

**PARK CITY PLANNING COMMISSION
DRAFT WORK SESSION MINUTES
AUGUST 14, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Mick Savage, Adam Strachan, Thomas Eddington, Francisco Astorga, Anya Grahn, Polly Samuels McLean.

The Commissioners held a site visit at 1103/1105 Lowell Avenue prior to the meeting to tour the site.

WORK SESSION ITEMS

**1103/1105 Lowell Avenue – Steep Slope Conditional Use Permit
(Application PL-13-01867)**

Planner Astorga noted that this was a work session discussion for a steep slope conditional use permit at 1103/1105 Lowell Avenue. The purpose of the work session was to address several items identified in the Staff report. The property is in the HR-1 District and there have been past discussions regarding this site. Planner Astorga explained that once the General Plan is updated and after a City-wide study, it is likely that this portion of Lowell Avenue West would get rezoned. The Staff report included the minutes from previous discussions where the Planning Commission approved a plat amendment to combine the site.

Planner Astorga reported that the site is approximately 8,000 square feet, 2-1/2 lots in width at approximately 62 feet. It is just shy of 5 lots of record. Planner Astorga stated that in 1978 a duplex was built as an allowed use in the HR-1 District. Following that, the Code changed and a duplex became a conditional use that requires Planning Commission approval. The existing duplex is considered a non-conforming use because it did not have Planning Commission approval. Planner Astorga noted that the Staff report outlined issues with the existing duplex in terms of side yard setbacks and height.

Planner Astorga stated that over a year ago the applicant submitted a plat amendment application to combine all the lots into one lot of record. At that time the Planning Commission forwarded a positive recommendation to the City Council and the Council ultimately approved the plat amendment. The applicants later applied for the proposed single-family dwelling to be located towards the rear portion of the lot.

Planner Astorga remarked that the Staff interprets the LMC to only allow one primary structure. Since there would be two primary structures with the duplex and the proposed single-family dwelling, the applicant expressed a willingness to submit a condo plat. Planner Astorga explained that a condo is not a use; it is a type of ownership. Some projects in Old Town, specifically in the HR-1 zone, have been approved through a condo plat. Parkwood Place is one example. The City was currently entertaining another

application on Echo Spur in the HR-1 zone to also be approved as perceived single family lots; however they would be platted as condos and sold separately.

Planner Astorga reiterated that the Land Management Code does not specifically address condos as a type of use. A condo may be a multi-unit building or it could be single-family dwellings.

Planner Astorga referred to the discussion points outlined in the Staff report.

Use/Condominium Record of Survey. The Planning Commission was asked whether they would support a condo plat if the proposal meets the base density, which is based on the shy of five Old Town lots of record.

Footprint. In the HR-1 zone the maximum building footprint regulation is dependent upon the size of the lot per the footprint formula found in the LMC. Once the units become condos there are no lots. The units would be separated by common space, common ownership and common area. Because the Code does not address the footprint for a condo unit, the Staff derived a concept called "the perceived lot area". On a perceived lot they would use the same footprint formula to determine the maximum building footprint for the proposed building. Planner Astorga pointed out that the footprint discussion was tied to the condominium discussion.

Height When the Staff reviewed the plans presented by the applicant, they found some issue related to the height. With the 2009 changes the Code was amended to require a 10 foot horizontal step on the third story. The Staff was in disagreement with the project architect regarding interpretation of the Code. The architect's interpretation is if the structure is hidden behind another structure it is not required. Planner Astorga remarked that that there was room for interpretation since there is an existing duplex exposed from the public right-of-way.

Planner Astorga noted that another issue related to the building height is that the entire structure is a flat roof. The Code allows for flat roofs if it is a green roof. However, a portion of the proposed structure is not a green roof per the definition which requires planted material. If the Staff was interpreting the Code correctly, the portion without the green roof would need to have the mandate roof pitch of 7:12 to 12:12.

Planner Astorga referred to the cross section on page 7 that was submitted by the applicant. He noted that the structure itself was not taller than three stories. However, some have indicated that the parking garage as shown was not connected as part of the structure. The initial interpretation is that because it is not part of the structure it is not a fourth story. The Staff was looking for input on whether that interpretation was correct.

Steep Slope CUP Criteria. The applicant's analysis was identified in italics on page 7 of the Staff report, which was their finding for how they meet Criteria 1 through 9 of the Steep Slope CUP Criteria listed on page 11.

Planner Astorga summarized that the items for discussion this evening were 1) how the condo relates to the use; 2) the footprint analysis and height analysis and whether the Staff erred in their interpretation; 3) review of the criteria for a Steep Slope CUP.

Craig Elliott, the project architect, stated that he was asked to look at several different options and he has been looking at this property for a number of years. They were originally looking at replatting to create two separate lots in the back until the Snyderville Basin Sewer District would not sign off on the plat amendment because they would not service the building across the side yards of an existing property. Planner Astorga explained that the Sewer District would not allow a lateral over an easement.

Mr. Elliott reported that the applicants came back and started a process with Staff to look at the property as one lot of record and condominiumized it and set separate buildings on the property. Mr. Elliott presented an aerial photograph showing the existing duplex and the rear of the building. He thought the site plan showed what they were conceptually trying to do as a piece of architecture.

Mr. Elliott thought it was important to understand their goals. They looked at the site as being a transition place, similar to the transition between Main Street and historic residential. They were trying to create a building that transitions between the built environment and natural environment. Looking at the site from one side or the other, it becomes more landscaping or it becomes more building. Mr. Elliott believed this was an intelligent way to embrace the existing site and the surrounding areas and use the roof top structures to become more landscaped in the center. Mr. Elliott indicated areas with solar panels. He requested input from the Planning Commission as to whether putting PV panels on the roof would consider it to be a green roof. The goal was to encourage and create alternative energy use. If PV panels do not qualify, they would move towards a vegetative roof. Mr. Elliott believed it was worth having a discussion about PV panels.

Mr. Elliott presented a slide showing the floor plans. Commissioner Thomas asked if there was a garage plan. Mr. Elliott replied that there was no garage. There is a parking area behind the existing space. He showed how they put a cover over it and put a green terrace area over the top of that space. Mr. Elliott explained that it would be an open parking plan. Commissioner Gross understood that it would be a carport with a green roof. Chair Worel asked if it would have a door. Mr. Elliott replied that it is an open parking plan without a door. It is a terraced area with parking underneath.

Mr. Elliott reviewed the plans and noted how the structure engages with the landscaping as

it moves up the hillside. Mr. Elliott pointed out that the flat roof reduces the shadow line. He presented a study of the landscape and noted that the orange translucent plane on top was 27' above the existing ground. He tried to show the reference of the two buildings that are most closely associated with the project. The existing building in the front breaks the plane at the peak of the roof. The building in the rear does not break the plane of the height requirements. Mr. Elliot noted that they had worked within the footprint, setback and height requirements and they were not asking for any exceptions.

Mr. Elliott reviewed the elevations. He presented a view analysis. From the cross canyon view the duplex was centered in the middle and the building behind it could be seen slightly behind it. From the view above Lowell, Mr. Elliott pointed out that the new structure, the existing duplex to the right and the existing duplex to the left was the neighbor. Another photo was taken from Lowell looking uphill. To the right of the structure was the neighbor's duplex, an exposed area of the new structure was in the center, and to the left behind the evergreen trees was the existing duplex on the property.

Chair Worel asked for the height of the retaining wall. Mr. Elliott replied that each one is stepped with landscaping in between and he believed the tallest portion was approximately 6 feet. There are terraced retaining walls throughout the property.

Commissioner Thomas asked for the percentage of slope across the center point of the structure of the lot. Mr. Elliott was unsure of the exact percentage without looking at the slope calculation.

Commissioner Hontz noticed that the applicant/owner listed was different from the listed owner of the duplex. She asked if the owner of the existing duplex would need to be represented in the application, or if the applicant was the owner of the entire lot. Planner Astorga replied that the applicant owned the entire lot. Commissioner Hontz thought that was unclear in the Staff report.

Commissioner Hontz referred to the setbacks and asked if Planner Astorga had done an analysis of the structure. Planner Astorga stated that he did an analysis and found no major concerns or issues, which is why it was not included as an issue for discussion. He asked if Commissioner Hontz had any concerns related to the setbacks. Commissioner Hontz stated that Planner Astorga had done a nice analysis of the other components and she wanted to know what the setbacks were in comparison. Planner Astorga noted that the setbacks were found on the plat amendment analysis on page 33. The lot is 62 feet; therefore, the minimum setbacks are five feet with a 14-foot total. Commissioner Hontz asked if the driveway could go in the side yard. Planner Astorga replied that the driveway could be in the side yard. Commissioner Hontz wanted to make sure an analysis was done on the front structure because it related to her next question. Commissioner Hontz referred to a drawing on page 45, which showed that all of the access to the properties comes off of

Lowell, enters into a driveway or parking pad, and then enters into additional driveways or garages. Commissioner Hontz noted that the properties do not touch Lowell and there is an x-number of feet between where Lowell Avenue ends and the property line begins. Mr. Elliott zoomed in the survey to show that the front property line does touch the edge of the Lowell right-of-way. Commissioner Hontz clarified that built Lowell is where they see Lowell described and the curb and gutter. She believed that built Lowell was different than the right-of-way of where it could be built.

Commissioner Savage stated for the record that he would like the Planning Department to find a way to upgrade the equipment so the format they see in the presentations are the same as the format in the Staff report.

Commissioner Hontz asked if Lowell Avenue was a private road. Planner Astorga replied that Lowell Avenue is a public road. Commissioner Hontz wanted to know what the transition slope would be from the property line into the driveway and up to the proposed driveway area from the existing Lowell Avenue and not just the right-of way. Planner Astorga stated that the difference was 2-foot vertically, as shown on the survey.

Comparing page 45 of the Staff report to what was shown on the screen, Commissioner Hontz stated that the reason people have to access Lowell the way they do is because Lowell was not built to the full right-of-way. Planner Astorga pointed out built Lowell Avenue, the portion of the right-of-way that was not built to the full width, the property line, and the private easement that allows people to access the development to the south. Commissioner Hontz thought it was incorrect to say that the property line goes to the edge of built Lowell, because the property line does not go higher as indicated on the screen and the right-of-way exists where Lowell could be extended, if desired by the City, between existing Lowell Avenue and the property boundary. Planner Astorga concurred.

Mr. Elliott stated that the right-of-ways are larger than the road sections in every City street. Commissioner Hontz disagreed and named Daly, Ontario and Marsac.

Chair Worel asked if North Star Road was platted but not built. Planner Astorga stated that it was the easement but not a platted right-of-way.

Chair Worel called for public comment.

Brett Adams, the owner and resident at 1109 Lowell Avenue, stated that he had met the applicants a few times and he believed the design Craig Elliott put together was amazing. He would like the applicants to have their dream home, but as proposed and designed, it was inappropriate to have that dream home on this site. Mr. Adams noted that the property is zoned for one unit and he believed the condominiumization was a way to put multiple buildings in an area where there is only one building per lot. Mr. Adams pointed out that

the existing duplex is out of compliance. He remarked that where the Commissioners walked during the site visit by the hot tub would be the top of the carport. The excavation would go down approximately ten feet and there would be between a 40-45 foot vertical wall that would be the front façade of the proposed building. Mr. Adams stated that there was nothing to prevent the owners from tearing down the existing duplex in the future. If that happened it would create a huge wall effect. He commented on the green space. He has lived in his home for seven years and five months of the year it is white space. There is significant plowing on Lowell and during heavy winters the snow needs to be trucked out. The driveway could only succeed if it were heated. There is no way to plow it and if they blow it, it would blow into the windows of his unit. Mr. Adams remarked that the renderings show a nice green space coming out in front of his place. However, he can barely get into his garage three or four months of the year because of all the snow plowing. He stated that according to the guidelines the structure should follow the terrain. He did not see how a 40-foot front façade follows the terrain. The guidelines also state that the structure should be appropriate with adjacent properties. He noted that there are very big properties in that location, but they all have setbacks and they all contour back into the mountain. The proposed structure is not stepped at all. Mr. Adams believed the existing duplex creates a wall effect with the road because it is built more forward than the other units in the area. He thought that creating a unit ten feet higher and protruding behind it would only exacerbate the wall effect from the road.

Mr. Adams believed it was an issue of density. The lot is 8,600 square feet and they were looking at putting almost that same amount in built space. There would be 3000+ square feet in the existing duplex and 4500+ feet in the proposed new unit. Mr. Adams felt that was too much density in the historic district.

Mr. Adams commented on the retaining wall. Without the middle terrace the retaining wall would be a very steep drop and potentially fatal if someone fell. Mr. Adams stated that he has lived in Park City for 20 years and it is no longer the piece of Park City that he tried to purchase.

There were no further comments.

Planner Astorga stated that he had calculated the slope in response to an earlier question, and the slope is 33.3% from the back of the structure all the way to the very rear. The slope on the area from the rolled gutter half way up was approximately 24%. Planner Astorga clarified that both calculations were the existing slopes.

Commissioner Savage asked if this application would be before the Planning Commission if it was not a steep slope situation. Planner Astorga stated that it would require Planning Commission approval; however they would still be trying to figure out the condominium/use. Commissioner Savage wanted to know how that would be figured out,

absent Planning Commission participation. Planner Astorga believed that issue would come before the Planning Commission as the land use authority for interpretations. Assistant City Attorney McLean stated that it would come to the Planning Commission in one of two ways. The first is that the Staff would make a determination and if someone appealed their decision, it would come before the Planning Commission.

Commissioner Hontz remarked that if the proposed project was not a steep slope the design would be different and it would not have the issues they were reviewing. Commissioner Savage clarified that he asked the question because he was trying to understand what role the Planning Commission would have related to the question of the condominiumization of the lot versus leaving it as a single family lot.

Assistant City Attorney McLean stated that it could also come to the Planning Commission as a work session if the issues were unresolved. Commissioner Savage asked if the Planning Commission was empowered to make the decision on whether or not the lot can be condominiumized, and if they were in the position of making a positive or negative recommendation to the City Council. Assistant City Attorney McLean clarified that it was an interpretation of the Code. If it is the use within this context, it would be appropriate for the Planning Commission to make the decision. Commissioner Savage clarified that they would be making the decision and not a recommendation. Ms. McLean replied that this was correct.

Commissioner Hontz asked if the lot has an existing use that is non-conforming, would condominiumizing the lot further the non-conformance in use. She understood that the duplex was not changing, but they were significantly changing the lot and the relationship with other structures.

Director Eddington did not believe it would affect the non-conforming use as long as it has the footprint and the lot size. If it were non-complying in terms of setbacks or area, that would have an impact.

Commissioner Strachan asked about the common space. Director Eddington replied that it would not have an impact as long as it meets the footprint for the lot. Commissioner Strachan pointed out that the common space is shared by both the duplex and the new single family home; therefore the duplex acquires new common space, which it did not previously have. Director Eddington stated that if the common space was not built upon, it would not negatively impact it. There is not an open space requirement. It is only has a setback footprint requirement.

Francisco Astorga understood that Commissioner Strachan was asking if the garage was common space, if that would increase the level of non-conformity of the duplex. Commissioner Strachan stated that he believed any common space attributed to the

duplex would increase the level of non-compliance. Planner Astorga agreed that this was a gray area in terms of the condominium and the use.

Commissioner Hontz noted that it was also taking the lot from one main structure to two, which is non-complying. Only one main structure is allowed and the way to get around that is to condominiumize. However, doing that exacerbates one issue for another and still creates non-compliance. Commissioner Strachan asked if the applicant would have to apply for a subdivision to make it two lots. Planner Astorga replied that subdivision was a problem due to issues with the Sewer District. The only way around that would be to demolish the duplex.

Commissioner Strachan pointed out that this was a pivotal issue because if they could not address the condominium issue, then everything else related to this particular application becomes moot. Commissioner Hontz concurred.

Mr. Elliott asked if the applicants would be allowed to condominiumize the existing duplex. Planner Astorga believed they could. Mr. Elliott asked if there was really a difference between the two. Commissioner Strachan stated that if they designate additional common area that is owned by the members of the duplex, there would be a difference. Currently there is an existing duplex with property lines and defined interior space. It could be condominiumized, but if they attribute common space to any area beyond the property lines of the existing duplex, that creates a new property.

After further discussion regarding common area, Commissioner Thomas remarked that this was a legal issue that needed more research by the Legal Department.

Commissioner Thomas believed it was logical to have the parking area and it was logical to use it and have it covered. However, based on his interpretation of the Code, that becomes a fourth story, with or without a garage door. Mr. Elliott stated that he had the same question and he was looking for feedback from the Planning Commission. He noted that the garage was shown originally without the terrace over the top of it. They tried to leave the terrace open on two sides because the Building Code and the zoning classifies that three sides enclosed counts as building area. If the Planning Commission makes the decision that it could not be done, the terrace would be removed and the parking would be uncovered.

Commissioner Hontz believed this was a slippery slope. She referred to page 7 and noted that since this was one lot the secondary structure would have to be an accessory structure. She clarified that they would count the first floor of the duplex as the first floor. Commissioner Hontz recalled that the reason for enacting the third story limitation was to avoid the creep further up the hill and further back. Under the cover of the Steep Slope CUP the Planning Commission could make the decision that

condominiumizing would exacerbate what they were trying to prohibit by having a structure set back further up the slope with the elevation of the duplex plus the elevations behind it. She was certain that it was at least four stories without the parking pad.

Mr. Elliott stated that one of the zone discussions about height and stories was that when you have different structures you reset the stories. Commissioner Hontz stated that if the City intends to allow two structures on one lot in Old Town in the HR-1 District, the policy they have in place to prohibit creep up the hill is pointless. She would be willing to condominiumize this lot, but it would have to fit the standard of why all the other aspects of the LMC were enacted. Commissioner Hontz thought it was important to make sure that condominiumizing would not create more problems.

Commissioner Savage believed Mr. Elliott had done a good job of adhering to the philosophical discussion about the 27' height limit defining what can be done up and down the hill. The applicant should never be in a position to where the height of the property is above what they would be allowed to have as a maximum height. Therefore, the number of stories becomes irrelevant. In his opinion, what is not irrelevant is the fundamental question of whether they would have a right to build a secondary structure on what is essentially a single-family lot. Commissioner Savage believed they would be giving the applicant the ability to have three residences on what was approved as one lot of record.

Commissioner Strachan asked if Commissioner Savage was bothered by the lack of stepping. Commissioner Savage stated that based on site visits and photographs, he did not believe there was an issue with this particular design on this particular property that caused him concern about stepping. He thought the new structure would be obscured behind the duplex within the context of the design. Commissioner Savage clarified that the lack of stepping would be a problem if there was a huge differential, but he did not think the differential could be created on a steep slope without exceeding the 27' height. Commissioner Strachan asked how he would feel if the duplex was ever torn down. Commissioner Savage thought they should add a condition stating that the duplex could not be torn down.

Planner Astorga stated that if the duplex was historic the Staff would be comfortable with the condition as suggested by Commissioner Savage. However, because the duplex is not historic it could be demolished at any time in the future, which would leave the new structure completely exposed.

Chair Worel asked if the Planning Commission added a condition stating that the duplex could not be torn down, and it eventually was torn down, would the condition have any merit. Commissioner Strachan stated that they would have to rebuild a non-

conforming structure.

Assistant City Attorney McLean recommended that if the Planning Commission wanted to add a condition of approval, it should address the objective of having another structure in front as a shield, rather than addressing the actual building form. The applicant has the right to tear down the duplex but the condition could require them to rebuild another structure in the front. Ms. McLean pointed out that it would not be an easy condition to enforce.

Commissioner Hontz noted that the Planning Commission still needed to address the first issue of two main structures and three main units on one lot. The initially reason is that it is prohibited by Code. If there is a creative solution around the Code, there would still be issues related to non-compliance with future development, such as meeting the existing height ordinance, access through driveways, snow shed, setbacks, etc. Commissioner Hontz emphasized the importance of dealing with the first issue because that would affect their discussion regarding the other aspects of the project.

Commissioner Thomas was concerned about cascading impacts throughout the HR-1 zone and the historic community if the proposed project occurs on this lot. If they start condominiumizing larger lots and allow the ability to create multiple structures, it would be contrary to the concerns and impacts they continually address in the historic neighborhoods. Commissioner Thomas stated that it was a troubling issue and he could not support the condominium aspect because of the cascading affect. However, rezoning the west side of Lowell Avenue, which has been recommended for many years, would be a way to move forward and allow larger buildings. Commissioner Thomas believed the answer may lie in a rezone, but he was not comfortable with the condominium aspect. Aside from the fact that this project was not right for the neighborhood, Commissioner Thomas liked the design and he encouraged the City to have more discussions about PV panels on green roofs.

Commissioner Strachan agreed that condominiumizing was the key issue. He believed stepping was the second biggest issue. Commissioner Strachan was unaware of any provision in the Code that says stepping is not required if the structure is shielded. He pointed out that one person's shield is another person's clear view. It was a subjective slippery slope and he was not willing to write an exception. The structure needs to be stepped like all the other structures in Old Town.

Commissioner Savage clarified that he misunderstood Commissioner Strachan's earlier question about stepping. He was thinking about stepping of the overall structure up the hill versus the Code requirement. Commissioner Savage agreed with Commissioner Strachan that the applicant should adhere to the Code regulation.

Commissioner Strachan thought the driveway access was another concern. He asked if a retaining wall over 6 feet was allowed within the setback. Planner Astorga replied that it could be allowed through a conditional use permit. Mr. Elliott noted that the Code encourages terracing and that was what they did. He did not believe any of the walls exceeded 6 feet. Planner Astorga stated that with most of the CUPs he has been involved with, no one requests more than 6 feet for retaining walls on the side yard setback. However, this applicant has the ability to do so. Commissioner Strachan reiterated his concern with the driveway access. He read from the LMC, "Site design and building footprint must coordinate with adjacent properties to maximize the opportunities for open areas and preservation of natural vegetation to minimize driveway and parking areas and provide variation of front yard." Commissioner Strachan was not convinced that the driveway design maximizes the opportunity for open areas because it is right against the neighboring house.

Commissioner Hontz outlined her issues as follows:

- 1) The condominium process and having two primary structures on one lot.
- 2) To have the Legal Department research whether it would further the non-compliance based on the duplex as a non-conforming structure.
- 3) Height with the creep up the hill and the visual impact of it being four stories.
- 4) The uncertainty of whether the access meets Code in terms of coming off of Lowell and meeting the maximum grade from the right-of-way to 14%. It would also be tight to allow for snow removal even if they could meet the minimum grade between the edge of the driveway and the right-of-way.
- 5) She concurred with the Staff findings regarding the flat roof and it was counter to what they were trying to accomplish.
- 6) The applicant would need to address how garbage would get rolled down the 15%+ grade.
- 7) She agreed that this side of Lowell Avenue would be better suited for different zoning rather than spot zoned, to match the existing fabric of development. However, this particular proposal does not meet the existing fabric in terms of having a primary structure behind an existing primary structure. She would not be able to make a finding that the project meets the HR-1 zoning.
- 8) The reasons stated above would make it difficult to support Steep Slope CUP Criteria 3) access, 5) building location, 6) building form and scale, 8) building volume, and 9) building height at a minimum.

Commissioner Thomas did not believe the comments about preserving the existing structure was a realistic goal. Mr. Elliott remarked that it made sense to leave the duplex in place for a number of reasons. However, he would not want to restrict a future opportunity to do something great.

Planner Astorga noted that the proposal was a bold modern design and he asked the Commissioners for their opinion on the design itself. They have seen very few modern designs and he believed it would be the trend. Assistant City Attorney McLean stated that within the context of the Steep Slope CUP it would be appropriate for the Commissioners comment on volume, mass, scale and compatibility. If the actual question was about the modern design, she recommended that they bring it back as a work session discussion related to the LMC in general and not specific to one designed project.

Commissioner Savage thought the modern design spoke to the issue of compatibility within the neighborhood. Commissioner Thomas remarked that it would be difficult to comment on the design without looking at the context of the HR-1 neighborhood. If they look at the balance of the HR-1 District he would struggle with compatibility. However, if the neighborhood was rezoned with different parameters and guidelines, it might work.

Commissioner Hontz concurred with Commissioner Thomas. If she limits her scope to size, scale, and massing within the context of HR-1, some aspects of the project would work very well elsewhere, but not in this neighborhood based on the parameters of the HR-1 zone.

Commissioner Thomas thought the question begged a broader conversation about modern design in the Historic District.

Mr. Elliott responded to some of the issues raised this evening. He stated that the 10' setback on the building façade was part of the discussion when the Code came into play. There was a big push to get the uphill lots to set back from the street to avoid a wall effect. He noted that the proposed building faces approximately 70 feet from the property line, which is five feet from the rear of the property line of the traditional piece. In looking at the context of the discussion when they decided to take the 10' setback from the building, it was about the relationship of breaking the mass and scale of the building and the experience from the street. Mr. Elliott remarked that he was surprised when the question came back from the Planning Department about stepping because in looking at the context and understanding the reasons for the 10' stepping, it was made in the context of a 25' x 75' lot. Mr. Elliott clarified that it was his assumption, which is why he designed the project as he did.

Mr. Elliott stated that the driveway is under the 14% slope, which is one reason for the retaining walls. Mr. Elliott supported a zone change. He pointed out that if the owners requested a zone change it would be a spot zone, and they were more than willing to submit a zone change request. Mr. Elliott believed that buildings behind buildings was completely in context with what was happening in the North Star subdivision.

Commissioner Thomas sensed a move in that direction with the General Plan discussion.

Director Eddington noted that there have been several discussions regarding a rezone. Simple mapping was done for the General Plan indicating areas of potential zone changes. This area was identified on the map.

Assistant City Attorney McLean stated that if the terrace is removed over the parking to address the issue of the four stories, she wanted to know how the driveway would comport with the requirement of 4 feet return to grade if the front door is ten feet above. Mr. Elliott replied that he could terrace the retaining to meet that requirement.

Mr. Elliott asked if a common underground parking garage would count as footprint. Director Eddington replied that an underground structure would count against the footprint; however, it was not clear in the Code. Planner Astorga pointed out that they were currently going through that discussion with Echo Spur and he recalled that they were not counting the underground parking as footprint. Mr. Elliott noted that the underground parking structures were not counted as footprint in the Sky Lodge project or the Parkwood Place project.

Brett Adams, a neighbor, asked to make an additional comment. Mr. Adams stated that if the applicant chose to tear down the existing duplex his views and position would be radically different. Secondly, as a homeowner, he was concerned with the discussion to potentially rezone his neighborhood in the future. His unit is already a condominium and his lot goes back as far as the applicants'. Mr. Adams thought they should think about the future and what they actually want the neighborhood to look like before they consider a rezone.

The Work Session was adjourned.