



# CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714  
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**File Number: DSRFY2022 - 0014**  
**Application Scope: Pre-Application Conference**  
**Location: 210 E 35<sup>th</sup> St**  
**Applicant: Cathy Sewell**  
**Pre-Application Report Date: June 20, 2022**  
**Formal Hearing Date: TBD**



South/E. 35th Street Elevation  
 Scale: 1/8" = 1'-0"

Staff Report  
 Prepared by Hanna Veal

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## Table of Contents

<b>Meeting Summary</b> .....	<b>3</b>
<b>Project Information</b> .....	<b>6</b>
<b>Discussion</b> .....	<b>5</b>
<b>Decision Process</b> .....	<b>6</b>
<b>Agency Comment</b> .....	<b>8</b>
<b>Public Comment</b> .....	<b>8</b>
<b>Code/Policy Analysis</b> .....	<b>8</b>

## 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	<a href="#">8-6B-3 Design Review Committee</a>	June 20, 2022
Public Hearing	<a href="#">8-6B-3 Design Review Committee</a>	TBD

### Project Details:

- 1) Proposed development: New Construction
- 2) Site Coverage: 0.280 acres/12,197 sq ft
  - a) Building: 7,531 sq ft = 62% of site
  - b) Landscaping: 3,203 sq ft = 26% of site
  - c) Paved Areas: 2,382 sq ft = 20% of site
- 3) Square footage dedicated to uses:
  - a) Mixed-Use Residential
- 4) Number of Structures: 1
- 5) Number of residential units total:
  - a) One bedroom units: 10
  - b) More than one bedroom units: 5
- 6) Total number of vehicular parking spaces: 17
  - a) Enclosed: 17
  - b) ADA: 1
  - c) On-Street: 0
- 7) Total number of bicycle/scooter parking: 34
  - a) Enclosed: 16
  - b) Surface: 18
- 8) Trash Enclosure: The refuse will be in a common location interior to the development
- 9) Fencing: Existing fence to remain.
- 10) Sidewalk:
  - a) Detached proposed
- 11) Landscaping:
  - a) Street Trees: 2, class II
  - b) Parameter Landscaping: 10ft perimeter landscaping around entire property.
- 12) Closest VRT Stop: VRT Bus 8x, W Chinden Blvd & W 39th St SWC

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**Site Conditions:**

- 1) Street Address: 210 E 35<sup>th</sup> St Garden City, ID 83714
- 2) Parcel Number(s): R2734540260
- 3) Property Description: LOTS 5/6 BLK 28 FAIRVIEW ACRES SUB NO 5 #509/109
- 4) Legal Lot of Record: Yes
- 5) Property Size: 0.280 acres
- 6) Zoning District: C-2
- 7) Zoning Overlay(s):
  - a) Surel Mitchel Live-Work-Create;
- 8) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Neighborhood Destination
  - b) Live-Work-Create
- 9) Floodplain Designation:
  - a) The project is not located in the floodplain according to the 2003 FIRM.
  - b) The project is in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20
- 10) Adjacent Uses:
  - a) Dwellings
  - b) Professional Service – Point Architects
  - c) Professional Service – Wave Property Management
- 11) Existing Use: Single Family Residence
- 12) Easements on site: There are no records on file with Garden City of existing easements
- 13) Site Access:
  - a) E. 35<sup>th</sup> St
- 14) Sidewalks: No sidewalk
- 15) Wetlands on site: none identified

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## C. Discussion

Please see the following staff analysis for discussion points and code compliance issues.

## 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: 6/20/2022  Design Review formal hearing: TBD

### 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.
8. There has been no denial of any application on this property within one year.

### **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.

### **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.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval.

### **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**

This section will be completed during the report drafted in conjunction with the public hearing.

Agency	Comment Date	Summary
Ada County Highway District		
Boise School District		
Central District Health		
COMPASS		
Garden City Engineer		
Idaho Transportation Department		
Irrigation: Fairview Acres		
North Ada County Fire and Rescue		
Meridian School District		

## F. Public Comment

This section will be completed during the report drafted in conjunction with the public hearing.

## 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.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			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.
<a href="#">8-1B-1 Nonconforming Properties</a>		Complaint as Conditioned	A lot line consolidation shall be required prior to the construction of the development.
<a href="#">8-1B-2 Nonconforming Structures</a>		No compliance issues noted	
<a href="#">8-1B-3 Nonconforming Uses</a>		Complaint as Conditioned	Conditional Use Permits will be required of those commercial uses that are required to by Garden City Code. These permits can be obtained at a later date in time, as the particular uses are unidentified.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose		No compliance issues noted	The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
<a href="#">8-2B-2 Allowed Uses</a>		No compliance issues noted	Multifamily Dwellings are a permitted use. The non-residential components have not been identified.



<a href="#">8-2B-3 Form Standards</a>	DC	No compliance issues noted	<p>The required setbacks are:  Front: 5'  Interior Side: 5'  Rear: 5'  Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a</p> <p>There are not encroachments</p> <p>All improvements are more than 70' from the Boise River.</p> <p>All properties meet the minimum street frontage.</p>
<a href="#">8-2C-15 Multi-Family</a>		Compliant as conditioned	<p>Buildings within site are setback be a minimum of 10 feet, meeting the ten feet (10') requirement.</p> <p>All multi-family developments shall provide amenities. This proposal is complaint 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"> <li>1. Quality of life amenities provided: a) enclosed bike storage</li> <li>2. Open space: a) Community Lounge and Courtyard space; b) community garden;</li> </ol> <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>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	DC	May not be compliant	<p>This proposal identifies an existing fence that is to remain, however, details are not provided in the submitted materials. The existing fence will be required to be code compliant. If the fence is made of prohibited fencing materials, for example chain-link fencing, removal will be required.</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>
<a href="#">8-4A-4 Outdoor Lighting</a>	DC	Complaint as Conditioned	<p>A lighting plan was not submitted for review. Not enough information to review.</p> <p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>

<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC	Complaint as Conditioned	<p>This proposal appears to hide the proposed equipment and storage areas either by screening them with a fence or enclosing them within the building.</p> <p>Any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p>
<a href="#">8-4A-7 Stormwater Systems</a>	DC	Complaint as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	DC	Complaint as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
<a href="#">8-4A-9 Waterways</a>	DC	No compliance issues noted	There does not appear to be Boise River irrigation facilities to the site.
<a href="#">8-4B-4 Multi-family Residential Dwelling Units</a>	DC	May not be complaint – discussion needed	<p>Building setbacks shall consider windows, entrances, porches and patios, and how they impact adjacent properties.</p> <p>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. <b>The front leasing office is to act as the primary residential entryway from 35<sup>th</sup> Street. Prominence of the entryway may need to be discussed.</b></p> <p>Roof forms shall be distinctive and include variety and detail when viewed from the street. Sloped roofs shall have a significant pitch. Flat roofs should include distinctive cornice treatments.</p>
<a href="#">8-4C-3 Design Provisions for Nonresidential Structures</a>	DC	May not be complaint – Discussion might be warranted	<p>Because the project includes multiple commercial lease spaces, GCC 8-4C-3 standards will apply.</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"> <li>No Comment.</li> </ul> <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"> <li>No Comment. Pedestrian pathways appear throughout the development.</li> </ul> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <ul style="list-style-type: none"> <li>No Comment.</li> </ul>

			<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"> <li>No comment.</li> </ul> <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"> <li>Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street or the river. Buildings and site design should provide inviting entry orientation. Buildings should not turn their backs to the street.</li> <li>Buildings should be articulated to reduce the apparent scale. Architectural details that are used to articulate the structure may include reveals, battens, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade.</li> </ul> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <ul style="list-style-type: none"> <li>No Comment.</li> </ul>									
<a href="#">8-4C-5 Prohibitions</a>	DC	No compliance issues noted	There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.									
<b>8-4D Parking and Off Street Loading Provisions</b>												
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC	No compliance issues noted										
<a href="#">8-4D-4 Parking Use Standards</a>	DC	No compliance issues noted										
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	DC	Not Compliant	<p>Total number of vehicular parking spaces required: 28 Total provided: 17 <b>The residential units are deficient by 11</b></p> <p>Number of enclosed spaces required: 15 Total provided: 17</p> <table border="1"> <thead> <tr> <th>Dwelling, multi-family</th> <th>Total Required Parking</th> <th>Required Within An Enclosed Garage</th> </tr> </thead> <tbody> <tr> <td>1 bedroom</td> <td>1 * 10 Units= 10</td> <td>1* 10 Units= 10</td> </tr> <tr> <td>More than 1 bedroom</td> <td>2* 5 Units= 10</td> <td>1* 5 Units= 5</td> </tr> </tbody> </table> <p>For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking. 8 guest parking spaces required.</p> <p><b>The application proposes 8 commercial leasing spaces.</b> Garden City Code does not determine how many parking spaces are required per the commercial use. In most recent applications, the City has applied a 1 vehicular parking space rule per 300sqft of commercial space offered. The site</p>	Dwelling, multi-family	Total Required Parking	Required Within An Enclosed Garage	1 bedroom	1 * 10 Units= 10	1* 10 Units= 10	More than 1 bedroom	2* 5 Units= 10	1* 5 Units= 5
Dwelling, multi-family	Total Required Parking	Required Within An Enclosed Garage										
1 bedroom	1 * 10 Units= 10	1* 10 Units= 10										
More than 1 bedroom	2* 5 Units= 10	1* 5 Units= 5										

			<p>provides about 3,208sqft nictitating 10.69 (11) commercial spaces.</p> <p><b>The application is deficient 22 parking spaces. The project has not submitted a parking analysis, however they are providing excessive bicycle and scooter parking.</b></p> <p>There is one bicycle space required for every 6 dwelling units and 1 space per commercial tenant necessitating 11 bicycle spaces when they are providing 18.</p>
<a href="#">8-4D-6 Standards for Alternatives to On Site Parking</a>	DC	No compliance issues noted	Not provided.
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-3 Public Street Connections</a>	DC	Complaint as Conditioned	There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC	No compliance issues noted	The drive is 20' or greater in width
<a href="#">8-4E-6 Sidewalk Standards</a>	DC	Compliant as conditioned	<p>5' wide detached sidewalk with a landscape buffer including street trees is provided per code requirements. The width of the landscape buffer is not clearly identified. The landscape buffer shall be at least 6' with root barrier or 8' without root barrier. Street trees as shown in the plans are Class II Autumn Gold Maidenhair Trees, reaching 45'H x 35'W.</p> <p>Sidewalks shall be designed to flare around mailboxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width.</p>
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC	No compliance issues noted – Discussion warranted	No comment related to code requirements. However, staff has concerns of how the public will be able to easily access the leased “work” spaces on the second level of the property. Discussion might be warranted.
<b>8-4F Sign Provisions</b>			
<a href="#">8-4F-13 Master Sign Program</a>	DC	May not be complaint	A master sign program is required for any new mixed-use building with more than one occupant. A master sign program shall be included for review during the time of the formal submittal.
<a href="#">8-4G Sustainable Development Provisions</a>		May not be complaint	The development is required to provide a sustainability checklist at the time of the formal submittal. Residential units shall require a total of 6 points, with the commercial points being determined by overall commercial square footage.
<a href="#">8-4H Flood Hazard</a>	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**

<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DRC	No compliance issues noted	
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC	Not Compliant	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. <b>2,282sqft = 19% of the site.</b></p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.  E. 35<sup>th</sup> Street (100LF)  Trees Required: 1 Street + 2 Frontage  Trees Provided: 1 Street + 2 Frontage <b>(Deficient 1 tree)</b></p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted. <b>2,282sqft of landscaping provided = 2 trees required. 31 total trees provided. Code compliant shrubs provided.</b></p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DC	May not be complaint	5' wide perimeter landscaping required around the entire perimeter of the property. It appears that 10ft is provided in some sections, but site plans do not clearly show width of all perimeter landscaping.
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DC	No compliance issues noted	
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DC	May not be complaint	Tree mitigation plan will be required upon the submittal of the formal hearing packet. Full mitigation of all healthy trees will be required at a 1:1 ratio.
<p><b>8-4L Open Space Provisions</b></p>			
<a href="#">8-4L-3 General Open Space Standards</a>	DC	No compliance issues noted	Common courtyard and rooftop deck provided. Common laundry facilities, and lobby.
<a href="#">8-4L-5 Open Space Standards for Multi-family Developments</a>	DC	No compliance issues noted	<p>For any new multi-family development: A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. <b>Provided.</b></p> <p>For any new multi-family development: A minimum area of outdoor common open space shall be provided as follows:</p> <p>Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. <b>14 units x 250 = 3,500 required.</b></p> <p>Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. <b>350sqft x 1 unit = 350sqft required.</b></p>

			<b>3,850sqft open space required : 10,638sqft provided.</b>
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		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.
<a href="#">8-6A-4 Required Application Information</a>			No application waivers requested pursuant to 8-6A-4A.
<a href="#">8-6A-5 Administrative Process with Notice</a>		No compliance issues noted	<p>To be completed with formal application A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>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.</p>

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li><b>a)</b> Activity Node: Neighborhood Destination</li> <li><b>b)</b> Live-Work-Create</li> </ul> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li><b>a.)</b> 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li><b>b.)</b> 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> <li><b>a.)</b> 12.1 Objective: Support a positive business environment</li> <li><b>b.)</b> 12.2 Objective: Continue to support commercial and industrial land uses.</li> </ul>

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	<b>c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</b>
<a href="#">Garden City Sidewalk Policy</a>	No waiver requested.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along E. 35th Street in accordance with the policy.