



## Memorandum of Policy

**From:** Mike Metheny  
**Date:** June 12, 2020  
**Subject:** Phased Building Permits

### Intent:

- The City of Aspen allows a Phased Building Permit option for projects meeting certain eligibility criteria. The intent of a Phased Building Permit is to allow initial construction activity to start on projects that are complex and long-term in nature, while the final details of certain building features are finalized.
- A Phased Permit does not guarantee continuous construction activity. Later phases will only be issued when required criteria are met, even if earlier phase construction has been completed.

### Eligibility:

- Permits with scopes of work including the demolition of the existing structure in addition to site excavation and stabilization are eligible for phased permitting.
  - Additional projects may be eligible for phasing at the discretion of the Chief Building Official.
- Permits participating in the Phased Permit program forgo the ability to submit a Change Order that necessitates amendment to existing development approvals beyond the administrative level.
- If, in the opinion of the Chief Building Official, a project's overall plans and documents are not sufficiently complete to demonstrate a viable path towards overall approval, the project will not be eligible for phased permitting.

### Phased Submittal:

- A Phased Permit applicant will submit a complete application, including all necessary plans and documents for the complete scope of proposed work.
  - With proper justification, some plans and documents may be eligible for a deferred submittal to a later phase of the project. What submittal requirements may be deferred, if any, are at the discretion of the Chief Building Official in conjunction with affected review agencies.



### **Phased Issuance:**

- The City of Aspen will work with eligible applicants to develop a phasing plan specific to individual projects. The general phases that will be issued are as follows:
  - Phase I: Building Demolition, Site Preparation, Excavation and Stabilization, and Infrastructure
    - Examples of permitted work: Establishing perimeter fencing and security; access points; staging areas, temporary power, and temporary contractor offices and facilities; installing drainage BMPs; silt fencing; vehicle and equipment wash areas; demolition of existing structures, portions thereof, or exploratory demolition; tree removal; site grubbing, mass site grading; excavation, soil stabilization, geothermal wells, installation of stormwater sub-surface infrastructure; utility main lines (offsite work permitted separately).
  - Phase II: Building Footer, Foundation, and Framing
    - Examples of permitted work: Construction of the building footer, foundation, structural frame, exterior materials, and backfill; installation of stormwater surface infrastructure, fine grading, utility service lines, landscaping, curb, gutter, and pedestrian infrastructure. This includes all work to accomplish final site grading and building heights.
  - Phase III: Complete Scope of Work
- The Chief Building Official will determine the exact scope of work to be included in each project phase prior to issuance of each phase.

### **Criteria for Issuance of Individual Phases:**

- Phase I:
  - 100% compliance for all plans and documents affected by Phase I construction.
  - Plans and documents required for Phase II construction have a clear path to approval as determined by the Chief Building Official in conjunction with affected review agencies.
  - The following review agencies must approve the complete project scope prior to the issuance of Phase I:
    - Construction Management
    - Engineering Development Review
    - Erosion and Sediment Control
    - Parks
    - Parking
    - Sanitation
    - Utilities
    - Zoning



- Phase II:
  - 100% compliance for all plans and documents affected by Phase II construction.
  - Plans and documents required for Phase III construction have a clear path to approval as determined by the Chief Building Official in conjunction with affected review agencies.
  - The following review agencies must approve the complete scope of the project prior to issuance of Phase II:
    - Environmental Health-Recycling
    - Utility Connection Permit
    - WELS
- Phase III:
  - 100% compliance for all plans and documents for the complete scope of work.

### **Fee Structure:**

- Permits participating in the phased permit program are subject to the same fees as a standard permit, with the addition of:
  - Building phasing fee (35% of Building permit fee)
  - Zoning phasing fee (10% of Zoning review fee)
  - Construction Mitigation phasing fee (10% of CMP fee)
  - Engineering phasing fee (10% of Engineering fee)
  - Parks phasing fee (10% of Parks fee)
  - Utilities Development phasing fee (10% of Utilities Development fee)
- All review fees and the associated phasing fees are due at permit submittal.
- The Building permit fee, GIS fee, and use tax fees will be due prior to the issuance of Phase I. Performance guarantees, bonds, sureties, and escrows also are due at the issuance of Phase I.
- Water tap fees will be due prior to the Issuance of Phase II.
- All REMP fees, impact fees, and other mitigation fees will be due prior to the issuance of Phase III.

### **Requirements:**

1. Applicants are required to have a pre-submittal meeting with a Permit Coordinator. The purpose of this meeting is to:
  - a. Determine the eligibility of the proposed project for phasing
  - b. Review submittal plans and documents to ensure the project is ready to submit
  - c. Using Exhibit A, identify what agency pre-submittal meetings and red flag reviews are required prior to application submittal
2. Applicants will schedule pre-submittal meetings with the designated agencies and the Permit Coordinator. Agencies will sign Exhibit A to document that the pre-submittal meeting occurred.



- a. Pre-submittal meetings must be documented. The Permit Coordinator, reviewers, or applicant can determine who will compile meeting minutes. Minutes shall be uploaded into Salesforce under Notes and Attachments.
- 3. Applicants are required to submit a Phasing Scope of Work narrative, updated for each phase, that details the work planned for each phase of their project. This narrative must be approved by the City prior to the issuance of each phase.
  - a. At the issuance of Phase I, the updated narrative shall provide a timeline for document submittal for Phase II and III items.
- 4. Relevant sub-permits (including Tree, Right-of-Way, Encroachment, Electrical, Mechanical, and Plumbing) must be separately applied for at each phase as scopes of work are approved.

**Signatures and Acceptance:**

- 1. I understand that permits participating in the Phased Permit program forgo the ability to submit a Change Order that necessitates amendment to existing development approvals beyond the administrative level.
- 2. I understand that a majority of city departments must completely approve my application prior to the start of construction activity.
- 3. I understand that applying for a phased permit does not guarantee an earlier start date for my project. Construction activity may start when criteria for Phase I issuance, as outlined above, is met.
- 4. I acknowledge that obtaining a Phased Building Permit incurs additional project risks above and beyond those normally associated with a Building Permit.
- 5. I understand that I am proceeding at my own risk, without assurance that a permit or certificate of occupancy for the building(s) will be granted until all applicable requirements of codes, laws and regulations are met. I agree not to proceed beyond the work scope approved by the City for each phase.
- 6. I agree to assume any and all liability associated with the possibility of denials or delays associated with a Phased Building Permit.
- 7. I will advise my client of this policy and the added risks.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Permit Applicant

\_\_\_\_\_  
Date

# COMMUNITY DEVELOPMENT DEPARTMENT

## PHASED PERMIT PRE-APPLICATION FORM



Based on the scope of work of each individual project, a Permit Coordinator will indicate the departments below that you must schedule a pre-submittal meeting with. Your application will not be accepted for review until you have received approval from each indicated agency to submit your permit. Submit this completed form as a component of your permit application.

### PROPERTY INFORMATION

ADDRESS \_\_\_\_\_

DESCRIPTION OF  
WORK IN DETAIL \_\_\_\_\_

### PRE-SUBMITTAL AGENCY APPROVALS

REVIEW REQ'D	REVIEW AGENCY	REVIEWER APPROVAL	DATE	COMMENTS
<input type="checkbox"/>	BUILDING			
<input type="checkbox"/>	CMP			
<input type="checkbox"/>	ZONING			
<input type="checkbox"/>	WATER			
<input type="checkbox"/>	HPC			
<input type="checkbox"/>	ENGINEERING			
<input type="checkbox"/>	PARKS			
<input type="checkbox"/>	WELS			
<input type="checkbox"/>	EROSION CONTROL			
<input type="checkbox"/>	ENVIRONMENTAL HEALTH			