



DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2026 - 0016

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 1

Reviewer: Mariia Antonova

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: October 19, 2026

Applicant: Tony Thurber with Anchored Architects



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SITE INFORMATION

- 1) Owner: CHAPS DEVELOPMENT GROUP LLC
- 2) Street Address: 211 E 40th St (previously 213 E 40th st.)
- 3) Ada County Tax Parcel Number(s): R2734502390
- 4) Property Description: LOT 24 BLK 7 FAIRVIEW ACRES SUB NO 1 VIN # V8029M14SN8013
TITLE # E435178
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.690 acres or 30,056 SF
- 7) Zoning District: R-3 Medium density residential
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Mixed Use Commercial
- 10) The project is in the:
 - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) 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) Manufactured/mobile home park
 - b) Dwelling unit, two-family
- 12) Existing Use: Vacant
- 13) Easements on site :
 - a) THURMAN MILL DITCH
 - b) UTILITY, DRAINAGE, IRRIGATION EASEMENT
- 14) Site Access:
 - a) Front: E 40th St.
- 15) Sidewalks: No sidewalk
- 16) Wetlands on site: None identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: September 17, 2026
- 3) The neighborhood meeting was held on: October 8, 2026
- 4) Site Coverage:
 - a) Building: 3,471 SF of the site
 - b) Landscaping: 8,34 SF of the site
 - c) Paved Areas: 17,851 SF of the site
- 5) Number of Structures: 1
 - a) One bedroom units: 24
- 6) Total number of vehicular parking spaces:
 - a) Surface: 30
- 7) Total number of bicycle parking:
 - a) Enclosed: 24
 - b) Surface: 6
- 8) Trash Enclosure: The refuse will be in a common location;
- 9) Fencing: 6' fencing
- 10) Sidewalk:
 - a) detached proposed
- 11) Landscaping:
 - a) Street Trees: 3 class II, 1 class III
 - b) Parameter Landscaping: trees, shrubs, perennials
- 12) Connections:
 - a) Closest VRT Stop:
 - i) ~0.3 mi; W Chinden Blvd & W 41st St SEC
 - b) Greenbelt: ~0.3 mi.

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Comment	9/29/2026	1. Improve 40th Street as ½ of a 36-foot wide commercial street section with vertical curb, gutter, a 9 ½ - foot wide landscape strip and 5-foot wide detached concrete sidewalk abutting the site to tie into the existing sidewalk to the south of the site. 2. Dedicate right-of-way to 2-feet behind back of sidewalk on 40th Street, or for detached sidewalk, 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. 3. Close the existing 14-foot wide unimproved driveway on 40th Street, located 714-feet south of Adams Street, with vertical curb, gutter, a 9 ½ - foot wide landscape strip and 5-foot wide detached concrete sidewalk. 4. Construct a 23-foot wide paved driveway from the site onto 40th Street, located 638-feet south of Adams Street. 5. 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. 6. 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. 7. 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. 8. Comply with all Standard Conditions of Approval.
Garden City Engineer Link to Comment	9/28/2026	• Cursory Review at This Time We have received material to provide a review; however, since the project has not received any entitlement approvals from the city and Public Works staff has not reviewed the project, our review will not be a detailed review. Our review will be more of a high level review dealing with major items and not fine detail. Complete reviews will be conducted when entitlement is obtained, review documents are provided, and we have access to Public Works staff review of plans. • Affidavit of Legal Interest It appears the landowner is Chaps Development Group LLC (a Utah company). Please provide evidence of the authority of Aaron Jose to execute the Affidavit for work in Idaho. • Unit Addressing – Private Road Addressing will be performed by Ada County. Due to the configuration of the development and the proposed number of units, the access drive may require a private road and name. Please coordinate this with Ada County addressing and the Ada County Street Name Committee. • Ada County Highway District Approval An approval from the Ada County Highway District is required for the project. • Fire District Approval 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. • Gravity Irrigation Facilities The topographic survey notes the site has the Thurman Mill Ditch traversing through the site. Any modifications to existing 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. • Pressure Irrigation Will the project utilize a pressure irrigation system? If so, please provide a pressure irrigation system design and report. • Water Mains, Sewer Mains and Services 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. Design of new water line mainline extensions, sanitary sewer mainline extensions and water and sewer service lines must be reviewed and approved by Public Works. • Qualified Licensed Professional Engineer (QLPE) Review

			Depending on the method of water and sewer service (if mainline extensions are proposed) the review must include either a Department of Environmental Quality (DEQ) plan review or a city QLPE review. Should the applicant desire the city to perform a QLPE review and a review is necessary, the cost of the review shall be borne by the applicant. When complete construction plans are submitted, please advise if a QLPE is requested. Water and Sewer Easements 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. Record Construction Plans After completion of site improvements, record drawings will be required showing compliance with approved construction plans and any pre-approved construction period changes. Said plans must be provided to and accepted by the city. The design professional of record will be expected to provide completion letters noting construction of horizontal construction, grading, drainage and any irrigation work complies with approved plans. Erosion and Sediment Control 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. Project Geotechnical Report A site geotechnical report prepared by an appropriate Idaho licensed design professional is required. At a minimum, said report must include encountered soil profiles, recommendations for storm water disposal infiltration rates and the depth of seasonal high groundwater. Site Grading and Drainage Plan 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. The grading plan must assure that proposed finished grade elevations match the perimeter ground and storm water capture remains on the site, including run-off from all hard surfaces (including roofs) and landscaping. Be sure to depict ground elevations of adjoining land to assure the site grading will “match” adjoining lands. All storm water from the site must be retained on the site. The storm water report needs to include a narrative section on depth to seasonal high groundwater and what its expected elevation is. Vertical separation must be at least three feet. However, permeable pavers only require a vertical separation of two feet to groundwater from the bottom of the paver base material. The applicant’s Preliminary Grading Plan sheet depicts permeable pavers. Regarding the permeable pavers, please be sure the run-on ratio does not exceed the recommendations in the 2019 Boise City storm water design manual. The city will not approve run-on ratios that exceed the recommendations. Storm Water Operation and Management Agreement The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site’s storm water system. The agreement must be fully executed, have approved plans attached and be recorded by the city with final plan approval. Storm Water Operation and Maintenance Manual A Storm Water Operation and Maintenance Manual prepared by an Idaho licensed design professional that is sealed, dated and signed is required. The manual must meet or exceed the requirements of Section 2.7 of the 2019 Boise City storm water design manual. An	
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		additional resource is the 2019 edition of the “Boise City Stormwater Management Resource Guide – Operation and Maintenance of Stormwater Systems”. FEMA Flood Maps The property is currently within Zone X of the floodplain as shown on FEMA FIRM panel 16001C0188J. The applicant must also 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.
Idaho Transportation Department Link to Comment	10/5/2026	ITD does not have any comments
Republic Services Link to Comment	9/18/2026	Republic Services reviewed the layout and confirmed it is acceptable.
DEQ Link to Comment	9/21/2026	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 .
Boise Fire Link to Comment	10/13/2026	The Boise Fire Department has reviewed and can recommend approval of the application as proposed subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to NACFR District approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by the NACFR District. - 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). - 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). - Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5) The site plans show a fire lane that is well over 150’ in length. The applicant submitted marked up plans showing a turnaround with the proper dimensions as required in the 2018 IFC as amended and adopted by the State of Idaho. - 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) The elevations show the bottom of the eave at 29’11”. The drive aisle into the lot will not need to meet this aerial access requirement - 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)

		• 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) • 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) • 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)
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PUBLIC COMMENT

The following public comments were provided: None provided.

MEETING SUMMARY

There have been no previous consultations on this project.

CODE AND POLICY REVIEW

Discussion

Bicycle and Pedestrian Connectivity

The subject property is located within an area identified by the adopted Old Town Circulation Network Plan for future bicycle and pedestrian connections. The plan identifies both a north-south microstreet connection and a future multi-use pathway generally following the Thurman Mill Canal corridor:

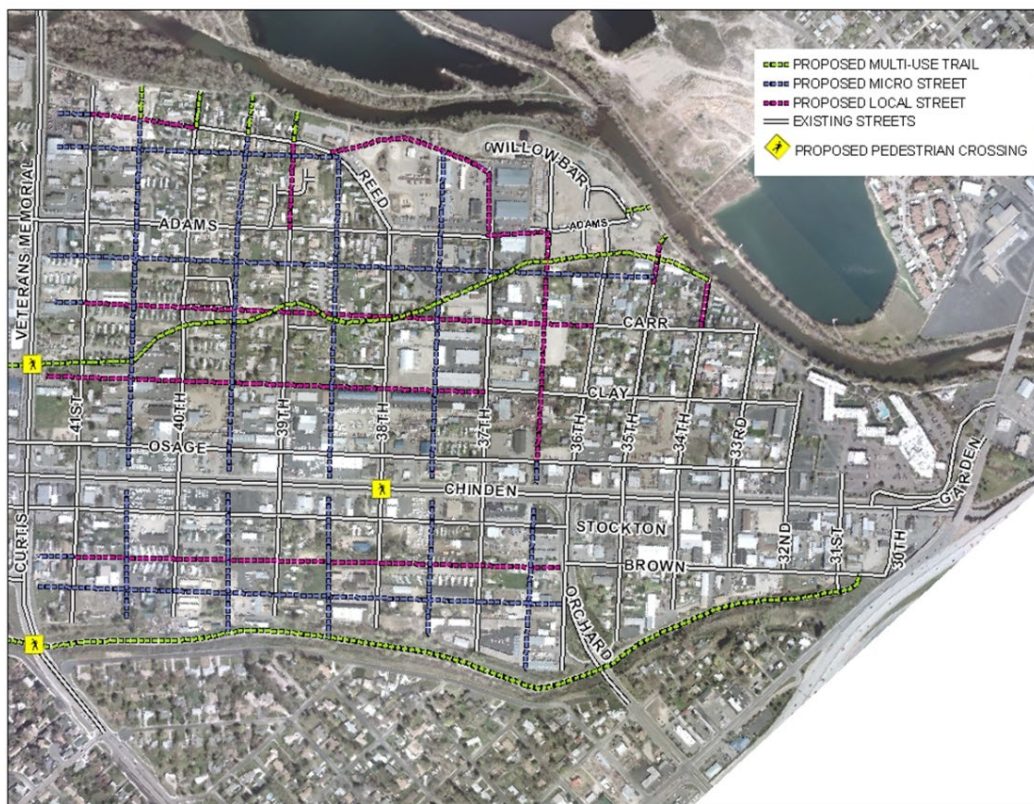


Figure 1. Original Town Circulation Network Acquisition Plan

As shown on the adopted circulation map, both planned facilities traverse the subject site and are intended to serve as part of a broader neighborhood connectivity network linking residential areas, destinations, and the Boise River Greenbelt. The proposed development does not provide these planned connections and does not identify easements, setbacks, or other mechanisms that would preserve the opportunity for their future implementation.

The Comprehensive Plan supports improved bicycle and pedestrian connectivity throughout the city. Goal 5.5 encourages creation of additional access to the Boise River and Greenbelt through pathway connections, including pathways adjacent to waterways and canals. Goal 7.3 encourages increased neighborhood interconnectivity and non-motorized connections through a connected transportation network. The future Heron Commons Specific Area Plan, currently

under development approximately one and one-half blocks east of the site, similarly proposes a continuous canal-side multiuse pathway and additional pedestrian and bicycle connections intended to connect neighborhoods with the Greenbelt.

Findings 2 and 3 require that the proposed design provide effective bicycle and pedestrian access and movement to, from, within, and across the site and that the design be compatible with or improve **the public's use of existing and planned public spaces** and transportation facilities. Because adopted planning documents identify future bicycle and pedestrian connections through the site, the applicant should demonstrate how the proposed development accommodates, preserves, or supports those planned connections.

The proposal replaces an existing single-family residence with a 24-unit multifamily development within the R-3 (Medium Density Residential) zoning district and an identified activity node. While increased residential density is generally consistent with the purpose of the district, such development should also support the transportation and connectivity framework envisioned for the area. Preservation of planned bicycle and pedestrian corridors is particularly important where higher-density residential development is proposed within locations identified for future multimodal connections.

Several developments within the surrounding area have recorded easements or otherwise preserved corridors to facilitate implementation of the planned connectivity network, as shown in [Figures 2–4](#). The proposal does not appear to preserve or otherwise accommodate the planned pathway connection identified in adopted plans. As a result, staff finds limited evidence that the proposal supports the long-term bicycle and pedestrian network or fully satisfies Findings 2 and 3.

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

Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
8-1A-4 Applicability		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties	No compliance issues noted	Legal parcel of record as described.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose		This zoning district is intended to implement the Comprehensive Plan's designations of residential neighborhoods that are more urban in nature such as in the mixed-use residential area or in the Neighborhood Destination or Transit Oriented Development Nodes.
8-2B-2 Allowed Uses	No compliance issues noted	Multifamily Dwelling is a permitted use.
8-2B-3 Form Standards	No compliance issues noted	The required setbacks are: Front: 5' 0' interior to the property that is being developed and 5' exterior to the development Rear: 15' Street side: 5'

8-4A-5 Outdoor Service and Equipment Areas	Compliant as Conditioned	This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.												
8-4A-7 Stormwater Systems	Compliant as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.												
8-4A-8 Utilities	Compliant as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.												
8-4A-9 Waterways	Compliant as Conditioned	All natural waterways shall remain as a natural amenity and shall not be piped or otherwise covered. Irrigation ditches, laterals, canals, and drains do not require fencing. If fencing is installed, open fencing only is allowed, and privacy fencing is prohibited. All fencing shall be approved by the irrigation or drainage district.												
8-4B-3 Dwelling Units, General Provisions	May not be compliant	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: 1. Architectural variety shall be provided so that the units within the development are distinct from one another as described below: 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. Compliant 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. <table><tr><th colspan="4">TABLE 8-4D-1 RESIDENTIAL AMENITY CATEGORIES AND AMENITIES</th></tr><tr><th>Category</th><th>Class A</th><th>Class B</th><th>Class C</th></tr><tr><td>Quality of Life</td><td> - 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) </td><td> - 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 </td><td> - clubhouse - the inclusion of a use that provides access to food or drink such as a restaurant, cafeteria, coffee shop, grocery, or bodega store </td></tr></table>	TABLE 8-4D-1 RESIDENTIAL AMENITY CATEGORIES AND AMENITIES				Category	Class A	Class B	Class C	Quality of Life	- 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)	- 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	- clubhouse - the inclusion of a use that provides access to food or drink such as a restaurant, cafeteria, coffee shop, grocery, or bodega store
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Open Space	• 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	• 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	• 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	• walking trail(s) for the benefit of the development	• fitness facilities • swimming pool • children's play structure • game room • sports courts	• 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

The number of required amenities depends on the size of development as follows:

1. 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. The scheme for providing amenities should be as follows:

A+A+A+A Or B+B Or A+A+B Or C.

AMENITY REQUIREMENTS PER TABLE 8-4B-3 (C)
MULTIFAMILY DEVELOPMENT 3-15 UNITS

TWO CLASS A

1. SMART LOCKS AND SMART THERMOSTATS FOR ALL UNITS
2. SECURE BICYCLE STORAGE

ONE CLASS B

1. OPEN LANDSCAPED WATERWAY ALONG CANAL (MIN. 50' IN LENGTH)

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. **Not enough information.**

While the application identifies the number of Type A and Type B units, it does not describe the accessibility features provided. Submit documentation demonstrating how the proposed Type A and Type B units are designed to be accessible for people with disabilities in accordance with the building code.

8-4B-6 Multi-family Dwelling Units and Mixed-Use Development	Choose an item.	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. Building Design: 1. 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 2. 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. The front elevation appears to be compliant; however, the southwest elevation is unclear. 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. Door color variations are provided and include off-white, off-black, red, and muted green. Awnings and lighting are also provided. 4. Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. All entry areas are covered, except for the rear doors leading to the patio. 5. Roof forms shall be distinctive and include variety and detail when viewed from the street. Flat roofs should include distinctive cornice treatments. Compliant 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. Appears to be compliant 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. Appears to be 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. Compliant as conditioned 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
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		back the structure, increased setbacks, or strategic window placement. It is unclear whether there is a single-family home located adjacent to the project. Appears to be compliant 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. Not enough information 11. The scale, arrangement, and texture of buildings and open space shall vary through the development to reflect function, interest, and significance. Appears to be compliant 12. Buildings adjacent to the Greenbelt or Nature Path should not be constructed to be a flat wall plane so that a large expanse of a building does not dominate the Greenbelt or Nature Path. This can be accomplished through the use of form changes with setbacks and building step backs. Additional building design components that contribute to the undulation are balconies, canopies, awnings, porches, change of materials, and outdoor spaces. Appears to be compliant 13. Units that take access via secured common corridors shall install and maintain a keyless entry system, or suitable alternative, to provide police access to the common corridors under exigent circumstances. The keyless entry system, such as a Knox Box or alternative, shall be subject to review and approval by the Garden City Police Department. 14. Developments with fifteen (15) units or more shall provide the following: - A property management office. - A maintenance storage area. - A central mailbox location, including provisions for parcel mail that provide safe pedestrian and/or vehicular access - A directory and map of the development at an entrance or convenient location for those entering the development. 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.
8-4C-3 Design Provisions for Nonresidential Structures	Not Determined	<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> Street Setback: Complaint Street Frontage: Compliant 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 50%, for other facades visible from the public right-of-way at least 30%. Not enough information Wall Plane: Facades should have no wall plane wider than two and one-half times the height of the wall plane. If a new wall plane is required to achieve compliance with this requirement, it must be offset by at least six feet. Appears to be 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. **Compliant**

Driveway Lanes: **Appears to be compliant**

Pedestrian Pathways:

- a. Pedestrian pathways should be designed to provide a direct connection between the main building entrance and the public sidewalk. **Compliant**
- b. Direct, convenient, and attractive pedestrian pathways should be provided that are clearly marked and connect all portions of the site. **Appears to be compliant**
- c. Pedestrian pathways should be functionally separate from parking lots and driveways except where they cross driveways. **Compliant**

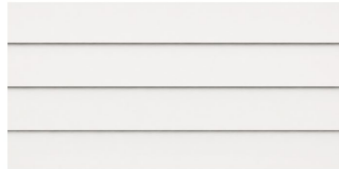
Primary Entrance:

- a. 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.
- b. The primary entrance of all buildings should provide a covered pedestrian open space such as a building recess, an awning, canopy or marquee.
- c. Pedestrian amenities should be provided at the entrance including a minimum of 100 square feet of landscaping, outdoor seating, plazas, courtyards, public art, fountains, special paving, bicycle racks, transit stop.

Discussion required

Objective 3: Buildings shall be designed and constructed of quality materials.

Materials provided:



LAP SIDING



VERTICAL METAL PANELS



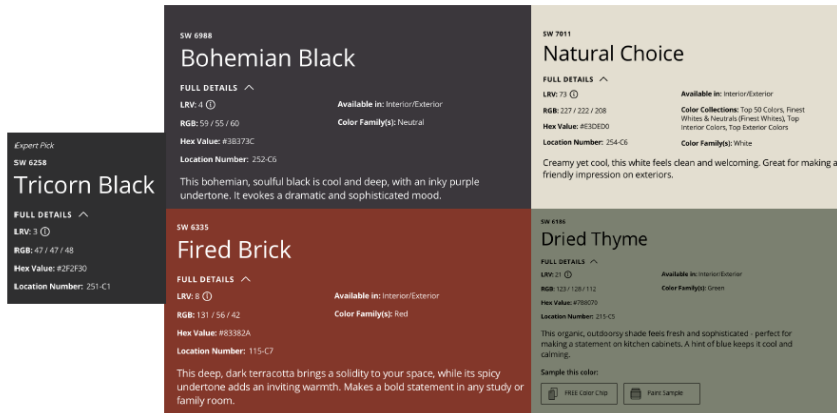
7/8" METAL CORRUGATED



METAL ROOFING



NO DRIP DECKING



PAINTS

Objective 4: *The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.*

See the analysis in Section 8-4I-7.

Objective 5: *The design of all buildings shall provide visual interest, not be in conflict with the comprehensive plan, and positively contribute to the overall urban fabric of the community. Buildings should interrelate with the public realm and should augment the pedestrian experience adjacent to public streets, multi-use paths, gathering places, parks, Greenbelt and Nature Path.*

2. 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 should provide inviting entry orientation. Buildings should not turn their backs to the street.
3. 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.
 - 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.
 - 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.
 - i. Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
 - ii. Roofs that incorporate a variety of vertical dimensions such as multiplaned and intersecting rooflines are encouraged.
 - iii. Flat roofed designs should include architectural details such as cornices, and decorative facings to provide interest to the roofline.
 - 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.
4. 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. 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: i. Windows should not have individual glass panes with dimensions greater than five feet by seven feet (5' x 7'). ii. 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. iii. Individual window units should be separated from adjacent window units by at least six inches (6") of the building's exterior finish material. c. Ornamentation: Examples include ornamental railings, grillwork, landscape guard, and trellises. d. Distinctive Light Fixtures: Examples include lights with a decorative shade or mounting. 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. Discussion required <i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i> No comments <i>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. Appears to be compliant</i>
8-4C-4 Special Provisions for Specific Non residential Development	Compliant as Conditioned	Facades longer than fifty feet (50') (measured horizontally along the facade) should incorporate relief to perceived building mass through such features as wall projections or recesses, projecting windows, entrances, or other visual relief. The doorways on buildings abutting or within three feet (3') of the sidewalk should be recessed in order to avoid conflicts with pedestrians. If plaza provided, it shall comply with the requirements of Section 8-4C-4(C). HVAC equipment, trash dumpsters, trash compaction, and other service functions should 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. All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults should be located in an area not visible from a public street or adjoining property, or should be fully screened from view from a public street and adjoining property with a privacy fence.
<u>8-4C-5 Prohibitions</u>	No compliance issues noted	Principal and accessory structures visible from the right-of-way that are made of prefabricated materials of pre-engineered metal buildings contain

architectural features and a variety of materials so that they lose the appearance of being a prefabricated structure.
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				
Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements
Standard				
90°	9'0"	20'0"	9'0"	22'0"
Compact				
90°	7'6"	15'0"	7'6"	22'0"

Compliant Parking Provided:

18 regular parking spaces

Stall Width: 9'

Length per car: 20'

6 compact parking spaces

Stall Width: 7'6"

Length per car: 16'

6 ADA parking spaces

Stall Width: 9' and 11'

Length per car: 20'

Access aisle: 5'. **Compliance will be verified at the building permit stage.**

Total: 30 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;

All parking and loading zones shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties, walkways, or streets.

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

Bicycle parking spaces shall:

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 <u>8-4A-4</u> of this chapter, Outdoor Lighting.												
8-4D-4 Parking Use Standards	No compliance issues noted	Number Of Spaces: No use shall provide less than the minimum spaces required by this article. 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.												
8-4D-5 Required Number of Off-Street Parking Spaces	Compliant	<table><tr><th colspan="3">Dwelling Parking</th></tr><tr><th>Dwelling Type</th><th>Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)</th><th>Required Covered Parking Per Each Dwelling Unit</th></tr><tr><td>Studio and 1 bedroom</td><td>1</td><td>1</td></tr><tr><td>More than 1 bedroom</td><td>2</td><td>1</td></tr></table> Guest Parking For developments with more than two (2) dwelling units there shall be one-half (0.5) additional parking space/unit provided for guest parking for the first ten (10) dwelling units. There shall be one-tenth (0.1) parking space/unit provided for guest parking for every unit after the first ten (10) units. Vehicle parking: Required: 24 covered parking spaces Required Guest Parking: 6 spaces Total: 30 vehicular parking spaces Provided: 30 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: 24 covered bike parking spaces Required Guest Parking: 6 bike spaces Total: 30 Provided: 30 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: 9 compact parking spaces Provided: 6 compact parking spaces	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	More than 1 bedroom	2	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												
More than 1 bedroom	2	1												
8-4E Transportation and Connectivity Provisions														
8-4E-3 Public Street Connections	Compliant as Conditioned	All streets and driveways shall adhere to the standards of a clear vision triangle. It needs to be indicated on the site plan.												

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8-4E-4 Internal Circulation Standards	Compliant as Conditioned	Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards: 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.	
8-4E-6 Sidewalk Standards	Compliant as Conditioned	Based on the configuration of the existing sidewalk/pathway, it appears that it was not installed in accordance with the code. ACHD did not provide comments regarding the existing infrastructure. ACHD is required to install a new sidewalk, which must be detached from the street with a green buffer in accordance with ACHD policy. The applicant has proposed a detached sidewalk.	
8-4E-7 Pedestrian and Bicycle Accessibility Standards	Compliant as Conditioned	There is direct connection between tenant entrances and the sidewalk along 40 th Street	
8-4E-8 Transit Facilities	No compliance issues noted	No comment	
8-4G Sustainable Development Provision			
8-4G Sustainable Development Provisions	No compliance issues noted	The development is exempt per 8-4G-2 (D).	
8-4H Flood Hazard			
8-4H Flood Hazard	Compliant as Conditioned	The planning official is the decision maker on items regarding 8-4H. The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property. The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.	
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	Choose an item.	The following minimum plant sizes shall be used for all required landscape areas:	
		Shade trees	2 inch caliper minimum
		Ornamental trees	2 inch caliper minimum
		Evergreen trees	6 foot height minimum
		Woody shrubs	2 gallon pot minimum

		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.																																																
8-4I-4 Landscaping Provisions for Specific Uses	May not be compliant	A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Required: 30,056 SF x 0.05= 1,503 SF Proposed: 5,811 SF. Unable to verify 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. 40th Street (100 LF): 1 Street tree + 2 Frontage trees = 3 trees Provided: 3 trees. 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.																																																
8-4I-6 Parking Lot Landscaping Provisions	Choose an item.	Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features. Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles and surfaces.																																																
8-4I-7 Tree Preservation Provisions	Compliant as Conditioned	Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site. Existing trees that are retained or relocated on a site may count toward the required landscaping. Mitigation trees are in addition to all other landscaping required by this article. The applicant is required to provide mitigation for 53 inches of caliper. <table><tr><th colspan="6">EXISTING TREE SCHEDULE</th></tr><tr><th>KEYNOTE #</th><th>TREE TYPE</th><th>SIZE (DBH)</th><th>CONDITION</th><th>STATUS</th><th>CALIPER TO MITIGATE</th></tr><tr><td>1</td><td>AUSTRIAN PINE</td><td>26"</td><td>GOOD CONDITION</td><td>REMOVE</td><td>26"</td></tr><tr><td>2</td><td>PONDEROSA PINE</td><td>28"</td><td>GOOD CONDITION</td><td>KEEP</td><td>0"</td></tr><tr><td>3</td><td>PONDEROSA PINE</td><td>30"</td><td>FAIR CONDITION</td><td>KEEP</td><td>0"</td></tr><tr><td>4</td><td>PONDEROSA PINE</td><td>11"</td><td>POOR CONDITION</td><td>REMOVE</td><td>0"</td></tr><tr><td>5</td><td>PONDEROSA PINE</td><td>27"</td><td>FAIR CONDITION</td><td>REMOVE</td><td>27"</td></tr><tr><td colspan="5">TOTAL INCHES TO MITIGATE</td><td>53"</td></tr></table> Total proposed tree schedule: 135 inches of caliper. These figures may change depending on the caliper of the trees ultimately selected. The required total of 53 caliper inches is for mitigation trees only and does not include any trees otherwise required by the code.	EXISTING TREE SCHEDULE						KEYNOTE #	TREE TYPE	SIZE (DBH)	CONDITION	STATUS	CALIPER TO MITIGATE	1	AUSTRIAN PINE	26"	GOOD CONDITION	REMOVE	26"	2	PONDEROSA PINE	28"	GOOD CONDITION	KEEP	0"	3	PONDEROSA PINE	30"	FAIR CONDITION	KEEP	0"	4	PONDEROSA PINE	11"	POOR CONDITION	REMOVE	0"	5	PONDEROSA PINE	27"	FAIR CONDITION	REMOVE	27"	TOTAL INCHES TO MITIGATE					53"
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TOTAL INCHES TO MITIGATE					53"																																													
8-4L Open Space Provisions																																																		
8-4L-3 General Open Space Standards	Compliant as Conditioned	Common open space shall be designed as an integral part of a residential development project by demonstrating adherence to the following standards: A. Areas on the site of mature landscaping, trees, and natural features have been incorporated into the common open space area;																																																

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		B. The common open space area provides connectivity with other open areas, public spaces, trails, or water features within and off the site; and C. The common open space area is located and designed to serve a passive or recreational function.
8-4L-4 Common Open Space Standards for Residential Developments	Compliant as Conditioned	For any new residential or mixed-use development; subdivision; planned unit development; or conditional use of more than two dwelling units in size: A minimum of 250 square feet of common open space shall be provided for each unit. Qualified Open Space: The following may qualify to meet the common open space requirements: 1. Any open space, that is active or passive in its intended use, that is not less than 400 square feet in area, with a length and width dimension of 20 feet can be adjusted by the decision maker so as long as the quality of the open space is not diminished. Open space includes but is not limited to: a. Recreation area; b. Community garden; c. Ponds or water features; d. Plaza. Required: 6,000 SF Provided: 6,154 SF Appears to be compliant
8-4L-5 Private Open Space Standards for Residential Development	Not Determined	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 dwelling. a. This requirement can be satisfied through a variety of private or semiprivate means including but not limited to outdoor porches, patios, rooftop gardens, decks, balconies, recreational areas, or enclosed yards. b. The minimum dimension of any space calculated as private open space shall be six feet (6') in each direction c. Landscaping, entryway and other accessways shall not count toward this requirement d. Private open space must be achieved within the development The applicant is required to provide dimensions on the plan. Additionally, it is unclear how private open space is achieved on the shared access walkway.
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	Choose an item.	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	Application waivers requested pursuant to 8-6A-4A
8-6A-5 Administrative Process with Notice	Choose an item.	A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction. If no objections are filed within 15 days, the Design Review Consultant's recommendation and the Planning Official's decision shall be considered final. Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7. Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Garden City Comprehensive Plan	The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map. This application is in future land use designations of the Comprehensive Plan: 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. <u>Identified centers are:</u> • 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 <u>The application may be supported by:</u> Goal 2. Improve the City Image • 2.1 Objective: Encourage new and distinctive neighborhoods. Goal 4. Emphasize the “Garden” in Garden City • 4.1 Objective: Beautify and landscape.

	4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. Goal 5. Focus on the River 5.3 Objective: Restore and naturalize water systems, including canals, ditches, drains, river channels and creeks. Goal 6. Diversity in Housing 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. Goal 7. Connect the City 7.1 Objective: Create pedestrian and bicycle friendly connections. 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. The application may not be supported by: Goal 2. Improve the City Image 2.3 Objective: Promote quality design and architecturally interesting buildings. Goal 5. Focus on the River 5.5 Objective: Create more accessibility to the Boise River and Greenbelt. - Develop a city-wide pathway and sidewalk plan with links to the Boise River Greenbelt. Consider linear pathways adjacent to existing waterways such as the Thurman Mill Ditch and waterways to the Settler's Canal that can link to the river and provide alternative locations for parking and river activity staging. Goal 7. Connect the City 7.3 Objective: Protect neighborhoods from through traffic. - Encourage a grid pattern of local streets over cul-de-sacs and dead-end streets without non-motorized connections through maximum block lengths, connecting stub streets, and reducing the number of cul-de-sacs. - Increase interconnectivity within neighborhoods to reduce the concentration of traffic on a few streets. Consider the creation of new street sections such as lanes that provide access through-blocks but discourage through traffic. - Update a local street plan which provides for additional street connections, especially east and west in the neighborhoods east of Veterans Memorial Parkway.
Garden City Sidewalk Policy	The applicant has proposed a detached sidewalk.
Garden City Street Light Policy	A streetlight is installed along E. 40th Street in accordance with the policy.
Old Town Circulation Network Plan	The proposed micro-street and multi-use pathway at the subject address.(see Discussion)

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.	Not Determined: This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision
2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.		
3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities,		

Boise river and waterways, canals, and other surface irrigation.

4. The proposed design shall be compatible with the neighborhood in scale and intensity.

5. The proposed design shall not create an adverse impact on the surrounding neighborhood.

6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.

7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and

8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.

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 [Choose an item.](#) 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 [Choose an item.](#) hereby [Choose an item.](#) the application, subject to the following conditions:

POTENTIAL CONDITIONS

(This section will be revised during the finalization of the report, following the consultation.)

Site Specific Requirements:

Scope of this permit:

1. The scope of this permit is to allow new construction for a multi-family at 211 E 40th St (previously 213 E 40th st.).
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. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
- 2. There shall be a minimum of 30 vehicular parking spaces provided; with 24 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.
 - b. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
- 3. There shall be a minimum of 30 bicycle parking spaces provided; with 24 to be covered.
 - a. All bicycle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
- 4. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - a. Tree mitigation shall be provided at a ratio of 1:1 caliper inch for all trees identified as being in "fair" or "good" condition in the arborist report, for a total of 53 caliper inches of required mitigation.
 - b. A minimum of 3 Class II or Class III trees shall be planted along the E. 40th Street frontage.
 - c. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.
 - d. Internal shade trees shall be provided at a minimum ratio of one tree planted for every 5 parking spaces supplied.
 - e. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree.
 - f. 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.
 - g. The design and landscaping of the site shall enhance site functionality and be consistent with the climatic conditions of southwest Idaho.
 - h. The development shall incorporate visual privacy measures where adjacent to single-family dwellings.
- 5. Any future outdoor lighting will be required to be in compliance with code at the time of development.
- 6. 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 E 40th Street, the swales shall be designed in such a way to accommodate the Garden City required Street trees.

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. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along 40th 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.
5. 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.
6. 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.
7. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps should blend with the roof colors.

8. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
 - a. Utility boxes and transformers will also require screening. Coordination with Idaho Power will be required.
9. A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.
 - a. A pathway shall be a minimum width of four feet (4').
 - b. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.
10. A minimum of 80 square feet of private, usable open space shall be provided for each unit.
 - a. The applicant is required to provide private/semi-private screening solutions to better define this area in practice.
11. A minimum of 250 square feet of common open space shall be provided for each unit.
 - a. The applicant shall provide a minimum of 6,000 square feet of common open space.
12. The trash enclosure shall be constructed in conformance with Republic Services' requirements, including minimum size and access standards.
13. Any future fence or wall will be required to be in compliance with code at the time of development.
14. All comments from the City Engineer shall be addressed.
15. The following amenities shall be provided or replaced with an amenity from the same category of amenity as identified in Garden City Code: secure bicycle storage (Class A), smart locks and smart thermostats for all units (Class A) and an open landscaped waterway along the canal (Class B)

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. 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.
3. 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.

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.

TBD

Click or tap to enter a date.

Development Service Staff

Date

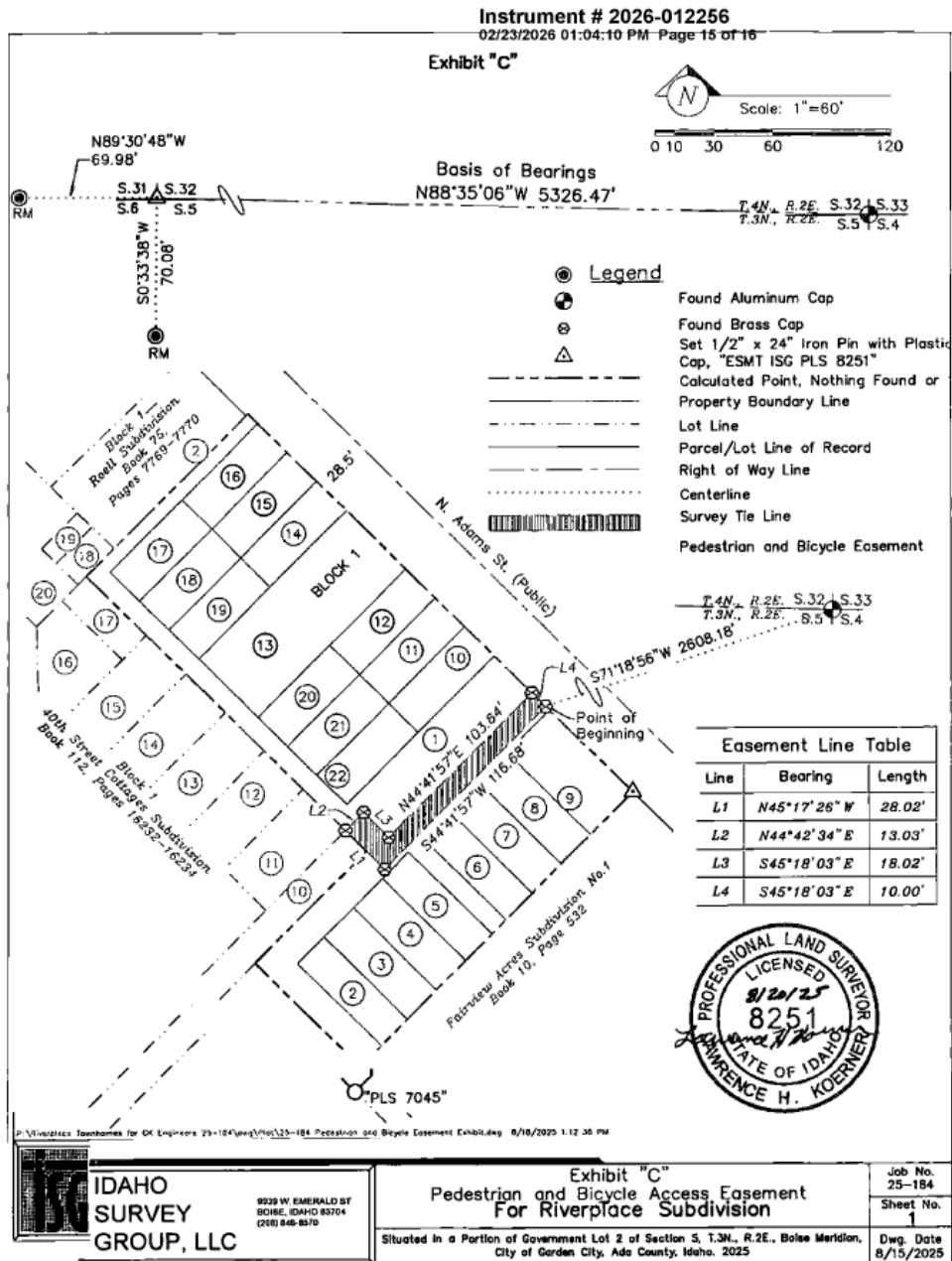
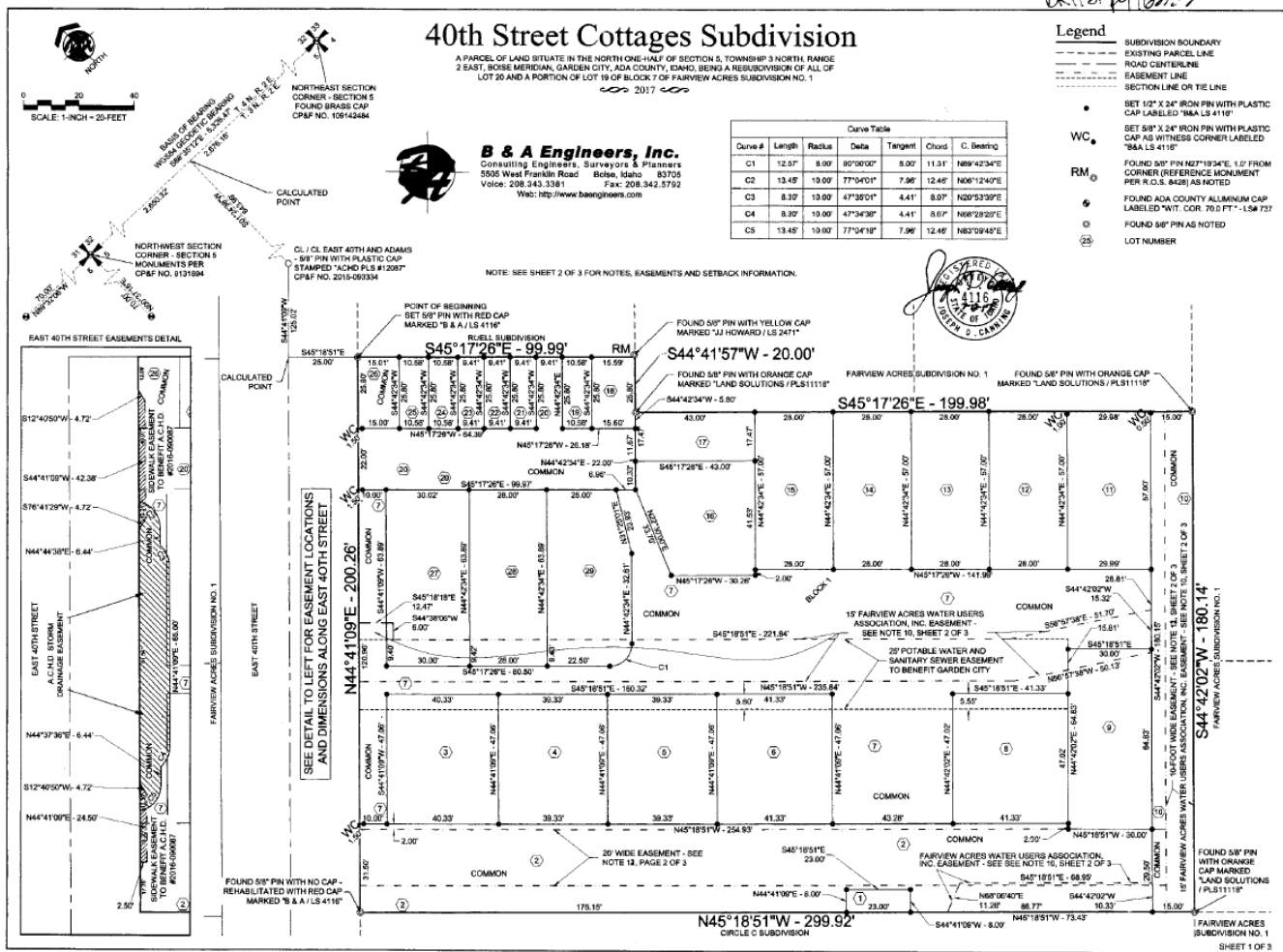


Figure 2. Riverplace Subdivision Pedestrian and Bicycle Easement

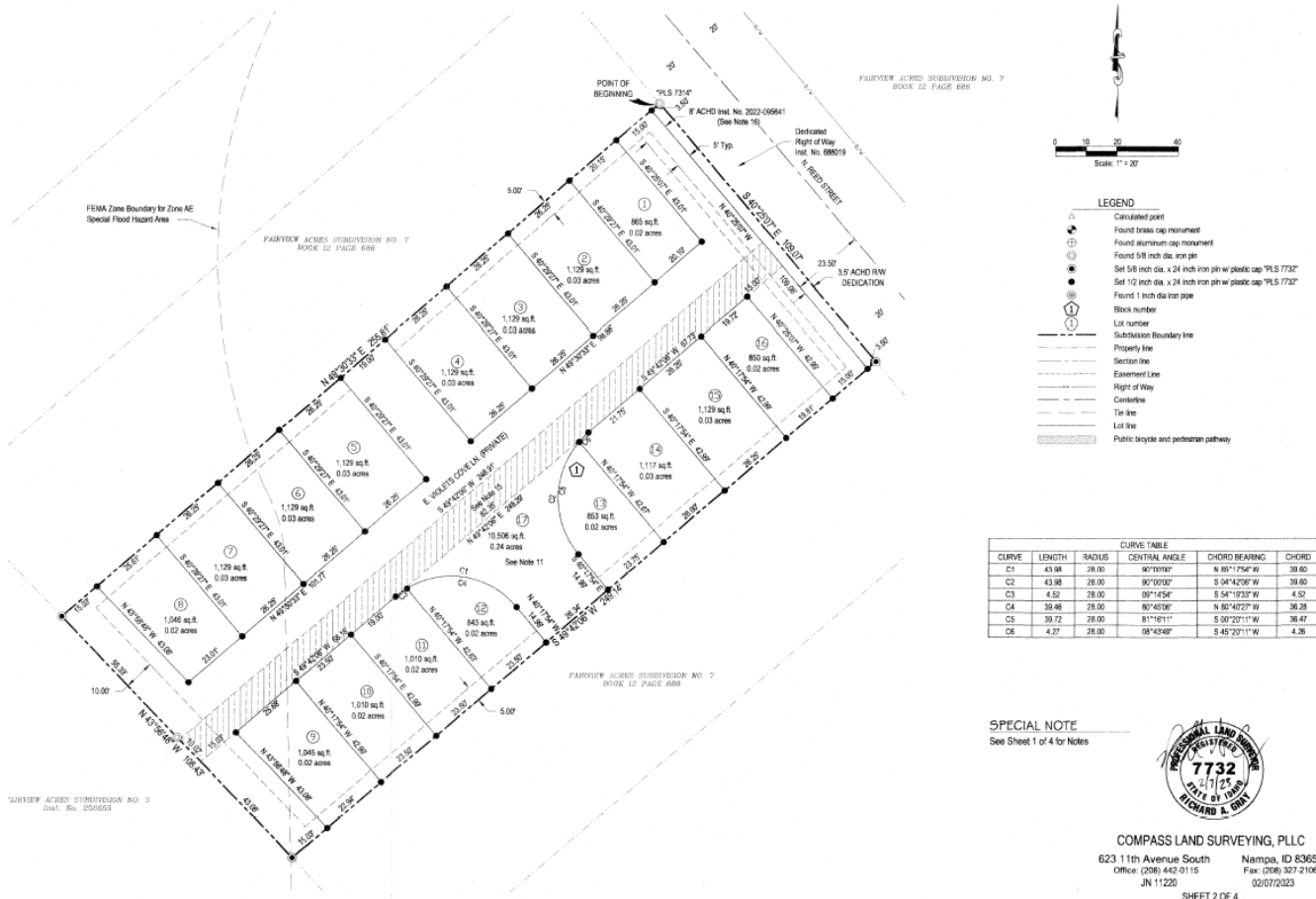


12. THE 20-FOOT WIDE EASEMENT ON LOT 2, BLOCK 1, THE SOUTHWESTERLY BOUNDARY THEREOF BEING 9.50-FOET NORTHEASTERLY AND PARALLEL WITH THE SOUTHWESTERLY BOUNDARY OF 40TH STREET COTTAGES SUBDIVISION AND THE 10-FOOT WIDE EASEMENT ON LOT 10, BLOCK 1, AS SHOWN HEREON, ARE HEREBY RESERVED FOR THE CITY OF GARDEN CITY, OR ITS ASSIGNEE OR DESIGNEE AS A PUBLIC BICYCLE AND PEDESTRIAN PATH.

Figure 3. 40th Street Cottages Subdivision Pedestrian and Bicycle Easements

PLAT OF VIOLETS CROSSING SUBDIVISION

A RE-SUBDIVISION OF A PORTION OF LOTS 8 AND 9, BLOCK 1 OF FAIRVIEW ACRES SUBDIVISION NO. 7, AS FILED FOR RECORD IN BOOK 12 OF PLATS AT PAGE 686, RECORDS OF ADA COUNTY, IDAHO. LYING IN A PORTION OF THE NE 1/4 OF SECTION 5, T. 3 N., R. 2 E., B.M., CITY OF GARDEN CITY, ADA COUNTY, IDAHO 2023



15. A 10' permanent public bicycle and pedestrian pathway easement shall be designated along the private drive for the benefit of the public.

Figure 4. Violets Crossing Subdivision Pedestrian and Bicycle Easement