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November 6, 2023

VIA EMAIL: planning@gardencityidaho.org

Hard Copy to Follow:

Attn: Development Services Department
City of Garden City
6015 N. Glenwood
Garden City, Idaho 83714

Re: Appeal of the Approval of Design Review Application DSRFY2023-0007
Memorandum in Support of Appeal Requesting Denial and/or Amended
Conditions of Approval for DSRFY2023-0007 (Bardenay Restaurant and
Distillery)

Dear Mayor Evans and Members of the City Council of Garden City:

Thank you for your time and consideration of this matter. We represent River City Annex, LLC and Stagecoach Inn, Inc., (“River City”). River City has serious concerns related to the proposed development by Bardenay Inc. and Riverside Hospitality, LLC (“Applicant”), located at 3100 West Chinden Blvd. (“Site”). We respectfully request that you deny the Applicant’s Design Review Application, DSRFY2023-0007, (“Application”) based on the fact that the Application, as proposed, does not meet the approval criteria of Title 8 of Garden City Code and other governing standards. In the alternative, we request, that if this Application is approved, the City Council impose conditions of approval that ensure the required findings of Title 8 and the Comprehensive Plan are met and the health, safety, and welfare of the citizens of Garden City are protected.

I. Background

As way of background, this Application was originally submitted to the Garden City Development Services Department on July 26, 2023. The Application was then reviewed by Garden City’s Design Review Consultants and initial comments were provided on August 16,

2023. These initial comments from the Design Review Consultants illustrated confusion and questions related to “31st Street and Osage” and the access that would be developed for this project. Following these initial comments, the Design Review Consultants issued their Design Review Report and Decision on September 18, 2023. Apparently, this matter was heard at a “Design Review Committee Meeting” on September 18, 2023. Somewhat confusing is how this matter was heard at a Design Review Committee meeting being that it appears a Design Review Committee no longer exists, and the procedure for this Application was reviewed by a Design Review Consultant. Also, it does not appear there was an agenda for this Design Review Committee meeting, although noticed as a meeting on the City’s website. Perhaps most concerning, River City was not provided an opportunity to be heard at this September 18, 2023, meeting on this Application. We understand staff’s position is this meeting was not open to the public, but we believe there must be some public forum for the public to provide input on these matters. Regardless of these procedural issues, this Design Review Report and Decision was approved by the Planning Official on the same day, September 18, 2023.

Following the issuance of the Design Review Report and Decision, River City contacted the City on numerous occasions, including September 19, 20, and 21, 2023, describing concerns and requesting additional information. The Design Review Report and Decision was placed on the City Council’s Consent Agenda on September 25, 2023, and was then moved to the City Council’s Special Business calendar. Again, my client, River City was not permitted the ability to be heard on this Application, despite submitting several comments to the City, and voicing concerns and questions related to the Application. The City Council affirmed the Design Review Report and Decision on September 25, 2023.

River City appealed the decision to the City Council on October 2, 2023. The matter was first taken up by City Council on October 23, 2023, to determine if the appeal should be heard and whether River City had standing to appeal the Design Review Report and Decision. Following this October 23, 2023, hearing the City Council determined it would hear the appeal and set the matter for public hearing on November 13, 2023. An appeal to the City Council shall be heard pursuant to Garden City Code (“GCC”) 8-6A-9. Pursuant to GCC 8-6A-9(E), the City Council may grant an application, grant an application with conditions, remand the application to the decision maker for additional proceedings and findings, or deny the application.

Based on the lack of ability for interested parties to be heard on the issues, in addition to inaccurate or potentially misleading information in the Application itself, as well as the decision maker’s reliance on this information (as will be discussed further below), we respectfully request that the City Council deny this Application and allow an opportunity for certain aspects of this Application to be revised in order to ensure the protection of the citizens’ health, safety, and welfare. In the alternative, we ask the City Council to impose additional conditions of approval for this Application in order to ensure the same.

II. Applicable Standards and Requirements

A. Design Review Standards and Criteria.

This Application is reviewed pursuant to Garden City Code, Title 8, the Garden City Comprehensive Plan, and relevant guiding documents. Garden City Code, Title 8, Chapter 6, Article A outlines the Administration and General Provisions guiding a design review application. Specifically, the Design Review Report and Decision, states Garden City Code 8-6A-5, provides that “if no objections are filed within fifteen (15) days, the Design Review Committee’s decision shall be considered final. Objections will be heard by the City Council following the public hearing provisions set forth in section Garden City Code 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.*” Design Review Report and Decision, September 18, 2023, pg. 15 (emphasis added). Pursuant to this section, River City should have been given an opportunity to be heard on this Application prior to City Council’s confirmation of the Design Review Report and Decision, based on the objections it filed on September 19, 20, and 21, 2023. Pursuant to Garden City Code 8-6A-5 the Design Review Committee’s (or in this case the Design Review Consultant’s) decision will become final if no objections are filed. If objections are filed, the matter should be heard by City Council pursuant to Garden City Code 8-6A-7.

In addition, the Application must be reviewed against the goals and objectives of the Garden City Comprehensive Plan. Specifically, Goal 12 of the Comprehensive Plan provides that projects should “support a *positive business environment* and *continue* to support commercial and industrial land use.” Goal 12.1 and 12.2, emphasis added. As will be discussed below, the Application as presented, without necessary conditions, does not create a positive business environment and does not continue to support commercial uses adjacent to the proposed site.

The Chinden -ITD Access Management Chinden Corridor Access Map is also evaluated when reviewing a design review application. Pursuant to the Design Review Report and Decision, ITD is recommending removal of two access points to the Site. The Design Review Report and Decision also suggests that ITD assumes, “[a]ccess will be through E. 31st St.” and that “[n]o access [is] proposed onto Chinden.” As evidenced below, this assertion is not accurate. First, 31st Street, is no longer “31st Street,” and has been vacated by ACHD, and deeded back to the Applicant as private property. This property is no longer considered public right-of-way and cannot serve as access to the Site. Because this right-of-way has been vacated, the project will now directly take access from Chinden Blvd., which is in contradiction to information submitted in the Application and potentially changes the recommendations ITD and ACHD may have on this project.

Likewise, as emphasized below, the Garden City Transportation Needs List illustrates numerous concerns and challenges with Chinden Blvd. As currently approved, the Application is not conditioned in a manner that ensures the transportation needs and issues of Garden City and specifically, Chinden Blvd, are met.

Furthermore, and perhaps most importantly, in order for a Design Review Application to be approved, the decision maker must find:

1. The proposed design shall comply with all design standards in this title;
2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site;
3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise River and waterways, canals, and other surface irrigation;
4. *The proposed design shall be compatible with the neighborhood in scale and intensity;*
5. *The proposed design shall not create an adverse impact on the surrounding neighborhood;*
6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood;
7. The proposed design and landscape shall improve the design and function of the site and be consistent with southwest Idaho climatic conditions; and
8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.

Garden City Code 8-6B-3(E) (emphasis added).

Specifically, Garden City Code 8-6B-3(E) requires that the “decision maker shall make a determination with written reasoned statements on the [forgoing] findings.” In the Design Review Report and Decision, the decision maker, completely fails to provide a reasoned statement related to each finding outlined and required by Garden City Code 8-6B-3. Instead, the Design Review Report and Decision simply states, “the application is complaint [sic] with all required findings. The application is in conformance with the reviewed sections of code noted in this decision.” Design Review Report and Decision, pg. 18. This statement entirely fails to provide the required reasoned statement on the findings.

Idaho Code 67-6535 of the Local Land Use Planning Act expressly provides that approval or denial of any application must be based upon standards and criteria which are set forth in the governing bodies' ordinances. The Idaho Supreme Court on numerous occasions has stated that “failure to address compliance or noncompliance with express approval standards or relevant decision criteria is grounds for invalidating a governing authority's decisions.” *North West Neighborhood Association v. City of Boise*, 535 P.3d 583 (2023). In *Jasso v. Camas County*, the Court determined that, “the reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting the factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest.” 151 Idaho 790, 794, 264 P.3d 897, 901 (2011).¹ Here, the statement in the

¹ In *Jasso*, the Court provided numerous examples of when statements issued by governing authorities were deemed

Design Review Report and Decision, that states “[t]he application is complaint [sic] with all required findings. The application is in conformance with the reviewed sections of code noted in this decision” is exactly the type of conclusory declaration the Supreme Court has found is invalid for purposes of putting the parties and the public on notice that important facts and standards were considered.

B. Appeal Criteria and Standards.

An appeal to the City Council shall be heard pursuant to Garden City Code 8-6A-9. Pursuant to GCC 8-6A-9(E), the City Council may grant an application, grant an application with conditions, remand the application to the decision maker for additional proceedings and findings, or deny the application.

Turning to the criteria the City Council reviews this appeal under, although not outlined in Garden City Code, the Development Decision Appeal form asks the appellant to provide three (3) pieces of information to support its appeal which are:

1. What specific decision(s) and or conditions are you appealing?
2. How are you adversely affected by the decision?
3. Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied.

The following provides an explanation of the decision and conditions, or lack thereof, that River City is appealing, the adverse effect this Application potentially has on its local Garden City establishment, and the evidence supporting how the applicable standards and codes were misinterpreted or misapplied based on inaccurate information.

deficient:

In *Crown Point Development, Inc. v. City of Sun Valley*, the purported findings of the city council were merely recitations of portions of the record, rather than determinations of the facts disputed by the parties. 144 Idaho 72, 77–78, 156 P.3d 573, 578–79 (2007). This Court found the “findings” to be inadequate. *Id.* In *Workman Family Partnership v. City of Twin Falls*, the city council’s factual findings explained that a rezone application was denied because the rezone imposed “[t]oo great a change,” would devalue nearby residential properties, and “would 10 violate the integrity of existing residential zoning districts.” 104 Idaho 32, 37, 655 P.2d 926, 931 (1982). We held that “[t]he reasons listed for the denial of the application ... are basically conclusions. Nothing ... reveals the underlying facts or policies that were considered by the Council. The reasons listed ... provide very little insight into the Council’s decision.” 104 Idaho at 38, 655 P.2d at 932. In *Cooper v. Board of County Commissioners of Ada County*, the Court held that a board of county commissioners’ findings and conclusions, supplemented by a staff report that stated some of the shortcomings for which the application was denied, were inadequate where the board denied the application “because of items 1, 2, 3 and 4 and Agricultural Policies No. 4 and No. 5 and also because of the school district.” 101 Idaho 407, 408–09, 614 P.2d 947, 948–49 (1980).

III. Analysis of the Applicable Standards Requires Denial or Revised Conditions of Approval.

A. The Application Should Be Denied or Revised Conditions Should be Imposed to Ensure the Project does not Have Negative Impacts on the Surrounding Neighborhood.

As outlined above, River City was not provided with the opportunity to be heard on the issues that will certainly negatively impact their established business and which may jeopardize their patrons' safety. Because River City was not able to raise these issues before the Design Review Report and Decision was issued, the Design Review Report and Decision did not consider issue related to parking and vehicular access which are necessary in order to ensure the standards of Garden City Code 8-6B-3 are met. It is clear from the Design Review Report and Decision, and then subsequently by the City Council's consideration of this Application, that the critical issues of parking and access were not considered and therefore the approval of the Application was not conditioned in a manner that ensured protections to the surrounding properties as required by Garden City Code. By denying the Application as presented, the Applicant and invested parties will have an opportunity to address these issues, and hopefully, submit an application that addresses these concerns and makes both the new project and the existing establishments successful.

In the alternative, River City would ask the City Council to remand this Application back to the Design Review Consultants for implementation, or for the City Council to directly impose, conditions which protect the economic interests of River City and other surrounding businesses, and also protect the safety of patrons to the surrounding businesses. These requested conditions will be outlined below.

B. The Project as Approved Negatively Impacts River City Economically and Jeopardizes Citizen and Patron Safety and Welfare.

There are two main issues River City would like the City Council to consider in determining whether or not this project as proposed meets the criteria of Garden City Code 8-6B-3(E), these issues are adequate parking and safe ingress and egress.

- 1. The number and location of the planned parking associated with this Application creates severe negative economic impacts and logistical problems for the Stagecoach Inn.**

Over the last year, the City Council has approved two immediately adjacent businesses to the Stagecoach Inn, Split Rail Winery and Barbarian Brewery, both of which have been approved with drastically under-numbered parking stalls for the type of establishment. Barbarian Brewery has a total estimated occupancy of 134 guests and was required to install 20 designated parking spaces. The Split Rail winery had a total occupancy of 117 customers and was required to install 12 designated parking spaces. In contrast the Stagecoach Inn has an occupancy limit of 140 and has 88 designated parking spots. Because of the lack of required parking for both of these

businesses, these businesses' customers have been utilizing the Stagecoach Inn's parking. This has drastically impacted the Stagecoach Inn economically. If the Application is allowed to proceed as proposed, it will have a planned occupancy of 198 and is only required to provide 20 parking spaces. The Stagecoach Inn has four times the designated parking spots as the two other establishments have. Practically, patrons of these other establishments will attempt to park at the Stagecoach Inn because this is where parking is available.

The Stagecoach Inn has quantified that since the opening of these two adjacent businesses, the Stagecoach Inn has suffered an economic impact averaging \$3,552 per night. This is confirmed by the fact that despite having an entirely full parking lot, the Stagecoach Inn has seen a decline in patrons at roughly 82 customers per night. See Exhibit A. In order to ensure there is parking for its patrons, the Stagecoach Inn has been forced to hire two parking lot attendants to inform individuals that non-Stagecoach Inn patrons must find parking in some other location. The cost of these parking attendants is approximately \$24,000 per year. Even with the parking attendants attempting to direct patrons to the correct parking locations, the problem has not been remedied.

We understand that pursuant to the newly established Garden City Code 8-4D-5, the Applicant designating 20 parking spaces meets the minimum requirements under the code. We also admire and support the City's goals of incentivizing alternatives to traditional vehicle traffic and parking. However, what River City is practically seeing is that despite making parking more challenging for individuals, and hopefully encouraging alternative transportation, patrons are still driving and just parking in different locations. River City believes it is imperative that the City Council ensure that the Application does not exacerbate the already severely problematic scenario. For example, the 2024 International Zoning Code's Off-Street Parking requirement for this type of establishment contemplated in the Application would be 53. See Exhibit B.

Furthermore, although Garden City Code 8-4D-5 sets forth a minimum parking requirement for new establishments, it does not prohibit the City Council from requiring additional parking if doing so would satisfy the requirements of Garden City Code 8-6B-3(E)(4) and (5). Garden City Code 8-6B-3(E)(4) requires that "[t]he proposed design shall be compatible with the neighborhood in scale and intensity." As proposed the Application is not compatible with the surrounding area as it relates to the occupancy it anticipates and the parking strain it will cause on surrounding neighbors based on only 20 designated parking spaces. This parking strain will affect not only Stagecoach Inn, but all surrounding establishments. The Design Review Report and Decision does not address this finding or how the parking proposed meets these criteria.

Likewise, Garden City Code 8-6B-3(E)(5) requires that "[t]he proposed design shall not create an adverse impact on the surrounding neighborhood." As demonstrated above, this Application, as proposed, will have a quantifiable adverse impact on River City and likely on many other businesses in the vicinity. The quantifiable adverse impact is not minimal, as illustrated, it equates to \$3,553 per night of business at the Stagecoach Inn, in addition to the parking attendants. As demonstrated, this total annual revenue losses and costs are estimated to be at \$1,162,304. River City generally supports this Application and proposed business planned for the Site. It is excited to see new development in the area and engaging and appealing uses. However, the development

must be done in a manner that does not impact existing establishments and business owners.

In addition, further supporting River City's request for conditions that would require additional designated parking at the Site and infrastructure solutions that would prohibit utilization of the Stagecoach Inn's designated parking by Applicant's patrons, Garden City's Comprehensive Plan, Goal 12, has the specific objective of supporting a positive business environment. Again, River City believes this project can be developed in a manner that further enhances the local businesses in its vicinity. However, as currently proposed this Application will not create a positive business environment. As already illustrated by River City in its original appeal of this matter on October 2, 2023, neighboring workers and employees, as well as owners and patrons are frustrated by the lack of parking and the congestion the area is facing.

Luckily, River City believes there are viable solutions for the parking situation. The Applicant has ample parking located at its adjacent facility as shown on Exhibit C. The Applicant could easily designate additional parking spaces on this adjacent property which would allow the patrons of this new establishment, and patrons of other adjacent businesses, to utilize the Applicant's parking without parking at the Stagecoach Inn. This option is currently being discussed between the Applicant and River City and we would encourage the City Council to further these discussions by requiring such a condition in the approval of the Application.

In order to practically implement this parking solution, infrastructure such as fencing and perimeter constrains must be installed to ensure that despite designating alternative parking on the Applicant's own adjacent property, patrons of the Site will not use the Stagecoach Inn's parking. As illustrated on the attached Exhibit D, this is likely feasible by closing adjoining access to both parcels. River City would request that the City Council condition this application in order to ensure that fencing is installed to limit parking access from the Stagecoach Inn to the new Site.

2. Safety concerns related to direct access to Chinden Blvd. have not been addressed.

The information in the record demonstrates that many agencies' comments, and even potentially the Design Review Consultants were relying on misinformation in evaluating the traffic concerns and access issues related to this Application. First, the Application itself mislabels access to the Site. One illustration indicates access from East 32nd Street. See Exhibit E. This is not correct. East 32nd Street is on the west side of Stagecoach Inn and will not be utilized for access to the Site. Second, the Application repeatedly refers to "East 31st Street." 31st Street no longer exists. As has been established in the record, and which is not disputed by any party, 31st Street is no longer public right-of-way and has been vacated by ACHD. 31st Street has been dedicated back to the Applicant as private property and may no longer be used as right-of-way access to the property.

This is important because numerous agencies refer to the fact that direct access will not be taken off Chinden Blvd, State U.S. Highway 20, but will be provided to the Site via 31st Street. This is incorrect. As discussed, 31st Street is no longer a public right-of-way and based on its vacation, the Site will be taking access directly off U.S. Highway 20. ITD provided its

recommendations and comments on incorrect information provided in the Application. In ITD's letter, ITD states, "[t]his project abuts U.S. Highway 20 (US-20/26). No direct access to the State Highway system has been requested with this application. Access to the proposed development is going to be via E 31st St." Idaho Department of Transportation Project Comments, August 3, 2023. It is clear ITD submitted its comments based on the fact that it assumed access would be taken off E 31st Street. Based on this misinformation, ITD provided Comments to the Application that do not accurately reflect the proposal.

Likewise, throughout the Design Review Report and Decision, the Design Review Consultants incorrectly comment that "no access [is] proposed onto Chinden." Design Review Report and Decision, pg. 16. In evaluating the Garden City Transportation Needs List, the Design Review Committee states:

Currently Chinden Boulevard functions very poorly from a land use jurisdiction perspective. The roadway can be congested to the point that access to businesses during peak hours is severely limited and divides the portion of the City that is south (west) of Chinden from the portion of the City that is north (east) of Chinden. Additionally, the road is not safe due to the number of vehicular conflict points and lack of pedestrian and bike facilities....ITD has indicated that for the safety purposes they would prefer and endorse limiting access onto Chinden Boulevard utilizing Stockton and Osage streets as to access Chinden businesses from the numbered cross streets. Utilizing Osage and Stockton to access the businesses on Chinden will assist in the overall traffic flow of Chinden, allowing for better regional movement of traffic benefitting all the cities in Ada/Canyon County.

Design Review Report and Decision, pg. 17. Again, the statements articulated by the Design Review Consultants indicate that their review of this Application, and therefore their corresponding comments, were based on incorrect information or assumptions. The Design Review Consultants' comments state that Osage should be utilized in order to avoid the safety and congestion issues of Chinden. Again, similar to 31st Street, Osage has been vacated. Osage no longer provides a public right-of-way to be utilized to eliminate traffic and access off of Chinden Blvd. In addition, because all agencies and the Design Review Consultants assumed 31st Street was a public right-of-way none of the agencies discussed or considered the required distances that would be needed between a driveway encroachment on State Highway 20.

The City Council should require that this Application be reevaluated by the pertinent agencies to ensure adequate and accurate conditions are incorporated which reflect the actual facts and access of this Site. Currently, the conditions proposed do not ensure that the safety and well-being of the public and patrons will be protected as it relates to access and traffic on Chinden Blvd.

Again, River City believes there are viable solutions for these challenges and believes the Applicant has the ability to divert and direct traffic through Garden Street as illustrated on Exhibit F. River City requests that City Council impose conditions that require reevaluation of the

Application by appropriate agencies and requiring that access to the Site be provided by Garden Street.

C. *The Evidence Presented Shows the Application, as Conditioned, Does Not Meet the Standards of the Applicable Code and/or the Code was Misinterpreted or Misapplied Based on the Evidence Presented.*

As discussed above, Garden City Code 8-6B-3(E) requires that the Design Review Consultants shall make a determination with written reasoned statements on the criteria of Garden City Code 8-6B-3(E). The Design Review Report and Decision completely fails to provide a reasoned statement related to each finding outlined and required by Garden City Code 8-6B-3. It is necessary that the Design Review Consultants provide a revised Design Review Report and Decision that addresses the issues and problems articulated by River City in this memorandum. In the alternative, the City Council must impose conditions on the Application's approval that address these issues and provide a reasoned statement of how these conditions have accomplished the standards of Garden City Code 8-6B-3(E).

River City and other members of the public were not provided with the opportunity to be heard on this Application prior to the issuance and approval of the Design Review Report and Decision. Based on River City's objections to the Design Review Report and Decision, and considering the errors within the Application and the agency comments based on misinformation, River City and other members of the public should have been allowed to be heard on this Application before the City Council affirmed the Design Review Report and Decision.

Furthermore, the Application as presented does not meet the standards and criteria of approval set forth in Garden City Code 8-6B-3(E)(4) and (5). As illustrated above, the Application without proper conditioning would have extreme adverse impacts on surrounding businesses and would create additional traffic and congestion issues on an already dangerous and busy roadway. Likewise, the Garden City Comprehensive Plan goals require that new development support a positive business environment. The Design Review Report and Decision did not address these aspects or that of the Garden City Transportation Needs List as it relates to parking aspects or access to Chinden Blvd. The failure to satisfy the criteria of Garden City Code 8-6B-3(E)(4) and (5), the Comprehensive Plan, and other governing documents, requires that the Application either be denied as presented, or be conditioned in a manner that protects the interests of surrounding businesses and the safety of future patrons.

IV. Conclusion

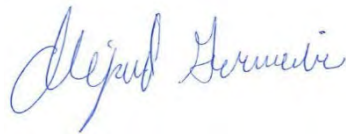
We respectfully request the City Council deny the Application, or in the alternative revise the conditions of approval to ensure there are not negative impacts to the surrounding properties and the health, safety, and welfare of the citizens and patrons of Garden City are protected as required by Garden City Code 8-6B-3(E) and 8-6A-5(F). The evidence provided by River City demonstrates that the Application, as presented, does not satisfy the required standards and criteria, and that in addition, the public was not provided an adequate opportunity to be heard on these

matters. If the City Council is inclined to grant the Application, we ask the following conditions to be imposed on the Application:

- 1) Applicant agrees to a cross-access parking agreement which allows utilization of Applicant's adjacent property for parking purposes.
- 2) Revised drawings prepared by the Applicant, and reviewed and approved by City Council, which demonstrate additional designated parking for the project.
- 3) Perimeter fencing surrounding the Site which disincentivizes utilization of Stagecoach Inn Parking by Applicant's patrons.

Sincerely,

ELAM & BURKE
A Professional Association



Abigail R. Germaine

ARG/mse
Attachments

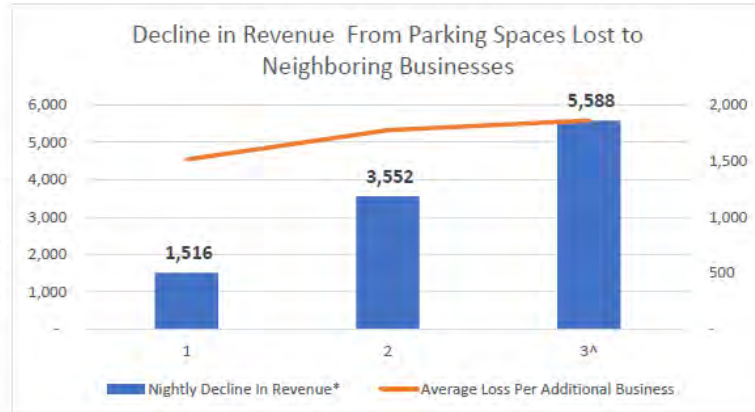
Exhibit A



DSRFY2023-0007

Simplified Forecast for Stagecoach Lost Revenue -
 Decline in Revenue as Parking Spaces Are Lost to Competing Businesses
 11/3/2023

	Nightly Decline In Revenue*	Average Loss Per Additional Business
1	1,516	1,516
2	3,552	1,776
3 ^A	5,588	1,863



Bardenay Only

Incremental Lost Nightly Revenue if Bardenay Were to Open As Approved	1,863
Number of Nights Per Week with Peak Dinner Traffic (Wednesday Through Saturday)	4
Weeks Per Year	<u>52</u>
Estimated Lost Revenue Per Year	387,435

Cummulative Effect Of Undersized Parking Policies

Estimated Lost Nightly Revenue if Bardenay Were to Open As Approved	5,588
Number of Nights Per Week with Peak Dinner Traffic (Wednesday Through Saturday)	4
Weeks Per Year	<u>52</u>
Estimated Lost Revenue Per Year	<u>1,162,304</u>

Exhibit B

DSRFY2023-0007

Comparison of International Zoning Code

11/3/2023

**2024 International Zoning Code (July 2023)
(Attached)**

**Restaurant - 1 Parking Space for 100 Gross
Square Feet**

Industry - 1 per 500 Gross Square feet

		As Designed
Eating Establishment =4,698/100	47	
Food Products = 3,030/500	6	
	<hr/>	<hr/>
	53	20

TABLE 801.2.1 OFF-STREET PARKING SCHEDULE

USE	NUMBER OF PARKING SPACES REQUIRED
Accessory dwelling unit (ADU)	1 per accessory dwelling unit
Assembly	1 per 300 gross square feet
Dwelling unit	2 per dwelling unit
Health club	1 per 100 gross square feet
Hotel/motel	1 per sleeping unit plus 1 per 500 square feet of common area
Industry	1 per 500 gross square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 100 gross square feet
Retail	1 per 200 gross square feet
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member
Warehouse	1 per 500 gross square feet

For SI: 1 square foot = 0.0929 m².

801.2.2 Combination of uses.

Where there is a combination of *uses* on a *lot*, the required number of *parking spaces* shall be the sum of that found for each *use*.

801.2.3 Location on lot.

The *parking spaces* required by this code shall be provided on the same *lot* as the *use* or where the exclusive *use* of such is provided on another *lot* not more than 500 feet (152 m) radially from the subject *lot* within the same or less-restrictive zoning district.

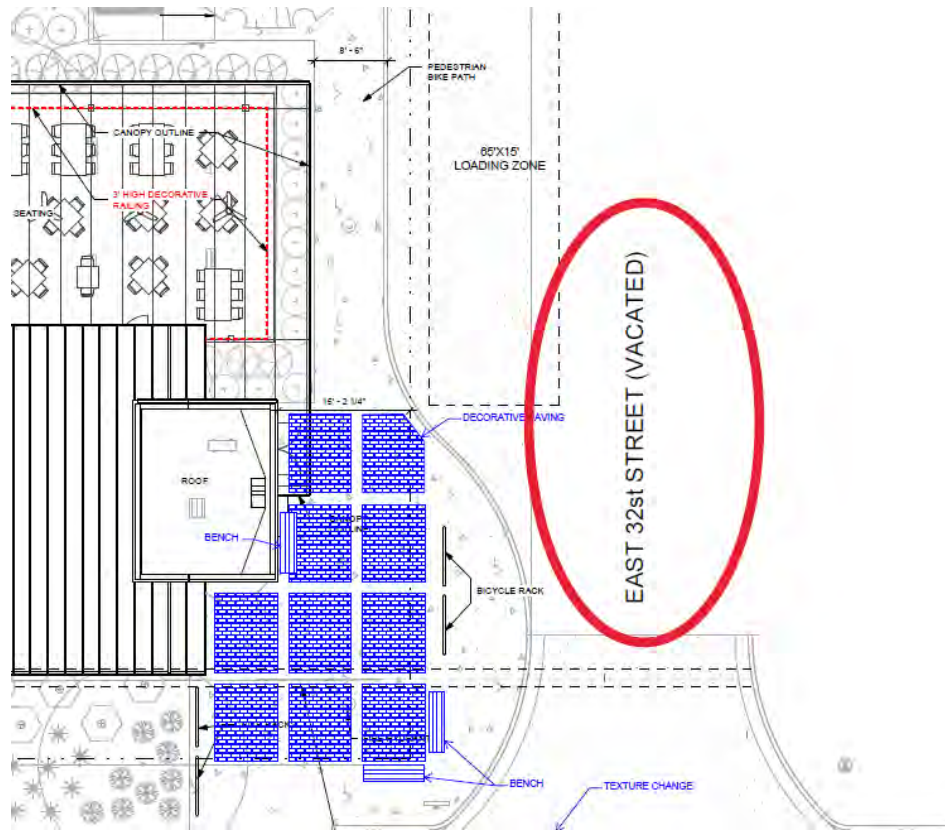
Exhibit C



Exhibit D



Exhibit E



4890-2426-9710, v. 1

Exhibit F

