



DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2023 - 0007

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 18, 2023

Applicant: Andres Vasquez



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SITE INFORMATION

- 1)** Owner: RIVERSIDE HOSPITALITY LLC
- 2)** Street Address: 3100 W Chinden Blvd.
- 3)** Ada County Tax Parcel Number(s): R2734541900
- 4)** Property Description: LOTS 1 TO 3 INC BLK 38 FAIRVIEW ACRES SUB NO 5
- 5)** Legal Lot of Record: Yes
- 6)** Property Size: 0.510 acres
- 7)** Zoning District: C-1
- 8)** Zoning Overlay: None
- 9)** Comprehensive Plan Land Use Map Designation:
 - a) Green Boulevard Corridor
 - b) Live-Work-Create
- 10)** Floodplain Designation
 - 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) Partly in 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20 Lower Boise River, adopted by resolution 1083-20
- 11)** Adjacent Uses:
 - a) Eating establishment, full service
 - b) Lodging
 - c) Accessory
- 12)** Easements on site :
 - a) FAIRVIEW ACRES 05 ACCEPTANCE OF RESPONSIBILITY; 200,600,049; ACCEPTANCE OF LIABILITY
 - b) FAIRVIEW ACRES SUB 05 PLAT; 200,600,049; UTILITY, DRAINAGE, IRRIGATION EASEMENT
- 13)** Site Access:
 - a) Side: E. 31st St. (Vacated)
- 14)** Sidewalks: Sidewalks are installed and are in good repair along W. Chinden Blvd. Attached sidewalk proposed along 31st Street, which has been vacated.
- 15)** Wetlands on site: None identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: August 16, 2023
- 3) The neighborhood meeting was held on: August 28, 2023
- 4) Site Coverage: 22,216.
 - a) Building: 7,002 sf; 31% of the site
 - b) Landscaping: 5,006 sf; 22 % of the site
 - c) Paved Areas: 10,500 sf; 47% of the site
- 5) Square footage dedicated to uses: Eating Establishment, Full Service & Food Products, Small Scale Processing
- 6) Number of Structures: 1
- 7) Total number of vehicular parking spaces: 20
 - a) Surface: 20
- 8) Total number of bicycle parking: 4 bike racks/20 spaces
 - a) Surface: 4 bike racks/20 spaces
- 9) Trash Enclosure: Republic Services will pick up services off site, via a cross access agreement with Riverside Hotel.
- 10) Fencing: 6' high decorative metal fence
- 11) Sidewalk:
 - a) attached proposed.
- 12) Landscaping:
 - a) Street Trees: 6 trees class II, 2 trees class I
 - b) Parameter Landscaping: trees and shrubs
- 13) Closest VRT Stop:
 - a) ~0.3 mi Main Street
 - b) ~0.3 mi W Chinden Blvd & E 36th St NEC
 - c) ~0.6 mi W State St & N Glenwood St SEM

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Idaho Transportation Department Link to comment	08/03/2023	<ul style="list-style-type: none">• IDAPA 39.03.42.600.04 rules govern landscaping within ITD right-of-way. No trees will be allowed within 4 feet of the face of curb at full growth. Irrigation systems shall be no closer than 5 feet from the pavement edge and shall be adjusted so as not to cause water to cover any portion of the highway pavement.• Any addition, modification, change of use, relocation, maintenance, or removal of an encroachment of the state highway or use of highway right-of-way for any purpose other than normal travel, shall obtain an Encroachment Permit (ITD Form 2110) to use state right-of-way.• Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway
Idaho Department of Environmental Quality Link to comment	08/02/2023	General comments provided

Republic Services Link to comment	08/01/2023	Not enough information about trash enclosures. If the service yard will be used, then another plan need be found.
Ada County Highway District Link to comment	08/10/2023	<ul style="list-style-type: none"> There are no improvements required to the adjacent street(s). <p>The applicant shall be required to:</p> <ul style="list-style-type: none"> Pay a traffic impact fee. If applicable, a traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process and it is the applicant's responsibility to submit plans directly to ACHD. Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way. Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).

PUBLIC COMMENT

None provided as of the drafting of this document.

MEETING SUMMARY

This is a summary of the discussions that occur at the Design Review consultation meetings. There have been no previous consultations on this project.

CODE AND POLICY REVIEW

Discussion

Pedestrian and Bicycle Facilities

The greenbelt behind the Riverside Hotel is one of the most congested and least functional in Garden City. In 2021, the Riverside Hotel requested a vacation of Osage and 31st Street to facilitate the consolidation of the hotel property and the subject property.

At that time Garden City requested that easements for vehicular and pedestrian movement be maintained to provide options for bicycle and pedestrian traffic. These easements were not provided.

One option to address the Greenbelt congestion is to divert bicycle commuter traffic off the Greenbelt at Fairview to Garden Street to 32nd or 33rd Street to avoid the activities on the Greenbelt that are associated with the hotel. This would require a facility to be constructed on a portion of Chinden Blvd. Another option is to route the traffic through the hotel property.

In the Prior to Occupancy section, Condition 6 requires an easement for public access presuming that the former Osage St. will be utilized for bicycles and pedestrians.

A multi-use path, the path must be a minimum of 10' in width. This is requested along Chinden Blvd. regardless of whether the bicycle traffic will be diverted from the Greenbelt.

In 2015 Federal Highways conducted a bicycle and pedestrian safety analysis of Chinden for the Secretary of Transportation at the time, Secretary Foxx. The analysis demonstrated that those walking along Chinden Blvd. tend to walk behind the sidewalk as the sidewalk location is uncomfortable. Provided Idaho Transportation Department approval, a far better construction of the sidewalk on Chinden Blvd. would be a separation of the facility from the vehicular travel lane with trees for a shade and safety barrier.

Interaction with Hotel Campus and Surrounding Neighborhood

The distillery fits well with the neighborhood's increasing destination location uses. These are uses that rely heavily on individuals moving between the various uses. The proposal should provide logical routes that are safe, comfortable, and highlighted to access the hotel, river, and surrounding neighborhood.

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

Garden City Title 8 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
<u>8-1A-4 Applicability</u>		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.
<u>8-1B-1 Nonconforming Properties</u>	Compliant as conditioned	Applicant submitted Warranty Deed and Assessment Notice. Property is described as Lots 1-3. A lot line consolidation will be required prior to construction.
<u>8-1B-2 Nonconforming Structures</u>	Not Applicable	Existing structure to be removed.
<u>8-1B-3 Nonconforming Uses</u>	No compliance issues note	Permitted uses proposed.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose	Compliant	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.
<u>8-2B-2 Allowed Uses</u>	No compliance issues noted	Eating Establishment, Full Service is permitted. Food Products, Small Scale Processing is permitted.

<u>8-2B-3 Form Standards</u>	No compliance issues noted	<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: 3,000 sq. ft Site square footage: 22,508 sq. ft.</p> <p>There are no encroachments.</p> <p>All improvements are more than 70' from the Boise River. Distance from the border of the site to the river ~ 656'</p> <p>All properties meet the minimum street frontage.</p>
<u>8-2C</u>	Compliant as conditioned	<p>8-2C-18: FOOD PRODUCTS PROCESSING:</p> <p>A. Setbacks:</p> <ol style="list-style-type: none"> 1. All structures, loading areas, outdoor activity areas, exclusive of parking shall be located a minimum of five hundred feet (500') from any abutting residential districts. The property is not located near a residential zoning district. 2. Uses shall be located a minimum of one thousand feet (1,000') from any hospital. There are no hospitals within 1,000ft. <p>B. Limitations: No outside activity or event shall be allowed on the site, except as allowed through a conditional use permit that takes into account the public health and welfare, the interests of adjoining property owners, odor, noise, traffic and vehicular and pedestrian safety. Conditioned.</p> <p>C. Other Regulations Apply: The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation. Conditioned.</p>
Title 8, Chapter 4: Design and Development Regulations		
<u>8-4A-3 Fences and Walls</u>	Compliant – Discussion required.	<p>This proposal identifies a decorative 6' metal fence. The fence is located primarily along the western property boundary, facing adjacent neighbor Stagecoach. The fence will be along the adjacent properties parking lot, where vehicles back up towards the fence to get out of their parking stalls.</p> <p>There is a 1' elevation change between the adjacent property of Stagecoach and Bardenay, with Bardenay being the higher elevation. With the elevation change, the fence will appear to be 7' tall. This is not a code compliance issue, as fences are measured from the existing grade, but the fence could be more imposing than intended.</p> <p>The fence line also faces W. Chinden Blvd., but it is setback about 15' from the front of the building, which is compliant with code. It appears that the fence is intended to conceal electrical and mechanical units associated with the distillery and kitchen. There is landscaping proposed between the fence and W. Chinden.</p> <p>A proposed design for decorative fence was submitted. Design and functionality discussion is encouraged.</p>

<u>8-4A-4 Outdoor Lighting</u>	Compliant as conditioned	Interior lighting plan was submitted, staff was unable to identify exterior lighting plan. Any future outdoor lighting will be required to be in compliance with code at the time of development. Lighting will be reviewed during the building permit phase.
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	Not Compliant – Not enough information to review	<p>All onsite 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>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>The business intends to utilize and expand the existing trash enclosure located about 350ft from the norther boundary line. A cross-access agreement will be required if not already in place.</p> <p>Propose enhancements to the existing trash enclosure include a raised platform, a ramp, steps, re-striping of the existing parking lot, using existing landscape screening between 32nd and the enclosure.</p> <p>The construction of such a structure will need to comply with Garden City Code at the time of construction.</p> <p>There were no elevations submitted showing the proposed trash enclosure or landscape screening. More details required for a thorough review.</p> <p>There does not appear to be a clear, and direct pathway from Bardenay to the trash enclosure they intend to utilize.</p> <p>There was no lighting plan submitted showing that the intended pathway is clearly lit for safe travel.</p>
<u>8-4A-7 Stormwater Systems</u>	Compliant as conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<u>8-4A-8 Utilities</u>	Complaint as Conditioned	<p>Another draft condition of approval is provided requiring that all utilities be underground.</p> <p>All development shall be connected to the Garden City water and sewer systems.</p>
<u>8-4C-3 Design Provisions for Nonresidential Structures</u>	May not be compliant	<p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <ul style="list-style-type: none"> • Street Setback: The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage. Compliant. • First floor facades visible from a public street should include surfaces in windows, showcases, displays, or pedestrian access elements for a minimum of 15% of the façade. Retail uses are required to provide 50% glazing. Glazing percentage details provided, glazing is 16%. A large part of the glazing provided

		<p>along the Chinden frontage is near the roofline, not at street level.</p> <ul style="list-style-type: none"> • Facades should have no wall plane wider than two and one-half (2 1/2) times the height of the wall plane. If a new wall plane is required to achieve compliance with this requirement, it must be offset by at least six feet (6'). Variance requested due to the existing irrigation utility main/easement along W. Chinden Blvd. The height of the wall plane exceeds the allowable wall plane length-to-height ratio. Mitigation for this compliance issue has been proposed through variations in wall height, material, color, glazing, and 12+ inches in wall plane surface. They have increased the building front yard setback from 5' to 12' and added landscaping. <p>A variance cannot be granted for this section of code. It should be determined how the application meets the intent of objective 1 if the wall plane guidance cannot be met.</p> <ul style="list-style-type: none"> • No blank walls should front a public street. <ul style="list-style-type: none"> ◦ The façade facing Chinden could appear to be blank in nature, but has windows, trellis's for creeping vines, and a large "Bardenay" sign/mural. The part of the façade that lacks glazing is where the kitchen and distillery are located within. The Bardenay sign will need to obtain a sign permit. ◦ The western façade, while not directly facing a public street, is visible from both W. Chinden Blvd. and 32nd Street. This façade appears to be blank, there is however a plant trellis along the wall closest to W. Chinden. <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> <ul style="list-style-type: none"> • The parking lot location is code compliant in that it is located behind the building, off the frontage of W. Chinden. • Primary entrances are required to face the street. The proposal contains a pedestrian plaza that which the building orients itself to the corner of Chinden and 31st. The primary entrance faces this corner plaza area, facing 31st Street. • Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20'). Provided 22', meets new parking code ordinance requirements. <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <ul style="list-style-type: none"> • Code discourages metal siding as a primary building material. The proposal contains metal paneled siding. <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <ul style="list-style-type: none"> • There is no significant landscaping or notable site feature on the site. The site as it currently exists is all paved with a building to be demolished.
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<u>8-4C-5 Prohibitions</u>	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																	
<u>8-4D-3 Parking Design and Improvement Standards</u>	Not Compliant	<p>New parking code per Ord. 1034-22 Adopted June 12, 2023</p> <p>Vehicle parking:</p> <table border="1"> <caption>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</caption> <thead> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> <tr> <td colspan="5" style="text-align: center;">Standard</td></tr> </tbody> </table> <p>Compliant Parking Provided:</p> <p><u>12 regular parking spaces</u> Stall Width: 9' Stall Depth: 21' Length per car: 19'</p> <p><u>6 regular parking spaces</u> Stall Width: 9' Stall Depth: 22' Length per car: 20'</p> <p><u>2 ADA parking spaces</u> Stall Width: 9' Access aisle: 8' Length per car: 20'</p> <p>Driveway width: 22'.</p> <p>Parking areas shall not be located closer than four feet (4') to any established public street other than a road designated as an alley. Osage</p>	Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	90°	9'0"	20'0"	9'0"	22'0"	Standard				
Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements													
90°	9'0"	20'0"	9'0"	22'0"													
Standard																	

		<p>has been vacated by ACHD. This section of Osage, however, is still identified as a public pedestrian and bicycle pathway system and parking lot design shall reflect the standards set forth in the Garden City Transportation Needs List.</p> <p>The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way. Without landscaping between the proposed parking lot, the lights from motor vehicles will trespass on the adjacent property to the north, associated with the Riverside Hotel. Lights will shine across the vacated right-of-way of Osage and into the Riverside Hotel's parking lot. It is also not apparent if the parking lot is installing curb or other separations between Osage and the parking stalls. Clarification needed.</p>
<u>8-4D-4 Parking Use Standards</u>	No compliance issues noted	Required motor vehicle parking spaces shall be used for motor vehicle parking only, except as may be allowed for a temporary use in compliance with the requirements as set forth in section 8-2C-38, "Temporary Uses", of this title.
<u>8-4D-5 Required Number of Off-Street Parking Spaces</u>	No compliance issues noted	<p>Sites with Multiple Uses: If more than one (1) use is located on site, the number of required parking spaces shall be equal to the sum of each use.</p> <p><u>Eating establishment, full service</u> is considered a high use per the new code, which requires 1 motor vehicle parking space per 500 sqft of building. The minimum number of bicycle parking spaces is 1 per 500 sqft.</p> <p>Vehicle parking space required: 4,698SF/500=9 Bicycle parking space required: 4,698SF/500=9</p> <p><u>Food products, small scale processing</u> is considered a medium use per the new code, which requires 1 motor vehicle parking space per 1,000 sqft of building.</p> <p>The minimum number of bicycle parking spaces is 1 per 1,000 sqft.</p> <p>Vehicle parking space required: 3,030SF/1,000=3 Bicycle parking space required: 3,030SF/1,000=3</p> <p>Total vehicle parking spaces required: 12 Total bicycle parking spaces required: 12</p> <p>Total vehicle parking spaces provided: 20 Total bicycle parking spaces provided: 20</p>
<u>8-4D-6 Standards for Equivalent Parking Adjustments</u>	No compliance issue notice	Equivalent parking was not requested
<u>8-4D-7 Off Street Loading Standards</u>	No compliance issues noted	<p>Two loading zones have been proposed. Each are 65'x15'. One is located on the vacated 31st Street, while the other is located internal to the site, in the parking lot area.</p> <p>Off Street Loading Zones Space and Access Requirements</p> <ul style="list-style-type: none"> • All spaces shall have fourteen feet (14') of vertical clearance. Compliant. • Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Compliant.

		<ul style="list-style-type: none"> Except for an alley, loading areas shall be designed so vehicles shall not back out into the street; or project into the public right of way or setback area; The parking lot loading zone will back up into the vacated 31st Street. Loading zones may not impede bicycle lanes, multi-use paths, sidewalks, or motor vehicular travel on public roads. Compliant.
8-4E Transportation and Connectivity Provisions		
<u>8-4E-3 Public Street Connections</u>	Complaint 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.
<u>8-4E-4 Internal Circulation Standards</u>	No compliance issues noted	The drive is 20' or greater in width.
<u>8-4E-6 Sidewalk Standards</u>	Compliant as conditioned	<p>The plan proposes to keep the existing attached sidewalk along W. Chinden Blvd. Closure of the existing curb cuts along W. Chinden will be required, and replaced with an even sidewalk, curb and gutter system.</p> <p>A proposed 8' attached sidewalk along E. 31st St. A detached sidewalk is not required due to the vacation of 31st Street.</p>
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	No compliance issues noted	<p>All new commercial development is required to have a direct, convenient pathway system from the building's primary entrances through the site to the public sidewalk.</p> <p>The entrance to the building is through the sidewalk. Parking is also connected to the sidewalk.</p>
8-4F Sign Provisions		
<u>8-4G Sustainable Development Provisions</u>	Complaint	<p>The development is required to provide 18 points.</p> <p>A sustainability list was provided. It appears that the project has 18 required points.</p>
<u>8-4H Flood Hazard</u>	Complaint 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>
8-4I Landscaping and Tree Protection Provisions		
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	Complaint	No comment
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	May not be compliant	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p>Required: 1,110sqft</p> <p>Provided: 5,006sqft = 22%</p> <p><i>*Discrepancies between what the applicant stated and what the plans show. Plans show 4,836sqft of landscaping, vs. what was stated at 5,006sqft.</i></p>

		<p>**The calculations above reflect overall landscaping square footage. To count towards the 5% requirement, setback and perimeter landscaping must be excluded.</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>W. Chinden Blvd. (149.92 LF): 1 Street tree + 3 Frontage trees = 4 trees Provided: 3 trees (Deficient 1 tree)</p> <p>Due to Osage and 31st Street being vacated, Garden City Code is not applicable. Staff has included the analysis below for reference of what would have been required if not for the vacation:</p> <p>E. 31st street (150 LF): 1 Street tree + 3 Frontage trees=4 Provided:2</p> <p>Osage St. (149.92 LF): 1 Street tree + 3 Frontage trees = 4 Provided:1</p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.</p> <p>Proposed Landscape: 5,006 sqft Required trees: 5,006/1,000 = 5 Provided: 8 Required shrubs: 5,006/150=33 Provided: 224</p>
<u>8-4I-5 Perimeter Landscaping Provisions</u>	No compliance issues noted	Not required
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	May not be Compliant	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more. The site proposes 20 vehicular parking spaces.</p> <p>Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.</p> <p>Required: 4 Provided: 3 (Deficient 1)</p>
<u>8-4I-7 Tree Preservation Provisions</u>	No compliance issues noted	There are no existing trees.
Title 8, Chapter 6, Article A: Administration		
<u>8-6A-3 General Application Process</u>	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.
<u>8-6A-4 Required Application Information</u>	N/A	

<u>8-6A-5 Administrative Process with Notice</u>	No compliance issues noted	<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>
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<u>Garden City Comprehensive Plan</u>	<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. LIVE-WORK-CREATE: 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.</p> <p>2. GREEN BOULEVARD CORRIDOR: The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</p>

	<p>The application may be supported by:</p> <p>Goal 1. Nurture the City 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 2. Improve the City Image 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties. 2.3 Objective: Promote quality design and architecturally interesting buildings. 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 4. Emphasize the "Garden" in Garden City 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 7. Connect the City 7.1. Objective: Create pedestrian and bicycle friendly connections. 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>Goal 12. Evolve as a Destination 12.1 Objective: Support a positive business environment. 12.2 Objective: Continue to support commercial and industrial land use. 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</p> <p>The application may not be supported by:</p> <p>Goal 9. Develop a Sustainable City 9.3 Objective: Promote and recognize green building construction.</p>
<u>Garden City Sidewalk Policy</u>	Existing attached sidewalk
<u>Garden City Street Light Policy</u>	A streetlight is installed along W. Chinden Blvd. in accordance with the policy.
<u>Chinden- ITD Access Management</u> <u>Chinden Corridor Access Map</u>	<p>ITD has recommended removal two access to the parcel. Access will be through E. 31st St.</p> <p>No access proposed onto Chinden.</p>
<u>Garden City Transportation Needs List</u>	<p>Currently Chinden Boulevard functions very poorly from a land use jurisdiction perspective. The roadway can be congested to the point that access to businesses during peak hours is severely limited and divides the portion of the City that is south (west) of Chinden from the portion of the City that is north (east) of Chinden. Additionally, the road is not safe due to the number of vehicular conflict points and lack of pedestrian and bike facilities. The addition of improvements to humanize Chinden will reduce accidents and potential for accidents, increase business access, reduce speeds, reduce police demand, provide for pedestrian movement across Chinden and increase adjacent property values.</p> <p>Chinden, State Street, and Glenwood create a barrier between the properties on either side of the roads that segments the City. Installing safety crossings that are comfortable and safe will perforate the barrier effect of these large busy roads. Safe and comfortable access can assist in unifying the City and assist in increasing bike and pedestrian modes of transportation for school children and the rest of public. The more that people chose to ride or walk, the more vehicle trips are decreased.</p>

	<p>Additionally, the more that residents and patrons are able and comfortable to move about the City outside of their vehicles, the more they will feel a sense of place.</p> <p>Garden City understands that Chinden will always carry a high volume of traffic and supports the utilization of Chinden as a significant regional vehicular corridor but would like to ensure that the roadway improvements are done so as to reduce detrimental impacts to adjacent businesses and mobility within Garden City.</p> <p>Garden City has had dialogue with ITD and ACHD concerning the safety of multiple access points entering Chinden Boulevard. ITD has indicated that for safety purposes they would prefer and endorse limiting access onto Chinden Boulevard utilizing Stockton and Osage streets as to access Chinden businesses from the numbered cross streets. Utilizing Osage and Stockton to access the businesses on Chinden will assist in the overall traffic flow of Chinden, allowing for better regional movement of traffic benefitting all the cities in Ada/ Canyon County.</p> <p>Tied to access management is the City's desire to redevelop Chinden as a tree lined boulevard with tree landscaped medians. Many studies have demonstrated that vertically framing in a corridor increases driver attention and reduces speeds thus reducing accidents. Studies have also demonstrated that property values and retail spending tend to dramatically increase while expenditures on energy and potential drainage needs decrease with the installation of trees. The City has a clear and strong vision that Stockton and Osage should remain narrow and function as the access for adjacent businesses while also being utilized to further the pedestrian orientation of the City.</p> <p>An example for the development of Stockton and Osage that has been cited in the generation of the Comprehensive Plan and land use development codes is the concept of a living street. Garden City understands bringing the streets to ACHD local street standards is cost prohibitive due to right-of-way acquisition needs. Garden City is suggesting that due to these constraints that treatments are done within current right-of-way widths. The City believes that the narrow roadways will be advantageous as they will enhance vehicular and non-vehicular mobility and safety while also negating the need for extremely expensive right-of-way costs. It is anticipated that improvements will require considerable coordination between ACHD, ITD and Garden City, but will require very little actual funding from the transportation agencies.</p> <p>Potential improvements to execute vision:</p> <ul style="list-style-type: none"> • Garden City has requested a feasibility study to be conducted to identify if these roads would be appropriate for drainage for the roadway system to reduce on site drainage needs and assist in flood protection. Adopted Resolution 1089-21 • Roadway improvements should include decorative paving or painting ideally that is varied in width and material. Provided that varied paving is too expensive roadway paint that is varied in color could be utilized. This treatment is required to be approved by ACHD prior to implementation. • Signage that indicates that the pedestrians have the right of way. This treatment is required to be approved by ACHD prior to implementation. • A maximum speed limit of 10-15 miles an hour. This treatment is required to be approved by ACHD prior to implementation. • No curb, gutter or sidewalk within the right-of-way is required and limited or no parking is desirable. Sidewalk and connections may still be required
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	on site. This treatment is considered adopted by Garden City for the purposes of redevelopment requirements through the adoption of this plan. <ul style="list-style-type: none"> • Lighting • Controlled access • Adjacent landscaping and or art and street furniture. • Fencing > 3.5 not allowed on property line
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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
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<ol style="list-style-type: none"> 1. The proposed design shall comply with all design standards in Garden City Code, Title 8. 2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site. 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. 4. The proposed design shall be compatible with the neighborhood in scale and intensity. 5. The proposed design shall not create an adverse impact on the surrounding neighborhood. 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. 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 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>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>
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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 **meets** the standards of approval under **GCC 8-6B-3 Design Review**.

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

IN APPROVAL

Site Specific Requirements:

Prior to Construction:

1. A lot line consolidation shall be approved and recorded prior to construction.
2. All future outdoor lighting will be required to be in compliance with code at the time of development.
3. The proposed trash enclosure located on the Riverside Hotel property shall meet all applicable Garden City Code and submit required permits at the time of development. The trash enclosure shall be complete prior to the occupancy permit for 3100 W. Chinden being granted.
4. First floor facades visible from a public street shall have at minimum 15% glazing including surfaces in windows, showcases, displays, or pedestrian access elements.
5. At least fourteen (14) bicycle parking spaces shall be provided on-site.
6. A sustainability checklist shall be provided in accordance with Garden City Code 8-4G. At least 18 points are required.
7. Landscaping shall be compliant with Garden City Code 8-4I Landscaping and Tree Protection Provisions.
 - a. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
 - b. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - i. A minimum of 4 trees are required along the frontage of W. Chinden Blvd..
 - c. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.
 - d. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. A Building permit shall be applied for and approved by Garden City Development Services Department.
3. All onsite service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property or shall be screened from view from a public street and adjoining property with a privacy fence.

4. 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.
5. All signs associated with the application shall obtain approval of a sign permit, or master sign plan.
6. A 12' wide public bicycle and pedestrian easement shall be located along Osage and 31st Street and maintained in perpetuity.
7. An easement shall be provided for all public water and sewer lines on site.
8. A cross access easement shall be provided for access to the trash location.
9. Chinden facing mechanical units shall have architecturally integrated screening.
10. The two existing ingress/egress curb cuts along W. Chinden Boulevard shall be permanently closed in accordance with the Idaho Transportation Department Chinden Access Management Plan unless otherwise recommended by ITD.
 - b) To close each existing ingress/egress curb cut:
 - i) Curb, gutter, and sidewalk improvements shall be installed in the area that is currently designed as an access apron.
 - c) To maintain a curb cut onto Chinden the following shall be provided:
 - i) Documentation from Idaho Transportation Department recommending that ingress/egress onto Chinden Boulevard remain.

Site Specific Requirements for the Duration of the Use:

1. No outside activity or event shall be allowed on the site, except as allowed through a conditional use permit that takes into account the public health and welfare, the interests of adjoining property owners, odor, noise, traffic and vehicular and pedestrian safety.
2. The operator shall have a continuing obligation to comply with all city, county and state regulations relative to such an operation.
3. All streets and driveways shall adhere to the standards of a clear vision triangle.
4. If the parking area is intended to be used after daylight hours, the parking area shall be properly illuminated. Any lights used to illuminate parking lots shall be so arranged as to reflect the light away from the adjoining property and be on a motion detector or timer.

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 Cod 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Cod 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.

September 18, 2023

Development Service Staff

Date