyard Affordable Housing Project. In these discussions, the Council identified majority interest in debate areas for the

1. Density, Mass, Scale, and Height and Site Planning
 - a. Adjustments or amendment to the photovoltaic system.
 - b. Adjustment or amendments to the berming/sound walls near HWY 82.
2. Unit Mix and Unit Category
 - a. Unit Mix (1, 2, 3 bedrooms), including possible minimum and maximums.
 - b. Unit Categories/AMI to be served.
 - c. Consideration of Resident Occupied (deed restricted) or Market Rate Units.
3. Phasing of Construction of Buildings and rental/ownership structures
 - a. Adjustment or removal of building phasing plan.

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- b. Building 3 requirement to sell after 10 years of rental occupancy.
4. Use
- a. Consideration of any portion of the project for commercial use.

The following reflects staff’s understanding of the conversation and direction that Council has provided on these topics at the September 12th meeting. In some circumstances, staff upon further analysis of the proposed amendments, has provided additional questions and recommendations.

Dimensional Standards - Density, Mass, Scale, and Height

Revised Dimensional Table – Section 3

Council, tentatively agreed to the following revised Dimensional Table:

Planned Development Dimensional Standards	
Standard	Approved Dimension
Total Number of Dwelling Units	Minimum of 277; Maximum of 304
Building #1	Minimum of 94; Maximum of 114
Building #2	Minimum of 82; Maximum of 100
Building #3	Minimum of 74; Maximum of 90
Maximum Building Height ¹	49 ft
Parapet Height	5 ft.
Roof Projections ²	Up to a maximum of 7 ft. above parapet
Renewable Energy Roof Projections	Up to a maximum of 15 ft. above parapet
Total Maximum Gross Floor Area ³	531,211 sq. ft.
Building #1	206,073 sq. ft. +/- 10%
Building #2	164,484 sq. ft. +/- 10%
Building #3	160,654 sq. ft. +/- 10%
Parking Units	1.57:1 Parking Units per Dwelling Unit ⁴
Setbacks	As established by elements located in the Site Plan. To accommodate approved project elements, 0 (zero) ft. setbacks are allowed and may be necessary.

¹ As measured from finished floor of 1st floor elevation to top of parapet.

² Includes all roof top elements unrelated to renewable energy equipment.

³ Gross Floor Area is measured to exterior face of exterior walls and centerline of any demising walls. The total Gross Floor Area for the project and for each building additionally includes gross area of all patios and balconies. The stated Total Gross Floor Area and for each building also includes 2% above the area included in the approved floor plans to account for any technical changes as the project moves to building permit.

⁴ The Parking Units per Dwelling Unit ratio may decrease to 1.54:1 to accommodate the removal of up to 10 parallel parking spaces adjacent to Building 1 to allow for the re-alignment of the AABC trail as described in Section 13 below. The Parking Units per dwelling unit may be further reduced in response to changes in unit number or unit mix.

*****Three staff questions/suggestions following reflection on Council discussion and the proposed changes:**

- 1) It may be prudent to establish a minimum number of on-site parking spaces. In staff's view, it might alleviate neighborhood concerns about added flexibility related to unit number and unit mix – if a minimum amount of on-site parking spaces were established.
- 2) If Council decides to include Resident Occupied (RO) units within the Category Mix, staff would recommend including a maximum unit size dimension. In the RMF Zone District, maximum unit size is 2,500 sf and can be expanded up to 3,000 sf with the landing of TDRs. To prevent an allocation of project's floor area to the RO units that is disproportional to the Category Units, staff believes establishing a maximum unit size would be prudent. APCHA's minimum unit size for a 3BR is 1,200 sf. Staff would recommend a maximum unit size of no larger than 1,500 sf.
- 3) Staff is fully supportive of the unit number flexibility that was proposed and negotiated. However, upon further reflection, staff is not supportive of the flexibility proposed to the Building Floor Areas. In staff's view, the floor areas initially proposed are consistent with the building footprints, number of stories, and maximum height. Changing floor area – even minimally would likely translate into needed amendments to other dimensions. It should also be noted that the maximum gross floor area as initially proposed already includes a 2% flexibility above what is measured in the approved floor plans.

Site Planning

Council tentatively agreed to the addition of a new Section 13 that includes the following language in its entirety:

Section 13: Alignment of the AABC Trail and Related Landscaping and Sound Attenuation Features.

The alignment of the AABC trail and the design of related site and landscaping features as proposed and depicted is approved. However, as the project moves toward construction documents, for the purposes of: improving sound attenuation, pedestrian and bicycle safety and comfort, snow storage capacity, and aesthetics of the project as viewed from Highway 82, design flexibility is granted in the following areas:

- Adjustments to the alignment of the trail are allowed in accomplishing any or all of the purposes stated above. Changes to the alignment can be proposed both on property and in the CDOT right-of-way.
- Landscape retaining walls, to assist with any berming and sound attenuation along the trail, whether located in a setback or not, are allowed up to a maximum height of five feet from finished grade. If more than five feet of height for retainage is necessary, retaining walls can be used in a staggered or stepped fashion, but no individual retaining wall shall be greater than 5 feet in height.
- Sound attenuation walls or structures are allowed along AABC trail in association with Buildings 1 and 3. Walls or structures shall not be greater than 20 feet from the

finished grade of the AABC trail. Such walls or structures may contain public art. Walls or structures shall not extend beyond the property line.

- Final trail alignment and planting plan for vegetation along the trail, at grade, in berms, or in planters, shall be reviewed by City Parks Staff (and CDOT, as necessary) prior to building permit submission.
- Parking, approved along the frontage road in front of Building 1, may be reduced by up to ten spaces, to accommodate an alternative alignment of the AABC trail, and any necessary changes to adjacent landscaping.

Final design of the alignment of the AABC trail and related landscaping and sound attenuation features shall be included in the submitted Final PUD Plans and Subdivision Plat identified in Section 5, above, and shall be recorded prior to the submission of a building permit for the completion of Phase 0.

*****Staff has no additional comments or recommendations related to this proposed change.**

Unit Mix and Category Mix

Council had discussed and was considering these proposed changes when the item was continued. A vote to include these changes had not yet been taken. Staff has identified a few minor changes and considerations.

Revised Section 6: Growth Management

- A. Growth Management Allotments. This approval grants up to a maximum of 304, Residential – Affordable Housing Development Allotments.
- B. Unit Mix. Sheet A003 – Unit Type and Module Matrix; depicts the approved Unit Mix (proportion of 1BR, 2BR, and 3BR units) and distribution of the module types (unit layout variations) as depicted in the application.
 - i. Final Unit Mix for each building does have flexibility as the project moves toward construction as long as the Total Number of Units across the entire project is not reduced below 277, or exceed 304, nor are units counts of any of the individual buildings reduced below the minimum or exceed the maximum number of units as depicted in Section 3. Additionally, the final unit mix shall not cause the project to exceed the Maximum Gross Floor Area in total, or by building as depicted in Section 3.
 - ii. While the module types as depicted in the application are approved, final unit layouts can be modified as long as the units continue to meet all provisions of *APCHA Affordable Housing Development Policy*, particularly in relationship to unit size standards.
 - iii. Final determination of Unit Mix and unit layout shall be evaluated during building permit review for conformance with the dimensions established this Ordinance and any applicable requirements from APCHA or the Land Use Code.

C. Category / AMI (Area Median Income) Mix.

- i. The project shall be 100% deed restricted affordable housing, with an approved income/Category mix across all three buildings that reflects the following:
 - 15% of units should serve households at or below 50% AMI (APCHA Category 1)
 - 34% of units should serve households from 50 to 85% AMI (APCHA Category 2)
 - 33% of units should serve households from 85 to 130% AMI (APCHA Category 3)
 - 13% of units should serve households from 130 to 205% AMI (APCHA Category 4)
 - 5% of units should serve households from 205 to 240% AMI (APCHA Category 5)
 - Deed-Restricted Resident Occupied (RO) units may also be included within the overall project's Category / AMI Mix. In no case should the total number of RO units exceed more than 5% of any individual building's total unit count. If Resident Occupied Units are included, other Categories shall be reduced pro-rata to include the RO units. Any RO units included in this project may be exempted from APCHA rental rate restrictions for RO units. Should RO units be included the project, they would be identified and defined in a development agreement and the eventual deed restrictions will need to reflect any necessary modifications to APCHA's standard deed restriction.
- ii. Aspen City Council reserves the right to amend this income mix as needed. Changes can be made at Council discretion – and could be enacted by Resolution or in another format in providing direction to the City Manager.
- iii. Should flexibility related to Category / AMI Mix from the approved mix be desired as the project moves toward construction, in all cases, final determination of Category /AMI Mix shall be established prior to the recordation of deed restrictions and the issuance of a Certificate of Occupancy for a specific building.
- iv. Should the City enter into a partnership with a private sector development, the Category / AMI mix for any units connected to the partnership shall be established within a development agreement in a form and with content satisfactory to the City Attorney.
- v. Any units designated to serve households at or below 50% AMI or APCHA Category 1 should be deed restricted as 50 to 85% AMI or APCHA Category 2 and should include a *priority* for households with incomes at or below 50% AMI or APCHA Category 1. In the event the Category 1 *priority* is exercised, Category 1 rent, or otherwise rent commensurate with 30% of income, should be charged. In the event that the Category 1 priority is not exercised, then Category 2 rent may be charged.
- vi. City Council reserves the right to set priorities within the pool of applicants for the units in this project. Any Council direction on prioritization could be enacted by Resolution or in another format in providing direction to the City Manager. However, absent any further and specific direction on prioritization, in the initial lease-up of any project phase, the longest Pitkin County work history should not be used to prioritize applicants. For turnover of units after initial lease up of any project phase, the use of work history shall be subject to APCHA's *Employee Housing Regulations*.

- vii. In any phase up to 10% fewer Category 1 priority units may be included, including flexibility to eliminate all Category 1 priority multibedroom units. Also, in any phase, Category 2- and 3-unit quantities may be modified by plus or minus 10%, and up to 10% more Category 4 and 5 units may be included.
- viii. The City of Aspen reserves the right to develop partnerships with area employers, to create master lease agreements with area employers, or to facilitate agreements among area employers and potential private developer operators, to include master lease agreements, rights of first use and/or blanket leases.
- ix. The City of Aspen additionally reserves the right to include additional affordability restrictions, such as the potential for Colorado Housing Finance Authority (CHFA) restrictions related to the potential use of low-income housing tax credits for funding purposes or like programs. As part of any state or federal restrictions, the income categories may be further broken down to a more detailed level of granularity for compliance with such programs.

*****STAFF DISCUSSION:**

- 1) Upon further analysis and review of definitions in the Land Use Code, staff (ComDev and City Attorney) believe that the inclusion of RO units as discussed on September 12th – with an exemption from APCHA’s maximum rental rates – would be considered affordable housing units per the LUC. This may alleviate some of the concerns that were raised during Council discussion. However, staff has not evaluated if the inclusion of these types of units would have any deleterious effects on the project related to eligibility for grants or other State or Federal programs.
- 2) Staff has proposed some refinement of the language related to the RO units to bring additional clarity to the topic. See highlighted language above.

*****POSSIBLE MOTION:** *I move to include the proposed, revised Section 6: Growth Management as depicted above.*

Council has not yet discussed or debated any of the topics below.

Phasing

Pursuant to Land Use Code Section 26.304.080.d, *Development Orders*, development rights for a property can be granted for a maximum of ten years. The proposed application contemplates development of the Lumberyard in four phases. Phase Zero consists of demolition of existing structures and the buildout out of basic infrastructure improvements and utilities. The remaining phases – Phases One through Three – consist of constructing Buildings One through Three respectively. The current draft ordinance allows for the buildout of phases simultaneously as resources allow.

If Council is interested in seeking additional flexibility related to the buildout of phases, entitlements can be redefined to allow for phases to be developed in no specific order. (Staff does recommend completing phase zero in its entirety before pursuing subsequent phases.) Most of the detail on phasing is included in drawings, rather than in the text of the Ordinance.

Revised Section 4: Phasing of Development and Vested Rights Approval

A. Phasing. Development of the project is contemplated in four phases:

Phase 0 – Demolition, Infrastructure and Road System

Phase 1 – Building 1

Phase 2 – Building 2

Phase 3 – Building 3

Phases may be developed independently or simultaneously as resources allow or partnerships require. Other than Phase 0, which is necessary to initiate the project, Phases 1 through 3 do not need to be completed in any particular order.

B. Vested Rights. Ten (10) years of vested rights is approved to accommodate flexibility in the phasing and timing of the project.

****POSSIBLE MOTION: I move to include the Revised Section 4: Phasing of Development and Vested Rights Approval as depicted above.*

Phase 3 (Building 3) – and Condominiumization

Flexibility related to the eventual fate of Building 3 (as it relates to rental v. ownership) was part of Council discussion. As proposed, the units would eventually become ownership units. Granting flexibility in this area could be resolved with the simple change of the word “shall” to “may”.

****POSSIBLE MOTION: I move to change the “shall” to “may” in Section 8, Paragraph 1. AND add “If a condominiumization of Building 3 is proposed, a condominium map in compliance...” to the beginning of Section 8, Paragraph 2. AND add ““If a condominiumization of Building 3 is proposed...” to the beginning of Section 8, Paragraph 3.*

Commercial Conditional Use

If Council desires to allow for commercial use as a possibility as the project evolves, it would be important to establish that now. Language could be added to give direction to this topic – in limiting the use to a particular parcel and in determining who the eventual reviewer of a conditional use would be. In the LU code, conditional uses are reviewed by P&Z commissioners, but Council could alternatively establish Council as the review board within Ordinance #10.

Staff heard a majority of Council provide support for further debate related establishing commercial use as a Conditional Use on Parcel 4. If this were to be agreed to by a majority, new language would need to be established.

A new Section for Ordinance #10

Section 14 – Conditional Use

Commercial Use shall be established as a Conditional Use on Parcel #4 only. Should a Commercial Use be proposed, Planning and Zoning Commission shall review a specific commercial use proposal under the process and review criteria established in 26.425, Conditional Uses – as amended from time to time.

***POSSIBLE MOTION: *I move to add a new Section 14 – Conditional Use, with the language proposed above.*

Alternatively, Council could be identified as the review authority on a conditional use proposal.

Mountain Rescue Aspen

Per comments made during the public hearing on September 12th, staff asks Council to consider the addition of a new section that calls out the relationship of the Lumberyard project to Mountain Rescue Aspen – particularly related to issues of vehicle access and the continuity of utility service.

Proposed Language – a New Section 16

Section 15 – Mountain Rescue Aspen

The City of Aspen and any potential development partners shall continue to work with Mountain Rescue Aspen (MRA) throughout the stages of the development of the project to ensure that the operations of MRA are not undermined or diminished. This includes throughout the stages of construction and by the completed project. Particular attention should be given to issues of access and continuity of utility service.

An agreement, in a form to be mutually agreed to by the City and MRA, shall be executed prior to the issuance of a building permit. This agreement shall:

- Define a plan to ensure vehicle access and utility service during construction.
- Define the relationship of the final design of the new intersection with MRA’s access needs.
- Identify any necessary access easements.
- Define any allowed ancillary use of Lumberyard parking by MRA during emergencies or other events where MRA may need additional parking capacity.
- Provide a process for resolution of any conflicts that may emerge.

***Proposed Motion: I move to include a new section 15 as described in the language provided.

CONCLUSION:

This memo is the product of staff efforts to summarize areas for additional discussion. Additionally, it contains proposals for possible responses in the Ordinance to arrive at a project with more flexibility as it progresses toward construction. It important to note that the proposals for amendments to Ordinance #10 are just that – proposals. There are likely numerous paths within the Ordinance to arrive at Council desired outcomes. Staff will be ready to discuss alternatives to the proposals as Council’s discussion progresses.

EXHIBITS:

A – Original Version of Ordinance #10, Series of 2023

B – Redline Version of Ordinance #10 that includes amendments as discussed by Council on 9/12.

C – New public comments received since 9/5.

**ORDINANCE #10
(SERIES OF 2023)**

AN ORDINANCE OF THE ASPEN CITY COUNCIL APPROVING A MAJOR PUBLIC PROJECT REVIEW, AMENDMENTS TO THE OFFICIAL ZONE DISTRICT MAP, A PLANNED DEVELOPMENT – PROJECT REVIEW AND DETAILED REVIEW, MAJOR SUBDIVISION, PARKING & TRANSPORTATION REVIEW, AND GROWTH MANAGEMENT REVIEW FOR LOT 3, COMMUNICATIONS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED OCTOBER 3, 1988, IN PLAT BOOK 21 AT PAGE 34, COMMONLY KNOWN AS 105 WOODWARD LANE (AKA THE MINI-STORAGE FACILITY); LOTS 1 AND 2, BLOCK 1, ASPEN AIRPORT BUSINESS CENTER, FILING NO. 1, ACCORDING TO THE PLAT THEREFOR RECORDED IN PLAT BOOK 7 AT PAGE 79. LESS THAT STRIP OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED SEPTEMBER 25, 1984, IN BOOK 474 AT PAGE 1, COMMONLY KNOWN AS 38005 CO-82 (AKA THE LUMBERYARD/BUILDERS FIRST SOURCE PROPERTY); AND LOT 1D, FINAL SUBDIVISION PLAT OF LOT 1A, BURLINGAME RANCH, ACCORDING TO THE FINAL PLAT THEREOF, RECORDED JANUARY 31, 2023, IN PLAT BOOK 135 AT PAGE 25 (AKA THE TRIANGLE PARCEL).

Parcel ID: 2735-031-02-003, 2735-031-01-802, 2735-031-01-801, and 2735-031-00-805

WHEREAS, the Community Development Department received an application from the City of Aspen, 427 Rio Grande Pl. Aspen, CO 81611 c/o Sara Ott, City Manager (Applicant), requesting approval for the following land use review approvals:

- Major Public Project Review pursuant to Land Use Code Section 26.500; and
- Amendments to Official Zone District Map (Rezoning) pursuant to Land Use Code Section 26.310; and
- Major Subdivision pursuant to Land Use Code Section 26.480; and
- Planned Development – Project Review and Detailed Review pursuant to Land Use Code Section 26.445; and
- Transportation & Parking Management pursuant to Land Use Code Section 26.515; and
- Growth Management Review pursuant to Land Use Code Section 26.470; and,

WHEREAS, the application for development proposes:

- 277 affordable housing units in three buildings
 - 129 one-bedroom units
 - 106 two-bedroom units
 - 42 three-bedroom units
- 435 on-site parking spaces; and,

WHEREAS, the application contemplates development of a childcare center on Parcel 4 in the future, triggering additional land use reviews in accordance with the applicable provisions of Title 26 at the time of the request; and,

WHEREAS, the proposed development has been informed by months of public outreach and feedback from open houses, City Council work sessions, and pop-up events; and,

WHEREAS, the Community Development Department Staff reviewed the application for compliance with the applicable review standards; and,

WHEREAS, the Development Review Committee, consisting of the Aspen Consolidated Sanitation District, City Engineering, the Building Department, the Environmental Health Department, the Parks Department, the Aspen/Pitkin County Housing Authority, and the Utilities Department provided referral comments to the Community Development Department; and,

WHEREAS, on May 3, 2023, during a duly noticed public hearing, the City of Aspen Planning and Zoning Commission approved Resolution #04, Series of 2023, recommending approval of the request for Major Public Project Review, Amendments to Official Zone District Map, Planned Development – Project Review and Detailed Review, Major Subdivision, Transportation and Parking Management and Growth Management Review; and,

WHEREAS, the Aspen City Council has reviewed and considered the request under the applicable provisions of the Municipal Code as identified herein, has reviewed, and considered the recommendation of the Community Development Director, and has taken and considered public comments at a public hearing; and,

WHEREAS, the Aspen City Council reviewed the application at a regular meeting on May 23rd, 2023 and approved Ordinance 10, Series of 2023 in a _ to _ (_ to _) vote at First Reading; and,

WHEREAS, the Aspen City Council reviewed the application at a regular meeting on _____, 2023, and approved Ordinance #10, Series of 2023 in a _ to _ (_ to _) to approve the request; and,

WHEREAS, the Aspen City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare, and,

NOW, THEREFORE BE IT RESOLVED, THE ASPEN CITY COUNCIL APPROVES THE FOLLOWING:

Section 1: Rezoning:

The Mini-Storage and Lumberyard properties are currently located within the Service/Commercial/Industrial (S/C/I) zone district and the undeveloped ‘Triangle Parcel’ is

located within the Conservation (C) and Rural Residential (RR) zone district. The subject parcels are hereby rezoned to Multi-Family Residential (R/MF) with a Planned Development Overlay.

Section 2: Subdivision:

Currently the subject land area consists of four lots within the City’s municipal boundary. The lots shall be reconfigured into ten parcels with a neighborhood street network providing unobstructed vehicular access to each parcel. Upon dedication of the street network, the existing access easement (Reception No. 692896) shall be vacated.

A final Development Agreement shall be drafted by the City pursuant to Land Use Code Section 26.490 and filed with the Pitkin County Clerk and Recorder within 180 days of this approval.

Section 3: Planned Development Dimensional Standards:

Three buildings shall be developed with the following dimensional standards:

PD Dimensional Standards Contemplated for Multi-Family Dwellings (Dimensional standards apply cumulatively to all three dwellings)	
Standard	Dimensions
Number of dwelling Units	277 Units
Maximum Building Height ¹	49 ft.
Roof Projections ²	Up to 7 ft. above parapet
Renewable Energy Roof Projections	Up to 15 ft. from point of attachment
Gross Floor Area	531,211 sq. ft.
Parking Units	1.57:1 Parking Units per Dwelling Unit
Setbacks	Represented on Final PUD Plans

1. As measured from finished floor elevation to top of parapet.
2. Includes all improvements unrelated to renewable energy equipment.

Section 4: Phasing of Development and Vested Rights Approval:

Development of the project is contemplated in four phases. Ten years of vested rights is approved to accommodate phasing. Phases may be developed independently or simultaneously (as resources allow).

Section 5: Final PUD Plans and Subdivision Plats:

Pursuant to Land Use Code Section 26.445.090, *Documents & Deadlines*, the Applicant shall prepare and submit a Subdivision/PUD agreement to the Community Development Department, within one hundred eighty (180) days following the date of final approval. Community Development staff shall work with the Applicant to finalize and record documents. Building permits may be applied for, but not issued prior to recording the documents described herein.

Section 6: Growth Management:

The project shall be 100% deed restricted affordable housing, with the income mix shown below and with additional conditions also described:

- 15% of units should serve households at or below 50% AMI or APCA Category 1
- 34% of units should serve households from 50 to 85% AMI or APCA Category 2
- 33% of units should serve households from 85 to 130% AMI or APCA Category 3
- 13% of units should serve households from 130 to 205% AMI or APCA Category 4
- 5% of units should serve households from 205 to 240% AMI or APCA Category 5

Building 1 - RENTAL PHASE 1 % AMI	Category2 with Cat1 Priority <50%-85%	Category2 >50-85%	Category3 >85-130%	Category4 >130-205%	Category5 >205-240%	Total	%
1-Bedroom	14	17	18	3		52	50%
2-Bedroom	6	17	9	4		36	35%
3-Bedroom	1	5	4	6		16	15%
Total	21	39	31	13		104	
%	20%	38%	30%	13%			

Building 2 - RENTAL PHASE 2 % AMI	Category2 with Cat1 Priority <50%-85%	Category2 >50-85%	Category3 >85-130%	Category4 >130-205%	Category5 >205-240%	Total	%
1-Bedroom	14	15	14			43	41%
2-Bedroom	6	15	15			36	35%
3-Bedroom	1	6	5			12	12%
Total	21	36	34			91	
%	23%	40%	37%				

Building 3 - OWNERSHIP PHASE 3 % AMI	Category2 with Cat1 Priority <50%	Category2 50-85%	Category3 >85-130%	Category4 >130-205%	Category5 >205-240%	Total	%
1-Bedroom		10	11	8	5	34	33%
2-Bedroom		9	9	10	6	34	33%
3-Bedroom			7	4	3	14	13%
Total	0	19	27	22	14	82	
%	0%	23%	33%	27%	17%		

Lumberyard Project Totals % AMI	Category2 with Cat1 Priority <50%-85%	Category2 >50-85%	Category3 >85-130%	Category4 >130-205%	Category5 >205-240%	Total	%
1-Bedroom	28	42	43	11	5	129	124%
2-Bedroom	12	41	33	14	6	106	102%
3-Bedroom	2	11	16	10	3	42	40%
Total	42	94	92	35	14	277	
%	15%	34%	33%	13%	5%		

Additional Conditions and Flexibility:

- Any units designated to serve households at or below 50% AMI or APCA Category 1 should be deed restricted as 50 to 85% AMI or APCA Category 2 and should include a *priority* for households with incomes at or below 50% AMI or APCA Category 1. In the event the Category 1 *priority* is exercised, Category 1 rent, or otherwise rent commensurate with 30% of income, should be charged. In the event that the Category 1 priority is not exercised, then Category 2 rent may be charged.
- For initial lease-up of any project phase, the longest Pitkin County work history should not be used to prioritize applicants. But work history priority for turnover of units after initial lease up of any project phase shall be at APCA's discretion.
- In any phase up to 10% fewer Category 1 priority units may be included, including flexibility to eliminate all Category 1 priority multibedroom units. Also, in any phase, Category 2- and 3-unit quantities may be modified by plus or minus 10%, and up to 10% more Category 4 and 5 units may be included.
- The City of Aspen reserves the right the City reserves the right to develop partnerships with area employers, to create master lease agreements with area employers, or to facilitate agreements among area employers and potential private developer operators, to include master lease agreements, rights of first use and/or blanket leases.
- The City of Aspen additionally reserves the right to include additional affordability restrictions, such as the potential for Colorado Housing Finance Authority (CHFA) restrictions related to the potential use of low-income housing tax credits for funding purposes or like programs. As part of any state or federal restrictions, the income categories may be further broken down to a more detailed level of granularity for compliance with such programs.
- Aspen City Council reserves the right to amend this income mix as needed.

Section 7: Aspen Pitkin County Housing Authority Conditions of Approval:

1. Deed restrictions shall be recorded prior to issuing a Certificate of Occupancy for applicable phases. Designation of categories for each phase shall be reviewed by APCA prior to recording.
2. An operations and maintenance agreement that defines operations and maintenance of facilities shall be memorialized for all rental units prior to certificate of occupancy of each phase.
3. The City reserves the right to facilitate agreements with area employers and private developers including, but not limited to master lease agreements, rights of first use, and blanket easements.
4. Up to six dwelling units shall be reserved for APCA-qualified on-site property management and maintenance staff as needed.

Section 8: Condominiumization of Building 3:

1. The dwelling units in Building 3 shall be condominiumized and sold to APCHA qualified tenants within the first ten years of receiving a certificate of occupancy.
2. A condominiumization map in compliance with current plat requirements in place at the time of filing shall be submitted to the Community Development Department for evaluation and approval by the City Engineer prior to recordation.
3. A condominium association with governing documents including but not limited to declarations and bylaws shall be memorialized. A Capital Reserve Study shall be provided to the association defining the capital reserve savings plan for the association.
4. The City reserves the right to include additional affordability restrictions, including but not limited to the Colorado Housing Finance Authority restrictions related to use of low-income housing tax credits for funding purposes.
5. Aspen City Council reserves the right to amend income mix as needed.

Section 9: Parks Department Conditions of Approval:

1. Protection fencing along the property line shall be installed to protect Deer Hill from encroachment during applicable construction phases.
2. During applicable construction phases, a six (6) foot lined fence one (1) foot inside the property line shall be installed to keep all activity outside of the Deer Hill Open space.
3. The existing character of landscaping shall be maintained to the extent practicable.
4. A tree removal plan shall be submitted at the time of building permit.
5. Tree protection fencing shall be installed for all trees that are to be retained.
6. No construction activity, including, but not limited to the storage of equipment or material shall be allowed within the tree protection zone (TPZ)
7. To the extent practical, trails shall remain open and re-routes shall be the minimal needed.
8. AABC trail width shall be ten (10) feet with a one (1) foot freefall area on each side of the trail in areas constricted by the CDOT ROW and MRA property boundary. The remainder of the trail sections shall be twelve (12) feet with two (2) foot freefall area on each side of the trail.
9. To the extent practical, solutions to mitigate snow removal debris from Highway 82 impacting the approaches to the underpass shall be incorporated in the design. Solutions to be analyzed for consideration shall include but are not limited to skylights, fencing, walls or shed roofs.
10. Snow storage shall not block or impact trails.
11. Thirty (30) inches of good soil shall be required within the five (5) foot planting strip where trees are planted along the right-of-way.

Section 10: Environmental Health Department Conditions of Approval:

1. The Applicant shall continue working with Environmental Health to optimize trash, recycling, and composting operations.
2. The Applicant shall coordinate with Environmental Health regarding the revised air quality study to ensure applicable air quality standards are met.

Section 11: Engineering Conditions of Approval:

1. At the discretion of the City Attorney, a guarantee to develop offsite infrastructure and other infrastructure improvements shall be submitted at the time of Building permit.
2. Unobstructed legal and vehicular access from Highway 82 to Mountain Rescue shall be maintained through all phases of development.
3. An exhibit depicting anticipated queuing distance at the Highway 82 intersection including impacts from Mountain Rescue pursuant to the Traffic Impact Analysis shall be submitted to the Community Development Director prior to Council Review.
4. Easements for walkways, drainage, and utilities shall be memorialized on the final plat.
5. Delineated right-of-way for roadway, utilities, swales, parking and sidewalks shall be memorialized on the final plat.
6. Offsite grading within CDOT right-of-way is contingent upon CDOT final approval. The finalized plan shall either utilize CDOT ROW for stormwater detention or accommodations will be made onsite.

Section 12: Building & Zoning Conditions of Approval:

1. The address of each building shall be memorialized as part of the final plan set of the Planned Development.
2. The materials associated with shading device elements represented on the exterior elevations shall be Accoya, Kebony, Moso Bamboo or similar acetylated wood, perennial wood or equivalent minimal-maintenance wood product.
3. Approach clearances at bathing fixture tub or shower may need to be modified in type A units to meet building code.
4. Proposed solar arrays may require Aspen Fire review pursuant to IFC section 605.11.

Section 13: Material Representations

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before the Council, are hereby incorporated in such site development approvals and the same shall be complied with as if fully set forth herein, unless amended by an authorized entity.

Section 14: Existing Litigation

This resolution shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 15: Severability

If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Aspen on the 23rd day of May 2023.

ATTEST:

Nicole Henning, City Clerk

Torre, Mayor

FINALLY, adopted, passed, and approved by a _ to _ (_-_) vote on this ____ day of ____2023.

Approved as to form:

Approved as to content:

James R. True, City Attorney

Torre, Mayor

Attest:

Nicole Henning, City Clerk

**ORDINANCE #10
(SERIES OF 2023)**

AN ORDINANCE OF THE ASPEN CITY COUNCIL APPROVING A MAJOR PUBLIC PROJECT REVIEW, AMENDMENTS TO THE OFFICIAL ZONE DISTRICT MAP, A PLANNED DEVELOPMENT – PROJECT REVIEW AND DETAILED REVIEW, MAJOR SUBDIVISION, PARKING & TRANSPORTATION REVIEW, AND GROWTH MANAGEMENT REVIEW FOR LOT 3, COMMUNICATIONS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED OCTOBER 3, 1988, IN PLAT BOOK 21 AT PAGE 34, COMMONLY KNOWN AS 105 WOODWARD LANE (AKA THE MINI-STORAGE FACILITY); LOTS 1 AND 2, BLOCK 1, ASPEN AIRPORT BUSINESS CENTER, FILING NO. 1, ACCORDING TO THE PLAT THEREFOR RECORDED IN PLAT BOOK 7 AT PAGE 79. LESS THAT STRIP OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED SEPTEMBER 25, 1984, IN BOOK 474 AT PAGE 1, COMMONLY KNOWN AS 38005 CO-82 (AKA THE LUMBERYARD/BUILDERS FIRST SOURCE PROPERTY); AND LOT 1D, FINAL SUBDIVISION PLAT OF LOT 1A, BURLINGAME RANCH, ACCORDING TO THE FINAL PLAT THEREOF, RECORDED JANUARY 31, 2023, IN PLAT BOOK 135 AT PAGE 25 (AKA THE TRIANGLE PARCEL).

Parcel ID: 2735-031-02-003, 2735-031-01-802, 2735-031-01-801, and 2735-031-00-805

WHEREAS, the Community Development Department received an application from the City of Aspen, 427 Rio Grande Pl. Aspen, CO 81611 c/o Sara Ott, City Manager (Applicant), requesting approval for the following land use review approvals:

- Major Public Project Review pursuant to Land Use Code Section 26.500; and
- Amendments to Official Zone District Map (Rezoning) pursuant to Land Use Code Section 26.310; and
- Major Subdivision pursuant to Land Use Code Section 26.480; and
- Planned Development – Project Review and Detailed Review pursuant to Land Use Code Section 26.445; and
- Transportation & Parking Management pursuant to Land Use Code Section 26.515; and
- Growth Management Review pursuant to Land Use Code Section 26.470; and,

WHEREAS, the application for development proposes:

- 277 affordable housing units in three buildings
 - 129 one-bedroom units
 - 106 two-bedroom units
 - 42 three-bedroom units
- 435 on-site parking spaces; and,

WHEREAS, the application contemplates development of a childcare center on Parcel 4 in the future, triggering additional land use reviews in accordance with the applicable provisions of Title 26 at the time of the request; and,

WHEREAS, the proposed development has been informed by months of public outreach and feedback from open houses, City Council work sessions, and pop-up events; and,

WHEREAS, the Community Development Department Staff reviewed the application for compliance with the applicable review standards; and,

WHEREAS, the Development Review Committee, consisting of the Aspen Consolidated Sanitation District, City Engineering, the Building Department, the Environmental Health Department, the Parks Department, the Aspen/Pitkin County Housing Authority, and the Utilities Department provided referral comments to the Community Development Department; and,

WHEREAS, on May 3, 2023, during a duly noticed public hearing, the City of Aspen Planning and Zoning Commission approved Resolution #04, Series of 2023, recommending approval of the request for Major Public Project Review, Amendments to Official Zone District Map, Planned Development – Project Review and Detailed Review, Major Subdivision, Transportation and Parking Management and Growth Management Review; and,

WHEREAS, the Aspen City Council has reviewed and considered the request under the applicable provisions of the Municipal Code as identified herein, has reviewed, and considered the recommendation of the Community Development Director, and has taken and considered public comments at a public hearing; and,

WHEREAS, the Aspen City Council reviewed the application at a regular meeting on May 23rd, 2023 and approved Ordinance 10, Series of 2023 in a _ to _ (_ to _) vote at First Reading; and,

WHEREAS, the Aspen City Council reviewed the application at a regular meeting on _____, 2023, and approved Ordinance #10, Series of 2023 in a _ to _ (_ to _) to approve the request; and,

WHEREAS, the Aspen City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare, and,

NOW, THEREFORE BE IT RESOLVED, THE ASPEN CITY COUNCIL APPROVES THE FOLLOWING:

Section 1: Rezoning:

The Mini-Storage and Lumberyard properties are currently located within the Service/Commercial/Industrial (S/C/I) zone district and the undeveloped ‘Triangle Parcel’ is

located within the Conservation (C) and Rural Residential (RR) zone district. The subject parcels are hereby rezoned to Multi-Family Residential (R/MF) with a Planned Development Overlay.

Section 2: Subdivision:

Currently the subject land area consists of four lots within the City’s municipal boundary. The lots shall be reconfigured into ten parcels with a neighborhood street network providing unobstructed vehicular access to each parcel. Upon dedication of the street network, the existing access easement (Reception No. 692896) shall be vacated.

A final Development Agreement shall be drafted by the City pursuant to Land Use Code Section 26.490 and filed with the Pitkin County Clerk and Recorder within 180 days of this approval.

Section 3: Planned Development Dimensional Standards:

Three buildings shall be developed with the following dimensional standards:

PD Dimensional Standards Contemplated for Multi-Family Dwellings (Dimensional standards apply cumulatively to all three dwellings)	
Standard	Dimensions
Number of dwelling Units	277 Units
Maximum Building Height ¹	49 ft.
Roof Projections ²	Up to 7 ft. above parapet
Renewable Energy Roof Projections	Up to 15 ft. from point of attachment
Gross Floor Area	531,211 sq. ft.
Parking Units	1.57:1 Parking Units per Dwelling Unit
Setbacks	Represented on Final PUD Plans

- 1. ~~As measured from finished floor elevation to top of parapet.~~
- 2. ~~Includes all improvements unrelated to renewable energy equipment.~~

Planned Development Dimensional Standards	
Standard	Approved Dimension
Total Number of Dwelling Units	A minimum of 277 and maximum of 304 units
Building #1	A minimum of 94 and maximum of 114 units
Building #2	A minimum of 82 and a maximum of 100 units
Building #3	A minimum of 74 units and a maximum of 90 units
Maximum Building Height ¹	49 ft.
Parapet Height	5 ft.
Roof Projections ²	Up to a maximum of 7 ft. above parapet
Renewable Energy Roof Projections	Up to a maximum of 15 ft. above parapet
Total Maximum Gross Floor Area ³	531,211 sq. ft.
Building	206,073 sq. ft. +/- 10 %
#1	164,484 sq. ft. +/- 10 %
	160,654 sq. ft. +/- 10 %

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#2	Building	
#3	Building	
Parking Units		1.57:1 Parking Units per Dwelling Unit ⁴
Setbacks		As established by elements located in the Site Plan. To accommodate approved project elements, 0 (zero) ft. setbacks are allowed and may be necessary.

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¹As measured from finished floor of 1st floor elevation to top of parapet.

²Includes all roof top elements unrelated to renewable energy equipment.

³Gross Floor Area is measured to exterior face of exterior walls and centerline of any demising walls. The total Gross Floor Area for the project and for each building additionally includes gross area of all patios and balconies. The stated Total Gross Floor Area and for each building also includes 2% above the area included in the approved floor plans to account for any technical changes as the project moves to building permit.

⁴The Parking Units per Dwelling Unit ratio may decrease to 1.54:1 to accommodate the removal of up to 10 parallel parking spaces adjacent to Building 1 to allow for the re-alignment of the AABC trail as described in Section 13 below. The Parking Units per Dwelling Unit ratio may be further reduced in response to changes in unit number and unit mix.

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Section 4: Phasing of Development and Vested Rights Approval:

Development of the project is contemplated in four phases. Ten years of vested rights is approved to accommodate phasing. Phases may be developed independently or simultaneously (as resources allow).

Section 5: Final PUD Plans and Subdivision Plats:

Pursuant to Land Use Code Section 26.445.090, *Documents & Deadlines*, the Applicant shall prepare and submit a Subdivision/PUD agreement to the Community Development Department within one hundred eighty (180) days following the date of final approval. Community Development staff shall work with the Applicant to finalize and record documents. Building permits may be applied for, but not issued prior to recording the documents described herein.

Section 6: Growth Management:

A. Growth Management Allotments. This approval grants up to a maximum of 304 Residential – Affordable Housing Development Allotments.

Commented [JO1]: This amendment was not voted on by Council

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B. Unit Mix. Sheet A003 – Unit Type and Module Matrix; depicts the approved Unit Mix (proportion of 1BR, 2BR, and 3BR units) and distribution of the module types (unit layout variations) as depicted in the application.

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i. Final Unit Mix for each building does have flexibility as the project moves toward construction as long as the Total Maximum Number of Units across the entire project does not exceed 304, nor do any of the individual building exceed the maximum number of units per building as depicted in Section 3. Additionally, the final unit mix shall not cause the project to exceed the Maximum Gross Floor Area in total, or by building as depicted in Section 3.

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ii. While the module types as depicted in the application are approved, final unit layouts can be modified as long as the units continue to meet all provisions of APCHA Affordable Housing Development Policy, particularly in relationship to unit size standards.

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iii. Final determination of Unit Mix and unit layout shall be evaluated during building permit review for conformance with the dimensions established in this Ordinance and any applicable requirements from APCHA or the Land Use Code.

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C. Category / AMI (Area Median Income) Mix.

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i. The project shall be 100% deed restricted affordable housing, with an approved income mix across all three buildings that reflects the following:

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- 15% of units should serve households at or below 50% AMI; (APCHA Category 1)
- 34% of units should serve households from 50 to 85% AMI; (APCHA Category 2);
- 33% of units should serve households from 85 to 130% AMI; (APCHA Category 3)
- 13% of units should serve households from 130 to 205% AMI; (APCHA Category 4)
- 5% of units should serve households from 205 to 240% AMI; (APCHA Category 5)
- Deed-Restricted Resident Occupied (RO) units that are excluded from rental rate restrictions may also be included within the overall project's Category / AMI Mix. In no case should the total number of RO units exceed more than 5% of a building's total unit count." and other categories shall be reduced pro-rata.

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ii. Aspen City Council reserves the right to amend this income mix as needed. Changes can be made at Council discretion – and could be enacted by Resolution or in another format in providing direction to the City Manager.

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iii. Should flexibility related to Category / AMI Mix from the approved mix be desired as the project moves toward construction, in all cases, final determination of Category /AMI Mix shall be established prior to the recordation of deed restrictions and the issuance of a Certificate of Occupancy for a specific building.

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iv. Should the City enter into a partnership with a private sector development, the AMI mix for any units connected to the partnership shall be established within a development agreement in a form and with content satisfactory to the City Attorney.

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v. Any units designated to serve households at or below 50% AMI (APCHA Category 1) should be deed restricted as 50 to 85% AMI (APCHA Category 2) and should include a priority for households with incomes at or below 50% AMI (APCHA Category 1). In the event the Category 1 priority is exercised, Category 1 rent, or otherwise rent commensurate with 30% of income, should be charged. In the event that the Category 1 priority is not exercised, then Category 2 rent may be charged.

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vi. City Council reserves the right to set priorities within the pool of applicants for the units in this project. Any Council direction on prioritization could be enacted by Resolution or in another format in providing direction to the City Manager. However, absent any further and specific direction on prioritization, in the initial lease-up of any project phase, the longest Pitkin County work history should not be used to prioritize applicants. For turnover of units after initial lease up of any project phase, the use of work history shall be subject to APCHA's Employee Housing Regulations.

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vii. In any phase up to 10% fewer Category 1 priority units may be included, including flexibility to eliminate all Category 1 priority multibedroom units. Also, in any phase, Category 2- and 3-unit quantities may be modified by plus or minus 10%, and up to 10% more Category 4 and 5 units may be included.

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viii. The City of Aspen reserves the right to develop partnerships with area employers, to create master lease agreements with area employers, or to facilitate agreements among area employers and potential private developer operators, to include master lease agreements, rights of first use and/or blanket leases.

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ix. The City of Aspen additionally reserves the right to include additional affordability restrictions, such as the potential for Colorado Housing Finance Authority (CHFA) restrictions related to the potential use of low-income housing tax credits for funding purposes or like programs. As part of any state or federal restrictions, the income categories may be further broken down to a more detailed level of granularity for compliance with such programs.

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¹¹AMI percentages shall correlate to APCHA Categories in effect on the date this Ordinance was passed.

~~The project shall be 100% deed restricted affordable housing, with the income mix shown below and with additional conditions also described:~~

- ~~• 15% of units should serve households at or below 50% AMI or APCHA Category 1~~
- ~~• 34% of units should serve households from 50 to 85% AMI or APCHA Category 2~~
- ~~• 33% of units should serve households from 85 to 130% AMI or APCHA Category 3~~
- ~~• 13% of units should serve households from 130 to 205% AMI or APCHA Category 4~~
- ~~• 5% of units should serve households from 205 to 240% AMI or APCHA Category 5~~

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Building 1 - RENTAL PHASE 1 % AMI	Category2 with Cat1 Priority <50%-85%	Category2 >50-85%	Category3 >85-130%	Category4 >130-205%	Category5 >205-240%	Total	%
1-Bedroom	14	17	18	3		52	50%
2-Bedroom	6	17	9	4		36	35%
3-Bedroom	1	5	4	6		16	15%
Total	21	39	31	13		104	
%	20%	38%	30%	13%			

Building 2 - RENTAL PHASE 2 % AMI	Category2 with Cat1 Priority <50%-85%	Category2 >50-85%	Category3 >85-130%	Category4 >130-205%	Category5 >205-240%	Total	%
1-Bedroom	14	15	14			43	41%
2-Bedroom	6	15	15			36	35%
3-Bedroom	1	6	5			12	12%
Total	21	36	34			91	
%	23%	40%	37%				

Building 3 - OWNERSHIP PHASE 3 % AMI	Category2 with Cat1 Priority <50%	Category2 50-85%	Category3 >85-130%	Category4 >130-205%	Category5 >205-240%	Total	%
1-Bedroom		10	11	8	5	34	33%
2-Bedroom		9	9	10	6	34	33%
3-Bedroom			7	4	3	14	13%
Total	0	19	27	22	14	82	
%	0%	23%	33%	27%	17%		

Lumberyard Project Totals % AMI	Category2 with Cat1 Priority <50%-85%	Category2 >50-85%	Category3 >85-130%	Category4 >130-205%	Category5 >205-240%	Total	%
1-Bedroom	28	42	43	11	5	129	124%
2-Bedroom	12	41	33	14	6	106	102%
3-Bedroom	2	11	16	10	3	42	40%
Total	42	94	92	35	14	277	
%	15%	34%	33%	13%	5%		

Additional Conditions and Flexibility:

- Any units designated to serve households at or below 50% AMI or APCA Category 1 should be deed restricted as 50 to 85% AMI or APCA Category 2 and should include a priority for households with incomes at or below 50% AMI or APCA Category 1. In the event the Category 1 priority is exercised, Category 1 rent, or otherwise rent commensurate with 30% of income, should be charged. In the event that the Category 1 priority is not exercised, then Category 2 rent may be charged.

- ~~For initial lease up of any project phase, the longest Pitkin County work history should not be used to prioritize applicants. But work history priority for turnover of units after initial lease up of any project phase shall be at APCHA's discretion.~~
- ~~In any phase up to 10% fewer Category 1 priority units may be included, including flexibility to eliminate all Category 1 priority multibedroom units. Also, in any phase, Category 2 and 3 unit quantities may be modified by plus or minus 10%, and up to 10% more Category 4 and 5 units may be included.~~
- ~~The City of Aspen reserves the right the City reserves the right to develop partnerships with area employers, to create master lease agreements with area employers, or to facilitate agreements among area employers and potential private developer operators, to include master lease agreements, rights of first use and/or blanket leases.~~
- ~~The City of Aspen additionally reserves the right to include additional affordability restrictions, such as the potential for Colorado Housing Finance Authority (CHFHA) restrictions related to the potential use of low income housing tax credits for funding purposes or like programs. As part of any state or federal restrictions, the income categories may be further broken down to a more detailed level of granularity for compliance with such programs.~~
- ~~Aspen City Council reserves the right to amend this income mix as needed.~~

Section 7: Aspen Pitkin County Housing Authority Conditions of Approval:

1. Deed restrictions shall be recorded prior to issuing a Certificate of Occupancy for applicable phases. Designation of categories for each phase shall be reviewed by APCHA prior to recording.
2. An operations and maintenance agreement that defines operations and maintenance of facilities shall be memorialized for all rental units prior to certificate of occupancy of each phase.
3. The City reserves the right to facilitate agreements with area employers and private developers including, but not limited to master lease agreements, rights of first use, and blanket easements.
4. Up to six dwelling units shall be reserved for APCHA-qualified on-site property management and maintenance staff as needed.

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Section 8: Condominiumization of Building 3:

1. The dwelling units in Building 3 shall be condominiumized and sold to APCHA qualified tenants within the first ten years of receiving a certificate of occupancy.
2. A condominiumization map in compliance with current plat requirements in place at the time of filing shall be submitted to the Community Development Department for evaluation and approval by the City Engineer prior to recordation.
3. A condominium association with governing documents including but not limited to declarations and bylaws shall be memorialized. A Capital Reserve Study shall be provided to the association defining the capital reserve savings plan for the association.

4. The City reserves the right to include additional affordability restrictions, including but not limited to the Colorado Housing Finance Authority restrictions related to use of low-income housing tax credits for funding purposes.
5. Aspen City Council reserves the right to amend income mix as needed.

Section 9: Parks Department Conditions of Approval:

1. Protection fencing along the property line shall be installed to protect Deer Hill from encroachment during applicable construction phases.
2. During applicable construction phases, a six (6) foot lined fence one (1) foot inside the property line shall be installed to keep all activity outside of the Deer Hill Open space.
3. The existing character of landscaping shall be maintained to the extent practicable.
4. A tree removal plan shall be submitted at the time of building permit.
5. Tree protection fencing shall be installed for all trees that are to be retained.
6. No construction activity, including, but not limited to the storage of equipment or material shall be allowed within the tree protection zone (TPZ)
7. To the extent practical, trails shall remain open and re-routes shall be the minimal needed.
8. AABC trail width shall be ten (10) feet with a one (1) foot freefall area on each side of the trail in areas constricted by the CDOT ROW and MRA property boundary. The remainder of the trail sections shall be twelve (12) feet with two (2) foot freefall area on each side of the trail.
9. To the extent practical, solutions to mitigate snow removal debris from Highway 82 impacting the approaches to the underpass shall be incorporated in the design. Solutions to be analyzed for consideration shall include but are not limited to skylights, fencing, walls or shed roofs.
10. Snow storage shall not block or impact trails.
11. Thirty (30) inches of good soil shall be required within the five (5) foot planting strip where trees are planted along the right-of-way.

Section 10: Environmental Health Department Conditions of Approval:

1. The Applicant shall continue working with Environmental Health to optimize trash, recycling, and composting operations.
2. The Applicant shall coordinate with Environmental Health regarding the revised air quality study to ensure applicable air quality standards are met.

Section 11: Engineering Conditions of Approval:

1. At the discretion of the City Attorney, a guarantee to develop offsite infrastructure and other infrastructure improvements shall be submitted at the time of Building permit.
2. Unobstructed legal and vehicular access from Highway 82 to Mountain Rescue shall be maintained through all phases of development.
3. An exhibit depicting anticipated queuing distance at the Highway 82 intersection including impacts from Mountain Rescue pursuant to the Traffic Impact Analysis shall be submitted to the Community Development Director prior to Council Review.
4. Easements for walkways, drainage, and utilities shall be memorialized on the final plat.

Council Ordinance #10, Series of 2023
Page 10 of 13

5. Delineated right-of-way for roadway, utilities, swales, parking and sidewalks shall be memorialized on the final plat.
6. Offsite grading within CDOT right-of-way is contingent upon CDOT final approval. The finalized plan shall either utilize CDOT ROW for stormwater detention or accommodations will be made onsite.

Section 12: Building & Zoning Conditions of Approval:

1. The address of each building shall be memorialized as part of the final plan set of the Planned Development.
2. The materials associated with shading device elements represented on the exterior elevations shall be Accoya, Kebony, Moso Bamboo or similar acetylated wood, perennial wood or equivalent minimal-maintenance wood product.
3. Approach clearances at bathing fixture tub or shower may need to be modified in type A units to meet building code.
4. Proposed solar arrays may require Aspen Fire review pursuant to IFC section 605.11.

Section 13: Alignment of the AABC Trail and Related Landscaping and Sound Attenuation Features.

The alignment of the AABC trail and the design of related site and landscaping features as proposed and depicted is approved. However, as the project moves toward construction documents, for the purposes of: improving sound attenuation, pedestrian and bicycle safety and comfort, snow storage capacity, and aesthetics of the project as viewed from Highway 82, design flexibility is granted in the following areas:

- Adjustments to the alignment of the trail are allowed in accomplishing any or all of the purposes stated above. Changes to the alignment can be proposed both on property and in the CDOT right-of-way.
- Landscape retaining walls, to assist with any berming and sound attenuation along the trail, whether located in a setback or not, are allowed up to a maximum height of five feet from finished grade. If more than five feet of height for retainage is necessary, retaining walls can be used in a staggered or stepped fashion, but no individual retaining wall shall be greater than 5 feet in height.
- Sound attenuation walls or structures are allowed along AABC trail in association with Buildings 1 and 3. Walls or structures shall not be greater than 20 feet from the finished grade of the AABC trail. Such walls or structures may contain public art. Walls or structures shall not extend beyond the property line.
- Final trail alignment and planting plan for vegetation along the trail, at grade, in berms, or in planters, shall be reviewed by City Parks Staff (and CDOT, as necessary) prior to building permit submission.
- Parking, approved along the frontage road in front of Building 1, may be reduced by up to ten spaces, to accommodate an alternative alignment of the AABC trail, and any necessary changes to adjacent landscaping.

Final design of the alignment of the AABC trail and related landscaping and sound attenuation features shall be included in the submitted Final PUD Plans and Subdivision Plat identified in

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Section 5, above, and shall be recorded prior to the submission of a building permit for the completion of Phase 0.

Section 143: Material Representations

All material representations and commitments made by the Applicant pursuant to the development proposal approvals as herein awarded, whether in public hearing or documentation presented before the Council, are hereby incorporated in such site development approvals and the same shall be complied with as if fully set forth herein, unless amended by an authorized entity.

Section 154: Existing Litigation

This resolution shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 165: Severability

If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Aspen on the 23rd day of May 2023.

ATTEST:

Nicole Henning, City Clerk

Torre, Mayor

FINALLY, adopted, passed, and approved by a _ to _ (- -) vote on this ____ day of ____ 2023.

Approved as to form:

Approved as to content:

James R. True, City Attorney

Torre, Mayor

Council Ordinance #10, Series of 2023
Page 12 of 13

Attest:

Nicole Henning, City Clerk

Exhibit C | Public Comments Received

August 2, 2021

Via E-Mail

James R. True, Esq.
City Attorney, City of Aspen
130 S. Galena Street
Aspen, Colorado 81611

RE: Stormwater Management for Development of BMC West

Dear Jim:

I am writing on behalf of Aspen Business Park Investors, LLC (“ABPI”). ABPI is the owner of the property located at 205 AABC in the Aspen Airport Business Center. This property is legally described as Lot 3, Block 1, Amended and Restated Plat of Aspen Airport Business Center Filing No. 1, County of Pitkin, State of Colorado.

We understand that the City of Aspen is getting closer to commencing development work on the former BMC West lumberyard property located at 38005 and 37925 Highway 82. From what we have read in the papers, it appears the development will entail a significant amount of housing, drive lanes, parking, etc. – all impervious surface areas that can be expected to create a significant amount of stormwater runoff that will require substantial detention or retention facilities.

The ABPI property includes a stormwater detention basin that is subject to an easement for the benefit of the City. This detention basin is located in the northeast corner of the ABPI property at the intersection of Pass Go Lane and the AABC 200 road. The detention basin is located across Pass Go Lane from the Annie Mitchell housing project constructed by the City of Aspen. It was installed with development of the Annie Mitchell project to help provide detention for stormwater flowing from the Annie Mitchell project. This was because a prior existing (and reportedly larger) basin located on the Annie Mitchell property was eliminated by the City when the housing project was developed. A copy of the Grant of Easement between Qwest Corporation (my client’s predecessor) and the City is enclosed with this letter. It was entered into in early 2004 and is recorded in the real estate records of Pitkin County at Reception No. 494986. It is worth noting that the Grant of Easement provides that maintenance and operation of the detention basin is the responsibility of the City and no maintenance has ever been completed to our knowledge, although there have been instances of it overflowing and debris has filled portions of the basin.

As it relates to the City’s plans for development of the former BMC West property, there are two important things of which we would like to make sure the City is aware.

First, even though the drainage easement granted to the City is contiguous with the BMC West property for 10’ at the very southern end of the easement, the Grant of Easement recorded in early 2004 does not run to the benefit of the BMC West property. This is because the City did not acquire the BMC

Exhibit C | Public Comments Received

West property until December 2007. Because the City did not own the BMC West property in 2004 when the drainage easement was granted, the BMC Property cannot have been an intended beneficiary of the drainage easement. Rather, the drainage easement was granted for the benefit of the Annie Mitchell housing project that the City was undertaking at that time on the east side of Pass Go Lane adjacent to the easement area.

Second, the stormwater detention basin that is constructed within the easement area does not appear to have any excess capacity to accommodate additional stormwater created by development of the BMC Property. This detention facility previously overflowed in large storm events in 2005, 2007, 2009 and 2011 and, as we understand it, led to a lawsuit filed by the owner of the Ski.com building against the City of Aspen and the Annie Mitchell condominium association. When ABPI developed the existing self-storage facility on its property, it conservatively engineered its stormwater management systems with the assumption that the existing detention facility does not exist and is not available to receive additional stormwater runoff for the purpose of calculating compliance with the applicable runoff and detention standards.

For the reasons stated above, we believe it is important that the City not rely on any additional capacity existing within the detention basin on the ABPI property when it is engineering the stormwater management system for its development on the BMC West property, and any stormwater runoff from the BMC West property and areas northerly should be completely retained onto the BMC West property and not flow onto ABPI's property. Please share this communication with the appropriate members of the City's project team for the BMC West development.

Let me know if you have any questions I might be able to answer. Thanks very much.

Sincerely,



Bart Johnson

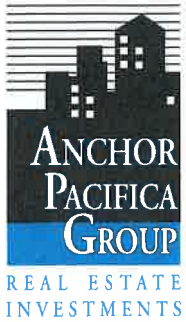
for

WAAS CAMPBELL RIVERA
JOHNSON & VELASQUEZ LLP

cc: David Hotchkin

Enclosures
{A0075221 / 1 }

Exhibit C | Public Comments Received



1010 E. Union Street, Suite 100
Pasadena, CA 91106
626 . 440 . 7070
Fax 626 . 440 . 7343
www.anchorpacificacom

7/26/2022

Via Email and U.S. Mail

Trish Aragon
Aspen City Engineer
427 Rio Grande Place
Aspen, CO 81611
Email: trish.aragon@cityofaspen.com

Christopher Everson
Aspen Affordable Housing Project Manager
427 Rio Grande Place
Aspen, CO 81611
Email: chris.everson@aspen.gov

Dear Ms. Aragon and Mr. Everson,

We own the Aspen Low Cost Storage property located north of the former BMC West lumberyard property that is now owned by the City of Aspen.

Our attorney Bart Johnson previously sent a letter to City Attorney James True on August 2, 2021 concerning storm water management issues related to our property and the City's property. A copy of this letter is enclosed for your reference.

On Saturday, July 16, 2022, a powerful thunderstorm hit the AABC area. We attach a short video of flooding that occurred on our property because of poor flood control on the City of Aspen's property. As you can see in the video, our workman is removing a piece of plywood that traveled down the drainage from the City of Aspen's lumberyard property. This plywood then covered the drainage inlet to the drainpipe that crosses our property. As a result, water blasted open the side of our catch basin wall, and mud and debris flooded our property. We also attach a photo taken of the rear yard of the City's property and a clogged and/or inadequate drywell. The water flow direction is shown to the dry well and then mud flowing below it, indicating the drywell has filled with mud and debris over the years or that the drywell(s) located on the City's property is ineffective.

We request that the City of Aspen take steps to improve its flood control. We recognize that the property is slated for development of a new housing project, however, significant damage could occur to our property in the meantime. The steps we recommend be immediately implemented so that stormwater from your property does not continue to damage ours, are:

- 1) Add drywells to drainage areas on the City's property both prior to the area entering the lumberyard property and as water passes over the lumberyard property.
- 2) Remove mud and debris from existing drywells to ensure their effectiveness.

Exhibit C | Public Comments Received

- 3) Install a “trash gate” between our two properties to filter out debris so that the flow of stormwater does not contain debris and other materials that will clog the drain systems on our property (which was the cause of the recent blowout on our property).

Also, we are hoping the flood control and stormwater management systems for the City’s new housing development will be “overengineered.” The City’s new project will create significant new impermeable surface areas and as a result we fear our property will be flooded on a regular basis. We believe that it will be necessary to deepen and improve the catch basin at the southwest corner of Pass Go Lane and AABC Road. As you must be aware, when the City built the Annie Mitchell Homestead housing project, they removed a vital catch basin at the northwest corner of Pass Go Lane and AABC and then forced all water that previously used two equal sized catch basins into one. A lawsuit was initiated by the owners of the Ski.com building because they were then regularly flooded. This remaining catch basin is incapable of handling any additional water in times of high rainfall created by the City’s planned new housing development on the lumberyard property. Drywells are initially helpful, however, over time they get filled with mud and debris and become ineffective. The only long-term solution is to improve the water carry systems from your property, through ours and beyond, and the weak link are adequate stormwater management systems on the lumberyard property and City-owned property up valley from the lumberyard property and the inadequate (once the City builds the new housing) catch basin at Pass Go and AABC Road. The enlarging of the catch basin at the southwest corner of our property or storm drainage improvements after the basin is a must do prior to the City building its new housing.

Sincerely,



Brian Botsford
for Aspen Business Park Investors, LLC

Enclosures via email (prior letter, video and photo)

Exhibit C | Public Comments Received

My name is Tom Gorman, and I currently serve on Aspen's Planning & Zoning board. With our Lumberyard meetings complete, I'm writing about a couple of issues related to that proposed project. To be clear, I'm writing as a citizen, not a commissioner. The facts I cite are in the public record, but any interpretations or opinions are my own.

First, some background on one of P&Z's conditions for approval, further study of the intersection at Lumberyard and Hwy 82. As you know, the City's decision to rely on a single traffic signal intended to serve 500 or so new Lumberyard residents (plus Mountain Rescue Headquarters) has long been a concern. Because that stretch of Hwy 82 is already busy, an additional, overburdened intersection would add more congestion to that corridor, especially during peak travel times. It would obviously be detrimental to quality of life for the entire Valley.

As part of their application, the City engaged a consultant, Fehr & Peers, to perform a traffic impact study. Their report was part of a packet submitted to P&Z this spring. In response to questions commissioners raised during P&Z's March meetings, the City invited the principal author of the study to attend our April 4 meeting, which was also open to the public. During our Q&A with the author, it became evident that both traffic and emissions impacts were more significant than the Executive Summary had indicated. Among these were:

1. Average delays would be somewhat longer – in the body of the report they were estimated at about 96 seconds for the AM rush, and another 1.6 minutes in the afternoon.
2. Trip generation at Lumberyard would potentially be twice the Fehr & Peers' "worst case" estimate from the summary; the raw number is 99 trips per hour during peak times. Getting to their reduced trip count of 50 per hour would require that about half of Lumberyard residents would choose not to drive on a given day. With current plans for RFTA pickups set for twice an hour, it's difficult to know if this hope would prove realistic.
3. These peak-time trips would produce frequent red light requests to and from the Lumberyard site, each one stopping traffic on Hwy 82. If I recall correctly, the author's estimate were 'about 36' times per hour. We did not get clarity on how that number was chosen, and I could not find a detailed explanation in the report. Each cycle might last 40-60 seconds, depending on what traffic engineers decide.
4. Fehr & Peers' report did not provide much detail about these red light cycles. Nor did it look at the effects of stopping 20-40 vehicles on Hwy 82 each time the light tripped during peak hours. It did discuss the fact that several traffic lights in that corridor are already rated as below satisfactory for delays.
5. The report did not analyze the likelihood of a 'cascade' effect, in which delays at one light impede progress at others. When they occur, traffic can build in a non-linear fashion. It did discuss the use of queuing and synchronizing this intersection with other nearby signals to reduce delays.
6. Fehr & Peers did not engage in a study of time saved by new Lumberyard residents vs time lost for other down valley commuters, so I had to make some guesses. By my estimate, about 200 former down valley residents could shorten their drives by an

Exhibit C | Public Comments Received

average 30 minutes daily by moving into Lumberyard. That adds up to 6,000 minutes, which would be a significant savings. However, a much larger number of vehicles, about 5,000, would be delayed at the Lumberyard traffic light during peak times. Because down valley commuters' cumulative hours lost (5,000 vehicles stalled for about three minutes is 15,000 minutes lost daily), cumulative time lost to Roaring Fork Valley drivers greatly exceed time saved by new Lumberyard residents. I've heard the thought expressed that this extra time is a 'tax' that City Hall is willing to impose on its down valley neighbors in its quest to solve Aspen's own housing problems.

7. Fehr and Peers also did not look at a linkage between these new delays and increased vehicle emissions. Traffic delays and greater emissions are flip sides of the same problem. Fehr & Peers' study showed about 19,000 vehicles passing the Lumberyard intersection each day, about half during our peak hours. This would rise to about 20,000 if Lumberyard is built. Each minute of new delay by these 5,000 vehicles would produce higher tailpipe emissions, including CO2. I get different answers to this emissions question, but they all show an increase. Because Fehr & Peers failed to examine this new delays/new emissions question at all, it's my opinion that their estimate of annual CO2 reductions in the range of 500,000-600,000 lbs. shouldn't be accepted unless an emissions specialist studies it and concurs.

Added congestion would negatively impact thousands of people every day, and these unresolved questions are more easily examined at this point rather than waiting until it's too late to fix them. While I view each of these questions as significant, only Council can decide whether it's worth the time and money it would take to get answers. Council might not need to reopen the entire traffic study in order to get better information about these specific items. However, if reducing CO2 is an important reason to build Lumberyard, the net emissions equation might warrant a more careful look. At our May 2 meeting, the applicant seemed optimistic that the City could get the proposed light at Lumberyard and Hwy 82 to operate at a Level of Service 'C' or better, even during peak times. You'll recall that a 'C' allows an average up to 35 seconds of stoppage. After that, delays and public frustration rise in tandem.

At a March P&Z meeting, the applicant also briefed those present about Lumberyard's projected costs. Although the board was not empowered to discuss this aspect of the project, our packet confirmed that construction estimates have continued rising; at that point they were expected to be about \$380,000,000. It was not clear whether that number included interest expenses. If not, any estimates would have to be revised upward to reflect them.

Aspen's recent balance sheets and the pace of recent RETT collections make it likely that there will not be enough cash on hand to pay for a project this size. That will mean borrowing a lot of money. Although many construction inputs have experienced inflation lately, interest rates may have risen the fastest. If interest costs are not already built into the \$380 million number, it seems probable that total project costs (land, planning, construction, and interest until the loan is retired) will exceed \$500,000,000.

Exhibit C | Public Comments Received

Among reasons to think costs could go higher is the City's lack of experience managing large construction projects, where overruns are common. \$500,000,000 pencils out to about \$1.8 million per unit, and is nearly \$1 million per bed. By contrast, Skico's recent employee housing project, The Hub at Willits, houses 140-150 people at a reported cost under \$20 million, or about \$140,000 per bed. I hope Council engages the City in a detailed and robust discussion about how Lumberyard got so expensive. Half a billion dollars could buy a lot of other public goods and services.

Almost everyone agrees that housing has been a persistent problem here and in other mountain resort towns. Deciding if Lumberyard is the best way to address our housing issues seems less straightforward. Adding 8% to APCHA's inventory would help, but probably not fundamentally alter Aspen's housing dynamics. Once built, Lumberyard would mean another step away from Aspen's small-town character. It would mean more people, more traffic, more public debt, more lots of things.

It seems only fair to ask our citizens whether they want to go that route. A public vote to approve building (and paying for) Lumberyard would provide a legitimacy to this decision not available to an ever-changing roster of City officials. There have been widespread rumors of plans to circumvent Aspen's citizens by financing it without using a conventional bond approval process. I'd urge you to resist that gambit. Put Lumberyard to a vote, and let the people decide.

Exhibit C | Public Comments Received

From: [Pam Alexander](#)
To: [Public Comment](#)
Subject: Lumberyard input
Date: Sunday, June 11, 2023 6:32:49 PM

Hi,

In full support of community housing, my feedback about the Lumberyard project includes these areas:

—Do we have all of the information we need to go ahead with this project without understanding the potential unintended consequences for environmental sustainability in the RFV?

—Traffic is already causing air quality and quality of life issues for all Aspen and RFV residents.

I served on the Community Transportation Taskforce for almost three years, and the very issues we addressed with most concern included the traffic congestion on 82, particularly with daily commutes through the entrance to Aspen.

The decisions we make about housing locations that would add more congestion now could have vastly more unintended consequences for the quality of life for all residents in our Valley.

Thank you,
Pam Alexander

Exhibit C | Public Comments Received

From: [The Red Ant](#)
To: [Public Comment](#)
Subject: ANT ALERT: Give Lumberyard Feedback Today!
Date: Monday, June 12, 2023 8:50:55 AM

Slow down. The community deserves specific information on the budget, the financing plans, the traffic plans (including alternatives to the proposed stoplight), a detailed report on how these 277 units will relieve APCHA's current shortcomings, community infrastructure impact reports and a statement from this council regarding the growth from this project and how it adheres to the AACP.

Issue #251 | June 12, 2023

ANT



THE RED ANT **Political Commentary, Aspen Style**

ANT ALERT: Give Lumberyard Feedback Today!

*"The Lumberyard is just another of the many fingers
in the dike trying to restrain the forces of
gentrification flooding our community."*

-- Mick Ireland

IMPORTANT

Tomorrow at 3p, city council will be voting to lock in development plans for The Lumberyard. This is reckless and absurd. There are far too many unanswered questions and the community is being kept in the dark.

Exhibit C | Public Comments Received

It is **ESSENTIAL** that you click [HERE](#) and write a note - however brief - expressing your vehement disapproval. (Very little public comment has been received thus far, so council continually refers to "feedback" they received when they originally asked housing seekers "what do you want at The Lumberyard?" This is hardly what we want guiding such a monumental decision!)

You do not have to be an Aspen voter to voice your opposition!

SPEAK NOW!

A "no" vote will not stop the project, but it will pause it so the community can see:

- A) The budget
- B) The financing plans
- C) The traffic plans
- D) The specifics on who will eventually reside there
- E) A study on the impacts to our schools, hospital and other vital infrastructure
- F) Impacts on the community in terms of real growth.

Today, we have **ZERO** information on these issues.

The Lumberyard plans are not ready to be memorialized, but city hall is rushing to get things underway. Once underway, they'll say it's too late to change anything. This is their modus operandi.

A couple important tidbits:

- The Lumberyard stands to be the largest municipal project in Aspen's history.
- It has no funding source nor budget.
- Nearly \$30 million has already been spent on the land.
- Over \$4.3 million has already been spent on design, but only as far as the "schematic" phase. Much more design work is still to come.
- City staff has told council there are "9 financing models" yet none have been publicly shared. (My guess is they don't exist.)
- City staff continually tells council that the city has "significant" funding options for the project yet won't reveal them. (Could they be referring to the drastically shrinking RETT revenues?)
- While P&Z has technically approved The Lumberyard, they stated grave concerns over Hwy 82 traffic impacts, infrastructure at the ABC and a new stoplight/intersection - topics that were outside the scope of their review yet big enough to be raised. The city has ignored their feedback.
- Estimates have units costing \$1.5 million per to build while the

Exhibit C | Public Comments Received

Roaring Fork School District is building housing for teachers for \$573K/unit. Maybe we ought to at least look at what they're doing?

- The cheap-looking design is massive. The 4-story buildings are 64' in height. You do the math.
- Despite the likelihood of becoming an all-rental complex, LY units have been designed larger than required by APCHA, with walk-in closets, in-unit laundry, mudrooms, storage closets and balconies or porches. Is this efficient? Necessary? Or just plain stupid?
- The city is both judge and jury in this application - they are pushing for council's approval of their own development plans. If an outside developer proposed this nonsense they'd be laughed out of the room.
- Many more "contracts" are in the immediate pipeline awaiting approval. If plans are approved on Tuesday, the spending will begin in earnest - with no funding source.

Don't take my word for it. BY FAR THE BEST RESOURCE for facts and info on The Lumberyard has been provided by my friends at [Aspen Deserves Better](#), a non-political platform dedicated to fostering community engagement and conversation. [HERE](#) is their newsletter from last night on this critical issue.

I also encourage you to subscribe. I wholeheartedly agree: Better engagement and processes can only lead to better governance.

* * *

I implore you. Please take 3 minutes NOW and [write](#) a brief note to council expressing how The Lumberyard is "not ready" for approval, in your own words. Weigh in and be counted. Your opinion does matter. Thank you!!

SUBSCRIBE TO THE RED ANT - IT'S FREE

PLEASE SHARE YOUR THOUGHTS AND COMMENTS
Or, simply "reply" to this email

Elizabeth Milias TheRedAntEM@comcast.net

The Red Ant | Elizabeth Milias, PO Box 4662, Aspen, CO 81612

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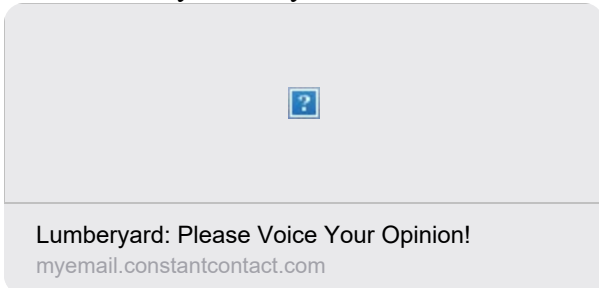
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Exhibit C | Public Comments Received

From: [D Averitt](#)
To: [Public Comment](#)
Subject: Vote NO on Lumberyard
Date: Monday, June 12, 2023 8:17:40 AM

I am writing as a taxpayer and owner of property in Aspen to urge a NO vote to stop this wrongheaded, unaffordable, boondoggle of a public housing project, The Lumberyard. It has been proposed without sufficient public debate or transparency and is being rushed through by a very few who will leave the larger rest of us figuring out how to pay for it and especially having to deal with the enormity of this unneeded, massi and unaffordable spending scheme.

Here is more you really should read from Elizabeth Milias and,



Don R. Averitt
Aspen, Colorado
214.502.9070 averittd@icloud.com
Sent from my iPhone

Exhibit C | Public Comments Received

From: [Bob Bowden](#)
To: [Public Comments](#)
Subject: Lumberyard
Date: Sunday, June 11, 2023 5:28:24 PM

To : All council members
From: Bob Bowden

Please vote NO on second reading on the lumberyard. It's premature as it is a dysfunctional project at this point. The time to vote is once a feasible plan is presented.

Bob Bowden
970.948.7000 cell

https://url.avaman.click/v2/___www.k2aspen.com___YXAzOmNpdHhVZmFzGVuOmE6bzoyYzA4OTUxNzJjMWNlZTc0NTcwOGY5MDcwYzQsNTMlZTc0OjA0ZDQ6ZD0M2M3YzBmZGQlOWVhMDk1NDRIbnJ4Y2NiMDk3YmNkNTFhbjBjNGQ0OWJlMmY1NTNmM2ESZWYyNGY1OGY3Zp00KY

Exhibit C | Public Comments Received

From: [Bruce Wank](#)
To: [Public Comment](#)
Subject: Lumber yard
Date: Monday, June 12, 2023 9:01:00 AM

Stop and think about the impacts on traffic before you decide to move forward

Bruce

Sent from my iPhone

Exhibit C | Public Comments Received

From: [Nic Caiano](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 8:18:19 AM

I believe prior to moving forward with the Lumberyard project we need to do a comprehensive review of APCA. I personally know individuals that should not qualify for employee housing yet have worked the system to qualify. I am part of the Aspen “middle class” that can neither qualify for employee housing nor afford free market housing. I think a review of APCA by an independent third party needs to be done and published for the public's review prior to spending \$450mm on 277 new units.

Exhibit C | Public Comments Received

From: [Ruth Carver](#)
To: [Public Comment](#)
Subject: Yes lets proceed with the lumberyard
Date: Sunday, June 11, 2023 6:39:31 PM

38 feet high is best.

An underpass is a necessity.

Ut, lets keep going on the project!

Ruth C

Exhibit C | Public Comments Received

From: [Mlcasperaspen@yahoo.com](mailto:MLcasperaspen@yahoo.com)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 10:05:43 AM

The project is not ready for approval. So many unanswered questions. PLease vote no for now.

Sent from my iPad
Mary Lynn Casper
124 East Durant Avenue #8
Aspen, CO. 81611
970-618-0478

Exhibit C | Public Comments Received

From: [John Cavaliere](#)
To: [Public Comment](#)
Subject: Public Comment re Proposed Lumberyard Development
Date: Monday, June 12, 2023 8:48:52 AM

To Aspen City Council:

While philosophically I am supportive of facilitating affordable housing for local Aspen/Snowmass employees (i.e., those currently employed in local businesses, as differentiated from the general population or remote workers in general), I have serious concerns about the Lumberyard Proposal, which I think warrant PAUSING the project until these questions can be addressed and the information made public. Otherwise, proceeding would be simply irresponsible on behalf of the ENTIRE COMMUNITY, regardless of the good intentions that may have motivated the project in the first place.

1. **The costs are exorbitant.** As far as I can tell, the Lumberyard is the most expensive single development proposal the city of Aspen has ever considered of any kind, public or private. That alone should warrant investigation. And then, we see an approx \$1.5m cost PER UNIT??? That seems irresponsible to me. By contrast, the RFSD's teaching housing project is expected to cost \$580k per unit. And the Lumberyard has over 5x the number of units, which means the costs per unit should be LOWER, all else equal. Yet it's coming out *3 times more expensive*? This needs to be re-evaluated for sure.
2. **There is no clear plan for how to pay for it.** And don't confuse "financing" with "paying for it". Regardless of how it is financed, someone will still have to pay for it. And the fact that staff is showing non-debt options essentially reflects their knowledge that voting taxpayers won't be in favor for expensive, poorly planned projects (even though the building schematic look cool). That's a big red flag. Another big red flag: The city has said that they have several options for financing the project, but none of the models have been shared with the public nor exist in the 1,400 page staff memo. Why the secrecy from the taxpaying public? Philosophically, taxing the public should be the last resort toward addressing any problem. There are already increasing taxes from all sides (STR, real estate assessments, etc). First you should make sure the existing inventory of affordable housing is being used properly. Maximize what is currently in place via compliance, stop free-market conversions, etc. Next, can you find savings elsewhere in the budget? If this is such a priority, maybe other efforts can be curtailed. Next, develop a cost-conscious plan, not an exorbitant one. Then make all those efforts publicly available for review.
3. **The design of the project is questionable, with many important issues left unaddressed.** For example, if more employee housing is so needed, why aren't we maximizing the density of the project? If traffic and car pollution are such issues, why are there 1.4 parking spots per unit? We should be using the limited space to facilitate more housing, not more traffic-inducing cars. If completed, the project will increase the total number of housing units at the Aspen Airport Business Center by 131%, from 210 to 487, with no improvements to infrastructure (think sidewalks and road improvements) and no increases in services (think grocery stores and restaurants) in support of that community other than a new traffic light. How can that make sense? Shouldn't a project of this magnitude and impact be part of a larger "Entrance to Aspen" master plan? The Highway 82 corridor in the upper valley links

Exhibit C | Public Comments Received

multiple major upcoming civic projects. We are expanding the park-and-ride intercept lot at Brush Creek Road. The airport is facing a major overhaul and terminal expansion and the Castle Creek Bridge is nearing the end of its lifespan. These projects must be considered together as part of a formal, integrated master plan rather than developed individually.

And lastly, I'd just say that I am against selling off any City owned units. These units are assets of the city – the taxpayers really – and should be held indefinitely for rentals that benefit the city indefinitely. There is no need to sell them off. They should be perpetually reserved to shelter local, active employees. Once people cease to be local, active employees, their right to these subsidized dwellings should go away, so that they can make space for the next generation of local employees.

Until these and other important questions are addressed, with reasonable, sensible answers and solutions, I am against this project as currently proposed.

Best,
John C.

600 E Main Street
Aspen, CO 18611

Exhibit C | Public Comments Received

From: [Judd Clarence](#)
To: [Public Comment](#)
Subject: Do NOT APPROVE this Project with so many Unresolved ISSUES!
Date: Monday, June 12, 2023 10:17:16 AM

- There is no plan for how this will be paid for or funded.
- The project as it stands will be incredibly detrimental to the town and strain the infrastructure.
- There has been no solving of the traffic congestion and additional impact this would have on the roads and access into Aspen.
- This is not Workforce Housing – it’s a fully subsidized community. If it were rental-only for actual workforce and to house employees, without adding hundreds of cars and parking spaces, it may solve some issues – but not as currently planned. Property sizes should be scaled down and parking and other amenities usually required by ‘full-time’ residents should be eliminated or reduced.
- No further money should be spent on this project since it currently misses the mark. We need a detailed and workable plan approved by the community for how the property will be funded.

Exhibit C | Public Comments Received

From: [Kim Coates](#)
To: [Public Comment](#)
Subject: We need more info please
Date: Monday, June 12, 2023 8:57:23 AM

I'm very concerned about the increased traffic and density of the Lumberyard Project. I'm also even more concerned as to how this project will be paid for. Time after time I learn of existing abuses to our employee housing system (occupants who rent out their units while they winter in Hawaii, work requirements being completely unverified, people owning existing property in the valley, etc). It all makes me wonder why we build more when we don't even have the resources to manage existing housing.

Please put the project on hold until we have real answers to existing questions.

Thanks,
Kim Coates

Exhibit C | Public Comments Received

From: [Chris Cook](#)
To: [Public Comment](#)
Subject: Lumberyard Housing Project
Date: Monday, June 12, 2023 8:44:43 AM

Dear City Council Members –

First, a thank you to you and the other members for your service. I realize that running for public office is always a personal risk, and that this position is a thankless job.

I have owned a home in Aspen for over 9 years, and it is very important to me that we have a sustainable workforce that can afford to live and work in Aspen. So I am fully supportive of cost effective solutions that expand the affordable housing options available for those working in Aspen.

I am concerned about the Lumberyard project, because of the exceptional cost per unit and the failure to address the larger housing challenge for those working in Aspen looking for affordable housing options.

Please vote NO on this current plan until we can get a more a solution that benefits the housing challenge in a more productive and cost effective manner.

Regards,

Chris Cook
331 Pfister Dr.
Aspen, CO 81611

Exhibit C | Public Comments Received

From: [Karen Devlin](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Sunday, June 11, 2023 7:14:40 PM

Ridiculous that they should cost 1.5M to build! This was my same objection to the firehouse development in the N40. At that time they could have bought the same amount of units needed for half the price at Hunter Creek. They wanted a Taj Mahal to themselves and the tax payers gave it to them.

The issue now is are there units on the market available to be purchased below that price?

If Pitkin County would not give away our FBO lease (ours is in the top 3 on the world) and spend the money to hire actual negotiators, the county would generate so much money that the building cost of the lumber yard would not be an issue.

Sent from my iPad

Exhibit C | Public Comments Received

From: [Jeff Dolan](#)
To: [Public Comment](#)
Subject: Lumberyard.
Date: Monday, June 12, 2023 9:13:48 AM

Please stop this horrible project. How are all the new tenets/owners supposed to get in and out of town? How is the city planning on paying for this horrible idea?

STOP the Lumberyard NOW!

Thank you , Jeff Dolan

Exhibit C | Public Comments Received

From: [Leslie Duncan](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 8:11:00 AM

Please note No for the Lumberyard project. There needs t be a better plan for all aspects of the project - cost, funding, congestion impacts.

Leslie Duncan

Exhibit C | Public Comments Received

From: [Richard Felder](#)
To: [Public Comment](#)
Subject: Lumberyard project
Date: Monday, June 12, 2023 9:20:40 AM

Do not approve this project until the citizens of Aspen are told how it will be paid for and what the priorities are for who will occupy the units.

Sent from [Mail](#) for Windows

Exhibit C | Public Comments Received

From: [Comcast](#)
To: [Public Comment](#)
Subject: Lumber yard
Date: Monday, June 12, 2023 8:23:50 AM

I do not have any faith in the transportation study that suggests 50 additional trips per day because of the project. Maybe they should take a quick minute and study the number of trips in and out of truscott place daily. That project is greatly smaller and there are far more than 50 trips at that property. It's more like 500. I think any reasonable person would agree that 50 new trips daily for 400 new units is not looking at what's really going to happen.

Get [Outlook for Android](#)

Exhibit C | Public Comments Received

From: [Chuck Frias](#)
To: [Public Comment](#)
Cc: [Chuck Frias](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 8:40:32 AM

We are not ready to add more mismanaged housing until we change APCHA rules to manage well what we already have. Only local workers should be allowed to use our valuable housing stock.

Qualifications should be made more regularly and reliably.

Funding for any new development should be secured and traffic impacts addressed.

Thanks.

Chuck Frias
Managing Partner

Frias Properties of Aspen
739 E Durant Ave
Aspen, CO 81611
970.429.2411 office
970.948.7979 cell

https://url.avanan.click/v?_www.FriasProperties.com__YXaOmNpHhVZmfEsGVaOmF6bzpiY2RiOTYyZjZjODUsNDYyNjNmNGNmYjZMD1SjZmYjo2OmYANGEE6zQwYzE2Nj6#ZGFzNDIyODI0WZMDI0YjBmYjBmZGQyOGM4ZTgxYjUzNWY5SMDIjNjg5MTZjZWJwZWQyOGZlZjUwMjpwOKY

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW:
Date: Thursday, June 15, 2023 9:04:51 AM

From: Cindy Fioroni <cindyat10ajax@gmail.com>
Sent: Thursday, June 15, 2023 8:03 AM
To: Public Comment <publiccomment@aspen.gov>
Subject:

Totally against th whole project!!!!

We think traffic in to town, & out of town is BAD NOW, what are our politicians thinking??

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW:
Date: Monday, June 12, 2023 3:27:08 PM

-----Original Message-----

From: Thomas Danis <tdanis314@me.com>
Sent: Monday, June 12, 2023 3:17 PM
To: Public Comment <publiccomment@aspen.gov>
Subject:

the lumberyard project is of great concern as to its scope, architectural design , funding and long term cost.
this needs to be reconsider in all aspects.

Sent from my iPhone
Thomas P Danis

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: [Spam] Protect the Deer Hill Vista -- Eliminate Building C.
Date: Monday, June 12, 2023 3:13:37 PM

From: Stan Clauson <stan@cra-designplanning.com>
Sent: Monday, June 12, 2023 3:05 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: [Spam] Protect the Deer Hill Vista -- Eliminate Building C.

It was during my tenure as Community Development Director that the Burlingame property was purchased for the development of affordable housing. At that time, certain areas were permanently designated as protected open space. However, the triangular area in front of Deer Hill and adjacent to Highway 82 was not felt to be a development parcel and was not protected as open space. In retrospect, it should have been so designated. This parcel extends from the present Mountain Rescue Aspen headquarters to the intersection with the Harmony Road stoplight. It offers a lovely open space vista of Deer Hill and contains a meandering segment of the AABC bike trail to Aspen. This vista should be protected. Building C will destroy that vista in a way that the other two proposed buildings will not. Building A is adjacent to existing development. Although taller, it will not fundamentally change the nature of the developed landscape. Similarly, Building B will tuck behind the MRA headquarters and not be overly obtrusive. But Building C takes pristine open space and converts it to massive development. This current plan needs to be re-thought. If the area encompassing Building C were re-programmed to provide recreational open space for the development, it would not significantly intrude on the views while offering better livability for future lumberyard residents. In short, I do not believe that this plan is ready to move forward without further consideration of the landscapes we have worked to protect for many years.

Stan Clauson, FAICP, ASLA

CLAUSON RAWLEY ASSOCIATES INC
landscape architecture . planning . resort design
400 W. Main Street, Suite 203 Aspen, Colorado 81611
t. +1 970/925.2323 f. +1 970/920.1628 c. +1 970/274.3265
stan@cra-designplanning.com www.cra-designplanning.com
Owing to COVID-19, we are often working from home.
Please use cell phone or email for a prompt response.

Exhibit C | Public Comments Received

From: [Scott Miller](#)
To: easim@aol.com
Cc: [Kevin Rayes](#)
Subject: FW: APCHA and the Lumberyard Project
Date: Thursday, August 31, 2023 4:56:35 PM
Attachments: [image001.png](#)
[image002.png](#)

Mr. Simon,
Thank you for your comments,
They will be entered into the case file for the Lumberyard project and have been shared with all Council members.

Scott Miller

Public Works Director | City Manager's Office
(O): 970.920.5085 | (C): 970.319.4754
www.cityofaspen.com



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From: Nicole Henning <nicole.henning@aspen.gov>
Sent: Thursday, August 31, 2023 1:10 PM
To: City Council <Council@cityofaspen.com>
Cc: Public Comment <PublicComment@cityofaspen.com>
Subject: FW: APCHA and the Lumberyard Project

From: easim@aol.com <easim@aol.com>
Sent: Thursday, August 31, 2023 1:06 PM
To: Public Comment <publiccomment@cityofaspen.com>
Subject: APCHA and the Lumberyard Project

Dear City Council

From what I hear and read, Aspen has more than enough employee housing. The problem appears to me the way APCHA and other employee housing is run and the lack of enforcement of its rules.

This being the case, why would the City spend \$400 Million (well over one million dollars a unit) on the Lumberyard project The project is planned to have less than 300 units, which is not anywhere needed to address the problem and is probably far less than could be made available by proper

Exhibit C | Public Comments Received

running of the existing inventory. Further there are significant repairs and improvements required for the existing inventory which could be done for a fraction of the money required for the Lumberyard. In addition the Lumberyard is locate miles from Aspen which will require transportation generating more congestion. The time, effort and expense of approving and building this project will not produce real results and may increase the problem.

I believe our efforts and money would be better spent hiring staff and establishing a real plan to properly administer and enforce our existing employee housing to make sure it is only available to bone fide employees. Surely if we spent a small fraction of the moneys otherwise allocated to the lumberyard we could significantly or completely fix the existing issues.

Eric Simon
975 Horse Ranch Dr
Snowmass Village, CO 81615
561-350-3881
easim@aol.com

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: June 13, 2023 meeting re Lumberyard Project
Date: Tuesday, June 13, 2023 9:48:29 AM

From: Porcaro, Jill <JPorcaro@sefath.com>
Sent: Tuesday, June 13, 2023 9:00 AM
To: Public Comment <publiccomment@cityofaspen.com>
Subject: June 13, 2023 meeting re Lumberyard Project

Dear City Council,

I am writing to you as a full-time resident of the Aspen Airport Business Center to express my concerns about the Lumberyard Project.

Specifically, I have serious concerns about the new road that will extend traffic from the Lumberyard Project into the ABC connecting the two areas via Sage road. I have heard the proponents of the Lumberyard project repeatedly express that the project will put people before cars and that there will be benefit by reducing traffic coming from down valley. However, the Lumberyard Project does this to the detriment of those of us living in the ABC. Traffic will undoubtedly increase dramatically in the ABC with the potential for having an additional 400+ cars from residents, workers and visitors of the Lumberyard having direct access to pass through the ABC to access highway 82 via Baltic Avenue. It is also my understanding that heavy construction equipment used to build the Lumberyard Project will be routed through the ABC down Sage road for period of up to 10 years needed to complete the project. The residents of the ABC will therefore have to contend with increased traffic congestion, noise and pollution being added to our neighborhood on an ongoing basis without any steps being taken to protect the residents in the ABC. I am particularly troubled that the ABC does not have adequate sidewalks or lighting for residents (including children) walking in the neighborhood to access the grocery store, the college and the bus stop. I anticipate that similar to Aspen's West End, traffic from the Lumberyard will be funneled through our neighborhood by Lumberyard residents and workers who attempting to access highway 82 during the morning and evening rush. Although there will be a new traffic light installed at the lumberyard, those who wish to avoid traffic at that light will undoubtedly travel through the ABC for no other reason than to access highway 82 through the Baltic Avenue traffic light.

Presently, there are no speedbumps in the ABC and limited snow removal. In the winter residents mostly walk in the street due to the lack of access to sidewalks. Residents on bikes also routinely access the ABC bike trail using Sage Road and will have to interact with the heavy flow of new traffic on Sage Road to access the bike path. This is a huge safety issue for ABC residents and so far I do not see any plans to address these concerns. I ask that the City of Aspen be a good neighbor to the ABC residents and takes steps to mitigate the numerous safety issues raised by the added traffic in our neighborhood. Some steps that could be take would be to build the new traffic light and access from highway 82 to the Lumberyard first so that construction traffic would not need to be routed through the ABC to access the Lumberyard. The City could also include a stop sign and "no right turn" sign for traffic exiting the Lumberyard project so that traffic

Exhibit C | Public Comments Received

exiting the Lumberyard remains on Sage road does not access the residential areas of the ABC. The City could also work with the County to incorporate street lights, speed bumps and sidewalks for residents to use to avoid walking through traffic.

Please consider us in your decisions. Aspen is also our home and many residents work in the City of Aspen.

Thank you.

Jill Porcaro

Jill Porcaro | Partner | Seyfarth Shaw LLP

2029 Century Park East | Suite 3500 | Los Angeles, California 90067-3021

Direct: +1-310-201-5229 | Fax: +1-310-551-8411

jporcaro@seyfarth.com |

https://url.avanan.click/v2/___www.seyfarth.com___YXAzOmNpdHlvZmFzcGVuOmE6bzpkZWQ2NmI1MjA4ZmFIZDNkMmU3Mzk1MDI5NzY1YmE0Njo2OjEwY2U6NmI3ZmE4MmJiODJkODc3YWY0MjBjMGVmMDFmMDE0NWVlYjAzZTA0YjE4YTMymTA0ZDA5YWWRiM2M0YTQxMmJiMzp0OkY

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Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumber yard
Date: Monday, June 12, 2023 12:04:21 PM

From: Stuart Townsend <stuart@marrgwen.com>

Sent: Monday, June 12, 2023 12:00 PM

To: Public Comment <publiccomment@aspen.gov>

Subject: Lumber yard

As property owners in Aspen we absolutely oppose this project. Every issue raised by Elizabeth Miliias must be fully addressed before this project moves forward at all. Anything less is likely criminal malfeasance!

Stuart Townsend

Sent from [Mail](#) for Windows

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumber Yard
Date: Tuesday, June 13, 2023 8:49:00 AM

-----Original Message-----

From: Jack Miller <jmiller@haltoms.com>
Sent: Tuesday, June 13, 2023 4:48 AM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumber Yard

Please do not rush this project through, it needs more clarity.
Sent from my iPad

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard
Date: Tuesday, June 13, 2023 8:49:40 AM

From: Robert Winchester <mrchetski@outlook.com>
Sent: Tuesday, June 13, 2023 6:28 AM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard

I'm am a 49 year permanent resident of Aspen. I am against any vote today to lock in current development plans for the Lumberyard Housing. I don't believe it is ready for approval.

Robert P. "Chet" Winchester
777 Cemetery Lane
Aspen, Colorado 81611
Chet.Winchester@sir.com

Sent from [Mail](#) for Windows

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard
Date: Monday, June 12, 2023 1:38:34 PM

-----Original Message-----

From: Stephen Slade <sgs@visiontexas.com>
Sent: Monday, June 12, 2023 1:17 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard

Please study the lumberyard more before committing. I agree with recent editorials listing all the unknowns!

Sent from my iPhone

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard
Date: Tuesday, June 13, 2023 8:50:02 AM

-----Original Message-----

From: WILLIAM LIPSEY <billriverstudio@me.com>
Sent: Tuesday, June 13, 2023 7:43 AM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard

Voting YES "because so much time & \$\$ has been spent" isn't rational decision making.

Taking a PAUSE makes sense so that the many problematic questions can publicly aired & so that taxpayers are not blindsided.

For example: How many new management & maintenance employees will be generated & where will they housed?

400 + additional cars parked 3 miles from Aspen?
\$70,000/below grade parking space?

Growth usually begets Growth. Large increments of Growth usually have unintended negative impacts on quality of life.

Is it a quality optic to have a Vail-esque highly visible mega development as our "welcome to Aspen ".

Best, Bill Lipsey

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard project finances
Date: Monday, June 12, 2023 5:13:13 PM

From: Lindsay Gorman <lindsaycgorman@gmail.com>
Sent: Monday, June 12, 2023 5:08 PM
To: Public Comment <publiccomment@aspen.gov>
Cc: Lindsay Gorman <lindsaycgorman@gmail.com>
Subject: Lumberyard project finances

Dear Council,

I am Lindsay Gorman, a full-time resident of Aspen and a retired CFO.

I am concerned about the financial plan for the Lumberyard project. The slide that Chris Everson shared during his presentation June 6, purportedly showing a financial plan, was cursory at best. My employer would not have found such a “plan” acceptable. Management would have sent me back to the drawing board. I suggest you do the same, until much more detail is made public.

Assuming you have no further information than was presented, here are some questions that I think should be answered before the Lumberyard project moves forward:

- What assumptions were made to come up with the numbers on the presentation revenue slide? (Part 1, page 35).
- Do these costs consider inflation?
 - Does it include rising material costs?
 - Does it include rising labor costs?
 - Does it include interest on debt?
- How were the City’s estimated revenues calculated?
 - Does the plan consider the effects of falling RETT collections? (This year’s YTD real-estate revenues are currently down nearly 2/3 from last year at this time, according to the Pitkin County Clerk’s office).

Exhibit C | Public Comments Received

- How were the City's estimates for future STR tax collections calculated?
 - Is \$300,000,000 over 10 years realistic? (presentation part 1, page 32)
 - If the tax doesn't generate this much income, what alternatives does the city have?
- If the project is approved, what does the expenditure of over \$400,000,000 do to our current affordable-housing budget?
 - Does it consider the need for continued maintenance on our present and/or future properties?
 - Does it consider possible judgements against the city from the current litigations?
 - Does it allow for buying back expiring affordable-housing deed restrictions?
- Will this require a tax increase for locals?
 - If so, what form would these taxes take?
 - How much would they need to increase?
- Each time I see a published estimate for the project, it seems higher. Was the City's estimate for the cost of the project independently verified?
 - Did an experienced project contractor or someone other than city employees predict the total costs for the project?
 - Do these estimates include the cost of servicing and eventually retiring project debt?

I urge you to pause approvals for the Lumberyard project until you have complete and acceptable answers to each of these questions.

Regards,
Lindsay Gorman

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: lumberyard project
Date: Monday, June 12, 2023 3:11:28 PM

From: cjenkins150@comcast.net <cjenkins150@comcast.net>
Sent: Monday, June 12, 2023 1:58 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: lumberyard project

I am curious as to why the Lumberyard project is being voted on today. Does the public have any input? Is there a well thought out, affordable budget? How many more units are to be added to the city? What is the cost per unit? What are the impacts on the traffic ? We, Bob and Carol Jenkins of Woody Creek, are very worried about the cost and possible (yet again) massive increase in taxes and we wish to express our grave concerns on this being pushed forward without more information on this project!

Sincerely,
Carol Jenkins

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard project
Date: Wednesday, June 14, 2023 10:11:36 AM

From: don.suskind@gmail.com <don.suskind@gmail.com>
Sent: Wednesday, June 14, 2023 10:08 AM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard project

Dear City of Aspen,

My name is Don Suskind, I moved to Aspen in 2019 and have been a homeowner since 2021. I believe our town needs more worker housing, and also believe this is a very difficult situation without easy solutions.

From what I have gathered, I have several concerns about the Lumberyard project and request that the City be able to address some questions before proceeding.

1. How will Aspen pay for the Lumberyard project? After reviewing the materials, the City does not appear to have a plan to finance the project. I am concerned about approving high cost projects without a financing plan. Can the city please provide detailed plans for funding the project, including sources and timing of any funding plans?
2. Why would there be ownership units? This doesn't seem to be the most efficient long-term solution to solve the housing crisis and maintain the highest level possible of locally residing workers.
3. What is the plan for seasonal workers? In the spring and fall offseasons, many locals leave town. Why not have seasonal housing to match the seasonal demand for hospitality and resort workers, essential services, etc.?
4. What is the shortfall between existing APCHA empty bedrooms and required bedrooms to staff the town's businesses? I would think this should be the fundamental question to point the city in the right direction for the # of bedrooms to build, but can't seem to locate an answer to this question. Also this may illuminate how the existing inventory of APCHA housing could be optimized to provide immediate housing for those in need rather than having empty bedrooms, or bedrooms that aren't serving local workers.

Thank you,
Don Suskind

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard
Date: Thursday, June 15, 2023 9:04:02 AM

-----Original Message-----

From: Shannon Andrews <shannon-andrews@comcast.net>
Sent: Thursday, June 15, 2023 4:34 AM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard

City Council,

I am writing to express my dissent against the Lumberyard Project. I will clarify that I am a proponent for Affordable Housing in Aspen, but this particular project cannot pay for itself. How is the community going to find an extra four hundred million dollars? There is only one way this happens and that is by raising taxes and fees. That is not fair to hard working average citizens of Aspen. This town is not made up of just rich out of towners. There are many citizens that live in moderate housing that is not part of APTCHA and their taxes will go up. They are not in any position to pay more in taxes and fees, they are barely making it now. I have many friends that cannot afford the raise in their assessed property taxes this year. I am talking about seven hundred thousand to one million dollar properties, not twenty or thirty million dollar properties with part time occupants. This is wrong on all levels.

The city should repair and improve the properties that they already have in existence and start monitoring those who are taking advantage of the system. If people that were breaking the rules were removed, a lot of housing would be freed up for residents that actually work in Aspen. Then take the time to figure out a realistic way to build more housing, perhaps down valley? I thought the city was against development. As usual, the people that will be hurt by this proposed project are the hard working people that have not asked for any subsidies and now will be driven out of their homes. Guess who will buy those homes? More part timers. Isn't that what you are trying to avoid?

You haven't even been able to figure out the road situation for the highway and yet you want to spend another \$400,000 we don't have. This is typical government. Just raise taxes and take from the people and the real victims are the middle class that have done all the right things.

Shannon Andrews

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard
Date: Monday, June 12, 2023 3:12:32 PM

-----Original Message-----

From: Deborah Tomlinson <dtomlinson552@gmail.com>
Sent: Monday, June 12, 2023 2:27 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard

Hello!

Would really like to see the council slow their role on the lumberyard project. We don't know enough not to mention how it will be financed. In the meantime, it would be nice to have confidence that what we do have is managed properly.

Thank you,

Deborah Tomlinson

Sent from my iPhone

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard
Date: Monday, June 12, 2023 5:03:46 PM

-----Original Message-----

From: Shelly Friedstein <shelly.friedstein@gmail.com>
Sent: Monday, June 12, 2023 4:54 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard

The council should vote no. Too many unanswered questions.

Shelly

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard
Date: Monday, June 12, 2023 1:37:50 PM

-----Original Message-----

From: mel ronick <melron347@gmail.com>
Sent: Monday, June 12, 2023 1:00 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard

I am absolutely against and amazed at the current proposal to go forward with the proposed Lumberyard development.

Where are the funds to build this coming from? If you really have a viable source of funding why haven't you disclosed it yet?

Seems that the City has not been doing an adequate job in keeping all the employee housing units occupied by true employees so why would one suppose you'd do any better with all these units?

Have you adequately examined the traffic impacts on the already crowded highway?

Thanks,

Mel Ronick

Aspen Resident

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard
Date: Monday, June 12, 2023 3:12:03 PM

-----Original Message-----

From: Ed Peterson <edp@martin-eng.com>
Sent: Monday, June 12, 2023 2:22 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard

I am very much against this project

Dictated by Ed Peterson

--

_"This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error please notify the system manager. Please note that any views or opinions presented in this e-mail are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check the e-mail and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email."

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Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Lumberyard: Of course
Date: Tuesday, June 13, 2023 8:50:43 AM

From: Phyllis Bronson <phyllisbronsonphd@me.com>
Sent: Tuesday, June 13, 2023 7:51 AM
To: Public Comment <PublicComment@aspen.gov>
Subject: Lumberyard: Of course

Dear Mayor and Aspen City Council,

The proposed Lumberyard project, while imperfect, is desperately needed if the Aspen core community is to have a stake in its own survival. The Aspen Area Community Plan

was implemented with the hope of keeping those here who are part of the fabric of the community.

The concern is that the new city council will lose the big picture and that is the opposite of what is needed now,

“The perfect can be the enemy of the good.”

Rachel Richard’s letter today, however said it perfectly.

Pb

Sincerely,

Phyllis
Phyllis J. Bronson, Ph.D.

Biochemical Consulting Company
Biochemical Research Foundation, Aspen
International Society for Orthomolecular Medicine
American Chemical Society
International College of Integrative Medicine
Institute of Bioidentical Medicine Board
Phyllisbronsonphd.com

Exhibit C | Public Comments Received

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Kevin Rayes](#)
Subject: FW: NEW Housing needed but what about Your Neighbors at Centennial?
Date: Tuesday, June 20, 2023 6:28:05 PM

From: Erik Skarvan <sundog@sopris.net>
Sent: Tuesday, June 20, 2023 4:45 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: NEW Housing needed but what about Your Neighbors at Centennial?

Dear City Council,

As we approach the final consideration for this much needed project, I must weigh in as both a 40 year supporter of local housing and a fortunate resident in A.H. for almost 30 years. Unfortunately, over 90 of us owners bought into the rotting out Centennial without our knowledge after being poorly built to begin with, as you're aware. "Value engineering" resulted in cutting corners, including any protection from monsoon season and 300 inches of snow on average. With no real water proofing or protection, our homes are rotting from the outside in and deteriorating more with time. Our increasing dues continue to replace rotten faces of our buildings one by one. We've invested quite a lot in the wellbeing of our buildings over decades, but we're not millionaires. Being low income residents, we clearly don't have the ability to fork over the estimate \$13M for repairs and therefore, are seeking a legal remedy, taking into account a lack of assistance. Just from a humanistic standpoint, this is a sad state of affairs in how we treat each other in our community towards our own fellow residents, friends and neighbors. When the estimate was about \$3M, Torre had proposed a relatively simple solution when campaigning for a combination of owner contributions, a City contribution and coordination of a low interest loan at about \$1M each. That cost has now quadrupled with further delays and legal wrangling to apparently prevent setting a precedent for other HOAs, a precedent of caring and holding up the integrity of APCHA.

How about we take care of what we have first AND FIX IT, before a hop, skip and a jump out the ABC to spend a half a billion dollars (with cost overruns)? It's fundamentally right, especially for a housing program we boast about to the world. How can we take pride, when our second largest complex is literally crumbling and hundreds of us are suffering because of it? How do you think that makes us feel? The humanistic aspect, namely a lack of caring is probably the most hurtful aspect of the Centennial issue that's been festering for many years, while we're given the Heisman.

Again, I support new housing as it's clearly and desperately needed, especially in town. The Lumberyard isn't in town and will still generate a lot of car traffic, pollution and stress into the entrance each day. Creative mobility solutions will be crucial. Speaking of air pollution, there was a recent report in the newspaper about unhealthy air quality on Buttermilk Mt. How can a location across from many dozens of flights (mostly private) and approx. 50,000 car trip daily (both rush hours) be healthy just using commonsense and existing data? What about kids growing up in the jet and car exhaust? It has to be toxic, but how toxic? We need more data at this is a health and safety issue for future residents of the Lumberyard.

Thanks for your kind consideration of our community,

Exhibit C | Public Comments Received

Erik

Erik Skarvan, Aspen

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: No lumberyard
Date: Monday, June 12, 2023 5:26:47 PM

-----Original Message-----

From: Stephanie Lewis <stephanie@aspensnowmassliving.com>

Sent: Monday, June 12, 2023 5:24 PM

To: Public Comment <publiccomment@aspen.gov>

Subject: No lumberyard

To whom it may concern at City of Aspen:

I am a long term local, and homeowner in Aspen. Along with everyone I know, I see our affordable housing program as an important component to the life of our town.

Yet it seems clear that City Staff and Council has not yet put forth a lucid strategy on how to finance the Lumberyard project.

I ask City Staff and Council to make it far more clear to the Aspen community how it will come up with the necessary \$400mm before committing the town to such a project.

Sincerely,
Stephanie Lewis
970-948-7219
Aspen CO 81611

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: The Lumberyard needs more study before a vote.
Date: Monday, June 12, 2023 12:26:42 PM

From: DHM <dhm237@gmail.com>
Sent: Monday, June 12, 2023 12:24 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: The Lumberyard needs more study before a vote.

Does the City Council even care what the community thinks about it's plans for the Lumberyard?
What is its response to the questions raised by citizens of Aspen??
Please take the time to study the concerns raised.
Thank you.

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: The Lumberyard Project
Date: Thursday, June 15, 2023 9:03:15 AM

From: Constance Bonczek <constancebonczek@icloud.com>
Sent: Wednesday, June 14, 2023 8:32 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: The Lumberyard Project

I WILL VOTE NO TO THIS PROJECT AT THIS POINT UNTIL WE ARE FURNISHED WITH THE FOLLOWING

- A) The budget**
- B) The financing plans**
- C) The traffic plans**
- D) The specifics on who will eventually reside there**
- E) A study on the impacts to our schools, hospital and other vital infrastructure**
- F) Impacts on the community in terms of real growth.**

HOW CAN WE BE IN AGREEMENT WITHOUT THE ABOVE INFORMATION

THANK YOU

CONSTANCE BONCZEK
LONG TIME REAL ESTATE OWNER

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Christopher Everson](#); [Kevin Rayes](#)
Subject: FW: Work Session 7/10/23
Date: Wednesday, July 5, 2023 10:28:04 AM

From: Elizabeth Miliars <elizabeth.miliars@comcast.net>
Sent: Tuesday, July 4, 2023 3:26 AM
To: Public Comment <publiccomment@aspen.gov>
Subject: Work Session 7/10/23

Sent from my iPhone

Begin forwarded message:

From: Cliff Weiss <cliffweiss49@gmail.com>
Date: July 3, 2023 at 11:13:51 PM EDT
To: TheRedAntEM@comcast.net
Subject: Lumberyard

I had an idea I wanted to run by you.

The first floor of each building should be commercial including retail and restaurants. The income from condominiumizing and or leasing that space might provide a better private partnership.

This solution might also alleviate the need for medium priced restaurants serving locals and visiting families.

Sent from my iPhone

Exhibit C | Public Comments Received

From: [Alexandra George](#)
To: [Public Comment](#)
Subject: Request to Vote Against the Lumberyard Project
Date: Sunday, June 11, 2023 5:45:31 PM

Dear Aspen City Council,

I hope this letter finds you well. I am writing to express my strong opposition to the proposed Lumberyard project and to respectfully request that you vote against its advancement. I believe that this project, as it currently stands, raises significant concerns that warrant careful consideration and further evaluation before any approvals are granted.

First and foremost, the lack of a clearly defined goal for the Lumberyard project is troubling. Merely increasing the number of units without a comprehensive plan to address the community's actual workforce needs is an inadequate approach. It is crucial to prioritize the needs of essential workers, teachers, nurses, first responders, bus drivers, snow-plow drivers, bartenders, housekeepers, retirees, and the Latino community. Furthermore, the absence of a policy to ensure inclusivity and the opportunity for employers to purchase units raises questions about the project's fairness and long-term viability.

Financial feasibility is another major concern. The absence of a well-defined financial plan for construction, despite cost estimates approaching \$500 million, is alarming. Reliance on declining RETT and STR tax collections, which have proven to be insufficient, along with the challenges associated with the proposed Public Private Partnership, raises doubts about the project's ability to generate sustainable revenue. The potential ongoing subsidy required to cover the project's annual debt service would place an unnecessary financial burden on the city.

Moreover, it is important to consider whether the proposed 277 units in the Lumberyard project adequately offset the expiring deed restrictions on other units. Preserving and protecting existing units, which would likely be more cost-effective, should be a priority over investing such a substantial amount of money in new construction.

I urge you to pause and carefully evaluate the larger implications of the Lumberyard project within the context of a comprehensive master plan. Infrastructure considerations, such as the park-and-ride intercept lot, the airport's expansion, and the need for a new traffic light and improvements to the Castle Creek Bridge, should be integrated into a well-thought-out plan. Rushing into individual projects without proper planning has led to costly mistakes in the past, and I believe that taking the time to develop a responsible and sustainable plan will benefit the community in the long run.

I strongly urge you to vote against the Lumberyard project in its current form.

Sincerely,
Alexandra George

Exhibit C | Public Comments Received

Exhibit C | Public Comments Received

From: [David Gitlitz](#)
To: [Public Comment](#)
Subject: Lumber Yard Project
Date: Monday, June 12, 2023 8:43:12 AM

The site is suitable for 1k housing units Yet it is being designed for less than 1/3 that number
Where is the “need “ study on number and type of units
How many units are needed over next 10 years -where is the land available that will accommodate demand?

Work force housing ???

Where is the RFP that would solicit proposals from private developers ?

I have been in the development business for over fifty years and cannot begin to understand the justification for scope of budget or the urgency to proceed without sound economics

David Gitlitz

Sent from my iPhone

Exhibit C | Public Comments Received

From: [Robin Gorog](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 11:12:25 AM

I want to be on record that I feel that the Lumberyard project had problems on every side. The cost of the project per unit is way too high, the height of the project is way out of bounds at 64 feet and is out of character for Aspen and the impact this will have on 82 has not been considered at all.

Robin Gorog

Sent from [Mail](#) for Windows

Exhibit C | Public Comments Received

From: g@ggrayson.com
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 10:12:16 AM

Hello,

I believe the Lumberyard project is being fast tracked without sufficient understanding of its financing and who it will serve. We need workforce housing, but I don't believe the way the project is conceived at present, it will house the people that are needed.

Gerald Grayson
970-948-5090

Exhibit C | Public Comments Received

From: [Paul Grenney](#)
To: [Public Comment](#)
Subject: Lumber Yard Project
Date: Sunday, June 11, 2023 5:58:06 PM

Elected Council members

My family first came to Aspen in the 1960's, and have enjoyed nature's beauty since

Yes, real estate is expensive and employees need housing assistance

Those funding employee housing via taxation appreciate transparent financials on the Lumber Yard project in adequate time for consideration before Council votes

In appreciation

Paul Grenney

June 2023

Sent from my iPhone

Exhibit C | Public Comments Received

From: rwg@gunfinancial.com
To: [Public Comment](#)
Subject: LUMBERYARD
Date: Monday, June 12, 2023 9:27:39 AM

Before a vote should be taken the Board and the community should have answers to all the open questions, budget, financing etc. It is foolish a fundamental lack of responsibility to move ahead with a vote at this point in time. Shows no fiscal responsibility. Bob Gunn

Exhibit C | Public Comments Received

From: [Dave Hotchkin](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 8:05:13 AM

Proceeding on this project is stupid. For the cost per unit, Aspen can buy condos in Snowmass less expensive.

David Hotchkin

Exhibit C | Public Comments Received

From: [Michael Houlehan](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 8:58:01 AM

There should be no final decisions on the Lumberyard project until the budget and financing plans are first available to the public to analyze. If they are, please let me know how to obtain.

Exhibit C | Public Comments Received

From: [Thomas Howells](#)
To: [Public Comment](#)
Subject: Lumber yard project
Date: Monday, June 12, 2023 11:42:14 AM

This project is far to large and needs to be scaled back. far to much density !

When the community bought BMC 4.6 acres for 18 million in 2007:

- Airbnb had yet to inflate its first mattresses.
- We did not know about STRs and their erosion of the long term rental base.
- We did not know that Covid would drive high end refugees to our town

But we had already experienced the impact of tax cuts on residential real estate, we saw what increasing income inequality was doing to the housing market and we understood the demographics of baby boomers moving into retirement. We correctly anticipated that housing would be needed in the long term.

Perhaps your metric for assessing housing needs is anecdotal: the doubling of rents that drove two talented physicians out of town for want of \$300,000 a year rent, the inability of RFTA to accept a grant that would have made bus service up and down the valley free had we been able to hire more drivers, Paul Anderson's modest proposal asking for help from the Realtors went unanswered and unacknowledged, the listing of a rental at \$125,000 per year.

Perhaps your lens for viewing the housing problem is quantified data, the decline in population measured by the Census between 2020 and 2022, the increase in vacant units to an unprecedented 70%, the loss of 250 housing units in the past

few years that already offsets what is proposed for the Lumberyard.

Given the above, I urge the council to decline the temptation to kick the Lumberyard can down Highway 82. You will be asked to put a hold on this badly needed housing while an RFP is put out to private sector developers.

You heard last week from the Bard of Centennial, Ed Cross. No matter how you feel about the merits of his case, it is important to remember that Centennial was designed by “World Class” architects and needed city help for financing. Burlingame I and II were also RFP productions with some unhappy results that resulted in litigation. And don’t forget the private sector dragged the community through six years of litigation, Myerstein I and Myerstein II in an attempt by a subsequent owner to avoid keeping their P in a PPP.

I recommend the council maintain control of the project by obtaining the entitlements, doing the infrastructure and managing the construction process to a high standard. On completion of those steps, I am certain the council could then sell the project for the value of the rental stream AND the resultant housing credits which the purchaser could resell and which the city cannot, under the Land Use Code, market to the developers and home expanders who need them.

With the average rental income on 193 proposed set at the present \$1,800 per month, the income stream would be \$347,400 per month or \$4,168,800 per year. The value of that

income stream using a capitalization rate of 4% per year would be \$104,220,000. In other words, the market would pay approximately \$104 million for an investment that pays \$4,168,800 annually. This is the basis of investment decisions everywhere and, given the demand for rental units, the purchase just of the income stream from renting the city owned land and units would be a no brainer.

In addition, opponents do not acknowledge that the sale of 82 ownership units would generate another \$32 million given an approximate average sale price of \$32 million.

Finally, the city could make the project eligible for affordable housing credits that can be sold to private developers needing housing mitigation. Such credits could easily generate \$150 million for the city through a private partnership.

Consider:

Rental income stream: \$104 million

Owner occupied units: \$32 million

Mitigation credits: \$150 million

Total \$287 million.

Before using tax dollars, approximately 70% of the estimated cost could be raised through capital markets and sale of mitigation credits. The remaining \$120 million is easily finances using RETT and other housing revenues.

Thank You.

Exhibit C | Public Comments Received

Mick Ireland

mick@sopris.net

Exhibit C | Public Comments Received

From: [Richard Jones](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 10:01:29 AM

It is always far more prudent to err on the side of thoroughness and transparency good leadership suggests thoughtful analysis with all opinions and options open. Let's pause and reflect.

Get [Outlook for iOS](#)

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Exhibit C | Public Comments Received

From: [James Martin](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 8:54:28 AM

I am dismayed that our Aspen Government is considering spending our money on such an ill conceived project.

I am an Aspen voter having been in the community for 25 years. DO NOT DO THIS! The government needs to take the time to carefully consider all aspects of the project.

Jim Martin

620 West Hallam St.

Exhibit C | Public Comments Received

From: [Margaret Mason](#)
To: [Public Comment](#)
Subject: Lumberyard Project
Date: Monday, June 12, 2023 8:13:38 AM

I urge the City of Aspen to inform the citizens of the plans and Amount of funding needed for the lumberyard project. We need to know details and source of money before you pass this.

Peggy Mason

Sent from my iPhone

Exhibit C | Public Comments Received

From: [DrPikes1](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 8:16:14 AM

For gosh sakes, slow down and look up the word "transparency" please. Without sharing basic information with the people who have to live with and pay for this reckless project, this is an insult to anyone living in our town. How dare you hide facts from taxpayers?

APCHA is still broken. Fix it first before another private city project is approved. The city of Aspen won't share basic info which screams something is wrong.

Stop this waste of \$\$.

Michael McLaughlin

Exhibit C | Public Comments Received

From: [laurie michaels](#)
To: [Public Comment](#)
Subject: Please slow down the Lumberyard project.
Date: Monday, June 12, 2023 9:14:50 AM

To whom it may concern,

Traffic on Hwy 82 is bad and only getting worse. The Lumberyard project is going to increase the number of people who will be driving that very congested stretch from ABC to town.

Laurie Michaels

Sent from my iPad

Exhibit C | Public Comments Received

From: [Kristy Mora](#)
To: [Public Comment](#)
Subject: Lumberyard project is not ready for approval
Date: Monday, June 12, 2023 8:14:03 AM

There are way too many unknowns to approve this project tomorrow. The information that is publication available makes it seem as if there is no one in charge that knows what they are doing. The units are way too expensive and frivolous. You need a CPA, a practical designer, and people with common sense working on this plan and project. The fact that the school district can build housing for 1/3 the cost should be a huge wake up call for the people in charge of the Lumberyard. And teachers are essential workers. This project should not go forward until a responsible plan is put into place

Exhibit C | Public Comments Received

From: [Roger Moyer](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 6:45:55 AM

The major flaw in my mind is placing the entire project along the highway, better would be to build a berm along the highway pacing the development away from same making the actual units quieter, less obtrusive , the cycling and walking pathways safer and also less close to the highway.

Sent from [Mail](#) for Windows

Exhibit C | Public Comments Received

From: [Lucy Nichols](#)
To: [Public Comment](#)
Subject: NO to the Lumberyard
Date: Sunday, June 11, 2023 8:22:22 PM

Lucy Nichols
Sotheby's International Realty
c. 970-379-1587

Exhibit C | Public Comments Received

From: [Douglas Peckham](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Sunday, June 11, 2023 5:20:55 PM

It is unquestionable that Aspen needs affordable housing, but it is seriously doubtful that the Lumberyard project as it stands today is the solution Aspen needs.

A pause is called for to reconsider both priorities and options. Are we seeking to house our local workers? Or is the city simply seeking to import more sycophants, dependent on City Management's largess to enjoy the Aspen lifestyle at the expense of Free Market taxpayers.

We cannot afford the current plan. Its implementation will further divide the city and county into billionaire part-timers, and subsidized free-loaders. Business owners, retirees, and all others who contribute to the community will be forced out. Luxury blight will be the result.

Exhibit C | Public Comments Received

From: [Chris Penrose](#)
To: [Public Comment](#)
Subject: The Lumberyard
Date: Monday, June 12, 2023 11:13:07 AM

Been following this Titanic of a project for some time. Don't quite understand why the City of Aspen is not taking advantage of the private-sector.

I developed and owned millions of square feet of Federal Government properties occupied by various Federal Govt tenants. As part of my federal Government portfolio, I developed and owned 7 FBI field offices, from Hawaii to Baltimore. Some of the most sophisticated buildings on earth (certainly not apartments).

But the federal Government (GSA) got it right when it came to the actual development bidding process. These were highly competitive/complex projects, starting with developer qualifications (sometimes over 100 teams applied) and ending with the selection of 5 finalists. Quality, creativity, and price were all considered and graded. In short, the he GSA took full advantage of the private sectors development experience, imagination, and financing expertise. Unbelievably, none of that is happening here. Why not?

Exhibit C | Public Comments Received

From: [Jim Perry](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 11:33:46 AM

My name is James Perry. I am a registered voter in Aspen. I am 100% against the approval of the lumberyard housing project. There are far better places to spend the tax payers money than a the Lumberyard. I encourage the council to vote against this project.

Thank you.

Sincerely

James H. Perry

Exhibit C | Public Comments Received

From: [Alycin Bektesh](#)
To: [Public Comment](#)
Subject: Public Comment on behalf of ACRA membership
Date: Tuesday, June 6, 2023 5:35:23 PM
Attachments: [DA page 1.png](#)
[DA page 2.png](#)
[DA page 3.png](#)
[Housing data 2023.pdf](#)

To: Mayor Torre and Aspen City Council

I am writing to you on behalf of the ACRA Public Affairs Committee, and the 750 businesses and thousands of employees that make up the ACRA membership.

We commend this council for identifying affordable housing as a primary goal, “recognizing the urgent need to create a high-quality, sustainable, lived-in community.” The Lumberyard affordable housing development embodies the Council's vision, is a concrete step towards implementing the Affordable Housing Strategic Plan, and a testament of your commitment to the future of Aspen.

As we all know, businesses are increasingly finding it challenging to hire and retain staff due to the lack of affordable housing options. Research conducted by Destination Analysts included checking in with the business community each month over the course of the last year. In all instances, the number one business concern was housing costs for employees. We also know from polling business owners, that the top cited reason that employees give for leaving their job is a loss of housing. More than 90 percent of ACRA’s membership says that new affordable housing should be built.
(Data Attached)

As you know from the 200 pages of community input included in your packet tonight – the community has been shaping a vision of the Lumberyard through extensive outreach over the last three years. They have made the time to attend open houses, participate in surveys, and write thoughtful responses about the best use of this property. Today you are being asked to honor that process and make the land use changes needed to turn the Lumberyard into a neighborhood.

By providing stable affordable housing closer to work, the council has the opportunity to address your other top goals of Mobility and Community Building and Health. We know those with longer commutes are more likely to experience depression, financial concern, and stress. By creating accessible housing adjacent to our “multi-modal and integrated transportation system” you are “Designing and promoting opportunities for creating human connections among locals” - these are your words and we support them.

We also support your efforts to seek partnerships in building the Lumberyard. Aspen’s businesses and nonprofits are eager to provide access to affordable housing as an employee benefit. However, the majority of Aspen’s businesses can not compete in the real estate free market, and instead are looking for ways to collectively buy in on new units. As you seek financial opportunities, we ask that you seek partnership models that include small, local businesses.

In conclusion, the Lumberyard affordable housing development isn't just a project. It's a testament

Exhibit C | Public Comments Received

to your commitment towards the future of Aspen, where businesses thrive because their employees have a stable, affordable place to call home.

We are asking you to vote yes on Ordinance 10 today and follow through on the work the community has put in to bring affordable housing on line, enabling the workforce to remain in this community.

We believe the ordinance allows enough flexibility to continue improving the final development after this phase. At the very least, please show your commitment to our businesses and workforce tonight by passing through Sections 1 and 2 which rezoning the property and update the subdivision designation – measures which are necessary regardless of other ongoing conversations.

After decades, you have the unique opportunity today to secure our economic future and affirm your commitment to equity, inclusivity and belonging. Thank you.

Alycin Bektesh

Public Affairs Manager



590 N Mill Street | Aspen, CO 81611

t 970.920.7149 | f [970.920.1173](tel:970.920.1173)

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Visit us at www.aspenchamber.org

Please consider the environment before printing this e-mail.

Exhibit C | Public Comments Received

From: [Alan Quasha](#)
To: [Public Comment](#)
Subject: Lumberyard
Date: Monday, June 12, 2023 8:33:05 AM

This project should definitely be voted down now. At a minimum, there should be further fact finding on a number of very important issues, which need to be articulated and shared with the community. These include financing of the project, impact on traffic, and justification of the cost of building each unit.

Thank you,

Alan Quasha

Sent from my iPhone

Exhibit C | Public Comments Received

From: [Denice Reich](#)
To: [Public Comment](#)
Subject: Lumber Yard
Date: Monday, June 12, 2023 9:20:38 AM

To Whom it May Concern:

The lumber yard - \$400 million? To be built by the City of Aspen, and run by individuals without any economic background? The city should never be in charge of running a project like this. There are no knowledgeable people in the government of Aspen for this type of project. The government should not be in the housing business.

Remember the missing \$75 million at Burlingame?

Sent from [Mail](#) for Windows

Exhibit C | Public Comments Received

From: [Alison Richman](#)
To: [Public Comment](#)
Subject: Lumber Yard
Date: Monday, June 12, 2023 8:08:54 AM

This project is a NO vote if it was to be re-asked.

All the issues that are top of the list are all issues for a Fat No!

Traffic, population impact, water, sewer, pollution! All are just on the short list for a No.

You cannot guarantee the quality nor professionalism of the renters and that does not solve the staffing issue. Do you even realize that when you grow and bring more jousting you also need more of everything else you are trying to satisfy.

No No No not needed and the benefits Do Not outweigh the costs!

Alison Richman
Sent from my iPhone

Exhibit C | Public Comments Received

From: [Will Rutledge](#)
To: [Public Comment](#)
Subject: Lumberyard Project - Request To Postpone Vote
Date: Sunday, June 11, 2023 6:25:21 PM

Dear Aspen City Council,

Regarding the Lumberyard Project, as a manager of hundreds of deed restricted, employee housing units, I can speak from a very educated standpoint on the following questions I hope you will get answered before putting your stamp on this project.

First, as you know, Burlingame Ranch II has a multi-million dollar construction defect claim against the City. The City is claiming immunity from the claim as a governmental entity. With Burlingame III already postponed due to construction issues, how do you plan to protect new employee housing association's rights to defect claims? If the City considers itself both the developer/declarant, but is attempting to deny the owners this process, how does what the City hands over as, effectively, a free market community association seek protection from construction issues in their complex?

Second, these community associations are often populated by owners who are new to owning property; and, thus may not have the education to properly manage these communities. The APCHA study of maintenance and reserve deficiencies found that practically every employee housing community does not have the ability to manage their fiduciary responsibilities or hold someone accountable for the shortcomings. With the Lumberyard being the largest development yet, how will the City handle responsibility/accountability for owners within these associations to protect the asset down the road? How do you require current owners to be accountable for the responsibilities generated on their watch, so future owners are not left holding the bag?

Thank you in advance for your time and consideration of these issues.

Will Rutledge

Exhibit C | Public Comments Received

From: [R](#)
To: [Public Comment](#)
Subject: Lumberyard housing
Date: Sunday, June 11, 2023 6:35:11 PM

I grew up in aspen and it has become barely livable due to outgrowing it's natural size. I'm just a common person with common concerns.

The lumber yard housing is going to be the final nail in the once beautiful area.

- we can't take more traffic!

- adding 1,000 people to our population causes a huge change in every part of our town. Infrastructure, eating, shopping, water, hiking, biking, basic living.

- no housing project should be built on the west side of the round-a-bout. Common sense to control traffic. Maybe rebuild centennial?

- noise! Has anyone considered how loud it is across from the airport? Go for a walk on the rio grande trail there on a weekend and you can't even hear your iPod.

- cost. Let's be real. Half a billion dollars?

- is there a guarantee to house teachers, emergency services workers, and government employees, or are we just trying to relocate the town of Carbondale into aspen?

In my opinion This will be a disaster that changes aspen forever. Overpopulation has ruined many gem cities in the country. It's ok to say NO once in awhile.

Sincerely

Mr. Ryan

Aspen

Sent from my iPhone

Exhibit C | Public Comments Received

From: [Hillary Simon](#)
To: [Public Comment](#)
Subject: Lumber Yard
Date: Monday, June 12, 2023 9:41:08 AM

VOTE NO!

We the people do not have enough information!!

No! no! No!

Hillary Simon - Woody Creek

Sent from my iPhoneX

Exhibit C | Public Comments Received

From: [Andrew Skewes](#)
To: [Public Comment](#)
Subject: concern over financing of Lumberyard project
Date: Sunday, June 11, 2023 7:16:58 PM

Dear City of Aspen:

I write to you with regard to public comment over the lumberyard project.

As a long term local, and homeowner in Aspen, I very much see our affordable housing program as an important component to the life of our town.

Yet I am very concerned about proceeding with more time and funding of the Lumberyard project, until we have a real understanding of how it will be financed.

As someone who spent their entire career in the world of finance, I can say with great confidence that this an area where I have expertise.

Yet despite innumerable conversations I have had with people, I have yet to hear a lucid strategy of how the LY will be financed.

I implore you to act responsibly and put forth an honest assessment of where the money will come from, before proceeding any further.

Sincerely,

Andrew Skewes

835 East Durant Ave

Aspen CO 81611

Exhibit C | Public Comments Received

From: [Steven Sklar](#)
To: [Public Comment](#)
Subject: lumberyard
Date: Sunday, June 11, 2023 7:24:28 PM

Build it already

Exhibit C | Public Comments Received

From: [Tiffany Smith](#)
To: [Public Comment](#)
Subject: Lumberyard Project
Date: Monday, June 12, 2023 8:35:51 AM

Dear City of Aspen,

While I wholeheartedly support increasing affordable housing units for local “boots on the ground” workers in Aspen and the RFV, the Lumberyard Project plans are not ready to be approved. The price per unit cost is truly unbelievable (my husband is a local developer who has done AH and he will verify this), the total expense of the project must have solid, provable and transparent financing in advance, and the impact on the local infrastructure needs to be thoroughly studied and any negative impacts and stressor points must be resolved first, before approving this massive project.

I realize public emotion is on the side of approve now, deal with the consequences later, but that is not only fiscally irresponsible, it is also personally irresponsible. For the sake of the community and Aspen’s bottom-line, get your ducks in a row first. Take the time you need to make the right decision, whatever it is, and don’t get pushed by influencers into a hasty and potentially disastrous decision for the city.

Thank you for your service to the community,
Tiffany Smith

Exhibit C | Public Comments Received

From: [Susan Spalding](#)
To: [Public Comment](#)
Subject: Lumberyard {Project
Date: Monday, June 12, 2023 8:18:58 AM

Dear City Council Members:

Please vote NO on the Lumberyard project. It is outrageously expensive; the financials have not been fully disclosed; it will probably cost more than you are currently estimating; and this decision is a rushed one at best. If you support this project you are violating your fiduciary duties for our city. The public has a right to full disclosure on a project that is this massive in cost and size.

Thank you in advance for voting “no” so as to better vet this out.

Regards,

Susan Spalding
Aspen Resident

Sent from [Mail](#) for Windows

Exhibit C | Public Comments Received

From: [David Spencer](#)
To: [Public Comment](#)
Subject: The Lumberyard Project
Date: Monday, June 12, 2023 9:02:38 AM

My wife and I have owned a large condo in the core since 1983.
We vehemently oppose and disapprove the Lumberyard Project and the vote there upon.

David and Debi Spencer

--

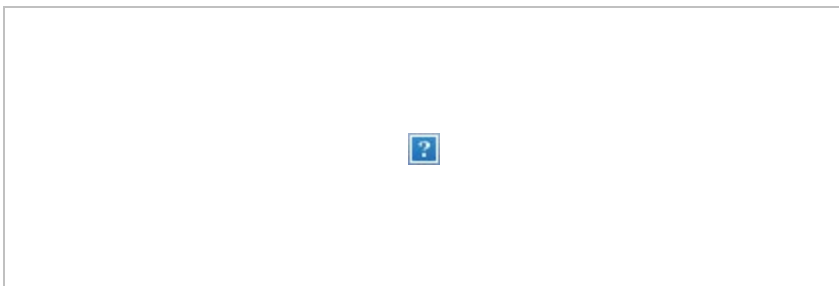


Exhibit C | Public Comments Received

From: [David Stapleton](#)
To: [Public Comment](#)
Subject: Lumber Yard
Date: Sunday, June 11, 2023 6:03:30 PM

I do believe in Employee housing. But where does it end and at what cost. I am very concerned about the increased traffic and an additional stop light that will be added to our already traffic problem. That is my biggest concern.

David Stapleton

Exhibit C | Public Comments Received

From: [Michael Stolper](#)
To: [Public Comment](#)
Subject: The cost is insane
Date: Sunday, June 11, 2023 7:30:01 PM

The project is ill conceived, poorly planned, and unaffordable. No new employee housing should be built until APCHA is completely reformed. More important, SkiCo and other employers should pay a wage that makes housing and child care affordable, even with a commute, rather than cost shifting to property owners, business owners, and tourists, through real estate transfer taxes, property taxes (RAFTA), and sky high sales tax. Under any circumstance, units should be rentals to allow consistent enforcement of APCHA rules.

Aspen is expensive, as is Park Avenue, Beverly Hills, River Oaks, etc. Working in an affluent area should provide higher wages, but isn't a housing entitlement anywhere in the world. Marolt has a case of pathological nostalgia. Mick Ireland has a well-documented history of creating class conflict at every opportunity, i.e., the politics of envy.

mstolper@gmail.com

Exhibit C | Public Comments Received

From: [Berg, Summer](#)
To: [Public Comment](#)
Subject: Put the Breaks on the Lumberyard
Date: Monday, June 12, 2023 9:18:04 AM

While the community acknowledges the need for more affordable housing, rushing on this project does not make sense.

The traffic impacts of this project directly correlate to Aspen's other major problem: traffic into Aspen.

If you make traffic worse by adding another traffic light, you are increasing the need for more housing INSIDE of Aspen.

Many Aspen workers **prefer to live downvalley for several reasons**. Many employers inside of Aspen will tell you that workers don't want to commute from Downvalley because it can take up nearly 2 hours of their day.

If we make getting in and out of Aspen to work **easier**, we also ease the need to house every worker inside of Aspen City Limits and for the government to provide subsidized housing.

As an employer (and many other employers) can attest to this issue.

Also, as a real estate attorney and professional that is part of many other organizations, economic and real estate related on a regional and national level, the data is pointing to a shift in the market and prices coming down. In Aspen we are already seeing vacancies and price reductions in rents. The rental market follows the data on hotel vacancies that isn't looking good this summer. Aspen got out of control during Covid but is now normalizing.

There are so many other factors to fully consider before rushing a vote on this project. We need more community feedback and analysis of the impacts of this massive project, considering the new economic lens in which we need to view this project through, as well as HOW to pay for it.

Thank you.

Summer Berg, Esq.
President | Managing Broker | Licensed Partner

ENGEL&VÖLKERS

Engel & Völkers Aspen Snowmass | Roaring Fork
720 E. Hyman Avenue
Aspen, CO 81611 USA

Tel: +1 970.925.8400
Mobile: +1 970.379.6626

Exhibit C | Public Comments Received

Internet: aspen.evrealstate.com

Mail to: summer.berg@evrealstate.com

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Exhibit C | Public Comments Received

From: [fun22](#)
To: [Public Comment](#)
Subject: [Spam] Lumberyard.
Date: Monday, June 12, 2023 8:40:35 AM

Greetings.

No doubt it is a huge undertaking in approving the lumberyard moving forward.

I AM NOT AGAINST EMPLOYEE HOUSING AT ALL!!!!

1-traffic impacts need to be realistically addressed.

2- car trips will not be off set by buses, i see empty buses cruise by everyday, in and out of town!!!

3 what is the incentive not to drive in from lumberyard?... What is Burlingame Bus ridership numbers?

4 contrary to outspoken anti employee housing advocates ... LAUNDRY ROOMS, LARGE CLOSETS, BALCONIES are well deserved and are needed design inclusions!!!

5-Jet noises are extremely loud, EXTREMELY

6 - Presently all AABC APCA units are utilizing 100% of parking... People have cars, this is reality.

7-another stop light will force more traffic back up.

8 Building height and density very uncharacteristic, too big.

Again I am 100% in favor of employee housing... But the scale, mass, congestion and design...and LOUD JETS... need to be reconsidered not simply pushed thru, because it is.

Employee housing..

Go sit out by the lumberyard parking for 6 hours on a Saturday or late Friday, to see first hand, noise and traffic impacts.

MORE RESPECTABLE HOUSING, NEEDS A BIT MORE REDESIGN....AND THOUGHT.

Thank you

Mark Tye

Sent via the Samsung Galaxy S23 Ultra 5G, an AT&T 5G smartphone

Exhibit C | Public Comments Received

From: [Amos Underwood](#)
To: [Public Comment](#)
Subject: Citizen Comment
Date: Monday, June 12, 2023 9:35:36 AM

Councilmembers and Mayor,

If you are still considering the approval of the lumberyard, please keep this in mind.

Outreach for the project did occur, but when you only ask the questions you want to hear will you get the answers you want. At not one of the outreaches the city provided was the option of NO let's not move forward on this project.

This project will be approved
Could the size a scope be reduced...I hope so.

If this project is approved as described by City Staff, it will move the needle of cash-on-lieu off the charts! This will be the end of the credit program as the new accepted COA cost for a one-bedroom will be \$1,500,000 while the cash-in-lieu rate sits at less than \$400,000

Should the size and scope be reduced...Yes

Traffic studies for this project are absurd! The numbers might make some sort of sense when viewed within the property lines but when applied to the community (the entire valley) this project will drop another 500 vehicles onto highway 82.

The lumberyard is located outside the roundabout. This is contrary to the AACP.

As a resident of affordable housing I appreciate the need for the product. What is disheartening is how the lumberyard has been steam-rolled along by a few council members and city staff.

You may have already made up your mind on this project, thanks for reading my comments anyway.

-amos underwood

Exhibit C | Public Comments Received

From: [Walter Voight](#)
To: [Public Comment](#)
Subject: It appears that there are a lot of specifics that the public needs to see. Principally, I don't think that there is enough of a demand. There are no more American ski bums (young people wanting to live here to ski). They have higher aspirations and wa...
Date: Monday, June 12, 2023 8:53:18 AM

Exhibit C | Public Comments Received

From: [Lorrie B. Winnerman](#)
To: [Public Comment](#)
Subject: LUMBERYARD
Date: Monday, June 12, 2023 8:54:54 AM

Wow-PLEASE BE RESPONSIBLE-everyone should be asking these questions

Can you produce:

1. Traffic plan
2. Financials
3. How and who will finance
4. Will this stop all other “affordable” housing fixes and/or builds
5. \$1.500,000 per unit??????

What private developer could EVER bring this before you without above and more backup?

PLEASE BE RESPONSIBLE AND STOP UNTIL YOU CAN PRESENT ANSWERS.

THANK YOU

Lorrie B. Winnerman

Lorrie B. Aspen, Incorporated

Broker/Owner

C: (970) 618-7772

https://url.avanan.click/v2/___www.lbaspen.com___YXAzOmNpdHlvZmFzcGVuOmE6bzpjMmE1NWYwNTM3YzgwYzBjNzVmZGVkZTg0YTU4MmYxZjo2OjhhMjg6ZDU2OTMwMWI0MTk0YThkMzA5YjQyODI2ZGQ5ZjljZjI4MGExZGQ5NjE1MTkyMDVmOGU1MmUzOGMxNzE1OWU1Mzp0OkY

Exhibit C | Public Comments Received

From: [rick wojcik](#)
To: [Public Comment](#)
Subject: Employee housing
Date: Monday, June 12, 2023 9:25:03 AM

Dear Sir/ Madame:

I am all for employee housing and maintaining opportunities for all people to live in Aspen regardless of income level.

I just don't see a coherent strategy that encompasses:

Existing employee housing

Proposed employee housing

Coherent rules that allows for all income levels

The city needs to present a comprehensive plan that encompasses all aspects of the above- including a solid budget.

I cannot support the Lumberyard project until the big picture is clear.

Best regards,
Richard Wojcik

Exhibit C | Public Comments Received

From: dennis.young.biz
To: [Public Comment](#)
Subject: Please vote no on the Lumberyard
Date: Monday, June 12, 2023 8:51:47 AM

I believe this vote is premature with so much information unknown and a poor history of the city managing projects, never before of this size and cost. Much more information needs to be released in the public sphere in order to assure vigorous and intelligent debate for a good decision in the light of day.

Dennis Young
Phone: 970-920-4706
Mobile: 970-379-2423
Email: dennis@young.biz

Exhibit C | Public Comments Received

From: [Millard Zimet](#)
To: [Public Comment](#)
Subject: Public Comment: Lumberyard
Date: Monday, June 12, 2023 4:16:06 AM

honest question:

if you were truly evil, and you actually wanted to design a plan that would, to the maximum extent possible, divide the community, worsen traffic, and cost the most money, how would you be acting differently?

housing belongs downtown not out at the Lumberyard.

don't be evil.

Exhibit C | Public Comments Received

Kevin Rayes

From: BRENT MILLER <captbsm@aol.com>
Sent: Sunday, September 10, 2023 1:09 PM
To: Public Comment
Subject: Lumber Yard Proposal Sept. 12, 2023

To whom it may concern:

This project appears swimming in a lack of irresponsible governance and it is ignorant to move forward without proper plans, full public discourse and disclosure of the budget and financials.

My wife and I are Aspen residents and we both, like many others, are very unhappy with the lack of transparency and forward thinking these civic projects demand but frequently never get.

Respectfully,

Brent & Sissy Miller

Exhibit C | Public Comments Received

Kevin Rayes

From: pcarman237@aol.com
Sent: Sunday, September 10, 2023 8:59 AM
To: Public Comment
Subject: Lumberyard

How is it possible to embark on a significant project the size of the lumberyard without a reasonably comprehensive set of financial projections? Do you not think it is important to allow voters, who will ultimately pay for the project to understand what it is likely to cost them?

I will not vote for any councilperson who does not support a responsible level of financial transparency for a project of this size and importance.

Peter Carman

Exhibit C | Public Comments Received

Kevin Rayes

From: g@ggrayson.com
Sent: Sunday, September 10, 2023 11:37 AM
To: Public Comment
Cc: 'The Red Ant'
Subject: Lumberyard

I agree with Elizabeth Miliias that the project is not ready to be approved and commenced without full understanding of the costs and financing, and also that the project should be structured as a public-private partnership with an experienced developer that will be able to make the project financially sound.

Gerald Grayson
Aspen

Exhibit C | Public Comments Received

Kevin Rayes

From: Jack Miller <jmiller@haltoms.com>
Sent: Sunday, September 10, 2023 2:31 PM
To: Public Comment
Subject: Lumberyard

We are facing the exact same issues and the same obfuscation as we did in 2006-2008 about the Burlingame housing project. The development plan for The Lumberyard is our problem in 2023. The public has not been presented with any information on how the city intends to finance and pay for this project. We request:

Financial information and models
budgeting
Sourcing plans
All responsible disclosures

We want full transparency of the financial details.

Jack Miller
Haltom's Jewelers
1360 Horse Ranch Drive
Snowmass Village CO. 81615

jmiller@haltoms.com

Exhibit C | Public Comments Received

Kevin Rayes

From: Pam Alexander <pam@pamalexander.org>
Sent: Sunday, September 10, 2023 8:35 AM
To: Public Comment
Subject: Lumberyard Budget and Full Financial plan

City Government,

Please do not proceed with the Lumberyard project until you publicly supply the complete detail on the financial and budgetary information and plans with Aspen residents.

Thank you,
Pam Alexander

Exhibit C | Public Comments Received

Kevin Rayes

From: Mizen Fm <m.mizen@mizen.com>
Sent: Sunday, September 10, 2023 1:25 PM
To: Public Comment
Subject: Lumberyard comment...

As a part owner of rental property in Aspen for 58+ years I continue to ask for an explanation of how the project will be financed and how the financing will be repaid to the lender(s).

City of Aspen Staff is convinced the project is important to our future. But to those having to pay this bill the project needs to define how much will this cost and how will it be paid back.

I would be delighted to review these documents.

Michael R. Mizen
809 s Aspen and
Lakewood Ohio USA

Exhibit C | Public Comments Received

Kevin Rayes

From: marcus blue <mblue@me.com>
Sent: Sunday, September 10, 2023 5:44 PM
To: Public Comment
Subject: Lumberyard decision

This is a big upcoming decision and I feel that it is irresponsible to move forward with a massive price tag project that has not been transparent to the public. There are roughly 3000 employee housing units that are hugely mis-managed. Employee housing homes are not forever homes. That's not partisan or cruel. It's a reality that everyone moving in needs to understand. As long as you working and contributing to our workforce community then you shall have housing options. When you retire and stop working or are contributing far less than the 20-something who is working 3 jobs and commuting to town then you should downsize or find new housing. Tax-payer subsidized housing is not retirement for those who are no longer working. That single issue needs to be addressed prior to any attempt to "build your way out of a problem". And even still it's truly not affordable for anyone living in Aspen under the current model. The entire system disincentivizes anyone to further themselves to make more money for fear they will lose their housing. Yet because of the regulations in place the price tags have ballooned further, widening the gap and making living here a bit more impossible. Development regulation, Land Use Code, and STR's all need a whole new look and revamp. Whitefish, MT was facing the same issue and completely refocused their land use and development and have turned the tide (see extensive article in TheAtlantic). If the Lumberyard is to truly be developed it can be done so for FAR less of the price tag that has been estimated and pitched about. I have personally spoken to multiple developers who cannot believe the estimates and the absolute WASTE of potential money on this project. VOTE NO and revisit the entire project, but AFTER the management and enforcement of APCHA.

Sincerely,

Marcus Blue, DDS

Exhibit C | Public Comments Received

Kevin Rayes

From: Tiffany Smith <tsmith6134@yahoo.com>
Sent: Sunday, September 10, 2023 10:25 AM
To: Public Comment
Subject: Lumberyard Project

Dear Aspen City Council Members,

Please delay any further, much less final, decision-making regarding the Lumberyard Project until the actual project budget and all financials (expenses and proposed funding) are released not only to your council but also the public. A publicly-funded project, affordable housing or other, must be transparent about its budget. Imagine if this was a free-market home, would a property owner hesitate for one second to not only ask, but demand, to see a detailed expense sheet and timeline of a project before they agreed to go forward with it? Same with a commercial property. No, they would not. It is expected. This enormous multi-million dollar public housing project must be treated with the same level of professionalism and discretion as any private venture, if not more so since you're planning to use public money that the entire community is contributing - not just one or two individuals. If you go to the store to buy a pair a shoes, you want to know the price before you get to the cashier's desk, right? I certainly do.

Honestly, this is a no-brainer and would be an embarrassment to Aspen and a stain on its reputation if handled improperly and unethically. Not to mention, if you go ahead without fully understanding the numbers and something goes awry with the funding or the project. Not okay from public leaders.

Bottom line, please remember that you five, NOT the COA Staff, are the "bosses" - the top of the civic food chain and were elected to represent the best interests of the Aspen voters and the entire community. Although you wisely try hard to work as a team, the COA Staff ultimately answers to you, the sitting Aspen City Council, not the other way around. Don't let them pat you on the knee and tell you not to worry your pretty little heads about the budget, and that they've got it covered. Insist they prove it by making the financial details (not "guesstimates") public for all to see, especially if they're planning to spend an approximated estimate of about \$2.25M/unit. Think about that on a per-square-foot basis. Let's just take the crazy "bottom" price projection of \$1.8M/unit and do the math based on a 1,200sf unit, and that equals \$1,500 per square foot in building costs. Really? Based on what I've personally witnessed in Aspen's AH units, there is NO WAY the finish-out in these units and the amenities on this property will reflect those expenses. And my husband has developed both FM and AH projects in Aspen and the RF Valley, and that per-square-foot number is ridiculous - and he's told both P&Z and Aspen City Staff that. It's like the US Army's mysterious \$100 hammer.

You have a fiduciary duty to the Aspen community to demand to see a detailed, professionally-(and independently-)prepared budget of the Lumberyard Project that is then openly shared and discussed with the public before any next steps.

It's puzzling why Aspen seems to struggle so much with transparency, honesty and equity when it comes to affordable housing?

Sincerely,
Tiffany Smith

Exhibit C | Public Comments Received

Kevin Rayes

From: glenn beaton <glennbeatonn@gmail.com>
Sent: Sunday, September 10, 2023 8:30 AM
To: Public Comment
Subject: Lumberyard

I suggest that Council have a detailed plan for the construction, financing and governance of the Lumberyard project -- and that it all be in place before committing to construction, not after.

And I further suggest that this all be made public for debate and discussion. It is wrong and irresponsible not to do so.

It appears that instead secret decisions have been made in that regard -- for the express purpose of avoiding legitimate criticism of the project. But democracy dies in darkness, remember?

Glenn K. Beaton, theAspenbeat.com

Exhibit C | Public Comments Received

Kevin Rayes

From: Matt L <himattlevy@gmail.com>
Sent: Sunday, September 10, 2023 10:32 AM
To: Public Comment
Subject: Sept 12

Dear city council,

I'm asking you to pause the lumberyard project until the relevant financial information, models, sourcing plans and other responsible disclosures can be provided by city staff for the public to review. To proceed without these things is negligence and opens the city up to financial and legal issues (not to mention it is for the public good and it's the councils job to do this).

Please help us not be negligent as a town. The downstream financial issues this will cause can be addressed now and should be fully understood prior to proceeding.

Respectfully,
Matt Levy
Concerned resident

Exhibit C | Public Comments Received

Kevin Rayes

From: dennis young.biz <dennis@young.biz>
Sent: Sunday, September 10, 2023 8:26 PM
To: Public Comment
Subject: September 12 council meeting regarding the lumberyard project approval

I urge each and every council person to refuse to vote for the approval of the Lumberyard project. Without both a complete and comprehensive budget and having arranged sufficient funding that you can present to your constituents to justify moving forward you must not approve this project.

Dennis Young
Phone: 970-920-4706
Mobile: 970-379-2423
Email: dennis@young.biz

Exhibit C | Public Comments Received

Kevin Rayes

From: Stephen Slade <sgs@visiontexas.com>
Sent: Sunday, September 10, 2023 10:10 AM
To: Public Comment
Subject: September 12

Where are the financial projections, plans and financing for the Lumberyard?

Why are we not transparent on this?

Do we know the need?

Do we know how our current housing is being utilized?

Exhibit C | Public Comments Received

Kevin Rayes

From: mel ronick <melron347@gmail.com>
Sent: Sunday, September 10, 2023 10:45 AM
To: Public Comment
Subject: September 12

As a citizen and taxpayer of Aspen I find it bizarre, and deeply troubling, that the City is on the verge of committing millions of “our” dollars on the Lumberyard project without divulging any details of the financial details. Are we just nothing more than a herd of sheep waiting to be slaughtered, yet again, by a City without shame or accountability? It’s time for you to enlighten those of us interested in the fiscal details of how you squander our money on a questionable development.

Mel Ronick
Aspen

Sent from my iPhone

Exhibit C | Public Comments Received

Kevin Rayes

From: Wido Schaefer <wido.s@travelstore.com>
Sent: Sunday, September 10, 2023 12:48 PM
To: Public Comment
Subject: September 12

We urge you to be more transparent and disclose the budget and financial plans for The Lumberyard Project.

Approval of this project without full disclosure of what you are committing our community into is against the interest of all Aspen residents and taxpayers.

Respectfully

Wido & Carla Schaefer
603 W North
aspen , co 81611

Sent from my iPhone

Exhibit C | Public Comments Received

Kevin Rayes

From: Kim Coates <kimcoates@me.com>
Sent: Sunday, September 10, 2023 2:01 PM
To: Public Comment
Subject: September 12

Please Aspen City Council!

Do not approve the Lumberyard project without full disclosure relating to the entire project, most especially a financial overview of project costs and sources of revenue.

There are those of us who are highly skeptical of the real need for more employee housing given the lack of oversight with existing inventory. The abuse is rampant and of course no one wants to come forward to report knowledge of such abuse. NOR SHOULD THE PUBLIC HAVE TO BE THE GATEKEEPERS! That is the job of the APCHA. The amount of inventory we have as affordable housing is far too complex and massive to have so few employees to monitor the occupancy and update the requirements to receive public funds for one's domicile. BUILDING MORE IS NOT NECESSARILY THE ANSWER.

Can you imagine a homeowner or builder coming in for permit review by the county without the required disclosure? And asking the taxpayers to pay for it?

Please Council, be more responsible to all your citizens and look into who moves to Hawaii for the winter while renting out their "employee housing". Who owns property in the valley while receiving the benefit of employee housing?

Thanks for considering,
Kim Coates

Exhibit C | Public Comments Received

Kevin Rayes

From: Leslie Duncan <leslie@cwd3.com>
Sent: Sunday, September 10, 2023 9:02 AM
To: Public Comment
Subject: September 12

Please do not vote on the lumberyard project.

It is fiscal irresponsibility to vote on this plan with providing a full detailed and transparent budget for this project.

The project budget and the financing plans should be provided to the public.

To vote on this without this information is truly irresponsible.

Leslie Duncan

Sent from my iPad

Exhibit C | Public Comments Received

Kevin Rayes

From: Ladye Ann Miller <lamiller@haltoms.com>
Sent: Sunday, September 10, 2023 2:18 PM
To: Public Comment
Subject: The Lumberyard

We are facing the exact same issues and the same obfuscation as we did in 2006-2008 about the Burlingame housing project. The development plan for The Lumberyard is our problem in 2023. The public has not been presented with any information on how the city intends to finance and pay for this project. We request:

Financial information and models
budgeting
Sourcing plans
All responsible disclosures

We want full transparency of the financial details.

Ladye Ann Miller
1360 Horse Ranch
Snowmass Village, CO 81615
970-923-9223

Exhibit C | Public Comments Received

Kevin Rayes

From: Karin <klange@hickorytech.net>
Sent: Sunday, September 10, 2023 11:17 AM
To: Public Comment
Subject: The Lumberyard

Dear Sir/Madam:

It is irresponsible to proceed with the Lumberyard project without a budget and detailed financial projections. This project can be an asset to the community if it is structure thoughtfully and precisely. The council needs to have a study session devoted to this project and take a deep dive into the objectives and financials for the proposal.

The council needs to be reminded that the city staff works for them and the taxpayers. Please slow down and conduct in-depth financial studies before going farther down this road.

Sincerely,

Karen Lange
Snowmass Village.
Sent from my iPhone

Exhibit C | Public Comments Received

Kevin Rayes

From: Neil Siegel <neilbsiegel@gmail.com>
Sent: Sunday, September 10, 2023 12:03 PM
To: Public Comment
Subject: The Lumberyard

Dear Members of City Council - Let me briefly weigh in to suggest that prior positive experience with building affordable housing using the public-private partnership (PPP) model should be explored as a means of advancing this project to success. Specifically, the template used to build 802 W. Main and the two other properties demonstrates that projects of scale can be accomplished within the framework of the existing land use code and affordable housing goals. Our local community worked for several years with the developer, Aspen Housing Partners, Jason Bradshaw and the City staff to achieve a balanced result. When the project came up for final approval and public comment, there was no opposition. PPP worked then and it can work now.

The PPP model balances equities, makes the best use of City resources (land), and does not put the City in the seat as the developer. Most importantly, the model expressly creates common guidelines for development at the inception but then allows the developer to take the lead once the project is approved.

Given the extraordinary management requirements and financial stakes involved with the Lumberyard project, the PPP model simply makes sense. I would encourage the Council to step back and explore the viability of this concept.

Thank you - Neil Siegel

Exhibit C | Public Comments Received

September 10, 2023

City Council:

When contemplating a 277-unit deed-restricted RMF development, it is vital to understand that a “public-private partnership” (PPP) is NOT the process whereby the city of Aspen hires a private developer who builds a pre-designed project for a fee.

A PPP is one that leverages the private sector’s expertise, minimizes the public’s downside exposure, and enables/incentivizes the private sector’s upside potential because it assumes the financial risk while delivering a high-quality mutually desired outcome.

There are critical considerations that differentiate a city-controlled and executed project from a private sector one:

City as Developer

100% publicly funded

Responsible for:

- Construction Cost Overruns
- Lease-up Operating Deficits
- On-going Operations
- Public Reaction
- Compliance (if enforced)
- Project Performance

Limited recourse with GC

Lack of market trend knowledge

- Don’t “live” the market
- Only focused during execution
- Don’t know if it’s a good time to build
- Shallow knowledge of capital markets

Private Sector Developer

Broad access to capital

Responsible for:

- Construction Cost Overruns
- Lease-up Operating Deficits
- On-going Asset Management:
 - Ongoing CapX Budgeting
 - Establish Reserves
 - Required Compliance
 - Set appropriate rents

‘Skin in the Game’ oversight/selection of GC

- Minimize construction defect exposure: low construction quality leads to increased ongoing CapX which decreases long term value

Intimate familiarity with:

- Construction
- Leasing
- CapX
- Capital markets
- Market trends
- Realities

Exhibit C | Public Comments Received

In short, the “public sector” vs “private sector” developer models are dramatically different.

In the case of The Lumberyard, the city (public sector) has identified a “need” based on assumptions, designed a project based on what is “wanted,” has estimated costs yet has not presented a financial model for funding the project, and is posed to execute blind to the considerations of economic reality. This proposal is lacking in “best practice” standards imposed by experienced capital markets and ignores the long-term benefits to the public of incentivizing the development community.

In contrast, developers (private sector) understand market realities: rents, costs of construction (land has already been purchased) and expected capital returns (debt: interest rate and leverage, equity: IRR thresholds). The private sector designs projects based on a pro forma that can deliver financing in the current capital market environment, creates an income stream that provides debt service and cash flow, and results in a valuation based on market cap rate and market rate of return to the developer that aligns with the risk profile of the development.

The Lumberyard is uniquely positioned for a great PPP. Please seriously evaluate the financing challenges, long term operational and asset management costs, and risk profile of this project when evaluating the pros and cons of going it alone.

Furthermore, beginning horizontal construction at the site is not only unnecessary, it is detrimental to the PPP process. A development partner seeks flexibility to deliver the promised units in a manner that also makes good financial sense.

The development community does this for a living. Let them help.

Sincerely,

Elizabeth Milias

Exhibit C | Public Comments Received

Kevin Rayes

From: Sara Ott
Sent: Monday, September 11, 2023 4:10 PM
To: Kevin Rayes; Mike Sear
Subject: FW: ERV

Hi,

Please add to the public record for the Lumberyard project.

Thanks,
Sara

Sara G. Ott, ICMA-CM
City Manager
(she/her/hers)
(O): 970.920.5083 | (C): 970.230.2692
www.aspen.gov

Our Values: Stewardship | Partnership | Service | Innovation

-----Original Message-----

From: Lucas Franze <zglfinc@gmail.com>
Sent: Thursday, September 7, 2023 9:33 AM
To: City Council <council@aspen.gov>
Subject: ERV

Hi Sara and Sam,
I'm writing to request that the ERV from the lumberyard be removed and placed in the red brick gymnasium.
Thank you,
Lucas Franze

Sent from my iPhone

Exhibit C | Public Comments Received

Kevin Rayes

From: Patricia Weber <ipeb@hotmail.com>
Sent: Monday, September 11, 2023 9:47 AM
To: Public Comment
Subject: Hold Lumberyard Project

Aspen City Council,

While I support Employee Housing for our city, I believe you are rushing the approval of this project.

I don't see that you have exhausted the options for this very permanent complex right in the entrance of Aspen.

Massive buildings don't seem like the best option, there is no urban planning, no traffic or financial solutions.

Do not rush into a multimillion project and commit taxpayers money when taxpayers are asking you not to ... please slow down.

Patricia Weber

Exhibit C | Public Comments Received

Kevin Rayes

From: Dave Hotchkin <dave@anchorpacifica.com>
Sent: Monday, September 11, 2023 10:10 AM
To: Public Comment
Cc: petergrenney@gmail.com; Alexandra George
Subject: Lumber Project

Regarding the Lumber Project:

The City of Aspen has been able to buy condos in Aspen area and Snowmass for \$1.2 to \$1.4 million. Twenty minutes away, the City of Aspen can buy condos and homes in Basalt and Carbondale for under a million, and the cost of living (restaurants, food, other services) is a lot less. Most of the occupants of the Lumber project are now commuting now from much further away. To have housing only a few minutes further away than the Lumber project would remain a huge benefit.

Its insanity for the City of Aspen to bear the risk of this project when great alternatives are available.

David Hotchkin

Exhibit C | Public Comments Received

Kevin Rayes

From: glenn beaton <glennbeatonn@gmail.com>
Sent: Monday, September 11, 2023 11:24 AM
To: Public Comment
Subject: lumber yard comment

This project has been poorly thought out. In a panic to create more taxpayer-subsidized housing, important concerns have been ignored or poorly considered. This included the financing, the timeline, the budget, the cost/benefit analysis, and the traffic issues.

The project should be completely planned, start to finish. Then, and only then, should it proceed. This is too much money and too many implications to do it on-the-fly.

Exhibit C | Public Comments Received

Kevin Rayes

From: Thomas Howells <thowells_clsaspen@yahoo.com>
Sent: Monday, September 11, 2023 12:19 PM
To: Public Comment
Subject: Lumber yard project

The project is far too large and must be scaled back. Traffic impact will be terrible. It is far too expensive. Thanks !

Exhibit C | Public Comments Received

Kevin Rayes

From: R <ryanxpress11@yahoo.com>
Sent: Monday, September 11, 2023 10:28 AM
To: Public Comment
Subject: Lumberyard

The building of this monstrosity at the lumberyard would be the final nail in aspen's dwindling coffin. We will be vail, with less room.

Aspen council has never said "no" to anything it's presented with. "No" would have saved this town.

-Another 500+ residents strategically placed to make traffic unbearable.

- another 500+ people means more infrastructure with no reasonable places to eat, shop, or live.

- quality of life vanishes where overcrowding is present. Aspen is already overcrowded.

- I grew up in aspen. A lot of people like me want to leave aspen, but we are stuck due to only getting 3% when we sell.

Up that percentage so we have an option to leave, and you will open up housing units naturally, without ruining what's left of our town.

Just. Say. No.

Save what's left of this town.

Thanks

Sent from my iPhone

Exhibit C | Public Comments Received

Kevin Rayes

From: Evan Marks <evan.marks@alben.net>
Sent: Monday, September 11, 2023 9:43 AM
To: Public Comment
Subject: Lumberyard ("LY") Public Comments

Hello

My name is Evan Marks. I live full-time in Aspen. I am a member of the Pitkin County Financial Advisory Board.

During my four-decade career in financial management, and as a former financial advisor to large municipalities, I have never seen a process quite like the LY.

Politics aside, prior to greenlighting this project CoA's city council and staff would be wise to fully flesh out and disseminate all of the pertinent details regarding the LY's execution, inflation-adjusted costs, and financing plans (specifically including the proposed details for public partnership JV financing, the likely need for municipal bond issuances, and the scope for potential increases to real estate and sales taxes).

Moreover, the location of such a dense housing project near the entrance to Aspen seems imprudent at best.

Respectfully,

Evan Marks

Evan Marks
Alben Asset Management LLC
Trailhead Lodge
133 Prospector Road
Aspen Highlands, Colorado 81611
Tel +1.646.872.0909
evan.marks@alben.net

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Exhibit C | Public Comments Received

Kevin Rayes

From: Millard Zimet <millardzimet@gmail.com>
Sent: Monday, September 11, 2023 9:18 AM
To: Public Comment
Subject: Lumberyard

When are you going to let the taxpayers vote on the Lumberyard project?

To date Aspen has spent over \$35 million on this project, without any authorization from the taxpayers.

Enough is enough. This must be put to a vote before you spend any more money or grant any more approvals.

Exhibit C | Public Comments Received

Kevin Rayes

From: Karen Devlin <karenrubeybering@gmail.com>
Sent: Monday, September 11, 2023 9:53 AM
To: Public Comment
Subject: Lumberyard

Aspen does not have the money to build such a large project.

I LOVE our town but it is time to realize we need more than volunteer committees. We need highly qualified consultants, whatever to look at these things and negotiate on the city's behalf.

Aspen GAVE away its FBO, one of the the most valuable in the world. The income could have easily paid for the lumberyard.

Instead of endless traffic studies, lets invest in the future by hiring people that know what they are doing!!

Sent from my iPhone

Exhibit C | Public Comments Received

Kevin Rayes

From: Tricia Louthis <louthis@yahoo.com>
Sent: Monday, September 11, 2023 10:47 AM
To: Public Comment
Subject: Lumberyard

Please make this rentals only. We need workers. Young workers. I know it costs more money, but we need to keep our town vibrant with young people. thanks, 65yoa woman.

Exhibit C | Public Comments Received

Kevin Rayes

From: glenn beaton <glennbeatonn@gmail.com>
Sent: Monday, September 11, 2023 11:26 AM
To: Public Comment
Subject: lumberyard

Shouldn't we have an audit of the existing APCHA organization and governance BEFORE spending another half billion of taxpayer money?

Exhibit C | Public Comments Received

Kevin Rayes

From: Michael Dumeresque <dumeresque@yahoo.com>
Sent: Monday, September 11, 2023 12:18 PM
To: Public Comment
Subject: Lumberyard

The costs of this project are outrageous! Why would you use such a high per unit cost? Our monies over which you have control could go so much further with better planning and much more affordable construction. How long would it take to pay off? You couldn't charge nearly enough in this "affordable " housing to make it a sound investment.

[Sent from Yahoo Mail for iPhone](#)

Exhibit C | Public Comments Received

Kevin Rayes

From: Chris Penrose <chris@penrosecorp.com>
Sent: Monday, September 11, 2023 3:02 PM
To: Public Comment
Subject: Lumberyard

As a developer who built 4,000,000 square feet of Public-Private Partnership (PPP) projects for the United States Government, I find the Lumberyard project to be thoroughly mismanaged. And you haven't even broken ground yet. How the City can progress this far without sharing financial models and details with the public is almost criminal. Had you run a proper Public-Private Partnership, you would have never spent \$5,000,000 for a design. Development Teams would have fronted that cost, not the taxpayers. A proper implementation of a PPP would have exposed the City of Aspen to the best and brightest solutions for the Lumberyard site. Instead, we are looking a ludicrous numbers ranging anywhere from \$500 million to \$750 million; that's \$1.8 million to \$2.7 million per unit. You should recalibrate, and use private sector know-how by implementing a Private-Public Partnership.

Exhibit C | Public Comments Received

Kevin Rayes

From: mel ronick <melron347@gmail.com>
Sent: Monday, September 11, 2023 9:55 AM
To: Public Comment
Subject: Lumberyard

>
> As a citizen and taxpayer of Aspen I find it bizarre, and deeply troubling, that the City is on the verge of committing millions of “our” dollars on the Lumberyard project without divulging any details of the financial details. Are we just nothing more than a herd of sheep waiting to be slaughtered, yet again, by a City without shame or accountability?
> It’s time for you to enlighten those of us interested in the fiscal details of how you squander our money on a questionable development.
> Mel Ronick
> Aspen
>
>

Exhibit C | Public Comments Received

Kevin Rayes

From: joel lee <joel.aspen@gmail.com>
Sent: Monday, September 11, 2023 3:36 PM
To: Public Comment
Subject: Lumberyard Project

Once again, I'm voicing our concern for the accuracy of this project and the evidence presented by the Project Team.

The noise study is simply a blue and red line around an airport runway.
The traffic study is based on a two day affair (one in Summer and one in Winter) that relies on nobody from the project actually driving.
Has anyone looked at the affect Phase 3 will have on Elk Migration and the Deer
Air Quality

It is too high!

We can do better, please consider reducing the number of units and/or only proceed with Phases 1 & 2 on the current lot and DO NOT build on Open Space.

Current plans will double the population of the AABC, infrastructure (traffic, parking, etc..) can not handle it.

Thank you.

Also, if you're looking for a place to put the solar panels, build the Annie Mitchell Housing Complex carports and put Solar on the roofs. It will block the views and provide a bone for the residents most affected by this project.

Exhibit C | Public Comments Received

Kevin Rayes

From: Alan Quasha <aquasha@quadrantmgt.com>
Sent: Monday, September 11, 2023 11:09 AM
To: Public Comment
Subject: Lumberyard project

Dear council members,

In my opinion, it is a complete dereliction of your duties to approve such a large and potentially impactful project, particularly after the Burlingame fiasco, without (1) clear transparency as to the project's budget and financing plans and (2) without exploring ways to de-risk the project, such as a public/private partnership.

And to insist on additional employee housing, which may be a good idea, without a proper census and accounting for existing public housing is an affront to all Aspenites who are not living in subsidized units.

I implore you to be respectful to the entire Aspen community to provide us all with the information which you would have if you were in the outside looking in.

Thank you,

Alan Quasha

Sent from my iPhone

Exhibit C | Public Comments Received

Kevin Rayes

From: Stephen Slade <sgs@visiontexas.com>
Sent: Monday, September 11, 2023 9:14 AM
To: Public Comment
Subject: Lumberyard

Have we excluded a PPP?

Do we have the needed transparency on this?

Do we know the need and current usage for housing?

Exhibit C | Public Comments Received

Kevin Rayes

From: Berg, Summer <summer.berg@evrealestate.com>
Sent: Monday, September 11, 2023 9:40 AM
To: Public Comment
Subject: PLEASE WAIT ON LUMBERYARD

The community is not ready for council to make a vote on this at this point in time. IT is not to say no indefinitely, it is saying 'no' in 2023.

So much needs to be flushed out before we can expect our elected officials to cast a vote on the entitlements for this project- the biggest ever in Aspen's history.

Please do not vote Yes on this project right now.

Summer Berg, Esq.
President | Managing Broker | Licensed Partner

ENGEL&VÖLKERS

Engel & Völkers Aspen Snowmass | Roaring Fork
720 E. Hyman Avenue
Aspen, CO 81611 USA

Tel: +1 970.925.8400

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Internet: aspen.evrealestate.com

Mail to: summer.berg@evrealestate.com

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Exhibit C | Public Comments Received

Kevin Rayes

From: Katie Tiernan <Katietiernan@outlook.com>
Sent: Monday, September 11, 2023 10:29 AM
To: Public Comment
Subject: Public Comments - Lumberyard Project for 9/12 Meeting

I am not able to attend the public comment zoom tomorrow on 9/12. In lieu of attending, I am emailing my comments. Please see below.

As a full-time resident of Snowmass with a full-time job in Aspen, I am in the traffic in/out of Aspen Monday through Friday... During high season and off season. Year round.

On average to cover 9~ miles in the morning it takes me well over 40/45 mins to get to work, and another 40/45 mins to get home each day.

Adding another traffic light is an unacceptable option for the commuters of the upper valley. It is already a complete nightmare trying to get around town just to complete daily tasks whether personal or professional. I believe it is imperative that alternate traffic control strategies need to be proposed.

Most, if not all part/full time residents are aware that Aspen's roadways were not built to support the town's current post-pandemic population. But here we are and many of the newer full-time residents have no plans on leaving as their children are in our schools, the parents are often involved in the community organizations, etc.

All of the newer residents who add value to this community are being brushed off and ignored as it relates to traffic control feedback. Do not make this instance another opportunity turned to error.

Thanks.
Katie Tiernan

Katie Tiernan
katietiernan@outlook.com
312-823-5638
[LinkedIn](#)

Exhibit C | Public Comments Received

Kevin Rayes

From: Dave Hotchkin <dave@anchorpacifica.com>
Sent: Monday, September 11, 2023 10:09 AM
To: Public Comment
Cc: petergrenney@gmail.com; Alexandra George
Subject: Re Lumber Project - Low Risk Development Alternative

Regarding the Lumber Project:

I am a developer of apartments of the size of the Lumber project and here is how I have seen similar projects competed with public private collaboration. For the City of Aspen to take on the financial risk of the Lumber project is too great. Let a private developer tank the risk, but the City of Aspen control the project. A private developer can do the project for less for many reasons, however, for one primary reason. There are tax credits and tax benefits available for such a project for a private developer, that are no benefit to the City of Aspen, for the City is a public entity. These tax benefits offset some of the cost.

The way the City of Aspen can remain in control is to ground lease the land to a private developer and the City of Aspen do the “public improvements” (streets, etc). The land is a huge portion of the development. The City of Aspen then ground leases the land to a developer for 55 years, with say a few 25-year options. at a rate of \$0 per year, with participation in future cash flow and upside. In the ground lease are requirements of restrictions on rental rates for the apartments.

I would be happy to share with you a similar arrangement we used for a low income 155-unit seniors project we used with the City of Glendora in California. We are 30 years into the project. The City of Glendora got the project built with no risk, other than ground leasing the land. We built the project, at no risk to City of Glendora. When built, they received the apartments with the rent restrictions they wanted, and over the years, the City of Glendora is receiving cash flow participation from the development, because the rents have moved up over the period. They take these funds and subsidize other rents within the City of Glendora. The capital to make the project happen, was raised thought the private sector and these investors received the tax benefits. Since the City of Glendora is the ground lessor, if we ever defaulted, they simply foreclosed on the unsubordinated ground lease and took back control.

David Hotchkin
818 404 0072

Exhibit C | Public Comments Received

Kevin Rayes

From: DrPikes1 <drpikes@gmail.com>
Sent: Monday, September 11, 2023 9:52 AM
To: Public Comment
Subject: Sept 12

How can the Lumberyard project go forward without full public disclosure on the details, let alone a responsible budget to study? This council, besides Mr Guth, seems to not care about such public disclosures. Does this council have a clue to their responsibilities to the public?

Mike McLaughlin

Exhibit C | Public Comments Received

Kevin Rayes

From: Judd Clarence <juddclarence@gmail.com>
Sent: Monday, September 11, 2023 9:05 AM
To: Public Comment
Subject: September 12 - You're not ready

Dear City Council,

I want to appeal to you all to slow down and get this process with the Lumberyard correct before you keep charging forward with a poorly considered plan and lack of community support. This is a major capital project – as I understand it, possibly the largest ever in Aspen history. So why is there a complete lack of transparency here?

Where is the full disclosure to the public about the project’s budget? Where are the proposed Financials? Where is the detailed project plan showing estimates of all costs and documenting the various components and plans that those are modeled off?

As I understand it, you don’t even have a consensus from the public of what should be built or how it should be configured? Instead, you are allowing city staff to drive this plan.

City staff is leading you down a path that is not approved or laid out correctly, without having done their job per the required laws and rules in place. It’s like the tail is wagging the dog here. We need to first see the plan figured out correctly, and then be provided a detailed budget. Where are the funds being sourced from? Why are no plans for a PPP? This is the obvious way to proceed in this type of endeavor with the money at stake. The city is not a developer and has no business acting as one. There is a complete lack of competency to carry out such a complex and expensive project like what is proposed. There is a clear path to how this gets done – why are you just ‘winging it and hoping for the best’?

I urge you to hit the brakes, do your homework, and then proceed accordingly. You are not ready to move this conversation forward.

Best,

Judd Clarence

Exhibit C | Public Comments Received

Kevin Rayes

From: Michael Flory <mflory2305@gmail.com>
Sent: Monday, September 11, 2023 9:04 PM
To: Public Comment
Subject: HI-As a registered voter and long time Aspen resident, I am compelled to share my opinion about the Lumber Yard project.

The need for employee housing is undeniable, which has been the case since I came out as a ski bum after college in 1989. Housing was a problem back, then, and unfortunately has clearly gotten worse. However, despite our current situation, this project is indescribably flawed for SO many reasons.

1. APCA- Was not a presence when I was working at the Jerome. It is completely ineffective and actually a driving force in our current situation. I know SO many people that have qualified out, left the workforce or make money outside the valley in APCA mandated housing. It has created an imbalanced marketplace.

2. The price tag is BEYOND insane. In 2020 I completed a complex in Denver for \$350K/key via modular construction. OK, things are more expensive up here...but 4X-5X? Completely out of touch with reality.

3. Financing- Who and how will we pay for this? As a taxpayer and resident, I just saw my valuation shoot up by 70%. You charge me almost \$1000/year in permits just for the right to rent MY OWN HOME to be able to afford to live here. But I figure it out. I don't want to figure out how to pay for the Lumberyard.

When I was here after college, I figured it out. Kids are still figuring it out now. I left the valley to make (barely) enough so I could come back and buy free market housing. They will continue to figure it out.

Given the staggering amount of money, there are SO many options to consider. As a positive set of recommendations, how much work has been done around:

1. Offering incentive payments to buy out leases? Buy out homeowners who are no longer in the workforce?
2. Complete revamp of APCA. New thinking, new methods of qualifying...tying housing to businesses so we know the units are accomplishing their objective?
3. Expanding rideshare, van pooling, busing, e-bike, etc.
4. Expanding parking/busing from the Intercept lot and putting in a parking garage on the Lumberyard land with access only for employees?

There are SO many possible solutions for the amount of money that is on the table...let's get creative and stop with the "make the rich pay for it" mentality. You are only driving out guys like me who's heart never left the valley.

Thanks for listening.

Michael Flory
206-799-5010

Exhibit C | Public Comments Received

Kevin Rayes

From: Alison Richman <squab7@aim.com>
Sent: Tuesday, September 12, 2023 8:00 AM
To: Public Comment
Subject: Lumber Yard

Morning,

I am unable to attend in person and would like my position to be heard. Thank you in advance.

I am NOT in favor of the projected project. There are way too many listable items as to why this is a bad idea. I am very aware that the project will go forward no matter what public comment is or the overall NO energy surrounding this. that is the way of politics and government.

Traffic, water, sewer, environmental, general infrastructure, noise, wildlife impact, & most of all the understanding of human behavior that is uncontrollable are the main factors that are not really being thought about in going forward. Actually I do believe these are thought about but rather ignore for the supposed "greater good". Once this door is opened it cannot be closed and the yard could be used as public space or open space as that is the original premise of Aspen. All the founders of Aspen have set forth open land in order to prevent mass buildings.

Together as a community it has been allowed to grow exponentially, and without infrastructure. The direct need to support the growth should not be provided so closed to town. We have always been a hard place to get to and an even harder place to live. This is Aspen! If you allow this growth then this special place becomes overrun with population which is NOT why most people choose to live here.

I am aware you will most likely just read this and move on to what YOU want to do. But as you all were voted in to represent the public and your constituents it would make sense to vote their way and not your personal way.

Overall the impact to the community is negative and outweighs the positive I really wish you could see that.

Thank you for reading ..

Alison Richman
20 year resident.

Exhibit C | Public Comments Received

Kevin Rayes

From: Lorrie B. Winnerman <lorrie@lbaspen.com>
Sent: Tuesday, September 12, 2023 9:00 AM
To: Public Comment
Subject: lumberyard

Real life issues to consider before building the lumberyard:

1. Please review serious issues on the existing over 3,000 units-like singles living in 3-4 bedroom homes, deferred maintenance on numerous govt owned rentals, poor construction And complaints in Burlingame, etc.
2. The govt must consider a public/private partnership. Private companies stay in business by Watching budget and time -govt does not.
3. The bridge into Aspen must be rebuilt for safe entrance and exit before considering adding more New housing at the lumberyard...

Thank you.

Lorrie B. Winnerman
Lorrie B. Aspen, Incorporated
Broker/Owner
C: (970) 618-7772

https://url.avanan.click/v2/___www.lbaspen.com___.YXAzOmNpdHlvZmFzcGVuOmE6bzo0YzMxMjA0OGU4NTQ5NjcxMWQ0N2QyNmRiMDYwYTlkMzo2Oml1NjA6YjQ4ODExMmRmZTQwZjE5NjdkN2M0ZmViMDIjOWJINGUyNDc3N2I4ZDA3OGFINzc4YmYzMzNmNDk5OWE3NWVIMTp0OkY

LORRIE B. ASPEN
& ASSOCIATES

Exhibit C | Public Comments Received

Kevin Rayes

From: WILLIAM LIPSEY <billriverstudio@me.com>
Sent: Monday, September 11, 2023 11:10 PM
To: Public Comment
Subject: Lumberyard

Why should Aspen taxpayers subsidize housing for under paid employees of over priced luxe retailers , restaurants, employees of the .001 percent-ers, etc., while doctors, nurses, teachers, health & safety workers, etc., the cornerstones of a healthy community are being pushed out?

A big NO to the Lumberyard as presented until the mix is rebalanced in favor of an essential community workforce. Period.

Regards, Bill Lipsey

Factoid: It's now necessary to go all the way to Carbondale to buy a 2x4.

Exhibit C | Public Comments Received

Kevin Rayes

From: David Scruggs <dscruggs@evanspetree.com>
Sent: Tuesday, September 12, 2023 8:14 AM
To: Public Comment
Subject: Lumberyard Project

Council Members

There is a saying :

“Plan your work and then work your plan.”

Have you done that?

Have you determined

- **The Traffic impacts of an additional traffic light on Hwy 82**
- **Explanation of project cost & feasibility**
- **Determined Funding source and financing plan**
- **Analyzed Growth impacts**
- **Solicited RFP for private partner**
- **Considered Impacts on the Airport Business Center neighborhood**

These are important elements of “plan your work -before you work your plan”.

David Scruggs
212 W Hopkins
Aspen CO 81611

David Scruggs

Attorney at Law

Evans | Petree PC

6060 Poplar Avenue, STE 400

Memphis, Tennessee 38119

Phone: 901.525.6781 | Direct: 901.525.6781

Fax: 901.374.7502

dscruggs@evanspetree.com • evanspetree.com



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IRS Circular 230 requires that we inform you that the advice contained herein is not intended to be used, and it cannot be used, for the purpose of avoiding penalties that may be imposed by the Internal Revenue Service

Exhibit C | Public Comments Received

Kevin Rayes

From: Jacqueline Duba <aspenjacqueline@gmail.com>
Sent: Tuesday, September 12, 2023 7:37 AM
To: Public Comment
Subject: Lumberyard project

To whom it may concern,

I am writing regarding the new proposed employee housing project at the lumberyard. I have lived in the valley since 1989. I am raising two children here and I own a business in Aspen. Over the last 5 to 10 years we have seen a dramatic increase in traffic. The traffic that we are currently experiencing throughout the valley makes it challenging to conduct business during the high tourist seasons- it is challenging to get kids to and from school to get to and from sports, medical appointments, hard to get to the hospital when there's an emergency. In my opinion of traffic has changed recently from a slight annoyance and irritation to a genuine threat to public safety - Particularly after watching the events unfold and Maui, we can no longer ignore the fact that traffic can be deadly. I strongly urge policymakers and planners to reconsider adding more high density housing to the most heavily clogged part of Highway 82.

Thank you for your consideration.

Jacqueline Duba
970.404.1606

Exhibit C | Public Comments Received

Kevin Rayes

From: West Hubbard <west.hubbard@gmail.com>
Sent: Monday, September 11, 2023 6:28 PM
To: Public Comment
Subject: Lumberyard Public Comment

Dear Aspen City Council,

I hope you will take a hard look at improving APCHA, the process in which residents/employees secure their APCHA housing and working to address the known subletting and violating of rules (resulting in long waitlists) before embarking on such a large capital project. Doing so will ensure Aspen has the correct mix of rental/owned units, and the correct mix of bedrooms. We need more APCHA housing, we need more entertainment/food options for people who work in town, but we don't need to rush to spend millions when there are units available next door Truscott.

Let's get this right. The money already spent by Aspen on this is a sunk cost. Deep breaths and good community conversation will allow us to do this correctly.

All the Best,
West Hubbard

Exhibit C | Public Comments Received

Kevin Rayes

From: Peter Grenney <petergrenney@gmail.com>
Sent: Tuesday, September 12, 2023 5:48 AM
To: Public Comment
Subject: Lumberyard

Dear City Council,

I have reviewed many of the public comments for the Lumberyard and spoken with others about it and what's at risk of moving the project forward tonight is damaging trust with the community.

Yes, the project has been in process since 2019 and there have been countless outreach sessions, but since first reading the response to concerns - the 90+ written comments leading up to the June 12th hearing and the many others submitted in the last few days - and the request for the financial model and a reasonable explanation for how the project will be paid for have been not transparent enough.

My personal concern is adding a traffic light on Hwy 82. This does nothing positive for the community and visitors, only the project and even then we're trying to discourage the Lumberyard residents from driving.

I encourage you to address the written public comments you've received to build confidence with the community rather than erode it, and I hope you'll solve not needing a traffic light at Hwy 82 before entitling the project.

Sincerely,

Peter Grenney

Exhibit C | Public Comments Received

Kevin Rayes

From: Steve Goldenberg <steve@goldenberg.com>
Sent: Monday, September 11, 2023 4:58 PM
To: Public Comment
Subject: Please do not approve final entitlements until costs and financing details are made available.

Steve@Goldenberg.com
970-379-9778

Exhibit C | Public Comments Received

Kevin Rayes

From: Karen Kribs <karenkribs@gmail.com>
Sent: Tuesday, September 12, 2023 2:25 AM
To: Public Comment
Cc: Kribs Karen
Subject: Public comment re: Lumberyard

Dear City Council,

The Lumberyard project is huge.....too big to get it wrong. While the majority of the community supports employee housing, I have a sense that there is little support for this project in its present form. As I write, it appears that 93% of the public comments are negative. City Council needs to pause.

We need a proposal which the community can support and can afford.

I do not believe the community is going to support a project which invites nearly 400 more cars to town. 1.4 parking spaces per unit is ridiculous. If we are serious about minimizing traffic impact, we could build a project with a bus stop, a car share station and a few parking spaces for service vehicles and visitors.

\$1.5 million per unit is far too expensive. There must be some upper limit to the financial burden which Council is asking the taxpayers to bear.

Many people are questioning the wisdom of selling some of the units. Would an all rental apartment project be better? Could that help avoid some of the maintenance problems which APCHA is dealing with in other communities?

These are just a few items from a long list of considerations. We need a better plan, physically and fiscally. Most of the community has no enthusiasm for jumping in without a solid and acceptable plan. We want to know exactly what we are getting, how it is going to benefit the community in general and how we are going to pay for it. Please delay until you are able to impress us with a great new idea.

Karen Kribs
25 year Aspen resident

Exhibit C | Public Comments Received

Kevin Rayes

From: Richard Kipper <rekip39@earthlink.net>
Sent: Sunday, September 10, 2023 4:42 PM
To: Public Comment
Subject: The Lumberyard

Council members,

How can you in good conscience and as elected representatives of the citizens of Aspen, move forward on the lumberyard "affordable" housing project? Until all the estimates and timeline for this project have been vetted and presented to the community, making any decisions is irresponsible.

Dick Kipper
Sent from my iPhone

Exhibit C | Public Comments Received

From: [Scott Miller](#)
To: [Christopher Everson](#)
Cc: [Kevin Rayes](#)
Subject: FW:
Date: Wednesday, September 13, 2023 12:05:39 PM
Attachments: [image001.png](#)
[image002.png](#)

Scott Miller

Public Works Director | City Manager's Office
(O): 970.920.5085 | (C): 970.319.4754
www.cityofaspen.com



[Our Values: Stewardship | Partnership | Service | Innovation](#)

From: Nicole Henning <nicole.henning@aspen.gov>
Sent: Wednesday, September 13, 2023 12:01 PM
To: City Council <council@aspen.gov>
Cc: Public Comment <PublicComment@aspen.gov>
Subject: FW:

From: Scott Freidheim <scott.freidheim@gmail.com>
Sent: Tuesday, September 12, 2023 10:14 PM
To: Public Comment <publiccomment@aspen.gov>
Subject:

Kindly dispel growing negativity and transparently disclose Lumberyard project including budget.

Thank you

Scott Freidheim
Aspen full time resident

Exhibit C | Public Comments Received

From: [Sara Ott](#)
To: [Kevin Rayes](#); [Mike Sear](#)
Subject: FW: ERV
Date: Monday, September 11, 2023 4:10:30 PM

Hi,

Please add to the public record for the Lumberyard project.

Thanks,
Sara

Sara G. Ott, ICMA-CM
City Manager
(she/her/hers)
(O): 970.920.5083 | (C): 970.230.2692
www.aspen.gov

Our Values: Stewardship | Partnership | Service | Innovation

-----Original Message-----

From: Lucas Franze <zglfinc@gmail.com>
Sent: Thursday, September 7, 2023 9:33 AM
To: City Council <council@aspen.gov>
Subject: ERV

Hi Sara and Sam,

I'm writing to request that the ERV from the lumberyard be removed and placed in the red brick gymnasium.

Thank you,
Lucas Franze

Sent from my iPhone

Exhibit C | Public Comments Received

From: [Nicole Henning](#)
To: [Public Comment](#); [City Council](#)
Cc: [Kevin Rayes](#); [Phillip Supino](#)
Subject: FW: Lumberyard - vote no
Date: Tuesday, September 12, 2023 6:28:11 PM

From: Evan Morris <evanscottmorris@gmail.com>
Sent: Tuesday, September 12, 2023 6:22 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard - vote no

To whom it may concern,

I would like to humbly submit my concerns re: the Lumberyard Project -

- a) Ownership units vs rental unit - owned units are very clearly susceptible to fraud (I grew up in APCHA, my parents owned a unit, majority of folks in our neighborhood were bending the rules)
- b) Traffic - for sure, let's add *another* traffic light! Sounds like a fabulous idea! (No, it doesn't)
- c) design - project looks horrible from initial designs, are we not better than this?
- d) where is the money coming from?!

Humbly yours,

Evan Morris

Exhibit C | Public Comments Received

From: [Nicole Henning](#)
To: [City Council](#)
Cc: [Public Comment](#); [Kevin Rayes](#)
Subject: FW: Lumberyard Project
Date: Thursday, September 14, 2023 1:56:29 PM

From: easim@aol.com <easim@aol.com>
Sent: Thursday, September 14, 2023 1:00 PM
To: Public Comment <publiccomment@cityofaspen.com>
Subject: Lumberyard Project

Dear City Council,

I just read an article indicating the Lumberyard project is projected to cost \$400 Million and to contain 277 small employee housing apartments. That computes to almost \$1.5 Million per apartment!

I wonder if someone, or everyone, involved in this project, needs to have their head examined. How is it possible that anyone could seriously consider a project this costly. And to add absurdity, the project is "estimated" to be completed in 2031, eight years from now! By then we won't need any employee housing because there won't be any employees to house. And to further add, the project is several miles from Aspen which will require car or bus transportation into town, increasing traffic congestion and pollution.

Once again, I believe this project ought to be abandoned now. I believe the City should concentrate on properly administering our existing employee inventory to ensure only current employees actually working (not just at home) live in these units. Further if any additional units are deemed necessary, the only practical solution is to build them in the Marolt open space so residents can walk to town.

PLEASE STOP WASTING TIME ON THIS PROJECT.

Eric Simon
561-350-3881

Exhibit C | Public Comments Received

From: [Mike Sear](#)
To: [City Council](#)
Cc: [Public Comment](#); [Jenn Ooton](#); [Kevin Rayes](#); [Christopher Everson](#)
Subject: FW: Lumberyard project
Date: Tuesday, September 12, 2023 3:14:17 PM
Attachments: [image001.png](#)

From: Kim Raymond <kim@krai.us>
Sent: Tuesday, September 12, 2023 3:05 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard project

To Whom It May Concern:

I am writing to ask City Council to PLEASE spend more time on thinking this project through.

The lack of a clear path forward to finance this project is of huge concern. We should not be saddling ourselves and future generations with a huge tax burden to cover this; especially since there is not a final price tag nor a way to get the funding for it. Since this will likely come down to tax payer dollars, it should be a topic that is discussed with the taxpayers, not held in secrecy. Just because the City is the developer, or rather especially since the City is the developer, the finances need to be public.

Secondly, the further congestion on Hwy 82 is a serious concern. Having yet another traffic light is only going to create more of an impediment to everyone getting into town, these new employees and all of the thousands of workers that have been coming into town for decades.

The safety of everyone on the Highway needs to be taken seriously. We just lost a member of our community to a senseless, tragic car accident on 82. More information needs to be provided to the community on how this density will affect the traffic.

Further, there is serious concern about the design of the proposed project in many minds. Adding a bunch of condo type living does not foster community or neighborhood. The sort of mass and scale represented by this project is reminiscent of suburban living in the city.... people don't want to look at that type of housing as the entrance to Aspen, nor is that the best option for the people that will be living there. The housing needs to

Exhibit C | Public Comments Received

foster a sense of community and long-term residency. Condos give the impression of short term or temporary residency.

I am all for housing employees, but in a fashion that encourages them to become an integral part of the fabric of the

community, not just here today and gone to the next job next season.

PLEASE put the brakes on this project until further information can be obtained and put into the mix of public

awareness and comment. I understand employee housing is critical, but rushing into a half-baked project that

will have decades long impacts is foolish. As can be seen from the public forum, the negative responses out way

the positive by 94 to 7.

Thank you for taking the time to consider these points.

Respectfully,

Kim Raymond

Kim Raymond

KIM RAYMOND ARCHITECTURE+INTERIORS

www.kimraymondarchitects.com



Mobile: 970-379-8938

Office: 970-925-2252

kim@krai.us

Exhibit C | Public Comments Received

From: [Nicole Henning](#)
To: [Public Comment](#); [City Council](#)
Cc: [Kevin Rayes](#); [Phillip Supino](#)
Subject: FW: Lumberyard thoughts
Date: Tuesday, September 12, 2023 5:50:45 PM

From: fun22 <fun22@comcast.net>
Sent: Tuesday, September 12, 2023 5:39 PM
To: Public Comment <publiccomment@aspen.gov>
Subject: Lumberyard thoughts

Hi

Thanks for listening.

YES we need as much housing for workers as possible.

Increase the number of rental units for yearly leases.

Have seasonal only rentals.

Can height be deduced... Too big boxy.

Can you reduce 400+parking spaces, that's alot of cars.

NO to free market units.

If you build too many owner occupied you face same issue in 20 years as now.. Retirement home (somebody who works in Aspen many many years should not lose housing.

Not sure how to handle empty nesters who had 3 bedroom, but now they live alone.

Do not give into the new community members who have no idea what it is like to work and move, and move again, and again with no stability...

They cannot relate!

Best

Mark Tye

Sent via the Samsung Galaxy S23 Ultra 5G, an AT&T 5G smartphone

Exhibit C | Public Comments Received

Kevin Rayes

From: Alexandra George <alexandrakgeorge@gmail.com>
Sent: Monday, September 11, 2023 6:36 PM
To: Public Comment
Subject: Aspen Lumberyard
Attachments: Burlingame Advertisements 2023.pdf

Dear City Council Members,

I hope this message finds you well. I am writing as a concerned citizen regarding the Aspen Lumberyard Housing Entitlement project currently under consideration. While I wholeheartedly support the city's commitment to providing affordable housing and addressing our community's housing needs, I have significant concerns about the size, scope, and unit designation of this project.

It has recently come to the attention of many that the Burlingame Phase III development has not been sold out, causing the City to invest in costly advertising campaigns across newspapers and social media to promote the sale of the remaining units (please see attached examples). This situation raises questions regarding the demand for ownership models versus rental models within our community. It is critical to examine this when evaluating the Aspen Lumberyard Housing Entitlement to ensure that our decisions are based on the actual needs and preferences of our residents. Learning from the outcomes of each project is vital, and I am not sure this aspect is being given sufficient consideration.

Additionally, I firmly believe that transparency regarding APCHA's current housing inventory and reserves is essential. A clear understanding of APCHA's long-term sustainability plan for housing over the next 50 years is vital. Providing transparency in this area is not only fundamental for establishing public trust but also crucial for the enduring success of the housing we have!

Here are a few links to articles about the inventory that we know needs attention. I am concerned that this is just the beginning of these stories, and we need to take steps to safeguard what we have for the future:

<https://www.aspentimes.com/news/local/city-of-aspen-claims-immunity-against-burlingame-ranch-hoa-8m-claim/>

https://www.aspendailynews.com/news/sellers-standards-under-scrutiny/article_75479586-86c7-11eb-a0fd-73a4d77281be.html

<https://www.postindependent.com/news/local/aspen-apartment-owners-sue-city-county-over-mold/>

<https://www.aspentimes.com/news/after-failed-talks-centennial-condo-owners-renew-suit-against-city-county-and-apcha/>

I am also concerned about the precedent set by granting entitlements to a project without exploring all potential avenues. Have we thoroughly considered alternatives, such as partnering with an external developer, exploring mixed-use possibilities, or conducting comprehensive traffic studies? The Aspen Lumberyard Housing Entitlement project represents the most expensive undertaking in our city's history, making it imperative that we scrutinize every aspect to ensure that it aligns with the best interests of our community. Seeing as it is a result of public funding, the public has a right to know the money being spent is done so responsibly.

In addition to these concerns, I would like to echo the now hundreds of sentiments expressed by other concerned citizens who have written to you publicly urging you to vote against the project in its current form. It is vital that the project's financial details, including comprehensive budget projections and financing plans, are made transparent to the

Exhibit C | Public Comments Received

public before any further steps are taken. Again, this project involves public funds, and taxpayers have a right to understand the scope and cost of this entitlement.

It is risky business to entitle a project of any scale that is not fully vetted. Given that this is the largest project in our town's history, it could represent the largest failure or missed opportunity if not handled correctly. Therefore, I respectfully request that you vote against this project at tomorrow's meeting. Let's spend time addressing our existing housing inventory before seeking to build more without fully understanding the true need.

Sincerely,

Alexandra George

alexandrakgeorge@gmail.com

Alexandra K. George

c. (304) 561-8760

alexandrakgeorge@gmail.com