

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

**THIS IS NOT A PREDETERMINED DECISION. THIS DOCUMENT MAY BE
UPDATED.**

In the Matter of:)	DSRFY2024-0006
Amendments)	
Streetscape Requirements, Res1062-19)	FINDINGS OF FACT,
East 33 rd Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
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THIS MATTER came before the Garden City Council for consideration on March 11, 2024. The City Council reviewed the request. Based on the evidence presented, the City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The request is to amend Resolution 1062-19, an adopted streetscape plan for 33rd Street and 35th Street from Chinden Boulevard to the Boise River and Clay Street from 32nd Street to 37th Street to remove the requirement for detached sidewalks and allow for the sidewalk furniture zone¹ to be back of sidewalk on E. 33rd Street.
2. The requestor is Jason Jones with Wee Boise Inc.
3. The City approved the application for a Specific Area Plan (SAP) SAPFY2019-0001 on August 12, 2019, for the 34th Street Area north of Chinden Boulevard.
4. In order to facilitate cohesion between the properties identified within the SAP and the redevelopment of adjacent properties that were not a part of the SAP proposal, the city adopted resolutions to implement the proposed street designs found within SAPFY2019-0001.
5. SAPFY2019-0001 has expired and therefore is nullified.
6. Garden City Code 8-6A-10. C. States that any changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
7. The adopted streetscape per 1062-19 is a permissible design per Garden City Code.

¹ The furniture zone is the section of the sidewalk between the curb and the through zone in which one typically sees street furniture and amenities, such as lighting, benches, newspaper kiosks, utility poles, trees and landscaping, and bicycle parking are provided. In Garden City this is the desired location for the code required street trees.

8. Garden City Code 8-4E-6 . C requires detached sidewalks unless in conflict with a street plan adopted by the transit authority and/or the city or there is existing attached sidewalk on both sides adjacent to the property.
9. Ada County Highway Department has not adopted the design standards identified in resolution 1062-19.
10. The ACHD standards would permit an attached sidewalk as a minimum standard, however, it is not a specifically adopted design standard for this street. The ACHD Policy Manual states: 7207.5.7 Sidewalks Five-foot wide concrete sidewalk is required on both sides of all local streets, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks. The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip. Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged. Appropriate easements shall be provided if public sidewalks are placed out of the right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.
11. On February 13, 2024, the Garden City Design Consultants indicated that a code amendment or Master Street Plan that could be adopted by Garden City and ACHD would be a more appropriate tool to utilize to request changes to street design standards.
12. The request was processed as a public hearing.
 - a. All property owners within 300' of E. 33rd Street were notified on February 20, 2024.
 - b. An Agency referral was sent on February 20, 2024.
 - c. A notice of hearing ran in the Idaho Statesman on February 23, 2023.
13. Agency Comments were received by:
 - a. The Design Review Consultants²
 - b. Idaho Transportation Department
 - c. Idaho Department of Environmental Equality
 - d. City Engineer
 - e. Boise Fire

² Verbal Review

14. The request is not supported the Garden City Comprehensive Plan Goal 4 or objectives 2.4, 1.3, and 7.4.

15. On March 11, 2024, the City Council held a public hearing:

- a. Jason Jones presented the request.
- b. Jenah Thornborrow provided a staff report.
- c. Public Testimony was heard by:
 - i. Hannah Ball in favor of the request.
 - ii. Louis Landry in opposition to the request.
 - iii. Jessica Barns neutral to the request.
- d. The Council called on Kristy Inselman and Rebecca Philips with ACHD.
- e. Discussion included:
 - i. The Garden City Code is in place.
 - ii. Desire that Garden City and ACHD can work together to identify a design that will work.
 - iii. A long-term view should be taken.
 - iv. Question if the application is a request governed by Idaho Code 67-65.
- f. Council Member Jorgensen moved to continue the application to a date certain of March 25, 2024, to determine if this is a matter that is under LLUPA.
- g. Council President Page seconded the motion.
- h. The motion passed on a 4/0 vote.

16. On March 25, 2024 (TBD, will be completed to reflect the proceedings)

17. The record contains:

- a. Request.
- b. Agency Comments.
- c. Public Comments.
- d. Staff Memorandum.
- e. Noticing Documents.
- f. Transcribable record of public hearing.

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, and concludes that this request is **not compliant** with Garden City Code 8-4E-6.C which requires detached sidewalks unless in conflict with a street plan adopted by the transit authority and/or the city or there is existing attached sidewalk on both sides adjacent to the property.

REASONED STATEMENT

A better vehicle to make this request would be through a code amendment request.

Nonetheless, a future code amendment should take into consideration the context of the streets.

The Surel Mitchell Live Work Create District is a mixed-use neighborhood experiencing considerably dense residential and commercial redevelopment. Moreover, the neighborhood is home to regional events that rely heavily on non-motorized traffic such as First Friday or Flip Fest.

A sidewalk system, if designed correctly, increases land values and use³. It is generally accepted that urban sidewalks should contain a furniture/buffer zone⁴. Sidewalks that provide a buffer by trees between the vehicular travel way and the pedestrian travel way are known to be a safer and more comfortable design than a sidewalk directly adjacent to the vehicular travel way.⁵

A detached sidewalk is preferable because it:

- Creates a buffer between the vehicular travel way and the pedestrian.
- Allows for the tree canopy to grow without being impeded by the adjacent structures.
- Accounts for the pedestrian shy distance⁶.
- Provides pedestrians with a buffer from car doors.
- The furniture zone, if designed correctly, such as utilizing modular structural systems, such as Silva Cells, for trees, could present an opportunity for drainage.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council does hereby **Deny, Approve** this request.

1. The resolution is invalid as the associated application has expired and is null and void. Garden City Code shall be utilized to review development applications.

³ Reference: [National Association of City Transportation Officials Urban Street Design Guide](#) which provides some examples including but not limited to 1. [Walking the Walk: How Walkability Raises Housing Values in U.S. Cities](#) . 2. Bill Ryan, "[Let's Talk Business: Ideas for Expanding Retails and Services in Your Community](#)," 3. A 2003 newsletter of "Let's Talk Business" cited several economic benefits of walkable communities, including a case study from Lodi, CA that cited how pedestrian improvements paired with economic development incentives dropped the retail vacancy rate from 18% to 6% and also resulted in a 30% increase in downtown sales tax revenues.

⁴ Federal Highway Administration, "Sidewalk Corridor Width," [Designing Sidewalks and Trails for Access](#)

⁵ In urban areas, the presence of fixed roadside objects (such as trees) is correlated with lower crash frequencies. This suggests that roadside objects in urban areas may actually enhance safety (by increasing driver caution and reducing speeds). As referenced in Eric Dumbaugh, "[Safe Streets, Livable Streets](#)," Journal of the American Planning Association 71 (2005): 295.

⁶ The "shy area" refers to the fact that pedestrians tend to travel toward the center of sidewalks to separate themselves from adjacent drawbacks such as the traffic area, or physical obstacles. The minimum space to account for shy space is 2', depending on factors such as traffic volume, and height of structure.

2. This decision is final.
3. Final decisions may be subject to judicial review pursuant to the Idaho Code.
4. A takings analysis pursuant to Idaho Code may be requested on certain final decisions.

3-25-2024

Mayor, John G. Evans

Date