



| DEVELOPMENT CODE DECISION APPEAL | |
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| Permit info: DSRFY2019-25 | |
| Application Date: 08/29/2021 | Rec'd by: EP |
| FOR OFFICE USE ONLY | |

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| APPELLANT | |
|--------------------------------------|-------------------|
| Name: Wendy Carver-Herbert | Company: |
| Address: 8515 W Atwater Dr | City: Garden City |
| State: Idaho | Zip: 83714 |
| Tel.: 303-718-7220 | |
| E-mail: wendycarverherbert@gmail.com | |

| APPEAL |
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| Application File No., Name and location: DSRFY-2019-25 |

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| Date of Decision: August 16, 2021 |
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Whose Decision are you appealing?

Staff Design Review Committee Planning & Zoning Commission

What specific decision(s) and or conditions are you appealing? (please attach if necessary)

I am objecting to approval of the plan modification allowing an 18-story structure 20 feet from the greenbelt and approximately 100 feet from the river.

How are you adversely affected by the decision? (please attach if necessary)

As a Garden City resident who was a public participant in the Comprehensive Plan Update in 2019 and a member of the Boise River Overlay committee that talked extensively about the type of development we'd like to see along the river, there was never any public support for excessive height along the river. An 18-story high rise is more than twice the height of all existing and approved multi-family developments surrounding this project. Estimated to be the third tallest building in the Treasure Valley, it would be the only structure like it within miles. It will create a precedent for future development along the river without proper public infrastructure and a development code designed to ensure high rise urban development creates a sense of place for Garden City residents.

Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied. (please attach if necessary)

- The plan fails to meet city development code particularly as it relates to GC Title 8, Chapter 4 – Design and Development Regulations.
- The plan fails to meet the intent of the Comprehensive Plan.
- There may also be issues with regard to administrative procedure and noticing.

The basis of my objection is supported in the testimony that I and others provided during the Design Review public hearing on August 16, 2021, which I will specifically outline before City Council.

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the City. I will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action from or an outcome of the issuance of a permit from the City.

W Carver-Herbert 08/29/2021
 Signature of the Applicant (date)

Garden City Design Review Public Hearing on DSRFY2019 – 25 plan modification. Testimony of Wendy Carver-Herbert, 8515 W Atwater Dr., Garden City, ID 83714

- I am opposed to this application. When I first heard about this plan modification, I was disappointed because I believed that the original plan was an honest representation of a true mixed-use project that had real potential for actually creating the type of neighborhood the applicant and its supporters stated this modification will provide. A hotel with a roof top bar, restaurants and boutiques would have provided a valuable amenity to Garden City, its residents and visitors. I was able to swallow my discomfort with the previously proposed nine-story building along the river because it seemed like a reasonable trade off to have a hotel development that would nicely bookend the existing hotel at the eastern city border. It also complimented the city's recent creation of a visitors' bureau and the reasons and vision behind that decision. That's why I did not oppose the original application.
- However, it wasn't very long before my disappointment turned to frustration and feelings that our citizens and city leaders have been duped, hoodwinked, or bait and switched by taking away the part of the project that had the potential to turn the city into a vibrant, interesting community that would further attract restaurants, coffee shops, salons, fitness facilities, and galleries to fill in the area between the two hotels. Instead, the developer doubled down by doubling the height of the building and reducing the amount of commercial to a mere 2,000 square feet out of the 293,000 total proposed square footage. (approximates)
- I get that we are in difficult times and the future for certain types of commercial development is iffy right now, but the developer asked for and was granted a five-year phased building plan accommodation and I have to ask, why this change is taking place now, and why not give this project more time to see how the future for travel related investments unfold. After all, this would be the only mid-town hotel, which makes it an attractive location.
- For me, this isn't about being a NIMBY, it's about having a voice that says something just isn't right, and this is not what many Garden City citizens envision for development along the river. More importantly, high rise, downtown-style, urban development is not supported by the comprehensive plan.

You see, I participated extensively as a public participant in the Comprehensive Plan Update in 2019, and I was a member of the Boise River Overlay committee that talked extensively about the type of development we'd like to provide for along the river. Unfortunately, the work of that committee was sidelined by the pandemic, but I can assure you that in all of the public and committee discussions that I participated in, the vision of an 18-story skyscraper, or developing Garden City as an extension of downtown Boise was NEVER discussed or envisioned.

- But more importantly, it doesn't support Design Provision, GC Code 8-4B-1C, which states the importance of ensuring "that the design of structures and site development is compatible with the intended character of the neighborhood as set forth in the comprehensive plan;"
- A skyscraper along the river is in direct conflict with the City's tagline and image as a, "City nestled along the river."
- It doesn't meet the spirit of developing a true mixed-use neighborhood as outlined in the comprehensive plan because less than 1% of the total square footage of this modification is actually commercial.
- The city is already seeing applications that are using approved elements of this project as a basis for some elements of their projects. I'm concerned about precedence and the tone that will be set for future development beyond this project:
 - High rise apartments and condos will hamper the city's desire for housing diversity. After all, who would want to build or live in a townhome or single-family home in the shadows of skyscrapers.
 - I'm concerned about the city's ability to manage this type of development on an ongoing large scale with its current development code and staff's experience. For example, existing street, sidewalk, landscaping and tree requirements may need to be different because development code was not designed with skyscraper neighborhoods in mind. I'm concerned the city is not equipped to accommodate a downtown, urban development pattern that can help people still feel a sense of place rather than feeling like a bug in a concrete and glass jungle.
- For example, Portland's South Waterfront district has taken more than 20 years to develop into the vibrant, sophisticated neighborhood of residential skyscrapers and community supported mixed use development that has lush and sustainable landscaping, parks and wide, open spaces between the river and development. This was accomplished through the collaboration of local citizens, land owners, land trusts and government. My point is it takes significant planning for this type of development.
- Finally, I'm concerned that a decision this monumental to the future development of Garden City rests on the shoulders of what equates to a staff decision. It deserves to be heard and decided upon by a quasi-judicial body and more specifically, our elected officials.

From: [Wendy Carver-Herbert](#)
To: [building](#); [Jenah Thornborrow](#)
Subject: Object to Design Review approval of DSRFY-2019-25 plan modification
Date: Sunday, August 29, 2021 11:22:48 PM
Attachments: [ATT00001.htm](#)
[DSRFY2019-25 Modification Objection.pdf](#)

I object to the approval of the above referenced application. Attached is my formal objection.

I request that all fees and expenses relating to this objection be waived, as a result of significant confusion over objections vs appeals, and the timing and cost of doing so. For example, the “Official Notice of Intent to Approve or Deny” letter states, **"The decision following the public hearing will be final within fourteen (14) days unless there is a written objection submitted to the City stating the code has been misinterpreted or misapplied. G.C.C. § 8-6A-5.B.2."** This differs from the 15 days referenced in G.C.C. § 8-6A-9.A.3 , and yet is different again from what was explained to me by Mr. Wadams when I inquired about objections and appeals relating to another application I was involved with in 2019. I appreciate this consideration.

Best Regards,
Wendy Carver-Herbert
8515 W. Atwater Dr.
Garden City, ID 83714
303-718-7220

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