SAPFY2026-0001 Curt Fransen (3844 N. Willowbar Ln) Comments Correcting Record and regarding Draft 7 Redline

These Comments (1) correct facts and analysis provided to City Council on September 28, 2026 regarding the carrying capacity of Adams Street as it relates to the development intensity proposed for Heron Commons. These Comments (2) further address changes made in Draft 7 regarding transition in height and scale and compatibility with the existing, adjoining Waterfront District residential neighborhood and (3) object to the deletion of express consideration of neighborhood compatibility from findings required to approve a Regulatory Master Plan.

1. The total LOS D peak hour capacity of Adams Street is 425 vehicles per hour with a remaining capacity of approximately 67 vehicles per hour according to ACHD counts taken in 2023.

Pages 138-140 of the September 28, 2026 Council Packet include email exchanges between Jenah Thornborrow and Bella Loera (ACHD) regarding the remaining Level of Service (LOS) capacity for Adams Street (east of Veteran's Parkway), 37th and 36th. The emails are attached as **Exhibit A.**

The inclusion of these emails in the Staff Report was puzzling given that they appear to indicate that Adams Street LOS D capacity is 425 vehicles and that 85% of that capacity was utilized based on vehicle counts taken in 2023. The apparent remaining capacity did not support the intensity of use proposed by the SAP. My cursory review, at that time, of ACHD information available online indicated that the LOS D capacity for streets like Adams, 37th and 36th is indeed 425, and since Adams was at 85% capacity, the remaining capacity would be about 65 vehicles. I accordingly testified on behalf of myself and neighbors to the City Council that the capacity of our local streets appears to be inconsistent with the heights and density of the proposed SAP as follows:

"We see from the very recent email exchanges between the City and ACHD that the carrying capacity of Adams is already about 85% and that remaining capacity is something like 65 vehicles per hour during peak periods. We are not experts in traffic matters but believe the cart may be before the horse in this instance. We suggest that Adam's capacity should be further investigated and then used to inform the height and density parameters of Heron Commons"

Staff apparently interpreted the emails to mean that 425 vehicles per hour was the **remaining**, not **total**, capacity of Adams Street. During the Staff response to Public Comment at the September 28, 2026 Hearing, Staff argued that a Traffic Impact Study is not necessary. Staff utilized the analysis depicted on a visual slide (Exhibit B) to support its position, suggesting that the remaining capacity of Adams Street could support "745 to 759 multifamily dwelling units." There was no opportunity for further public comment at the hearing to rebut this Staff analysis. **Exhibit B**

Following the September 28, 2026 City Council hearing, I contacted Bella Loera of ACHD to clarify the remaining capacity of Adams Street. My email inquiry and her response are attached as **Exhibit C**. The Staff interpretation and representation to the City Council that 425 vehicle trips remain, thereby allowing 745-759 dwelling units, was incorrect.

The actual remaining vehicle LOS D capacity of Adams according to ACHD is about 67 based on 2023 counts. Since then, ACHD has vacated its administrative office on Adams so arguably the remaining capacity today may be a bit higher. But, several developments along and adjoining Adams have been completed since then or are in progress which would correspondingly lower the remaining capacity. In any event, correction of the analysis used by Staff, by applying the correct remaining capacity of 67, indicates that about 38 "multifamily units would generate 67 PM peak hour vehicle trips." The corrected (in red) Staff analysis is attached as **Exhibit D**.

This corrected analysis is troubling for a number of reasons but at a minimum it undercuts the idea of locating a development of high intensity in an area lacking adequate street capacity. That lack of available street capacity is, however, consistent with, and directly supports multiple and repeated public comments and testimony from the public. First, the limited remaining Adams capacity does not support anything near the heights and density of the Mid Urban Mixed-Use land use required by the SAP. Second, the limited capacity of Adams Street demonstrates the need for a Traffic Impact Study to determine the level of density that can be reasonably be required by the SAP and identify mitigation necessary to facilitate such density. And third, modestly reducing the overall density of the SAP by providing transition in height and scale and compatibility for existing residential neighborhoods is consistent with, and would help address the obvious limited street capacity.

2. The Draft 7 redline changes regarding the height of structures adjoining existing residential neighborhoods do not provide a reasonable transition in height and scale or compatibility.

To review, the Garden City Comprehensive Plan generally and specifically, with regard to the ACHD Future Planning Area, requires a transition in height and scale of development that is compatible with the existing surrounding neighborhood. (p.49, 10.4.3; p. 64). Similarly, Garden City Code states that new development is required to "[d]evelop in a manner that is highly respectful of the natural setting, that is human scale and ensures neighborhood compatibility." (Section 8-6B-6A.3)

Draft 6, which was before the City Council at the September 28 , 2026 hearing provided, in essence the following:

From the Waterfront District neighborhood property line:

-0 to 15'-- Setback

-15' to 30'-- 45' Maximum Height

-30+' -- 6 stories and 72' Height, plus a story partly below grade, plus rooftop elements, plus 8' for commercial ground floors, plus 2 stories or 24' for lower heights elsewhere (totaling 8 stories and 104' plus partially below grade and rooftop elements).

Public testimony opposed the Draft 6 height maximums and proposed a 45' height limitation within 100' of the property boundary could provide some measure of transition and compatibility between the

1-3 story, 40' maximum heights of the Waterfront District neighborhood and the much higher heights generally allowed by the SAP. There was some seemingly positive questions as part of public comment and statements made by Council members regarding this proposal. There was no discussion or suggestion by Council or Staff about other alternative or intermediate heights for the adjacent neighborhood.

Accordingly, the redline changes of Draft 7 are surprising and disappointing. Those changes, provide the following on pages 40-42:

From the Waterfront District neighborhood property line:

0 to-15' – Setback

15' to 30' –45'Height plus (possibly) a partially below grade story, plus rooftop elements, plus 8' for commercial ground floors (**totaling 53'** plus (possibly) a partially below grade story and rooftop elements).

30' to 40' –58' Height plus (possibly) a partially below grade story, plus rooftop elements, plus 8' for commercial ground floors (**totaling 66'** plus (possibly) a partially below grade story and rooftop elements).

40+' 72' Height, plus a story partly below grade, plus rooftop elements, plus 8' for commercial ground floors, plus 2 stories or 24' for lower heights elsewhere (**totaling 104'** plus partially below grade and rooftop elements).

Notably there are some ambiguities and inconsistencies in this part of Draft 7 that may or may not be intended. For instance in 4.A-C on page 40 of the Draft 7, maximum heights are stated but maximum stories are not. Yet there are references to "stories" in 4.D.1-3 on that page. So is the height of stories located partially below grade allowed to be added to the maximum heights or not? Likewise, it's not clear if the "shall not exceed" language in 4.A and B and the "may be up to" language in 4.C is meaningful. Also notable, but welcome, is the redline narrative language at the end of 4.D.3 which may afford some relief from excessive heights that create adverse effects that are not mitigated (however its location in 4.D.3 which concerns the bonus 2 floors appears out of place).

In any event, Draft 7 appears to allow an increase in the allowed heights of structures nearest (15'-30' from property line) the adjacent neighborhood (from 45' to 53' plus, potentially, a partially below grade story and rooftop elements). Then, some sort of "transition" is apparently intended for the next 10' from the property line (30' to 40') where a step up in height is allowed (58' to 66' plus, potentially, a partially below grade story and rooftop elements). Then at 40' from the property line the structure can step up to 80+'. A separate structure at 40' can apparently be up to 104+'. The result, in reality, is that a structure of up to 80+' may be located next to the Waterfront District, a structure that can start 15' from the property line and within the next 25' step up to 80+'. That's a very close, very large building. For a visual, imagine a home located in the "beach"area between the greenbelt and the main Boardwalk building. A related concern about the new height allowances in Draft 7 is that they are detailed and

specific, perhaps suggesting that simply meeting them is adequate in the view of the City to protect the adjacent neighborhood.

The scale drawings by Rod Linja submitted with the 10082026 2 Linja/Fransen Public Comments provid a visual depiction of the disproportionate height and scale and lack of reasonable transition between potential Heron Commons structures and the one, two and three story residences within the Waterfront District neighborhood. Heron Common structures allowed by Draft 7 would fill the viewscape from the north facing front or back yards and windows of residences on Willowbar Lane. Residents there would have to look upward at greater than a 45' angle to see anything else. And since those adjoining residences are located north of the Heron Commons area they will be in the shadow of allowed structures for significant portions of the day, particularly during winter months. No one can reasonably conclude that allowing such structures provide a reasonable transition to, or be compatible with, the existing residential neighborhood .

The City Council should reject the proposed redline changes of Draft 7 regarding heights, with the exception of the narrative paragraph on page 41-42, which does provide some potential for height reductions in particular circumstance. In addition, the 45' maximum height should apply between 15' to 100' from the Waterfront District boundary. Exhibit E1 and E2 details possible alternatives to the Draft 7 redline. EI is a simple return to Draft 6 language with an increase of the 45' height limitation to 100' from the boundary line and inclusion of the narrative height language. E2 is the proposed language included in the 10082026 Linja/Fransen Public Comments.

3. The approval of a Regulatory Management Plans should require a finding of comparability with the adjoining residential neighborhoods rather than finding that there is no material interference with the lawful use of property within such neighborhoods.

At the recent September 28, 2026 City Council hearing, there was, to my memory, no public comment, staff discussion or any Council discussion or direction regarding SAP provisions establishing required findings for approval of a Regulatory Master Plan (RMP). Nevertheless, Draft 7 deletes all the previous (Draft 6) "Required Findings of Approval" and proposes an entirely new set of "Required Findings..." (See pages 78-81).

Draft 6 "Required Findings of Approval" for an RMP Included a finding that:

"The proposed development is compatible [with] existing adjacent neighborhoods established prior to {insert code adoptions date} per standards set forth by this Article."

Draft 7 deletes that finding and proposes the following finding that:

"The proposal... does not create impacts that materially interfere, as defined herein, with the lawful use of nearby properties, adjacent neighborhoods existing oi or before {insert code adoption date].

This substituted standard "does not...materially interfere...with the lawful use of...propert[y]" is a standard commonly applied to instances or cases of alleged public or private nuisance. Property owners

have existing legal remedies through statutory and common nuisance law nuisance to address activities that interfere with the lawful use of their property. But as a finding or standard for approving a RMP, it is meaningless or toothless in comparison with a finding requiring "compatability with existing adjacent neighborhoods." "Compatability" is expressly required by the Garden City Comprehensive Plan and Code (see above for citations). City Council should retain the "compatability" standard, not only to reasonably protect its existing residents, but also to support a finding that the SAP is consistent with the Comprehensive Plan and City Code.

Thank you for consideration of these comments.

/s/ Curt Fransen

EXHIBITS ATTACHED

From: Bella Loera
To: Jenah Thornborrow
Subject: Re: Traffic Information
Date: Tuesday, September 22, 2026 12:56:48 PM
Attachments: image006.png
image007.png
image008.png
image009.png
image010.png
image011.png
image.png

Hi Jenah,

The vehicle count would have to be greater than 425 per hour to exceed the threshhold.

Best,

Bella Loera
Transportation Planner | Planning

Ada County Highway District (ACHD)
5800 Meeker Ave, Boise, Idaho 83713
Phone: (208)387-6305
www.achdidaho.org
Connect with us on social! ***@achdidaho***

From: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Sent: Tuesday, September 22, 2026 10:03 AM
To: Bella Loera <bloera@achdidaho.org>
Subject: RE: Traffic Information

Caution: This message originated outside ACHD. Use caution with links and attachments. If you were not expecting this email, verify via a trusted contact or report it using the Phish Alert Button.

Bella a couple of other questions.

I am trying to equate this to what additional growth could occur.

What would the vehicle count/ hour to exceed thresholds would be?

Thank you again!
Jenah

Exhibit A (1 of 3)

From: Bella Loera <bloera@achdidaho.org>
Sent: Tuesday, September 22, 2026 9:52 AM
To: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: Re: Traffic Information

Hi Jenah,

Looking at Adams east of VMP, the planning threshold would be LOS D following ACHD policy. We have counts available from 2023, so before ACHD vacated, and it looks like it is at around 85% capacity. This number can and will vary as there are many surrounding side streets.

We have counts for 37th north of Chinden and 36th west of Clay. The threshold would also be LOS D and their capacity sits at 30% and 33% respectively.

If you would like us to take new counts, that is something that I can definitely put in a request for, so please let me know!

Best,

Bella Loera
Transportation Planner | Planning

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From: Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Sent: Monday, September 21, 2026 4:58 PM
To: Bella Loera <bloera@achdidaho.org>
Subject: Traffic Information

Caution: This message originated outside ACHD. Use caution with links and attachments. If you were not expecting this email, verify via a trusted contact or report it using the Phish Alert Button.

Bella,

I am wondering if you might have access to some information based on the recent Adams Street project that you worked on.

Might you have information on Adams Street, particularly east of VMP on the established LOS, and how much capacity remains?
If so, was this data before or after ACHD vacated the property?
Also if you might have the same information for 37th and 36th this would be incredibly helpful.

Thank you so much for your help!

Kind Regards,

Jenah E. Thornborrow
Director
Development Services Department, **City of Garden City**
p: 208-472-2921
a: 6015 Glenwood Street, Garden City, ID 83714
w: https://gardencityidaho.org/

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

(3 of 3)

Traffic Discussion

- Adams: 85% Prior to vacation of ACHD
  - Replacement trips of ACHD + 15% ---425 trips
    - 745 to 759 multifamily dwelling units generate 425 PM peak hour vehicle trips based on standard Institute of Transportation Engineers (ITE) average rates (Land Use Code 220 - Multifamily Housing / Apartment)
- 37th: 35% capacity

Mitigation (including but not limited to):

- Denial of project
- Efficiencies such as multi-modal traffic connections
- Intersection improvements
- Turn lanes

EXHIBIT B

Gmail

LOS D Threshold on Adams St (east of Veteran's MP)

1 message

Bella Loera <bloera@achdidaho.org> Tue, Oct 13, 2026 at 2:36 PM
To: Curt Fransen <gcfrnsn@gmail.com>

Hi Curt,

Happy to help! Just to clarify, when I spoke with Jenah, we were discussing the traffic counts east of Veteran's Memorial Parkway (VMP).

ACHD has established 425 vehicles as the planning threshold for residential collectors without continuous left-turn lanes, which describes the majority of this segment of Adams. The policy is linked below, with the relevant information on page 25.

Our most recent traffic counts on Adams east of VMP show a peak of 358 vehicles. Based on the 425-vehicle threshold, Adams was operating at approximately 358 out of 425 vehicles, leaving about 67 vehicles of remaining capacity at the time of the count.

ACHD Level of Service Planning Thresholds for Roadway Segments Policy

Best,

Bella Loera
Transportation Planner | Planning

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Phone: (208)387-6305
www.achdidaho.org
Connect with us on social! ***@achdidaho***

From: Curt Fransen <gcfrnsn@gmail.com>
Sent: Monday, October 12, 2026 2:47 PM
To: Bella Loera <bloera@achdidaho.org>
Subject: LOS D Threshold on Adams St (east of Veteran's MP)

[Quoted text hidden]

EXHIBIT C (1 of 3)

LOS D Threshold on Adams St (east of Veteran's MP)

1 message

Curt Fransen <gcfrnsn@gmail.com> Mon, Oct 12, 2026 at 2:47 PM
To: bloera@achdidaho.org

Bella Loera,

I am trying to understand the below email exchange between you and Jenah Thornborrow which was included in briefing materials provided to the Garden City Council. My question is whether the LOS D threshold for Adams Street, west of Veteran's Memorial Parkway, is 425 vehicles per hour, or whether 425 is just 15% of the LOS D threshold (so about 2800). In other words, if Adams was around 85% capacity in the 2023 counts you reference, was the remaining capacity 425 or approximately 64?

Thank you for your assistance,

Curt Fransen

From: Bella Loera
To: Jenah Thornborrow
Subject: Re: Traffic Information
Date: Tuesday, September 22, 2026

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The vehicle count would have to be greater than 425 per hour to exceed the threshhold.
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(2 of 3)

Subject: Re: Traffic Information

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Bella Loera
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Kind Regards,

Jenah E. Thornborrow
Director
Development Services Department, City of Garden Cit

(3 of 3)

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- Adams: 85% Prior to vacation of ACHD of 425
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- 37th: 35% capacity

Mitigation (including but not limited to):

- Denial of project
- Efficiencies such as multi-modal traffic connections
- Intersection improvements
- Turn lanes

EXHIBIT D

alla Lorera with ACHD

DRAFT 6 EDITS

4. **HEIGHT**

A. Structures between fifteen feet (15') and ~~thirty~~ one-hundred 100' feet (~~30~~') from the shared Adjacent Residential property line shall not exceed forty-five feet (45') in height.

B. Structures may be up to six (6) stories in height and seventy-two feet (72') measured from grade:

1. Only stories located entirely above grade shall count toward the maximum number of stories. Roof access enclosures, mechanical equipment, and similar rooftop elements may extend above the maximum height as otherwise permitted by this code.
2. Buildings containing a non-residential ground floor may exceed the maximum height by up to eight feet (8') to accommodate ground-floor commercial floor-to-ceiling heights, building systems, and architectural features associated with non-residential occupancy. This allowance shall not increase the maximum number of permitted stories.
3. Building height may be increased by up to two (2) additional stories, or twenty-four feet (24') beyond the otherwise permitted base height, subject to approval of a Regulatory Master Plan. This increase is allowed only if the structure that is increased in height is not located adjacent to the district boundaries. In order to increase the height from the base permitted height, an equivalent offset in building height from another structure, adjacent to the Boise River Greenbelt or adjacent residential neighborhood shall be provided to reduce impacts and help protect the Boise River Greenbelt, adjacent residences, or the public realm.

C. Notwithstanding the maximum height otherwise permitted, no building shall exceed a height that results in significant adverse impacts on adjacent properties that are directly attributable to the building's height and cannot be adequately mitigated. Such impacts include, but are not limited to, a significant loss of privacy, excessive shadowing of living spaces, or other measurable impacts. The applicant shall demonstrate that such impacts have been mitigated through setbacks, stepbacks, landscaping, or other effective mitigation measures. If significant adverse impacts cannot be adequately mitigated, the permitted building height shall be reduced to the extent necessary to achieve compliance with this standard.

EXHIBIT E1

DRAFT 7 EDITS

Page 40 Edits
Do not delete this paragraph

B. These minimum setbacks shall apply to all property lines adjoining the SAP District boundary. In certain instances, in order to meet the findings that the development is compatible with the Boise River Greenbelt and adjacent neighborhoods, increased setbacks may be necessary. The need for increased setbacks shall be evaluated based on the height and intensity of the proposed development and its potential impacts on adjacent existing uses and properties.

Replacement text

4. Height

A. Structures along the perimeter of Heron Commons adjacent to the Waterfront District Subdivision are denoted as Adjacent Residential and are restricted to 45 feet in height. Development that mimics the existing abutting neighborhood housing is encouraged, including setback distances from existing houses, use, and density. This area is considered a neighborhood transition zone to help maintain compatibility. Single family housing is permitted in this zone. Open space and robust tree planting and screening are encouraged.

B. Structures beyond Adjacent Residential may be increased in height.

C. Structures along Adams Street and E. 38th St. are permitted at maximum height and may be up to seventy-two feet (72') measured from grade.

Then go into Roof Access Enclosure and Height Transfer stuff; 72 feet should be max. {Really, max should be 4 stories per your Comp Plan.}

Add if you want a statement about other adjacent residential areas (not WFD perimeter)

D. Efforts similar to A. above are encouraged elsewhere along the perimeter of Heron Commons when adjacent to existing residential

Page 80 Edits
Do not delete this paragraph

I. The proposed development is compatible existing adjacent neighborhoods established prior to [insert code adoption date] per standards set forth by this Article.

EXHIBIT E2