



DEVELOPMENT SERVICES DEPARTMENT

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

File Number: DSRFY2025 - 0008

Review Status: RECOMMEND PUBLIC HEARING

Plan Review Number: 2

Reviewer: Hanna Veal

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: December 8, 2025

Applicant: Zach Turner



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SITE INFORMATION

- 1) Owner: Boise Bible College Inc.
- 2) Street Address: 8695 W Marigold St.
- 3) Ada County Tax Parcel Number(s): S0525233602
- 4) Property Description: PAR #3602 OF W2NW4 SEC 25 4N 1E #233600-B #7923556
- 5) Legal Lot of Record: Yes
- 6) Property Size: 16.320 acres
- 7) Zoning District: R-3 Medium density residential
- 8) Comprehensive Plan Land Use Map Designation: Residential Medium Density
- 9) 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) Outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 10) Adjacent Uses:
 - a) Dwelling unit, single family attached
 - b) Dwelling unit, single family detached
- 11) Existing Use: School
- 12) Easements on site:
 - a) Thurman Mill Pathway easement
 - b) Boise Bible College - water and sewer easement
- 13) Site Access:
 - a) Front: Marigold St.
- 14) Sidewalks: Sidewalks are installed and are in good repair
- 15) Wetlands on site: None identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Site Coverage: 369,577 SF
 - a) Building: 63,300 SF (17%)
 - b) Landscaping: 130,689 (35%)
 - c) Paved Areas: 170,459 SF (46%)
 - i) **Phase 1 (Parcel 2): 151,414 SF**
 - (1) Building: 31,650 SF (20.9%)
 - (2) Landscaping: 43,968 SF (29%)
 - (3) Paved Areas: 73,509 SF (48.5%)
 - ii) **Phase 2 (Parcel 3): 151,841 SF**
 - (1) Building: 31,650 SF (20.8%)
 - (2) Landscaping: 36,219 SF (36.1%)
 - (3) Paved Areas: 81,130 SF (53.5%)
 - iii) **Phase 2 (Parcel 4, Open Space): 66,322 SF**
 - (1) Landscaping: 50,502 SF (76.1%)
 - (2) Paved Areas: 15,820 SF (23.9%)
- 3) Number of Structures: 2
 - a) Number of residential units total: 236
 - i) One-bedroom units: 111
 - ii) More than one-bedroom units: 125
- 4) Total number of vehicular parking spaces: 392
 - a) **Phase 1 (Parcel 2): 179**
 - i) Covered: 117
 - ii) Surface: 62
 - b) **Phase 2 (Parcel 3): 213**
 - i) Covered: 119
 - ii) Surface: 94
 - c) Off-site with a cross-parking agreement: 0 – site plan revised and removed
- 5) Total number of bicycle parking:
 - a) Enclosed: 236
 - b) Surface: 28
- 6) Trash Enclosure: The refuse will be in common locations
- 7) Fencing:
 - a) 6' Tall solid tan vinyl privacy fence
 - b) 4' & 6' tall wrought iron fence
- 8) Sidewalk:
 - a) A portion of the existing attached sidewalk to remain along W. Marigold St.
 - b) A portion of new detached sidewalk along W. Marigold St. to accommodate new turn lane
- 9) Connections:
 - a) Closest VRT Stop: ~0.6 miles; N. Glenwood St & Marigold St. NW corner
 - b) Greenbelt: ~0.2 miles

NOTICING

Noticing was processed in accordance with GCC 8-6A-5.

- 1) Noticing letter was sent to properties within a 300' radius on: September 5, 2025
- 2) The neighborhood meeting was held on: September 22, 2025
- 3) Interested parties notice for city council hearing: November 18, 2025

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Comment	6/17/2025	Site Specific Conditions of Approval: - Repair or replace any damaged or deficient transportation facilities on Marigold Street abutting the site, as determined by ACHD staff. - Utilize the two existing curb return type driveways onto Marigold Street to provide access to the proposed development. Findings for Consideration: 1. Traffic Impact Study: At the request of the Garden City and ITD a traffic impact study was prepared for this development. ACHD did not require the traffic study as the proposed development was not anticipated to meet ACHD's threshold policy threshold of 100 new PM peak hour trips that necessitate a study. The study notes that all study area roadways and intersections are anticipated to operate at an acceptable level of service planning threshold with the exception of the Marigold Street/Glenwood Street intersection. ACHD has previously received comments from area property owners regarding the function of the signalized Marigold Street/Glenwood Street intersection, specifically long wait times on Marigold Street. The traffic study notes that each individual turning movement operates at acceptable levels of service, however, the overall intersection exceeds ACHD's acceptable level of service planning thresholds. The TIS recommends the construction of a southbound right-turn lane on Glenwood Street, which is under the jurisdiction of ITD. ACHD has made several changes to the signal to improve wait times on Marigold Street, but they have not been effective due to the high volume of traffic on Glenwood Street. 2. Marigold Street – Planning Level of Service Threshold: The site has frontage on and is proposed to take access from Marigold Street which is classified as a collector roadway. ACHD's Planning Level of Service Threshold policy allows up to 530 vehicle trips in the PM peak hour for a 3-lane collector roadway. Marigold Street has a current traffic count of 391 vehicle trips in PM peak hour, and the proposed development is estimated to generate 92 additional PM peak hour trips. This would total approximately 483 trips, which is below

		ACHD's level of service planning threshold. 3. On-Site Parking Staff Comments and Recommendations: The applicant's proposal for 338 on-site parking stalls plus the additional 51 parking spaces at the college exceeds the requirements of the ITE Parking Generation Manual 6th Edition which recommends a total of 269 parking stalls for this development. It is recommended that Garden City approve the proposed amount of on-site parking, as on-street parking is not allowed on Marigold Street. 4. Marigold Street Staff Comments and Recommendations: Marigold is fully improved; therefore, no additional street improvements should be required as part of this application. 5. Driveways Staff Comments and Recommendations: The applicant's proposal for the two existing driveways to remain to provide access to the site meet District policy and should be approved, as proposed. The applicant's proposal to construct a third driveway onto Marigold Road for this site does not meet District Access Management and Driveway Width policies which limits and controls access to collector roadways and restrict driveways to a maximum width of 36-feet and should not be approved as proposed. Because the site has two existing driveways, the applicant should be required to utilize those driveways to provide access to the proposed development ACHD Planned Improvements 1. Capital Improvements Plan (CIP)/ Five Year Plan (FYP): - Marigold Street between Garrett Street and Glenwood Street is scheduled in the FYP as a community improvement project which includes establishing a new bikeway corridor. The project may include a variety of treatment types such as wayfinding/ bikeway signage, striping, vertical delineators, etc. with the design year in 2027-2028 and the construction year is not determined. - The intersection of State Street and Glenwood Street is scheduled in the FYP to be widened consistent with the State/Glenwood Intersection Concept Study to include median U-turns and improved crossings. The construction date has not been determined.
ACHD Revised Comments Link to Comment	11/24/2025	Site Specific Conditions of Approval: - New Comment: Construct a curb return type gated driveway onto Marigold Street located 298-feet east of Pintail Way restricted to a maximum width of 36-feet within the right-of-way. Once outside of the right-of-way the driveway may be widened to two 20-foot-wide

		travel lanes and two 12-foot-wide center landscape islands. Provide a turnaround and a gate for this driveway with the gate located 50-feet from the near edge of pavement of Marigold Street. - Construct a dedicated eastbound right-turn lane on Marigold Street when the driveway onto Marigold Street located 298-feet east of Pintail Way is constructed to intersect Marigold Street. Findings for Consideration: 5. Driveways Staff Comments and Recommendations - New Comment: The applicant's proposal to construct a third driveway onto Marigold Road for this site does not meet District Access Management and Driveway Width policies which limits and controls access to collector roadways and restrict driveways to a maximum width of 36-feet. However, ACHD staff recommends a modification of policy to allow the driveway due to the landscape buffers and fencing along the west side of the property restricting access to the site from the existing driveways and this driveway will allow separation from the student traffic intermingling with residential traffic. The applicant should be required to construct the driveway to a maximum width of 36-feet within the right-of-way. Once outside of the right-of-way the driveway may be widened to two 20-foot wide travel lanes and two 12-foot wide center landscape islands. To help mitigate the impacts of the development and allow for traffic flow on Marigold Street, the applicant should be required to construct a dedicated eastbound right-turn lane on Marigold Street when the driveway located 298-feet east of Pintail Way.
Republic Services Link to Comment	6/6/2025	We need some clarification with the pictured trash enclosure. We cannot back up more than 70' according to our safety standards and this design looks like we would have to do so. We have two enclosure concerns. First, the containers look as though they are too close together and we don't have enough room to maneuver each container with the truck. Second, it doesn't look like we have straight on access to the containers because of the bump outs in the roadway leading into the enclosure. Are we also able to enter the complex at the entrance nearest the enclosure? Could we please get some clarification these items?
Garden City Engineer Link to Comment	6/8/2025	Please note the issue with providing sewer service to this project. Our comment may be summarized as: The developer has been working to provide an alternative solution to the sewer capacity issue, but a resolution has not occurred at this time. The project cannot be constructed until sewer service is resolved.

		Approval is contingent upon addressing review items, including completion of the Minor Land Division and adherence to minimum setback requirements. Approval from the Ada County Highway District and North Ada County Fire and Rescue District is necessary, including fire flow assessments and hydrant access. The project must comply with gravity irrigation facility regulations, requiring approval from the Thurman Mill Ditch Company Ltd and Drainage District No. 2. An Army Corps of Engineers 404 permit may be needed for impacts to existing facilities.
Idaho Transportation Department Link to Comment	6/10/2025	The Department had previously reviewed and accepted the traffic impact study and does not have any requirements for this development. However, ITD would like to remind the city that this corridor is already congested, and the Department does not have any funding assigned to mitigate traffic congestion in the Glenwood corridor.
Department of Environmental Quality Link to Comment	6/9/2025	General comments provided. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply.
North Ada County Fire and Rescue Link to Comment	11/06/2025	The Boise Fire Department has reviewed this application on behalf of the North Ada County Fire and Rescue District and can approve the application subject to compliance with all the code requirements and conditions of approval. Any deviation from this plan is subject to Boise Fire Department approval.

PUBLIC COMMENT

The following is a summary of the public comments that were provided by December 1st 2025, in accordance with [Resolution 1053-18](#). All comments are included in their entirety as a part of the record.¹

Public comments on the application reflect a range of perspectives, with the majority expressing opposition and some comments acknowledging potential benefits. Supportive remarks recognize the need for affordable housing and the financial benefit to Boise Bible College. There are comments that express openness to the development if it were scaled appropriately and designed to better integrate with the existing neighborhood character.

¹ The City received over 45 public comments regarding application DSRFY2025-0008. All recommending and decision-making bodies have full access to the complete set of public comments, which are included in the official record. This summary is not intended to capture every individual comment, concern, or question, but rather to provide an overview of the predominant themes reflected in the public input.

Opposition to the proposal is widespread and centers on several key concerns. Many comments cite significant traffic impacts, noting that Marigold Street and surrounding corridors already experience congestion, particularly during rush hour and when there are events at Expo Idaho and Hawks Stadium. Residents report long wait times at the Glenwood and Marigold intersection and fear that the development will worsen conditions without adequate mitigation. The absence of a traffic impact study was repeatedly criticized, with calls for a third-party analysis prior to approval.

Parking is another major concern. The proposed is viewed as insufficient, with residents anticipating overflow parking on neighborhood streets, similar to issues seen near other multi-family developments. Comments also raise concerns about emergency vehicle access, school bus safety, and pedestrian and bike traffic.

The proposed building height and design drew strong criticism. The four-story buildings are thought to be incompatible with the surrounding one- and two-story homes. Commenters describe the architecture as “blocky” and “urban,” lacking the residential character of the area. Requests were made to reduce the height and incorporate design elements that reflect the neighborhood’s aesthetic.

Environmental and infrastructure concerns include potential impacts to the water table, drainage systems, and sewage capacity. One detailed comment highlighted the absence of a hydraulic study for the Warm Springs Canal, which could pose liability risks during storm events. Others noted that the development could strain the municipal water and sewer systems and questioned whether Boise Bible College would contribute to infrastructure costs or pay taxes on rental income.

Several comments emphasized the potential for decreased property values, increased noise, and loss of privacy. Residents expressed frustration with what they perceive as a pattern of overdevelopment and disregard for community input. Suggestions were made to consider alternative uses for the site, such as a park, school, or community center.

Commenter/Date	Commenter/Date	Commenter/Date
Bob Sorvaag 06222025	Capozzi Sandy 07012025	Carrie Witt 07222025
Charles Leffler 06062025	Corey Arnold 09092025	Corey R. Arnold 06062025
Darla Rhude 06092025	Dopko, Matthew 06242025	Janis Rusev 09112025
Johnson, Cheryl 09182025	Ken Johnson 06262025	Kenley Grover 07072025
Laurie Langdon 09232025	Les Bock 09122025	Les Bock 09252025
Les Bock 09302025	Leslie Bock 09102025	Linda Gurrola 06192025
Mark C. Mitchell 09232025	Mark Wasdahl 07032025	Nick & Robin Bradish 09222025
Nick and Robin Bradish 10052025	Paul Cooperrider 08152025	Rodney Wolfe 06272025
Sandra and Lawrence Chess 09292025	Sara Poppleton & Jason McGlynn 09292025	Sorvaag, Bob 06302025
Thiel, Rebecca 06202025	Trent, James & Carol 08012025	Trent, James & Carol 08012025
WB residents 06122025: Sherry Montosa, Edward Montosa, Mary Jean Norton, Barbara Filiatreaux, Gloria Nutter, Marila Jones, Mike Huffman, Fred and Jane Hahn, Deborah Caserotti, Lisa and Dave Toney, Marsha Huffman, Yvonne Nelson, Tina Duran, Cynthia Rose, Larry Kelsey, Jane	WB residents 06302025: Carolo Zimmermann, Tanya Edwards, Chris Dirschl, James Carney, Cheryl Watts-Bastida, John Carey, and Rosanna Ford	WB residents 07022025: Jay Agosta, Janis Rusev, Gretchen Siri, Frances Rehrmann, Jim Yeamans, Tanna Willis, James Trent, Jordana Trent, and Carol Trent

Hahn, Mike O'Brian, Kali Carringer, Judy O'Brian, Linda Hales Sutch, David Caswell, George and Gail Newton, Gerrie Kenyon, Ineligible names and signatures,		
WB residents 07032025: David Nichols, Mary Adams, and Sharon and Cory Hawkins	Karen Tino 10262025	Yvonna Brown 11242025
Andrew Birdwell 11262025	Penny J. Salow 11252025	Audrey R. Gillett 11252025
Jay Agosta 11222025	Victor and Joy Hummel-Sternbergs 11242025	Jocelyn Wright 12012025
Don and Anita Doyle 12012025	Larry Hinshaw 12012025	June Marguet 11282025
LATE EXHIBIT- Provided in record Jonathan Perry 12022025	LATE EXHIBIT- Provided in record Rebecca Thiel 12022025	LATE EXHIBIT- Provided in record Terry Dean Willowbrook HOA 12022025

MEETING SUMMARY

This section is intended to be a summary of the discussions that occurred at the Design Review Consultation meeting(s), and comments made by the Consultant's via e-mail based on the November 13th, 2025, resubmittals.

A Design Review Consultation was held on November 3, 2025. A summary of the items discussed is as follows:

- The building does not address Marigold.
- The off-site shared parking totals 51 stalls; plans must clearly show counts and space dimensions (9'x20' standards vs. 9'x18' with overhang). Clarify how stalls are allocated and where pedestrians move safely through the lots.
- Add pedestrian connections between Buildings 1 & 2, to Parcel 4, and across drive aisles; include crosswalks, material changes, and emergency access controls. Also needed from the shared parking locations to the project sites.
- Republic Services access, turning/back-up distances, and enclosure location were discussed. Current location meets code, but aesthetics/visibility and neighbor adjacency should be improved; alternate locations away from the east boundary to be explored.
- Obtain updated ACHD staff report confirming third access point and right-turn lane.
- Thurman Mill Canal Path: Provide an 8ft pathway and low-maintenance landscape between path and canal or document a phased approach (gravel substructure now; final surface later) with easement/authorization details. Garden City has a long-range transportation plan to require pathways and easements for public use along drainage canals.
- Proceed with District No. 2 Drainage Ditch tiling as an alternative compliance approach based on the extenuating circumstances that the location of the sewer line is directly under the ditch, resulting that daylighting of the ditch is infeasible.
- Adjust Marigold fence to ≤3.5 ft or flush with façade; taper east vinyl fence to 3.5 ft in front setback.
- While code does not prohibit gated communities, the gating is not appropriate based on the required findings regarding bicycle and pedestrian accessibility, and overall compatibility with the neighborhood.
- Strengthen primary entries with form/material emphasis; add canopies/awnings/material shifts at secondary entries.
- Recalculate landscaping (exclude setback/perimeter areas), add Class II and III street trees along Marigold, trees at the start/end of each parking row, more evergreens on the east edge.
- Removal of signage from current application is acceptable. Signage can be reviewed through a subsequent administrative application.

Comments made via email on December 1st and 2nd, 2025, regarding the resubmittals from November 13th, 2025, are as follows:

- The façade updates do not clearly identify the building's primary residential entry. Improvements to the leasing office and lounge façades do not resolve this issue. Primary building entrances should be clearly identifiable for both visitors and residents and should be expressed through façade articulation that defines the main entry points. The main entrance serving the 300–400 daily users appears tucked near the 1A units and is not visually defined from key approaches.
- Additional façade refinement is needed, including breaking up the cornice line on Building 1's northeast corner similar to the treatment on Building 2.
- The proposed gated development configuration does not satisfy requirements for a direct, convenient, and attractive pedestrian pathway. The project shall be revised to comply with connectivity standards and Comprehensive Plan direction discouraging gated developments.
- Fencing along the front of the building shall comply with visibility and engagement objectives. A 3.5-foot fence provides minimal security benefit and reduces street interaction; therefore, any fencing in this location shall not be solid or constructed as privacy fencing.
- Landscaping plans shall verify and comply with GCC 8-4I-6.E.3.a regarding internal tree counts in the south lot, and shall incorporate required landscaped medians pursuant to GCC 8-4I-5.

CODE AND POLICY REVIEW

Discussion

Decision Maker's Limitations

The City Council is required to base its decision on the parameters established by applicable codes, ordinances, and state statutes. These legal frameworks provide the foundation lawful decision-making. Furthermore, any determination must be supported by substantial evidence presented in the record, so that their decisions are objective. The decision cannot be based on personal beliefs or subjective impressions that are not backed by evidence that is within the record. This ensures that the Council's actions are legally correct and defensible.

Compatibility with neighborhood

Public comments indicate a perception that some feel that the proposed four-story buildings contrast sharply with surrounding single-family homes. To find that the design is incompatible with the neighborhood, the Council must provide a clear, objective, and legally defensible rationale supported by evidence in the record.

Within the context of the code, the proposed use is compatible with the surrounding neighborhood as it adheres to the established standards of the R-3 Zoning District. As outlined in Garden City's zoning code, the R-3 district permits multi-family dwellings subject to specific requirements. The district regulations, as applied under, allow residential densities of up to 35 dwelling units per net acre and unrestricted building heights. These parameters are predetermined by municipal code to determine compatibility with the zoning code. Therefore, the

proposed use, height, and density are not only permitted but are specifically supported by the goals of the R-3 district.

The current City Council was not involved in the 2015 amendment to the R-3 zoning district, which increased the allowable height and density. As the R-3 zoning designation in this area has faced scrutiny regarding its compatibility with adjacent land uses, the City Council has responded by initiating the creation of a new R-M (Residential Medium Density) zoning district and implementing enhanced buffer requirements to promote transitional land use and mitigate potential impacts.

Although there is an active effort to rezone portions of the neighborhood to the newly adopted R-M designation, this application was submitted prior to the adoption of those changes. In accordance with Idaho land use law and Garden City's municipal code, zoning applications must be reviewed under the standards that were in effect at the time of submission. Therefore, the proposed development must be evaluated based on the R-3 zoning regulations as they existed at the time of application and is legally presumed to be compatible with the neighborhood under those standards.

Transportation

The Ada County Highway District (ACHD) is the transportation authority responsible for evaluating roadway capacity and levels of service within its jurisdiction. The City relies on ACHD's review and recommendations regarding the adequacy of transportation infrastructure. While the City requested that ACHD evaluate Marigold Street for capacity concerns, and there is anecdotal evidence suggesting traffic congestion along this corridor, there is no confirmable evidence in the record demonstrating that the proposed application would result in traffic impacts beyond acceptable thresholds. ACHD's report states that the project would not cause Marigold Street's adopted level of service to be exceeded. Additionally, the traffic impact analysis submitted by the applicant concludes that the project is not anticipated to cause significant degradation of service or create safety concerns.

With respect to site access, the applicant proposes a third driveway onto Marigold Street that would not ordinarily comply with ACHD Access Management and Driveway Width policies, which limit access points on collector roadways and restrict driveway widths to 36 feet. However, ACHD determined that a modification of policy is appropriate in this case. ACHD's review found that proposed landscape buffers and fencing along the west side of the property will restrict functional access from the two existing driveways, and that permitting the additional driveway would provide improved separation between student traffic and residential traffic. Therefore, ACHD is now requiring that the new driveway be constructed at a maximum width of 36 feet within the public right-of-way (typical for developments generating 100 vehicle trips per day), with allowable widening on private property to accommodate two 20-foot travel lanes and two 12-foot landscaped center islands. Additionally, to support traffic operations along Marigold Street, ACHD is requiring the construction of a dedicated eastbound right-turn lane at the new driveway located approximately 298 feet east of Pintail Way.

Removal of the third access could be readily achieved by connecting the two drive aisles internally. Although ACHD has indicated support for a modification of Access Management policy to allow the proposed third driveway onto Marigold Road, City staff does not recommend approval of this access point. ACHD's policy framework limiting access on collector roadways is intended to reduce conflict points, protect pedestrian safety, and preserve predictable vehicle

movement. Deviation from this established standard is not warranted in this case, as the site is fully capable of functioning with the two existing driveways, and the introduction of a third access would increase the number of turning movements and potential conflict areas² along a corridor that already experiences congestion concerns. Maintaining the standard policy approach is more consistent with long-term safety objectives, and City staff find that vehicle and pedestrian safety are better served by limiting access to the two existing entrances and exits. Accordingly, the application has been conditioned to reflect this recommendation, condition 13 on page 19 of the draft decision document. Should the Council approve the third access, condition 13 under “Prior to Building Permit Issuance” provides the alternative condition requiring a turning lane.

Sewer

The City Engineer has identified sewer capacity as a significant constraint for this project. Although a conditional “will serve” letter has been issued for the site and associated Minor Land Division, adequate sanitary sewer capacity is not currently available. Both the sewage monitoring station and the Ruby Lift Station that serve this area are operating at capacity and are unable to accept additional flows from the proposed development.

The applicant has proposed an alternative connection that would bypass the Ruby Lift Station, and this approach has been reviewed by the City Engineer and determined to be consistent with City policy and technically acceptable. Through continued coordination among the applicant team, property owner, and City staff, including the City Engineer, a plausible solution has been identified involving routing the project’s sewer flows through the Willowbrook Estates subdivision. This alignment would allow the development to connect to other facilities with available capacity while avoiding the overloaded Ruby Lift Station.

Accordingly, the application has been conditioned to require compliance with the approved alternative connection strategy and to ensure that all sewer infrastructure improvements necessary to support the project are designed, permitted, and constructed in accordance with City requirements.

Sewer capacity has been identified as a concern due to the Ruby Lift Station currently operating at capacity. However, the applicant has proposed an alternative connection point to the sewer system that will bypass the Ruby Lift Station. This proposal has been reviewed by the City Engineer and determined to be consistent with City policy and acceptable for service. Accordingly, the application has been conditioned to ensure compliance with this approved connection.

Waterway Tiling

The proposal includes tiling of the Drainage District No. 2 canal. Staff and design consultants interpret this as permissible due to technical constraints. The canal lies over a public sewer main and within a sewer easement, creating long-standing maintenance issues. Relocating the sewer main is infeasible due to slope limitations under DEQ standards, making a piped system the only

² The concept that additional access points reduce safety is widely accepted. The Federal Highway Administration publication *Safety Evaluation of Access Management Policies and Techniques* supports this concept by demonstrating that limiting conflict points through access management improves roadway safety.

viable option. If Council disagrees with this interpretation, the alteration does not meet the requirement of code to preserve open waterways.

Gated Access

Condition 15 on page 20 of the draft decision precludes gated access.

The proposed gates may create operational issues along Marigold, as deliveries, visitors, and prospective tenants would be unable to enter without additional coordination. This could inconvenience residents and service providers, push parking into surrounding neighborhoods, or result in short-term parking within the turn lane. This concern is further compounded by the fact that the primary pedestrian entrance is not located along Marigold Street; with the addition of gates, pedestrian access becomes even less direct and convenient, reducing overall functionality and conflicting with the intent of providing clear, accessible connections to the public sidewalk.

The Design Review Consultants further note that the proposed gates conflict with several required findings because they undermine connectivity and public integration. Finding 2 requires effective bicycle and pedestrian access and movement to, from, within, and across the site. Gates create physical barriers that prevent direct access, forcing detours and reducing walkability. Finding 3 requires compatibility with or improvement of the public's use of existing and planned public spaces, including greenbelts, sidewalks, and pathways. Finding 6 requires architectural, site improvements, and physical features, be compatible with or enhance the surrounding neighborhood³.

The applicant indicated that the purpose of the gates is to reduce trespass and vandalism. However, the consultants' suggested research shows that the new development in and of itself will substantially reduce these risks without the need for gating. Vacant and underutilized properties are disproportionately associated with crime, including trespassing and vandalism⁴. Similar research on blight remediation confirms that development introduces natural surveillance and territorial reinforcement, which are key principles of Crime Prevention Through Environmental Design (CEPTED)⁵. As such, the presence of new residences and active site use already mitigates the applicant's stated concerns, making the gates unnecessary and inconsistent with design standards for connectivity and public integration.

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

<u>Garden City Title 8 Applicable Code Sections</u>		
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.

³ Karl de Fine Licht's article [Hostile Urban Architecture: A Critical Discussion of the Seemingly Offensive Art of Keeping People Away](#), identifies gated communities as a prime example of hostile architecture

⁴ Supportive study: <https://pubmed.ncbi.nlm.nih.gov/29483246/>

⁵ [APA Policy Guide on Security. March 20, 2025](#)

8-1B-1 Nonconforming Properties	Compliant as Conditioned	Legal parcel of record as described. Associated MLDFY2024-0001 is in process, approval of this design review is contingent on the minor land division application being approved, the restricted build agreement being signed and recorded, and the pending sewer issues being resolved. The scope of this permit is limited to Parcels 2, 3, and 4 of the proposed MLD. Without the approval of MLDFY2024-0001, this application is not viable as proposed based on the limited scope of the project, and the city's current inability to service the proposed project. Conditions of approval have been drafted.
8-1B-2 Nonconforming Structures	No compliance issues noted	
8-1B-3 Nonconforming Uses	No compliance issues noted	There is an existing active conditional use permit associated with the Boise Bible College on file. Multi-family dwelling units are permitted within the R-3 zoning district.
8-1C-3 Property Maintenance Standards	No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose	No compliance issues noted	The City's residential zoning comprises four (4) distinct districts, each designed to accommodate a comprehensive range of housing types while preserving areas for residential use. These districts are differentiated primarily by the permitted housing types and the allowable densities. <u>R-3 Medium Density Residential District</u> The R-3 Medium Density Residential Zoning District permits single-family, two-family, and multi-family residential developments, with a maximum allowable density of thirty-five (35) dwelling units per acre. <u>Project Overview and Density Analysis</u> The proposed development includes a total of 236 dwelling units on a 6.532-acre site, resulting in an overall density of approximately 36.13 dwelling units per acre. This figure exceeds the maximum density permitted under the base R-3 zoning designation. However, the associated Minor Land Division application (MLDFY2024-0001) proposes to subdivide the property into four separate parcels, two of which will contain one multi-family residential structure. The proposed parcel configuration and corresponding densities are as follows: • Parcel 2: 117 dwelling units on 3.476 acres (approx. 33.7 du/ac) • Parcel 3: 119 dwelling units on 3.485 acres (approx. 34.1 du/ac) Upon approval and recordation of MLDFY2024-0001, the resulting parcels will comply with the maximum density requirements of the R-3 zoning district. The approval of this application is conditioned to be contingent on MLDFY2024-001 being recorded prior to issuance of building permits.
8-2B-2 Allowed Uses	No compliance issues noted	Multifamily Dwellings are a permitted use.

8-2B-3 Form Standards	No compliance issues noted	The required setbacks are: Front: 5'/20' Interior Side: 0'/5' Rear: 15' Street side: 5' The allowable maximum height is: n/a The minimum lot size is: n/a There are no encroachments. Building 1 on Parcel 2 is setback roughly 32' from the Marigold property boundary line. There is a 152.8' setback between Building 1 on Parcel 2 and the adjacent neighborhood to the east. There is an 88.8' setback between Building 2 on Parcel 3 and the adjacent neighborhood to the east. There is a 15' setback between the trash enclosure and the eastern property boundary line.
8-2C-15 multi-family	No compliance issues noted	All multi-family developments shall provide amenities. This proposal is compliant with this requirement. Four (4) amenities shall be provided, with at least one from each category for multi-family developments with seventy-five (75) units or more: 1. Quality of life amenities provided: clubhouse, fitness facilities, enclosed bike storage, coworking space 2. Open space amenities provided: open grassy area of ~ 66,322sqft feet. All of parcel 4 is considered open space. 3. Recreation amenities provided: walking trails and dog park 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. For developments with twenty (20) units or more the following are required: 1. A property management office. 2. A maintenance storage area. 3. A central mailbox location, including provisions for parcel mail that provide safe pedestrian and/or vehicular access. 4. A directory and map of the development at an entrance or convenient location for those entering the development. These items have been provided, and the application is conditioned to require the facilities for the duration of the use.
Title 8, Chapter 4: Design and Development Regulations		

8-4A-3 Fences and Walls	No compliance issues noted	There is a proposed 6' tall solid vinyl privacy fence along the property boundary lines, and a 6' tall wrought iron fence internal to the development & 3.5' tall wrought iron fence along the frontage (Marigold) property line. Note, this has been updated to be code compliant since the Design Consultant review. Proposed fences are code compliant. Any future fence will be required to meet code standards at the time of development.
8-4A-4 Outdoor Lighting	No compliance issues noted	No compliance issues noted. The existing outdoor lighting has underground electrical feeds, all pole light fixtures are led, and wall-mounted fixtures are fluorescent. No street lighting therefore, the existing site lighting is in compliance with garden city outdoor lighting standard 8-4A-4 sections (a)(2), (a)(3), and (b).
8-4A-5 Outdoor Service and Equipment Areas	Compliant as Conditioned	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 uses or shall be screened from view from a public and adjoining uses with a privacy fence. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent uses and streets. This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development. The existing power transformer or utility box adjacent to W. Marigold is visible from the public right-of-way. This is not compliant and will need to be screened from view either via a privacy fence or landscape screening prior to the city issuing a certificate of occupancy. Screening of all equipment will be required and will continue to be reviewed throughout the permitting process. Compliance will be required prior to occupancy. The applicant submitted additional correspondence from Republic Services which serves as evidence that they have reviewed and approved the new locations of the trash enclosures.
8-4A-7 Stormwater Systems	Compliant as Conditioned	The development provides a system of permeable pavers within the parking lot areas for stormwater management. Building roof and open space stormwater runoff to discharge to landscaping feature (dry creek bed) within the courtyards. The stormwater systems shall be built in compliance with provisions of 8-4A-7 and will continue to be reviewed throughout the permitting process. The City Engineer has provided comments regarding the stormwater management proposed throughout the development. See Agency Comment section of this staff report and link to Engineer's comments.
8-4A-8 Utilities	Compliant as Conditioned	Refer to City Engineer's comments. All comments from the City Engineer regarding water and sewer services must be fully addressed and resolved. Prior to the associated MLDFY2024-0001 being signed by the city, the developer will be required to design and install water and sewer connections

		that are appropriately scaled to meet the needs of the proposed buildings in DSRFY2025-0008. The city has issued a conditional “will serve” letter for water and sewer service for the area included in this project and for the Minor Land Division. Adequate city sanitary sewer service for the site is not available at this time. The sewage monitoring station and the Ruby Sewage Lift Station that serve this site are both at capacity and cannot accept the flows from this project. The developer has been working to provide an alternative solution to the sewer capacity issue, and a resolution appears to have been found via connection through Willowbrook Estates Subdivision. The project cannot be constructed until sewer service is resolved. A condition of approval has been drafted to ensure that adequate water and sewer service is provided, and the approval of this application is contingent upon those solutions being reviewed and approved by the city.
8-4A-9 Waterways	No compliance issues noted	There is an existing open Thurman Mill Canal along the southern property boundary line, and an existing open Drainage District No. 2 canal along the northeastern property boundary line. Per code, all waterways shall remain open as a natural amenity and shall not be piped or otherwise covered. Irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space. The application proposes tiling the existing Drainage District No. 2 canal along the northeastern property boundary line, which is not compliant with code. However, the code provides specific exceptions in which tiling may be permitted if the applicant demonstrates to the Design Review Consultant(s) and the Planning Official that: a) The maintenance of the irrigation ditch, lateral, canal, or drain with any associated easement encumbers more than fifty percent (50%) of the property; or b) The irrigation ditch, lateral, canal, or drain is located on the property in such a manner that the use of the property is infeasible; or c) The irrigation ditch, lateral, canal, or drain is enclosed on both ends adjacent to the property, and the adjacent properties are fully developed in a manner that future opening of the enclosed irrigation ditch, lateral, canal, or drain is infeasible. The application proposes tiling the northeastern Drainage District No. 2 canal, which is not code compliant without meeting one of the above exceptions. The applicant submitted a justification citing a significant infrastructure conflict: the ditch lies directly over a public sewer main and within a sewer easement, creating a long-standing maintenance issue for both systems. Relocating the sewer main is not feasible due to inadequate slope to meet DEQ standards, making a piped drainage system the only technically viable option. Drainage District No. 2 supports the proposal, confirming that the enclosed pipe will maintain hydraulic function, meet operational needs, and improve groundwater management. The District recommends an 18-inch perforated pipe to help lower the elevated groundwater table. The justification also notes that most adjacent ditch segments have already been enclosed, and tiling this remaining reach would provide consistency with neighborhood conditions and resolve ongoing maintenance inconsistencies. The Thurman Mill Canal along the southern frontage will remain open, and the applicant has committed to providing an 8-foot pathway and low-maintenance landscaping along this corridor, or documenting a phased

		approach with interim gravel and supporting easement/authorization details, in alignment with Garden City's long-range pathway objectives. This subject was reviewed at the November 3, 2025, Design Review Consultation, where the Consultants recommended proceeding with tiling along with submitting engineering justification based on the sewer conflict. Based on the evidence provided, and given the enhanced perimeter landscaping proposed in lieu of maintaining the ditch as an open feature, staff is comfortable supporting the request to tile the Drainage District No. 2 canal.
8-4B-4 Multi-family Residential Dwelling Units	Compliant as Conditioned	Staff previously noted that, while the building elevations incorporate articulation through windows, wall offsets, recessed areas, balconies, and material changes, the primary entrances were not clearly identifiable as focal points. The entry hierarchy appeared unclear, and multiple potential access points, such as the leasing office, bike storage/maintenance area, stairwells, and the internal courtyard, were not visually distinguished or emphasized through architectural detailing. During the November 3, 2025, Design Review Consultation, the Design Review Consultants echoed this concern, recommending that the applicant strengthen primary entries with form and material emphasis and add canopies, awnings, or material shifts at secondary entries to improve visibility, hierarchy, and wayfinding. The applicant revised the elevations in response. Their updates include: • Enlarged entry canopies at the leasing office (Building 1) and lounge entry (Building 2), with increased material thickness, extended length, and added accent color to enhance prominence. • Expanded brick massing at building corners to serve as visual anchors. • Introduction of a brick inlay pattern at key entry-adjacent locations to add detail, craftsmanship, and pedestrian-scale interest. Following review of the November 13, 2025, revised submittal, the Design Review Consultants have confirmed that the revisions do not resolve the core concerns: • Primary entrances remain unclear and do not meet code intent. The main residential entrances, serving the primary function of the building, are still not identifiable from the exterior and are not articulated as focal points. The entrances remain visually subordinate and “tucked away,” rather than prominently integrated into the façade. Improvements made to the leasing office and lounge do not address the true main entry points used by residents. • Façade refinement remains incomplete. The earlier recommendation to break up the cornice massing on Building 1's northeast corner was not fully addressed. • Leasing office location is not representative of the true main entry. Because the leasing office is off-center and not used by the majority of residents entering daily, its enhanced visibility does not satisfy 8-4B-4's requirements for primary entry emphasis. While the applicants' updates introduce additional detailing and minor enhancements, they do not resolve the fundamental issue: The primary residential entrances are still not designed as clear, prominent focal points, as required by GCC 8-4B-4. Overall, while the revisions improve façade articulation, they do not meet the intent of the code, nor the guidance provided by the Design Review

		Consultants. Additional redesign is needed to establish clear, prominent primary entrances and support pedestrian access. To ensure compliance with GCC 8-4B-4 and to support a coordinated architectural solution, a condition of approval has been drafted requiring the application to return to the Design Review Consultants for further redesign. Development of multiple structures on one site shall comply with the requirements set forth in subsection <u>8-4C-4B</u>, "Multiple Non-residential Structures On One Development Site".															
8-4C Design Provisions for Non-residential structures	No compliance issues noted	The proposed development complies with the design standards outlined in Section 8-4C. No compliance issues have been identified. A review under Section 8-4C-4B is required in accordance with Section 8-4D to ensure parking lot design meets applicable standards. All parking areas are appropriately located to the side and rear of the street-facing building, consistent with city design guidelines.															
8-4C-4 Special Provisions for Specific Nonresidential Development Multi-family development with more than one building	Compliant as Conditioned	The site appears to be accessible through a direct, convenient, and safe system of pedestrian pathways consistent with GCC 8-4C-4 and 8-4E. A primary pedestrian route connects the buildings to the public sidewalk, providing the shortest feasible travel distances between major entrances. The proposed pathways are free from identified hazards, and conditions of approval require adequate lighting to ensure visibility and safety. Consistent setbacks along the front and internal parking areas help establish an organized spatial layout and defined pedestrian realm. Most terminal views conclude with landscaping, building forms, or other site features, helping reinforce enclosure and wayfinding. Staff previously noted one exception: the terminal view looking west between the two buildings ends at the trash enclosure, and the enclosure's appearance was not clearly illustrated in the plans. The applicant states that trash enclosure placement is driven by operational functionality but will be constructed in an aesthetically pleasing manner. Basis-of-design images have been provided on sheet A-3 to illustrate the intended appearance. The trash enclosure location meets Garden City Code and Republic Services standards. However, due to its proximity to the adjacent residential subdivision, City Council may wish to comment on whether the placement adequately minimizes compatibility impacts.															
8-4C-5 Prohibitions	No compliance issues noted	There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.															
8-4D Parking and Off-Street Loading Provisions.																	
8-4D-3 Parking Design and Improvement Standards	No compliance issues noted	Vehicle parking: <table border="1"><thead><tr><th colspan="5">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</th></tr><tr><th><u>Parking Angle</u></th><th><u>Stall Width</u></th><th><u>Stall Depth</u></th><th><u>Length Per Car</u></th><th><u>Driveway Width*</u> Must also meet fire requirements</th></tr></thead><tbody><tr><td colspan="5"><u>Standard</u></td></tr></tbody></table>	Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS					<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Length Per Car</u>	<u>Driveway Width*</u> Must also meet fire requirements	<u>Standard</u>				
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8-4D-4 Parking Use Standards	Compliant as Conditioned	No use shall provide less than the minimum spaces required. No required parking area or space provided, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the city are provided.																		
8-4D-5 Required Number of Off-Street Parking Spaces	No compliance issues noted	<table border="1"><thead><tr><th colspan="3">Vehicle Parking Standards</th></tr><tr><th>Dwelling Type</th><th>Required Parking Spaces Per Dwelling Unit (Covered and Uncovered)</th><th>Required Covered Vehicle Parking Spaces Per Dwelling Unit</th></tr></thead><tbody><tr><td>Studio & 1 bedroom</td><td>1</td><td>1</td></tr><tr><td>More than 1 bedroom</td><td>2</td><td>1</td></tr></tbody></table> Guest Parking For developments with more than two (2) dwelling units there shall be one-half (0.5) additional parking space/unit provided for guest parking for the first ten (10) dwelling units. There shall be one-tenths (0.1) parking space/unit provided for guest parking for every unit after the first ten (10) units. <table border="1"><thead><tr><th colspan="2">Bicycle Parking Standards</th></tr><tr><th>Type of Use</th><th>Minimum Number of Bicycle Parking Spaces Required</th></tr></thead><tbody><tr><td>Multifamily residential structures</td><td>0.5 spaces/unit for the first 10 dwelling units, then 0.1 parking spaces/unit for every unit after the first 10 units; and 1 covered space for every dwelling unit or home</td></tr></tbody></table> <u>Parcel Two, Building 1: 117 Units</u> Studio & 1 Bedroom count: 55 More than 1 Bedroom: 62 Covered Required: 117 Surface Required: 62 Guest Required: 16 Total vehicle parking spaces required: 195 Total Provided: 179 <u>Parcel Three, Building 2: 119 Units</u> Studio & 1 Bedroom: 56 More than 1 Bedroom: 63 Covered Required: 119 Surface Required: 63 Guest Required: 16	Vehicle Parking Standards			Dwelling Type	Required Parking Spaces Per Dwelling Unit (Covered and Uncovered)	Required Covered Vehicle Parking Spaces Per Dwelling Unit	Studio & 1 bedroom	1	1	More than 1 bedroom	2	1	Bicycle Parking Standards		Type of Use	Minimum Number of Bicycle Parking Spaces Required	Multifamily residential structures	0.5 spaces/unit for the first 10 dwelling units, then 0.1 parking spaces/unit for every unit after the first 10 units; and 1 covered space for every dwelling unit or home
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		Total vehicle parking spaces required: 198 Total provided: 213 <u>Vehicle Parking Project Total:</u> Studio & 1 Bedroom: 111 More than 1 Bedroom: 125 Covered Required: 236 Surface Required: 125 Guest Required: 28 Total vehicle parking spaces required: 389 Provided: 392 While Parcel 2 Building 1 is under-parked by 16 stalls, Parcel 3 Building 2 exceeds its requirement by 15 stalls, resulting in a net project-wide surplus of 3 spaces. The Garden City Code treats required parking cumulatively across the development unless otherwise restricted, and the combined total of 392 spaces meets and slightly exceeds the required 389 stalls. Staff finds that the updated unit breakdown resolves previous uncertainty and that the overall project complies with GCC 8-4D-5 <u>Bicycle Parking Project Total:</u> For units: 236 Additional: 28 Total bicycle parking spaces required: 264 Provided: 264
8-4D-6 Standards for Equivalent Parking Adjustments	Not Applicable	The original application requested 51 off-site equivalent parking spaces; however, the revised site plan eliminates this need. The southern parking lot on Parcel 3 has been expanded to accommodate all required parking onsite, and the project now exceeds the minimum parking requirement. As a result, an equivalent parking adjustment and associated parking demand study are no longer necessary, and GCC 8-4D-6 no longer applies.
8-4E Transportation and Connectivity Provisions		
8-4E-3 Public Street Connections	No compliance issues noted	Garden City Code allows the City to recommend access management controls, including shared access or adjustments to transportation agency standards, to ensure safe and functional public streets. In the original review, staff noted that ACHD did not support the applicant's proposed third driveway on Marigold Street because it did not meet ACHD access spacing or driveway width policies for a collector roadway. The applicant has revised the site plan, and ACHD's updated staff report (November 24, 2025) now approves the third driveway with specific conditions. These include limiting the driveway to 36 feet within the right-of-way, providing a gated entry set back 50 feet from Marigold Street, and constructing a dedicated eastbound right-turn lane to support safe traffic operations. ACHD continues to support retention of the two existing curb-return driveways. With these required improvements, ACHD finds the updated access configuration acceptable and consistent with its policies through a modification based on site constraints. Staff therefore finds the proposal meets the intent of GCC 8-4E-3. City Council may still consider whether the design and visibility of the third driveway are appropriate for the Marigold Street streetscape.

8-4E-4 Internal Circulation Standards	No compliance issues noted	
8-4E-6 Sidewalk Standards	No compliance issues noted	The existing attached sidewalk on Marigold Street will remain in place and complies with Garden City sidewalk standards. In the area impacted by construction of the new right-turn lane, the applicant proposes a detached 5-foot sidewalk with an 8-foot landscape buffer, which satisfies the City's width and separation requirements.
8-4E-8 Transit Facilities	No compliance issues noted	Valley Regional Transit does not have a bus route along Marigold and no transit facility is proposed within this application.
8-4F Sign Provisions		
8-4F-13 Master Sign Program	Not Applicable	Signage has been removed from the documents and will be included at a later date in the signage permit application.
8-4G Sustainable Development Provisions	Compliant as Conditioned	A sustainability checklist was not provided. The development is required to provide 24 points based on the proposed 63,300sqft total building coverage for the new construction. Otherwise, the applicant needs to demonstrate how the development is exempt per 8-4G-2 (D). The applicant indicates they will pursue certification through a nationally or regionally recognized green building program, but has not yet identified which program will be used. A condition of approval should require selection of a specific certification pathway and documentation demonstrating compliance with GCC 8-4G prior to issuance of a building permit.
8-4H Flood Hazard	Compliant as Conditioned	The planning official is the decision maker on items regarding 8-4H. 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. 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. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.
8-4I Landscaping and Tree Protection Provisions		
8-4I-3 General Landscaping Standards and Irrigation Provisions	No compliance issues noted	
8-4I-4 Landscaping	No compliance issues noted	A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.

Provisions for Specific Uses		Total site: 151,414sqft (3.476 acres) Total landscape area provided: 39,973sqft = 14% (minus setbacks and perimeter areas) 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. Required trees on Marigold Street (375LF): 1 Frontage + 8 streetside = 9 Based on the updated landscape plan, 5 Class I Crabapple trees are proposed within the new detached sidewalk buffer adjacent to Marigold Street. The remaining street trees are located behind the sidewalk near the buildings and consist of a mix of Class I and Class II species. While the quantities are technically compliant with minimum code requirements, the layout relies heavily on Class I trees in the public-facing planting areas due to the overhead power lines. It is not best practice to rely primarily on Class I trees along a collector roadway frontage. Garden City has repeatedly required Class II or III trees in similar developments to ensure adequate shade, public health benefits, habitat value, stormwater performance, and long-term canopy growth. There is clear precedent within the city for requiring larger street trees along major frontages. Additionally, staff recommends the applicant evaluate undergrounding overhead utilities, pursuant to GCC 8-4A, to allow the planting of larger Class II or III trees in the streetside buffer. Conditions have been drafted to require Class II or III trees in lieu of the Class I trees based on the Design Review Consultants' comments. 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. Total open space/common area provided = 123,195sqft, 43% (1 tree/1,000sqft. Landscape area) = 184 required, 197 proposed. Compliant (1 shrub/150sqft Landscape area) = 1,230 required, 2,604 proposed. Compliant
8-4I-5 Perimeter Landscaping Provisions	No compliance issues noted	Perimeter landscaping is required along the common property line between an adjacent non-residential use and a residential use. Perimeter landscaping is required along the eastern property boundary lines. Provided.
8-4I-6 Parking Lot Landscaping Provisions	No compliance issues noted	Edge treatments along streets and other public spaces shall visually screen parked vehicles, but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security. Provided. Solid masonry or wood fencing a minimum of six feet (6') in height with landscaped screening shall be provided between parking lots and residential uses or vacant residentially zoned properties. Provided. Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features. Provided.

8-4I-7 Tree Preservation Provisions	Compliant as conditioned	Trees are proposed to be removed as part of the application. An arborist report was submitted; however, discrepancies were identified between the color-coded tree inventory on Sheet L2.00 and the corresponding tree identification chart. Based on the report, approximately 828 caliper inches would require mitigation pursuant to GCC 8-4I-7, but the inconsistencies prevent verification of the exact total. A general condition of approval has been drafted requiring the applicant to submit an updated arborist report and a revised tree mitigation plan prior to construction to resolve all discrepancies and to clearly identify the required on-site caliper-inch mitigation.
8-4L Open Space Provisions		
8-4L-3 General Open Space Standards	No compliance issues noted	
8-4L-5 Open Space Standards for Multi-family Developments	No compliance issues noted	For any new multi-family development: A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, rooftop gardens, decks, and/or enclosed yards. Provided. The minimum dimension of any open space shall be six feet (6') in any direction. Provided. A minimum area of outdoor common open space shall be provided as follows: a. 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. i. Units S1, S1A, 1A, 1B, 1BA, 2A, 2B, 2C, 2CA, 2D, and 2E are all between 500-1200sqft. b. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. i. Units 3A and 31A are more than 1200sqft. <u>Parcel One: Common/open space</u> Parcel one - 0 total units Total common open space required = 0sqft Total common open space provided = 12,250sqft <u>Parcel Two: Building 1 - 117 total units</u> Units 500>1200sqft: 111 units x 250sqft/unit = 27,750sqft of common open space required Units >1200: 6 units x 350sqft/units = 2,100sqft of common open space required Total common open space required = 28,850sqft Total common open space provided = 31,152sqft Compliant <u>Parcel Three: Building 2 – 119 total units</u> Units 500>1200 sf: 113 units x 250sqft/unit = 28,750sqft of common open space required Units >1200: 6 units x 350sqft/units = 2,100sqft of common open space required Total common open space required = 29,850sqft Total common open space provided = 35,346sqft Compliant <u>Parcel four: Common/open space</u> Parcel four - 0 total units Total common open space required = 0sqft Total common open space provided = 50,749sqft

		In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. Compliant.
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	No compliance issues noted	
8-6A-4 Required Application Information	N/A	The applicant did not request to waive required materials pursuant to 8-6A-4A.
8-6A-5 Administrative Process with Notice	No compliance issues noted	A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction. Pursuant to 8-6A-5 the Planning Official may recommend a public hearing. If there is a public hearing, the City Council is the final decision maker If no objections are filed within 15 days of the decision, the decision shall be considered final. 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.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	MLDFY2024-0001, minor land division of existing Boise Bible College property/campus. The land division will subdivide the property into the parcels as identified in this DSRFY2025-0008 application. Without the approval and recording of the record of survey and utilities (as required in the MLDFY2024-0001 decision), the current design review application cannot proceed to construction. Reference the conditions of approval of DSRFY2024-0008 and MLDFY2024-0001.
Garden City Comprehensive Plan	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 designation of the Comprehensive Plan: 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. <u>The application may be supported by:</u> Goal 1. Nurture the City 1.4 Objective: Create a premier destination place to live, work, and recreate. Goal 2. Improve the City Image 2.1 Objective: Encourage new and distinctive neighborhoods.

	• 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. Goal 4. Emphasize the “Garden” in Garden City • 4.1 Objective: Beautify and landscape. • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. Goal 6. Diversity in Housing • 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing. • 6.3 Objective: Maintain the diversity of housing. 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. Goal 12. Evolve as a Destination • 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce. The application may not be supported by: Goal 5. Focus on the River • 5.3 Objective: Restore and naturalize water systems, including canals, ditches, drains, river channels and creeks.
Garden City Sidewalk Policy	There is an existing attached sidewalk that will remain.
Garden City Street Light Policy	A streetlight is installed along Glenwood Street in accordance with the policy.
Garden City Transportation Needs List	Multiuse Path Waterways Goal: Create multiuse paths along irrigation ditches and drainage ditches in Garden City, specifically Settlers and Thurman Mill. The Garden City Comprehensive Plan and the Original Old Town Network Plan speak of creating public pathways along canals and waterways. Additionally, COMPASS and other city municipalities in Ada County are starting to create this connection by providing public access easements along these waterways. To create the future connection along the Thurman Mill Canal, staff has conditioned that a public access easement is granted and shown on the survey. As the pathway will be a multi-modal pathway system, the condition states “A minimum 16-foot-wide public access easement shall be granted along the southern property boundary line for the future pedestrian pathway along Thurman Mill Canal. The easement shall be wide enough to allow for a minimum 12-foot-wide pedestrian pathway with at least 2-foot clearance zones on each side. The easement shall be wide enough to allow for maintenance vehicles.” As a part of the associated MLD application a public access easement was required along the Thurman Mill drain.

DECISION PROCESS

The City Council has been provided with a draft decision document that includes findings of fact, conclusions of law, and a proposed decision. The draft recommends approval because it aligns with the staff report analysis, which concludes that the application complies with applicable code requirements or includes conditions necessary to ensure compliance.

As with most applications, certain elements remain subject to interpretation or are conditioned rather than fully addressed in the current design. These matters have been discussed in the [Discussion](#) section of this report.

The draft decision does not constitute a predetermination by the City Council. If the Council finds that the application does not meet the required findings, staff recommends that the Council clearly articulate the reasons and identify what actions the applicant could take to achieve compliance, as required by state statute in the event of a denial. Staff would then update the decision document to accurately reflect Council's reasoning and defer formal approval of the written decision to the next City Council meeting, so that the Council can review the decision for accuracy.

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.

Required Findings:

To approve a Design Review, the City Council must find the application meets the following findings found in GCC 8-6B-3.E:

1. The proposed design shall comply with all design standards in this title;
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 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.

Design Review 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.

City Council Decision:

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is:

- a. Granted; or
- b. Granted with conditions; or
- c. Denied.

The decision maker may find that there is inadequate information to render a decision and may also continue the hearing for additional materials to be supplied. It is recommended that they continue the hearing to a date certain for noticing purposes.

The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval

Once the decision is rendered it will be sent to the applicant and interested parties.

Judicial Review:

Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. Reconsiderations must first be requested within 14 days of the final decision. A takings analysis pursuant to Idaho Code may be requested on final decisions.