Comments on Draft 7 of Herons Commons SAP

1. Due Process and Conflict of Interest

As the Applicant, the City should have independent planning staff evaluate the Ordinance. It was only recently disclosed in an open meeting that the Planning Director consulted with her husband, an architect, on the feasibility of the minimum density of 15 units per acre on lots 1 acres or smaller. The Planning Director, who is also making the staff recommendation, also contacted developers and those contacts and information informing her density requirements for the application and such information is not in the record. Thus, such information is not able to be challenged. The only developer correspondence in the record is public comments by Bob Taunton who was involved with River Club SAP.

The Planning Director provided only anecdotal information regarding the Greenbelt being congested based on unidentified community member complaints. That is not evidence that can be given any weight by the City Council as it is not supported in the record with actual evidence. Moreover, the bias of staff towards WFD development results in recommendations that are not in best interests of Garden City and are in conflict with the express comments of existing neighbors.

Without independent review of the application everything the applicant wants gets recommended and incorporated into the Ordinance via the biased staff recommendation. Every draft goes even further, it adds and deletes language without explanation of where the need for such changes comes from. Did P&Z make such a recommendation? Were there any public comments by the City Council regarding the changes? Where is the source for all the new changes and redlines? Do they all just come from the Planning Director? Why is there no explanation of why extensive changes are being made?

City failed to follow the process required for any other Application. One neighborhood meeting — instead of two. No traffic studies. No fire district review of emergency access requirements from fire district. Incomplete records included in public records or disclosures of sources for density sought in SAP. Using the wrong land use map in staff recommendations. Inaccurate representations regarding the SAP area being a “neighborhood destination node, a transit center, heart of Garden City, only the ACHD property (20 acres) not 34 acres is on land use map show as “Future Planning Area” not the entire SAP area which Applicant now says is part of “Future Planning Area.” The Planning Director is not a civil engineer, an emergency access expert, or an uninterested party. The Planning Director made only minimal inquiries of other affected agencies.

No input requested from **Thurman Mill Irrigation District** to analyze the feasibility of the proposed Thurman Mill Pathway (would irrigation district allow a path in its protected easement area; does the irrigation district want more of the canal opened; would City have to condemn and purchase an easement to make this possible; if constructed, would the City pay the cost of maintenance like it does for the Greenbelt?

> Also see comment from Bob Taunton that was not addressed by Planning Department:
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> Uncovering the canal on the south ACHD property, if allowed by the Thurman Mills Ditch Company, would be expensive and could cut off portions of the property for development due to limited access, parcel configuration, and the Ditch Co. 50’ easement (25’ from

centerline). The Ditch Co. will need to approve any facilities or landscaping within their easement and may require a formal license agreement for modifications. Has the City spoken to the Board?

Instead, the answer is “We did not do what every other applicant would be required to do because we don’t have any money to do the studies/reviews or it is not required because we don’t know what the actual project built will look like. Both these excuses, are a disservice to the residents of Garden City and should be completed.

Traffic Study: ACHD staff’s recently disclosed email to Jenah indicates if the City asked, base traffic information could have been (and can still be collected) if the City had just requested the same. The City did not make any such requests for surrounding streets or the greenbelt. Instead, the Planning Director grossly misinterpreted the outdated traffic information to the City Council. Such traffic base numbers are essential for a civil engineer to then calculate reasonable estimate ranges for density and vehicle usage to estimate the impact of the density and commercial uses on traffic. In Idaho, every adult averages over one vehicle per person. It is not a stretch based on ACHD staff’s actual explanation of the limited remaining load before traffic from this SAP as drafted severely negatively impacts the loads of the neighboring roads. How can you approve an ordinance with such extensive required density and claim you do not need basic traffic study information to determine appropriate lower height and density limitations for the SAP?

Emergency Vehicle Access and Adams Street

Failure to send SAP Ordinance for a review by North Ada County Fire District was required by SAP procedures and City not fulfill this requirement.

If City had complied with requirement to submit application and draft ordinance to Fire District, the City Council would actually know if they do or do not need to additional emergency access from or to the WFD. Then whether Adams does or does not need to be open to any vehicles could be determined and this would impact any final decisions by ACHD. This review does not depend on how property is developed. Existing roads and access points surround SAP area.

On page 31, section D strike entire paragraph. No evidence this is necessary to be in ordinance.

On page 13 chart for Adams Bicycle Connection, Motor Vehicles column should read: No, except if required for emergency vehicles.

Scale of Structures in SAP:

The Planning Director has tried to address height transitions, but the SAP completely ignores the “scale” requirement of the Comp Plan at 10.4.3:

Provide a transition in the *height and scale* of development compatible with the existing surrounding neighborhoods.

This SAP has public support for mixed use, but not for "Mid Urban Mixed Use" which is not a common planning term and is code for excessive height mixed use as compared to existing surrounding neighborhoods of 3-4 stories in height. This area is not the "heart" of Garden City. The City completely misled neighborhoods by showing pictures of 3-4 maximum height in drawings from UI, neighborhood meeting slides and discussions. Only the later drafts started saying using a made up term of "Mid Urban" instead of what the Applicant is really seeking: 104 foot tall structures!!

NO to another Boardwalk!

There is zero evidence in the record that any existing neighborhoods want the height and scale of another Boardwalk project in this SAP area. This type of height and scale is NOT compatible to the surrounding existing neighborhoods. It would be a clear violation of the Comprehensive Plan 10.4.3.

Scale is up to 5000 square feet on first floor. This scale is significantly different to existing neighborhoods. Moreover, even in the Applicant's AI generated photo the structures on the right side are **not compatible in scale to the WFD that abuts the property line of the SAP area.**



ıerated example of development that could occur based on the proposed Heron Commons SAP District code. This rendering s

Height transitions. The City is not reasonably addressing height transitions by allowing buildings up to **104 feet tall (could be up to 110 feet all with mechanical on top) next to existing neighborhoods of no more than 40 feet in height.**

Maximum height of any building in the SAP should not exceed 80 feet (72’ plus 8’ extra feet of height for taller first floors for non-commercial purposes). The transfers of floors to exceed 6 stories above grade should be rejected by the City Council.

Height redlines by Planning Director on page 40 at 4.D. make no sense. The way it reads now is **ANY** structure of 45’ or 58’ tall next to Adjacent Residential property line can **also** add 8’ feet to accommodate commercial first floor to ceiling height. That is not compatible. The 45’ is already higher than existing neighborhoods of 40’ and many structures Adjacent Residential properties are significantly lower than 40’. So any additional height should not be allowed even if first floor is commercial use. **Nor should height transfers be allowed to exceed 58’ or 80’ (72 +8) structures.**

At a minimum, t**his language in 4.D. should *only apply to structures 72 feet in height***. 45’ and 58’ need to be hard stop in MAXIMUM heights for 45’ and 58’ structures which are Adjacent to Existing Residential Property Line. Nothing prevents a 45’ or 58’ building Adjacent to WFD from having a taller first floor ceiling height, but it must be included in the total max height of 45’ or 58’ feet respectfully.

Setbacks
The Adjacent Residential Property Line setbacks of
15 feet for 45' structures
30 feet for 58' structures
40 feet for 72' structures

These setbacks are still too close to existing neighborhood structures and will end up shading existing homes in the WFD. This is a very small area in the overall SAP area being affected by increased setbacks. It is similar to what was approved for Plantation SAP. The setbacks for the Adjacent Residential Property Line structures should be extended to:

50 feet for 45' structures
75 feet for 58' structures
100 feet for 72+' structures

Remove Planning Department Bias against dwelling units similar to existing neighborhoods:

Revise Property Subject to Boise River Greenbelt Adjacency Standards on p. 67:
Should include Dwelling Unit, group, multiple -family, single-family attached, single family detached, and two family should all be P permitted) vs, blank or C (conditional use required).

Nuisance language:
The change in the legal standard for a nuisance threshold on p. 86 by defining Materially Interfere is inconsistent with Idaho law. It is a higher more restrictive standard before an existing neighbor can claim an impact from the development of the property in the SAP. Furthermore, you are failing to protect existing neighborhood residents with this unlawful standard of prevents or impairs the lawful use of property or public facilities." Counsel for Garden City should suggest a definition that is consistent with Idaho law.

Conclusion:
Existing residents should not be ignored. This SAP does not comply with the Comp Plan to protect existing neighborhoods. The Council should listen to the existing neighborhoods as the goal of increased tax revenue should come without harm to existing neighborhoods that have been shown to provide significant tax revenue via lower mixed use formula. Do the right thing in the interest of all citizens, not developers who want to make money and never even live in Garden City. Growth for sole purpose of maximizing tax dollars is not wise and will ruin Garden City as an affordable option for housing. Balance the priorities of the City with the needs of those who already live here.

Be transparent and honest about how and why you make your decisions.

I also agree and incorporate by reference all the comments of my husband, Tom Baskin, on open space as well as the comments of Rod Linja on traffic studies and compatibility and Curt Fransen on his concerns about Draft 7.

Nancy A. Baskin