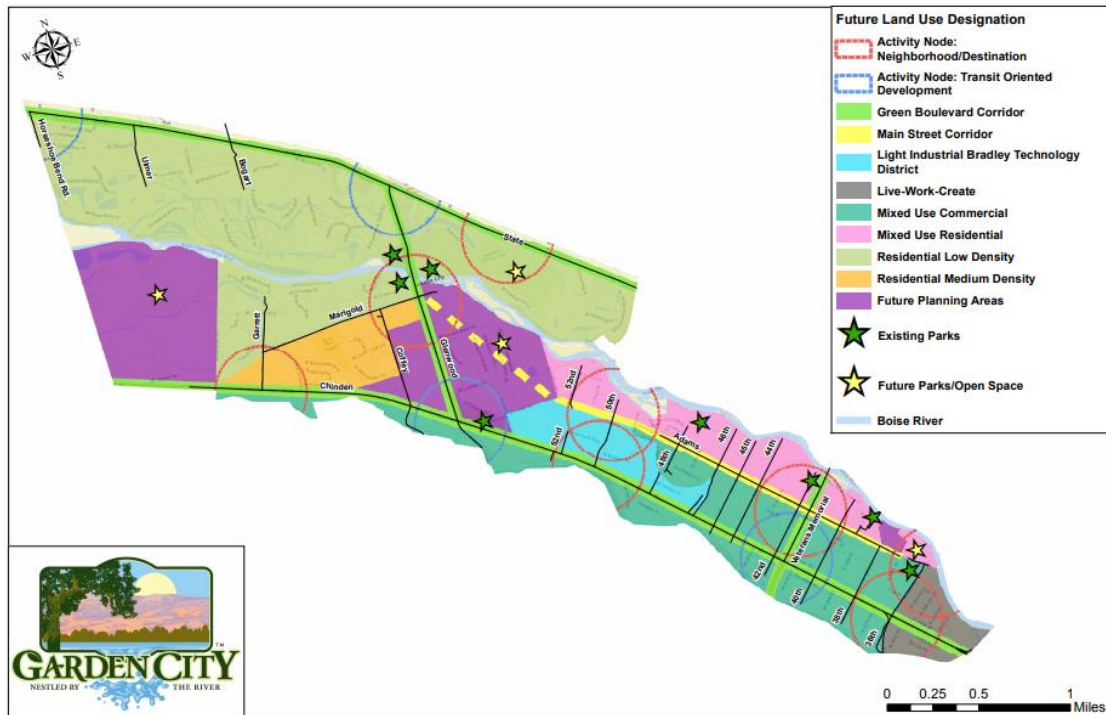




CITY OF GARDEN CITY

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File Number: CPAFY2022-0006
For: Development Code - Parking
Applicant: Garden City
Report Date: February 26, 2023



Staff Report
 Report prepared by Jenah Thornborrow

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A. Record Documents ([link to all documents, including reference documents](#))

Individual record document links:

1. [Parking Strategies Document](#)
2. [Noticing Documents](#)
3. Agency Comments: linked in [Section I](#)
4. Public Comments: linked in [Section K](#)
5. Draft Potential Decision Documents:
 - a) [Planning and Zoning Commission](#)
 - b) [City Council](#)
6. [Planning and Zoning Commission Recommendation](#)
7. [Draft Ordinance 1034 22](#)

B. Requested Action

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

C. Recommendation

On January 18, 2023, the Planning and Zoning Commission recommended approval on a 3/2 vote. The nay votes were due to the required parking spaces.

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	Code	Recommendation Authority Hearing Date	Decision Authority
Development Amendment		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.

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 Planning and Zoning Commission do not constitute a final decision on the application.

Every final decision rendered shall be 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.

F. Current Deficiencies

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

- Too little parking is required for redevelopment,
- Too much parking is required for 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 for 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 the current code, the overparking of non-residential uses was a concern, whereas the under parking of non-residential uses was not. Subsequently, the 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 judgment 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.

G. Proposed Changes

The proposed changes are summarized below:

1. All sections of 8-4D Parking and Off-street Loading Provisions have been clarified.
2. Dimensional Standards have been added.
3. The maximum distance is consistently noted at ¼ mile.
4. Prohibition of light trespass has been added.

5. Pedestrian walkway requirement from parking area to building entrance has been added.
6. Parking structure design criteria have been added.
7. Additional bicycle standards have been added.
8. The garage requirement has been amended to be covered parking.
9. Addition of no required motor vehicle spaces for Accessory Dwelling Units was added.
10. The number of required residential parking was reduced for two-bedroom units to require one space rather than two spaces.
11. Residential guest parking spaces have been reduced from .5/ unit to .5/unit for the first 10 units and then .1/ unit thereafter.
12. 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. Four uses are further refined. The number of parking stalls required is based on a gross square foot calculation of the space dedicated to the use.
13. Bicycle parking requirements increased.
14. Allowance for electric charging stall design requirements has been added.
15. Calculation criteria have been added.
16. "Standards for Alternatives to On-site Parking" has been amended to "Equivalent Parking Adjustments" and criteria have been added.
17. An allowance of 50% of the required parking stalls for existing structures has been added.
18. Loading facilities are no longer mandatory. Provisions for when loading facilities are provided remain.
19. Addition of Parking Benefit District enabling criteria has been added.
20. The allowance of a parking facility used in the R-3 Zoning District via a conditional use permit has been added to Table 8-2B-1 Allowed Uses in All Base Zoning Districts.
21. Administration of Parking Benefit District criteria has been added to Title 5.
22. Criteria have been relocated or added to 8-1C-3 Property Maintenance.
23. Conflicting sections are repealed.

H. 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.

Agency	Comment Date	Summary
Garden City Legal Department	11-14-2022	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 specify parking as an identified trade-off), and that the city fund transit.

I. Public Comment

There are considerable written comments regarding this matter.

There is a divergence of opinions regarding the 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](#) and 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](#).

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 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 is considered the walkable distance criteria over ¼ mile.
4. Request a Parking Benefit District ordinance.

There were thirty-one additional written comments received between May 8, 2022, and February 13, 2023:

- [Combined Public Comment between 5.8.2022 - 11.30.2022](#)
- [Combined Public Comment between 12.01.2022-12.31.2022](#)
- [Combined Public Comment between 01.01.2023-01.09.2023](#)
- [Combined Public Comment between 1.1.2023 - 2.13.2023](#)

J. 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.

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

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

K. 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.

L. Work Sessions Summary

Updates were also held with the City Council on November 14, 2022, and November 28, 2022. Direction was not discussed during these work sessions.

A work session was held with the City Council on January 23, 2023.

City Council Comments

1. Lack of an adequate transit system necessitates auto use. Parking needs to be adequate to accommodate the auto use.
2. Concerns with EV being flexible and the enforcement of the parking.
3. Define Travel Trailer.
4. 8-4D-6 B.1: The use of the term “only” precludes other methods of reduction that are identified in code.

Changes to Proposal

The below changes were incorporated to address City Council Comments and Planning and Zoning Commission discussion/ public comments:

1. 8-1C-3 The term “travel trailer” was amended to “recreational vehicle” which is defined in GCC 8-7A-2 Definition of Terms.
2. 8-1C-3 A. 4. 4. Vehicles that are inoperable, which includes motor vehicles without current registration, for more than three (3) months shall be enclosed in a structure or located in the rear or side yard and screened from view.
 - a. The provision has not been amended. Proof of registration could be requested without going on site.
3. Table 8-4D-2 as drafted without public comment incorporated.
 - a. This was not updated due to conflicting comments and the City Council’s discussion about maintaining an adequate number of spaces while the valley does not have adequate public transportation.
4. 8-4D-3 C: Language included: 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.
5. 8-4D-3 D language was added: If no use is specified, the high parking needs category of Table 8-4D-3 and Table 8-4D-4 will be utilized.
6. 8-4D-5 E.1 was amended to remove the requirement for EV spaces and has been replaced by: EV parking spaces *may* be provided. Each EV parking space provided shall be counted towards the minimum off-street parking requirements for the project. This was relocated to the G Calculation of Required Spaces.

-
- a. The reason was to address the City Council's concern of EV flexibility and enforcement.
 7. EV space design standards were relocated to 8-4D-B. D
 - a. The reason was to address the City Council's concern of EV flexibility and enforcement.
 8. Definitions related to EV spaces were deleted and replaced with: EV Charging Spaces.
 - a. The reason was to address the City Council's concern of EV flexibility and enforcement.
 9. 8-4D5 G 9 The clause noting grandfather provisions has been stricken.
 - a. The City Attorney confirmed that it was not necessary.
 10. 8-4D-6 B.1 the word "only" was stricken.

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

During the December 21, 2022, work session:

- A. The approach of tiered non-residential parking requirements is appropriate.
- B. Concurrence with the Design Consultants:
 - a. Only require one space for two-bedroom units.
 - b. Do not require a space for accessory dwelling units.
 - c. Maintain the current ¼ mile radius.
 - d. Increase required bicycle spaces.
- C. Ensure that there is adequate flexibility.
 - a. The proposed section 8-4D-6 B was noted as providing adequate flexibility.

Additional discussion for the record included statements by Chairman Rasmussen reasons to support a repeal of required motor vehicle parking requirements:

- A. In the last 10-15 years there have been two hundred cities that have eliminated parking minimums in at least portions of their city to allow for more flexibility in land use.
- B. A repeal of parking requirements increases tax revenues without impacting rate payers.
- C. Required parking restricts development potential. Eliminating parking minimums allows developers to decide where appropriate.
- D. Encouraging affordable and mixed housing is correlated to reducing parking minimums.
- E. Idaho cities, including, but not limited to Mountain Home and Twin Falls have eliminated parking in downtown districts.
- F. Garden City is poised to be a leader in parking regulations, based on adequate amenities to eliminate parking minimums.
- G. The following Garden City Comprehensive Plan Goals, Objectives, and Action Steps support the elimination of parking minimums.
 - a. Goal 2: Improve City image.
 - b. Objective 2.1: Encourage new and distinctive neighborhoods.
 - c. Goal 6: Diversity in housing.
 - d. Objective 6.2: Continue to be a leader and set an example for the region in creating a diversity of housing.
 - e. Action Step 6.2.1: Better understand the future housing challenges and need for affordable housing.
 - f. Goal 7: Connect the city.
 - g. Objective 7.2 Promote public transportation.

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

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.

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 2020 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. Increase bicycle parking requirements.
5. Several public comments requested that $\frac{1}{2}$ mile be considered the walkable area. Due to current code, comprehensive plan, and best practices, it was recommended to maintain the current $\frac{1}{4}$ mile radius.
6. 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.
7. Remove negligible or difficult to administer Equivalent Parking options.