



DEVELOPMENT SERVICES DEPARTMENT

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To: City Council
From: Jenah Thornborrow, Development Services Director
Subject: DSRFY2022-0014 Sonder Mixed-Use development
Date: For October 24, 2022, City Council Meeting

REQUEST

Public Hearing: Render a decision for design review application, DSRFY2022-0014 Sonder, mixed use development located at 210 E. 35th Street.

Potential actions include Approve; Deny; Remand; or Continue to a Date Certain.

BACKGROUND

Design Review Committee Proceedings Summary

Garden City Code Table 8-6A-1 granted final decision authority for design review applications to the Design Review Committee¹. On September 19, 2022, the Design Review Committee failed to provide a second on a motion to approve the application. There was no alternative motion provided. Based on the lack of quorum, the application was noticed to be heard by City Council.

Concerns with the entrance design that are noted in the staff report were, per the Design Review Committee's discussions on September 19, 2022, adequately addressed in the submittals that were provided to the Design Review for that review. The remaining concern with the application is the parking. One member felt that the Garden City Code parking provisions could not be applied, whereas the other member did not believe that the Garden City Code parking standards were met.

Project Summary

The project is a 72' tall, five story with roof access/ rooftop greenhouse structure that includes ten one-bedroom units, five > one-bedroom units, eight non-residential spaces including seven "work" spaces of undisclosed uses, and one intended coffee shop (defined as an eating establishment in Garden City Code). While the applicant has indicated a desire for the "work" spaces to be utilized by residents, the "work" spaces are

¹ This code has been amended by Ordinance ORD1026-22. The application will be processed under the code that was in effect at the time of submittal.

not specifically designated for the residential units. The “work” spaces have not identified a specific use.

PARKING SUMMARY

Residential Parking required by Garden City Code Table 8-4D-2

The proposal requires Twenty-eight vehicular spaces for the residential component of the project and eight bike spaces. This is comprised of fifteen enclosed spaces and five non enclosed spaces for the dwelling units plus an additional eight (7.5 rounded) guest spaces.

Garden City Code does not provide specific ratios for non-residential uses. In previous applications 1:300 has been applied, which would result in another eleven spaces required to serve the 3,505 square feet of non-residential space.

The project is eleven spaces deficient in parking for the residential component. If the 1:300 that has typically been applied to projects is utilized, the project is twenty-two spaces deficient. Because there is not a code identified ratio for the non-residential component, this document concludes that the application is eleven spaces deficient per Garden City Code.

Parking proposed by application

The project proposes seventeen total parking spaces, all enclosed. One of the seventeen is proposed to be ADA compliant. The application also proposes thirty-four bicycle spaces including sixteen enclosed and eighteen surface bicycle spaces. The application also proposes a shared car for all residential tenants.

The applicant noted that they reviewed the GCC 8-3C Surel Mitchell Work-Live-Create standards as well as the City of Meridian standards as a component of their parking proposal. While code did allow for the GCC 8-3C Surel Mitchell Work-Live-Create² standards to apply in lieu of the base zoning standards, if requested by the applicant, they did not request to implement these code standards, and therefore this project was not reviewed per this section of code³.

Interpretation that Parking is Not Adequate

The code interpretation that the application does not meet code standards includes:

1. Garden City Code identifies parking requirements based on use.
2. The terms “Residential,” “Non-Residential,” and “Mixed-Use” are terms that classify uses on a site rather than being uses in and of themselves. Following, a mixed-use application is an application that contains more than one use, or a mix

² This code has been repealed.

³ While not reviewed for compliance with GCC 8-3C, there would be non-compliance with this section of code such as the structure height exceeding the allowable height.

of uses. Each individual use is a component of the overall mixed-use development. Code standards apply to each use within the project.

3. The Planning Official reviews code and makes determinations of compliance with code for provisions of Title 8. Just because it is specified that the Planning Official is making the determination, does not mean that the determination is therefore without any objective standards.
4. Garden City Code 8-4D provides objective parking standards to apply to the residential component of the project. The project does not meet these standards.

REFERENCE CODE

USE⁴

8-2B

B. If a proposed use of property is not specifically listed in Table 8-2B-1, the use shall be prohibited ...

Table 8-2B-1 Allowed Uses Within All Base Zoning Districts

*There is no "mixed use."

8-7A-1 Definition of Uses

*There is no definition of "mixed use."

PARKING

8-4D-1 Purpose A. To provide for off street parking and loading areas that minimize traffic hazards and congestion, and mitigates impacts on surrounding properties

8-4D-2 APPLICABILITY:

A. The design standards as set forth in section [8-4D-3](#), "Parking Design And Improvement Standards", of this article shall apply to any new construction, alteration, or moving of a structure or any new or more intense use of property.

C. The number of required off street parking spaces, as set forth in section [8-4D-5](#) of this article, shall be provided for ***all allowed uses*** [emphasis added] in any district.

8-4D-3 PARKING DESIGN AND IMPROVEMENT STANDARDS:

A. Design And Layout of Parking Areas:

1. Required: All parking areas shall be designed and constructed to provide the type and number of off street parking spaces required by section [8-4D-5](#) of this article, and designed as required by this section.

8-4D-4 PARKING USE STANDARDS:

A. Number Of Spaces: ***No use shall provide less than the minimum*** or more than the maximum number ***of off street parking spaces required under***

⁴ On September 12, 2022, the city adopted into 8-7A-2 Definition of Terms for Mixed Use as "The use of a property, properties, or structure that include residential and or other uses which are designed to intentionally interact." This term was not formally adopted at the time that the applicant submitted their application.

section 8-4D-5, "Required Number Of Off Street Parking Spaces" [emphasis added], of this article.

8-4D-5 REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

A. Residential Uses: The minimum number of required off street vehicle parking for residential uses shall be in accord with table 8-4D-2 of this subsection.

**TABLE 8-4D-2
REQUIRED PARKING SPACES FOR RESIDENTIAL USES**

Use	Total Required Parking Spaces Per Dwelling Unit	Required Parking Spaces Within an Enclosed Garage
Dwelling, multi-family:		
1 bedroom	1	1
More than 1 bedroom	2	1
Dwelling, single-family attached:		
1 bedroom	2	1
More than 1 bedroom	2	2
Dwelling, single-family detached	2	1
For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.		

B. Nonresidential And Mixed Uses: The minimum and maximum number of required off street vehicle parking for nonresidential uses and ***mixed use shall be determined*** by the planning official ***based on the following criteria***:

1. ***The specific use(s) proposed and/or on the property*** [emphasis added].
2. Uses in the vicinity of the property.
3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s).
4. The availability of on street, shared, and/or public parking within the vicinity of the use; and
5. The availability of public transit, vanpooling or other alternative transportation to serve the use.

Interpretation that Parking is Adequate

1. The provisions of code that pertain to the individual uses that comprise a mixed-use application do not apply.
2. A recent court case concluded that standards cannot be determined on a case-by-case basis. As the Planning Official is tasked with determining the number of parking required for a mixed-use, rather than code dictating a specific number for mixed-use projects, there is no objective standard to apply. Subsequently, any requirement for parking is not enforceable.

REFERENCE CODE

8-4D-5

B. Nonresidential And Mixed Uses [emphasis added]: The minimum and maximum number of required off street vehicle parking for nonresidential uses and ***mixed use shall be determined by the planning official*** [emphasis added] based on the following criteria:

1. The specific use(s) proposed and/or on the property.
2. Uses in the vicinity of the property.
3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s).
4. The availability of on street, shared, and/or public parking within the vicinity of the use; and
5. The availability of public transit, vanpooling or other alternative transportation to serve the use.

ATTACHMENTS

- Draft Potential Decision Document
- Staff Report
- Application Materials

LINKS

[DSRFY2022-0014 Submittals 07222022](#)

[DSRFY2022-0014 Resubmittals 08302022](#)

[DSRFY2022-0014 Resubmittal Documents 09122022](#)

[DSRFY2022-0014 Resubmittals 09132022](#)

[DSRFY2022-0014 Pre-Application Staff Report 06202022](#)

[DSRFY2022-0014 Combined Submittal 04212022](#)

[Agency Comment: Agency Comment: DEQ 08152022](#)

[DSRFY2022-0014 Agency Comment: City Engineer 08202022](#)

[DSRFY2022-0014 Agency Comment: NACFR 08312022](#)

[DSRFY2022-0014 Agency Comment: ACHD 09262022](#)

[DSRFY2022-0014 Public Comment: Janet Hasson 08262022.pdf](#)

[DSRFY2022-0014 Public Comment: Stacy Quick 08292022](#)

[DSRFY2022-0014 Public Comment Adam Straubinger 08302022.pdf](#)

[DSRFY2022-0014 Public Comment Kim Spears 09062022](#)

[DSRFY2022-0014 Public Comment Belinda Isley 09042022](#)
[DSRFY2022-0014 Public Comment Belinda Isley 09192022](#)
[DSRFY2022-0014 Public Comment Belinda Isley 09192022 \(2\)](#)
[DSRFY2022-0014 Public Comment Kate Falkenstien 09122022](#)
[DSRFY2022-0014 - Property Posting - 08292022.pdf](#)
[DSRFY2022-0014 Staff Report 09062022](#)
[DSRFY2022-0014 Staff Report 09192022](#)
[DSRFY2022-0014 Decision Document DRAFT 09082022](#)
[DSRFY2022-0014 Staff Report 09192022 UPDATED](#)
[DSRFY2022-0014 Decision Document DRAFT 09192022](#)
[DSRFY2022 0014 Hearing Exhibits 09192022](#)
[DSRFY2022-0014 Combined Legal Noticing](#)
[DSRFY2022-0014 300' Radius Property Notice](#)