

October 8, 2021

Lisa Leiby, City Clerk
6015 Glenwood Street
Garden City, ID 83714

RE: Appeal DSRFY2019-25

Dear Ms. Leiby,

In preparation for Monday's City Council hearing on the above referenced application, Mr. Wadams requested I provide materials for the council packet. I have only prepared the below testimony representing my position. In the interest of time, I'm sending this on this morning as promised. However, I'm still researching a couple of things and reserve the right to present additional, on-the-record information before council. Don't hesitate to let me know if there are any further questions or requests. Thank you.

Best Regards,
Wendy Carver-Herbert

Testimony for Garden City Council Meeting, Monday, October 11, 2021:

Good evening.

For the record, I'm Wendy Carver-Herbert. I'm a Garden City resident and I live at 8515 W. Atwater Drive. I was a member of the Boise River Overlay working group that was commissioned by **this very body** to protect the greenbelt and river from inappropriate development. Unfortunately, that work was sidelined in early 2020 due to the pandemic.

With this perspective, I could stand and talk about many things that are fundamentally concerning about this project modification. However, I understand this is an appellant hearing to determine whether Garden City Development code was misapplied or misinterpreted when DSRFY2019-25 was approved by the Design Review Committee on August 16, 2021.

I'm going to make this simple – this comes down to two things:

- Design standards; and
- Parking standards

Design Standards:

As specifically referenced in my testimony (Transcript #3, lines 760-768), Garden City Development code 8-4B-1C states the purpose of the design provisions for residential structures are, "To ensure that the design of structures and site development is compatible with the intended character of the neighborhood as set forth in the comprehensive plan;"

As expressed through opposition letters and emails; testimony of Christopher and James Herbert, and Kira Tabor (Transcript #3, starting at lines 618, 652 and 694); and Design Review Committee member, Maureen Gresham (Transcript #4, lines 49-80):

- The proposed 18-story structure is disproportionately incompatible with the surrounding neighborhood and the river. It's clear the neighborhood is in transition, but if you take into account the structures already approved as a part of the applicant's project; the Trailwind apartments across Veteran's Parkway; the residential structures on the corners of Veterans and Adams, and 41st Street and Adams; and the single family homes on 40th Street and adjacent to the applicant's 406 Place – none of these structures are taller than six stories, and most are only two and three stories.
- This condo structure is triple the height of the applicant's other approved buildings and it is slated to be the third tallest building in the valley.
- This project, as proposed, is clearly not in harmony with the surrounding built and natural environment and does not meet the intended purpose of Garden City Development code 8-4B-1C.

Parking Standards:

I think we can all agree there are some sections within Garden City development code that are not clear, but the one section that is very clear is Garden City Code 8-4D as it relates specifically to parking requirements for residential development.

- As pointed out on page 19 of the staff report for the August 16, 2021, Design Review meeting, Garden City Code 8-4D-5 requires a total of 245 off street residential parking spaces. However, the applicant is only providing 212 spaces. This project is deficient 33 residential parking spaces. There is a discrepancy between the staff report and testimony provided by staff planning official, Hanna Veal, regarding the number of deficient residential parking spaces (Transcript #3, lines 430-445). Regardless, this application **does not** meet code requirements for a residential development under Garden City Code 8-4D-5.
- The applicant and Ms. Veal refer to a previously accepted traffic study from its original application as the basis for its parking recommendations. However, as explained by Ms. Veal (Transcript #3, line 439), **there are no defined parking requirements for commercial uses** in Garden City Code. Therefore, a traffic study can be used under Garden City Code to determine non-residential use parking.

- Garden City Code 8-4D-5 **does not** provide for the incorporation of a traffic study into its residential parking standard. In fact, Garden City Code 8-4D-4A states, “No use shall provide less than the minimum, or more than the maximum number of off street parking spaces required under section 8-4D-5.”
- Additionally, 8-4D-4B states that upon change of use, the number of vehicle parking spaces provided shall be calculated according to the requirements of this article for the new use.” While the staff report references 8-4D-4 Parking Use Standards, the planning staff did not reference these parking provisions in the staff report. Therefore, Design Review committee members were not able to take them into consideration.
- This is a new application for an entirely different use than originally proposed. It is no longer a commercial project. This is now a 293,000 square foot, multi-family residential project with less than one percent (2,066 square feet) of commercial space. Therefore, residential parking standards should be required of this application.
- It is a clear finding of fact that this application is not compliant under Garden City Code 8-4D-5 and this should have been considered by the Design Review Committee and should not have been approved.

I thank you for your time and consideration. I respectfully request you overturn the approval of DSRFY2019-25, and I stand for any questions.