

## DEVELOPMENT SERVICES DEPARTMENT

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## DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0002

**Review Status: INITIAL REVIEW- NOT APPROVED**

**Plan Review Number: 3**

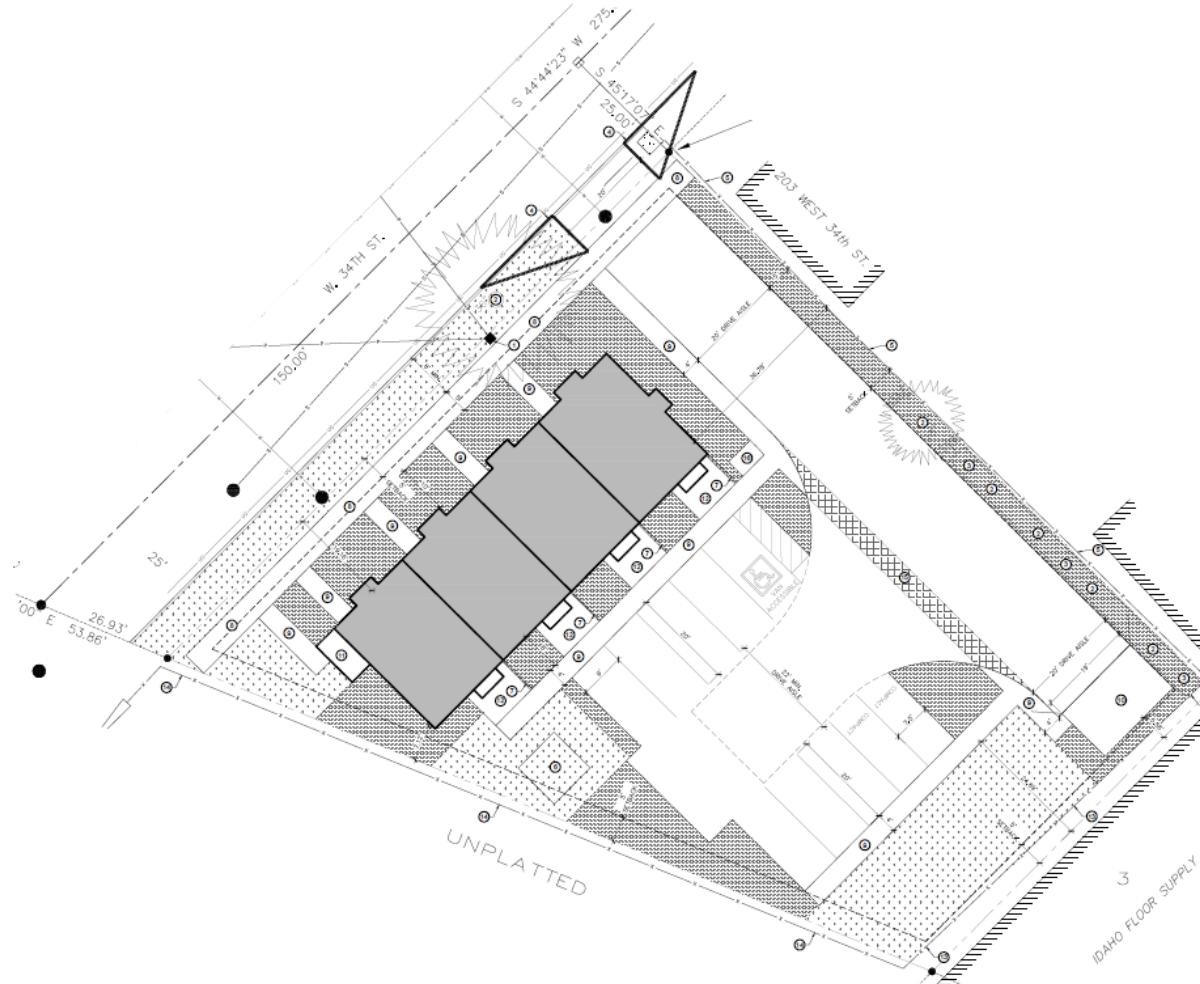
**Reviewer: Hanna Veal and Mariia Antonova**

**Design Consultant: Brett Labrie**

**Design Consultant: Derek Hurd**

**Date: August 5, 2024**

**Applicant: Barbara A. Beier**



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## SITE INFORMATION<sup>1</sup>

- 1)** Owner: Omar Majdi
- 2)** Street Address:
  - a) Previous Address: 205 & 209 W. 34<sup>th</sup> Street
  - b) New Addresses 211, 219, 227, and 235 W. 34th St.
- 3)** Ada County Tax Parcel Number(s):
  - a) Previous Tax Parcel Number(s) for 2023: R2734531120 & R2734531110
  - b) New Tax Parcel Number(s) for 2024: R2734531115 &
- 4)** Property Description:
  - a) Previous Property Description: LOT 32 BLK V FAIRVIEW ACRES SUB NO 4 & LOT 31 BLK V FAIRVIEW ACRES SUB NO 4
  - b) New Property Description: LOT 31 & 32 BLK V FAIRVIEW ACRES SUB NO 4 PAR A ROS 13922
- 5)** Legal Lot of Record: Yes
- 6)** Property Size: 0.375 acres
- 7)** Zoning District:C-2
- 8)** Zoning Overlay: Neighborhood Commercial Node
- 9)** Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Neighborhood Destination
  - b) Live-Work-Create
- 10)** The project is in the:
  - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11)** Adjacent Uses:
  - a) Drinking establishment, limited services and food products, small scale processing
  - b) Vehicle Services
  - c) Warehouse and Storage Facility or Yard
  - d) Health Club
  - e) Artist Studio
  - f) Research and Development
  - g) Dwelling unit, single family detached
  - h) Industry, flex
- 12)** Existing Use: Both properties contained Dangerous Buildings that have been removed. Existing shed and single-family dwelling remain.
- 13)** Easements on site:
  - a) FAIRVIEW ACRES SUB 04 PLAT;
  - b) UTILITY, DRAINAGE, IRRIGATION EASEMENT; 200,600,048
- 14)** Site Access:
  - a) Front: W. 34<sup>th</sup> St.
- 15)** Sidewalks: No sidewalk
- 16)** Wetlands on site: None identified

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<sup>1</sup> A lot line consolidation was approved by the city and recorded by the county in 2023. Parcel details depend on which year is evaluated, with the addresses 205 & 209 W. 34<sup>th</sup> St. existing in 2023 but replaced by 211 W. 34<sup>th</sup> St. for the year 2024.

## PROJECT INFORMATION

**\*Based on Resubmittals 06/05/2024**

- 1) Proposed development: New construction
- 2) Noticing was completed on: December 1, 2023
- 3) The neighborhood meeting was held on: December 20, 2023
- 4) Associated Conditional Use Permit: None
- 5) Site Coverage: 16,353 SF
  - a) Building: 2,185 SF, 13% of the site
  - b) Landscaping: 6,317 SF, 39% of the site
  - c) Paved Areas: 7,851 SF, 48% of the site
- 6) Number of Structures: 1
- 7) Number of residential units total: 4
  - a) Two bedroom units: 4
- 8) Total number of vehicular parking spaces: 10
  - a) Covered: 10
  - b) ADA: 1
  - c) Compact: 2
  - d) Total number of bicycle parking: 6
  - e) Surface: 2
  - f) Covered: 4
- 9) Trash Enclosure: The refuse will be in a common location;
- 10) Fencing: A 6' high wooden fence on the South side of the property; a 3.5' wooden fence on the East side of the property; a 6' high wooden privacy fence; existing wood and chain link fence on the North side of the property to remain.
- 11) Sidewalk:
  - a) Detached proposed
- 12) Landscaping:
  - a) Street Trees: 1 existing spruce and 3 Class II trees
  - b) Perimeter Landscaping: yes

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer <a href="#">Link to Comment</a>	11/22/2023	<ul style="list-style-type: none"><li>• We usually see townhouse/townhome projects as subdivisions. It appears in this case the project is a four-plex rental project. If this is the case, this review will suffice. If a new land subdivision is proposed, this review will not be adequate.</li><li>• Approval of the project by the Ada County Highway District will be required.</li><li>• Approval of the project by the North Ada County Fire and Rescue District will be required.</li><li>• Project approval should not occur until the "will serve" letter has been completed.<sup>2</sup></li></ul>

<sup>2</sup> A will serve letter was received on May 6, 2024, stating that "Please note the water line sizes in the area are minimal. Should the North Ada County Fire and Rescue District require more fire protection water than the current system is capable of providing, the owner of the project may be required to modify and/or propose construction to comply with the District's

		<ul style="list-style-type: none"> <li>• New water and sewer services must be reviewed and approved by the city's Public Works Department.</li> <li>• The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs.</li> <li>• The applicant is responsible to confirm/verify that adequate sewer capacity is available, and that the existing system depth is adequate to serve the site.</li> <li>• Water lines need to be at least 25 feet from storm water seepage beds.</li> <li>• A site grading and drainage plan will be required. Said plan must be reviewed and approved by the city.</li> <li>• A storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional will be required.</li> <li>• A site geotechnical report will be required for the design of the on-site storm water system prepared by a qualified license professional.</li> <li>• The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval.</li> <li>• The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form may be required from the landowner/developer.</li> </ul>	
Idaho Transportation Department <a href="#">Link to Comment</a>	11/13/2023	<ul style="list-style-type: none"> <li>• ITD does not object to the proposed application as presented at this time.</li> </ul>	
Republic Services <a href="#">Link to Comment</a>	11/09/2023	<ul style="list-style-type: none"> <li>• No concerns with the plan.</li> </ul>	
Boise Fire <a href="#">Link to Comment</a>	11/30/2023	<ul style="list-style-type: none"> <li>• Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. (IFC 507.3, IFC B104, IFC B105, IFC C105). 2</li> <li>• Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105, IFC C105).</li> <li>• Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)</li> </ul>	
ACHD <a href="#">Link to Comment</a>	12/08/2023	<ul style="list-style-type: none"> <li>• Construct 34th Street as ½ of a 36-foot commercial street section with curb, gutter, and 5-foot detached concrete sidewalk abutting the site.</li> <li>• Dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk the applicant may reduce the right-of-way width to 2-feet behind back of curb and</li> </ul>	

flow requirements and/or upgrade the city's water system. The District may also require additional fire hydrants. Any new fire hydrants are not allowed to connect to a line smaller than 6 inches."

		<p>provide a permanent right-of-way easement to extend from the right-of-way line to 2-feet behind back of sidewalk.</p> <ul style="list-style-type: none"> <li>• Close the existing driveways with curb, gutter, and sidewalk.</li> <li>• Construct a paved 24-foot-wide driveway onto 34th Street located 414-feet west of Brown Street</li> <li>• A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.</li> <li>• Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.</li> <li>• Comply with the Standard Conditions of Approval as noted below.</li> </ul>
DEQ <a href="#">Link to Comment</a>	11/17/2023	<ul style="list-style-type: none"> <li>• General comments provided</li> </ul>

## PUBLIC COMMENT

None provided as of the drafting of this document.

## MEETING SUMMARY

This is a summary of the discussions that occurred at the Design Review consultation meetings.

A meeting was held on February 5, 2024, a summary of the meeting is as follows:

1. The parking lot cannot be between the right-of-way and the building. The site needs to be reconfigured to meet code requirements.
2. Terminal views are not adequate, would need to provide drawings/renderings of covered parking and how it would look from the street.
3. Materials and color palette are sufficient in providing variety.
4. Back elevation is lacking articulation.
5. Bump outs are a feature to help break up the long façade, however, the roofline is too long to not have additional architectural features to break up the building presence.
6. Building does not address the street, it is set back too far to meet the frontage requirements.
7. Site redesign required.

## CODE AND POLICY REVIEW

### Discussion

This application does not provide enough information to review thoroughly enough to render a decision. Additional information and changes to the proposed plans is required per the analysis below to meet the current Garden City Code standards. All highlighted areas of this report indicate the code compliance issues discovered during staff's analysis.

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<b><u>Garden City Title 8 Applicable Code Sections</u></b>		
Code Section	Compliance	Analysis/ Discussion

<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#"><u>8-1A-4 Applicability</u></a>		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#"><u>8-1B-1 Nonconforming Properties</u></a>	No compliance issues noted	A lot line consolidation was performed in 2023 which was approved by the city and recorded by the county.
<a href="#"><u>8-1B-2 Nonconforming Structures</u></a>	No compliance issues noted	Existing structures on-site are to be demolished as part of this proposal.
<a href="#"><u>8-1B-3 Nonconforming Uses</u></a>	No compliance issues noted	
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
8-2B-1 Purpose	No compliance issues noted	The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
<a href="#"><u>8-2B-2 Allowed Uses</u></a>	Compliant	Multifamily Dwellings are a permitted use.
<a href="#"><u>8-2B-3 Form Standards</u></a>	No compliance issues noted	<p>The required setbacks are:  Front: 5'  Interior Side: 5'  Rear: 5'  Street side: 5'</p> <p>There are not encroachments  All improvements are more than 70' from the Boise River.  The property meets the minimum street frontage.</p>
<a href="#"><u>8-2C-15 Multi-Family</u></a>	May not be compliant	<p>All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents. The number of amenities shall depend on the size of multi-family development. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.</p> <ol style="list-style-type: none"> <li>1. Quality of life amenities: <b>In resubmittals from 06/05/2024, the applicant indicated a comment that “a public art structure will be provided”. However, no clarifications on the design were given.</b> Condition has been drafted.</li> <li>2. Recreation amenities: <b>Children’s play structure.</b></li> </ol> <p>All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. <b>Documentation was not provided. Previous staff reports mentioned that this could be a condition of approval, if approved.</b></p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>		
<a href="#"><u>8-4A-3 Fences and Walls</u></a>	Not Compliant	6' tall wooden privacy fence between each back patio.

		<p>Existing 6' high chain link fence on property: <b>In resubmittals from 06/05/2024, the applicant made a comment that “an agreement with the property owner to the north has been made regarding the wooden fence and chain-link fence as being acceptable to both parties”.</b> Chain-link fencing is a prohibited fencing material. To be compliant, removal or replacement of this fence would be required. Staff and Consultant's review comments were not addressed. If the existing non-conforming fence is not owned by Omar Majdi, and is owned by the adjacent property owner, then a notarized affidavit of non-ownership signed by both property owners will be required. A condition has been drafted ensuring either the fence is removed, or an affidavit of non-ownership is submitted.</p> <p>The applicant proposes a 6' wood fence on the south and east sides of the property. A portion of the existing wood fence on the north side of the property remains.</p>
<a href="#"><u>8-4A-4 Outdoor Lighting</u></a>	No compliance issues noted	<p>Outdoor Lighting plan was submitted. Further review will be performed at building permit review level, and prior to building permit being issued.</p> <p>Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
<a href="#"><u>8-4A-5 Outdoor Service and Equipment Areas</u></a>	Complaint as conditioned	<p>All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.</p> <p><b>Resubmittals dated 06/05/2024</b></p> <p><b>The trash enclosure was relocated to the northeastern part of the site. The materials and configuration of the trash enclosure remained unchanged. The trash enclosure is screened from the view of the adjacent property by a fence and existing landscaping.</b></p> <p><b>All other equipment including but not limited to HVAC and power transformers would require screening prior to occupancy permits being granted.</b></p>
<a href="#"><u>8-4A-7 Stormwater Systems</u></a>	Compliant as conditioned	The stormwater systems are required to be built in compliance with provisions of 8-4A-7. Drainage plans were not updated to show changes to the 02/21/2024 site plans. See City Engineer comments.
<a href="#"><u>8-4A-8 Utilities</u></a>	Compliant as Conditioned	All existing and proposed utilities shall be underground.
<a href="#"><u>8-4A-9 Waterways</u></a>	No compliance issues noted	<p>All landscape areas to be provided with an underground irrigation system.</p> <p>There does not appear to be Boise River irrigation facilities to the site.</p>
<a href="#"><u>8-4B-4 Multi-family Residential Dwelling Units</u></a>	Discussion might be warranted	<p><b>Resubmittals dated 06/05/2024 show significant changes to the site configuration. The building has been moved forward on the site and the façade faces W. 34th Street.</b></p> <p><b>The following comments were included in the resubmittals dated 06/05/2024:</b></p>

		<p><i>There are 4 bump outs on the Front Elevation 7' wide and extend 2' from the Front Facade. These bump outs to be clad with Therma Wood a 100% Natural wood product.</i></p> <p><i>Back Elevation - the 6' high Wood Privacy fencing creates defined spaces that add articulation to the Back Elevation.</i></p> <p><i>North Side Elevation - a bump out has been added</i></p> <p><i>South Side Elevation - a canopy has been added.</i></p> <p>Building setbacks shall consider windows, entrances, porches and patios, and how they impact adjacent properties.</p> <p>Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification. <b>The Thermowood exterior siding highlights the bumpout of each unit. While the black metal roof highlights the front door of each unit.</b></p> <p>Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. <b>Provided.</b></p> <p>Roof forms shall be distinctive and include variety and detail when viewed from the street. Sloped roofs shall have a significant pitch. Flat roofs should include distinctive cornice treatments. <b>The following comment was included in the resubmittals dated 06/05/2024: "The middle portion of the roof line has been raised by 2'."</b></p> <p>Exterior building materials and finishes shall convey an impression of permanence and durability. Materials such as masonry, stone, stucco, wood, terra cotta, and tile are encouraged. <b>Provided.</b></p> <p>Windows are required to allow views to exterior activity areas or vistas. Windows shall be provided on any building facing any common area used for children's recreation. <b>Children's playground is proposed at the rear of the property. Proposed glazing facing the playground is provided.</b></p> <p><b>Consultant comment "Entry roof blocks entry overhead lighting" is not addressed.</b></p>
<u>8-4C-3 General Provision for Nonresidential Development</u>	Compliant as conditioned	<p><i>This section shall apply to all new development in the general commercial (C-2) zoning districts.</i></p> <p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <ul style="list-style-type: none"> <li>• Street Setback: The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage. <b>Resubmittals dated 06/05/2024 show significant changes to the site configuration. The building has been moved forward on the site where the façade faces W. 34th Street and a 5' setback is provided. Compliant</b></li> <li>• Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza. <b>Compliant</b></li> </ul>

- First floor facades visible from a public street should include surfaces in windows, showcases, displays, or pedestrian access elements as follows: for retail uses at least fifty percent (50%), for all other uses at least fifteen percent (15%). **Not enough information to review.**

*Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.*

- All parking lots should be located to the side and rear of the building fronting on the street. **Based on new plans from 06/05/2024, the parking lot is planned to be built behind the building.** Compliant.

**Resubmittals dated 06/05/2024 indicate the following:**

- An 8' wide landscape buffer (as required by the Garden City Sidewalk Policy, and ACHD standards). This landscape buffer contains the required street trees. Compliant.
  - A 5' wide sidewalk (As required by Garden City Code). Compliant.
  - A 4' wide landscape yard between the sidewalk and the building.
  - Pedestrian Pathways:
    - ❖ Pedestrian pathways should be designed to provide a direct connection between the main building entrance and the public sidewalk. **Compliant.**
    - ❖ Direct, convenient, and attractive pedestrian pathways should be provided that are clearly marked and connect all portions of the site. **Compliant**
    - ❖ Pedestrian pathways should be functionally separate from parking lots and driveways except where they cross driveways. **Compliant**
  - Primary Entrance:
    - ❖ The building closest to the street should have its primary entrance to the street and be clearly defined by the architectural design of the building. **The building does not have a single/common entrance. The dwelling units are designed to have their own main entrances.** Compliant.
    - ❖ The primary entrance of all buildings should provide a covered pedestrian open space such as a building recess, an awning, canopy or marquee. **Each entrance has its own covered porch.**
    - ❖ Pedestrian amenities should be provided at the entrance including a minimum of one hundred (100) square feet of landscaping, outdoor seating, plazas, courtyards, public art, fountains, special paving, bicycle racks, transit stop.
- Resubmittals dated 06/05/2024 indicate new bike racks. A condition has been drafted to ensure the bike parking spaces meet code compliance.**

*Objective 3: Buildings shall be designed and constructed of quality materials. The building is proposed to be clad in white siding with black trim and wood siding.*

*Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water. The project*

		<p>proposes to preserve one existing spruce tree, the rest of the vegetation will be removed from the site.</p> <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community. The building is oriented towards W. 34th Street.</i></p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape. Compliant.</i></p>																									
<u>8-4C-5 Prohibitions</u>	No compliance issues noted	<p>There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.</p> <p>There is not any crushed colored rock/crushed tumble glass utilized on the site.</p>																									
<b>8-4D Parking and Off Street Loading Provisions.</b> New parking code per Ord. 1034-22 Adopted June 12, 2023																											
<u>8-4D-3 Parking Design and Improvement Standards</u>																											
	No compliance issues noted	<p><b>Vehicle parking:</b></p> <table border="1"> <caption>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</caption> <thead> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Standard</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Compact</td> </tr> <tr> <td>90°</td> <td>7'6"</td> <td>15'0"</td> <td>7'6"</td> <td>22'0"</td> </tr> </tbody> </table> <p><b>Compliant Parking Provided:</b></p> <p><u>7 regular parking spaces</u> Stall Width: 9' Length per car: 20'</p> <p><u>2 compact parking spaces</u> Stall Width: 7.5' Length per car: 20'</p> <p><u>1 accessible parking space</u> Stall Width: None Stall Depth: None Length per car: 20' Accessible spaces shall be designed in accordance with current adopted building codes and current Americans With Disabilities Act (ADA) guidelines.</p> <p>Parking areas shall not be located closer than four feet (4') to any established public street. <b>Compliant.</b></p> <p>Parking spaces shall not be placed between the public right-of-way and the main building entrance. <b>Compliant.</b></p> <p><b>Parking lots shall be designed in compliance with the requirements as set forth in GCC 8-4C, Design Provisions for Nonresidential Structures.</b></p> <p><b>Parking lots shall be designed in accordance with GCC 8-4I, Landscaping and Tree Protection Provisions.</b></p>	Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	90°	9'0"	20'0"	9'0"	22'0"					Standard					Compact	90°	7'6"	15'0"	7'6"	22'0"
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		<p>Bicycle parking spaces shall:</p> <ul style="list-style-type: none"> <li>• Be a minimum space six feet (6') long by two feet (2') wide; <b>Compliant</b></li> <li>• On-site spaces shall be located within fifty feet (50') of the building entrance(s); <b>Compliant</b>.</li> <li>• Be properly illuminated to increase security and avoid accidents and adhere to GCC 8-4A-4, Outdoor Lighting. <b>Resubmittals dated 06/05/2024 contain the following comments:</b> "The two guest bike parking spaces are located near the covered parking and a light has been added to the North Elevation" and "Bike Storage has a new light above". <b>Compliant</b></li> </ul>						
<a href="#"><u>8-4D-4 Parking Use Standards</u></a>	No compliance issues noted	No use shall provide less than the minimum spaces required.						
<a href="#"><u>8-4D-5 Required Number of Off-Street Parking Spaces</u></a>	No compliance issues noted	<p><b>Motor vehicle parking spaces required:</b></p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Required Parking Spaces Per Each Dwelling Unit (including covered and uncovered)</th> <th>Required Covered Parking Per Each Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td>More than 1 bedroom</td> <td>2* 4 Units= 8</td> <td>1* 4 Units= 4</td> </tr> </tbody> </table> <p>For developments with more than 2 dwelling units there shall be 0.5 additional parking spaces/unit provided for guest parking for the first 10 dwelling units. There shall be 0.1 parking spaces/unit provided for guest parking for every unit after the first 10 units.</p> <p><u>Residential parking:</u>  Required: 8 with 4 covered  Provided: 8 with 8 covered  <b>Rendering of the covered parking structure was provided in the 06/05/2024 resubmittal packet.</b></p> <p><u>Guest vehicle parking space required:</u>  Required: 2  Provided: 2 (covered)</p> <p>Total motor vehicle parking space provided: 10 (including 2 compact + 1 ADA accessible)</p> <p><u>Bicycle parking spaces required:</u>  One covered 1 space for every dwelling unit/ or home: 4*1= 4  0.5 spaces/unit for the first 10 dwelling units: 4*0.5= 2</p> <p>Total bicycle parking space required: 6 with 4 covered  <b>Resubmittals dated 06/05/2024 indicate new bike racks:</b></p> <ul style="list-style-type: none"> <li>• Covered bike rack for 4 bikes on the south side of the property.</li> <li>• 2 Open bike rack (1 bike rack=2 bikes) for 4 bikes on the north side of the property</li> </ul> <p>Total bicycle parking space provided: 8</p>	Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (including covered and uncovered)	Required Covered Parking Per Each Dwelling Unit	More than 1 bedroom	2* 4 Units= 8	1* 4 Units= 4
Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (including covered and uncovered)	Required Covered Parking Per Each Dwelling Unit						
More than 1 bedroom	2* 4 Units= 8	1* 4 Units= 4						
<a href="#"><u>8-4D-6 Standards for Equivalent Parking Adjustments</u></a>	No compliance issues noted	Equivalent parking was not requested.						

<a href="#"><u>8-4D-7 Off Street Loading Standards</u></a>	No compliance issues noted	Loading zone is not provided.				
<b>8-4E Transportation and Connectivity Provisions</b>						
<a href="#"><u>8-4E-3 Public Street Connections</u></a>	No compliance issues noted	<b>Resubmittals dated 02/21/2024 indicate a clear vision triangle.</b>				
<a href="#"><u>8-4E-4 Internal Circulation Standards</u></a>	No compliance issues noted	The drive is 22' in width.				
<a href="#"><u>8-4E-6 Sidewalk Standards</u></a>	No compliance issues noted	<p>Sidewalks shall be required along public rights-of-way intended for vehicular travel.</p> <p><b>A 5' detached sidewalk is proposed on-site. A sidewalk can be installed between the property line and the public right-of-way (ROW) if ACHD permits it, usually in the form of additional ROW dedication or an easement. Coordination with ACHD will be required for work within the ROW. ACHD has provided comments regarding reducing the ROW by 2-feet behind back of curb and providing a permanent ROW easement to extend from the ROW line to 2-feet back of sidewalk.</b></p>				
<b>8-4G Sustainable Development Provisions</b>						
<a href="#"><u>8-4G Sustainable Development Provisions</u></a>	No compliance issues noted	Not required. Code only requires when development is 4 dwelling units or more.				
<a href="#"><u>8-4H Flood Hazard</u></a>	Compliant as Conditioned	<p>The planning official is the decision maker on items regarding 8-4H.</p> <p>The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer.</p> <p>The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.</p>				
<b>8-4I Landscaping and Tree Protection Provisions</b>						
<a href="#"><u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u></a>	No compliance issues noted	<p>When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided.</p> <table border="1"> <tr> <td>Required Number Of Class II Or Class III Trees</td> <td>Minimum Number Of Species</td> </tr> <tr> <td>31-50</td> <td>4</td> </tr> </table> <p><b>Provided: 4</b></p> <p>All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems. <b>Landscape notes provided.</b></p>	Required Number Of Class II Or Class III Trees	Minimum Number Of Species	31-50	4
Required Number Of Class II Or Class III Trees	Minimum Number Of Species					
31-50	4					
<a href="#"><u>8-4I-4 Landscaping</u></a>	No compliance issues noted	<b>This section has been revised based on 06/05/2024 submittals.</b>				

<u>Provisions for Specific Uses</u>		<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.  <b>Required:</b> <math>16,353 \text{ SF} \times 0.05 = 818 \text{ SF}</math>  Landscape area outside of the setback/perimeter landscape is 3,520 SF  6,317 SF</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.  <b>W. 34<sup>th</sup> St:</b> (~140 LF) 1 Street tree + 3 Frontage trees = 4 trees  <b>Provided:</b> 4 trees. <b>The existing spruce tree appears to remain. In addition, 3 class II trees are provided.</b></p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.  Proposed Landscape: 6,317 SF</p> <p>Required trees: <math>6,317 / 1,000 = 6</math>  <b>Provided trees:</b> 18 trees class I and class II, 6 coniferous trees, and 2 existing trees appear to remain.</p> <p>Required shrubs: 42  <b>Provided shrubs:</b> 66</p>
<u>8-4I-5 Perimeter Landscaping Provisions</u>	No compliance issues noted	<p><b>This section has been revised based on 06/05/2024 submittals.</b></p> <p>Required perimeter landscaping meeting the standards set forth in subsection "Standards" of this section is required in the following situations:</p> <ul style="list-style-type: none"> <li>• Along the common property line between a multi-family residential use and a single-family or two-family residential use or vacant single-family or two-family zoned property.</li> <li>• Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property;</li> </ul> <p><b>Perimeter landscaping is required along the north, east and south property boundary lines. Provided.</b></p>
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	No compliance issues noted	<p><b>This section has been revised based on 2/21/2024 submittals.</b></p> <p>Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.  <b>Required:</b> <math>10/5=2</math> shade trees  <b>Provided:</b> 4</p> <p><b>It is proposed to plant 2 Pacific Sunset Maples on each side of each parking row, for a total of 4 trees. Compliant.</b></p>
<u>8-4I-7 Tree Preservation Provisions</u>	No compliance issues noted	<p><b>This section has been revised based on 2/21/2024 submittals.</b></p> <p>An arborist certificate was provided. The report states that the site contains 5 trees including 2 juniper trees (shrubs). All trees except 2 junipers are in poor condition. No mitigation required.</p>
<b>8-4L Open Space Provisions</b>		
<u>8-4L-3 General Open Space Standards</u>	No compliance issues noted	

<a href="#"><u>8-4L-5 Open Space Standards for Multi-family Developments</u></a>	No Compliance issues noted	<p><b>This section has been revised based on 06/05/2024 submittals.</b></p> <p>Private open space: Each unit is required to provide 80sqft of private open space. Each unit has a 90sqft patio (9'x10'). <b>Compliant.</b></p> <p>Common Open Space: For any new multi-family development: A minimum area of outdoor common open space shall be provided as follows:</p> <ul style="list-style-type: none"> <li>a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area.</li> <li>c. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.</li> <li>d. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.</li> </ul> <p>Each dwelling unit is 1,101; 250sqft of open space is required per unit. 1,580 sqft of common open space required and provided. <b>Compliant.</b></p>
<b>Title 8, Chapter 6, Article A: Administration</b>		
<a href="#"><u>8-6A-3 General Application Process</u></a>	Compliant	The application was reviewed and considered complete within 30 days of submittal, a 300' radius notice list and neighborhood meeting letter template was issued to the applicant, agencies were noticed, and staff started processing the application.
<a href="#"><u>8-6A-4 Required Application Information</u></a>	N/A	No application waivers were requested pursuant to 8-6A-4A
<a href="#"><u>8-6A-5 Administrative Process with Notice</u></a>	Not Determined	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Planning Official's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<a href="#"><u>Garden City Comprehensive Plan</u></a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <ol style="list-style-type: none"> <li>1. <b>LIVE-WORK-CREATE:</b> The live-work-create district is in the Old Town Site generally between 32nd to 37th Streets with a possible expansion, based on further study. This designation reflects an opportunity to create an Arts District within the city where artists, crafts persons, or</li> </ol>

	<p>others can live, work, exhibit and operate a business. A mix of uses, including residential, retail, office and small scale industrial are appropriate for this area. Regulation should be primarily through form not uses, including maintaining the existing subdivision pattern of small lots, and limiting the maximum building footprint or square footage of a building in relation to lot size. Large scale development that consolidates lots and allows for larger scale industrial or commercial uses should be restricted.</p> <p>2. <b>ACTIVITY NODE:</b> Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows:</p> <p><u>Neighborhood and Destination Centers:</u> The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.</p> <p><u>Identified centers are:</u></p> <ul style="list-style-type: none"> <li>• Adams and 50th Streets intersection to the Boise River</li> <li>• Adams and 42nd street intersection to the Boise River.</li> <li>• East city boundary to 36th street between the Boise River and Chinden Boulevard</li> <li>• Glenwood and Marigold Streets intersection</li> <li>• Chinden Boulevard and Garrett Street intersection</li> <li>• Chinden Boulevard and 50th Street intersection</li> <li>• State Street and Pierce Park Transit Oriented Development Nodes</li> <li>• Chinden Boulevard and Glenwood Street intersection</li> <li>• Chinden Boulevard and Veterans Parkway intersection</li> <li>• State Street and Horseshoe Bend Road</li> <li>• State Street and Glenwood Street</li> </ul> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <p class="list-item-l1">a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 2. Improve the City Image</p> <p class="list-item-l1">a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <p class="list-item-l1">a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 7. Connect the City</p> <p class="list-item-l1">a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <p class="list-item-l1">a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</p>
<a href="#">Garden City Sidewalk Policy</a>	No waiver was requested.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. 34 <sup>th</sup> Street in accordance with the policy.

## DECISION PROCESS

### General Provisions

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

**Required Decisions:** The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#). The Planning Official and City Council have decision authority once a Design Review Consultation has occurred.

### Decision

Pursuant to GCC 8-6A-5, staff shall take one of several actions:

- a. Intent to approve as submitted;
- b. Intent to approve with changes;
- c. Request changes and resubmittal;
- d. Recommend denial; or
- e. Recommend public hearing.

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council or Planning and Zoning Commission will be scheduled.

### Appeals of Decision:

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-day period to file a written objection to the application. The objection shall be made on the appeal submittal form and must be accompanied by the appeal fee. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application. Verbal objections will not be accepted. Written objections received after the 15-day objection period will not be accepted.

When a design review consultation is required as part of an application that requires a public hearing, public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

## REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

### Required Findings

In order to approve a design review application after a recommendation by the design review consultant(s), the decision maker shall make a determination with written reasoned statements on the following findings:

GCC 8-6B-3_Required Findings	Determination	Reasoned Statements
<ol style="list-style-type: none"><li>1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</li><li>2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</li><li>3. The proposed design shall be compatible with or improve the public's use of existing and</li></ol>	Not Determined. This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision

<p>planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.</p> <p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p> <p>8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p>		
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The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **TBD** the standards of approval under **GCC 8-6B-3 Design Review**.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning Official hereby **TBD** the application, subject to the following conditions:

#### **IN APPROVAL**

#### **Site Specific Requirements:**

##### Scope of this permit:

1. The scope of this permit is to allow for the use of four multi-family dwelling units.
2. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
  - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of

- the same or larger tree classification and be comparable or larger in tree canopy and height.
- b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
- c. Less than 5% of rearrangement of site.

Prior to Building Permit:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. All fencing shall be found in conformance with Garden City Code 8-4A.
  - a. All existing fencing made of non-compliant fencing materials, including but not limited to chain-link, chain-link with slats, and barbed wire, shall be removed or replaced with code compliant fencing materials.
  - b. Any new fence installed on-site shall be in compliance with code.
  - c. A notarized affidavit of fence non-ownership signed by Omar Majdi S and May Dazy Living Trust may be submitted to waive the fence removal requirements.
3. All on-site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property or shall be screened from view from a public street and adjoining property with a privacy fence.
4. The stormwater systems are required to be built in compliance with Garden City Code 8-4A-7 and Garden City Engineer review comments.
5. All existing and proposed utilities on and within the right-of-way, and directly adjacent to the site, shall be put underground.
6. Any future outdoor lighting will be required to be in compliance with code at the time of development.
7. First floor facades visible from a public street should include a minimum of fifteen percent (15%) of the surfaces in windows, or pedestrian access elements.
8. There shall be a minimum of 10 vehicular parking spaces provided; with 4 to be covered.
9. There shall be a minimum of 6 bicycle parking spaces provided; with 4 to be covered.
10. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
  - a. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
    - i. At least 818 SF of landscaping shall be provided excluding perimeter landscaping or landscaping within the setbacks
  - b. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
    - i. The frontage of W. 34th Street shall have a total of 4 trees class II or III trees
  - c. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.
  - d. Perimeter landscaping shall be installed along the north, east and south property boundary lines.
    - i. Perimeter landscaping shall be at least ten feet (10') wide measured from the property line to the interior of the lot;
    - ii. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;

- iii. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
- e. Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles and surfaces.
  - i. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.
- 11. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit.
  - a. This requirement can be satisfied through porches, patios, rooftop gardens, decks, and/or enclosed yards.
  - b. The minimum dimension of any open space shall be six feet (6') in any direction.
  - c. Landscaping, entryway and other accessways shall not count toward this requirement.
- 12. A minimum area of outdoor common open space shall be provided as follows:
  - a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area.
  - b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.
  - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. A building permit including fire and environmental review shall be applied for and approved by the Garden City Development Services Department.
3. A copy of recorded legally binding documents that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features shall be provided to the City.
4. Bicycle parking spaces shall:
  - a. Be a minimum space six feet (6') long by two feet (2') wide.
  - b. On-site spaces shall be located within fifty feet (50') of the building entrance(s).
  - c. Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area.
  - d. Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered.
  - e. Be securely anchored to the lot surface so bicycles cannot be easily removed and shall be of sufficient strength to resist theft and vandalism
5. Prior to occupancy, a public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance with:
  - a. A detached sidewalk shall be installed along W. 34th Street in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy.
  - b. The sidewalk shall be installed to the edge of the property.
  - c. The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.
  - d. The sidewalk shall be a minimum of 5' in width.
  - e. The sidewalk shall be detached by a minimum 6' landscape or furniture zone.

- f. Improvements may be made within the right-of-way provided a landscape license agreement or other approval from Ada County Highway District.
- 6. A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.
  - a. A pathway shall be a minimum width of four feet (4').
  - b. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.

**Site Specific Requirements for the Duration of the Use:**

- 1. Multi-family amenities shall be provided on-site for the duration of the use. The following amenities shall be provided or replaced with an amenity from the same category of amenity as identified in Garden City Code:
  - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
    - i. Quality of life amenities: public art
      - 1. The art shall be impactful and to scale of the development. Surel's Place is permitted to determine the art and location, or the art is otherwise required to have Development Service's staff approval.
      - 2. A funding mechanism shall be identified so that the public art and sculptures shall be maintained in their original state from the date of approval.
      - 3. If vandalism is to occur, restoration shall commence immediately to return the art to its original state.
      - 4. If there is a request to change any of the approved art, new art piece schematics shall be reviewed for approval by Surel's Place or Garden City Council.
    - ii. Recreation amenities: children's play structures.

**General Requirements:**

- 1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
- 2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
- 3. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.
- 4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
- 5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
- 6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.

7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
25. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
26. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.

27. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
29. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
30. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
31. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code.
32. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

### **IN DENIAL**

1. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
2. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
3. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

**TBD**

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Development Service Staff

Date

### **IMAGES**

None