

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

In the Matter of:)	DSRFY2022-0016
)	
Design Review)	FINDINGS OF FACT,
209, 211, 213, & 215 34 th Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on October 17, 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 the construction of two new 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 Hannah Ball.
4. The location of the project is:
 - a. 209 E. 34TH Street; Ada County Assessor parcel number(s) R2734541422; Described as LOT 30 BLK 34 FAIRVIEW ACRES SUB NO 05 #1420-S ; Property Owner of Record is HONDO REED LLC .
 - b. 211 E. 34th Street; Ada County Assessor parcel number(s) R2734541425; Described as LOT 29 BLK 34 FAIRVIEW ACRES SUB NO 05 #1420-B; Property Owner of Record is CASAALURA LLC.
 - c. 213 E 34th Street; Ada County Assessor parcel number(s) R2734541400; Described as LOT 28 BLK 34 FAIRVIEW ACRES SUB #5 VIN # IDFLT04A20053BF13 TITLE # 96970119; Property Owner of Record is AHLBERG WEST LLC.
 - d. 215 E. 34th Street; Ada County Assessor parcel number(s) R2734541395; Described as LOT 27 BLK 34 FAIRVIEW ACRES SUB #5 ; Property Owner of Record is HANNAH BALL.
5. The properties are legal lots of record.
6. The application is a design review for the use of a multi-family Live-Work Create development. The scope of the design review is limited to the four properties as mentioned above. The two structures are intended to be owned by separate entities, which construction possibly happening at different intervals of time.

7. The subject properties are 0.172, 0.172, 0.170, and 0.170 acres.
8. The project is located in the C-2 General Commercial zoning district.
9. The project is located in the Sural Mitchel Live-Work-Create zoning overlay. The application has chosen to apply the overlay standards.
10. The project is located in the Live-Work-Create Future Land Use Designation of the Garden City Comprehensive Plan.
11. The project is in the not located in the floodplain according to the 2003 FIRM.
12. The project is in the floodplain according to FEMAs most recent modeling of the Lower Boise River, adopted by resolution 1083-20
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 8-3A and 8-3C Sural Mitchell Live-Work-Create
 - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - f. Garden City Code 8-4B-4 Multi-family Residential Dwelling Units
 - g. Garden City Code 8-4C Design Provisions for Nonresidential Structures
 - h. Garden City Code 8-4D Parking and Off-Street Loading Provisions
 - i. Garden City Code 8-4E Transportation and Connectivity Provisions
 - j. Garden City Code 8-4F Sign Provisions
 - k. Garden City Code 8-4H Flood Hazard
 - l. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - m. Garden City Code 8-4L Open Space Provisions
 - n. Garden City Code 8-6A-3 General Application Process
 - o. Garden City Code 8-6A-4 Required Application Information
 - p. 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
15. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
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:
- a. Floor Plans;
 - b. Natural Features and Resource Analysis;
 - c. Storm Water System Report, Method, and Geotechnical Report;
 - d. Waiver Request Letter;
 - e. Affidavit of Legal Interest;
 - f. Ability to Serve Letter;
 - g. Application;
 - h. Trash Enclosure Affidavits;
 - i. Clarification of CasaAlura LLC;
 - j. Sustainability Checklist;
 - k. Exhibit #2 Additional Information;
 - l. Site Photos; and
 - m. Statement of Intent.
17. Agency Comments were received from:
- a. Republic Services, dated September 28, 2022
 - b. City Engineer, dated October 5, 2022
 - c. North Ada County Fire & Rescue, dated October 13, 2022
 - d. ACHD, dated October 14, 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	09/22/2022	08/22/2022
Letter of Acceptance (30 days after receipt of application)	09/22/2022	09/20/2022
Radius Notice (15 days prior to hearing)	10/02/2022	09/21/2022
Interested Parties	n/a	n/a

Legal Notice (19 days)	09/28/2022	09/28/2022
Agency Notice (15 days)	10/02/2022	09/27/2022
Property Posting Sign (10 days)	10/07/2022	10/06/2022
Affidavit of Property Posting and Photos (7 days)	10/10/2022	10/06/2022

20. On August 16, 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. On street drainage pavers may not allow for landscaped bulb out areas with trees within the ROW; conversation with ACHD is required.
 - b. All future fencing shall be code compliant; art wall could potentially not even need a staff level review.
 - c. Each courtyard is 2,800sqft. Courtyards are public spaces.
 - d. Shared dumpster with Jason Jones's property addressed off 33rd.
 - e. Staircases are to act as the primary entryways to all residential units on the second floor. These entryways are to be enhanced to be clearly defined and noticeable to those seeking that entrance.
 - f. A governing body or HOA needs to be put in place to maintain the property and its landscaping.
 - g. Perimeter landscaping needs to be planted between the property and the property to the south.
 - h. Parking requirements clarified between the two structures; the site needs 4 more on site parking spaces to meet code requirements.
 - i. Does live-work-create overlay override garden city code 8-2B-3 when it comes to balconies encroaching into the setback?
 - j. What justifies as landscaping? 70% of the landscaped area needs to be alive.
21. On October 17, 2022, a public hearing before the Design Review Committee was held:
- a. This Hannah Ball, Jason Jones, and Jeff Hatch presented the application.
 - a. Option 2 including the material and art
 - b. Staff Hanna Veal presented the staff report.
 - c. Public testimony was heard from:
 - a. Bill Truax in favor; pedestrian, great "eyes on the street" and public realm interaction; Live-Work-Create code is difficult to utilize.
 - d. Hannah Ball provided rebuttal:
 - a. Requesting a two-year approval period.
 - b. Ongoing conversations regarding the shared trash enclosure and ACHD storm water mitigation methods will occur; wish to condition in decision document.
 - c. Structure is on 5ft setback. Allowing 2ft balcony encroachment would mean balconies posts are 3ft from the property line.

- e. Public testimony was closed.
- f. Discussion included:
 - a. 500 cubic feet of soil for street trees should be provided but not required by code.
 - b. Art wall can be reviewed by staff.
 - c. Landscaped hanging baskets shall be permanent, irrigated, and integrated into the architectural design of the project. They shall not be controlled by individual residents, instead they need to be owned and maintained by the HOA.
 - d. Two-year entitlement permitted.
 - e. Drafted condition item 2.b.i shall be removed.
 - f. Shared balconies that which act as access to dwelling units shall not count towards the private open space square footage requirements.
 - g. If street trees are required to move to accommodate ACHD storm water, staff can approve the relocation of those street trees.
 - h. Remove condition item 3.b. under "Prior to Construction".
 - i. The balconies shall not be used as a space for personal storage. The CC&Rs shall include verbiage that prohibits as such.
 - j. The primary residential entrances shall be identifiable through creative signage and unique material elements that calls attention to its function as pedestrians navigate parallel to the space.
 - i. Conceptualize how the two entrances can interact with each other despite being separated by the linear plaza.
 - ii. Option 2 as shown in the applicant's presentation is closest to meeting the Committee's comments.
- g. Committee member Hurd moved to approve the application as drafted in the draft decision in the affirmative with draft conditions of approval with the following modifications to the conditions of approval:
 - a. Art wall can be reviewed by staff.
 - b. Landscaped hanging baskets shall be permanent, irrigated, and integrated into the architectural design of the project. They shall not be controlled by individual residents, instead they need to be owned and maintained by the HOA.
 - c. Two-year entitlement permitted.
 - d. If street trees are required to move to accommodate ACHD storm water, staff can approve the relocation of those street trees.
 - e. Remove condition item 3.b. under "Prior to Construction".
 - f. The balconies shall not be used as a space for personal storage. The CC&Rs shall include verbiage that prohibits as such.
 - g. Drafted condition item 2.b.i shall be removed.
 - h. The primary residential entrances shall be identifiable through creative signage and unique material elements that calls attention to its function as pedestrians navigate parallel to the space.
 - i. Conceptualize how the two entrances can interact with each other despite being separated by the linear plaza.

- h. Committee Member Labrie seconded the motion.
- i. The motion carried unanimously.

22. The record contains:
- a. Application Documents
 - b. Noticing Documents
 - c. Agency Comments
 - d. Written Public Comments
 - e. Staff report
 - f. August 16, 2022, Design Review Committee Pre-application Minutes & Audio
 - g. October 17, 2022, Design Review Committee Hearing Minutes & Audio
 - h. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision
23. Required Findings: In order to approve a design review application after a recommendation by the design review consultant(s), the decision maker shall make a determination with written reasoned statements on the following findings:

GCC 8-6B-3 DESIGN REVIEW: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding 1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p>Explanation: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision and in conformance with the dimensional regulations of the C-2 zoning district. The proposed multi-family development is a permitted use within the base zoning district, and it has been conditioned to require a conditional use permit for any of the commercial uses that might need a permit prior to occupancy of the "work" spaces.</p>
X			<p>Finding 2. The proposed design adheres to standards for the protection of health,</p>

		<p>safety, and general welfare.</p> <p>Explanation: This proposal will not unreasonably diminish the health, safety, or welfare of the community as conditioned. The application proposes a code compliant sidewalk, exceeding the minimal dimensional standards set forth in code. The addition of sidewalks, furnishing zones, and street trees will provide a better pedestrian-oriented streetscape than what currently exists on site. The addition of the furnishing zone and street trees will contribute to the enhanced safety of pedestrians and bicyclists utilizing the sidewalk networks of N. Carr and 34th Street. The project's proximity, and its consideration to the adjacent development's streetscape designs, encourages a uniform street standard which will aid in expanding the Greenbelt pathway systems.</p>
X		<p>Finding 3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</p> <p>Explanation: The application meets this finding. The application is in conformance with the vision set forth in the Comprehensive Live-Work-Create Future Land Use Designation. The development proposed contains residential "Live" units that have an equal amount of "Work" spaces at a 1:1 ration, however, these spaces are not directly linked to one another. Additionally, the use and the proposed structural design is cohesive with the adjacent uses surrounding it.</p> <p>The proposed courtyard areas, with their landscaping and artwork, will provide an opportunity for neighborhood engagement on a smaller, more intimate scale</p>

			compatible with the surrounding residential uses.
X			<p>Finding 4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation.</p> <p>Explanation: The application meets this finding. The application proposes a new pedestrian pathway connection from 34th Street to the rear of the property at the alley way, these through connections will act as secondary pathway systems to help vehicles and pedestrians travers through the longer, larger blocks of the city.</p>
X			<p>Finding 5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation: This application is conducive to development in a node pattern as envisioned in the Garden City Comprehensive Plan. The combination of commercial and workspaces with residential units and amenities above provide a successful approach for creating a mixed-use development. The project helps to establishes a new urban space that contributes to the vision of the LiveWork-Create neighborhood.</p>
X			<p>Finding 6. The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p>Explanation: The proposed design, as conditioned in this decision, meets this finding by redeveloping the properties to serve as a mix of uses, while maximizing pedestrian circulation through sidewalk and plaza space. The proposal connects the development to adjacent businesses,</p>

			vehicular arterials, and pedestrian pathways within the neighborhood. The sixteen proposed street-level “Work” spaces, the two stories of residential units with wrap-around balconies facing the street, and the public plaza areas, all help to create a dynamic neighborhood which will serve a variety of uses overtime.
X			<p>Finding 7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.</p> <p>Explanation: As conditioned, the proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. The landscape plans meet the requirements of 8-4I and pedestrian connectivity meets the requirements of 8-4E.</p>

24. 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** 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** the application, subject to the following conditions:

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 structures shall be permitted to be built in phases and independent of the other.
 - a. The entirety of the proposed streetscape shall be improved along N. Carr Street and E. 34th Street.
 - i. If one of the structures is not to be built, the entire proposed streetscape shall still be constructed despite the second building structural construction not commencing.
3. Perimeter landscaping is required along the southern property boundary line adjacent to the property located at 207 E. 34th Street as code requires.
 - a. Should the adjacent property to the south redevelop, the perimeter landscaping shall be removed to allow dynamic interaction with the adjacent property.
4. The hanging planters located on the balconies of the project shall count towards the minimum 5% landscaping requirement:
 - a. Landscaped hanging baskets shall be permanent, irrigated, and integrated into the architectural design of the project. They shall not be controlled by individual residents, instead they need to be owned and maintained by the HOA.
 - b. Planters shall be automatically irrigated;
 - c. Planters shall consist of at least 70% alive material.
5. The decision is valid for two (2) years from the date of decision signature.

Prior to Construction:

1. A Lot Line Consolidation shall be applied for and recorded prior to construction.
2. Living spaces shall be a minimum of 220sqft with a maximum of 1,000sqft. All floorplans shall be corrected to accommodate for the changes made to the primary entrances to the second story.
 - a. The living space shall include a bedroom, closet, bathroom, and kitchen. The bedroom shall be for the exclusive use of the living space.
 - b. A minimum of eighty (80) square feet of outdoor open space shall be provided for each living space. This requirement can be satisfied through porches, patios, decks, and/or yards. Required property setback,

landscaping, entryway and other accessways shall not count toward this requirement.

3. The columns that which support the upper story balconies, and the balconies themselves, are permitted to encroach within the setbacks up to a maximum of 2ft to allow for 7ft wide balconies.
 - a. Approval from all other agencies, including but not limited to North Ada County Fire and Rescue and DOPL shall be obtained prior to construction.
4. The shared refuse location proposed off site at Park 33 shall be reviewed and approved by Republic Services and Garden City Utility and Billing Services.
 - a. The trash enclosure shall be large enough to service all three proposed structures, their residential dwellings, and commercial tenant spaces.
 - b. If it is determined that the trash enclosure is not compatible with the DSRFY2022-0016 application as approved, an alternative trash enclosure location and process of pick-up shall be identified.
 - i. If the only option is for on-site refuse pick-up, which results in re-design of the development, the application shall return to the Design Review Committee based on the Rules, Procedures, and Policies of the Committee at that point in time.
5. A legally binding formal agreement between the application associated properties and the property located at 208 E. 33rd Street for the shared use of trash enclosure to be built with the Park 33 project shall be submitted to the City.
 - a. This agreement shall demonstrate the understanding that the dumpster located at Park 33 shall also service the residents and commercial tenants of the DSRFY2022-0016 development.
6. At least 12 trees shall be planted on site in accordance with Garden City Code 8-3C-3H.
 - a. If street trees are required to move to accommodate ACHD storm water, staff can approve the relocation of those street trees.
 - b. Street Trees shall be planted along both E. 35th Street and N. Carr Street;
 - c. The Streetscape of 35th Street and Carr Street shall match those of Casino Beach and SoUL Subdivisions;
 - i. Street Trees shall be planted at similar intervals;
 - ii. Street trees shall be Class II or III, with high-and-wide branching canopies so as to create maximum shade and environmental benefits.
7. Private alley shall meet fire department access requirements to adequately service the proposed project. Approval from North Ada County Fire and Rescue shall be obtained.

8. The primary residential entrances shall be identifiable through creative signage and unique material elements that calls attention to its function as pedestrians navigate parallel to the space.
 - a. Conceptualize how the two entrances can interact with each other despite being separated by the linear plaza.

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. The buildings interior to the development must be 10' apart from one another.
4. 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.
5. A 14' sidewalk area with a furnishing zone shall be installed as proposed.
 - a. Consistency with Casino Beach and SoUL Subdivisions dimensional standards shall apply.
 - b. Tree grates for street trees shall be at least 4' x 8' in size. The proposed 3' x 3' tree grates are not permitted.
 - i. These tree grates and wells shall be large enough to accommodate a mature and healthy class II or III street tree.
6. A public access easement shall be placed over all locations in which the public is meant to interact with:
 - a. The pedestrian plaza located internal to the structures;
 - b. The pedestrian pathway located between the two structures;
 - c. The pedestrian pathway located to the south of building "B";
 - d. Any other location the public is permitted to access.
7. A cross access easement for all properties utilizing the shared alleyway shall be recorded.
 - a. The easement shall cover the entirety of the common driveway;
 - b. The easement shall be updated to allow for other properties to utilize the alleyway for access;
 - c. The Park 33 development shall be permitted to access this shared alleyway;
8. A cross access easement for all properties utilizing the shared pedestrian plaza pathway shall be recorded.

- a. The easement shall encompass the shared pedestrian pathway through the center of the development.
9. All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.
10. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
11. Each building shall adequately park for itself, meeting all minimum parking code standards of Garden City Code Live-Work-Create code standards.
12. A conditional use permit shall be obtained for any uses that which are conditional uses under the C-2 Zoning district prior to occupancy of the tenant space.
13. The proposed art wall design can be approved by staff.

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. Quality of Life Amenities: Public Art;
 - b. Open Space: Water Features, and Plaza/Courtyard Area;
 - c. Recreation Amenities;
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.
3. Vegetation adjacent to the ingress/ egresses to the site shall be pruned in such a way to ensure clear vision for the safe ingress and egress to the site.
4. All site lighting shall be down-shielded, screened or oriented so as to not encroach on any adjacent property.
5. Landscaped hanging baskets shall be permanent, irrigated, and integrated into the architectural design of the project. They shall not be controlled by individual residents, instead they need to be owned and maintained by the HOA.
 - a. Planters shall be automatically irrigated;
 - b. Planters shall consist of at least 70% alive material.

6. The balconies shall not be used as a space for personal storage. The CC&Rs shall include verbiage that prohibits as such.

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.



10-17-2022

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

Date