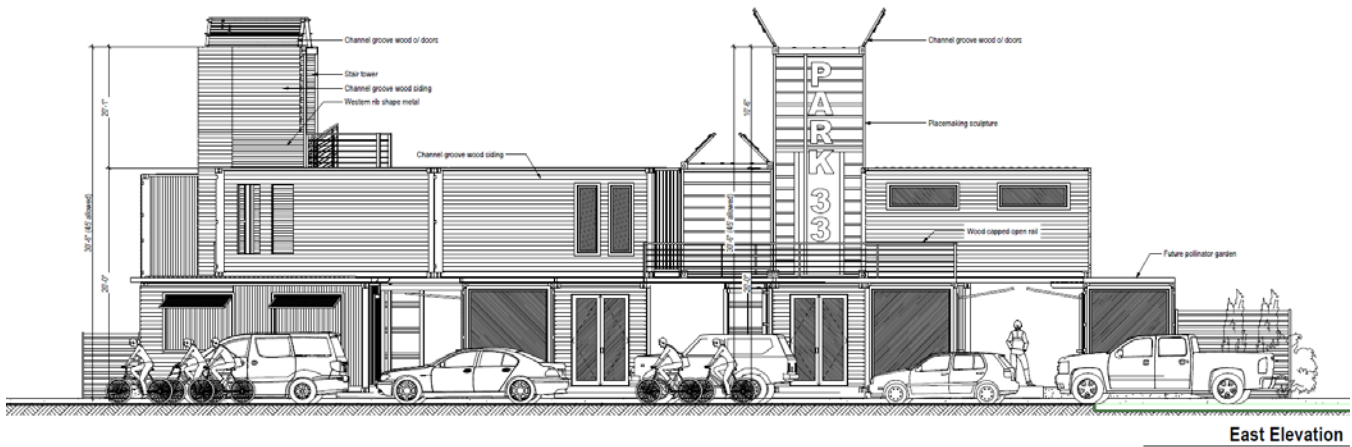




CITY OF GARDEN CITY

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File Number: DSRFY2021- 0011
Application Scope: Pre-application Conference with a Request for a Public Hearing
Location: 208 E 33rd St.
Applicant: Jason Jones, Wee Boise
Report Date: April 5, 2021
Revision Date: TBD



East Elevation

Staff Report
 Prepared by Hanna Veal

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A. Meeting Summary:

This summary will be updated to reflect the previous meetings as this application progresses.

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Pre-application conference for a design review	8-6B-3 Design Review Committee	April 5, 2021
Public Hearing	8-6B-3 Design Review Committee	April 5, 2021

Project Details:

Record documents related to this project are located at: [DSRFY2021-0011](#)

- 1) Proposed development: New construction of a Live-Work-Create structure.
- 2) Site Coverage:
 - a) Building: 7, 350sqft of the site
 - b) Landscaping: 30% of the site
 - c) Site Coverage: 33% of the site
- 3) Number of Structures:
- 4) Number of residential units total:
 - a) 7 live units
 - b) 7 work units
- 5) Total number of vehicular parking spaces: 11
 - a) On-Site: 6
 - b) On-Street: 5
 - c) Off-site with a cross parking agreement: 0
- 6) Total number of bicycle parking: 29
 - a) Enclosed: 5
 - b) Surface: 24
- 7) Trash Enclosure: The refuse will be in a common location on the site.
 - a) Fencing 6' privacy fence proposed on NE property line
 - b) Existing 6' privacy fence to stay on SW property line.
- 8) Sidewalk:
 - a) Detached proposed.
- 9) Landscaping:
 - a) Street Trees: 2, class II
 - b) Parameter Landscaping:
 - i) Trees and shrubs proposed on SW perimeter between proposed buildings and lot line.
 - ii) Trees and shrubs proposed on NE perimeter between proposed buildings and lot line.
- 10) Closest VRT Stop: Chinden & 33rd of Valley Regional Transit route 11

Site Conditions:

- 1) Street Address: 208 E 33rd St (Ada Co. Assessor says 210)
- 2) Parcel Number(s): R2734541364
- 3) Property Description: Lot 05 & 06 Blk 34 Fairview Acres Sub No 5

-
- 4) Legal Lot of Record: Yes
 - 5) Property Size: 0.344 acres; 14,985 square feet
 - 6) Zoning District: M
 - 7) Zoning Overlay(s):
 - a) Surel Mitchel Live-Work-Crete;
 - 8) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Live-Work-Crete
 - 9) Floodplain Designation:
 - a) 2003 Regulatory Maps: outside of the regulatory floodplain
 - b) FIS: 100 Year-Floodplain
 - 10) Adjacent Uses:
 - a) Use Dwelling Unit
 - b) Use Dwelling Unit Multi-Family
 - c) Artist Studio
 - 11) Existing Use: Single family dwelling
 - 12) Easements on site: There are no records on file with Garden City of existing easements
 - 13) Site Access:
 - a) Front: 33rd St
 - b) Rear: Proposed new alley
 - 14) Sidewalks: no sidewalk
 - 15) Wetlands on site: none identified

C. Discussion

A previous application, DSRFY2019-4 was heard at the October 21, 2019 Design Review Committee Hearing. On November 25, 2019, the City Council denied application DSRFY2019-4 with the signed decision dated December 10, 2019.

On August 20, 2020, a second application for the same address was submitted. The second application was for the new construction of a Work-Live-Create development. Work-Live - Create is defined by Garden City Code 8-7A-2 as “the use of a structure and/or site that combines a commercial or manufacturing activity allowed in the overlay district with a residential living space. The spaces may be combined within on space, attached to one another, or separated but located on the same property.” This second application was filed as DSRFY2020-25.

The application DSRFY2020-25 was heard and approved at the September 21, 2020 Design Review Committee Hearing. However, on October 5th, 2020 there was an appeal requesting the decision of the Design Review Committee be vacated.

At the November 9, 2020, the City Council found the application to be in the same form for the same use as the DSRFY2019-4 application, and therefore, the application was premature and not ripe for review per Garden City Code 8-6A-3 which states, “no application that has been denied by the planning official, the commission, or the council shall be resubmitted, in substantially the same form for the same use, within one (1) year from the date of denial.”

This application, received March 11, 2021, is more than one year from the date of denial of DSRFY2019-4.

There appears to be conflicting landscape plans and site plans submitted. The site plan supersedes the landscape plan.

The site plan shows the elimination of the ADA compliant restrooms that were previously proposed in DSRFY2020-25. Elimination of the restrooms might make it difficult for some work spaces and their occupants to meet the ADA restroom standards if required.

The identified changes from DSRFY2020-0025 include:

- The container doors visible from 34th street have been replaced with wood doors.
- Additional bike racks have been placed towards the southern property boundary line.
 - Provides 5 covered bike parking spots.
- 24 bicycle parking spots have been added to the rear parking area. DSRFY2020-0025 proposed 9 parking spots, DSRFY2021-0011 proposed 6 parking spaces with 24 bike parking spaces.
- Previously proposed bicycle street parking spots removed.
- South property boundary proposes a privacy fence similar to that proposed in DSRFY2020-0025, however there is an addition of a gate proposed to face E. 33rd Street.
- Live and work units have been re-arranged, however the 1:1 ratio of live to work units remain the same.

- Some live units have two workspaces.
- Bathroom units have been removed.
- Additional balcony on western side of the second story
- Decreased balcony on southern side of second story.
- Solar panels not shown in site plans.
- Landscape plans appear to be the same.
- West elevations show additional units on 3rd floor.

D. Decision Process

General Provisions

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

Required Decisions: The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#):

Decision	Recommendation Authority	Decision Authority	Hearing Date
Design Review	N/A	Design Committee	Pre-application conference: 04/05/2021 Design Review formal hearing: 04/05/2021

Required Findings:

Findings are not required at a pre-application conference.

For the approval of a Design Review Application, the Design Review Committee must find the application meets the following findings, found in [GCC 8-6B-3](#):

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design adheres to standards for the protection of health, safety, and general welfare;
3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation;
5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;

6. The proposed design supports a compact development pattern that enables intensification of development and changes over time; and

7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.

Preapplication Conference Options:

Pursuant to [GCC 8-6B-3](#), a preapplication conference with the Design Review Committee is required. The purpose of the preapplication conference is threefold: to provide direction based on design objectives that are relevant to the application, determine the level of review process, and what application materials will be required.

It is appropriate for Committee to take of the following actions:

- Determine the application is ready for a formal application with the Design Review Committee.
- Delegate the decision to the Planning Official as an administrative decision.
- Request the applicant return with more information.

The direction provided by the committee at the preapplication meeting may be changed or reversed at any time during the process if the design or the scope of the project changes.

The applicant has requested that the Design Review Committee review this application and find it to be ready for a formal application concurrently with the preapplication conference.

Decision

Pursuant to [GCC 8-6B-3](#), if the Design Review Committee does not delegate the decision to the Planning Official for an administrative decision, based on the required findings, the Committee shall take one of several actions:

1. Approve the application;
2. Conditionally approve the application with the requirement that the committee review further design details; or
3. Deny the application.

Appeals of Decision:

A pre-application conference is not a decision and cannot be appealed.

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-day period to file a written objection to the application. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application. Written objections received after the 15-day objection period will not be accepted.

Pursuant to [8-6A-9 Appeals](#), there is a 15-day appeal period to appeal the decision to the City Council. This period starts from the signed decision date and runs concurrently with the 15-day

objection period noted above. An appeal is \$210 and must be filed on the appeal application form provided by the City. Appeals received after the 15-day appeal period will not be accepted.

E. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer Link to full review	3/27/2021	<ul style="list-style-type: none"> • Parcel consolidation needed • Erosion & Sediment Control Plan, Site Grading and a Drainage Plan needs to be prepared and approved by the City • ACHD approval required • NACFR approval needed; should fire flow requirements exceed those available, the land use, off-site city water lines, or other efforts may be necessary to obtain approval of plans • New water and sewer connections must be reviewed and approved; it is the applicant's responsibility to verify adequate capacity • Storm Water Operation and Management Agreement is required to be recorded • Irrigation facilities require approval by the Irrigation entity in control of the facility
Irrigation: Fairview Acres Lateral Water Users Association (FALWUA) Link to full review	3/26/2021	<ul style="list-style-type: none"> • Irrigation water is reasonably available. An irrigation plan is required by FALWUA
North Ada County Fire and Rescue (NACFR) Link to full review	3/26/2021	<ul style="list-style-type: none"> • Fire Hydrants, capable of producing the required fire flow shall be located within 400' of all portions of the structure and along approved fire lanes • Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls • Structures greater than 30' in height will require aerial fire access roadway • Monument addressing signage is required • Street width requirements

F. Public Comment

No public comments were provided as of the drafting of this document.

None to date.

G. Code/Policy Review

The below serves as an analysis of applicable provisions 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			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		No compliance issues noted	Lot 05 & 06 blk 34 Fairview Acres Sub No 5 are legal lots of record. However, they have been consolidated into one parcel. This consolidation did not occur utilizing the City code required process. This will need to be completed via a lot line adjustment. This is necessary to formally combine the lots so that there will not be nonconforming structures created through this development.
8-1B-2 Nonconforming Structures		No compliance issues noted.	The current use is a Dwelling Unit, Detached. It should be noted that the approval of the application assumes the removal of the unit.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose		No compliance issues noted	The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices, neighborhood services retail uses may be located within this designation. The applicant has requested that the Surel Mitchell Live Work Create overlay be applied to this application.
8-2B-2 Allowed Uses		No compliance issues noted	The Surel Mitchell Live Work Overlay is applied to this review. The commercial uses are yet to be identified. Commercial businesses shall go through the correct entitlement processes before moving in. Some uses may require a Conditional Use Permit while others are prohibited or permitted. There are no compliance issues if the section of code is to be applied.
8-2B-3 Form Standards	DC	No compliance issues noted	The Surel Mitchell Live Work Overlay is applied to this review. However, it should be noted that the application is compliant with the form standards identified for the Mixed-Use zoning district. All improvements are more than 70' from the Boise River.

			All properties meet the minimum street frontage.
8-3B Flood Hazard		No compliance issues noted	The City highly encourages that the applicant build to the best available data identified in the Flood Insurance Study (FIS), a Federal Emergency Management Agency (FEMA) study conducted for the floodplain identification of the 2020 Flood Insurance Rate Maps (FIRM) for the Lower Boise River due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Risk Acknowledgement on the property.
8-2C-15 Multi-Family		Compliant as conditioned	<p>All multi-family developments shall provide amenities. This proposal is compliant with this requirement.</p> <p>The number of amenities required for multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.</p> <ol style="list-style-type: none"> 1. Quality of life amenities provided: Enclosed bike storage. 2. Open space: 5,800sqft Plaza, <p>All multi-family developments shall record legally 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. A draft potential condition of approval requiring that such documentation be provided to the City has been included.</p>
Title 8, Chapter 3: Overlay Zoning District Regulations			
8-3A Overlay Zoning District Regulations – General Provisions	DC	No compliance issues noted	Pursuant to 8-3A and 8-3C, the provisions of the overlay district are utilized voluntarily at the request of an applicant. Also pursuant to the same code articles, the standards for an overlay district are in lieu of and/or in addition to the standards in the base zoning district.
8-3C-2 [Sure! Mitchell Live-Work-Create] Applicability		No compliance issues noted	<p>Pursuant to 8-3A and 8-3C, the provisions of the overlay district are utilized voluntarily at the request of an applicant. Also pursuant to the same code articles, the standards for an overlay district are in lieu of and/or in addition to the standards in the base zoning district. The base zoning standards are found in 8-2B Base Zoning District Regulations and include use, density, and form standards.</p> <p>Garden City Code 8-3C lists standards that are not applicable to the standards of 8-2B such as design, parking and landscaping standards. Those standards are found in 8-4 (Design and Development Regulations) and are not base zoning district standards. The purpose statement notes that the intent is related to implementation of the character of the</p>

			<p>neighborhood both through maintaining small scaled development character and design standards.</p> <p>When a conflict in between codes occurs, 8-1A-5B (Interpretation – Conflicting Provisions) requires the more restrictive provision be used. Staff has interpreted omissions from criteria not addressed in 8-3C that is otherwise addressed in Title 8 as a conflict and applied the criteria found in Title 8.</p>
8-3C-3 A Surel Mitchell Live-Work-Create General Provisions Dimensions		May not be compliant	<p>This subsection section supersedes 8-2B-3 (Form Standards).</p> <p>LWC required setbacks are: Front: 5'-15' Interior Side: 0'/5' Rear: 5' Street side: 5'</p> <p>The building structure that contains the live-work units appears to be complaint with all setbacks based on the single tax parcel utilizing both lots. As previously noted, as conditioned, this parcel will be required to formally become one lot.</p> <p>However, the proposed dumpster location is encroaching into the rear minimum setback. Which is accessed from the proposed alley. There is a draft potential condition for approval requiring that the dumpster location be setback 5' from the adjacent property.</p> <p>The allowable maximum height is: 45' for lots greater than 11,000 square feet.</p> <p>The minimum lot size is 3,000sqft with the maximum lot coverage being 55%. (Lot coverage is only 33%)</p> <p>Subsection A.1 requires the front building setback to accommodate a five-foot (5') sidewalk and a two foot (2') building zone or be consistent with a streetscape plan adopted by the City. Resolutions 1062-19 and 1063-19 adopted a streetscape plan along E. 33rd Street. The front setback appears to be consistent with the adopted streetscape.</p> <p>Subsection A.6 allows a five-foot (5') and a zero-foot (0') setback adjacent to other lots within the overlay district. However, pursuant to subsection F.5, buildings 24' in height or higher requires the building height to step back in a vertical plane ten feet (10') from the side property lines.</p> <p>Subsection A.8 requires the minimum development site area to be 3,000 sq. ft. or a legal lot of record.</p>
8-3C-3B General Provisions-Workspace Requirements		Compliant as conditioned	<p>Subsection B. requires a minimum of 250 sq. ft. for interior working spaces.</p> <p>There is a total of 2,700 workspace proposed with each work space ranging between 300 and 450 square feet.</p> <p>Some workspaces are split into two different units. For example, Workspace 1 is split up into two 150sqft spaces for a total of 300sqft of working area. One workspace is on the</p>

			<p>north of the complex while the other is on the south side. (Exhibit 1) The total workspace square footage for units such as this range between 300sqft and 450sqft, with Work Unit 5 being 450sqft total. All meeting the minimum 250sqft requirement.</p> <p>Potential drafted conditions of approval include:</p> <ol style="list-style-type: none"> 1. All live spaces must have an associated indoor workspace of at least 250 square feet on the site. 2. A legal mechanism shall be produced, to be reviewed administratively, that links the use of the live units to its intended workspace. 3. All workspaces have must an associated live space on site that has been reviewed and approved through the building permit process as a dwelling.
8-3C-3C General Provisions – Living Space Requirements		No compliance issues noted	<p>The proposed live spaces are all 450 square feet. The minimum size is 220 square feet and cannot exceed an average size of 1,000 square feet. Based on staff's understanding, the applicant would like some flexibility in the spaces so that they can best meet tenants needs.</p> <p>There was no submittal of floor plans, not enough information to review. The requirements of a bedroom, closet space, bathroom and kitchen can be evaluated administratively during the building permit process as These requirements do not directly affect the exterior of the structures.</p> <p>Subsection C.5 requires a minimum of 80 sq. ft. of outdoor open space provided for each living space and is satisfied through porches, patios, decks, and/or yards. Required setbacks, landscaping, entryway and other accessways cannot count toward this minimum. There is the requirement of 560sqft of open space.</p> <ul style="list-style-type: none"> • According to Cover Sheet G1, there is 5800sqft. of outdoor plaza. • According to Site Plans, there are multiple balconies, outdoor patios, and a pollinator garden, but the exact square feet is not disclosed. • There is an outdoor upper patio pop up space of 300sqft. • Landscape plans indicate there is a courtyard, but it is not shown in the site plans.
8-3C-3E General Provisions – Multiple work-Live Space Requirements		No compliance issues noted	<p>Subsection E.2 requires each work live space to have a clearly defined separate access from other work-live units. According to the site plan sheet A1, entrances appear to be provided to the residential/work live units along E. 33rd Street and interior within the property.</p>
8-3C-3F General Provisions - Design			<p>Subsection F is specific to the design of the application and includes regulations related to facades, windows, public entrances, rooflines, building height, pattern variations, and materials.</p>

			<p>Subsection F.5 applies to the stair tower components, as the other components are below 24' in height. As the height of the tower is more than 24' in height, it is required to step back in vertical plan 10' from the side property lines.</p> <p>Building design is determined based on the use of the structures (e.g. residential, nonresidential). As a mixed-use development, both residential and nonresidential provisions have both been reviewed.</p>
8-3C-3G General Provisions - Parking		May not be compliant	<p>The application proposes 11 parking spaces for the 7 proposed units. Of the 11 spaces proposed there are 6 spaces proposed on site to the rear of the site. The remainder of the parking is proposed as on street parallel parking in front of the project.</p> <p>Subsection G requires that there be one off street parking space for each living space.</p> <p>G.3 has been the subject of appeals for the previous applications for the same form and use. This subsection states: Working spaces over five hundred (500) square feet of interior floor area shall be required to provide one parking space for every one thousand five hundred (1,500) square feet or portion thereof; or (emphasis added) the number of parking spaces needed to serve employee and patrons as determined by the Planning and Zoning Commission.</p> <p>The 'or' in the code has been emphasized, because if proposed parking meets the standards it does not need to be reviewed by the Planning and Zoning Commission.</p> <p>The application, as proposed, does not include any workspace greater than 500 square feet. The total proposed work space is 2,700 square feet. If interpreted that work space under 500 square feet does not require a parking space then no additional spaces are required. If it is interpreted that for every 1,500 square feet of work space a parking space is needed, an additional 3 spaces are required. As a standard the more restrictive application of code is utilized. This would necessitate 10 total spaces.</p> <p>Code notes that one parking space can be parallel or there can be multiple diagonal or right angle parking spaces in front of the application can be utilized. This proposal identifies 6 parallel spaces in front of the project. There has been a potential condition for approval drafted in the decision document to require 7 on-site parking spots.</p>
8-3C-3H General Provisions - Landscaping	DC	No compliance issues noted	<p>Along interior property lines with a zero foot (0') setback, a fence shall be provided along the entire length of the property line not otherwise occupied by a building: Proposed</p> <p>One tree shall be provided per two thousand five hundred (2,500) square feet of the development site with one tree located along the street frontage of the development site. Trees shall be a minimum of two inch (2") caliper and a species with shade canopies. Six trees, including 1 street tree are</p>

			required. There are 4 class II trees proposed and 4 class I trees proposed, two of which are street trees.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC	Complaint as Conditioned	Proposed 6' privacy fence. Existing 6' privacy fence is proposed to remain. Materials not disclosed. Code Compliant fences can be at the 0' setback.
8-4A-4 Outdoor Lighting	DC	Complaint as Conditioned	Waiver submitted
8-4A-5 Outdoor Service and Equipment Areas	DC	Complaint as Conditioned	Proposed trash enclosure is noted as being enclosed. Details of material not provided. Outdoor mechanical equipment shall be fully enclosed. It appears that the HVAC units might not be enclosed on the north elevation.
8-4A-7 Stormwater Systems	DC	Complaint as conditioned	There is a general condition of approval that requires compliance with this provision.
8-4A-8 Utilities	DC	Complaint as conditioned	There is a general condition of approval that requires compliance with this provision.
8-4B-4 Multi-Family Dwelling Units	DC	No compliance issues noted	<i>Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties.</i> <i>Building Design:</i> <i>1. All building elevations shall have a minimum portion of the elevation devoted to architectural features designed to provide articulation and variety. These features shall include, but are not limited to, windows, bays and offsetting walls that extend at least two feet (2'); recessed entrances; and changes in material types. Changes in material types shall have a minimum dimension of two feet (2') and minimum area of twenty five (25) square feet.</i> <i>2. Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification.</i> There has been a draft condition of approval that the work spaces that are open to the public shall be designed to have an obvious entrance and address identification. <i>3. Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.</i> <i>4. Roof forms shall be distinctive and include variety and detail when viewed from the street. Sloped roofs shall have a</i>

			<p>significant pitch. Flat roofs should include distinctive cornice treatments.</p> <p>5. Exterior building materials and finishes shall convey an impression of permanence and durability. Materials such as masonry, stone, stucco, wood, terra cotta, and tile are encouraged.</p> <p>7. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from the adjacent public streets and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.</p>
<p>8-4C-3 General Design Provisions for Nonresidential Structures</p>	<p>DC</p>	<p>No compliance issues noted</p>	<p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <ul style="list-style-type: none"> The provisions of this subsection are superseded by 8-3C-3F as that section addresses setbacks and provides specific façade standards. <p><i>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</i></p> <ul style="list-style-type: none"> The provisions of subsection B.1 are superseded by 8-3C-3G (Work/Live/Create Overlay – Parking) as the parking location and design are addressed in the overlay district requirements. The provisions of subsection B.3 apply to this proposal as the overlay district does not specifically regulate or waive pedestrian pathway requirements. The landscape plan depicts a pedestrian pathway network. <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <ul style="list-style-type: none"> The provisions of this subsection are superseded by 8-3C-F7, as the overlay addresses material requirements. <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <ul style="list-style-type: none"> Scraped sites are recommended to be in conformance with 8-4I (Landscaping and Tree Protection Provisions). Compliance with 8-4I is already required elsewhere in Title 8. <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <ul style="list-style-type: none"> The applicant has proposed what appears to be a white and brown color palette. Channel groove wood

			<p>siding, western rib shape metal on their elevation plans.</p> <ul style="list-style-type: none"> Majority of public facing metal to be bright with or wood. Interior and rear metal blended with painted aged metal. <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <ul style="list-style-type: none"> City Council Resolutions 1062-19 and 1063-19 adopted the streetscape designs of the 34th Street Master Plan and applied them to E. 33rd Street.
8-4C-4 Special Provisions for Specific Nonresidential Development	DC	May not be complaint	<p>The provisions of this subsection apply to this proposal.</p> <p>Subsection A.1 notes that Doorways along sidewalks should be recessed three feet (3') of the sidewalk. It does not appear that the sidewalk is recessed by three feet. There is a potential condition for approval drafted to require that doors shall be recessed at least 3 feet from the sidewalk.</p> <p>The proposed plaza appears to contain most of the elements noted in the subsection. However, a photometric plan was not provided to evaluate security lighting. This requirement can be reviewed administratively if directed by the Design Committee.</p> <p>Multiple nonresidential structures on one site: The proposed pedestrian path system appears to provide both internal and external connectivity.</p> <p>The internal view within the site is focused on a pedestrian plaza. Lighting plan has not been submitted and thus the security lighting details were not disclosed.</p>
8-4C-5 Prohibitions	DC	Complaint if approved	<p>Principal and accessory structures visible from the right-of-way that are made of prefabricated materials of shipping containers and/or pre-engineered metal buildings must contain architectural features and a variety of materials so that they lose the appearance of being a prefabricated structure.</p> <p>While this application is proposed of shipping containers, the applicant has provided windows, wood, and architectural features. The applicant has provided a narrative discussing how the proposal complies with this subsection.</p> <p>There is not any crushed colored rock/crushed tumble glass utilized on the site.</p>
8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC	May not be complaint	<p>As this application is proposing workspaces, ADA regulations are to apply. The proposal shows 1 ADA parking space. 28 bicycle parking spaces are provided, exceeding the minimum requirement.</p> <p>Parking areas shall not be located closer than four feet (4') to any established street or alley right of way. Code does not discuss if public or private alleys have separate regulations. However, there is a drafted potential condition for approval</p>

			requiring that the parking area shall be set back at least 4 feet from the alleyway.
8-4D-4 Parking Use Standards	DC	No compliance issues noted	The provisions of the overlay district supersede this subsection.
8-4D-5 Required Number of Off-Street Parking Spaces	DC	No compliance issues noted	The provisions of the overlay district supersede this subsection. Required parking counts are noted in the overlay district and are review in a previous section of this report.
8-4D-7 Off Street Loading Standards	DC	Complaint as Conditioned	The provisions of this subsection apply in addition to the overlay district, as the overlay district does not address off street loading areas. The application materials appear to depict a loading area for the dumpster in the proposed alley at the rear of the property, but the application materials are not clear as to its extent within the alley. Should the alley be utilized, vehicles cannot back out into the street or project into the public right-of-way. There is a draft condition of approval requiring that the alley be constructed accordingly.
8-4E Transportation and Connectivity Provisions			
8-4E-3 Public Street Connections	DC	Complaint as Conditioned	Vehicular access is proposed at an alley at the rear of the property as identified in the 34th Street Specific Area Plan. The Plan affects the rear access of the property. Easements must be secured and the rear access developed in accordance with The Plan. A condition of approval making this decision contingent upon securing access through this easement should be considered. A substitute condition of approval requiring access not otherwise demonstrated in this proposal could be required. The additional access would require ACHD approval.
8-4E-4 Internal Circulation Standards	DC	Complaint as Conditioned	Subsection A requires driveways, aisles, and turnaround areas to be 20' in width, have a 13'6" minimum vertical clearance, and be integrated into site design and adjacent properties. The 34th Street Specific Area Plan has an approved rear alley design that the applicant is relying on for access. However, the fire department can require more restrictive requirements for fire safety. A condition of approval requiring compliance with fire department access requirements is provided in the potential draft conditions of approval.
8-4E-6 Sidewalk Standards	DC	No compliance issues noted	There is an existing streetscape design to which the application appears to be compliant with.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	No compliance issues noted	The provisions of this subsection apply in additions to the standards of the overlay district, as pedestrian connectivity are not addressed by the overlay district. The application documents show a pathway system proposed throughout the development.
8-4F Sign Provisions			
8-4F-13 Master Sign Program	DC	Complaint as Conditioned	8-4F-13: All new development in the mixed use zoning districts, with more than one building or occupant shall include a master sign program as part of the application for design review; The applicant has not submitted a master sign. A draft condition requires compliance with the master sign program requirement.

8-4G Sustainable Development Provisions		No compliance issues noted	The development is exempt per 8-4G-2 (D).
8-4H Flood Hazard	Planning Official	Complaint as Conditioned	The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC	No compliance issues noted	<p>The provisions of this subsection apply in addition to the standards of the overlay district, as the overlay district does not address or waive landscaping standards.</p> <p>The site plan supersedes the landscaping plan where there is conflict.</p> <p>The landscape plan sheet L1.00 appears to comply with the provisions of this subsection.</p>
8-4I-4 Landscaping Provisions for Specific Uses	DC	No compliance issues noted; condition recommended	<p>The provisions of the overlay district supersede the required tree count provisions of this subsection. All other provisions of this subsection apply.</p> <p>Subsection B.1 requires a minimum of five percent (5%) of the gross site area be landscaped (excluding setback and perimeter landscaping). The landscape plan sheet L1.00 and the letter of intent indicate that 30% of the site is landscaped.</p> <p>*Please note there are some discrepancies between the landscape plan and the site plan, including but not limited to parking and streetscape adjacent to the right-of-way.</p> <p>While the Norway Maple is code compliant, and the height and size of canopy accommodates code's intent of promoting trees that will maximize the benefit of trees from a pedestrian, economic, and environmental perspective, per The Morton Arboretum, the tree can be highly invasive. There is a draft condition of approval which states: The Norway maple will be replaced with another tree that is similar or greater in height and canopy coverage, or documentation has been provided by a landscape expert that adequate measures have been taken to reduce invasive spreading of the tree.</p>
8-4I-5 Perimeter Landscaping Provisions	DC	No compliance issues noted	The provisions of the overlay district supersede the provisions of this subsection. The overlay district contains requirements for perimeter landscaping and are reviewed in a previous section of this report.
8-4I-7 Tree Preservation Provisions	DC	Complaint as Conditioned	The provisions of this subsection apply in addition to the standards of the overlay district, as the overlay district does not address or waive required tree mitigation.

			Tree mitigation is required pursuant to this section unless existing trees are certified to be dead, diseased or a hazard by an arborist. A potential condition of approval has been drafted in the decision document to require a tree mitigation plan.
8-4L Open Space Provisions			
8-4L-3 General Open Space Standards	DC	No compliance issues noted	
8-4L-5 Open Space Standards for Multi-family Developments	DC	No compliance issues noted	The proposal requires 1,050 square feet of common open space. A 5,800 square foot plaza is proposed along with a pollinator garden. There are balconies and rooftop patios proposed as well.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information			Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> • Lighting Plan • Topo Survey • Grading Plan • Ada County Approved Address • Irrigation/Ditch Information
8-6A-5 Administrative Process with Notice		No compliance issues noted	A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction. If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final. Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7. Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required. See Discussion
8-7A-2 Definition of Terms		Complaint as conditioned	The definition of Work-Live-Create Property is: The use of a structure and/or site that combines a commercial or manufacturing activity allowed in the overlay district with a residential living space. The spaces may be combined within one (1) space, attached to one another, or separated but located on the same property. The application shows an equal number of live and work units. To achieve the intent of linking each live space its associated workspace, a draft condition of approval requiring a legal mechanism to link the use of the units be required for administrative review prior to certificate of occupancy.

Other Items Reviewed

Plan/Policy	Discussion/ Analysis
Previous entitlement related to this project	DSRFY2019-4 DSRFY2020-25
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p style="padding-left: 40px;">b) Live-Work-Create</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <p style="padding-left: 40px;">c) Live-Work-Create</p> <p>The following provisions may relate to this application:</p> <p>Goal 1. Nurture the City</p> <p style="padding-left: 40px;">a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 2. Improve the City Image</p> <p style="padding-left: 40px;">a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</p> <p style="padding-left: 40px;">b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <p style="padding-left: 40px;">a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 6. Diversity in Housing</p> <p style="padding-left: 40px;">a.) Continue to be a leader and set an example for the region in creating a diversity of housing.</p> <p style="padding-left: 40px;">b.) Maintain the diversity of housing.</p> <p>Goal 7. Connect the City</p> <p style="padding-left: 40px;">a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>Goal 12. Evolve as a Destination</p> <p style="padding-left: 40px;">a.) 12.1 Objective: Support a positive business environment</p> <p style="padding-left: 40px;">b.) 12.2 Objective: Continue to support commercial and industrial land uses.</p> <p style="padding-left: 40px;">c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</p>
Garden City Sidewalk Policy	The Policy was reviewed in association with this report. The Sidewalk Policy requires sidewalks installed with new development. Resolutions 1062-19 and 1063-19 require sidewalks installed in accordance with the adopted streetscape.
Garden City Street Light Policy	The Streetlight Policy requires streetlights within a minimum of 400 ft. of a property. City records indicate that a streetlight is within 100 ft. of the property.
Garden City Transportation Needs List	33rd Street: Greenbelt to Brown Provide a road section that matches the improvements being on 36th Street with bulb outs meeting the detached sidewalk requirement. This will tie into the requested crossing of Chinden at 33rd Street. This road contains several properties that have already redeveloped in the manner that will encourage redevelopment. As seen on 36th Street, street improvements act as a public private partnership making infill more probable.

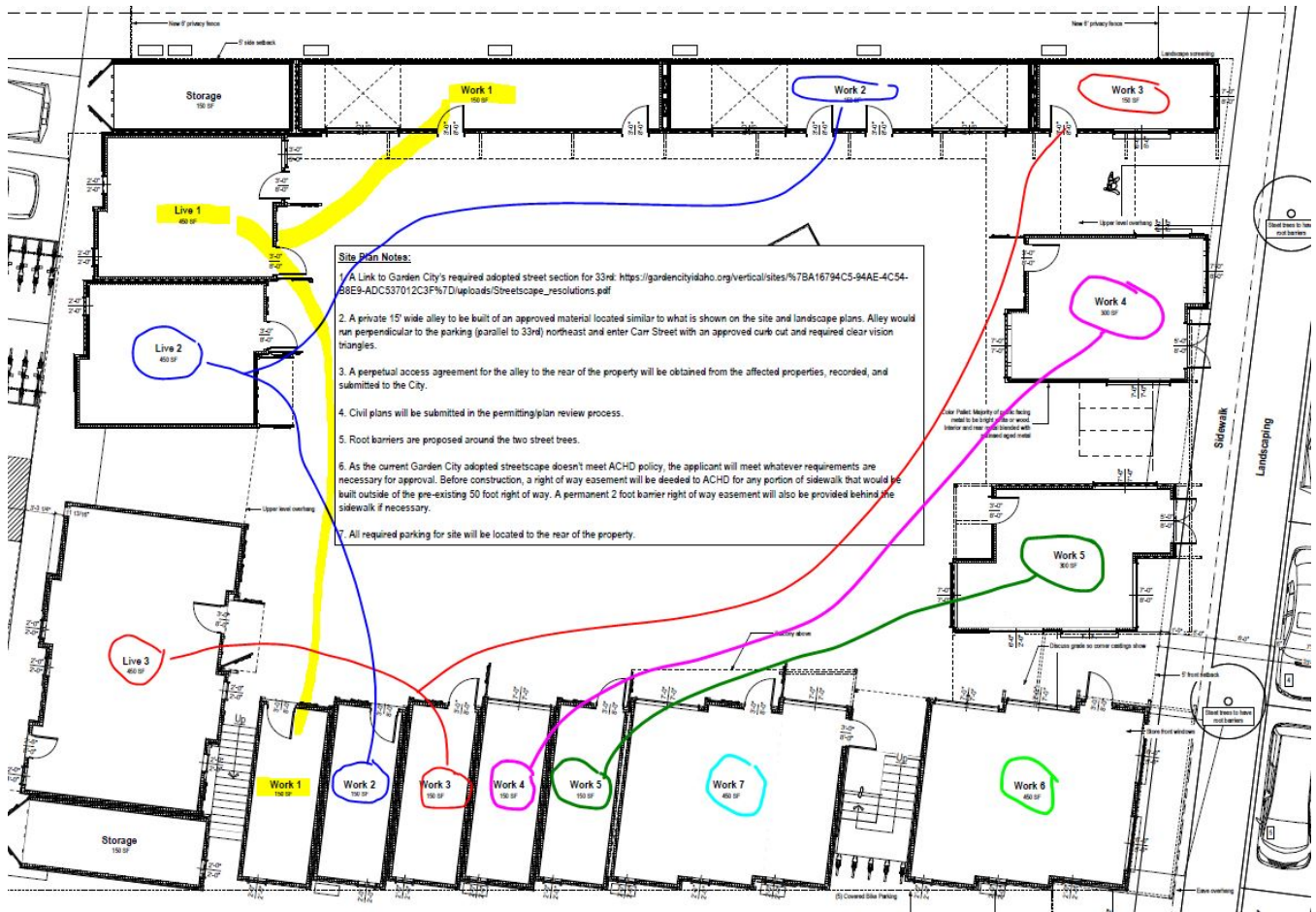


Figure 1: Staff illustration of how live and work units relate to one another within the development.