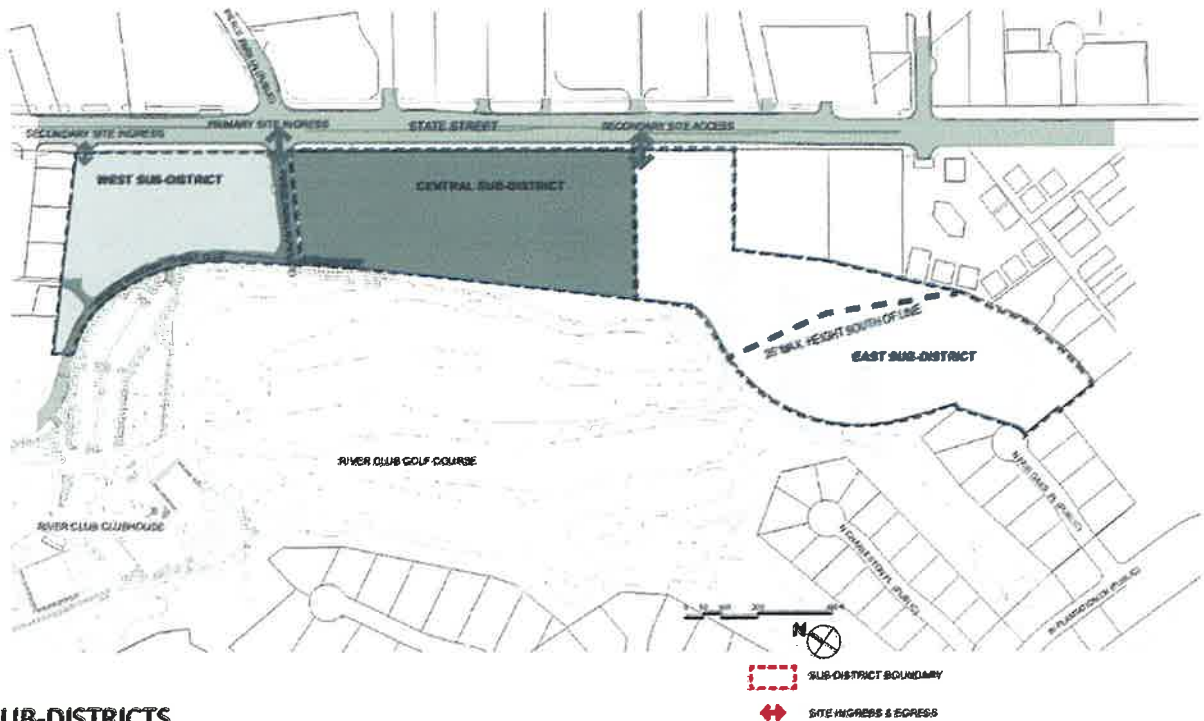


EXHIBIT A-2 Graphic Depiction of Property



SUB-DISTRICTS

LPCWEST
LPC WEST GROUP

NOTE: Building footprints are approximate. Depending on market demands, design and phasing sequence is expected to evolve during Design Review Application within the provisions in the approved Specific Area Plan.

RIVER CLUB SAP | SAP APPLICATION
FINAL FEBRUARY 27, 2024 DECEMBER 19, 2022 CRTKL

July 8 P&Z hearing, Brighton/Mr. Wardle revealed

- Proposed townhomes will be 35' height "pad to roof top"
- Flood mitigation & irrigation ditch enclosure will require raising **existing grade**, estimated 3' or more under townhomes
 - All grade build-up details not known until Engineering Plan arrives
- Present facts indicate MAX. HEIGHT of 35' + 3' = 38' or more

P&Z July 8, Commissioner response to height compliance

- Commissioner Brown:
 - “By established conventions, height specifications are always understood to be measured from finished grade, the grade ready for structural build.”
 - Townhouses of 35’ height comply with the SAP MAX HEIGHT restriction
- None of the other 3 Commissioners questioned or challenged this explanation
- P&Z found the Brighton Plan compliant with the SAP Approval Agreement and it's **35’ MAX HEIGHT** restriction

Garden City Code: contains ONE, & ONLY ONE definition:

- 8-4A-3-C. **Maximum Height:** — *WHA*
- 4. **The height of fences and walls shall be measured from the existing grade.** (Ord. 898-08, 9-8-2008)
- IBC 2018 (compliance required by State law)
 - **EXISTING GRADE:** *"The ground level before any work is done to change it"*
- Comparison: 8-7A-1 DEFINITIONS: **BUILDING HEIGHT**
 - *"The distance measured from FINISHED GRADE"*
- **Approved SAP map states "35' MAX HEIGHT" not "35' BUILDING HEIGHT"**

P&Z July 8 Error

- Commissioner Brown incorrectly interpreted “MAX HEIGHT” to be identical to “BUILDING HEIGHT”.
- They are distinct terms with distinct definitions
- No other commissioners caught this error
- The SAP approved map speaks for itself
- P&Z erred, finding the Brighton plan compliant with the SAP Approval Agreement terms

CONTEXT behind “MAXIMUM HEIGHT” definition

- For structures that affect views & privacy: fences, walls, overbearing adjacent structures & dwellings
- A 10' Structure on top of 4' grade lift DOES NOT COMPLY with a 10' MAX HEIGHT
- ORIGIN of the notation added to the SAP map (Exhibit A-2)
 - An agreement between the SAP applicant and adjacent homeowners incorporated into the SAP Approval Agreement
 - Adjacent homeowners at **EXISTING GRADE** care about the height limit they will see from their homes & yards, and agreed to accept that maximum height restriction
 - Excluding grade-lift from height restrictions attempts to circumvent compliance

SITUATION

- P&Z erred in finding Brighton's plans compliant with MAX HEIGHT restrictions in the SAP Approval Agreement
- The City Council must decide if it will respect:
 - The SAP Approval terms
 - City codes & definitions
 - The agreement between the SAP Applicant & homeowners behind the MAX HEIGHT spec

