

BEFORE THE DESIGN REVIEW COMMITTEE  
GARDEN CITY, ADA COUNTY, IDAHO

**THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS.**

In the Matter of:	)	DSRFY2022-0015
	)	
Design Review	)	FINDINGS OF FACT,
3941 Reed St	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on September 8, 2022. The Design Review Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Review Committee makes the following Findings of Fact, Conclusions of Law and Decision:

**FINDINGS OF FACT**

1. The application is for a design review for new construction of multiple multi-family structures.
2. There has been no denial of any Design Review application on this property within one year of this application.
3. The applicant is Jorre Delgado.
4. The property owner of record is Reed Street Development, LLC.
5. The location of the project is 3941 N. Reed St; Ada County Assessor parcel number(s) R2734560061; described as LOT 7 EXC NE 10' FOR ROAD BLK 1 FAIRVIEW ACRES SUB 7.
6. The property is a legal lot of record.
7. The application is for a design review for the use of a multi-family residential development. The scope of the design review is limited to the entire property.
8. The subject property is 0.310 acres.
9. The project is located in the R-3 Medium Density Residential zoning district.
10. The project is located in the Mixed-Use Commercial area of the Garden City Comprehensive Plan Land Use Designation.

- 11. The project is in the floodway according to the 2003 FIRM.
- 12. The project is in the not located in the SFHA according to the 2017 FIS.
- 13. The following standards apply to this proposal:
  - a. Garden City Code 8-1A-4 Applicability
  - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
  - c. Garden City Code 8-2B Base Zoning District Regulations
  - d. Garden City Code 8-2C-15 Multi-Family
  - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
  - f. Garden City Code 8-4B-3 Single Family and Two-Family Attached and Detached Dwelling
  - g. Garden City Code 8-4B-4 Multi-family Residential Dwelling Units
  - h. Garden City Code 8-4C-4B Special Provisions for Specific Non-residential Development
  - i. Garden City Code 8-4C Prohibitions
  - j. Garden City Code 8-4D Parking and Off-Street Loading Provisions
  - k. Garden City Code 8-4E Transportation and Connectivity Provisions
  - l. Garden City Code 8-4F Sign Provisions
  - m. Garden City Code 8-4G Sustainable Development Provisions
  - n. Garden City Code 8-4H Flood Hazard
  - o. Garden City Code 8-4I Landscaping and Tree Protection Provisions
  - p. Garden City Code 8-4L Open Space Provisions
  - q. Garden City Code 8-6A-3 General Application Process
  - r. Garden City Code 8-6A-4 Required Application Information
  - s. Garden City Code 8-6A-5 Administrative Process with Notice
- 14. The following plans and policies apply to this proposal:
  - a. Garden City Comprehensive Plan
  - b. Garden City Sidewalk Policy
  - c. Garden City Street Light Policy
  - d. Old Town Circulation network plan
- 15. The applicant provided the following application information:

<b>Materials Provided Per GCC Table 8-6A-2 Required Application Information</b>			
Provided			
Yes	No	Waived pursuant to GCC 8-6A-4	
X			Compliance Statement
X			Neighborhood Map

X			Site Plan
X			Landscape Plan
X			Schematic Drawings
		X	Lighting Plan
X			Topographic Survey
X			Grading Plan
	X		Will Serve
X			Approved Address

16. Additional application materials submitted include:
- Floor Plans;
  - Water feature artwork example;
  - Garage door design example;
  - Waiver for application materials;
  - Sustainability checklist;
  - Affidavit of Legal Interest;
  - Application;
  - Fire flow
  - Statement of Intent.
17. Agency Comments were received from:
- Garden City Engineer, dated August 20, 2022
  - Department of Environmental Quality, dated August 12, 2022
18. There were no written public comments were received.
19. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:
- | Noticing Requirement  | Required Date | Completion Date |
|---|---------------|-----------------|
| Receipt of application                                      | 08/12/2022    | 07/20/2022      |
| Letter of Acceptance (30 days after receipt of application) | 08/20/2022    | 08/17/2022      |
| Radius Notice (15 days prior to hearing)                    | 08/24/2022    | 08/12/2022      |
| Interested Parties  | n/a           | n/a             |
| Legal Notice (19 days)                                      | 08/20/2022    | 08/11/2022      |
| Agency Notice (15 days)                                     | 08/24/2022    | 08/11/2022      |
| Property Posting Sign (10 days)                             | 08/29/2022    | 08/22/2022      |
| Affidavit of Property Posting and Photos (7 days)           | 09/01/2022    | 08/26/2022      |
20. On June 20, 2022, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee. The Committee provided the following comments and requests:

- a. This Jorre Delgado presented the staff report.
  - b. Discussion with the Design Review Committee included:
    - i. Trash collection should be discussed further with Republic Services.
    - ii. Pedestrian pathway shall be implemented throughout the site.
    - iii. The guest parking space closest to Reed Street needs to be relocated.
    - iv. Unit C needs to engage with the street and public realm.
      - 1. Should not look like a side elevation. Needs to have a front façade view.
    - v. Terminal view needs to be improved with landscaping or artwork if it is to have the guest parking space located within.
      - 1. Flip guest parking space to put the spot on the back side. Vehicles can utilize the hammerhead turn around area to get out of the subdivision.
    - vi. Landscape designs should address privacy concerns and allow for a shared setback for bigger trees and a more comprehensive landscape between this development and Violets Crossing.
21. On September 6, 2022, a public hearing before the Design Review Committee was cancelled due to lack of quorum. All items were move to September 8, 2022, for a Special Meeting.
22. On September 8, 2022, a public hearing before the Design Review Committee was held:
- a. This section will be completed after the hearing.
23. The record contains:
- a. Application Documents
  - b. Noticing Documents
  - c. Agency Comments
  - d. Written Public Comments
  - e. Staff report
  - f. June 20, 2022 Design Review Committee Pre-application Minutes
  - g. June 20, 2022 Design Review Committee Pre-application Audio
  - h. September 6, 2022 Design Review Committee Hearing Minutes
  - i. September 6, 2022 Design Review Committee Hearing Audio
  - j. September 8, 2022 Design Review Committee Hearing Minutes
  - k. September 8, 2022 Design Review Committee Hearing Minutes
  - l. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision
24. In order to approve a design review application, the Design Committee shall make the following findings:

**The draft findings are written both in approval and in denial. The Design Review Committee will select the corresponding conclusions and**

explanations during their decision. Potential explanations have been provided.			
GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X		X	<p><b>Finding 1.</b> The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision, or otherwise conditioned to become compliant with code; and the application is in conformance with the dimensional regulations of the R-3 zoning district. The proposed use of a multi-family development is considered a permitted use within the zoning district.</p> <p><b>In Denial:</b> The application does not meet this finding. The application is not in conformance with the reviewed sections Garden City Code, specifically that of 8-4B-4, 8-4C-4B, 8-4D-5, 8-4E-6, 8-4E-7, 8-4I-4, 8-4I-5, and 8-4L-5.</p>
X		X	<p><b>Finding 2.</b> The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The application meets this finding as conditioned in this decision. The proposal of a detached sidewalk along N. Reed Street with street trees conditioned contributes to the enhanced safety of pedestrians utilizing the sidewalks.</p> <p><b>In Denial:</b></p>

			<p>The proposal will be detrimental to and unreasonably diminish the health, safety, or welfare of the community. The site design does not promote safe pedestrian mobility, nor does it propose safe vehicular parking or reversing conditions for movement within the development. The site does not promote connectivity to the future public bicycle pedestrian pathway through the adjacent Violets Crossing and the overall site design lacks functionality to the detriment of the community.</p>
X		X	<p><b>Finding 3.</b> The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The application meets this finding. The application is in conformance with the vision set forth in the Comprehensive Plan’s Mixed-Use Residential Future Land Use Designation. Additionally, the use and the proposed structural design is cohesive with the adjacent uses surrounding it.</p> <p><b>In Denial:</b> The application does not meet this finding. The application is not in conformance with the vision set forth in the Comprehensive Plan’s Mixed-Use Residential Future Land Use Designation.</p>
X		X	<p><b>Finding 4.</b> The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The application meets this finding. The application proposes a new pedestrian sidewalk along N. Reed Street. Additionally, the application provides bicycle parking beyond what is required by code.</p>

			<p><b>In Denial:</b> The proposal does not include any augmentation to accessibility to public modes of transportation.</p> <p>The application does not show a safe, or separated route to the public bicycle and pedestrian pathway system that is to be installed at the adjacent Violets Crossing subdivision.</p>
X		X	<p><b>Finding 5.</b> The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> This application is conducive to development in a node pattern as envisioned in the Garden City Comprehensive Plan. The proposed high-density residential design helps to establish a new urban corridor adjacent to the river and Greenbelt system.</p> <p><b>In Denial:</b> The application is no conducive with development in a node as envisioned in the Garden City Comprehensive Plan.</p>
X		X	<p><b>Finding 6.</b> The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The proposed design, as conditioned in this decision, meets this finding by developing a currently vacant lot while maximizing pedestrian circulation through sidewalks that which connect the development to adjacent businesses and vehicular arterials.</p> <p><b>In Denial:</b> The development is limited in its ability to attract a number of different users due to the lack floorplans and bedroom diversity, lack of pedestrian connectivity, and the necessity for a</p>

			shared access drive.
X		X	<p><b>Finding 7.</b> The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> As conditioned, the proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. The landscape plans are conditioned to meet the requirements of 8-4I and pedestrian connectivity has been conditioned to meet the requirements of 8-4E.</p> <p><b>In Denial:</b> The landscaping, as proposed, is not compliant with Garden City Code requirements of 8-4I. The proposed landscape plans are not indicative to pedestrian activity.</p>

25. The record was reviewed by the Design Committee to render the decision.

### CONCLUSIONS OF LAW

The Design Review Committee reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **meets/ does not meet** the standards of approval under **GCC 8-6B-3 Design Review Committee**.

### DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby **APPROVES/DENIES** the application, subject to the following conditions:

### POTENTIAL CONDITIONS FOR APPROVAL DECISION

#### Site Specific Requirements:

Scope:



1. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
  - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.
  - b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
  - c. Less than 5% of rearrangement of site.
2. The carports as proposed have been permitted to act as the required enclosed parking spaces.
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit.
  - a. This requirement can be satisfied through porches, patios, rooftop gardens, decks, and/or enclosed yards.
  - b. The proposed private gardens are permitted as part of this requirement.

Prior to Issuance of Building Permit:

1. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
2. All outdoor service and equipment areas shall comply with Garden City Code 84A-5 Outdoor Service and Equipment Areas.
3. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
4. Pressurized irrigation shall be provided in conformance with Garden City Code 85A-5H.
5. A tree mitigation plan and certified arborist report shall be submitted for review by Development Services staff and found to be in conformance with Garden City Code 8-4I-7.
6. The application shall be in compliance with Garden City Code 8-4L Open Space Provisions.
7. The primary entrances to each dwelling unit shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification.
8. Contrasting hardscape material shall be installed along the drive aisle to better identify the pedestrian pathway from the public sidewalk to the primary entrances

of each dwelling unit.

9. 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.
  - a. Reed Street shall have at least two Class II or III trees installed along its frontage.
10. A minimum area of outdoor common open space shall be provided based on Garden City Code 8-4L-5 Open Space Standards for Multi-Family Developments.
  - a. As the development is proposed, at least 1,900sqft of common open space is required.
  - b. A site map identifying the common open space and its square footage shall be submitted for review.
  - c. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20').
  - d. Common open space shall be grouped contiguously with open space from adjacent developments.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. A building permit shall be applied for and approved by Garden City Development Services Department.
3. Prior to occupancy, a public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance with:
  - a. A detached sidewalk shall be installed adjacent to N. Reed Street in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy.
    - i. The sidewalk shall be installed to the edge of property.
    - ii. The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.
    - iii. The sidewalk shall be a minimum of 5' in width
    - iv. The sidewalk shall be detached by a minimum 6' landscape or furniture zone.
    - v. Improvements may be made within the right-of-way provided a landscape license agreement or other approval from Ada County Highway District.
  - b. Landscaping and street trees shall be installed and inspected for compliance with Garden City Code 8-4I.

- i. 2 Class II or Class III trees shall be installed adjacent to N. Reed Street.
4. The buildings interior to the development must be 10' apart from one another.
5. A copy of recorded 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 shall be provided to the City.
6. There will be a minimum of 8 bicycle parking spaces provided.
7. Contrasting hardscape material shall be installed at the drive aisle to better identify the pedestrian crossing along N. Reed Street.

**Site Specific Requirements for the Duration of the Use:**

1. The following amenities shall be provided or replaced with an amenity from the same category of amenity as identified in Garden City Code:
  - a.
2. 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.

**General Requirements:**

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.
4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.

6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the

- application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
25. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.
  26. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
  27. Occupying the site prior to Certificate of Occupancy is a criminal offense.
  28. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code .
  29. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
  30. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date

### **STANDARD DENIAL DECISION**

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-6B-3. This project is not in compliance with 8-6B-3 standard(s) 2, 4, and 7 because it is not in compliance with the Garden City Comprehensive Plan Goal 2 Objective 2.4. Create a vision for the design of all streets and highways consistent with the city's urban setting, Goal 7 Connect the City, The application is not in compliance with Garden City code sections 8-4B-4, 8-4C-4B, 8-4D-5, 8-4E-6, 8-4E-7, 8-4I-4, 8-4I-5, and 8-4L-5. Compliance can be met by designing a more walkable development and enhancing the connection to the public bicycle and pedestrian pathway system, providing code compliant common open space,

adhering to perimeter landscaping setbacks and requirements, designing residential unit facades that engage the public realm at a pedestrian level.

2. There is a 15 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.
3. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
4. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
5. Pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code, a takings analysis may be requested on final decisions.
6. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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This signature verifies that this decision document has been reviewed and

approved by the Design Review Committee Date