

Margaret Dimmick  
*Commissioner/Chair*

Jeff Ramey  
*Commissioner*

J. Todd Bunderson  
*Commissioner*



**NORTH ADA COUNTY**  
**Fire & Rescue District**

Shelley Young  
*District  
Administrator*

October 3, 2019

Garden City Development Services - Planning

Re: DSRFY2019-4

This application is for CUP approval for a mixed-use project that will be housed in 35 re-purposed shipping containers at 208 E. 33<sup>rd</sup> Street.

The North Ada County Fire & Rescue has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by NACFR Rules.

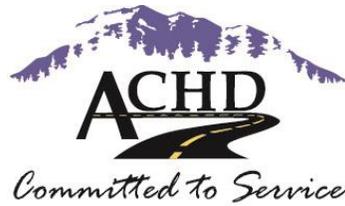
Comments:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
2. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
3. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)

Regards,

Ron Johnson  
Division Chief – Assistant Fire Marshal  
Boise Fire Department





**Project/File:** **Park 33/ GC19-0027/ DSRFY2019-Y**  
*The applicant is requesting approval of a design review for a mixed-use development consisting of small work spaces for retail, services, small food and craft beverage makers and two dwelling units.*

**Lead Agency:** Garden City

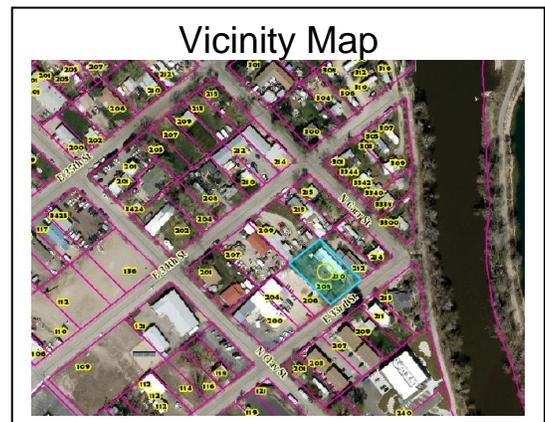
**Site address:** **208 & 210 33<sup>rd</sup> Street**

**Staff Approval:** October 8, 2019

**Applicant:** Derek Hurd of Gravitas, Inc.  
 112 33<sup>rd</sup> Street  
 Garden City, ID 83714

**Representative:** Same as above

**Staff Contact:** Paige Bankhead  
 Phone: 387-6293  
 E-mail: [pbankhead@achdidaho.org](mailto:pbankhead@achdidaho.org)



**A. Findings of Fact**

- Description of Application:** The applicant is requesting approval of a design review for a mixed use development that consists of 300 square foot units for retail, services, small food and craft beverage makers, and artists, as well as two 750 square foot dwelling units located on 0.34 acre.

The applicant’s proposal is consistent with Garden City’s Comprehensive Plan designation of Live-Work-Create (WLC) district.

**2. Description of Adjacent Surrounding Area:**

| Direction | Land Use           | Zoning |
|-----------|--------------------|--------|
| North     | General Commercial | C-2    |
| South     | General Commercial | C-2    |
| East      | Mixed Use          | M      |
| West      | General Commercial | C-2    |

- Site History:** ACHD has not previously reviewed this site for a development application.
- Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
  - GCPP19-0002/SUBFY2019-4 – Coffee House Subdivision– Preliminary plat and planned unit development to construct a mixed-use subdivision consisting of 27 residential lots, 3 commercial lots and 9 mixed use lots on 1.37 acres located to the north of the site. ACHD approved this application in September 2019.

- GC19-0022/SAPFY2019-1 - 34<sup>th</sup> Street Specific Area Plan – Garden City specific area plan to guide the future redevelopment of the 34<sup>th</sup> Street area which includes 33<sup>rd</sup>, 34<sup>th</sup>, 35<sup>th</sup> Street between Chinden Boulevard and the Boise River, as well as Carr, Clay and Osage Street between 33<sup>rd</sup> and 35<sup>th</sup> Street. This plan has not yet been officially accepted by Garden City.

5. **Transit:** Transit services are available to serve this site, via route 8x and 11.
6. **New Center Lane Miles:** The proposed development includes 0.00 centerline miles of new public road.
7. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
8. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
  - The intersection of Chinden Boulevard and 36<sup>th</sup>/Orchard Street is listed in the CIP to be widened to 4-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 8-lanes on the west leg, between 2031 and 2035.

## **B. Traffic Findings for Consideration**

1. **Trip Generation:** The following table includes trip generation rates for anticipated land uses, based on the Institute of Transportation Engineers Trip Generation Manual, 10<sup>th</sup> edition.

| <b>Land Use</b>                       | <b>Unit of Measurement</b> | <b>Average Daily Trips</b> | <b>PM Peak Hour Trip Generation</b> |
|---------------------------------------|----------------------------|----------------------------|-------------------------------------|
| Multifamily Housing (1-2 stories)     | Per Dwelling Unit          | 7.32                       | 0.56                                |
| General Office                        | Per 1,000 square feet      | 9.74                       | 1.15                                |
| Shopping Center                       | Per 1,000 square feet      | 37.75                      | 3.81                                |
| High-Turnover (Sit-Down) Restaurant   | Per 1,000 Square feet      | 112.18                     | 9.77                                |
| Fast Casual Restaurant                | Per 1,000 square feet      | 315.17                     | 14.13                               |
| Drinking Place                        | Per 1,000 square feet      | N/A                        | 11.36                               |
| Food Cart                             | Food cart                  | N/A                        | 3.08                                |
| Bread/Donut/Bagel Shop w/o Drive-thru | Per 1,000 square feet      | N/A                        | 28                                  |
| Coffee/Donut Shop w/o Drive-thru      | Per 1,000 square feet      | N/A                        | 36.31                               |

### **2. Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

| <b>Roadway</b>                          | <b>Frontage</b> | <b>Functional Classification</b> | <b>PM Peak Hour Traffic Count</b> | <b>PM Peak Hour Level of Service</b> |
|---|-----------------|----------------------------------|-----------------------------------|--------------------------------------|
| **State Highway 20/26 Chinden Boulevard | 0-feet          | Principal Arterial               | 1,294                             | N/A                                  |

|              |          |       |     |     |
|--------------|----------|-------|-----|-----|
| *Clay Street | 0-feet   | Local | 111 | N/A |
| 33rd Street  | 100-feet | Local | N/A | N/A |

\*ACHD does not specify level of service thresholds for local streets. The acceptable level of service of a two-lane collector is “D” (425 VPH).

\*\*ACHD does not set level of service thresholds for State Highways.

### 3. Average Daily Traffic Count (VDT)

*Average daily traffic counts are based on ACHD’s most current traffic counts.*

- The average daily traffic count for Chinden Boulevard west of 32<sup>nd</sup> Street was 31,125 on December 31, 2018.
- The average daily traffic count for Clay Street east of 36<sup>th</sup> Street was 572 on 10/21/2014.
- There are no current traffic counts for 33rd Street.

## C. Findings for Consideration

### 1. 34th Street Specific Area Plan

This site is within the 34th Street Specific Area Plan planning area. The implementation of this Plan is on hold with the City of Garden City and ACHD has not taken an official action on the plan. As such, ACHD will recommend standard improvements until the 34<sup>th</sup> Street Specific Area Plan has been officially been adopted by Garden City.

### 2. 33<sup>rd</sup> Street

a. **Existing Conditions:** 33<sup>rd</sup> Street is improved with 2-travel lanes (35-feet of pavement) and no curb, gutter, and sidewalk. There is 50-feet of right-of-way for 33<sup>rd</sup> 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 concrete sidewalk 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.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- c. **Applicant's Proposal:** The applicant is proposing to improve 33<sup>rd</sup> Street adjacent to the site with vertical curb, gutter, a 7.5 wide parking lane constructed with permeable pavers, a 6-foot wide landscape strip and a 5-foot wide detached concrete sidewalk that will measure 24-feet from the street facing edge of sidewalk to the centerline of the street. One-foot of the sidewalk will be located within right-of-way and the other 4-feet of the sidewalk is proposed to be outside of the right-of-way. The applicant is not proposing to dedicate any additional right-of-way.

The applicant is also proposing to delineate ADA and bike parking adjacent to 33<sup>rd</sup> Street within ACHD right-of-way.

The applicant has requested ACHD to delineate sharrows on the street and also requested coordination with ACHD to stripe a sidewalk from the site to the Greenbelt access, 120-feet from the property line.

- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District policy and should not be approved, as proposed. Consistent with ACHD policy, the applicant should be required to construct 33<sup>rd</sup> Street abutting the site as half of a 36-foot commercial street section with vertical curb, gutter, and a 5-foot wide concrete sidewalk.

Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement. A permanent 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.

The applicant's proposal to designate vehicle, ADA and bike parking within ACHD right-of-way for the development is not approved. On street parking cannot be used to meet City parking requirements, as on street parking can be removed anytime at ACHD discretion. The applicant should revise their design to account for the parking onsite, outside of ACHD right-of-way.

ACHD will not delineate sharrows or stripe a sidewalk from the site to the Greenbelt access at this time. This will be evaluated with the continued development in the area.

### 3. 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.

### 4. 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.

#### **D. Site Specific Conditions of Approval**

1. Construct 33<sup>rd</sup> Street as half of a 36-foot wide commercial street section with adjacent to vertical curb, gutter, and a 5-foot wide concrete sidewalk abutting the site. 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.
2. 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.
3. Payment of impacts fees are due prior to issuance of a building permit.
4. Comply with all Standard Conditions of Approval.

#### **E. 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, 7203.3, 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.

## **F. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

## **G. Attachments**

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines

# VICINITY MAP



# SITE PLAN



# Ada County Utility Coordinating Council

## Developer/Local Improvement District Right of Way Improvements Guideline Request

*Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.*

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://iducc.com) for e-mail notification information.

# Development Process Checklist

## Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
  - Send a **“No Review”** letter to the applicant stating that there are no site specific conditions of approval at this time.
  - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

## Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a **“No Review”** letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

- Driveway or Property Approach(s)**
  - Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.
- Working in the ACHD Right-of-Way**
  - Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
    - a) Traffic Control Plan
    - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

#### *Construction (Subdivisions)*

- Sediment & Erosion Submittal**
  - At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.
- Idaho Power Company**
  - Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.
- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

## 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.