



DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2026 - 0003

Review Status: APPROVED AS CONDITIONED

Plan Review Number: 2

Reviewer: Mariia Antonova

Design Consultant: Brett Labrie

Date: May 19, 2026

Applicant: Chad Jones



REPORT CONTENT

SITE INFORMATION3

PROJECT INFORMATION4

AGENCY COMMENTS4

PUBLIC COMMENT9

MEETING SUMMARY9

CODE AND POLICY REVIEW.....10

DECISION PROCESS.....33

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION34

SITE INFORMATION

- 1) Owner:** LOTS OF LAND LLC
- 2) Street Address:** 212 W 41ST ST GARDEN CITY
- 3) Ada County Tax Parcel Number(s):** R2734510560
- 4) Property Description:** LOTS 9-11 INC EXC DEED TO ADA CO FOR R/W BLK E FAIRVIEW ACRES SUB 2 #8860243
- 5) Legal Lot of Record:** Yes
- 6) Property Size:** 1.013 acres or 44,126 SF
- 7) Zoning District:** C-2 General commercial
- 8) Zoning Overlay:** None
- 9) Comprehensive Plan Land Use Map Designation:**
 - a) Mixed Use Commercial
 - b) Green Boulevard Corridor
 - c) Neighborhood Node: Transit Oriented Development
- 10) The project is in the:**
 - a) 100 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Adjacent Uses:**
 - a) Non-residential building
 - b) Warehouse and storage, wholesale
- 12) Existing Use:** Vacant
- 13) Easements on site :**
 - a) UTILITY, DRAINAGE, IRRIGATION EASEMENT;
 - b) 10' WATER LINE EASEMENT;
 - c) LANDSCAPE LICENSE AGREEMENT CURTIS USTICK ORCHARD;
 - d) FA02 WATERS OF THE IMAGINATION QUITCLAIM DEED;
 - e) FA02 DAVIS DRAIN POND LAND OWNERSHIP RESEARCH; CORPORATION WARRANTY DEED.
- 14) Site Access:**
 - a) Front: 41st
- 15) Sidewalks:** No sidewalk
- 16) Wetlands on site:** None identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: December 9, 2025
- 3) The neighborhood meeting was held on: December 30, 2025
- 4) Site Coverage:
 - a) Building: **11,514 SF or 25% of the site**
 - b) Landscaping: **10,052 SF or 23% of the site**
 - c) Paved Areas: **22,917 SF or 52% of the site**
- 5) Number of Structures: 4 (3 residential buildings and 1 clubhouse structure)
- 6) Number of residential units total:48
 - a) One bedroom units:48
- 7) Total number of vehicular parking spaces: 54
 - a) Enclosed: 16
 - b) Covered: 31
- 8) Total number of bicycle parking: 48
- 9) Trash Enclosure: Republic Services will pick up individual services internal to the development
- 10)Fencing: the existing fence is proposed to be replaced .
- 11)Sidewalk:
 - a) detached proposed
- 12)Landscaping:
 - a) Street Trees: 19 trees, class I, II, III and conifer
 - b) Parameter Landscaping: trees, shrubs, perennials, ornamental grasses, bark mulch, turf sod
- 13)Connections:
 - a) Closest VRT Stop:
 - i) ~0.2 mi; W Chinden Blvd & W 41st St SEC
 - b) Greenbelt: ~0.6 mi.

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Comment	1/16/2026	<ul style="list-style-type: none"> • Repair or replace any damaged or deficient transportation facilities on Curtis Road abutting the site, consistent with the current version of PROWAG. • Construct 41st Street as ½ of a 36-foot wide commercial street section with vertical curb, gutter, a 6-foot wide landscape strip and 5-foot wide detached concrete sidewalk abutting the site, as proposed. If street trees are desired than an 8-foot wide planter strip shall be provided. • Dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk, reduce the right-of-way to 2-feet behind back of curb and provide a permanent right-of-way easement from the right-of-way line to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within right-of-way or wholly within an easement. • Construct a cul-de-sac turnaround, with a minimum turning radius of 55 feet at the terminus of 41st Street. Provide a permanent right-of-way easement for any portion of the turnaround located outside of the dedicated street right-of-way.

		<ul style="list-style-type: none"> • Close the two existing driveways on 41st Street, located 515-feet and 615-feet south of Stockton Street, with vertical curb, gutter, landscaping and sidewalk. • Construct two 22-foot-wide paved curb cut type driveways from the site onto 41st Street, located 558-feet and 677-feet south of Stockton Street. • Direct lot access is prohibited to Curtis Road. • If a multi-use pathway is to be constructed within or adjacent to the site, then the design of those facilities shall be consistent with ACHD's Multi-Use Path & Raised Bike Lane Tool Kit. Additional right-of-way dedication may be required at all intersections (streets and driveways) to accommodate setbacks. Contact Development Review with questions prior to plan submittal. • Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD. • There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD. • Comply with all Standard Conditions of Approval.
<p>Garden Engineer Link to Comment</p>	<p>City 12/20/2025</p>	<ul style="list-style-type: none"> • Any approval of the project should be conditioned upon successfully addressing items presented in this review. Additionally, we recommend the city NOT approve this project until adequate water/sewer service is verified. • The form submitted with the application is personally signed by Yvonne Juarez for Lots of Land LLC. However, we note that perhaps a name change has occurred to The Hidden Nest LLC? And, the ownership chain is that the landowner is owned by Eagle Island Management LLC as its member. However, Eagle Island Management LLC does not appear to be an Idaho company. Please advise on the ownership chain and the various officers. We suspect that a new affidavit is needed. • We note the property has been surveyed and shown on Record of Survey 14818. The topography survey is noted in the application letter as 85% complete. A completed topographic survey is necessary for submittal of construction plans for the project. The incomplete topographic survey does not depict location/size of existing city water/sewer lines. This area of the city has aged infrastructure and adequate supply/collection of water/sewer may be an issue. See later comments on service ability. • We also note a letter from Fairview Acres Lateral Water Users Association (FALWUA) dated 3 October 2025 requesting approval of a pressure irrigation requirement waiver. It is not the place for FALWUA to request a pressure irrigation waiver. Per city code, said waiver must come from the project professional engineer with background information from FALWUA. However, unless city code has changed and now requires a pressure irrigation system for all development projects, a pressure irrigation system is not necessary unless the project is planned to be a new subdivision. Please verify that pressure irrigation from a non-potable water source is not required with planning staff. • We understand the project will not be a subdivision of land. If the project will be subdivided, additional requirements for platting will be required. Will the project be subdivided? • If a subdivision is proposed, would the developer plan on using a Restricted Build Agreement for the project? • Specific plans for water/sewer service are not included in the submittal information we received. It appears from sheet C1.1 that public main line extensions are proposed to serve the . Specific plans for these extensions will be required to be reviewed and approved by the city.

- Will the applicant desire the city to perform a QLPE review? If so, the applicant will be responsible to pay for the review in addition to ordinary plan review.
- For a QLPE review, the applicant's engineer must provide the applicable completed, sealed, signed and dated DEQ checklists.
- Please advise on how unit addressing will be accomplished. Please coordinate with Ada County.
- If the project will not be a new subdivision, a parcel consolidation land survey will be required.
- An approval from the Ada County Highway District is required.
- Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans.
- The review by the District will need to include review of access and location of fire hydrants.
- Any modifications to gravity irrigation facilities require an approval of the project from the irrigation entity. The applicant must review the project and determine if an Army Corps of Engineers 404 permit will be necessary to obtain.
- The applicant needs to request the city perform a fire flow, and then request the city provide a "will serve" letter. We do not see a recent "will serve" letter for this site. **Approval of the project should not occur until this service process has been completed. If a recent "will serve" letter is available, please provide it.**
- **The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs.**
- The applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site.
- Any new water or sewer services must be reviewed and approved by Public Works.
- The city will require easements to cover all city water and sewer infrastructure including water and sewer lines, manholes, fire hydrants and water meters, as applicable to the project. If the project is to be subdivided, said easements may be created on the final plat and specifically name Garden City as a beneficiary. If the project is not subdivided, easements must be created by an easement document recorded with Ada County.
- After completion of site improvements, record drawings will be required showing compliance with approved construction plans and pre-approved construction period changes must be provided and accepted by the city. Design professional of record will be expected to provide letters noting construction of horizontal construction, water, sewer and drainage complies with approved plans.
- Prior to performing any new grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan.
- A site geotechnical report and a storm water design report prepared by an Idaho licensed design professional that is sealed, dated and signed is required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site.
- The grading plan must assure that proposed elevations match the perimeter ground and storm water capture remains on the site including run-off from all hard surfaces and landscaping.
- The storm water report needs to include a section on depth to seasonal high groundwater and what its expected elevation is. Vertical separation must be at least three feet.
- The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water

		<p>system. The agreement must be fully executed, have approved plans attached and be recorded by the city with final plan approval.</p> <ul style="list-style-type: none"> • The design professional must provide a storm water operation and maintenance manual that is sealed, signed and dated by the design professional. Said manual must be reviewed and approved by the city. • Sheet C1.1 notes permeable pavers. Please note that Garden City will not repair permeable paver surfaces or their base sections when city infrastructure (water mains, water services, sewer mains and sewer manholes) is located beneath them. The city will maintain the public water/sewer facilities noted, but will not repair the storm drain facilities above them. Said repair is the responsibility of the private party owning/operating/maintaining the storm drain facilities. • Sanitary sewer services from the connection to the mainline to the point of use will be private under permeable pavers. Ownership and repair of said private services will be the responsibility of the private party owning operating and maintaining the storm drain facilities. • Permeable paver ownership/maintenance responsibilities shall be stated in an appropriate document (i.e. maintenance agreement, easement, Covenants, Conditions and Restrictions, Final Plat). • All water main lines under and within ten (10) feet of permeable pavers shall be ductile iron pipe. • The applicant must review the original FEMA work maps (not the current adopted maps) on the city’s website as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. • Information provided indicates that the project will be elevated (the lowest floor) to two feet above the work maps BFE. • We recommend the city NOT approve this project until adequate water and sewer service is verified – see sections above titled “Waiver Request for Submittal Items” and “Water and Sewer Will Serve Review”.
Idaho Transportation Department Link to Comment	1/6/2026	ITD has reviewed the application and does not have any comments.
Irrigation: Fairview Acres Part of the initial submittals, page 12 Link	10/3/2025	<p>The property located at 212 W 41st Street has water rights associated with the Irrigation District however there is no provided access to the irrigation water for the property. I am writing to request a waiver of the requirement for a nondomestic water pressurized irrigation system for the above-mentioned development.</p> <p>The developer requests approval to use the available domestic water supply for the pressurized irrigation system.</p>
North Ada County Fire and Rescue Link to Comment	1/12/2026	<ol style="list-style-type: none"> 1. Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. (IFC 507.3, IFC B104, IFC B105, IFC C105). Additional hydrants will need installed to meet this requirement. 2. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105, IFC C105). 3. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105) Due to there being eave heights over 30’ directly adjacent to multiple portions of the fire apparatus access lane within the developments, all roads inside the development are considered aerial fire apparatus access roads and must comply with the requirements stated above and in 2018 IFC, Appendix D105.

		<ol style="list-style-type: none"> 4. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1) 5. Monument signage for addressing will be required at the entrance and at all intersections within the project. (IFC 505.1) 6. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1) All roads within this development will be aerial fire apparatus access lanes. See Comment #3. 7. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4) 8. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1) 9. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8) 10. The installation of security gates across a fire apparatus access road must meet the following criteria: Removal or opening of said barricade must result in a clear unobstructed road width of 20'. Chains and locks shall not be of such quality so as not to damage fire department cutting tools nor shall cutting operations result in any unnecessary time delay. Bollards must be of an easily removable type, shall leave nothing protruding up from the roadway surface when removed, and shall be approved by the Code official. If gates are electronically operated, they shall: (1) be of a fail-open version in the event of loss of power, and (2) be equipped with an automatic opening mechanism activated by the Opticom system currently in use by the fire department. Contact the Boise Fire Marshal (570-6567) for additional details. (IFC 503.6, D103.5). 11. Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures. Specific building construction requirements of the International Building Code and International Fire Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.
DEQ Link to Comment	1/5/2026	While DEQ does not review every project on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083 .
Republic Services Link to Comment	12/29/2025	We didn't see the size of the enclosure that you show on the drawing. Our design standards require at least 12'x18' for the enclosure(one trash and one recycling container with doors that open at least 120 degrees and are staked.
Boise School District Link to Comment	01/22/2026	At the present time, the Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District. The schools currently assigned to the proposed project area are: <ul style="list-style-type: none"> • Elementary School: Whittier • Junior High School: North High School: • Boise Comments Regarding Traffic Impact: None • Comments Regarding Safe Routes to School Impact: None

PUBLIC COMMENT

The following public comments were provided: None provided

MEETING SUMMARY

Design Review consultants met on January 20, 2026, to discuss DSRFY2026-0003.

Discussion Summary:

Chad Jones (ALC Architecture) presented a design review application for a multifamily residential development located at the end of 41st Street. The proposal includes multiple multifamily buildings and a clubhouse, with a total of 48 dwelling units.

The conversation focused on identifying areas where additional information, clarification, or plan revisions are needed to meet Garden City code requirements, particularly under recently updated ordinances.

Key Discussion Points Included:

- *Site and Infrastructure*
 - Water and sewer ability-to-serve to be finalized prior to building permits
 - Fire access requirements, including 26-foot internal drive aisles and spacing from buildings
 - Clarification of property lines and ACHD frontage, including parking and improvements near Curtis Road
- *Circulation and Connectivity*
 - Internal pedestrian circulation and designated crossings through parking areas
 - Sidewalk widths, materials, and hierarchy between vehicle and pedestrian areas
- *Design and Architecture*
 - Need for greater architectural variety between buildings and individual unit entrances
 - Improved street-facing façades, roofline articulation, and identification of main entrances
 - Compliance with first-floor façade requirements and pedestrian-oriented design standards
- *Amenities and Open Space*
 - Additional amenities required under the new ordinance
 - Discussion of Class A, B, and C amenities and options to meet requirements
 - Clarification of common, private, and semi-private open space expectations
- *Other Code Items*
 - Lighting plan, fencing materials near waterways, and screening of mechanical equipment
 - Bike parking calculations and compliance
 - Landscaping quantities, buffers, and tree mitigation calculations

Conclusion and Next Steps:

No approvals were granted at this meeting. Staff outlined multiple items requiring revision or additional documentation. The applicant will revise and resubmit plans addressing staff comments, code compliance issues, and updated calculations for amenities, landscaping, parking, and design standards. The application will be reviewed again once a complete resubmittal is received.

Following the consultation, the applicant requested two meetings with staff. The first meeting was held on February 3, 2026, with Mariia Antonova. During this meeting, the applicant described challenges encountered in bringing the application into compliance with the applicable code requirements. In particular, the applicant expressed disagreement with the common open space and private open space standards, stating that these requirements are excessive for this type of housing. The applicant noted that the current requirement to provide 250 square feet of common open space per dwelling unit is overly burdensome and stated that the previous version of the code was more balanced. Staff and the applicant discussed potential methods for reducing required common open space, as allowed under the current code provisions.

The second meeting occurred on February 25, 2026, and included a broader group consisting of Jenah Thornborrow, Mariia Antonova, Chad Jones, and the property owners. The discussion continued to focus on compliance with open space requirements, with particular emphasis on options to address the private or semi-private open space standards.

During this meeting, staff and the applicant discussed potential design solutions to satisfy the private open space requirement. It was concluded that the proposal could be considered acceptable if the applicant increases the width of interior hallways and formally dedicates portions of this space for use by individual dwelling units on upper floors and provides dedicated ground-floor patios for each dwelling unit at grade. Staff indicated that this approach would meet the intent of the code, subject to confirmation through a revised plan set demonstrating compliance.

CODE AND POLICY REVIEW


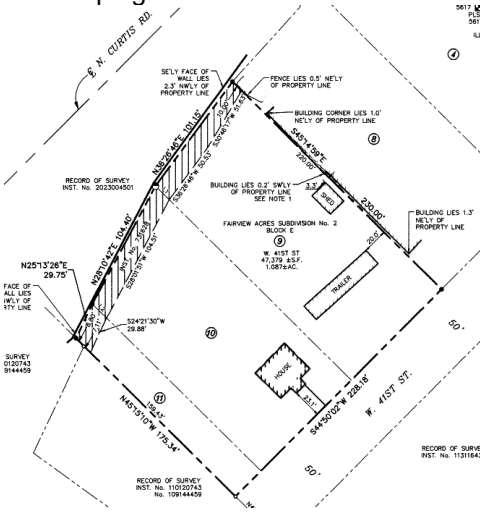

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

Garden City Title 8 Applicable Code Sections: Link		
Code Section	Compliance	Analysis/ Discussion: Based on Resubmittals dated 04/14/2026, 04/20/2026, 05/11/2026, and 05/14/2026
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	Not Determined	The tax parcel is described as Lots 9–11 of Fairview Acres Subdivision No. 2, excepting the lands described in Deed No. 731628. Record of Survey No. 14818 indicates that Lots 9 through 11 of Fairview Acres Subdivision No. 2 have been vacated. This record of survey is atypical, and staff was unable to determine when or by what process Lots 9-11 were vacated. Prior to building permit submittal, the applicant shall provide documentation demonstrating that the lot vacation was legally established and properly recorded. If such documentation cannot be provided, the applicant shall obtain approval of a lot line consolidation prior to submitting a building permit. Depending on the review and materials, subdivision application may also be required.
8-1B-2 Nonconforming Structures	Compliant as Conditioned	Submit a demolition permit for the structures planned for demolition prior to commencing work on the site.

8-1B-3 Nonconforming Uses	No compliance issues noted	Permitted Use
8-1C-3 Property Maintenance Standards	Compliant as Conditioned	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		This zoning district is intended to implement the Comprehensive Plan's vision for mixed use commercial and Activity Nodes. The designation may be appropriate to implement the Comprehensive Plan's designations of Mixed-Use Commercial and Main Street Corridor.
8-2B-2 Allowed Uses	No compliance issues noted	Multifamily Dwellings are a permitted use.

8-2B-3 Form Standards	Compliant as Conditioned	<p>The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'</p> <p>Based on the property's legal description and the Assessor's website, the portion of the site facing Curtis Street, approximately six feet from the wall, is not part of the subject property. However, the applicant is proposing landscaping in this area.</p>   
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Based on correspondence with ACHD, parking stalls, paving, and landscaping may be installed within the public right-of-way up to the existing wall, subject to approval through a license agreement. ACHD has also indicated that no permanent structures are permitted within the public right-of-way.

Title 8, Chapter 4: Design and Development Regulations

8-4A-3 Fences and Walls	Compliant as Conditioned	<p>The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited.</p> <p>The applicant stated: "Both the north and south existing fences are proposed to be replaced. The south fence will be replaced with an open metal fence as requested by the city and the north fence will be a solid 6-foot-high wood."</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>
8-4A-4 Outdoor Lighting	Compliant as Conditioned	<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> <p>There are requirements such as providing proper illumination for parking areas used during non-daylight hours and ensuring pedestrian pathways have appropriate lighting levels. Any such lighting shall be in conformance with the standards of Section 8-4A-4. Conditions are provided.</p>
8-4A-5 Outdoor Service and Equipment Areas	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>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p>The applicant submitted an updated site plan on January 12, 2026, showing the trash enclosure dimensions. The trash enclosure shall be in conformance with Republic Services' requirements.</p>
8-4A-7 Stormwater Systems	Compliant as Conditioned	<p>Stormwater integration standards apply to all site improvements and ACHD-managed facilities. A draft condition of approval has been included requiring that stormwater systems be designed and constructed in accordance with GCC §8-4A-7.</p> <p>Stormwater swales incorporated into required landscape areas must be vegetated with appropriate plant materials, such as grass or drought-tolerant species. These swales must also accommodate the required number of trees per GCC §84I-4A. All plant materials must be capable of withstanding anticipated variations in soil moisture and wetness.</p> <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>
8-4A-8 Utilities	Compliant as Conditioned	<p>All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric,</p>

		<p>natural gas, water, wastewater collection, storm drainage, telephone, and cable services.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>
8-4A-9 Waterways	Compliant	<p>Fencing along all natural waterways shall not prevent access to the waterway. If fencing is required, open fencing only is allowed, and privacy fencing is prohibited. All fencing shall be approved by the irrigation or drainage district.</p> <p>Pressurized irrigation shall be provided in conformance with subsection 8-5A-5H of this title.</p> <p>As stated by the applicant, the property has associated water rights; however, it does not have the ability to access or deliver that water to the site. This request was submitted by Jason Jones, Board President of the Fairview Acres Lateral Water Users Association.</p> <p>Based on this information, the applicant is requesting a waiver from providing a pressurized irrigation system. However, requests for waivers must be submitted to the City Engineer and must be accompanied by an irrigation report prepared by a licensed professional engineer. The report shall identify the location and availability of surface irrigation water and document the basis for the waiver request.</p> <p>The applicant also confirmed via email that the overall pressure irrigation system will be a combination of typical sprinkler heads and drip-type irrigation in the planter areas. The waiver is not for providing an irrigation system in general; rather, it is for providing an irrigation system supplied by the irrigation district, since there is no means to connect to their water. The proposed irrigation system will be supplied by the domestic city water system.</p> <p>Any irrigation shall comply with the code and be approved by the City Engineer.</p>
8-4B-3 Dwelling Units, General Provisions	Compliant as Conditioned	<p>Architectural design: All residential developments of greater than two units shall provide unified and integrated architectural variety. Dwellings that are in a mixed-use development must adhere to both residential and nonresidential standards:</p> <ol style="list-style-type: none"> 1. Architectural variety shall be provided so that the units within the development are distinct from one another as described below: <ol style="list-style-type: none"> a. Individual units within the same structure that have exterior access shall have unique entrances from one another distinguished by paint, architectural design, or materials. The applicant stated: “Each unit will be identified individually by unit numbers, entry light wall sconces, and entry door color variations per building. The entry door colors will be complementary to the building and will vary from building to building.” However, the elevation plans label all entry doors as metal entry doors with the color identified as <i>Citiscap</i>, without indicating variation by building. Therefore, a condition is included to ensure that the applicant provides entry door color variation by building, consistent with the applicant’s stated design intent. b. Each structure shall be visually unique using materials, massing, or architectural elements or a combination thereof that are incorporated into the structure. Condition provided to ensure that the applicant provides material and color variation for each building.

During the initial review and consultation, the Variety of Housing requirement was not addressed. Because the applicant proposes 48 dwelling units, the project must demonstrate compliance with this requirement by satisfying one of the options listed below.

Variety of Housing: When more than 20 homes are on a site, then housing must be provided to meet diverse needs, either structurally or economically, by meeting the following criteria:

1. There are a variety of floor plans and bedroom counts that facilitate different user needs by having no more than twenty-five percent (25%) of the site dedicated to a particular floor plan and no more than seventy-five percent (75%) of the units with the same number of bedrooms; or
2. At least twenty-five percent (25%) of the units meet affordable housing criteria as defined by the U.S. Department of Housing and Urban Development (HUD) or are designed and constructed to be accessible for people with disabilities or a combination thereof.

The project includes a total of 48 units, consisting of 32 one-bedroom units and 16 studios. The proportion of one-bedroom units represents 67% of the total, which complies with the requirement that no more than 75% of units have the same number of bedrooms.

However, the project does not meet the requirement for a variety of floor plans. Although two unit types are provided, the layouts are essentially mirrored versions of one another, resulting in only two distinct floor plans instead of the minimum four needed to ensure that no more than 25% of the site is dedicated to a single floor plan.

If the applicant is unable to provide additional distinct floor plans to achieve compliance, an alternative approach would be to incorporate at least 25% affordable units or 25% accessible units, or a combination thereof, in order to satisfy the intent of the requirement.

Amenities: All residential developments of three (3) or more units shall provide amenities.

1. The three (3) categories of amenities are:
 - a. Quality of Life - a physical improvement intended to bolster the health, comfort, or happiness of those who utilize the improvement.
 - b. Open Space - a space which improves livability, connects the community, or preserves and protects existing natural features.
 - c. Recreation - improvement or improvements intended to facilitate an activity done for enjoyment.
2. Each category of amenities is divided into class A, B and C amenities.

Category	Class A	Class B	Class C
Quality of Life	<ul style="list-style-type: none"> • communal dog washing facilities • smart locks and smart thermostats for all units • reservable business center or office space • green/living walls • secure package lockers • secure bicycle storage (for multi-family or mixed-use developments) 	<ul style="list-style-type: none"> • the inclusion of a nonresidential use such as a gym, daycare, or pharmacy • structures and facilities designed to be physically accessible to people with disabilities • outdoor living room or lounge 	<ul style="list-style-type: none"> • clubhouse • the inclusion of a use that provides access to food or drink such as a restaurant, cafeteria, coffee shop, grocery, or bodega store

		<table border="1"> <tr> <td data-bbox="571 58 738 485">Open Space</td> <td data-bbox="738 58 966 485"> <ul style="list-style-type: none"> • open grassy area of at least fifty feet by one hundred feet (50' x 100') in size dedicated to users of the development • open landscaped waterway such as a canal less than 50' in length </td> <td data-bbox="966 58 1193 485"> <ul style="list-style-type: none"> • community garden • ponds or water features • plaza • greenhouse • gazebo, veranda, or terrace • public art • open landscaped waterway such as a canal 50' or greater in length </td> <td data-bbox="1193 58 1458 485"> <ul style="list-style-type: none"> • open grassy area of at least fifty feet by one hundred feet (50' x 100') in size dedicated for the use of the public • the installation of eight (8) Class II or four (4) Class III trees at intervals averaging fifty lineal feet (50') between the vehicular travel way and the sidewalk within a public road not adjacent to the development </td> </tr> <tr> <td data-bbox="571 485 738 806">Recreation</td> <td data-bbox="738 485 966 806"> <ul style="list-style-type: none"> • walking trail(s) for the benefit of the development </td> <td data-bbox="966 485 1193 806"> <ul style="list-style-type: none"> • fitness facilities • swimming pool • children's play structure • game room • sports courts </td> <td data-bbox="1193 485 1458 806"> <ul style="list-style-type: none"> A recreational space such as trails, picnic area, playground, pavilion, or other recreational space dedicated to the public A public bicycle path of at least 100' that is separated and buffered from a motor vehicle travel way by vegetation, curbing, bollards, or the like </td> </tr> </table> <p>The number of required amenities depends on the size of development as follows:</p> <ol style="list-style-type: none"> Developments with three (3) to fifteen (15) dwelling units shall provide at least four class A amenities, two class B amenities, two class A and one class B amenities, or one class C amenity. <u>The scheme for providing amenities should be as follows: A+A+A+A Or B+B Or A+A+B Or C. A clubhouse provided (Class C amenity)</u> For each additional fifteen (15) dwelling units, two (2) class A amenities or one (1) class B or one (1) class C amenity shall be provided. <u>The scheme for providing amenities should be as follows: A+A Or B Or C. A recreational space and picnic area is proposed west of the clubhouse for use by tenants and the public (Class C amenity). In addition, the clubhouse will include secure package lockers and shared community washer and dryer facilities for tenant use (two Class A amenities).</u> If more than three amenities are provided, amenities shall <u>be selected from at least two (2) categories of amenities.</u> 	Open Space	<ul style="list-style-type: none"> • open grassy area of at least fifty feet by one hundred feet (50' x 100') in size dedicated to users of the development • open landscaped waterway such as a canal less than 50' in length 	<ul style="list-style-type: none"> • community garden • ponds or water features • plaza • greenhouse • gazebo, veranda, or terrace • public art • open landscaped waterway such as a canal 50' or greater in length 	<ul style="list-style-type: none"> • open grassy area of at least fifty feet by one hundred feet (50' x 100') in size dedicated for the use of the public • the installation of eight (8) Class II or four (4) Class III trees at intervals averaging fifty lineal feet (50') between the vehicular travel way and the sidewalk within a public road not adjacent to the development 	Recreation	<ul style="list-style-type: none"> • walking trail(s) for the benefit of the development 	<ul style="list-style-type: none"> • fitness facilities • swimming pool • children's play structure • game room • sports courts 	<ul style="list-style-type: none"> A recreational space such as trails, picnic area, playground, pavilion, or other recreational space dedicated to the public A public bicycle path of at least 100' that is separated and buffered from a motor vehicle travel way by vegetation, curbing, bollards, or the like
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Recreation	<ul style="list-style-type: none"> • walking trail(s) for the benefit of the development 	<ul style="list-style-type: none"> • fitness facilities • swimming pool • children's play structure • game room • sports courts 	<ul style="list-style-type: none"> A recreational space such as trails, picnic area, playground, pavilion, or other recreational space dedicated to the public A public bicycle path of at least 100' that is separated and buffered from a motor vehicle travel way by vegetation, curbing, bollards, or the like 							
8-4B-6 Multi-family Dwelling Units and Mixed-Use Development	Compliant as Conditioned	<p>Building Setbacks: Building setbacks shall take into account windows, entrances, porches, and patios, and how they impact adjacent properties, rights-of-way, the Greenbelt, and Nature Path.</p> <p>Building Design:</p> <ol style="list-style-type: none"> The design of the site and structures shall comply with the provisions of 8-4C-3 general Provisions for Nonresidential Development and 8-4C-4 Special Provisions for Special Nonresidential Development unless in conflict with this section. See the analysis in Section 8-4C-3 and 8-4C-4 All building elevations shall have a minimum portion of the elevation devoted to architectural features designed to provide articulation and variety. These features shall include, but are not limited to, windows, bays and offsetting walls that extend at least two feet (2'); recessed entrances; and changes in material types. Changes in material types 								

shall have a minimum dimension of two feet (2') and minimum area of twenty-five (25) square feet.

3. 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. **The applicant stated: "Each unit will be identified individually by unit numbers, entry light wall sconces, and entry door color variations per building. The entry door colors will be complementary to the building and will vary from building to building." However, the elevation plans label all entry doors as metal entry doors with the color identified as Citiscape, without indicating variation by building.**
4. Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. **Compliant**
5. Roof forms shall be distinctive and include variety and detail when viewed from the street. Flat roofs should include distinctive cornice treatments. **After resubmittal dated 05/11/2026, the requirement was satisfied.**
6. Exterior building materials and finishes shall convey an impression of permanence and durability. Materials such as metal, masonry, stone, stucco, wood, terra cotta, and tile are encouraged.

- ① METAL CANOPY - COLOR: SW 6258 - TRICORN BLACK
- ② ELEVATE - UNA-CLAD UC-4 STANDING SEAM METAL ROOF
STYLE: CONCEALED FASTEN METAL PANEL SYSTEM
COLOR: AGED ZINC
- ③ ELEVATE - VR CLASSIC OMEGA VERTICAL SIDING
STYLE: CONCEALED FASTEN METAL PANEL SYSTEM
COLOR: CHARCOAL GRAY
- ④ ELEVATE - DELTA CFP-12F HORIZONTAL SIDING
STYLE: CONCEALED FASTEN METAL PANEL SYSTEM
COLOR: CITYSCAPE
- ⑤ EXPOSED CONCRETE
- ⑥ WINDOW / DOOR FRAMES - COLOR: BLACK
- ⑦ METAL DECORATIVE LATTICE - COLOR: BLACK
- ⑧ COR-TEN METAL PANEL - COLOR: MEDIUM PATINA

Provided materials:

7. Windows are required to allow views to exterior activity areas or vistas. Windows shall be provided on any building facing any common area including where there are pedestrian access elements. **Compliant**
8. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from public streets and the Greenbelt or Nature Path, by the use of parapets, walls, fences, enclosures, or by other suitable means. **The applicant stated: "Each unit will have individual wall HVAC units servicing them. These units will be interior mounted with exterior venting. There will not be any exterior mounted HVAC units unscreened or viewed by the public."**
9. The design of all structures that are adjacent to a single-family dwelling shall consider measures to include visual privacy. Examples of ways to achieve this include, but are not limited to, adding a smaller scale structure, or placing trees between the existing dwelling and the development to prevent views into neighboring rear yards, stepping back the structure, increased setbacks, or strategic window

		<p>placement. It is unclear whether there is a single-family home located adjacent to the project. There are several buildings at 208 W 41st Street. The building adjacent to the north boundary line appears to be a butcher shop; however, other buildings on the site appear to be residential in nature. Staff did not find any permits on file indicating whether these buildings are approved as single-family residences or commercial structures.</p> <p>10. The first-floor façade fronting the Greenbelt or public right-of-way shall include fifty percent (50%) of the first-floor façade dedicated to pedestrian elements such as, but not limited to windows, decks, balconies, showcases, plazas, etc. The applicant stated “The first-floor facades and entries on both the north and south buildings have been revised to include a main entry, addition of canopies that anchor the building corners and additional windows to ensure 50% is dedicated to pedestrian elements. The club house has 78% of the first-floor façade facing the right-of-way dedicated to pedestrian elements. Both the north and south buildings have 89% dedicated to public elements which include windows, canopies, front door entry and enhanced landscaping.”</p> <p>11. The scale, arrangement, and texture of buildings and open space shall vary through the development to reflect function, interest, and significance. Condition provided to ensure that the applicant provides material and color variation for each building.</p> <p>12. Developments with fifteen (15) units or more shall provide the following:</p> <ol style="list-style-type: none"> a. A property management office. b. A maintenance storage area. c. A central mailbox location, including provisions for parcel mail that provide safe pedestrian and/or vehicular access d. A directory and map of the development at an entrance or convenient location for those entering the development. <p>Multiple Buildings On One Site: Development of multiple principal structures on one site shall comply with the requirements set forth in subsection 8-4C-4.B, “Multiple Nonresidential Structures On One Development Site”.</p> <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, and common areas. Compliant as Conditioned</p>
8-4C-3 Design Provisions for Nonresidential Structures	Compliant as Conditioned	<p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <p>Floor Area Ratio (FAR): Compliant</p> <p>Street Setback: Compliant</p> <p>Street Frontage: Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza. The applicant stated: “The accumulated street frontage along the front setback of the clubhouse and both the north and south residential unit structures, including the covered parking structure, equates to 63% of the total frontage, meeting this requirement.”</p>

First Floor Facades: First floor facades that face a public street, or the Greenbelt shall include elements to activate the ground floor. The facade should include surfaces in windows, showcases, displays, plaza, or pedestrian access elements as follows: for front façade at least fifty percent (50%), for other facades visible from the public right-of-way at least thirty percent (30%). **The applicant stated “The first-floor facades and entries on both the north and south buildings have been revised to include a main entry, addition of canopies that anchor the building corners and additional windows to ensure 50% is dedicated to pedestrian elements. The club house has 78% of the first-floor façade facing the right-of-way dedicated to pedestrian elements. Both the north and south buildings have 89% dedicated to public elements which include windows, canopies, front door entry and enhanced landscaping.”**

Wall Plane: Compliant

Blank Walls: Compliant

Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.

Parking Lot Locations: All parking lots should be located to the side and rear of the building fronting on the street. A parking lot may be located between a building and a street when the visual effect of the parking lot has been mitigated by one of the following ways:

- The site design demonstrates that the parking lot is well integrated with the overall site design and pedestrian connections and amenities have been provided that compensate for the parking lot location; or
- A minimum of ten feet (10') of landscaping has been provided between the parking lot and the view of the surface lot from the street is minimized; or
- The parking lot is designed with materials and landscaping that softens the appearance of the parking lot.

Parking is located along 41st Street and shall be screened with Type B Filtered Screen landscaping, incorporating evergreen shrubs into the proposed landscape design. Evergreens have been incorporated into the design.

Driveway Lanes:

- Driveway lanes crossing a public sidewalk should be no wider than twenty-two feet (22') where they cross the sidewalk and the minimum of feet between driveway intersections with the public street as set forth by the transportation authority. **Compliant**
- Driveway lanes crossing a public sidewalk intersection should be clearly distinguished with special pavement or coloring. **Code requires special pavement or coloring where a drive lane crosses a public sidewalk.**

City planners and ACHD engineers recently met to discuss these requirements. ACHD noted challenges in maintaining different colored concrete or materials when they alternate along the public sidewalk. They also expressed the opinion that this requirement could be excessive in areas with low traffic or residential driveways. Staff explained the intent of the code, which is to make sidewalks that cross drive lanes safer for pedestrians and more visible to drivers. ACHD provided an alternative design option: crossings of drive aisles shall be in concrete, and the apron shall be placed so that the sidewalk does not change elevation from the adjacent sidewalk. Truncated domes may be required to identify the drive aisle. The difference in pavement materials would be achieved by constructing the

		<p>sidewalk in concrete, while surrounding areas would likely be asphalt or other materials. Staff agrees with this option.</p> <p>Pedestrian Pathways:</p> <ul style="list-style-type: none"> • Pedestrian pathways should be designed to provide a direct connection between the main building entrance and the public sidewalk. Compliant • Direct, convenient, and attractive pedestrian pathways should be provided that are clearly marked and connect all portions of the site. Pedestrian pathways should be functionally separate from parking lots and driveways except where they cross driveways. Two pedestrian crossings are provided at the rear of the site serving the 12-plex building. To improve connectivity to the recreation area and other on-site amenities, add an additional marked drive-aisle crossing from each 18-plex building to the recreation area. The connection point should be located at the center of the 18-plex buildings or at one of the two entrance locations. Provided in the updated site plan dated 05/14/2026. <p>Primary Entrance:</p> <ul style="list-style-type: none"> • The building closest to the street should have its primary entrance to the street and be clearly defined by the architectural design of the building. The clubhouse has a primary entrance. • The primary entrance of all buildings should provide a covered pedestrian open space such as a building recess, an awning, canopy, or marquee. See the requirement above in Section 8-4B-3-3 • Pedestrian amenities should be provided at the entrance including a minimum of one hundred (100) square feet of landscaping, outdoor seating, plazas, courtyards, public art, fountains, special paving, bicycle racks, transit stop. <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <p>Suitable Materials: Materials should be selected for suitability to the type of building and design for which they are used.</p> <p>Encouraged Materials: Quality finish materials should be utilized, including, but not limited to, brick, masonry, or stone integrally tinted, textured masonry block, stucco, wood, or concrete siding.</p> <p>Discouraged Materials: Corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, cinderblock, plastic tilt-up concrete, highly tinted or mirrored glass, and all types of imitation building materials should not be used as the primary building material.</p> <p>The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps should blend with the roof colors. Compliant as conditioned</p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i> See the analysis in Section 8-4I-7.</p> <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <p>Building Orientation: Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street, or the river. Buildings and site design</p>
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should provide inviting entry orientation. Buildings should not turn their backs to the street. **Compliant**

Articulation: Buildings should be articulated to reduce the apparent scale. Architectural details that are used to articulate the structure may include reveals, battens, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade. The following are ways to achieve building articulation:

- a. Window Treatments: Provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale. Windows should be articulated with mullions, recesses, etc., as well as applying complementary articulation around doorways and balconies. **Appears to be compliant**
- b. Architectural Elements: The mass of long or large-scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, and/or columns. **Compliant**
- c. Rooflines: A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building. **Compliant**
- d. The scale, arrangement, and texture of the buildings and open space shall vary throughout the development to reflect function, visual interest, and architectural significance. **Brett commented, "Consider the material and color used on each building to provide variation while maintaining a cohesive design." Condition provided**

Building Details: The design of buildings should be enhanced with appropriate details. The following elements are examples of techniques used on buildings to provide detail:

- a. Ornate Rooflines: Examples include ornamental molding, entablature, frieze, or other roofline devices. **Metal fascia and gutters are provided**
- b. Detailed Treatment Of Windows And Doors: Examples include decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks. Window sizing and treatment should be as follows:
 - Windows should not have individual glass panes with dimensions greater than five feet by seven feet (5' x 7'). **The applicant stated: "The largest individual glass panes within this development are 5-foot width x 4 foot height in both the units and clubhouse structure."**
 - Windows should be surrounded by trim, molding, and/or sill at least four inches (4") wide. Commercial buildings with no trim or molding should have window frames at least two inches (2") wide. **The applicant stated: "The windows and frames in the clubhouse will be storefront type aluminum, 2-inch wide, typical of the adjacent structure adjacent and across 41st street. The windows and frames for the residential unit buildings will be vinyl type with 4-inch trim typical on the east and west ends and along the fronts of each building. The windows adjacent to the north and south property lines will be metal, 1-hour fire rated with 4-inch trim as required."**
 - Individual window units should be separated from adjacent window units by at least six inches (6") of the building's

		<p>exterior finish material. The applicant stated: “None of the units or clubhouse will have individual window units requiring a separation from adjacent windows.”</p> <p>c. Ornamentation: Examples include ornamental railings, grillwork, landscape guard, and trellises.</p> <ul style="list-style-type: none"> The private / semi-private patios located along the front faces of floors one and two of each of the units will be constructed with patina cor-ten panels with metal caps. Along with providing a solid screen to the resident spaces, the panels will also provide some continuity to the other structures on the project site and semblance of continuation from the adjacent structures at the end of 41st street. <p>d. Distinctive Light Fixtures: Examples include lights with a decorative shade or mounting.</p> <ul style="list-style-type: none"> The lights at each of the unit entries and entries to the clubhouse will be modern sconce styling, glow face LED, Artika or similar.  <p>e. Artwork Or Decorative Paving: The artwork may be freestanding or attached to the building, and may be in the form of mosaic, mural, basrelief sculpture, light sculpture, water sculpture, fountain, freestanding sculpture, art in pavement, or other similar artwork.</p> <p>Colors: Colors used on building exteriors should integrate a building’s various design elements or features.</p> <ol style="list-style-type: none"> Accent colors should use color combinations that complement each other. Use accent colors in a way to enhance or highlight building design, and not in a manner that creates clutter or otherwise detracts from building design. The use of bright colors should be avoided. Softer, muted or earth . Colors should be compatible with the architectural character of the surrounding buildings and neighborhood. <p>Brett commented, “Consider the material and color used on each building to provide variation while maintaining a cohesive design.”</p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i> No comments</p> <p>Objective 7: The design of all structures shall consider visual privacy for adjacent residential properties. Examples of ways to achieve visual privacy include, but are not limited to, adding a smaller scale structure between the existing dwelling and tall portions of the proposed development, placing trees to prevent views into neighboring rear yards, stepping back the structure, increased setback, or strategic window placement.</p> <p>There are several buildings at 208 W 41st Street. The building adjacent to the north boundary line appears to be a butcher shop; however, other buildings on the site appear to be residential in nature. Staff did not find any permits on file indicating whether these buildings are approved as single-family residences or commercial structures.</p>
8-4C-4 Special Provisions for Specific Non residential Development	Compliant as Conditioned	<p>Multiple Nonresidential Structures On One Development Site:</p> <ol style="list-style-type: none"> Pedestrian Pathways: All portions of a site should be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian pathways as follows: <ul style="list-style-type: none"> A pedestrian pathway provides a direct route between building and the public sidewalk. Compliant A pedestrian pathway is free from hazards and has appropriate lighting levels.

- Pathway layouts should promote the shortest distance between building entrances. Long circuitous routes should be avoided.
 - Secondary pathways must be at least three feet (3') in width.
- Two pedestrian crossings are provided at the rear of the site serving the 12-plex building. To improve connectivity to the recreation area and other on-site amenities, add an additional marked drive-aisle crossing from each 18-plex building to the recreation area.**

8-4C-5 Prohibitions No compliance issues noted There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.

8-4D Parking and Off Street Loading Provisions.

8-4D-3 Parking Design and Improvement Standards

Compliant as Conditioned

Vehicle parking:

Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS				
<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Length Per Car</u>	<u>Driveway Width*</u> <u>Must also meet fire requirements</u>
<u>Standard</u>				
90°	9'0"	20'0"	9'0"	22'0"
<u>Compact</u>				
90°	7'6"	15'0"	7'6"	22'0"

Compliant Parking Provided:

24 regular parking spaces

Stall Width: 9'
Length per car: 20'

16 parking spaces (garage)

Stall Width: 12'
Length per car: 20'

15 compact parking spaces

Stall Width: 7'6"
Length per car: 15'

2 ADA parking spaces

Stall Width: 9'
Length per car: 20'
Access aisle: 9'

Total: 57 vehicle parking spaces

A pedestrian route that is compliant with current Americans With Disabilities Act (ADA) standards must be provided from the parking area to each primary entrance;

Parking lots shall be designed in compliance with the requirements as set forth in chapter **8-4**, article C of this title, Design Provisions For Nonresidential Structures;

Parking lots shall be designed in accordance with chapter **8-4**, article **I** of this title, Landscaping And Tree Protection Provisions;

The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way.

		<p>All parking and loading zones shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties, walkways, or streets.</p> <p>Any parking area utilized for more than two (2) dwelling units and/or for nonresidential uses which is intended to be used during nondaylight hours shall be properly illuminated to increase security and avoid accidents. Any lights used to illuminate parking lots shall be arranged so as to direct the light from trespassing on adjoining property and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.</p> <p>No parking shall encroach on adjacent property, in the on-site required landscape area, or across pedestrian pathways.</p> <p>Bicycle parking spaces shall:</p> <ol style="list-style-type: none"> 1. Be a minimum space six feet (6') long by two feet (2') wide; 2. On-site spaces shall be located within fifty feet (50') of the building entrance(s); 3. Public bicycle spaces may be provided within three hundred feet (300') of the property in lieu of on-site spaces. If public bicycle spaces are provided, legally binding documentation including property owner approval, maintenance responsibility, and public use allowance shall be provided to the city; 4. Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features; 5. Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered; 6. Be easily accessible from the street; 7. Not impede pedestrian movement or loading zones; 8. Not impede pedestrian or vehicular circulation or loading zones. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and 9. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting. 									
8-4D-4 Parking Use Standards	Compliant as Conditioned	<p>A. Number Of Spaces: No use shall provide less than the minimum spaces required by this article.</p> <p>B. Use Of Property; Phased Projects: The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this code.</p>									
8-4D-5 Required Number of Off-Street Parking Spaces	Compliant as Conditioned	<table border="1" data-bbox="565 1381 1446 1606"> <thead> <tr> <th colspan="3" style="text-align: center;">Dwelling Parking</th> </tr> <tr> <th style="text-align: center;">Dwelling Type</th> <th style="text-align: center;">Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)</th> <th style="text-align: center;">Required Covered Parking Per Each Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Studio and 1 bedroom</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> </tbody> </table> <p>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-tenth (0.1) parking space/unit provided for guest parking for every unit after the first ten (10) units.</p> <p>Vehicle parking: Required: 48 covered parking spaces Required Guest Parking: 9 spaces Total: 57 vehicular parking spaces Provided: 57.</p>	Dwelling Parking			Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit	Studio and 1 bedroom	1	1
Dwelling Parking											
Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit									
Studio and 1 bedroom	1	1									

Bike Parking:

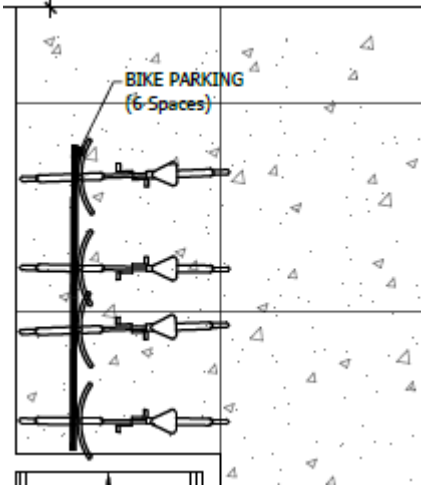
0.5 spaces/unit for the first 10 dwelling units, then 0.1 parking spaces/unit for every unit after the first 10 units; and, and 1 covered space for every dwelling unit or home

Required: 57 bike parking spaces

Provided:

12-plex:

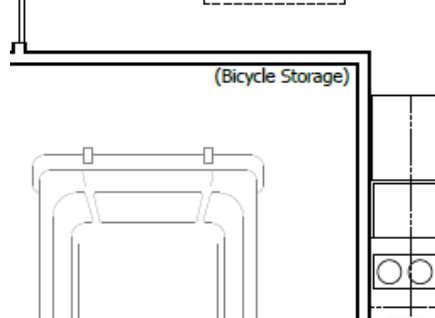
The first floor shows 4 bikes, but the note indicates 6 spaces.



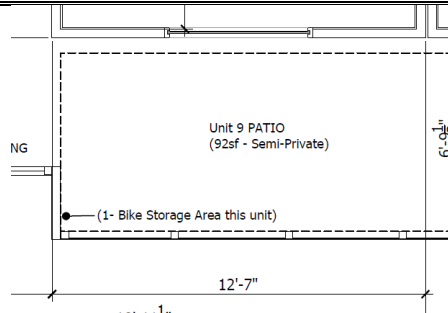
The site plan shows 6 spaces



All garages on the first-floor show bike storage signs.



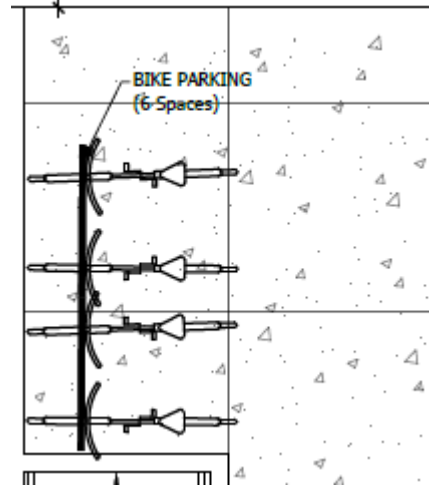
On the semi-private balcony of each side unit, a sign indicates a single bike parking space.



Total for 12-plex: 14 parking spaces

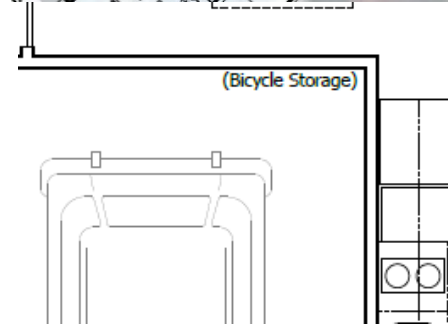
18 plex:

The first floor shows 4 bikes, but the note indicates 6 spaces.



All garages on the first-floor show bike storage signs.

The site plan shows 6 spaces



Total for 18-plex: 12

		<p>All units have been provided with 1 covered bike space per unit. All units within this development are either 1-bedroom or studio. Code Section 8-4D-5B does say 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, however, with the proximity to mass transit (bus stop = 0.2 mi: W. Chinden & 41st St), with all units being either 1-bedroom or studio in size, the requirement to provide an additional 9 bike parking spaces would be over reaching. We propose to add 4 additional bike parking spaces at the entry to the clubhouse along 41st street to satisfy this requirement, acknowledging they would likely go unused or primarily used by the tenants and not guests.</p> <p>The floor plan for the 18-plex does not indicate parking spaces for all units. The site plan and floor plans show conflicting information. In total, combining the spaces shown on the site plan with the 4 additional spaces located near the clubhouse, there are 42 parking spaces. Deficient 15 bike parking spaces. Condition provided</p> <p>All designated bicycle parking spaces shall clearly identify the required stall dimensions and shall not be indicated solely by a sign placed in a corner of the room/balcony. The configuration of bicycle parking provided for general use (i.e., not assigned to specific units) may vary, including double-sided layouts, provided the design enables staff to verify the total number of bicycle parking spaces based on stall count rather than rack count.</p> <p>If the applicant is unable to provide the required number of bicycle parking spaces and believes the standard is disproportionate to the proposed project, the applicant shall submit a variance application or code amendment application in accordance with the City's established procedures. Condition provided</p> <p>A maximum of thirty percent (30%) of the required parking spaces can be compact. Multifamily, mixed use, and nonresidential compact spaces shall be clearly marked as such on the pavement or curb or otherwise signed. Allowed: 17 compact parking spaces Provided: 15 compact parking spaces</p>
8-4D-6 Standards for Equivalent Parking Adjustments	No compliance issues noted	Equivalent parking was not requested.
8-4D-7 Off Street Loading Standards	No compliance issues noted	Off Street Loading was not proposed.
8-4E Transportation and Connectivity Provisions		
8-4E-3 Public Street Connections	Compliant as Conditioned	<p>All streets and driveways shall adhere to the standards of a clear vision triangle. It needs to be indicated on the site plan.</p> <p>All developments shall have approved access to a public street, in conformance with the provisions of the transportation authority.</p>
8-4E-4 Internal Circulation Standards	Compliant as Conditioned	<p>Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:</p> <ol style="list-style-type: none"> 1. Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width. 2. Have a minimum width of twenty feet (20'). 3. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping. <p>A comment provided by North Ada County Fire and Rescue states that, due to eave heights exceeding 30 feet directly adjacent to multiple portions of the</p>

		fire apparatus access lanes within the development, all roads inside the development are considered aerial fire apparatus access roads and must comply with the requirements stated above and in the 2018 IFC, Appendix D105. These roadways shall be a minimum of 26 feet in width and located at least 15 feet but no more than 30 feet from the building. The applicant stated: "All lanes within the development provide a minimum clear width of 26 feet in compliance with fire department requirements. The roadways are located no more than 30 feet from the buildings, as required."								
8-4E-6 Sidewalk Standards	Compliant	A detached sidewalk is proposed.								
8-4E-7 Pedestrian and Bicycle Accessibility Standards	No compliance issues noted									
8-4E-8 Transit Facilities	No compliance issues noted	No comment								
8-4G Sustainable Development Provisions	No compliance issues noted	The development is exempt per 8-4G-2 (D).								
8-4H Flood Hazard	Compliant as Conditioned	<p>The planning official is the decision maker on items regarding 8-4H.</p> <p>Information provided indicates that the project will be elevated (the lowest floor) to two feet above the work maps BFE.</p> <p>The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.</p> <p>The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of 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.</p>								
8-4I Landscaping and Tree Protection Provisions										
8-4I-3 General Landscaping Standards and Irrigation Provisions	Compliant as Conditioned	<p>The following minimum plant sizes shall be used for all required landscape areas:</p> <table border="1"> <tr> <td>Shade trees</td> <td>2 inch caliper minimum</td> </tr> <tr> <td>Ornamental trees</td> <td>2 inch caliper minimum</td> </tr> <tr> <td>Evergreen trees</td> <td>6 foot height minimum</td> </tr> <tr> <td>Woody shrubs</td> <td>2 gallon pot minimum</td> </tr> </table> <p>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. Compliant</p>	Shade trees	2 inch caliper minimum	Ornamental trees	2 inch caliper minimum	Evergreen trees	6 foot height minimum	Woody shrubs	2 gallon pot minimum
Shade trees	2 inch caliper minimum									
Ornamental trees	2 inch caliper minimum									
Evergreen trees	6 foot height minimum									
Woody shrubs	2 gallon pot minimum									

If the applicant elects to replace the proposed sod with mulch of any type during construction or final project completion, vegetation must also be planted in that area to achieve at least 70% coverage at maturity. Condition provided

Landscape areas shall be configured to maximize their interconnectivity within the site and to landscape or natural areas in adjacent developments. Except in parking lots and for screening along roadways, small, isolated islands of landscaping shall be avoided;

Landscape design shall enhance natural drainageways and environmental features.

The placement of trees near structures shall be adjusted to allow for the anticipated mature spread of the trees at the tree's maturity.

Spacing of trees and shrubs shall allow for their natural spread; and A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants

When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided.

Required Number Of Class II Or Class III Trees	Minimum Number Of Species
11 to 30	3

8-4I-4 Landscaping Provisions for Specific Uses

Compliant as Conditioned

A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
 Required: 44,126 SF x 0.05= 2,206 SF
Proposed: 7,764 SF or 17.5% of the site

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.

41st Street (~228 LF): 1 Street tree + 5 Frontage trees = 6 trees
Provided: 4 trees. **Deficient 2 trees. Condition provided**

Note: Staff recommends requiring Class II street trees (or larger where planting strip width allows) along public frontages to maximize cooling, public health, habitat, stormwater, and long-term canopy outcomes; Class I trees should only be permitted where overhead utilities or substandard planter widths preclude larger forms. This is consistent with regional practices and local streetscape precedents of new developments in Garden City.
Conditions have been drafted to require Class II or III trees instead of Class I trees, as there are no site or utility constraints.

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. **Provided**

8-4I-5 Perimeter Landscaping Provisions

Compliant as Conditioned

Type B Filtered Screen Landscaping is required in the following circumstances:
 Along surface parking areas greater than three (3) cars adjacent to public streets.

A perimeter landscaping buffer area shall be at least five feet (5') wide measured from the property line to the interior of the lot. **Compliant**

		<p>The landscaping shall be installed in accordance with these standards: The selected plant materials may be a mix of deciduous and evergreen varieties so that the following is achieved:</p> <ol style="list-style-type: none"> Visual interest during the winter months; and The landscaping provides a visual separation, but not a complete visual barrier.
8-4I-6 Parking Lot Landscaping Provisions	Compliant	<p>Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles and surfaces.</p> <ol style="list-style-type: none"> Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree.
8-4I-7 Tree Preservation Provisions	Compliant as Conditioned	<p>The provisions of this section are intended to preserve existing trees of four inch (4") caliper or greater from destruction before and during the development process. The site contains 8 trees of 4" caliper or greater.</p> <p>The arborist's report states: <i>"The trees on this site have been poorly maintained and a number of them have severe defects or are dead and should be removed. There are 3 trees in 'fair' condition that could be pruned and preserved with a proper tree mitigation plan during development that are located on lot 9. Trees 3 and 6 are large dead silver maples that are in close proximity to power lines, driveways, structures and 41st street and should be removed as soon as possible."</i></p> <p>The application proposes the removal of all existing trees on-site.</p> <p>Tree mitigation at a 1:1 caliper will be required of all trees deemed "fair" by the arborist report, totaling 45".</p> <p>The landscape plan states that the proposed method of mitigation is to provide additional trees on the site with increased caliper inches beyond what is required for each tree. This results in an additional 46 caliper inches of trees.</p> <p>The landscape plan shows 106 caliper inches in the plant schedule.</p>
8-4L Open Space Provisions		
8-4L-3 General Open Space Standards	Compliant as Conditioned	<p>Common open space shall be designed as an integral part of a residential development project by demonstrating adherence to the following standards:</p> <ol style="list-style-type: none"> Areas on the site of mature landscaping, trees, and natural features have been incorporated into the common open space area; The common open space area provides connectivity with other open areas, public spaces, trails, or water features within and off the site; and The common open space area is located and designed to serve a passive or recreational function.
8-4L-4 Open Space Standards Residential Developments	Compliant as Conditioned	<p>For any new residential or mixed-use development; subdivision; planned unit development; or conditional use of more than two (2) dwelling units in size: A minimum of two hundred fifty (250) square feet of common open space shall be provided for each unit.</p> <p>The following may qualify to meet the common open space requirements:</p> <ol style="list-style-type: none"> Any open space, that is active or passive in its intended use, that is not less than four hundred (400) square feet in area, with length and width dimension of twenty feet (20') can be adjusted by the decision maker so as long as the quality of the open space is not diminished. <p>Open space includes but is not limited to:</p> <ol style="list-style-type: none"> Recreation area Community garden

- c. Ponds or water features;
- d. Plaza

A landscape buffer with a minimum of eight feet between the street and sidewalk and 78 feet in linear distance with required street trees and seating;

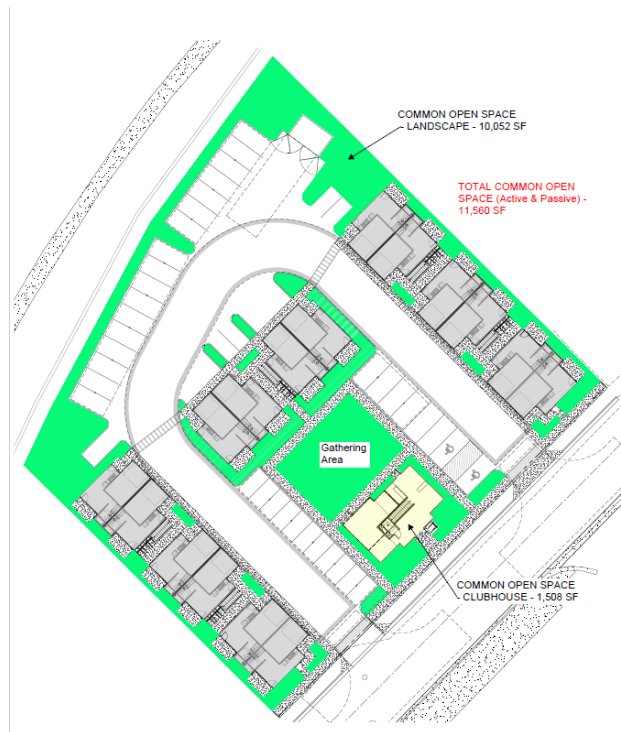
Vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space.

Required: 12,000 SF

Provided:

- a. Clubhouse: 1,508 SF
- b. Common open space: 10,052 SF

The applicant provided an exhibit of common open space included in the calculation in the submittals dated 05/07/2026.



- c. Green buffer between the sidewalk and the street is ~1,440 SF

The applicant provided an updated site plan dated 05/14/2026 showing an 8-foot green buffer area between 41st Street and the sidewalk. The length of the area is approximately 228 LF. Excluding the two driveways, the square footage of this area is approximately 1,440 SF.

Total provided: ~13,000 SF

The applicant dedicated 1,945 SF of open space west of the clubhouse for public use and is eligible for a reduction of the required common open space equal to 25% of the dedicated area (486 SF).

Total required open space: 11,514 SF. Compliant.

Prior to issuance of a certificate of occupancy, the applicant shall execute and record a public access easement over the dedicated area, execute any required agreement(s) with the City addressing public access and long-term maintenance, and provide plan notes and on-site signage, as applicable, confirming that the space will remain open and accessible to the public.

		<p>Maintenance:</p> <ol style="list-style-type: none"> 1. All common open space shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon; or 2. Land designated as common open space may be conveyed to the city, where the city agrees to accept conveyance and maintenance.
8-4L-5 Private Open Space Standards for Residential Developments	Compliant as Conditioned	<p>Private Open Space Requirements: For any new development with three or more dwellings: A minimum of eighty (80) square feet of private, usable open space shall be provided for the benefit of each unit dwelling.</p> <ol style="list-style-type: none"> 1. This requirement can be satisfied through a variety of <u>private or semiprivate</u> means including but not limited to outdoor porches, patios, rooftop gardens, decks, balconies, recreational areas, or enclosed yards. 2. The minimum dimension of any space calculated as private open space shall be six feet (6') in each direction. 3. Landscaping, entryway and other accessways shall not count toward this requirement. 4. Private open space must be achieved within the development. <p>Provided</p>
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	Compliant	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.
8-6A-4 Required Application Information	N/A	<p>Application waivers requested pursuant to 8-6A-4A</p> <ul style="list-style-type: none"> • topographic survey • pressurized irrigation • street lighting plan
8-6A-5 Administrative Process with Notice	Compliant	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Consultant's recommendation and the Planning Official's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Garden City Comprehensive Plan	<p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> 1. MIXED USE COMMERCIAL: The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail,

and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.

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. Identified centers are:
- 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
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.

The application may be supported by:

Goal 1. Nurture the City

- 1.4 Objective: Create a premier destination place to live, work, and recreate.

	<p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.1 Objective: Encourage new and distinctive neighborhoods. • 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> • 6.1 Objective: Eliminate and upgrade substandard 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. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections. • 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p><u>The application may not be supported by:</u></p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.3 Objective: Promote quality design and architecturally interesting buildings.
Garden City Sidewalk Policy	A detached sidewalk is proposed.
Garden City Street Light Policy	A streetlight is installed in accordance with the policy.
Old Town Circulation Network Plan	<p>Micro Street network</p> <p>To increase densities ACHD and Garden City have identified through the cosponsored and adopted Original Town Circulation Network Plan that micro streets should be implemented. The plan does not indicate the size of the proposed micro streets; however, it does indicate that these streets would be akin to alleys and should require the minimal right of way possible. A policy needs adopted that identifies required right of way and required improvement widths. This policy should require right of way preservation during the application process. The right of way should be different depending on the adjacent comprehensive plan designation. For example, for properties in the mixed use residential might require 7’ of right of way to be preserved (for a total 14’ right-of-way) whereas a property in the mixed-use commercial might be required to preserve 10’ for right of way. Once all rights-of-way has been acquired in a block section, improvements should be made. A special impact fee for these properties may be an option.</p>

DECISION PROCESS

General Provisions

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

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

Decision

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

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

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

Appeals of Decision:

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

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

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

Required Findings

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

GCC 8-6B-3_Required Findings	Determination	Reasoned Statements
1. The proposed design shall comply with all design standards in Garden City Code, Title 8. 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.	Compliant as Conditioned	1. The proposal has been reviewed against applicable provisions of Garden City Code Title 8 and is found compliant with all standards subject to the conditions of approval. Conditions have been imposed to address outstanding items, including housing variety, bicycle parking, and confirmation of color and material variations. 2. The development includes internal pedestrian pathways, and connections to the public sidewalk. Conditions of approval require additional crossings and code-compliant bicycle parking to ensure full functionality.

<p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p> <p>8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p>		<p>3. The proposal enhances public space connectivity through a detached sidewalk, pedestrian pathways, and open space areas, including a publicly accessible recreational area.</p> <p>4. The project is consistent with the intent of the Mixed-Use Commercial designation and Activity Node of the Comprehensive Plan by providing an urban form, pedestrian-oriented design, and integrated site layout.</p> <p>5. Subject to the conditions of approval, including infrastructure verification, fire access compliance, and site design improvements, the proposal is not anticipated to result in adverse impacts on the surrounding neighborhood.</p> <p>6. The project incorporates contemporary materials, articulated rooflines, and pedestrian-oriented design features that contribute positively to the built environment. Conditions require additional variation in materials and colors to further enhance architectural compatibility.</p> <p>7. The site design and landscaping improve site functionality and, with required tree mitigation and irrigation, are consistent with applicable code requirements and local climatic conditions, subject to the conditions of approval.</p> <p>8. The site does not contain identified wetlands or natural or historic features.</p>
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The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **meets** the standards of approval under **GCC 8-6B-3 Design Review**.

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

CONDITIONS OF APPROVAL

Site Specific Requirements:

Scope of this permit:

1. The scope of this permit is to allow new construction for a multi-family development at 212 W 41st Street.
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.
3. Prior to initiating any demolition of existing structures, the applicant shall obtain an approved demolition permit for all structures proposed for removal.

Prior to Building Permit

1. Prior to building permit submittal, the applicant shall verify the legal status of the lot to ensure compliance with Garden City Code.
 - a. The applicant shall provide documentation demonstrating that the lot vacation was legally established and properly recorded by the county.
 - b. If such documentation cannot be provided, the applicant shall obtain approval of a lot line consolidation prior to building permit submittal.
 - c. Based on the parcel's legal status, it may be determined that a subdivision application is required; if so, such application shall be submitted and approved prior to development.
2. The development shall comply with the Variety of Housing requirement by either providing a range of distinct floor plans and bedroom counts such that no more than 25% of units are of a single floor plan and no more than 75% share the same bedroom count, or by providing at least 25% of units as affordable or accessible housing, or a combination thereof.
3. The applicant shall obtain approval from ACHD for a license agreement authorizing any proposed parking, paving, and landscaping within the public right-of-way.
4. No permanent structures shall be installed within the public right-of-way at any time.
5. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.

- a. The applicant shall provide entry door color variation by building, consistent with the approved design and stated design intent.
 - b. The applicant shall provide exterior building materials and color variations between structures to achieve architectural diversity while maintaining a cohesive overall design.
6. Prior to building permit submittal, the applicant shall verify adequate water and sewer capacity with the City Engineer.
7. The applicant shall obtain and provide a current “will serve” letter from the City.
8. A corrected Affidavit of Legal Interest shall be submitted.
9. There shall be a minimum of 57 vehicular parking spaces provided; with 48 to be covered.
 - a. A maximum of thirty percent (30%) of the required parking spaces can be compact.
 - i. Multifamily, mixed use, and nonresidential compact spaces shall be clearly marked as such on the pavement or curb or otherwise signed.
10. There shall be a minimum of 57 bicycle parking spaces provided; with 48 to be covered.
 - a. Bicycle parking spaces assigned to individual units shall be clearly dimensioned on the floor plans.
 - b. Bicycle parking not assigned to individual units may utilize varied configurations, including double-sided rack layouts, provided each stall accommodates two bicycles and the total number of spaces can be clearly verified based on space count rather than rack count.
 - c. Revised plans demonstrating compliance with required bicycle parking shall be provided prior to building permit issuance.
 - d. If compliance cannot be achieved, a variance application or code amendment shall be submitted and approved prior to building permit issuance.
11. A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.
 - a. A pathway shall be a minimum width of four feet (4').
 - b. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.
 - c. The connection point should be located at the center of the 18-plex buildings or at one of the two entrance locations.
 - d. The connection point for the 12-plex shall include crossing points on both sides connecting to the 18-plex buildings.
12. 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. Tree mitigation shall be provided at a ratio of 1:1 caliper inch for all trees identified as “fair” in the arborist report, totaling 45 caliper inches of required mitigation.
 - b. The frontage of W 41st Street shall have a total of 6 Class II or III trees.
 - c. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.

- d. Type B Filtered Screen Landscaping is required along surface parking areas greater than three (3) cars adjacent to public streets.
 - i. The selected plant materials may be a mix of deciduous and evergreen varieties so that the following is achieved:
 1. Visual interest during the winter months; and
 2. The landscaping provides a visual separation, but not a complete visual barrier.
- e. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.
- f. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree.
- g. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants.
 - i. Use of mulch, organic or rock, as the only ground cover in required planting areas is prohibited.
- h. The design and landscaping of the site shall enhance site functionality and be consistent with the climatic conditions of southwest Idaho.

During Construction:

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

Prior to 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 Garden City Development Services Department.
3. Prior to occupancy, a public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance.
4. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps should blend with the roof colors.
5. The development shall provide amenities in compliance with Garden City Code by incorporating a combination of Class A, B, and/or C amenities proportional to the number of dwelling units, and ensuring that if more than three (3) amenities are provided, at least two amenity categories are represented.
 - a. The approved amenities include a clubhouse (Class C), recreational space and picnic area west of the clubhouse dedicated for tenants and the public (Class C), and additional Class A amenities including secure package lockers and shared community washer and dryer facilities.
 - b. If the approved amenity plan is modified, any changes shall comply with Garden City Code requirements, and such modifications may require review and approval by the City prior to implementation.
6. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along 41st Street.

- a. The sidewalk shall extend across a drive aisle without changing elevation and meet the following conditions:
 - i. Concrete or other contrasting hardscape material, if approved by ACHD, is used to cross the drive aisles to clearly identify the pedestrian crossing.
 - ii. The design of the apron allows for the sidewalk to remain level with the adjacent sidewalk.
 - iii. Detectable warning surfaces (truncated domes) shall be installed if required to mark the drive aisle for visually impaired pedestrians, if required by ACHD.
7. 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.
8. 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
9. Any future outdoor lighting will be required to be in compliance with code at the time of development.
10. All parking areas used during non-daylight hours and all pedestrian pathways shall be adequately illuminated.
 - a. All lighting shall be designed and installed in conformance with the standards of Section 8-4A-4.
11. All stormwater systems must comply with Garden City Code 8-4A-7.
 - a. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature
 - b. If ACHD requires stormwater swales within the landscape buffer along 41st Street, the swales shall be designed in such a way to accommodate the Garden City required Street trees.
12. All utilities for a new structure shall be installed underground.
 - a. The term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.
13. Any future fence or wall will be required to be in compliance with code at the time of development.
14. 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.
15. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that

the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

16. The trash enclosure shall be constructed in conformance with Republic Services' requirements, including minimum size and access standards.
17. A minimum of eighty (80) square feet of private, usable open space shall be provided for the benefit of each unit dwelling
18. A minimum of two hundred fifty (250) square feet of common open space shall be provided for each unit.
 - a. The applicant shall provide a minimum of 11,514 square feet of common open space.
 - i. This amount reflects a reduction of 486 square feet, based on the dedication of 1,945 square feet of public open space west of the clubhouse.
 - ii. Prior to issuance of a certificate of occupancy, the applicant shall execute and record a public access easement over the dedicated area, execute any required agreement(s) with the City addressing public access and long-term maintenance, and provide plan notes and on-site signage, as applicable, confirming that the space will remain open and accessible to the public.
19. All comments from the City Engineer shall be addressed.

Site Specific Requirements for the Duration of the Use:

1. Developments with fifteen (15) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development.
2. The property owner shall be responsible for the ongoing provision, operation, and maintenance of all approved amenities associated with the development.
 - a. Approved amenities shall be maintained in good working conditions and available for their intended use.
 - b. If any approved amenity is removed, damaged, or discontinued, it shall be replaced with an amenity of the same classification (Class A, B, or C) or higher, in compliance with Garden City Code, unless otherwise approved by the City.
3. 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.
4. Maintenance of common open space:
 - a. All common open space shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon; or
 - b. Land designated as common open space may be conveyed to the city, where the city agrees to accept conveyance and maintenance.

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 service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
22. All stormwater systems must comply with Garden City Code 8-4A-7.
23. 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.
24. 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.
25. 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.
26. 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.
27. Occupying the site prior to Certificate of Occupancy is a criminal offense.
28. 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.
29. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
30. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code.
31. 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

May 19, 2026

Date