



DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2023 - 0010

Review Status: REVISIONS NEEDED

Plan Review Number: 2

Reviewer: Hanna Veal

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: May 20, 2024

Applicant: Jorre Delgado



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SITE INFORMATION

- 1) Owner:** GLENWOOD PROPERTY LLC
- 2) Street Address:** 5855 N. Glenwood St. & 7979 W. Marigold St.
- 3) Ada County Tax Parcel Number(s):** R8191507450 & R8191507460
- 4) Property Description:**
 - a) PAR #7450 OF LOTS 29 & 30 STRAWBERRY GLENN SUB PARCEL 2 ROS 5694 #7448-S
 - b) PAR #7460 OF LOTS 29 & 30 STRAWBERRY GLENN SUB PARCEL 1 ROS 5694 #7448-S
- 5) Legal Lot of Record:** Yes
- 6) Property Size:** 3.51 acres
- 7) Zoning District:** C-2
- 8) Zoning Overlay:** None
- 9) Comprehensive Plan Land Use Map Designation:**
 - a) Green Boulevard Corridor
 - b) Residential Medium Density
 - c) Activity Node: Neighborhood Destination
- 10) The project is in the:**
 - a) Outside 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) In the 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) Retail – Office
 - b) Dwelling unit, single family attached
 - c) Retail Store
 - d) Eating Establishment Limited Services
 - e) Ada County Paramedics Station
 - f) Food Store/Fuel Yard
 - g) Eating Establishment, Full Services
- 12) Existing Use:** Food products, small scale processing (Pastry Perfection)
- 13) Easements on site:**
 - a) Easement: SG 533; 20' Sewer Easement and ROW. Location is tentative, found on ROS 2009-00052
 - b) Garden City Public Utility Easement, 10'
 - c) Idaho Power, Power Easement, 10'
- 14) Site Access:**
 - a) Front: N. Glenwood St.
 - b) Side: W. Marigold St.
- 15) Sidewalks:** Sidewalks are installed and are in good repair
- 16) Wetlands on site:** None identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: September 28, 2023
- 3) The neighborhood meeting was held on: October 19, 2023
- 4) Associated Conditional Use Permit:
- 5) Site Coverage¹: 152,895sqft
 - a) Building Footprint: 84,720sqft = 55% of the site
 - b) Landscaping: 23,760sqft = 16% of the site
 - c) Paved Areas: 26,570sqft =17% of the site
- 6) Number of Structures: 1 (536,310sqft)
- 7) Number of residential units total: 229
 - a) One bedroom units: 86
 - b) More than one bedroom units: 143
- 8) Total number of vehicular parking spaces: 399
 - a) Covered: 318
 - b) Surface: 81
- 9) Total number of bicycle parking: 257
 - a) Covered: 257
- 10) Trash Enclosure: The refuse will be in a common location internal to the development
- 11) Fencing:
 - a) Existing 6' tall vinyl fence associated with the adjacent residential dwelling units.
 - b) 6' Tall CMU wall is proposed along this property boundary line.
 - c) 6' tall, closed vision fence – almond mocha composite wood paneling with black posts and caps.
 - d) Green Screens proposed around pool amenity.
 - e) 3' tall black tube steel fence around playground and on rooftop deck dog walk area.
 - f) 3' tall art screens around transformers as needed for screening from the public view.
 - g) Existing chain-link fence with barbed wire along southern property boundary line.
- 12) Sidewalk:
 - a) Existing sidewalks to remain on Marigold St.
 - b) Existing sidewalk on Glenwood to be enhanced.
- 13) Landscaping:
 - a) Street Trees:
 - i) 4 Class II Trees on Glenwood
 - ii) 3 Class II Trees on Marigold
 - b) Parameter Landscaping: Proposed along all property lines
- 14) Connections: None
- 15) Closest VRT Stop: Corner of Glenwood and Marigold

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Comment Link to Comment	10/11/2023 11/01/2023	<ul style="list-style-type: none">• Site specific conditions include installation of improvements, payment of impact fees, and civil plan review

¹ Calculations do not add up to 100% of the site. Corrections required.

		<ul style="list-style-type: none"> • Traffic Impact Fee will be assessed by ACHD prior to issuance of a building permit. • SH-44/Glenwood Street is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, Garden City, and ITD should work together to determine if additional right-of-way or improvements are necessary on SH-44/Glenwood Street. • Garden City requested that the applicant construct a new local street though the site consistent with their Transportation Needs List. Garden City would like the new local street to align with River Pointe Drive on the north side of Marigold Street across from the site and continue through the site stubbing to the south. The applicant has not proposed to construct this street and ACHD is unable to require the construction of this roadway, as local streets are not included on the MSM. ACHD is supportive of Garden City's construction of local streets through their planning efforts and if required by the City, it is recommended by ACHD that this roadway be constructed to commercial standards as a 36-foot wide commercial street section with vertical curb, gutter, and 5-foot wide concrete sidewalk on both sides of the roadway.
Garden City Engineer Link to Comment	10/31/2023	<ul style="list-style-type: none"> • Project approval should not occur until the "will serve" letter has been completed and reviewed by the fire district. The review by the District will need to include review of locations of fire hydrants. • Reviewing the amount of ground to be covered by this project, we suggest careful consideration of site storm water. Groundwater depths are relatively shallow in Garden City. Handling storm water in compliance with the storm water design manual usually requires notable footprints and separation from structures. • The site is currently two parcels of ground. A parcel consolidation survey/process will be required. This is dependent upon the parcels being legal parcels of record. • Other standard comments.
Idaho Transportation Department Link to Comment	10/23/2023	<ul style="list-style-type: none"> • Due to the size and proximity of this development, impacts to the State Highway system can be anticipated. A Traffic Impact Study (TIS) is requested. Any necessary mitigation for traffic impacts identified by the TIS shall be the responsibility of the applicant to install.
North Ada County Fire and Rescue Link to Comment Link to Comment	10/23/2023 10/26/2023	<ul style="list-style-type: none"> • Fire Flow report is required. • An additional fire hydrant will be required to meet this requirement. The hydrant needs to be installed on the same side of the roadway as the building and shall not cut off any entrances/exits to the site nor any fire apparatus access roads when connected by

		<p>supply hose to the fire apparatus. This can be achieved by installing a hydrant along Glenwood St to the south of the entrance/exit.</p> <ul style="list-style-type: none"> • The plans show the building roof height to be 84 feet. Aerial access is required. Aerial access is required by the AHJ to be along the long side of the building. Per the plans, the aerial access roadways would be the short sides of the building on both Glenwood St and the internal drive on the east side of the building. This does not meet the AHJ requirement. An approved code alternate, would be considered in lieu of meeting the initial aerial access location requirement. This will need proposed by the applicant. • The plans show a proposed turnaround on the east side of the building. The resubmittals show a trash enclosure at the end of the turnaround. This turnaround is required along this fire apparatus access roadway. The dimensions of approved turnarounds are those found in the 2018 IFC, Appendix D, Figure D103.1. The trash enclosure must be outside of the dimensions of the approved turnaround. • 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. This requirement will be extended to 200 feet with the installation of fire sprinklers throughout the buildings. • Parking will only be allowed in marked parking stalls. All roadways within the project considered aerial fire apparatus access roads. "No Parking – Fire Lane" signage is required throughout the project. • Additional comments and requirements are mentioned in the full review.
Republic Services Link to Comment Link to Comment	10/02/2023 10/25/2023	<ul style="list-style-type: none"> • Original trash proposal unidentified • Adjustments look fine.

PUBLIC COMMENT

Public comments can be found on the application's webpage of the Garden City website. The information below is a succinct list of timely public comments received by the city. To see full comments please visit [LINK](#).

Name	Date	Summary
Andy Hill	10/20/2023	Traffic congestion on Marigold and dangerous conditions on Glenwood.
Anne Peterson	11/30/2023	Opposed to the development.
Carole Schroeder	11/10/2023	Traffic congestion and safety on Marigold.
Chris Suggs	10/31/2023	Traffic congestion on Marigold and Glenwood, concerns regarding traffic pattern.
Christine and Daryl Clark	11/03/2023	Traffic pattern, the noise, and back fence concerns. Traffic on Marigold, Coffey, and Chinden already backed up. Opposed to development.

Christine and Richard Ochoa; River's Place Homeowner Association	10/31/2023 and; 11/10/2023	Concerned about size of development and the amount of traffic on Marigold. Traffic flow should be looked at. Six-story building is not appropriate for the area. Request for a reduction in size of proposed units, and access limited to Glenwood.
Chuck Gullstrom	10/12/2023	Location of playground, traffic generation on Marigold and Coffey Streets, noise and disruption of playground and parking lot, privacy, offered solutions to mitigating impacts of the development.
Darren Caskey	10/26/2023	Development is not appropriate to the area, scale and massing is incompatible with surrounding community, excessive traffic, amenities provided impact adjacent residents, architectural elements and vernacular are not compatible with existing community. Don W. Caskey resume attached.
Dianne Bennet	11/03/2023	Concerned about the safety of surrounding residents and road users due to access on Marigold and Glenwood. Request to reduce the number of apartments.
Ed and Kim Aronson	11/03/2023	Impact to property values, concerned about increased traffic.
Joann Musholt	11/02/2023	Privacy concerns due to height of structure, view of foothills obstructed, access and congestion on Marigold, anticipated issues with Fire Station 16 and Ada County Paramedics despite comments from Boise Fire Department and Idaho Transportation Department.
Joe Hanson	11/10/2023	Access and traffic concerns, requests to reduce size of proposed development and access limited to Glenwood.
Kathi Voigt and Don Caskey	10/26/2023	Development is not appropriate to the area, scale and massing is incompatible with surrounding community, excessive traffic, amenities provided impact adjacent residents, architectural elements and vernacular are not compatible with existing community. Don W. Caskey resume attached.
Kirk and Julie Hart	11/02/2023	Not compatible with the neighborhood, traffic concerns, reduce amount of units and height.
Meg Gorham	11/02/2023	Current congestion issues and request to limit access to Glenwood.
Paul Cooperrider	10/19/2023	Opposed to the application; Traffic congestion and current traffic safety issues.
Rick Jones	11/02/2023	Current traffic and congestion issues, request for no left turns on Marigold or Glenwood.
Ron Voigt and Don Caskey	10/26/2023	Development is not appropriate to the area, scale and massing is incompatible with surrounding community, excessive traffic, amenities provided impact adjacent residents, architectural elements and vernacular are not compatible with existing community. Don W. Caskey resume attached.
Wendy Carver-Herbert	11/02/2023	Concerns regarding increased traffic and potential traffic management arrangements, anticipated issues with Fire Station 16 and Ada County Paramedics despite comments from Boise Fire Department and Idaho Transportation Department.
Wendy Feldman	11/02/2023	Oppose the development, Marigold's current traffic congestion and safety issues.

MEETING SUMMARY

This is a summary of the discussions that occur at the Design Review consultation meetings. A meeting was held on January 16, 2024. A summary of the meeting is as follows:

1. Staff has reached out to the transportation agencies; COMPASS is willing to run a model to see the transportation needs of the surrounding areas and roadways. Staff has been in touch with applicant, and future development applicants in surrounding areas for additional traffic impact study reports encompassing all projects for a bigger view/study.
2. ACHD will require a 36' ROW, if a public road will be required, because it will be a collector street connecting to an arterial.
3. Marigold now has plaza area to better address/interact with Marigold.
4. Public comments concerning dog park and noxious noise and smells.
 - a. Updated to art piece, shifted dog grooming area to second floor of garage.
 - b. Amenities on rooftop deck: grills, kitchens, community gardens, game area.
5. Leasing office area is setback too far into the site. It is not clear where the main public entrance is, the drive from Marigold appears more as a utility road than a main entrance. Relocation of the leasing office discussed as option to create better interaction between Glenwood and the building.
6. Parking garage should not appear as a parking garage when adjacent to the public right-of-way.
7. Right-in-right-out entrance/exits onto W. Chinden for better traffic control.
8. Mechanical screening on rooftop is required.

A meeting was held on November 6th, 2023. A summary of the meeting is as follows:

1. Building does not address Marigold.
2. Traffic Impact Study should look at all roadways, not just Glenwood. It should also include the projection of the local roadway and how it would impact the area and roadways. The traffic impact study is needed to further the review of this application.
3. When resubmitting, look to consultants comments and the staff review.

CODE AND POLICY REVIEW

Discussion

There are items that warrant discussion including but not limited to regional transportation, vehicular and pedestrian connectivity, and alignment with the comprehensive plan's vision.

The design of transportation features for this project may diverge from the GCC required finding 8-6B-3.E.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.*

There are two concerns with the public's use of the existing and planned transportation system. The first is that the location of the proposed amenity space structure will preclude a future planned street. The second is the proposed access points.

New Local Street and Access Discussion:

The adopted [The Garden City Transportation Needs List](#) identifies a new local street between Coffey and Glenwood. A new local street between Glenwood Street and Coffey Street would make this project, Glenwood, and Coffey safer and more efficient.

The new roadway would be the first step in a long-range planning effort to construct a new “Main Street” that runs north-south along the eastern edge of ITD District 3 headquarters in accordance with the [Garden City Livable Streets Plan](#). Construction of the street connection is to happen as redevelopment occurs. The majority of the street would occur on the Idaho Transportation Department, District 3 property, with the connection to Marigold running through three privately owned properties, including this subject property.

Glenwood Street is a critical connection for the Treasure Valley metro area. It is one of the few crossings over the Boise River and connects the two primary east-west commuter routes north of Interstate 84. The highway is a major business corridor with dozens of services and shops along it, and the primary route to the Ada County Fairgrounds. Glenwood also connects neighborhoods north and south to the Boise River Greenbelt, a premier recreational and non-motorized commuter facility.

Per the linked [Glenwood Project Travel Model Analysis Summary](#) produced by COMPASS to analyze Glenwood Street, the Glenwood Street corridor currently carries nearly 40,000 vehicles per day and nearly 2,000 vehicles northbound in the PM Peak Hour (based on 2021 Automatic Traffic Recorder averages). It experiences congestion under current conditions, especially during peak periods. Based on the analysis’s different growth scenarios, Glenwood would see a traffic increase of 5-10%, with congestion travel speeds reducing by 65-75% by 2030. Additionally, Coffey Street, Alworth Street, and Kent Lane are forecasted to see extreme traffic demand shifts of around 100%. This study demonstrates that an additional local roadway connection will enhance the transportation network.

The new proposed street would enhance the capacity and safety of Glenwood Street. Once the street is constructed, over time, the direct access onto Glenwood Street would be closed and properties would be accessed from the new backage road. Thus, Glenwood Street would see increased capacity and safety. Moreover, the local movements would be directed onto the arterials at a location with either an already existing stoplight or a proposed new dedicated improvement intended to safely manage traffic entering the roadways. While this is considered a well-known and standard approach to address safety and capacity on roads, the linked [Federal Highway Benefits of Access Management Brochure](#) is a document from subject experts supporting that the congestion and safety impacts would be realized by limiting accesses (driveways). In addition to increasing safety and capacity of Glenwood, a new street is forecasted to cause a 20% shift from Coffey Street and Glenwood to the new road. This is because Coffey Street is a cut through road for those wishing to utilize Glenwood Street.

Multiple agencies within Garden City control the transportation system, including the Idaho Transportation Department (ITD) and Ada County Highway District (ACHD). These transportation agencies have unique needs, criteria, and authorities. Garden City has requested that the transportation agencies review the traffic patterns in the surrounding area, to determine if there is a need for a secondary, or backage road to Glenwood Street.

During a meeting with ACHD, ITD, COMPASS on January 26, 2024, the transportation agencies suggested that this application and other known large-scale developments that are pending submittal provide a partnered Traffic Impact Study (TIS). As the developers are at various stages within the process, they have declined to provide this joint study. Rather than a TIS reviewing, this application has provided a traffic memorandum.

ITD has requested a Traffic Impact Study specifically for this development application, and ACHD is in support of the City requiring a new local roadway through the site to align with River Pointe Drive on the north side of Marigold. ACHD has recommended that the new roadway be constructed as a 36-foot-wide commercial street section with vertical curb, gutter, and 5-foot-wide concrete sidewalk on both sides. Transportation agencies have determined that it is the land use agency's responsibility to require a new roadway.

In some instances, government can compel right-of-way dedication. When the government wants to take private property for a public purpose, the Fifth Amendment's Takings Clause requires the government to provide the owner "just compensation." However, the States have substantial authority to regulate land use, see and a State law that merely restricts land use in a way "reasonably necessary to the effectuation of a substantial government purpose" is not a taking unless it saps too much of the property's value or frustrates the owner's investment-backed expectations. Similarly, when the government can deny a building permit to further a "legitimate police-power purpose," it can also place conditions on the permit that serve the same end. For example, if a proposed development will "substantially increase traffic congestion," the government may condition the building permit on the owner's willingness "to deed over the land needed to widen a public road." But when the government withholds or conditions a building permit for reasons unrelated to its legitimate land use interests, those actions amount to extortion.²

Under Idaho law, roads may be created as public roads in any of the following ways:

1. Formal declaration and recording by the county or highway district.
2. Blanket legislative declaration.
3. Five years of public use.
4. Five years of public use and maintenance.
5. Common law dedication, including dedication by the federal government via land patents.
6. Dedication through the platting process.
7. Conveyance (sale, gift, or bequest by landowner).
8. Condemnation.³

Idaho law does not specify that redevelopment of a property outside of the subdivision process as a way that a private party can convey a public road.

The applicant opposes dedicating public right-of-way through the subject property. Furthermore, the project is proposing a structural amenity space that will be located where the right-of-way would need to be, should the right-of-way be purchased in the future.

It is the Garden City Attorney's opinion that the city cannot request that the design be so that there is no physical obstruction that hinders future right-of-way acquisition.

Access

The applicant's traffic memorandum indicates that the project will result in fewer vehicle trips than the current use, a donut shop, Pastry Perfection. The current use, only has access onto Glenwood Street. This proposal requests full access, including left-in, left-out turning movements onto both Glenwood Street and Marigold Street.

² Summarized from the SCOTUS *Sheetz v. El Dorado* synopsis of cases related to takings.

³ [Givens Pursley Road Law Handbook 2023](#)

Both of the access points are located within the area where queueing of cars at the stoplight occur.

The linked [Federal Highway Administration Access Management in the Vicinity of Intersections](#) publication indicates that properly designed driveways are outside of the vehicle queueing for stoplights. The access should be of sufficient distance to allow motorists to completely pull onto the road without interference from vehicle queues.

The technical memorandum also notes that approximately 72% of crashes at a driveway involve a left-turning vehicle. The publication explains that eliminating left turns to or from driveways, combined with efforts to reduce conflict points enhances safety. Moreover, it states that motorists turning across the roadway or making left turns can lead to more severe crashes than merging or diverging conflicts because of the angle and speed differentials between the vehicles. As the angle and speed differentials increase, crash severity also increases.

Subsequently, staff suggest careful consideration of whether the left turn in or out of the site from either Marigold or Glenwood should be allowed.

A right-in-right out access onto Glenwood would remove the left-turn conflicts as well as vehicles entering the road in the stoplight queue. A right-in-right-out onto Marigold would eliminate the left-turn conflicts but would not resolve vehicles entering Marigold Street in the stoplight queue.

The below serves as an analysis of 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		
8-1A-4 Applicability		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.
8-1B-1 Nonconforming Properties	Compliant as conditioned	Legal parcel of record as described. Two parcels will need to be consolidated via a lot line adjustment (LLA) with the city prior to construction
8-1B-2 Nonconforming Structures	No compliance issues noted	Existing structures to be demolished.
8-1B-3 Nonconforming Uses	No compliance issues noted	No comment

Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose	No compliance issues noted	The purpose of the two 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.
<u>8-2B-2 Allowed Uses</u>	No compliance issues noted	Multifamily Dwellings are a permitted use in the C-2 zoning district.
<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 The minimum lot size is: n/a There are no encroachments All improvements are more than 70' from the Boise River. All properties meet the minimum street frontage.</p> <p>The structure is 10' from the property boundary lines adjacent to commercial properties. And ~85' from the property boundary lines adjacent to residential properties to the west. There is a portion of the building consisting of amenity rooftop space, tenant lounge, mail/package room, gym, and dog park, which is two stories tall, with the dog park rooftop deck amenity which is ~12 from the property line adjacent to the residential properties.</p>
<u>8-2C-15 Multi-Family</u>	Compliant as conditioned	<p>All multi-family developments shall provide amenities.</p> <p>The number of amenities required for multi-family developments with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.</p> <ol style="list-style-type: none"> 1. Quality of life amenities provided: Fitness facilities, enclosed bike storage, dog wash, and work pods 2. Open space amenities provided: Open grassy area and Rooftop Dog Park 3. Recreation amenities provided: Pool and children's play structures <p>All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. A draft potential condition of approval requiring that such documentation be provided to the City has been included.</p> <p>For developments with twenty (20) units or more the following are required:</p> <ol style="list-style-type: none"> 1. A property management office. Provided. 2. A maintenance storage area. Provided. 3. A central mailbox location, including provisions for parcel mail that provide safe pedestrian and/or vehicular access. Provided. 4. A directory and map of the development at an entrance or convenient location for those entering the development. Provided.
Title 8, Chapter 4: Design and Development Regulations		
<u>8-4A-3 Fences and Walls</u>	Compliant as conditioned	Western Property Boundary Line: Adjacent to residential properties

		<p>Existing 6' tall vinyl fence associated with the adjacent residential dwelling units. This is code compliant and may remain. A proposed 6' Tall CMU wall is proposed along this property boundary line.</p> <p><u>Northeastern Property Boundary Line: Adjacent to commercial properties</u> 6' tall, closed vision fence – almond mocha composite wood paneling with black posts and caps.</p> <p><u>Additional fencing interior to development:</u> Green Screens proposed around pool amenity. 3' tall black tube steel fence around playground and on rooftop deck dog walk area. 3' tall art screens around transformers as needed for screening from the public view.</p> <p><u>Southern Property Boundary Line: Existing chain-link fence with barbed wire</u> Shall be removed or replaced with code compliant fencing. Or notarized affidavit of non-ownership submitted.</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>
<u>8-4A-4 Outdoor Lighting</u>	Compliant as conditioned	<p>Waiver request submitted for lighting plan.</p> <p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	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>Dumpster enclosure along western property boundary line does not show details of materials. Transformers along Glenwood are to be screened by a metal art fence. Condition drafted to ensure screening material is code compliant.</p> <p>All 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. There might be conflict with the acoustic impact on adjacent properties given the location of the trash enclosures. The dumpster enclosure is only 5' from the western property boundary line, which is shared with a residential property.</p> <p>Boise Fire has potential conflicts with the proposed location of the trash enclosure as it is placed within the required fire turnaround. The trash enclosure must be outside of the dimensions of the approved turnaround, and meet 2018 IFC Appendix D. Figure D103.1. Agency comment is from October, no new information has been provided to staff to indicate whether this has been resolved.</p>
<u>8-4A-7 Stormwater Systems</u>	Compliant as conditioned	<p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p> <p>See 8-4I analysis.</p>
<u>8-4A-8 Utilities</u>	Compliant as conditioned	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

		<p>to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.</p> <p>There are many overhead utilities found in the area along both Glenwood and Marigold. Current structures on site have overhead power connecting to power poles on both Glenwood and Marigold.</p> <p>Power poles internal to the development also feed adjacent properties, such as the Assistance League of Boise Thrift Store.</p> <p>Civil plans were not submitted for review. It will be required that all existing utilities on and within the right-of-way, and directly adjacent to the site, be put underground.</p>
<u>8-4B-4 Multi-family Residential Dwelling Units</u>	Compliant as conditioned	<p>Building setbacks shall consider windows, entrances, porches and patios, and how they impact adjacent properties. It appears that the building focuses its height and density towards Glenwood. The rear portion of the property adjacent to the residential units is either occupied by open space and landscaping with common drive, or two-story amenity space with rooftop deck.</p> <p>Building is setback about:</p> <ul style="list-style-type: none"> - 27' from Glenwood - 12'5" to 13'9" from existing New York Richie's building; - 12' from existing gas station; - 10' from existing commercial; - 10'+ from existing residential (closest part of the structure being the amenity space proposed at 2 stories tall); - 12' from south property boundary line; <p>Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification.</p> <ul style="list-style-type: none"> - Leasing office has moved to the frontage of Glenwood. This façade now appears to have a clear primary point of entry, however the pedestrian entrance shall face Glenwood. There is now a clear pedestrian pathway from the public sidewalk to the main entrance on Glenwood. - Proposed pedestrian entrance off Marigold setback deep into property. Not the primary focal point of overall building. There is a detached pathway leading from the public sidewalk on Marigold to the amenity space. <p>Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.</p> <ul style="list-style-type: none"> - All entrances appear to be covered. <p>Roof forms shall be distinctive and include variety and detail when viewed from the street. Flat roofs should include distinctive cornice treatments.</p> <ul style="list-style-type: none"> - Provided. Parapets are provided at varying heights to break up the long rooflines.
<u>8-4C-4 Special Provisions for Specific</u>	No compliance issues noted	<p>Required per GCC 8-4D-3, parking design and improvement standards.</p> <p>Facades longer than fifty feet (50') (measured horizontally along the facade) should incorporate relief to perceived building mass through such features</p>

<u>Nonresidential Development</u>		<p>as wall projections or recesses, projecting windows, entrances, or other visual relief.</p> <p>The Glenwood Façade is roughly 100' long, with the first floor providing some glazing, the parking garage providing material visual relief, and the leasing office providing projection. Balconies are also provided along the facades.</p> <p>All portions of a site should be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian pathways. Pedestrian circulation is provided.</p>										
<u>8-4C-5 Prohibitions</u>	No compliance issues noted	<p>There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.</p> <p>There is not any crushed colored rock/crushed tumble glass utilized on the site.</p>										
8-4D Parking and Off Street Loading Provisions.												
New parking code per Ord. 1034-22 Adopted June 12, 2023												
<u>8-4D-3 Parking Design and Improvement Standards</u>	Compliant as conditioned	<p>Vehicle parking:</p> <table border="1" data-bbox="612 686 1444 897"> <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> </tbody> </table> <p>Parking Provided: 399</p> <p>382 regular parking spaces: 9' x 20'</p> <p>17 ADA parking spaces</p> <p><i>*Accessible spaces shall be designed in accordance with current adopted building codes and current Americans With Disabilities Act (ADA) guidelines.</i></p> <p>When parking is in a structure, the structural columns may encroach up to six inches (6") into the parking spaces.</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> <ul style="list-style-type: none"> - Concrete wall is provided at both levels of parking to 4'-0" A.F.F. This concrete barrier serves to keep headlights from exiting the parking garage and will also support the proposed screening elements. There is however a 5' wide landscaped area, consisting of shrubs and trees. <p>Motor Vehicle Parking Structure Design:</p> <ul style="list-style-type: none"> - Shall meet all design criteria as set forth in section <u>8-4C-4</u>. See analysis. - The ground floor adjacent to public right-of-way shall be designed so that the facades appear to be commercial in nature. Compliant. - Passive security features shall be provided. These features include but are not limited to open space or light wells that eliminate dark areas, light sources, or video monitors. Not enough information to review. Condition drafted. - Stair and elevator towers shall be located to minimize pedestrians crossing drive aisles internal to the parking structure. There are three stairwells located within the parking structure providing minimal pedestrian crossings of drive isles, but not full elimination. Pedestrian crossings appear to be striped and identified within the parking structure. 	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"
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"								

		<p>Bicycle parking:</p> <ul style="list-style-type: none"> - On-site spaces shall be located within fifty feet (50') of the building entrance(s). Bike parking internal to the development, primarily found within the parking garage on 1st, and 2nd floor adjacent to stairs and elevators. - Shall be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered. Bike parking is located in visible locations within the covered parking garage. - Be easily accessible from the street. Compliant. - Be properly illuminated to increase security and avoid accidents. Not enough information to review. <p>EV Parking is not provided but encouraged.</p>
<u>8-4D-4 Parking Use Standards</u>	No compliance issues noted	
<u>8-4D-5 Required Number of Off-Street Parking Spaces</u>	No compliance issues noted	<p>Dwelling Unit, Multi-Family: 86 1-bedroom & 143 2-bedroom</p> <p><u>Parking Spaces Provided: 399</u></p> <p>Enclosed: 318</p> <p>Surface: 81</p> <p><u>Required:</u></p> <p>Studio & 1-Bedroom: 86 enclosed</p> <p>More than 1-Bedroom: 286 (143 enclosed)</p> <p>Total: 372 (229 enclosed)</p> <p>The site provides for the required enclosed vehicle parking spaces.</p> <p>Guest Parking required: 27</p> <p>Provided: 27</p> <p>The site identifies 27 guest parking spaces.</p> <p>Bike Parking Required: 229 covered + 27 = 256</p> <p>Bike parking provided: 257</p>
<u>8-4D-6 Standards for Equivalent Parking Adjustments</u>	No compliance issues noted	Equivalent parking was not requested.
<u>8-4D-7 Off Street Loading Standards</u>	No compliance issues noted	There is no loading zone identified in the site plans.
8-4E Transportation and Connectivity Provisions		
<u>8-4E-3 Public Street Connections</u>	No compliance issues noted	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	
<u>8-4E-5 Private Street Standards</u>	No compliance issues noted	Private street not proposed at this time. See discussion.
<u>8-4E-6 Sidewalk Standards</u>	Not compliant	Glenwood is considered an arterial street. Per the Garden City Sidewalk Policy, the sidewalk along Glenwood shall be at least 7' wide, detached by a landscape buffer to allow for the required Class II or III street trees. It is unclear what the applicant proposes along Glenwood. Original landscape plans show street trees within a 5' landscape buffer, which is not large enough to accommodate the required street trees.

		<p>Additionally, the landscape plan does not show connection of the sidewalk to adjacent properties, specifically to the northern property.</p> <p>New materials submitted on April 22, 2024, do not show any sidewalk on Glenwood or Marigold. Clarification required.</p> <p>The property will be relocating the existing curb cut on Glenwood St. Moving it closer to the existing curb cut on the adjacent northern property.</p> <p>Marigold is considered a collector street. A 5' wide detached sidewalk along Marigold is required. It appears that the existing attached sidewalk along Marigold is to remain unmodified.</p>
<u>8-4E-8 Transit Facilities</u>	No compliance issues noted	The closest transit facility bus stop located at corner of Glenwood and Marigold. Enhancements to this bus stop are not proposed, as it is not located on these parcels.
<u>8-4G Sustainable Development Provisions</u>	No compliance issues noted	The development is exempt per 8-4G-2 (D).
<u>8-4H Flood Hazard</u>	No compliance issues noted	<p>The planning official is the decision maker on items regarding 8-4H.</p> <p>The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer.</p> <p>The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.</p>
8-4I Landscaping and Tree Protection Provisions		
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	May not be compliant	Not enough information to review.
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	No compliance issues noted	<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>Landscape required: 7,645sqft Landscaping provided: 23,760sqft</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><u>Glenwood Frontage (150LF):</u> Trees Required: 4 Class II or III trees Trees Provided: 4 Class II</p> <p><u>Marigold Frontage (115LF):</u> Trees Required: 3 Class II or III trees Trees Provided: 3 Class II</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>24 trees and 158 shrubs required and provided.</p>
8-4I-5 <u>Perimeter Landscaping Provisions</u>	Not compliant	<p>Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use. Perimeter landscaping is required and provided along all property boundary lines except for those fronting a street.</p> <p>There is less than 5' perimeter landscaping along the eastern property boundary line, and it only contains grasses/shrubs. This is not compliant.</p> <p>A perimeter landscaping area shall be at least ten feet (5') wide measured from the property line to the interior of the lot.</p> <p>A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity.</p> <p>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.</p>
8-4I-6 <u>Parking Lot Landscaping Provisions</u>	No compliance issues noted	Parking lot landscaping appears compliant.
8-4I-7 <u>Tree Preservation Provisions</u>	Compliant as conditioned	Arborist report not submitted for review. Trees are proposed to be removed. Arborist report required. A condition has been drafted to ensure an arborist report is submitted for review prior to removal of trees.
8-4L Open Space Provisions		
8-4L-3 <u>General Open Space Standards</u>	No compliance issues noted	<p>Areas of the site consist of mature landscaping, trees, and natural features.</p> <p>The common open space area provides connectivity with other open areas, and public spaces within and off the site.</p> <p>The common open space area is located and designed to serve a passive or recreational function.</p>
8-4L-5 <u>Open Space Standards for Multi-family Developments</u>	No compliance issues noted	<p>A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit.</p> <p>Each dwelling unit has at least an 80sqft private balcony.</p> <p>For any new multi-family development: A minimum area of outdoor common open space shall be provided as follows:</p> <ul style="list-style-type: none"> - Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. <p>Required: 229du x 250 = 57,250sqft Provided: 57,440sqft</p> <p><i>*There are discrepancies between the provided open space exhibit and the architectural site plan sheet A100. Staff use the architectural plans for reference, both sheets meet compliance.</i></p>

Title 8, Chapter 6, Article A: Administration

<u>8-6A-3 General Application Process</u>	N/A	<p>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.</p> <p>There have been denials of an application in substantially the same form for the same use, within one (1) year.</p>
<u>8-6A-4 Required Application Information</u>	N/A	<p>Application waivers requested pursuant to 8-6A-4A:</p> <ul style="list-style-type: none"> - Lighting Plan - Ability to Serve - Sustainability Checklist - Ada County approved addresses
<u>8-6A-5 Administrative Process with Notice</u>	Compliant upon approval	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Planning Official's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<u>Garden City Comprehensive Plan</u>	<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. This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> 1. RESIDENTIAL MEDIUM DENSITY: The residential medium density designation is shown for the areas north of Chinden and west of Glenwood. This designation allows for detached and attached dwelling units including duplexes and townhouses. 2. ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows: 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>

	<ul style="list-style-type: none"> • Adams and 50th Streets intersection to the Boise River • Adams and 42nd street intersection to the Boise River. • East city boundary to 36th street between the Boise River and Chinden Boulevard • Glenwood and Marigold Streets intersection • Chinden Boulevard and Garrett Street intersection • Chinden Boulevard and 50th Street intersection • State Street and Pierce Park Transit Oriented Development Nodes • Chinden Boulevard and Glenwood Street intersection • Chinden Boulevard and Veterans Parkway intersection • State Street and Horseshoe Bend Road • State Street and Glenwood Street <p>3. 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</p> <p>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 2. Improve the City Image</p> <p>a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</p> <p>b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <p>a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 7. Connect the City</p> <p>a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>Goal 12. Evolve as a Destination</p> <p>a.) 12.1 Objective: Support a positive business environment</p> <p>b.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</p> <p>The application may not be supported by the Comprehensive Plan Goal. To be determined. Staff did not review.</p>
Garden City Sidewalk Policy	See above code analysis.
Garden City Street Light Policy	A streetlight is installed along Glenwood Street in accordance with the policy.
Garden City Transportation Needs List	See discussion section

DECISION PROCESS

General Provisions

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

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

Decision

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

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

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

Appeals of Decision:

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

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

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

Required Findings

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

GCC 8-6B-3_Required Findings	Determination	Reasoned Statements
<ol style="list-style-type: none">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	Not Determined. This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision

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.

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 **may meet** 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 **recommends a public hearing** with potential suggested conditions:

POTENTIAL CONDITIONS IN APPROVAL

Scope of this permit:

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

- b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
- c. Less than 5% of rearrangement of site.

Prior to Building Permit:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. The ability to serve shall be provided.
3. A lot line consolidation shall be approved by the city and recorded by the county.
4. The primary pedestrian entrance shall face Glenwood.
5. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit.
6. There shall be a minimum of 399 vehicular parking spaces provided; with a minimum of 229 to be enclosed, and 27 for guests.
7. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3. Accessible spaces shall be designed in accordance with current adopted building codes and current Americans with Disabilities Act (ADA) guidelines.
8. Passive security features shall be provided. These features include but are not limited to open space or light wells that eliminate dark areas, light sources, or video monitors.
9. There shall be a minimum of 246 bicycle parking spaces provided.
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. An arborist report documenting all existing trees on site shall be submitted. The report shall include a site map, tree identification, caliper inches of each tree, and health status.
 - ii. Mitigation shall be required for all existing trees four-inch (4") caliper or greater that are removed or damaged from the site.
 - iii. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement.
 - iv. 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. 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. The frontage of Glenwood Street shall have a total of 4 Class II or III trees.
 - ii. Trees shall be planted adjacent to Glenwood within the landscape buffer to meet street tree requirements of Garden City Code 8-4I.
 - iii. The frontage of Marigold Street shall have a total of 3 Class II or III trees.
 - iv. Trees shall be planted adjacent to Marigold Street back of sidewalk.
11. Any future outdoor lighting will be required to be in compliance with code at the time of development.
12. 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 stormwater swales are within required landscape areas, the swales shall be designed in such a way to accommodate the required trees.
- 13. The screening art wall design(s) shall return to the Design Review Consultants for approval prior to installation.
- 14. A concrete wall within the parking garage shall be constructed up to about 4ft in height to prevent headlight trespass.

Prior to Occupancy:

- 1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
- 2. A building permit including fire and environmental review shall be applied for and approved by the Garden City Development Services Department.
- 3. A copy of recorded legally binding documents that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features shall be provided to the City.
- 4. A keyless entry system, or suitable alternative, to provide police access to the common corridors under exigent circumstances shall be installed and maintained. The keyless entry system or alternative shall be subject to review and approval by the Garden City Police Department.
- 5. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along Marigold and Glenwood Streets, as well as internal to the development.
- 6. Bicycle Parking
 - a. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, 37th or 38th Street.
 - b. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
- 7. 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.
- 8. The dumpster location shall be approved by North Ada County Fire and Rescue.
- 9. 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.
- 10. All existing utilities on and within the right-of-way, and directly adjacent to the site, shall be put underground.
- 11. Existing chain-link fence with barbed wire along the southern property boundary line shall be removed or replaced with code compliant fencing.
 - a. A notarized affidavit of non-ownership can be submitted if the fence is not owned by the subject property to waive this condition.

Site Specific Requirements for the Duration of the Use:

- 1. The following amenities shall be provided or replaced with an amenity from the same category of amenity as identified in Garden City Code: Open Space, Recreation, and Quality of Life

- a. At least four amenities shall be provided, with at least one from each category.
- b. At least 57,250sqft of common open space shall be provided based on the approved plans.

2. A property management office must be on site, and tenants, and outside members of the public or police must be able to get hold of emergency services 24- hours of the day.
3. A maintenance storage area must be provided.
4. A central mailbox location is provided in accordance with this approval.
5. A directory and map of the development is located at the entrance or convenient location for those entering the development.
6. 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.
7. Access shall be limited to right in-right out at both the Glenwood and the Marigold access points.

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.

POTENTIAL CONDITIONS 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 Idaho Code, a request for reconsideration must be submitted within 14 days of the action and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
3. A takings analysis pursuant to Idaho Code may be requested on final decisions.
4. 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.

Development Service Staff

Date

IMAGES