



## DEVELOPMENT SERVICES DEPARTMENT

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# DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2025 - 0010

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

**Plan Review Number: 1**

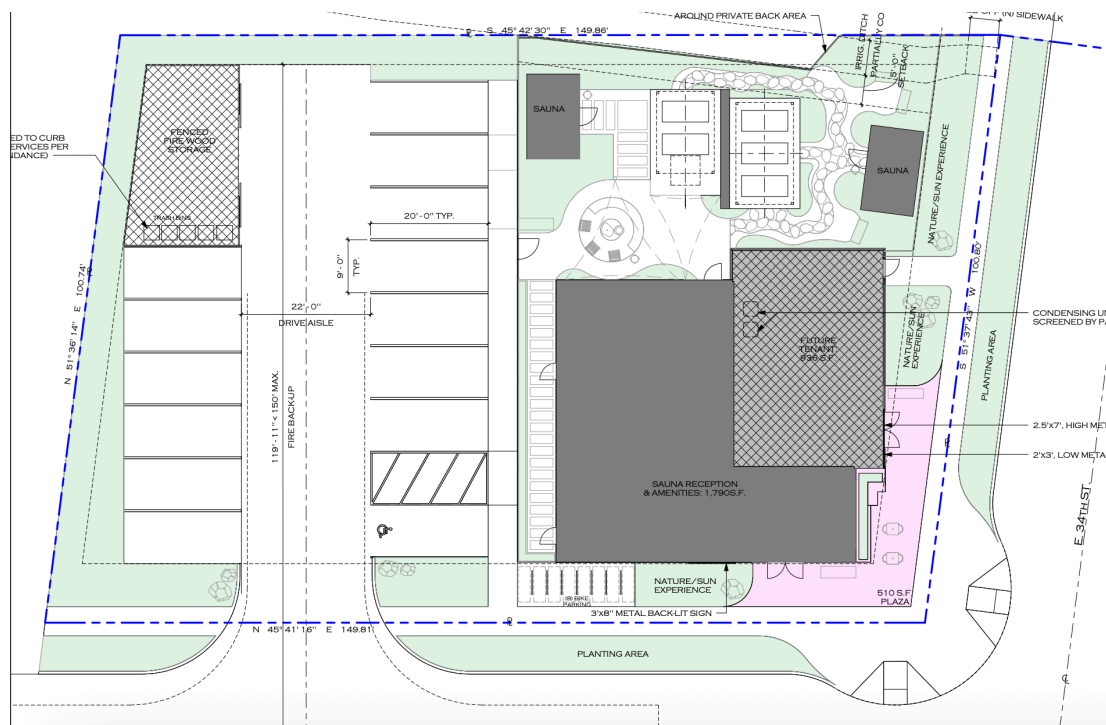
**Reviewer: Mariia Antonova**

**Design Consultant: Brett Labrie**

**Design Consultant: Derek Hurd**

**Date: October 6, 2025**

**Applicant: Daphne Romani**



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## **SITE INFORMATION**

- 1) Owner:** BOISE SAUNA LAND LLC
- 2) Street Address:** 202 E 34<sup>th</sup> Street
- 3) Ada County Tax Parcel Number(s):** R2734540701
- 4) Property Description:** LOTS 1 & 2 BLK 31 FAIRVIEW ACRES SUB NO 5
- 5) Legal Lot of Record:** Yes
- 6) Property Size:** 0.344 acres or 14,985 SF
- 7) Zoning District:** C-2 Mixed-Use Commercial
- 8) Zoning Overlay:** None
- 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) Dwelling unit, single family detached
  - b) Bare Land
- 12) Existing Use:** Vacant
- 13) Easements on site :**
  - a) EASEMENTS: FAIRVIEW ACRES SUB 05 PLAT; 200600049; UTILITY, DRAINAGE, IRRIGATION EASEMENT
  - b) EASEMENTS: FAIRVIEW ACRES SUB 05 PLAT; 200600049; UTILITY, DRAINAGE, IRRIGATION EASEMENT
- 14) Site Access:**
  - a) Front: Clay St
- 15) Sidewalks:** There are no sidewalks
- 16) Wetlands on site:** None identified

## PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: August 20, 2025
- 3) The neighborhood meeting was held September 10, 2025
- 4) Site Coverage:
  - a) Building: 2,987 SF, 19% of the site
  - b) Landscaping: 4,039 SF, 26% of the site
  - c) Paved Areas: 8,497 SF, 55% of the site
- 5) Square footage dedicated to uses: Health Club
- 6) Number of Structures: 1
- 7) Total number of vehicular parking spaces: 1
  - a) Surface: 14
- 8) Total number of bicycle parking: 8
  - a) Surface: 8
- 9) Trash Enclosure: The refuse will be individual services and picked up from the street;
- 10) Fencing: Wood fence
- 11) Sidewalk:
  - a) detached proposed
- 12) Landscaping:
  - a) Street Trees: 7, class I and II trees
  - b) Parameter Landscaping: shrubs, ornamental grass, perennials
- 13) Connections:
  - a) Closest VRT Stop:
    - i) ~0.2 mi; W Chinden Blvd & E 33rd St NEC
  - b) Greenbelt: ~0.14 mi.

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District <a href="#">Link to Comment</a>	9/17/2025	<ul style="list-style-type: none"><li>• Construct Clay Street abutting the site as half of a 36-foot-wide local commercial street section with vertical curb, gutter, and 5-foot-wide concrete sidewalk. If detached sidewalk and street trees are required by Garden City, then an 8-foot-wide landscape barrier shall be provided</li><li>• Construct 34th Street abutting the site as half of a 36-foot-wide local commercial street section with vertical curb, gutter, and 5-foot-wide concrete sidewalk. If detached sidewalk and street trees are required by Garden City, then a minimum 8-foot-wide landscape barrier shall be provided.</li><li>• Construct a bulb-out at the northwest corner of the intersection of Clay Street and 34th Street. Design the bulb-out to provide a minimum of 24-feet of pavement between the bulb-outs at the intersection, as measured from face of curb to face of curb.</li><li>• Provide written fire department approval of use the bulb-out.</li><li>• Dedicate right of way on Clay Street and 34th Street extending to 2-feet behind the back of sidewalk.</li><li>• For detached sidewalks, the applicant may dedicate right-of-way to extend 2-feet behind the back of curb and provide a right-of-way easement from the edge of right-of-way to 2-feet behind the back of sidewalk. Sidewalk should be located entirely within the right-of-way or entirely within the easement.</li></ul>

		<ul style="list-style-type: none"> <li>• Construct a 20-foot-wide, paved driveway from the site onto Clay Street located 45-feet east of the site's west property line.</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>• There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.</li> <li>• Comply with all Standard Conditions of Approval</li> </ul>
Republic Services <a href="#">Link to Comment</a>	8/15/2025	We will come into the property for the trash carts. They must be placed at the street
Garden City Engineer <a href="#">Link to Comment</a>	9/9/2025	<ul style="list-style-type: none"> <li>• An approval from the Ada County Highway District is required.</li> <li>• Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. The review by the District will need to include review of access and locations of fire hydrants.</li> <li>• Any modifications to gravity irrigation facilities require an approval of the project from the irrigation entity. The applicant must review the project and determine if an Army Corps of Engineers 404 permit will be necessary to obtain.</li> <li>• Will the project include a pressurized irrigation system served by surface irrigation water? We note that Fairview Acres Lateral Water Users Association serves the property.</li> <li>• The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. 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. Any new water or sewer services must be reviewed and approved by Public Works.</li> <li>• The city may require contain easements to cover all city water and sewer infrastructure including water and sewer lines, manholes, fire hydrants and water meters, as applicable to the project.</li> <li>• After completion of site improvements, record drawings may be required showing compliance with approved construction plans and pre-approved construction period changes must be provided and accepted by the city. Design professional of record will be expected to provide letters noting construction of horizontal construction and drainage complies with approved plans.</li> <li>• Prior to performing any new grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan.</li> <li>• A site geotechnical report, storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional that is sealed, dated and signed is required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site. The grading plan must assure that proposed elevations match the perimeter ground and storm water capture remains on the site. The storm water report needs to address how roof drainage will be managed. The storm water report needs to</li> </ul>

		<p>include a section on depth to seasonal high groundwater and what its expected elevation is.</p> <ul style="list-style-type: none"> <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 approved plans attached and be recorded by the city with final plan approval.</li> <li>• The design professional must provide a storm water operation and maintenance manual that is sealed, signed and dated by the design professional. Said manual must be approved by the city.</li> <li>• FEMA Flood Maps The applicant must review the original FEMA work maps (not the current adopted maps) on the city's website 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.</li> </ul>
Irrigation: Fairview Acres <a href="#">Link to Comment</a> ; Page 13	7/14/2025	FALWUA provided the applicant with its approval via email.
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	9/2/2025	<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 400-feet from the hydrant. (IFC 507.3, IFC B104, IFC B105, IFC C105).</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>• Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)</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> <li>• Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)</li> <li>• The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (BCC 5-12-19, IFC 503.2.4)</li> <li>• Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).</li> <li>• The installation of security gates across a fire apparatus access road must meet the following criteria: Removal or opening of said barricade must result in a clear unobstructed road width of 20'. Chains and locks shall not be of such quality so as not to damage fire department cutting tools nor shall cutting operations result in any unnecessary time delay. Bollards must be of an easily removable type, shall leave nothing protruding up from the roadway surface when removed, and shall be approved by the Code official. If gates are electronically operated, they shall: (1) be of a fail-open version in the event of loss of power, and (2) be equipped with an automatic opening mechanism activated by the Opticom</li> </ul>

		system currently in use by the fire department. Contact the Boise Fire Marshal (208-570-6500) for additional details. (IFC 503.6, D103.5).
DEQ <a href="#">Link to Comment</a>	8/25/2025	While DEQ does not review every project on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: <a href="https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083">https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083</a> .

## PUBLIC COMMENT

No public comments were provided as of the drafting of this report.

## MEETING SUMMARY

There have been no previous consultations on this project.

## CODE AND POLICY REVIEW

### Discussion

The proposed development at 202 E 34th Street presents a new construction project for a health club within the C-2 General Commercial zoning district.

The project is located in an area designated as both Live-Work-Create and an Activity Node under the Garden City Comprehensive Plan, which encourages mixed-use development, pedestrian connectivity, and community destination centers.

The application demonstrates general compliance with Garden City Code Title 8, though several areas require further clarification or modification to fully meet code standards. Notably, the proposed use—a health club—is permitted within the C-2 zone and aligns with the intended character of the district. The site layout incorporates landscaping, a plaza, and bicycle parking, supporting the city's goals for beautification and accessible development.

However, several design elements raise concerns regarding compliance:

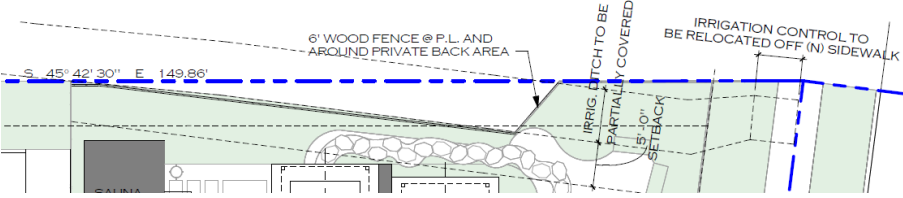
- **Fencing and Waterways:** The proposed 6-foot privacy fence along the irrigation ditch does not comply with Section 8-4A-9, which requires open-vision fencing adjacent to waterways. Although preliminary approval was granted by Fairview Acres, the fence conflicts with city code. However, the fencing may provide a visual barrier for adjacent residential uses.  
The fence along 34th Street also raises concerns, as there may not be sufficient landscaping to establish the required landscape buffer.
- **Building Form and Articulation:** The building's massing and façade treatment along Clay Street lacks sufficient articulation, and the floor area ratio (FAR) falls below the minimum of 1.0. Although the design attempts to simulate a two-story appearance, further enhancements may be necessary to meet the intent of GCC 8-4C-3 and 8-4C-4.
- **Plaza:** The proposed plaza at the corner of Clay and 34th Streets contributes positively to the streetscape but requires clarification regarding its dimensions, materials, and compliance with plaza standards. The absence of art and/or amenities makes it difficult to distinguish the area as a plaza rather than merely a widened sidewalk.
- **Parking and Access:** The driveway connection to Clay Street lacks visual distinction and may not comply with pedestrian safety standards. Additionally, perimeter landscaping and tree planting along the north and west boundaries require dimensional verification to ensure compliance with GCC 8-4I-5 and 8-4I-6.
- **Architectural Detailing:** While the building incorporates varied rooflines and some façade modulation, the treatment of windows, doors, and other architectural elements needs further refinement to meet the detailing standards outlined in GCC 8-4C-3.

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>	Compliant	Legal parcel of record as described
<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>		
<a href="#">8-2B-1 Purpose</a>		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. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district. 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="#">8-2B-2 Allowed Uses</a>	No compliance issues noted	Health Club is permitted use.
<a href="#">8-2B-3 Form Standards</a>	Compliant	<p>The required setbacks are:  Front: 5'  Interior Side: 5'  Rear: 5'  Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a  There are no encroachments</p> <p>Accessory structures shall not be located in any front yard setback and shall be set back a minimum of five feet (5') from any side or rear property line.  <b>Compliant</b></p>
<a href="#">8-2C-21 Health Club</a>	Not Applicable	<p>No outdoor activity area associated with the use shall be located within fifty feet (50') of any property line adjacent to a residential zone. The property and adjacent parcels are in the C-2 General Commercial zoning district. This section of code is not applicable due to there being no adjacent residential zoning districts.</p> <p>Outdoor activity area is defined as: An area not fully enclosed that is associated with the use, including storage, equipment, loading and docking, but excluding vehicle parking.</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>		
<a href="#">8-4A-3 Fences and Walls</a>	May not be compliant	<p>All new fences shall be required to be in conformance with this section.</p> <p>Setbacks:</p>

		<p>1. Fences greater than three and one-half feet (3.5') shall be set back to be flush or behind the building frontage. Where there is no building frontage, fences greater than three and one-half feet (3.5') shall be set back minimally ten feet (10') from the back of sidewalk so as to allow for street trees and landscaping between the fence and the sidewalk.</p> <p><b>There is a 6-foot-tall wood fence along the 34th Street frontage that is to enclose the back yard amenity space. The fence extends in front of the building, which is not code compliant.</b></p> <p><b>The provided landscaping plan includes a green buffer (unknown width) between the fence and the sidewalk; however, it may not be sufficient to create an effective visual barrier, as it consists only of shrubs and a single tree. Incorporating additional vegetation and/or selecting taller species may be necessary to ensure compliance with code requirements.</b></p>
<a href="#">8-4A-4 Outdoor Lighting</a>	Compliant as Conditioned	<p>Standards:</p> <ol style="list-style-type: none"> <li>1. The height of a freestanding light fixture in a residential district shall not exceed nine feet (9').</li> <li>2. Electrical feeds to outdoor light fixtures shall be underground, not overhead.</li> <li>3. Street lighting shall be provided consistent with an adopted fixture design and plan developed by the city.</li> </ol> <p><b>The applicant submitted the lighting plan; however, it is unclear whether this plan complies with all the requirements above.</b></p> <p><b>Any future outdoor lighting will be required to be in compliance with code at the time of development.</b></p>
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</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>Unless fully enclosed and baffled so that no noise is detected on any adjoining property, the location of outdoor mechanical equipment shall meet the following setback requirements:</p> <ol style="list-style-type: none"> <li>1. On commercial or industrial property abutting a residential district: Fifty feet (50') from the property line.</li> <li>2. Within the residential districts: Twenty-five feet (25') from the property line.</li> </ol> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p><b>This proposal identifies fenced trash and storage enclosure. The enclosure is located in the northwest corner and is fully fenced. Trash bins for this property will be wheeled to the curb, as allowed by Republic Services according to preliminary correspondence.</b></p> <p>It appears that no mechanical equipment will be installed in this area, and therefore, no noise should be generated or disturb neighboring residential areas.</p> <p>No other outdoor service or equipment areas were identified on the provided plans. <b>Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</b></p>

<a href="#">8-4A-7 Stormwater Systems</a>	Compliant as Conditioned	<p>The standards for stormwater integration shall apply to all site improvements and ACHD stormwater facilities.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of GCC §8-4A-7.</p> <p>The standards for stormwater integration shall apply to all site improvements and ACHD stormwater facilities. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees as per subsection GCC §8-4I-4A. Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels.</p>
<a href="#">8-4A-8 Utilities</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="#">8-4A-9 Waterways</a>	<p>May not be compliant</p> <p><b>Discussion required</b></p>	<p>According to our GIS information, there is currently an 6' wide open (daylighted) Fairview Acers Lateral ditch running east to west along the northern property boundary line of this site. The ditch is tiled on-site, adjacent to 34<sup>th</sup> Street, as identified in Google Street View and the submitted civil site drawings, but then is daylighted as it runs northwest. All adjacent properties, including the 34<sup>th</sup> Street ROW have already tiled the ditch.</p> <p>Code requires that irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space. The Comprehensive Plan, Goal 5, also encourages the restoration and naturalization of water systems and discourages the enclosure or tiling of such features.</p> <p>However, the code provides an exception: these waterways may be enclosed if they are already piped at both ends adjacent to the subject property and if the surrounding parcels are fully developed in a manner that would render future reopening infeasible.</p> <p>Image showing existing irrigation ditch:</p>  <p>Per code, fencing is not required along irrigation ditches, laterals, canals, or drains. However, if fencing is proposed, it must be open vision fencing, privacy fencing is explicitly prohibited. Additionally, any proposed fencing adjacent to irrigation infrastructure must be reviewed and approved by the relevant irrigation or drainage district.</p> <p>The applicant proposes a wooden privacy fence along the ditch, which has received preliminary approval from Fairview Acres for a similar configuration. Despite this, the proposed privacy fence does not comply with city code. If the applicant were to revise the proposal to include code-compliant open fencing, it could introduce compatibility concerns between the proposed commercial use and the adjacent residential property to the north.</p>

		<p>Furthermore, due to the ditch's location and configuration, fencing cannot be placed directly along the property line. This constraint, combined with the proximity to residential uses, raises concerns that open fencing may result in visual or operational nuisances for the neighboring commercial property.</p>
<a href="#">8-4C-3 Design Provisions for Nonresidential Structures</a>	<p>May not be compliant</p> <p><b>Discussion required</b></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> <p>Floor Area Ratio (FAR): All new construction should have a minimum floor area ratio of 1.0 or a minimum of two (2) stories.</p> <p><b>The calculated FAR appears to be less than 1.0, and the building is a single-story structure. However, the design incorporates visually distinct levels, giving the appearance of a second story. Discussion required.</b></p> <p>Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza.</p> <p><b>The parcel is a corner lot with the building oriented toward the intersection, incorporating a plaza at that location. However, neither street-facing façade meets the requirement of occupying at least 60% of the street frontage. Additionally, the plaza size appears inconsistent across the plan sheets and requires clarification. As currently presented, the design is not compliant. Note: The street setback may be increased if a plaza is provided with a minimum area of 500 square feet.</b></p> <p>First Floor Facades: 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%).</p> <p><b>Although a detailed calculation is not provided, the first-floor façades contain windows, which appear to account for approximately 50% of each street frontage. Calculations required.</b></p> <p><i>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.</i></p> <p>All parking lots should be located to the side and rear of the building fronting on the street. A parking lot may be located between a building and a street when the visual effect of the parking lot has been mitigated by one of the following ways: A minimum of ten feet (10') of landscaping has been provided between the parking lot and the view of the surface lot from the street is minimized <b>The parking lot is located on the side of the building and is visible from the street. However, it is oriented parallel to the street, and landscaping with trees and shrubs is provided between the parking lot. Dimensions required</b></p> <p>Driveway Lanes: Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20') and the minimum of feet between driveway intersections with the public street as set forth by the transportation authority. Driveway lanes crossing a public sidewalk intersection should be clearly distinguished with special pavement or coloring.</p>

The drive aisle within the parking lot is proposed to be 22 feet wide, which complies with parking code requirements. However, where the drive aisle connects to Clay Street, the access widens to an unknown width. **Not compliant.**

Additionally, there is no clear distinction, such as special pavement or coloring, at the intersection between the driveway and the sidewalk. **Not compliant.**

Pedestrian Pathways:

- a. No access to a parking space should require a pedestrian to cross more than one drive aisle and two (2) parking bays of parking. Pedestrian pathways that are flush or shared with driveways, or pathways that cross surface parking lots longer than one drive aisle and two (2) parking bays in distance should be visually distinct from parking lot and driveway surfaces by either: 1) a distinct pattern and texture (e.g., brick pavers or stamped concrete) in paving materials; or 2) a raised surface. **May not be compliant.** It may be necessary to provide a clear pedestrian pathway connecting the far spaces of the parking lot to the internal pathway.

*Objective 3: Buildings shall be designed and constructed of quality materials.*

**No compliance issues noted**

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

Maintenance Of Existing Vegetation: All existing trees, significant vegetation and surface water features should be maintained.

**There are numerous weeds and trees along the northern boundary; however, it is unclear whether they are located within the site or on the neighboring property. If the trees are on the site and are planned to be removed, an arborist's report will be required (see also 8-4I-7).**

**There is an open ditch on the site that extends onto the neighboring properties to the west and north and is partially piped along the side facing 34th Street. The open portion is planned to remain exposed but will be fenced off to provide privacy between the commercial and residential areas. Discussion required, see 8-4A-13, "Waterways".**

*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.*

Architectural Elements: The mass of long or large scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, and/or columns. **The façade along 34th Street features a projecting element that visually divides the elevation into two distinct sections, further emphasized by contrasting surface colors. In comparison, the façade along Clay Street is treated with a single color and includes windows but lacks additional articulation. Further discussion is required to determine whether the design meets the intent of the articulation standards.**

Rooflines: A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building.

- a. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.

		<p>b. Roofs that incorporate a variety of vertical dimensions such as multiplaned and intersecting rooflines are encouraged.</p> <p>c. Flat roofed designs should include architectural details such as cornices, and decorative facings to provide interest to the roofline.</p> <p><b>The roofline incorporates a variety of details and elevations resulting from the building's design. Some sections appear relatively flat, while others feature more distinctive architectural elements, creating visual interest. Discussion required</b></p> <p>Building Details: The design of buildings should be enhanced with appropriate details. The following elements are examples of techniques used on buildings to provide detail:</p> <p>a. Ornate Rooflines: Examples include ornamental molding, entablature, frieze, or other roofline devices. <b>Not determined</b></p> <p>b. Detailed Treatment Of Windows And Doors: Examples include decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks. Window sizing and treatment should be as follows:</p> <p>i. Windows should not have individual glass panes with dimensions greater than five feet by seven feet (5' x 7'). <b>Dimensions required</b></p> <p>ii. Windows should be surrounded by trim, molding, and/or sill at least four inches (4") wide. Commercial buildings with no trim or molding should have window frames at least two inches (2") wide. <b>Dimensions required</b></p> <p>iii. Individual window units should be separated from adjacent window units by at least six inches (6") of the building's exterior finish material. <b>Dimensions required</b></p> <p>c. Artwork Or Decorative Paving: The artwork may be freestanding or attached to the building, and may be in the form of mosaic, mural, basrelief sculpture, light sculpture, water sculpture, fountain, freestanding sculpture, art in pavement, or other similar artwork. <b>Not determined</b></p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <p><b>No compliance issues noted</b></p>
<a href="#">8-4C-4 Special Provisions for Specific Non residential Development</a>	<p>May not be compliant</p> <p><b>Discussion required</b></p>	<p>Facades longer than fifty feet (50') (measured horizontally along the facade) should incorporate relief to perceived building mass through such features as wall projections or recesses, projecting windows, entrances, or other visual relief. The doorways on buildings abutting or within three feet (3') of the sidewalk should be recessed in order to avoid conflicts with pedestrians.</p> <p><b>The façade along 34th Street features a projecting element that visually divides the elevation into two distinct sections, further emphasized by contrasting surface colors. In comparison, the façade along Clay Street is treated with a single color and includes windows but lacks additional articulation. Further discussion is required to determine whether the design meets the intent of the articulation standards.</b></p> <p>Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation. Roofline variation should be achieved using one or more of the following methods: a) vertical offset in ridgeline; b) horizontal offset in ridgeline; c) variations in roof pitch; d) gables; and e) dormers.</p> <p><b>The roofline incorporates a variety of details and elevations resulting from the building's design. Some sections appear relatively flat, while</b></p>



others feature more distinctive architectural elements, creating visual interest. **Discussion required**

Plaza Requirements:

1. To qualify as a pedestrian plaza, an area should have:

- a. Pedestrian access (including handicapped access) into the plaza from the public right of way. **Compliant**
- b. Paved walking surfaces such as concrete, brick pavers, or other type of pavers on level, stepped, or gently sloping (less than 3 percent grade). **According to the plans, the plaza surface is shown as being different from the sidewalk; however, the specific material or treatment is not indicated.**
- c. One linear foot of seating per perimeter linear foot of the plaza. **Calculation required**
- d. Security lighting on site or building mounted. **Provided**
- e. A minimum size of five hundred (500) square feet with the shorter dimension of a plaza less than three (3) times the height of surrounding buildings. **Discussion required**
- f. Buildings on plazas should promote and accommodate outdoor activity with balconies, arcades, terraces, decks, and courtyards for residents' and workers' use and interaction.
- g. Distributed trash containers around the plaza. **Not determined**
- h. Direct access to occupied indoor space. **Provided**
- i. Located so that the build provides buffering from street noise when the location is on a major arterial. **May not be Compliant**

2. A pedestrian plaza is encouraged to have:

- a. Artwork, or amenities such as fountains, kiosks:
  - i. Interactive art, sculpture, and fountains which people can touch and move. **Not provided**
  - ii. Fountains for visual attraction, to screen traffic noise, and for cooling effects. **Not provided**

Awning, Marquee And Arcade Requirements:

1. Awning, marquee, or arcades should be at least four feet (4') and six inches (6") deep, over the full length of sidewalk or walkway adjacent to the building, and minimum eight feet (8') above the walkway level. **Compliant as Conditioned**

[8-4C-5 Prohibitions](#)

No compliance issues noted

There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.

**8-4D Parking and Off Street Loading Provisions.**

[8-4D-3 Parking Design and Improvement Standards](#)

Compliant as Conditioned

**Vehicle parking:**

Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS				
Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements
Standard				
90°	9'0"	20'0"	9'0"	22'0"

**Compliant Parking Provided:**

13 regular parking spaces  
Stall Width: 9'

			<p>Length per car: 20'</p> <p><u>1 ADA parking spaces</u> <b>Dimensions required</b></p> <p><b>The proposed parking lot accommodates 14 vehicular spaces and is located within 20 feet of a residential property to the west, triggering the applicability of GCC 8-4I, Landscaping and Tree Protection Provisions.</b></p> <p>A pedestrian route that is compliant with current Americans With Disabilities Act (ADA) standards must be provided from the parking area to each primary entrance;</p> <p>Parking lots shall be designed in accordance with chapter 4, article I of this title, Landscaping And Tree Protection Provisions;</p> <p>The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way.</p> <p>Pedestrian routes shall facilitate passage from parking spaces to the principal entrance and meet standards set forth in sections <a href="#">8-4E-6</a> and <a href="#">8-4E-7</a> of this chapter.</p> <p>Parking areas shall conform to current adopted building code standards and current Americans With Disabilities Act (ADA) standards.</p> <p>All parking and loading zones shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties, walkways, or streets.</p> <p>All off-street parking areas for nonresidential uses shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. <b>Compliant as Conditioned</b></p> <p>Any parking area utilized for more than two (2) dwelling units and/or for nonresidential uses which is intended to be used during nondaylight hours shall be properly illuminated to increase security and avoid accidents. Any lights used to illuminate parking lots shall be arranged so as to direct the light from trespassing on adjoining property and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.</p> <p>Bicycle parking spaces shall:</p> <ol style="list-style-type: none"> <li>Be a minimum space six feet (6') long by two feet (2') wide;</li> <li>On-site spaces shall be located within fifty feet (50') of the building entrance(s);</li> <li>Public bicycle spaces may be provided within three hundred feet (300') of the property in lieu of on-site spaces. If public bicycle spaces are provided, legally binding documentation including property owner approval, maintenance responsibility, and public use allowance shall be provided to the city;</li> <li>Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;</li> <li>Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered;</li> <li>Be easily accessible from the street;</li> <li>Not impede pedestrian movement or loading zones;</li> <li>Not impede pedestrian or vehicular circulation or loading zones. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and</li> </ol>	
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		i. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.
<a href="#">8-4D-4 Parking Use Standards</a>	Compliant as Conditioned	<p>Number Of Spaces: No use shall provide less than the minimum spaces required by this article.</p> <p>Use Of Property; Phased Projects: The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this code.</p>
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	Compliant	<p><b>Vehicle parking:</b> A Health Club is considered a medium use, which requires 1 space per every 1,000 gross square feet. Required: 2,987 SF/1000SF= 3 parking spaces Provided: 14 parking spaces.</p> <p><b>Bicycle Parking:</b> A Health Club: 1 space per 1000 square feet 2,987 SF/1000SF= 3 parking spaces. Provided: 7 parking spaces. <i>The plan shows 7 parking spaces, but it states that there are 8.</i></p>
<a href="#">8-4D-6 Standards for Equivalent Parking Adjustments</a>	No compliance issues noted	Equivalent parking was not requested.
<a href="#">8-4D-7 Off Street Loading Standards</a>	No compliance issues noted	Off Street Loading was not proposed.
<b>8-4E Transportation and Connectivity Provisions</b>		
<a href="#">8-4E-3 Public Street Connections</a>	Compliant as Conditioned	<p>This article provides design standards that shall apply <u>to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.</u></p> <p>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.</p> <p>The maximum height of any berm or vegetative ground cover at maturity within the clear vision triangle shall be three feet (3') from the lowest adjacent street grade. <b>Shrubs are shown encroaching into the clear vision triangle. All landscaping within the clear vision area must be maintained at a maximum mature height of 3 feet to ensure compliance with a clear vision triangle standards.</b></p>
<a href="#">8-4E-4 Internal Circulation Standards</a>	Compliant as Conditioned	<p>Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:</p> <ol style="list-style-type: none"> <li>1. Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width.</li> <li>2. Have a minimum width of twenty feet (20'). <b>Provided</b></li> <li>3. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping</li> </ol>
<a href="#">8-4E-6 Sidewalk Standards</a>	Compliant as Conditioned	Detached sidewalks are required along both E. 34 <sup>th</sup> Street and Clay. The sidewalks shall be a minimum of five feet (5') wide, with a minimum 8' landscape buffer strip (per ACHD's policy).

		<p>It is possible that the landscape buffer along E. 34<sup>th</sup> Street can be replaced with a furniture zone, with benches, bike parking, trash receptacles, and street trees within tree grates as intended in the <a href="#">34<sup>th</sup> Street Specific Area Plan</a>.</p> <p>The proposal includes detached sidewalks, however, the landscape buffer will need to be widened from 6' to 8'.</p>
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	Compliant as Conditioned	<p>All new nonresidential development shall provide for pedestrian accessibility. Accessibility shall be from a direct, convenient and attractive pathway system that conforms to the following standards:</p> <ol style="list-style-type: none"> <li>1. A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances, as generally shown in figure 8-4E-1 of this subsection. <b>Provided</b></li> <li>2. The pathway shall be designed to connect all portions of a development in a direct manner and not involve a significant amount of out of direction travel for likely users. <b>Provided</b></li> <li>3. The pathway is free from hazards, has appropriate lighting levels, and meets the standards for ADA accessibility. <b>Compliant as Conditioned</b></li> <li>4. A pathway shall be a minimum width of four feet (4'). <b>Dimensions required</b></li> <li>5. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility. <b>Provided</b></li> <li>6. Pathway surfaces shall be concrete, and have a width that is based on their function. Pavers, brick, raised walkways, and other ornamental paving may be used if it has a smooth finish, and textured or bumpy materials may be used as an edge treatment, provided that an accessible route is provided between the edge treatments. <b>Different types of pavement are provided but not specified.</b></li> </ol>
<a href="#">8-4E-8 Transit Facilities</a>	No compliance issues noted	
<b>8-4F Sign Provisions</b>		
<a href="#">8-4F-13 Master Sign Program</a>	Compliant as Conditioned	<p>A master sign program is required for any new commercial building</p> <p>The purpose of the master sign program is to encourage the integration of signs into the site and building design of new commercial and mixed use development. Through this integration, the intent is to allow flexibility in the criteria as set forth in sections <a href="#">8-4F-11</a> and <a href="#">8-4F-12</a> of this article and promote improved quality of design</p>
<a href="#">8-4G Sustainable Development Provisions</a>	Compliant	The development is required to provide 12 points. The documentation provided indicates that 13 points have been provided.
<a href="#">8-4H Flood Hazard</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> <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</p>

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. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.

#### 8-4I Landscaping and Tree Protection Provisions

##### [8-4I-3 General Landscaping Standards and Irrigation Provisions](#)

Compliant as Conditioned

A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants;

The following minimum plant sizes shall be used for all required landscape areas:

Shade trees	2 inch caliper minimum
Ornamental trees	2 inch caliper minimum
Evergreen trees	6 foot height minimum
Woody shrubs	2 gallon pot minimum

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.

Required Number Of Class II Or Class III Trees	Minimum Number Of Species
5 to 10	2

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.

All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems

##### [8-4I-4 Landscaping Provisions for Specific Uses](#)

Compliant as Conditioned

A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.  
Required: 14,985 SF x 0.05= 749.25 SF  
Proposed: 1,127 SF. **Compliant**

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.

34<sup>th</sup> Street (~101 LF): 1 Street tree + 2 Frontage trees = 3 trees  
Provided: 3 trees. **Compliant**

Clay Street (~149 LF): 1 Street tree + 3 Frontage trees = 4 trees  
Provided: 4 trees. **Compliant**

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.

Required trees: 1,127 SF/1,000 SF= 1 tree  
Provided: 4 trees (*excluding perimeter landscape trees*)

Shrubs required: 1,127 SF/150 SF= 6 shrubs **Compliant**

		<p><b>Note:</b> Staff recommends requiring Class II street trees (or larger where planting strip width allows) along public frontages to maximize cooling, public-health, habitat, stormwater, and long-term canopy outcomes; Class I trees should only be permitted where overhead utilities or substandard planter widths preclude larger forms. This is consistent with regional practices and local streetscape precedents of new developments in Garden City. Conditions have been drafted to require Class II or III trees in lieu of the Class I due to lack of site or utility constraints and ACHD requiring a larger landscape buffer.</p> <p>The Transportation Needs List also requires Class II or III trees along Clay Street.</p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	May not be compliant	<p>Required perimeter landscaping meeting the standards set forth in subsection C of this section is required in the following situations:</p> <ol style="list-style-type: none"> <li>Between a new or substantially altered nonresidential use and a residential use or vacant residentially zoned property where such uses are not separated by an arterial street;</li> <li>Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property;</li> </ol> <p><b>Perimeter landscaping is required along the north and west property boundary lines.</b></p> <p>Standards:</p> <ol style="list-style-type: none"> <li>A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot; <b>Dimensions required</b></li> <li>A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;</li> <li>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. <b>Dimensions required</b></li> <li>Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions", of this article.</li> <li>Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds may encroach into the perimeter landscape area.</li> <li>Perimeter landscape areas shall provide for pedestrian access from residential development to abutting commercial districts and vice versa.</li> </ol>
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	May not be compliant	<p>Landscaped areas shall be designed to accommodate the following:</p> <ol style="list-style-type: none"> <li>Trees shall be planted with access to at least five (5) square feet of area and three (3) in depth of quality soil prepared to the specifications set forth in "Garden City Design And Construction Guide".</li> <li>High branching, deciduous shade trees planted evenly at fifteen foot (15') intervals (or as appropriate to the selected species) to quickly establish continuous canopy coverage.</li> </ol> <p><b>Trees are required to be planted along the west and north property lines. The landscape plan shows these trees; however, no dimensions are provided.</b></p>
<a href="#">8-4I-7 Tree Preservation Provisions</a>	Compliant as Conditioned	<p>The provisions of this section are intended to preserve existing trees of four inch (4") caliper or greater from destruction before and during the development process.</p> <p><b>There are numerous weeds and trees along the northern boundary; however, it is unclear whether they are located within the site or on the neighboring property. If the trees are on the site, are four inches or greater in caliper, and are planned for removal, an arborist's report will</b></p>

		be required.
<b>Title 8, Chapter 6, Article A: Administration</b>		
<a href="#">8-6A-3 General Application Process</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="#">8-6A-4 Required Application Information</a>	N/A	
<a href="#">8-6A-5 Administrative Process with Notice</a>	Compliant as Conditioned	<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 Consultant's recommendation and 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>

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Garden City Comprehensive Plan</a>	<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>This application is in future land use designations of the Comprehensive Plan:</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 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.</li> <li>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</li> </ol>

	<p>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: Neighborhood and Destination Centers: 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. <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><u>The application may be supported by:</u></p> <p><b>Goal 1. Nurture the City</b></p> <ul style="list-style-type: none"> <li>• 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>• 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.</li> <li>• 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>• 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p><b>Goal 4. Emphasize the "Garden" in Garden City</b></p> <ul style="list-style-type: none"> <li>• 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>• 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p><b>Goal 12. Evolve as a Destination</b></p> <ul style="list-style-type: none"> <li>• 12.1 Objective: Support a positive business environment</li> <li>• 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>• 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	A new detached sidewalk is proposed on both sides of the parcel.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along E. 34th Street in accordance with the policy.
<a href="#">Garden City Transportation Needs List</a>	<p><b>Clay: 32nd to 37<sup>th</sup>:</b></p> <p>Provide a road section that matches on Clay from 32nd to 37th. This project is important to the mobility and functionality of the neighborhood and</p>

	contains a waterline that is slated by the Public Works Department for upgrade. <b>The improvements should provide detached sidewalk and landscaping with Class II or III street trees to adhere to Garden City Code.</b>
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## 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
1. The proposed design shall comply with all design standards in Garden City Code, Title 8.	Not Determined: This will be completed in	TBD: This will be completed in conjunction with the formal decision



<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, 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>	<p>conjunction with the formal decision</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:

**POTENTIAL CONDITIONS FOR APPROVAL DECISION**

**Site Specific Requirements:**

Scope of this permit:



1. The scope of this permit is to allow new construction for a Health Club at 202 E. 34<sup>th</sup> Street.
2. This portion of the building is designated for a future tenant not affiliated with the Health Club use.
  - a. Any future tenant shall be required to obtain a Certificate of Occupancy and/or any additional permits from Garden City Development Services.
3. 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.

During Construction:

1. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300' and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.

Prior to Building Permit Issuance:

1. A building permit including fire and environmental review shall be applied for and approved by Garden City Development Services Department.
2. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
3. Any future outdoor lighting will be required to be in compliance with code at the time of development.
4. 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
  - b. If ACHD requires stormwater swales within the landscape buffer along 34<sup>th</sup> Street and /or Clay Street, the swales shall be designed in such a way to accommodate the Garden City required street trees.
  - c. All parking and loading zones shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties, walkways, or streets.
5. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
  - a. Utility boxes and transformers will also require screening. Coordination with Idaho Power will be required.

6. All new fences shall be required to be in conformance with this Garden City Code 8-4A-4 Fences and Walls.
  - a. Fences greater than three and one-half feet (3.5') shall be set back to be flush or behind the building frontage.
  - b. Where there is no building frontage, fences greater than three and one-half feet (3.5') shall be set back minimally ten feet (10') from the back of sidewalk so as to allow for street trees and landscaping between the fence and the sidewalk.
7. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
8. There shall be a minimum of 3 vehicle parking spaces provided.
  - a. All parking spaces shall be provided with substantial wheel restraints to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions.
  - b. No parking shall encroach on adjacent property, in the on-site required landscape area, or across pedestrian pathways.
  - c. Parking areas shall be properly illuminated to enhance security and prevent accidents when used during non-daylight hours.
  - d. A pedestrian route that is compliant with current Americans With Disabilities Act (ADA) standards must be provided from the parking area to each primary entrance
  - e. ADA parking spaces shall comply with the Americans with Disabilities Act (ADA) standards
  - f. The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way
  - g. Pedestrian routes shall facilitate passage from parking spaces to the principal entrance and meet standards set forth in GCC sections 8-4E-6 and 8-4E-7.
9. There shall be a minimum of 3 bicycle parking spaces provided.
  - a. The applicant shall have bike parking more than the standard set forth in GCC 8-4D-5, to demonstrate compliance with the Sustainable Development Provisions in Section 8-4G of the Code.
  - b. Bicycle parking spaces shall:
    - i. Be a minimum space six feet (6') long by two feet (2') wide;
    - ii. On-site spaces shall be located within fifty feet (50') of the building entrance(s);
    - iii. Public bicycle spaces may be provided within three hundred feet (300') of the property in lieu of on-site spaces. If public bicycle spaces are provided, legally binding documentation including property owner approval, maintenance responsibility, and public use allowance shall be provided to the city;
    - iv. Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;
    - v. Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered;
    - vi. Be easily accessible from the street;
    - vii. Not impede pedestrian movement or loading zones;
    - viii. Not impede pedestrian or vehicular circulation or loading zones. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and

- ix. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.
10. 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. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside.
    - i. The frontage of E. 34<sup>th</sup> Street shall have a total of 3 class II or III trees.
    - ii. The frontage of Clay Street shall have a total of 4 class II or III trees.
    - iii. Trees shall be planted adjacent to 34<sup>th</sup> Street and Clay Street within the landscape buffer to meet street tree requirements of Garden City Code 8-4I.
  - 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.
    - i. A minimum of 1 tree shall be planted internally on the site, along with a minimum of six 6 shrubs
  - d. 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.
  - e. Parking lots shall be designed in accordance with GCC 8-4I, Landscaping And Tree Protection Provisions
  - f. Perimeter landscaping is required along the north and west property boundary lines.
    - i. A perimeter landscaping area 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).
  - g. All landscaping within the clear vision area must be maintained at a maximum mature height of 3 feet to ensure compliance with a clear vision triangle standards.

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. All utilities for a new structure shall be installed underground.
  - a. 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.
- 3. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along Clay Street.
- 4. 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 E. 34<sup>th</sup> Street and along Clay Street in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy.
  - i. The sidewalk shall be installed to the edges of property.
  - ii. The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.
  - iii. The sidewalk shall be a minimum of 5' in width
  - iv. The sidewalk shall be detached by a minimum 6' landscape or furniture zone.
  - v. All Ada County Highway District (ACHD) review comments and requirements shall be addressed prior to construction. If ACHD requires modifications to the streetscape, including but not limited to expansion of the 34<sup>th</sup> and Clay Streets landscape buffer from 6' to 8', the site plan shall be revised accordingly.
  - vi. Any dimensional adjustments necessary to meet ACHD standards, shall be incorporated into the final construction drawings and shall not require further review approval unless they significantly alter the layout of the site or conflict with other conditions of approval.
  - vii. Improvements may be made within the right-of-way provided a landscape license agreement or other approval from ACHD.
5. 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.
  - c. Pedestrian routes shall facilitate passage from parking spaces to the principal entrance
6. The applicant shall address all comments provided by the City Engineer.

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

1. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from the adjacent public streets and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.

**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 two (2) years 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.

#### **STANDARD CONDITIONS FOR DENIAL DECISION**

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**

Mariia Antonova, Planning Official

Date