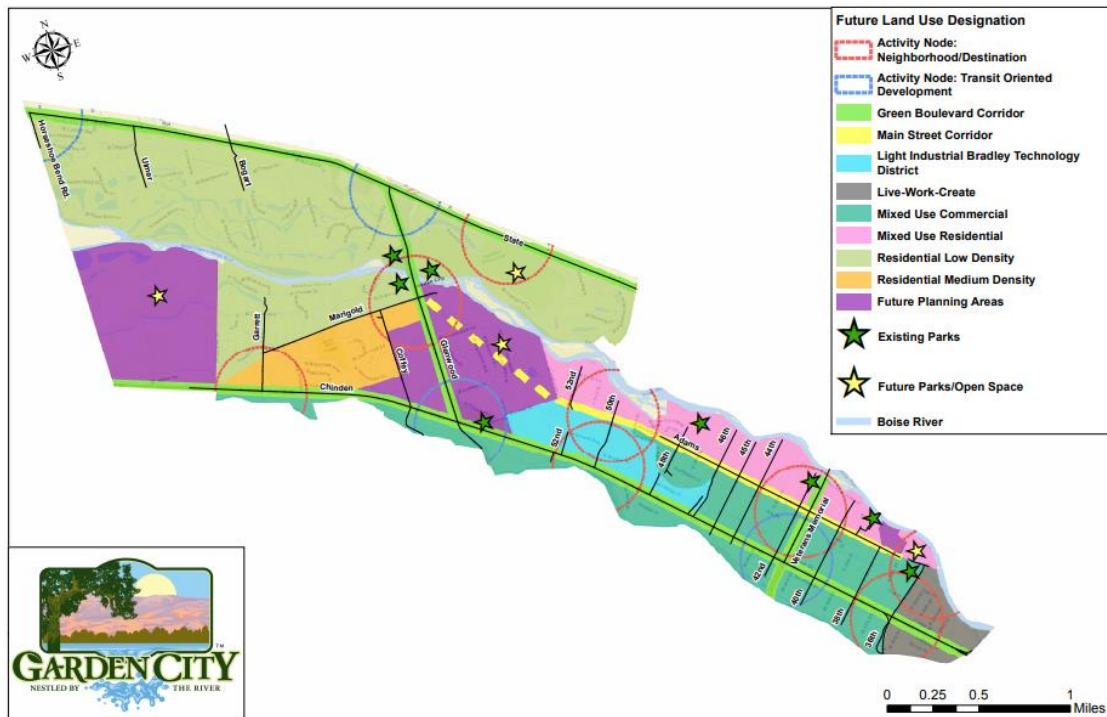




# CITY OF GARDEN CITY

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**File Number:** CPAFY2022-0006  
**For:** Development Code - Parking  
**Applicant:** Garden City  
**Report Date:** December 2022



Staff Report  
 Report prepared by Jenah Thornborrow

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## **A. Meeting Summary**

### **WORK SESSIONS**

Work Sessions were held with the Planning and Zoning Commission on November 16, 2022, and December 21, 2022

Work Sessions and updates were held with the City Council on November 14, 2022, and November 28, 2022.

Changes from the November potential ordinance drafts to the December draft include:

1. There is only one working draft option.
  - a. Added a four-tiered approach to the consistent approach that breaks uses into high, medium, low, and negligible parking needs categories.
2. Removal of proposed accessibility standards to avoid conflict with future building codes or federal ADA guidelines.
3. Removal of garage requirement for one/two-bedroom units and multi-family units.
4. Addition of required electronic vehicle spaces.
5. Increase of bicycle parking requirements.
6. Addition of criteria reducing parking requirements for existing structures by 50%.
7. Removal of parking adjustments that are de minimis or difficult to administer.
8. Removal of required loading facilities. Provisions for when loading facilities are provided remain.
9. Addition of Parking Benefit District enabling criteria provided.

The changes are noted in the track changes format.

Some specific considerations that were discussed with the Design Review Consultants included:

1. Only require one space for two-bedroom units.
2. Do not require a space for accessory dwelling units. This diverges from the Planning and Zoning Commission's review of ADUs noting 1 space.
3. Live Work units where work units are less than 500 square feet do not require a parking space.
4. Several public comments requested that ½ mile be considered the walkable area. Due to current code, comprehensive plan, and best practices, it was recommended to maintain the current ¼ mile radius.
5. An impact fee for parking and or methods to reduce auto reliance such as connected low stress bicycle routes and transit capital improvements could be considered.
6. Remove negligible or difficult to administer Equivalent Parking options.

## **B. Record Documents** ([link to all documents](#))

Individual links:

1. [Parking Strategies Document](#)
2. [Noticing Documents](#)
3. Agency Comments: linked in [Section I](#)

4. Public Comments: linked in [Section K](#)
5. Draft Decision Documents:
  - a) Planning and Zoning Commission
  - b) City Council
6. Recommendations:
  - a) Planning and Zoning Commission
7. [Working Draft Potential Amendments](#)

### **C. Requested Action**

Public Hearing for proposed amendments to Garden City, Title 8, Development Code changing parking regulations.

### **D. Decision Process**

#### GENERAL PROVISIONS

This application is processed per GCC 8-6A-7 Public Hearing.

**REQUIRED DECISIONS:** The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision		Recommendation Authority/ Hearing Date	Decision Authority
Development Amendment	Code	Design Review Committee, via consultations  Planning and Zoning Commission: Hearing January 18, 2023	City Council: February 13, 2023

#### REQUIRED FINDINGS:

For the approval of a Development Code Amendment, the City Council, as the final decision maker must find the application meets the following findings, found in [GCC 8-6B-5](#):

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

#### DECISION:

After hearing the evidence and considering the application, the decision-maker shall make their decision. The decision-maker shall report the facts upon which it based its conclusion, the ordinance, and standards used in evaluating the application, the actions if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision-maker shall make its findings and decision no later than by the next regularly scheduled meeting.

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For matters where design is affected by the application, a Design Review consultation is required.

The Planning and Zoning Commission is a recommending body for this application.

Recommendation:

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The City Council is the final decision maker for this application.

## Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

If there is a denial, the state code requires that the decision-maker identify what could be done to obtain approval.

## The Appeal of a Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning Commission and Design Review Committees are recommending authorities to City Council, the final decision maker for the requested application. The recommendations of the Design Committee and the Planning and Zoning Commission do not constitute a final decision on the application.

Every final decision rendered shall provide is accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis under section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521](#)(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code. Per Idaho Code 67-6511 (2)(a) this provision extends to an amendment of zoning ordinances applicable to an owner's lands.

## **E. Objective**

The purpose of these amendments is to amend the parking regulations within Garden City to address identified parking deficiencies.

## **G. Current Deficiencies**

Garden City's approaches to parking receives criticism for the following reasons:

- Too little parking required of redevelopment,
- Too much parking required of redevelopment,
- There are no parking maximums,
- Roadway widths are too narrow to accommodate current on-street parking patterns,
- Government regulation of onsite parking,
- Lack of enforcement, and
- Unclear requirements.

In recent years, the growth in Garden City, particularly east of Glenwood, has seen accounts from residents and businesses indicating that city code does not require enough parking of new development and reuse of existing properties. The city has also received concerns from those developing residential dwellings that the city's residential multi-family and guest requirements

require an excess of parking. There has also been a critique that the requirement for multi-family garages is challenging to accommodate.

At the time of the adoption of current code, the over parking of non-residential uses was a concern, whereas the under parking of non-residential uses was not. Subsequently, current Garden City Code, 8-4D, addresses residential parking requirements while it does not provide use specific guidance for non-residential parking requirements. The non-residential parking determination is made by the planning official within the confines of criteria identified in 8-4D-5 (B). One of the criteria is a study that forecasts the parking needs of the proposed use is provided to assist the planning official's determination. This approach is not atypical of other development codes, in fact, surrounding municipalities, including, the City of Boise and the City of Meridian have similar code requirements. Notwithstanding, a recent judgement has found a similar repealed section of Garden City code allowing for the Planning and Zoning Commission to determine parking needs (but not requiring a parking study) to be subjective. The city attorney has suggested that a parking study should not be left up to the requestor of the project in the form of a parking study.

## **H. Proposed Changes**

The proposed changes are outlined below:

1. The Purpose and Applicability sections include minor clarification.
2. Dimensional Standards have been added.
3. The garage requirement for multi-family has been removed.
4. One and two-bedroom units no longer require a garage.
5. The number of parking for non-residential uses is now defined on a use basis. Title 8 designated land uses are categorized into one of four categories. The categories include uses with high, medium, low, and negligible parking needs. There are four uses that are further refined. The number of parking stalls required is based on a gross square foot calculation of the space dedicated to the use.
6. Calculation criteria has been added.
7. Bicycle parking requirements increased.
8. Electronic charging stalls have been added.
9. "Standards for Alternatives to On-site Parking" has been amended to "Equivalent Parking Adjustments" and criteria has been added.
10. An allowance of on 50% of the required parking stalls for existing structures has been added.
11. Loading facilities are no longer mandatory. Provisions for when loading facilities are provided remain.
12. Addition of Parking Benefit District and criteria has been added.
13. Administration of Parking Benefit District criteria has been added.
14. Conflicting sections are repealed.
15. Criteria has been relocated or added to 8-1C-3 property maintenance.

## **I. Evaluation of Proposed Changes**

There is no identified conflict with any other regulation, adopted policy, the Garden City Comprehensive Plan, or other adopted plan of the city.

## **J. Agency Comments**

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
Garden City Legal Department	<a href="#">11-14-2022</a>	Overview of some of the concerns noted, current code, and other jurisdictions codes
Urban Land Institute	August 26, 2022, via in person presentation	Consider reducing the multi-family parking requirements to one space per unit north of Adams Street, allow trade-offs to incentivize affordable housing (although their recommendation did not specific parking as an identified trade-off), and that the city fund transit.

## **K. Public Comment**

There is considerable written comment regarding this matter.

There is a divergence of opinions of adequacy of the existing parking and current parking regulations. There is also a split between those who think the city should regulate parking and those who believe that the city should not regulate parking.

There was a parking perception survey that was conducted from June 30, 2022, to August 5, 2022. There were 184 participants. The summary is linked here: [Parking Perception Survey Summary](#), the individual responses are linked here: [Parking Perceptions Survey Results](#) (this will need to be downloaded to view).

There was a virtual Open House with an associated Parking Ordinance Questionnaire. There was an in person Open House on November 17, 2022. The comments were collected via comment card, and then entered into the online Parking Ordinance Questionnaire, resulting in 49 responses. Of the responses 44 were in favor of repealing parking codes and two were in favor of the consistent standard. There were no public comments in favor of the Use Specific Approach. The individual responses are linked here: [Parking Ordinance Questionnaire Responses](#).

There were eleven additional written [comments received between May 8, 2022, and November 30, 2022](#).

The Parking Ordinance Questionnaire Responses and comments received between May 8, 2022, and November 30, 2022, have not been formally summarized in another document. The comments:

1. Indicate strong support for a repeal of the parking regulations.
2. There is support for the Equivalent Parking Facilities, however, the desire is for increases in the reductions and decreases in the stringency of the criteria.
3. Request that ½ mile be considered the walkable distance criteria over ¼ mile.
4. Request a Parking Benefit District ordinance.



## L. Code/Policy Review

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

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	PZ/ CC	No compliance issues noted	
<a href="#">8-6A-4 Required Application Information</a>	PZ/ CC	No concerns noted	<p>A Compliance Statement is required. A Compliance Statement is the applicant's explanation of compliance with the standards for review of the proposed application.</p> <p><b>As this application is both initiated and reviewed by the city, the required Compliance Statement is as follows:</b>                      The proposed code text amendment-</p> <ol style="list-style-type: none"> <li>1. Complies with the applicable provisions of the comprehensive plan.</li> <li>2. Is not materially detrimental to the public health, safety, and welfare; and</li> <li>3. Does not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.</li> </ol> <p>Additionally, code has been reviewed for inconsistencies and conflict. Any conflict identified has been resolved.</p>
<a href="#">8-6A-7 Public Hearing Process</a>	PZ/DRC/CC	No compliance issues noted	The city provided a neighborhood meeting more than one month and less than three months before application submittal. The City provided notifications to agencies with jurisdiction and ran a 2" X 4" legal notice in the Idaho Statesman, at least 15 days before the first hearing, conspicuously posted a notice at the Garden City Library, Garden City Hall, online, and Garden City Police Department, and provided notice to radio, newspaper, and television.

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6511</a>	The Local Land Use Planning Act requires that code amendments be compliant with the Comprehensive Plan.
<a href="#">Idaho Code 67-6519</a>	Garden City Code and procedures are consistent with The Local Land Use Planning Act Application Granting Process.
<a href="#">Garden City Comprehensive Plan</a>	This application applies to all of the future land use designations of the Comprehensive Plan.