

Nov 4, 2022
Sent 10:40 am

Request for Reconsideration RE: DSRFY2022-0014

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RE: Finding 2. The proposed design adheres to standards for the protection of health, safety and general welfare.

The building has excessive lot coverage, with little room for landscaping on the ground floor and street scape. Considering the rising temperatures (a record number of 100 degree+ days this summer) this increases the urban heat effect.

Trees and landscaping planted in containers placed on the *second floor 'courtyard,'* do not add to the neighborhood aesthetic as they are not readily accessible or viewable by neighbors or pedestrians. Landscaping on the second floor of the building does not provide for the welfare of the community.

Parking is deficient. City Attorney Wadams noted that the standards that apply to this application are the 8-6B-3 standards that were in effect at the time of the application submittal.

The Design Review application for this project was dated April 1, 2022 and the Application was dated July 21 2022. The City erred by not clearly identifying the version of the Standards that were to be used in this determination. Additionally, clarification is needed re: the date considered a 'submittal' date, in order to determine which version of Standards of 8-6B-3 were in effect at the time.

City Attorney Wadams noted that *he did not believe* that the draft potential findings were adequate.

I believe the vast majority of this building is residential. The small commercial space is incidental, to what is essentially a residential project. And I, along with neighbors, the majority of the City Council, and 50% of the Design Review Committee, believe it is under-parked. As such, it will create unsafe conditions, be detrimental to the neighborhood, and negatively affect its residents -- along with the many people who visit and recreate on a daily basis.

Additionally, since "HEALTH, SAFTY AND WELFARE IS NOT DEFINED AND SUBSEQUENTIALLY SHOULD NOT BE APPLIED," as per City Attorney Wadams (page 7), IT FOLLOWS THAT THIS STANDARD HAS NOT BEEN MET, nor can it ever be met until such a time that it is defined. The Council erred in deeming this Standard met.

RE: Finding 3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.

The Explanation stated: "Additionally, the use and proposed structural design is cohesive with the adjacent uses surrounding it."

The definition of cohesive: Well integrated.

This building is not in conformance with the vision set forth in the Comprehensive Plan's Live-Work-Crete Future Land Use Designation. The building is NOT well integrated in regards to lot coverage, mass, volume and height, to adjacent buildings within the neighborhood, and *contradicts the designation's goal to limit lot size, building footprint, square footage.*

Additionally, since "SENSE OF PLACE IS NOT DEFINED AND SHOULD NOT BE APPLIED," as per City Attorney Wadams (page 7), IT FOLLOWS THAT THIS STANDARD HAS NOT BEEN MET, nor can it ever be met until such a time that it is defined, so the Council erred in deeming this Standard met.

In closing, it is arbitrary that the City uses *some* Standards to approve a project, even though the City's own attorney says they are not defined and should not be applied; and yet say they cannot rule *against* because standards are not defined.

It seems to me that the City is wading through rough water, that is now waist-high and quickly reaching flood stage. Perhaps it would be beneficial to take a breather, and give yourselves time to re-think, re-tool and review -- and until all the kinks are worked out it would be acceptable, appreciated and appropriate for all involved, to have a moratorium on new applications.

In the meantime, I respectfully ask the City Council to reconsider this application, and to ask the applicants to redesign this apartment complex to be more congruent in regard to lot coverage, size and scale with other buildings in the neighborhood; and to work with the City, to determine a reasonable amount of off-street parking.

The applicants have said in every meeting, that they want to be good neighbors, and are willing to work with the City. This is their chance to make good on those statements.