



Alexis Pickering, President
Jim D. Hansen, Vice-President
David McKinney, Commissioner
Kent Goldthorpe, Commissioner
Miranda Gold, Commissioner

October 20th, 2023

To: Jorre Delgado, via email
JD Planning and Consulting
1111 E Bannock Street
Boise, ID 83712

Subject: GC23-0017/ DSRFY2023-0009
200 W 37th Street, 203 & 205 W 38th Street
Multifamily Development

The applicant is requesting design review and conditional use permit approval for the development of a 220-unit multifamily development on 2.76-acres.

A. Findings of Fact

1. 37th Street

a. **Existing Conditions:** 37th Street is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for 37th Street (25-feet from centerline).

b. **Policy:**

Commercial Roadway Policy: District Policy 7208.2.1 states that the developer is responsible for improving all commercial street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7208.5 states that right-of-way widths for new commercial streets shall typically be 50 and 70-feet wide and that the standard street section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 36-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and on-street parking.
- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 46-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and bike lanes.

Sidewalk Policy: District Policy 7208.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all commercial streets. If a separated sidewalk is proposed, a parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

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Half Street Policy: District Policy 7208.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- c. **Applicant's Proposal:** The applicant is proposing to construct curb, gutter, and 7-foot wide attached sidewalk on 37th Street abutting the site.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy with the exception of the sidewalk width which exceeds District policy and should be approved, as proposed. The applicant should be required to construct 37th Street as ½ of a 36-foot commercial street section with vertical curb, gutter, and either 5-foot wide attached or detached concrete sidewalk abutting the site. If the sidewalk is located outside of the existing right-of-way line, then a permanent right-of-way easement should be provided. If street trees are required by Garden City, then an 8-foot wide planter strip is required.

The construction of bulb-outs and permeable pavers are not proposed or approved as part of this application.

2. 38th Street

- a. **Existing Conditions:** 38th Street is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for 38th Street (25-feet from centerline).

- b. **Policy:**

Commercial Roadway Policy: District Policy 7208.2.1 states that the developer is responsible for improving all commercial street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7208.5 states that right-of-way widths for new commercial streets shall typically be 50 and 70-feet wide and that the standard street section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 36-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and on-street parking.
- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 46-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and bike lanes.

Sidewalk Policy: District Policy 7208.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all commercial streets. If a separated sidewalk is proposed, a parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Half Street Policy: District Policy 7208.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- c. **Applicant's Proposal:** The applicant is proposing to construct curb, gutter, and 7-foot wide attached sidewalk on 38th Street abutting the site.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy with the exception of the sidewalk width which exceeds District policy and should be approved, as proposed. The applicant should be required to construct 38th Street as ½ of a 36-foot commercial street section with vertical curb, gutter, and either 5-foot wide attached or detached concrete sidewalk abutting the site. If the sidewalk is located behind the existing right-of-way line, the applicant should provide a sidewalk easement.

The construction of bulb-outs and permeable pavers are not proposed or approved as part of this application.

3. Driveways

3.1 37th Street

- a. **Existing Conditions:** There is a 21-foot wide paved driveway from the site onto 37th Street located 316-feet west of Stockton Street (measured centerline to centerline).

- b. **Policy:**

Driveway Location Policy: District policy 7208.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector/arterial or arterial street intersection.

Successive Driveways: District Policy 7208.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

Driveway Width Policy: District policy 7208.4.3 restricts commercial driveways to a maximum width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7208.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

Driveway Design Requirements: District policy 7208.4.3 states if an access point is to be gated, the gate or keypad (whichever is closer) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

- c. **Applicant's Proposal:** The applicant is proposing to construct a 24-foot wide paved curb-cut type driveway from the site onto 37th Street located 364-feet west of Stockton Street (measured centerline to centerline).
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. The applicant should be required to close the existing driveway with curb, gutter, and sidewalk.

3.2 38th Street

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- a. **Existing Conditions:** There is a 21-foot wide paved driveway from the site onto 38th Street located 334-feet west of Stockton Street (measured centerline to centerline).
- b. **Policy:**
 - Driveway Location Policy:** District policy 7208.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector/arterial or arterial street intersection.
 - Successive Driveways:** District Policy 7208.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.
 - Driveway Width Policy:** District policy 7208.4.3 restricts commercial driveways to a maximum width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.
 - Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7208.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.
 - Driveway Design Requirements:** District policy 7208.4.3 states if an access point is to be gated, the gate or keypad (whichever is closer) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.
- c. **Applicant's Proposal:** The applicant is proposing to construct a 24-foot wide paved curb-cut type driveway from the site onto 38th Street located 362-feet west of Stockton Street (measured centerline to centerline).
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. The applicant should be required to close the existing driveway with curb, gutter, and sidewalk.

4. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

5. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

B. Site Specific Conditions of Approval

1. Construct 37th Street as ½ of a 36-foot commercial street section with curb, gutter, and either 7-foot wide or 5-foot wide attached concrete sidewalk on 37th Street abutting the site. If the sidewalk is located behind the existing right-of-way line, the applicant should provide a sidewalk easement.

2. Construct 38th Street as ½ of a 36-foot commercial street section with curb, gutter, and either 7-foot wide or 5-foot wide attached concrete sidewalk on 38th Street abutting the site. If the sidewalk is located behind the existing right-of-way line, the applicant should provide a sidewalk easement.
3. The construction of bulb-outs and/or permeable pavers on 37th and 38th Streets is not approved as part of this application.
4. Close the existing 21-foot wide paved driveways from the site onto 37th Street located 316-feet west of Stockton Street and with curb, gutter, and sidewalk.
5. Close the existing 21-foot wide paved driveway from the site onto 38th Street located 334-feet west of Stockton Street with curb, gutter, and sidewalk.
6. Construct a 24-foot wide paved curb-cut type driveway from the site onto 37th Street located 364-feet west of Stockton Street.
7. Construct a 24-foot wide paved curb-cut type driveway from the site onto 38th Street located 362-feet west of Stockton Street.
8. A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.
9. 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.
10. Comply with the Standard Conditions of Approval as noted below.

C. Traffic Information

Trip Generation

This development is estimated to generate 904 (999 before subtraction) additional vehicle trips per day (95 existing); and 78 (86 before subtraction) additional vehicle trips per hour in the PM peak hour (8 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.

Condition of Area Roadways: *Traffic Count is based on vehicles per hour (VPH)*

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
37 th Street	200-feet	Local	N/A	N/A
38 th Street	200-feet	Local	33	N/A

** ACHD does not set level of service thresholds for local roadways.

Average Daily Traffic Count (ADT): *Average daily traffic counts are based on ACHD's most current traffic counts*

- The average daily traffic count for 38th Street south of Chinden Boulevard was 518 on March 8, 2022.
- There are no current average daily traffic counts for 37th Street.

D. Attachments

1. Vicinity Map
2. Site Plan
3. Standard Conditions of Approval
4. Appeal Guidelines

If you have any questions, please feel free to contact me at (208) 387-6391.

Sincerely,

KaraLeigh Troyer
KaraLeigh Troyer
Planner
Development Services

cc: Garden City, via email

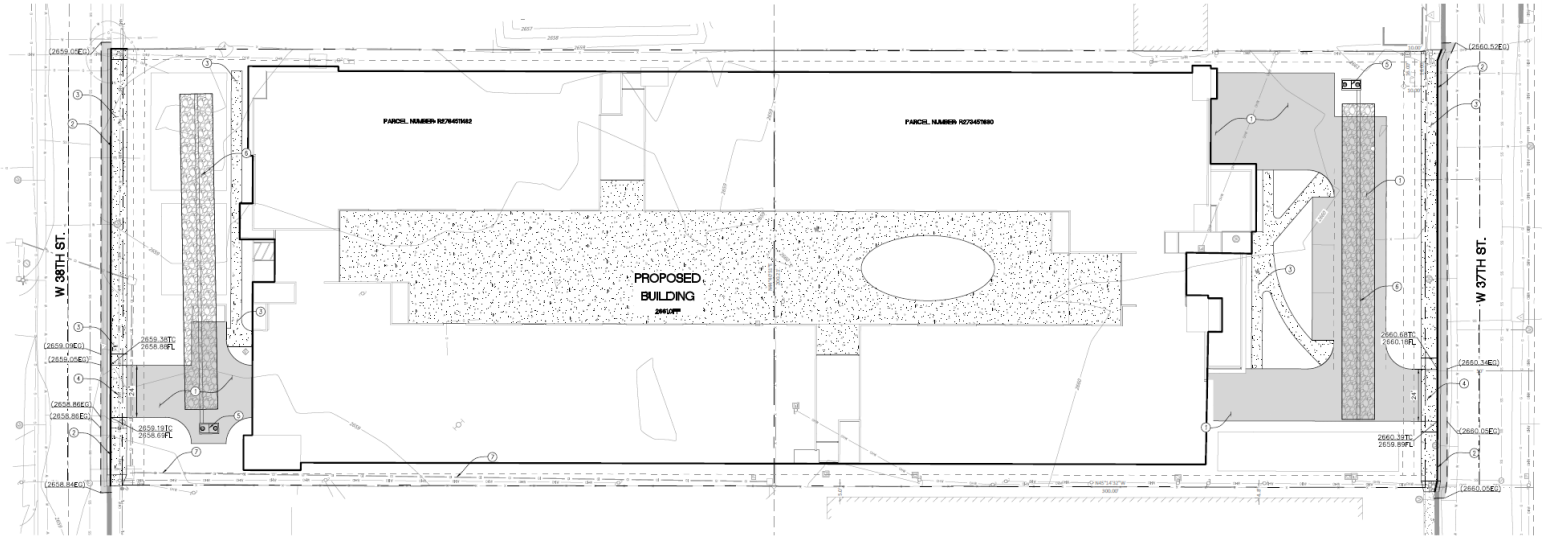
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VICINITY MAP



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SITE PLAN



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Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

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Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.