



## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714  
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## DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0015

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

**Plan Review Number: 1**

**Reviewer: Hanna Veal and Mariia Antonova**

**Design Consultant: Brett Labrie**

**Design Consultant: Derek Hurd**

**Date: September 23, 2024**

**Applicant: Danic Panic**



*\*Design example*

<b>SITE INFORMATION.....</b>	<b>3</b>
<b>PROJECT INFORMATION.....</b>	<b>4</b>
<b>AGENCY COMMENTS.....</b>	<b>4</b>
<b>PUBLIC COMMENT.....</b>	<b>4</b>
<b>MEETING SUMMARY.....</b>	<b>5</b>
<b>CODE AND POLICY REVIEW.....</b>	<b>5</b>
<b>DECISION PROCESS.....</b>	<b>10</b>
<b>REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION .....</b>	<b>11</b>
<b>IMAGES .....</b>	<b>16</b>

## **SITE INFORMATION**

- 1)** Owner: PANIC DANICA
- 2)** Street Address: 5901 N Brook Pl.
- 3)** Ada County Tax Parcel Number(s): R7533170100
- 4)** Property Description: LOT 10 BLK 1 ROCKCRESS SUB #99005561
- 5)** Legal Lot of Record: Yes
- 6)** Property Size: 0.290 acres or 12632.4 SF
- 7)** Zoning District: R-2 Low density residential
- 8)** Zoning Overlay: None
- 9)** Comprehensive Plan Land Use Map Designation:
  - a) Residential Medium Density
- 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) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11)** Adjacent Uses:
  - a) Dwelling unit, single family detached
- 12)** Existing Use: Dwelling unit, single family detached
- 13)** Easements on site
  - a) ROCKCRESS SUB PLAT; 200900032; UTILITY, DRAINAGE, IRRIGATION EASEMENT, 10'
  - b) ROCKCRESS SUB PLAT; 200900032; 7' UTILITY EASEMENT
  - c) ROCKCRESS SUB PLAT; 200900032; UTILITY, DRAINAGE, IRRIGATION SL EASEMENT, 10'
  - d) ROCKCRESS SUB PLAT; 200900032; 20' DRAINAGE EASEMENT
  - e) ROCKCRESS SUB PLAT; 200900032; IRRIGATION EASEMENT, 10'
- 14)** Site Access:
  - a) Front: N Brook Pl
- 15)** Sidewalks: Sidewalks are installed and are in good repair
- 16)** Wetlands on site: None identified

## PROJECT INFORMATION

- 1) Proposed development: Addition
- 2) Noticing was completed on: TBD
- 3) The neighborhood meeting was held on: TBD
- 4) Site Coverage:
  - a) Building: 2,274 SF, 14% of the site
  - b) Landscaping: 13,458 SF, 81% of the site
  - c) Paved Areas: 900 SF, 5% of the site
- 5) Number of Structures: 2
- 6) Total number of vehicular parking spaces:
  - a) Enclosed: 2
- 7) Total number of bicycle parking: 0
- 8) Trash Enclosure: The refuse will be individual services and picked up from the street;
- 9) Fencing: No fence proposed
- 10) Sidewalk:
  - a) None proposed; existing attached
- 11) Landscaping:
  - a) Parameter Landscaping: Apple trees, conifer trees, lawn, stone paved pathway
- 12) Connections:
  - a) Closest VRT Stop:
    - i) ~0.5 mi, N Glenwood St & W Marigold St SEC
  - b) Greenbelt: ~0.4 mi

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District <a href="#">Link to Comment</a>	08/28/2024	The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).
Garden City Engineer <a href="#">Link to Comment</a>	08/30/2024	No comments
DEQ <a href="#">Link to Comment</a>	09/10/2024	General comments provided

## PUBLIC COMMENT

None provided as of the drafting of this document.

## MEETING SUMMARY

There have been no previous consultations on this project.

## CODE AND POLICY REVIEW

### Discussion

Per Garden City Code 8-6B-3, a new detached accessory dwelling unit is required to obtain a design review consultant(s) recommendation and subsequent approval by the planning official.

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>Garden City Title 8 Applicable Code Sections</b>		
Code Section	Compliance	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#">8-1A-4 Applicability</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="#">8-1B-1 Nonconforming Properties</a>	No compliance issues noted	Legal parcel of record as described.
<a href="#">8-1B-2 Nonconforming Structures</a>	No compliance issues noted	
<a href="#">8-1B-3 Nonconforming Uses</a>	No compliance issues noted	
<a href="#">8-1C-3 Property Maintenance Standards</a>	No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
8-2B-1 Purpose		The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses.
<a href="#">8-2B-2 Allowed Uses</a>	No compliance issues noted	Dwelling unit, accessory use is a permitted use.
<a href="#">8-2B-3 Form Standards</a>	Compliant	<p>The required setbacks are:</p> <p>Front: 15'/20'</p> <p>Rear: 15'</p> <p>Interior Side: 0/5'</p> <p>Street Side: 20'</p> <p><u>Provided for accessory building:</u></p> <p>Rear: 25'</p> <p>Interior Side: 10'</p>

		<p>The allowable maximum height is: 35'  The minimum lot area is: 6,000 SF  There are no encroachments  All improvements are more than 70' from the Boise River.  All properties meet the minimum street frontage.</p>
8-2C-14	May not be compliant	<p>Private Restrictions: This section is not intended to impair or interfere with other regulations of private restrictions on the use of land improvements and structures. The provisions of this section shall be in addition to, and shall not be deemed to repeal, abrogate, or impair, any other easement, covenant, or deed restriction. Where this section imposes greater restrictions than that imposed by private restrictions, this section shall prevail.</p> <p>Setbacks And Dimensional Standards:</p> <ol style="list-style-type: none"> <li>1. Setbacks shall meet the zoning district setback requirements. <b>Compliant.</b></li> <li>2. No accessory dwelling unit structure shall be allowed in front of the principal structure. <b>Compliant.</b></li> </ol> <p>Additional Standards: In addition to meeting all building codes for a dwelling unit the following provisions shall be complied with:</p> <ol style="list-style-type: none"> <li>1. Not more than one (1) accessory dwelling unit shall be allowed per property; <b>Compliant.</b></li> <li>2. Direct ingress and egress to accessory dwelling unit shall be provided; <b>A stone paved pathway from the proposed building to the driveway provided.</b></li> <li>3. Accessory dwelling unit may be eight hundred (800) square feet or up to fifty percent (50%) of the size of the principal dwelling unit, whichever is greater, up to a maximum of one thousand two hundred (1,200) square feet. If there is no principal dwelling, the accessory dwelling shall comply with the criteria set forth for a single-family dwelling; <b>Compliant. The proposed building is 600 SF and 36% of the principal building.</b></li> <li>4. Accessory dwelling unit shall have at least three hundred (300) square feet of habitable space as defined by the building code; <b>Compliant, the proposed ADU is 600sqft, with interior space being about 480sqft.</b></li> <li>5. Accessory dwelling unit shall be clearly incidental to the principal structure in use. For the purposes of accessory dwelling units, "incidental" means in connection with the residential use and structure on site, but does not constitute the principal dwelling unit; <b>Compliant.</b></li> <li>6. Accessory dwelling unit shall be compatible in design, materials, and scale with the principal structure; <b>Not enough information. Example photos of the proposed ADU were provided. Discussion required.</b></li> <li>7. Accessory dwelling unit shall be declared real property with Ada County and be on a foundation; <b>Foundation plan is provided. Conditions drafted to ensure the unit is declared real property.</b></li> <li>8. Accessory dwelling unit shall be identified with an approved address; <b>Not provided. Another draft condition of approval has been provided requiring the applicant to provide an approved address by Ada County.</b></li> </ol>

		<p>9. Accessory dwelling unit shall provide a kitchen with appliances for the cooking of food, a sink and storage; <b>Provided</b>.</p> <p>10. Accessory dwelling unit shall provide a bathroom with minimally a sink, toilet and bathtub and/or shower; <b>Provided</b>.</p> <p>11. Accessory dwelling unit shall provide for at least one (1) closet. <b>Provided</b>.</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>		
<a href="#"><u>8-4A-3 Fences and Walls</u></a>	Compliant as Conditioned	<p>There is a wooden fence on this site. The condition and dimensions are not indicated in the provided plans. If the fence is in disrepair, it shall be repaired or replaced per Garden City Code 8-1C Property Maintenance Standards.</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>
<a href="#"><u>8-4A-4 Outdoor Lighting</u></a>	Compliant as Conditioned	<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>	Compliant 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>Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p>
<a href="#"><u>8-4A-7 Stormwater Systems</u></a>	Compliant as Conditioned	<p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
<a href="#"><u>8-4A-8 Utilities</u></a>	Compliant as Conditioned	<p>All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>
<a href="#"><u>8-4A-9 Waterways</u></a>	No compliance issues noted	<p>There does not appear to be Boise River irrigation facilities to the site.</p>
<a href="#"><u>8-4B-3 Single Family and Two-Family Attached and Detached Dwelling</u></a>	Not Compliant	<p>The front entry of a residential structure shall be clearly defined and identifiable as demonstrated by the following:</p> <ol style="list-style-type: none"> <li>Shall have a direct and permanent pathway that connects to the public sidewalk; and <b>Provided</b>.</li> <li>Shall be clearly visible in the front elevation of the structure; and <b>Provided</b>.</li> </ol> <p>(1) A front entry door with a covered porch, dormer, stoop, decorative posts or roof; or <b>Not provided</b>.</p> <p>(2) A front entry door may not be located flush with garage doors, but may be located in the portion of the building closer to the front property line with the garage setback a greater distance from the front property line. <b>Not provided</b>.</p>

		<p><b>To be code compliant, the front entry shall have a front entry door with a covered porch, dormer, stoop, decorative posts or roof.</b></p> <p>Accessory Structures:</p> <p>An accessory structure shall require design review consultant(s) recommendation and subsequent approval by the planning official as set forth in section 8-6B-3 of code and approval of a conditional use permit if the structure is not designed to an "R" or "U" occupancy, as defined by or otherwise exempted from permit by the adopted building codes.</p>
<a href="#"><u>8-4C-5 Prohibitions</u></a>	No compliance issues noted	<p>The prefabricated structure does not face the right-of-way.</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>		
<a href="#"><u>8-4D-3 Parking Design and Improvement Standards</u></a>	Not Applicable	The Accessory Dwelling Unit does not require additional parking spaces.
<a href="#"><u>8-4D-4 Parking Use Standards</u></a>	No compliance issues noted	Number Of Spaces: No use shall provide less than the minimum spaces required by this article.
<a href="#"><u>8-4D-5 Required Number of Off-Street Parking Spaces</u></a>	No compliance issues noted	The Accessory Dwelling Unit does not require additional parking spaces.
<a href="#"><u>8-4D-6 Standards for Equivalent Parking Adjustments</u></a>	No compliance issues noted	Equivalent parking was not requested.
<b>8-4E Transportation and Connectivity Provisions</b>		
<a href="#"><u>8-4E-3 Public Street Connections</u></a>	Compliant as Conditioned	There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
<a href="#"><u>8-4E-4 Internal Circulation Standards</u></a>	No compliance issues noted	<p>Existing driveway to remain.</p> <p>Boise Fire Marshal noted that there is an existing active fire hydrant within 600 feet of the ADU. The hydrant system in Garden City produces well over the required 1,000gpm for the ADU.</p> <p>Proposed pathway system from the existing driveway to the ADU through the side yard.</p> <p>Vertical clearance is provided.</p>
<a href="#"><u>8-4E-6 Sidewalk Standards</u></a>	No compliance issues noted	The existing attached sidewalk is to remain and meets this provision.
<a href="#"><u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u></a>	Not Applicable	
<b>8-4F Sign Provisions</b>		

<a href="#"><u>8-4G Sustainable Development Provisions</u></a>	No compliance issues noted	The development is exempt per 8-4G-2 (D).
<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 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	Landscape improvements shall be an integral part of the overall site design for the property.
<a href="#"><u>8-4I-4 Landscaping Provisions for Specific Uses</u></a>	May not be compliant	<p>Landscaping For Single-Family Residential Units:</p> <ul style="list-style-type: none"> <li>For lots with thirty (30) to forty-nine feet (49') of linear frontage, one class II or class III tree shall be planted in the front yard setback.</li> <li>Trees shall be planted with adequate spacing to allow for the mature spread of the trees.</li> </ul> <p>According to the approximate dimensions on the Assessor website, the front length is 46 linear feet. According to the images from Assessor's website, at least one tree is planted near the frontage (see Picture 1). <b>Class and species unknown. More information required.</b></p>
<a href="#"><u>8-4I-5 Perimeter Landscaping Provisions</u></a>	Not Applicable	
<a href="#"><u>8-4I-6 Parking Lot Landscaping Provisions</u></a>	Not Applicable	
<a href="#"><u>8-4I-7 Tree Preservation Provisions</u></a>	No compliance issues noted	No trees were proposed for removal.
<b>8-4L Open Space Provisions</b>		
<a href="#"><u>8-4L-3 General Open Space Standards</u></a>	No compliance issues noted	The standards for open space and site amenities shall apply to <b>all new single-family, townhouse, two-family duplex of more than two (2) units, and all multi-family developments.</b>
<a href="#"><u>8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments</u></a>	Not Applicable	No comment, only an accessory dwelling unit is proposed.
<b>Title 8, Chapter 6, Article A: Administration</b>		

<a href="#"><u>8-6A-3 General Application Process</u></a>	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#"><u>8-6A-4 Required Application Information</u></a>	N/A	Application waivers requested pursuant to 8-6A-4A: - Topographic Survey - Ada County approved addresses
<a href="#"><u>8-6A-5 Administrative Process with Notice</u></a>	Compliant upon approval	<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 Design Review Committee'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
Previous entitlement that might affect this project	BLD2024-0037
<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> <p>1. <b>RESIDENTIAL MEDIUM DENSITY:</b> The residential medium density designation is shown for the areas north of Chinden and west of Glenwood. This designation allows for detached and attached dwelling units including duplexes and townhouses.</p> <p><u>The application may be supported by:</u>  <b>Goal 6. Diversity in Housing</b> <ul style="list-style-type: none"> <li>6.3 Objective: Maintain the diversity of housing.</li> </ul> </p> <p><u>The application may not be supported by:</u>  <b>Goal 2. Improve the City Image</b> <ul style="list-style-type: none"> <li>2.3 Objective: Promote quality design and architecturally interesting buildings.</li> </ul> </p>
<a href="#"><u>Garden City Sidewalk Policy</u></a>	The attached sidewalk has been installed and is in good condition.
<a href="#"><u>Garden City Street Light Policy</u></a>	A streetlight is installed along N. Brook Ln. 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:

<b>GCC 8-6B-3_Required Findings</b>	<b>Determination</b>	<b>Reasoned Statements</b>
<p>1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</p> <p>2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities,</p>	<p>Not Determined: This will be completed in conjunction with the formal decision</p>	<p>TBD: This will be completed in conjunction with the formal decision</p>

<p>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**

**Scope of this permit:**

1. The scope of this permit is to allow for the construction of a new Accessory Dwelling Unit.
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 Construction of the ADU:

1. A building permit shall be applied for and approved by the Garden City Development Services Department.
  - a. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
  - b. Plans showing compliance with code standards shall be submitted as part of the building permit application.
2. A conditional use permit shall be applied for and approved if the structure is not designed to an "R" or "U" occupancy.

Prior to Occupancy of the ADU:

1. The accessory dwelling unit shall comply with all requirements set forth by the County and state to establish an ADU as real property.
  - a. The ADU shall be on a foundation.
  - b. The ADU shall be identified with an Ada County approved address.
2. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned:
  - a. If any trees are to be removed from the site, a tree mitigation plan must be submitted in compliance with GCC 8-4I-7 Tree Preservation provisions.
    - i. Any trees removed prior to the certified arborist's report being submitted will be considered to have been healthy, and thus, mitigation will be required.
  - b. For lots with thirty (30) to forty-nine feet (49') of linear frontage, one class II or class III tree shall be planted in the front yard setback.
3. Any future outdoor lighting will be required to be in compliance with code at the time of development.
4. Any future fence or wall will be required to be in compliance with code at the time of development.
  - a. All fences, screen walls, and retaining walls visible from the public right-of-way shall be maintained as follows:
    - i. Structurally sound, safe and uniform in color, structure and design; and
    - ii. Do not constitute a hazard, blight, or condition of disrepair. Examples of hazards, blight, or conditions of disrepair include, but are not limited to: leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of surface finish, rotting, or damaged components.
5. All stormwater systems must comply with Garden City Code 8-4A-7.
  - a. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature
6. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.
7. All utilities for the new structure shall be installed underground.

Site Specific Requirements for the Duration of the Use:

1. Direct ingress and egress to accessory dwelling unit shall be provided.
2. The accessory dwelling unit shall be identified with an approved address.
3. The accessory dwelling unit shall provide a kitchen with appliances for the cooking of food, a sink and storage.
4. The accessory dwelling unit shall provide a bathroom with a sink, toilet and bathtub and/or shower.

5. The accessory dwelling unit shall provide for at least one (1) closet.
6. All streets and driveways shall adhere to the standards of a clear vision triangle.

**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

Development Service Staff

Date

## IMAGES



Picture 1