

February 19, 2021

**VIA HAND DELIVERY**  
and email to [phillip.supino@cityofaspen.com](mailto:phillip.supino@cityofaspen.com)

Mr. Phillip Supino, AICP, Community Development Director  
Community Development Department  
City of Aspen  
130 S. Galena  
Aspen, Colorado 81611

Re: Notice of Appeal of February 17, 2021 Decision of Historic Preservation Commission Concerning the Development Application of 1020 Cooper LLC for the East 13.79' of Lot O and all of Lot P, Block 34, East Aspen Addition to the City of Aspen, also known as 1020 East Cooper Avenue, Aspen Colorado 81611

Dear Mr. Supino:

Holland & Hart represents 1020 Cooper LLC, a Colorado limited liability company. On behalf of our client, and in accordance with Section 26.316.030 of the City of Aspen Municipal Code (the "Code"), please accept this letter as a formal Notice of Appeal of the decision of the Historic Preservation Commission on the Development Application rendered to our client on February 17, 2021.

In accordance with Section 26.316.020 of the Code, this Appeal shall be held before the City Council at a public meeting, within thirty (30) days of the date of filing of this Appeal or as soon thereafter as is practical under the circumstances.

At the Appeal, we shall provide compelling evidence from the official record that the Historic Preservation Committee acted arbitrarily and capriciously, exceeded its jurisdiction, abused its discretion and denied our client due process in denying a Code-compliant Development Application that satisfied all applicable guidelines.

A signed Land Use Application Form and an Agreement to Pay Application Fees are included with this Notice of Appeal and a deposit check for \$1,300 payable to the order of the City of Aspen is being tendered separately with this Notice of Appeal.

Please contact the undersigned if you have any questions or need additional information.

Sincerely,



Thomas J. Todd  
of Holland & Hart LLP

TJT/sm

Enclosures

cc:

City Attorney James R. True, Esq.

Assistant City Attorney Katherine A. Johnson, Esq.

Ms. Amy Simon, Planning Director, City of Aspen

Mr. Kevin Rayes, Land Use Planner, City of Aspen

1020 Cooper LLC

Mr. James DeFrancia

Ms. Jean Coulter

Ms. Sara Adams, BendonAdams

# CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

## Agreement to Pay Application Fees

An agreement between the City of Aspen ("City") and

Address of Property: 1020 East Cooper Street

**Please type or print in all caps**

Property Owner Name: 1020 Cooper LLC Representative Name (if different from Property Owner) Jean Coulter

Billing Name and Address - Send Bills to:  
P.O. Box 12393 Aspen, CO 81612

Contact info for billing: e-mail: jeanncoulter@gmail.com Phone: 303 882 0702

I understand that the City has adopted, via Ordinance No. 30, Series of 2017, review fees for Land Use applications and payment of these fees is a condition precedent to determining application completeness. I understand that as the property owner that I am responsible for paying all fees for this development application.

For flat fees and referral fees: I agree to pay the following fees for the services indicated. I understand that these flat fees are non-refundable.

\$ \_\_\_\_\_ flat fee for \_\_\_\_\_ \$ \_\_\_\_\_ flat fee for \_\_\_\_\_

\$ \_\_\_\_\_ flat fee for \_\_\_\_\_ \$ \_\_\_\_\_ flat fee for \_\_\_\_\_

For Deposit cases only: The City and I understand that because of the size, nature or scope of the proposed project, it is not possible at this time to know the full extent or total costs involved in processing the application. I understand that additional costs over and above the deposit may accrue. I understand and agree that it is impracticable for City staff to complete processing, review and presentation of sufficient information to enable legally required findings to be made for project consideration, unless invoices are paid in full.

The City and I understand and agree that invoices mailed by the City to the above listed billing address and not returned to the City shall be considered by the City as being received by me. I agree to remit payment within 30 days of presentation of an invoice by the City for such services.

I have read, understood, and agree to the Land Use Review Fee Policy including consequences for no-payment. I agree to pay the following initial deposit amounts for the specified hours of staff time. I understand that payment of a deposit does not render and application complete or compliant with approval criteria. If actual recorded costs exceed the initial deposit, I agree to pay additional monthly billings to the City to reimburse the City for the processing of my application at the hourly rates hereinafter stated.

\$ 1,300 deposit for 4 hours of Community Development Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

\$ \_\_\_\_\_ deposit for \_\_\_\_\_ hours of Engineering Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

City of Aspen:

Phillip Supino, AICP  
Community Development Director

City Use:

Fees Due: \$ \_\_\_\_\_ Received \$ \_\_\_\_\_

Case # \_\_\_\_\_

Signature:  \_\_\_\_\_

PRINT Name: James DeFrancia

Title: Manager, 1020 Cooper LLC

# CITY OF ASPEN COMMUNITY DEVELOPMENT DEPARTMENT

## LAND USE APPLICATION

Project Name and Address: 1020 East Cooper Project; 1020 East Cooper Avenue

Parcel ID # (REQUIRED) 2737-182-32-006

**APPLICANT:**

Name: 1020 Cooper LLC

Address: PO Box 12393, Aspen, CO 81612

Phone #: 303-882-0702 email: jeanncoulter@gmail.com

**REPRESENTATIVE:**

Name: BendonAdams and Holland and Hart

Address: 300 S. Spring Street, #202, Aspen CO 81611

Phone#: 970-925-2855 x2 email: sara@bendonadams.com; ttodd@hollandhart.com

**Description:** Existing and Proposed Conditions

The owners of 1020 East Cooper Street request an appeal of the Historic Preservation Commission decision to deny the Conceptual Major Development, Relocation, Demolition, Growth Management, Transportation, Affordable Housing Credit, and other reviews, Development Application on February 17, 2021.

Review: Administrative or **Board Review**

Required Land Use Review(s): Appeal by City Council pursuant to Land Use Code Chapter 26.316, Appeals

**Growth Management Quota System (GMQS) required fields:**

Net Leasable square footage n/a Lodge Pillows n/a Free Market dwelling units 0

Affordable Housing dwelling units 5 Essential Public Facility square footage n/a

Have you included the following?

FEES DUE: \$ 1300

- Pre-Application Conference Summary
- Signed Fee Agreement
- HOA Compliance form
- All items listed in checklist on PreApplication Conference Summary