



## CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714  
Phone (208)472-2921 □ Fax (208)472-2926

**File Number: DSRFY2020 - 14**

**Application Scope: Modifications to original approval**

**Location: Intersection of N. Adams St. and E. 42<sup>nd</sup> St.**

**Applicant: Patrick Hugens, Hutchinson Smith Architects**

**Report Date: 10/05/2020**



Staff Report  
Report prepared by Hanna Veal

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## A. Report Summary

- This request is for revisions to an approved application, approved June 1, 2020.
- 70-unit multi-family development proposed
- Modifications to the original approval plans submitted on September 6, 2020 for the October 5, 2020 Design Review Committee Hearing.

### **Site Specific Decision Document Requirements for the previously approved application:**

#### Prior to the issuance of a building permit:

1. Deeds describing the properties dated prior to August 9, 1988 shall be submitted to verify the properties were created legally.
2. A property boundary adjustment consolidating the properties into one property shall be completed.
3. The 5' utility easement (Tamaris Subdivision) shall either A) be vacated by the City Council or B) permission for all utilities is granted to encroach the proposed structure into the easement.
4. The location of HVAC equipment shall be provided. Evidence the equipment shall be screened in accordance with Garden City Code shall be provided.
5. An arborist's certification that the proposed trees shown for removal in the landscape plan are dead, dying or a hazard shall be provided. Trees that are to be removed and cannot be certified as above by an arborist shall be mitigated in accordance with Garden City Code.
6. The individual private open space square footage of each residential unit shall be provided to demonstrate compliance with Garden City Code 8-4L (Open Space Provisions).

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7. The nine on-street parking spaces along E. 43<sup>rd</sup> Street are noted as counted toward available parking rendering the application compliant with multifamily requirements. Additional future uses may require additional analysis to determine compliance.
  8. A revised elevation shall be submitted during the building permit process demonstrating the rooflines are varied in accordance with Garden City Code 8-4C-4 (50' maximum roofline without change of roofline).
  9. An addition of a stair access on the north side of the commercial terrace shall be depicted and built during the building permit process.

Prior to Occupancy:

1. Site maintenance documents shall be recorded that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. A copy shall be provided prior to the issuance of a certificate occupancy.
2. A property management office shall be provided for the use.

## B. Project Information

### Proposed Scope of Work:

Request	Review Process	Notes
Combined pre-application and design review hearing for a multi-family development	8-6B-3 Design Review Committee	Heard on 5/18/2020 and 6/1/2020 due to noticing issue.  To be heard on 10/05/2020 due to modifications of originally approved plans.

### Project Details:

- 1) Proposed development: Mixed Use Development including 2 commercial spaces and a 70-unit multi-family dwelling unit development
  - a) 8 one-bedroom units
  - b) 58 two-bedroom units
  - c) 4 three-bedroom units
- 2) Number of buildings: 1
- 3) Parking spaces: 145
  - a) 138 spaces in an enclosed parking garage
  - b) 9 on street parking spaces proposed
- 4) Bicycle parking: Bicycle storage - 84 enclosed storage spaces in the garage area and 3 bike racks located outside.
- 5) Site Coverage:
  - a) Property: 89,202 sq. ft.
  - b) Building: 51,287 sq. ft.
  - c) Landscaping: 13,985 sq. ft.
- 6) Paved Areas: 23,929 sq. ft.
- 7) Trash Enclosure: One compactor with a dumpster for trash and two recycling containers.
- 8) Fencing: A 6' cedar fence is proposed along the west and north property lines.

### Site Conditions:

- 1) Address:
  - a) 410 E. 43<sup>rd</sup> St.
  - b) 402 E. 43<sup>rd</sup> St.
  - c) 400 E. 43<sup>rd</sup> St.
  - d) 4304 N. Adams St.
  - e) 4308 N. Adams St.
- 2) Parcel Number:
  - a) R2734521583
  - b) R8315000015
  - c) R8315000025
  - d) R8315000035
  - e) R8315000045
- 3) Property Size: 2.031 acres

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- 4) Zoning District: R-3 Medium Density Residential Zoning District
  - 5) Comprehensive Plan Land Use Map Designation:
    - a) Activity Node – Neighborhood Destination
    - b) Main Street Corridor
  - 6) Legal Lot of Record: Unknown
  - 7) Floodplain Designation:
    - a) 2003 FIRM: X
    - b) 2017 Draft FIRM: AE
  - 8) Surrounding Uses:
    - a) Dwelling Unit, Single Family, Attached
    - b) Dwelling Unit, Single Family, Detached
    - c) Dwelling Unit, Multiple Family
    - d) Commercial Uses
  - 9) Existing Use:
    - a) Dwelling Unit, Single Family, Detached
    - b) Manufactured Home Park
  - 10) Easements on site:
    - a) EAS2009-00054: 5' Tameris Subdivision Utility Easement
    - b) 10' Idaho Power Easement
    - c) 30' Sewer Easement
  - 11) Site Access: E. 43<sup>rd</sup> Street
  - 12) Sidewalks: in good repair on or adjacent to the site.

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## C. Discussion

### **Modifications to the Original Approval Include:**

- 1) **Parking Spaces:** The parking was reduced from 158 to 136 enclosed parking spots. The 9 Spaces on 43<sup>rd</sup> street remained. Overall parking change from 167 to 145 total parking spots.
  - a) Portion of 3<sup>rd</sup> floor parking deck and ramp were eliminated while some storage units were removed to gain parking spaces back. This reduced the height of the west elevation of the parking garage by one story.
- 2) **Balconies:** Reduced projection of the upper balconies to match depth of the first-floor balconies.
  - a) This caused the angled columns and sloped projecting roofs to be eliminated.
  - b) This caused the overall design of the entire building to change.
- 3) **Windows:** Windows have changed from the originally proposed aluminum windows to vinyl windows.
- 4) **Horizontal Siding:** Originally horizontal metal siding has been changed to horizontal fiber cement lap siding.
- 5) **Stairs:** A stair has been added to the north end of the commercial terrace and is shown in the new site plan.
- 6) **Elevations:** The elevations have been revised to incorporate changes in the parapet roofline with no section being longer than 50 feet without a variation in height.
- 7) **Legal Lot of Record:** The applicant states that the owner is in the process of working on the deeds, boundary adjustments, and easements vacation requirements.

## G. Code/Policy Checklist

Sections with compliance issues noted will be analyzed in detail in section E: Code/Policy Analysis of this report. Sections without any compliance issues noted will not be further detailed in this report. Changes from the previous report are highlighted.

<b>Garden City Title 8 Code Sections</b>			
<b>Code Section</b>	<b>Review Authority</b>	<b>Compliance Issues</b>	<b>Staff Comment</b>
<b>Title 8, Chapter 1: General Regulations</b>			
8-1A Purpose, Applicability and Interpretation	Design Committee	Compliance issues noted	8-1A-4:  The four properties located along N. Adams St. are described as parts of a platted subdivision. Deeds describing the properties dated prior to August 9, 1988 is needed to verify the properties were created legally.  No new information has been provided on this issue.
8-1B Existing Nonconforming Properties, Structures, and Uses	Design Committee	Compliance issues noted	8-1B-1:  The four properties located along N. Adams St. are described as parts of a platted subdivision. Deeds describing the properties dated prior to August 9, 1988 is needed to verify the properties were created legally.  No new information has been provided on this issue.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2C Land Use Provisions	Design Committee	Compliant as previously conditioned	8-2C-15:  Site maintenance documents are required  A property management office is required but not depicted. However, a lobby area is depicted in the floor plans A2.0.

			A condition of approval for the requirement of a property management office has been made in a previously accepted decision document.
Title 8, Chapter 4: Design and Development Regulations			
8-4A General Provisions	Design Committee	Compliant as previously conditioned	8-4A-5: The building HVAC Equipment will be located on the 4th story roof and will be screened by the parapet walls. The parapet wall height varies from 4'-7" to 6'-7". The tallest equipment is 6'-9" tall. At the worst condition, the adjacent equipment would be screened by a 5'-8" parapet wall.
8-4B Design Provisions for Residential Structures	Design Committee	Discussion may be warranted	8-4B-4: The applicant has modified the proposed materials by changing the horizontal siding from metal to fiber cement and changing the apartments windows from aluminum to vinyl.
8-4C Design Provisions for Nonresidential Structures	Design Committee	No compliance issues noted	No comment
8-4D Parking and Off-Street Loading Provisions	Design Committee, Planning Official	Unknown, more discussion may be warranted	8-4D-4, 8-4D-5:  For a mixed-use development, a parking analysis for the uses is required to set the number of parking spaces.  145 spaces have been provided.  If proposed solely as a multi-family development, 167 units are required.  The applicant has submitted a JBREC National Parking Trends report and a Garden City specific recap of parking provided by comparable projects in the market.

8-4E Transportation and Connectivity Provisions	Design Committee	No compliance issues noted	No Comment
8-4F Sign Provisions	Design Committee	Compliance issues noted	8-4F-13: A master sign program is required due to the project being a mixed-use development.  No new information has been provided on this issue.
8-4I Landscaping and Tree Protection Provisions	Design Committee	Compliant as previously conditioned	8-4I-4:  The applicant has proposed 10 class I trees along the street frontages, including 2 class I trees to substitute for the required 1 class II or class III tree. This is allowed by this section.  8-4I-7: The applicant has stated that tree mitigation for four viable trees with a total diameter of 94" will occur as recommended by their certified arborist Brian Jorgenson.  The application has proposed more trees than minimally required and by upsizing the caliber of the new trees.  A condition of approval has been made in the previously approved decision document.
8-4L Open Space Provisions	Design Committee	Compliant as previously conditioned	8-4L-5: The applicant has stated in their modification materials letter than the previously proposed upper story balconies have been reduced in depth to match the first story balconies.  The proposal provides private open space for each unit on private balconies ranging from 92sqft to 272sqft. The eight one bedroom units

			have balconies that are 73sqft.
8-5 Land Division Provisions			
8-5C-1 Land Division Amendments	Planning Official	Compliant as previously conditioned.	8-5C-1: A lot line adjustment is necessary to erase the property lines shown going through the proposed structure.  No new information has been provided on this issue.  A condition of approval was made in the previous decision document.
Title 8, Chapter 7: References			
8-7A Definitions	Design Committee	N/A	Defined terms referenced:  Clear Vision Triangle  Dwelling Unit, Multi-Family

<b>Garden City Plans/Policies</b>		
Plan/Policy	Compliance Issues	Staff Comments
<a href="#">Garden City Comprehensive Plan</a>	No compliance issues noted	Comprehensive Plan designations noted
<a href="#">Garden City Sidewalk Policy</a>	No compliance issues noted	Sidewalks installed
<a href="#">Garden City Street Light Policy</a>	No compliance issues noted	Streetlight installed

## H. Code/Policy Analysis

<b>Garden City Title 8 Code Section</b>	
<b>City Code</b>	<b>Analysis</b>
<b><u>8-1A Purpose, Applicability and Interpretation</u></b>	
8-1A-4 Interpretation	Properties in the City must either have been divided in accordance with the ordinance in effect at the time of the division or exist in their present configuration prior to August 9, 1988. Four of the five properties are described as portions of the Tamaris Subdivision, which is indicative of possible illegal divisions. A condition of approval requiring this information prior to the issuance of a building permit has been made in the previously approved decision document.
<b><u>8-1B Existing Nonconforming Properties, Structures, and Uses</u></b>	
8-1B-1 Nonconforming Properties	Properties in the City must either have been divided in accordance with the ordinance in effect at the time of the division or exist in their present configuration prior to August 9, 1988. Four of the five properties are described as portions of the Tamaris Subdivision, which is indicative of possible illegal divisions. A condition of approval requiring this information prior to the issuance of a building permit has been made in the previously approved decision document.
<b><u>8-2C Land Use Provisions</u></b>	
8-2C-15 Dwelling Unit, Multiple Family	Site maintenance documents, or binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features, are required. A property management office is also required. Conditions of approval addressing these issues have been required in the previously approved decision document.

<b><u>8-4A General Provisions</u></b>	
8-4A-5 Outdoor Service and Equipment Areas	The record is not clear about the location of HVAC equipment. A condition of approval allowing administrative approval of HVAC screening has been made in the previously approved decision document.
<b><u>8-4B Design Provisions for Residential Structures</u></b>	
8-4B-4 Multi-Family Residential Dwelling Units	This section requires multi-family developments to take the view of the proposed development from adjacent properties. The applicant has provided revised elevations of the north, south, east, and west elevation. Elevations showing material changes, additional windows, and the decrease of one garage parking story. The applicant has provided an explanation in the revised materials.
<b><u>8-4D Parking and Off-Street Loading Provisions</u></b>	
8-4D-4 Parking Use Standards 8-4D-5 Required Number of Off-Street Parking Spaces	<p>8-4D-4 requires the minimum number of onsite parking spaces required by 8-4D-5 be installed on the property.</p> <p>The project is now proposed as a mixed-use development by adding two commercial spaces on the first floor along E. 43<sup>rd</sup> Street. A parking study for the uses is now allowed under 8-4D-5B instead of the requirements of table 8-4D-2. A parking study is reviewed by the Planning Official during the building permit/occupancy permit process.</p> <p>For the Design Committee's reference, the parking requirements for a project proposed solely as a multi-family development is provided below:</p> <ul style="list-style-type: none"> <li>• One bedroom: 1 space per unit in a garage</li> <li>• Two or more bedrooms: 2 spaces per unit, one of which must be in a garage</li> <li>• Guest parking: 0.5 spaces per unit</li> </ul> <p>The applicant has proposed 70 units, consisting of:</p> <ul style="list-style-type: none"> <li>• 8 one-bedroom units</li> <li>• 58 two-bedroom units</li> <li>• 4 three-bedroom units</li> </ul>

	<p>If proposed as a multi-family development, 167 spaces are required. The applicant has proposed 136 on site spaces inside a garage, leaving a 9-space deficiency if the project was proposed solely as a multi-family development.</p>
<p><b><u>8-4F Sign Provisions</u></b></p>	
<p>8-4F-13 Master Sign Plan</p>	<p>A master sign plan is required as the project is proposed as a mixed-use development. No new signage on the building can be approved without the plan. A condition of approval requiring the plan prior to the issuance of sign permits has been required by the Design Committee.</p>
<p><b><u>8-4I Landscaping and Tree Protection Provisions</u></b></p>	
<p>8-4I-4 Landscaping Provisions for Specific Uses</p>	<p>The following street trees are required:</p> <ul style="list-style-type: none"> <li>• One class II or class III tree per street frontage</li> <li>• One class I tree per 50 ft. of street frontage</li> <li>• One class II or class III tree can be substituted with two class I trees without limit</li> </ul> <p>The applicant has proposed a total of 10 class I trees per frontage. Four of these trees (two per frontage) are substitutes for the two class II or class III trees.</p>
<p>8-4I-7 Tree Preservation Provisions</p>	<p>The landscape plan lists a total of 31 trees that are proposed to be removed without mitigation due to being dead, dying or of a hazardous condition. This section requires mitigation to be certified by an arborist. This certification is required prior to certificates of occupancy through the approved decision document as a condition of approval.</p> <p>The applicant has submitted a letter from their arborist Brian Jorgenson dated August 25<sup>th</sup>, 2020 confirming trees that require mitigation and the appropriate caliper.</p>
<p><b><u>8-4L Open Space Provisions</u></b></p>	

8-4L-5 Open Space Standards for Multi-family Developments	The proposal provides private open space for each unit on private balconies ranging from 92sqft to 272sqft. The eight one bedroom units have balconies that are 73sqft.
<b><u>8-5 Land Division Provisions</u></b>	
8-5C-1 Land Division Amendments	The proposed development crosses multiple property lines and lot lines. A property boundary adjustment pursuant to this section is required for the development to comply with setbacks. A condition of approval requiring the completion of this adjustment prior to the issuance of a building permit has been made in the previously approved decision document.
<b><u>8-7A Definitions</u></b>	<p>The following defined terms were referenced in this report:</p> <p>Clear Vision Triangle: A triangular area on a corner lot within which there are certain height limitations to provide sight distance for vehicles.</p> <p>Dwelling Unit, Multi-Family: A structure or property containing three (3) or more principal dwelling units. The term "multi-family dwelling unit" includes apartments and condominiums with varying arrangements of entrances and party walls.</p>

<b>Garden City Plan/Policy Analysis</b>	
<b>Plan/Policy</b>	<b>Analysis</b>
<b><u>Comprehensive Plan</u></b>	<p>The property is in the Activity Node – Neighborhood Destination and Main Street Corridor designations of the Comprehensive Plan Land Use Map:</p> <p>Main Street Corridor: Create a “Main Street” corridor as a principle street with a mix and concentration of uses along Adams/ Alworth Street with a possible alignment through a re-developed Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have activity nodes along the street that connect the main street to the arterial</p>

	<p>roadways and/or the Boise River. The activity nodes should be limited so as to not dilute their function as a center. The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.</p> <p>Activity Node – Neighborhood Destination: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.</p>
<p><b><u>Garden City Sidewalk Policy</u></b></p>	<p>Sidewalks are installed along the property in accordance with the policy.</p>

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**Garden City Street Light Policy**

A streetlight is installed within 400' of the property as recommended by the policy.