

**Hello my name is James Herbert, 404 e 40th st, an adjacent property to the proposed building**

Thank you for your time and consideration

I have a number of concerns, questions and suggestions for both the city and the developer. I will start with the easiest.

-There are a number of mature shade and fruit trees along our shared property line with 4044 Adams. If any sort of project is approved, we would like the city to be involved in advising both us and the developer on what trees may or may not be removed. We ask the city to be involved as Mr. Talbot has been unwilling to communicate with us in regards to any shared infrastructure or landscaping on our shared property lines.

-This buildings mass is excessive for the lot and zoning. 61,000 sq ft on a. 20,000 sq ft lot is absurd. It is only such a large building because of excessive parking. The same building with 16 apartments and the required amount of parking would be substantially smaller, approximately a 1/3 less mass. The proposed building currently holds enough square footage of parking to accommodate nearly 100 vehicles. Shifting the parking burden of a commercial property to a Residential property results in an excessive building mass that creates a far greater impact on the surrounding community than properly housing the parking in the commercial development.

-This project is located on an R-3 residential lot. As the developer is attempting to provide parking for usage above and beyond that of the residents and guests of the proposed building, the city must consider this project a parking garage, which is clearly not an accepted use of an R-3 property. It must be adequately parked, but utilizing this residential property to fulfill a cross parking arrangement with a commercial project, As well as providing additional unspecified, non-resident parking, the city must view this as an unacceptable use of this property as defined in the garden city code. Any parking other than that specifically required for residents and guests is a parking garage, and should be seen as excessive and unacceptable.

- this property is located 0.3 miles from the boardwalk condo building, is this really the most appropriate location for parking for a commercial property? How many residents of a high end, high rise condo buildings want to walk over a 1/4 mile to park their car?

-in the pre-app meeting and in response to my queries, the city has claimed not to take into consideration any usage that takes up less than 50% of the buildings use. This is an incredibly dangerous and irresponsible view to take as it opens the door for blatant misuse of residential zoning (as we see here in this proposal). If this is truly the cities on the record view point, the committee and city council will have no grounds to deny future projects that will take full advantage of this. This leaves the city with an

inability enforce any zoning use as long as its sub-50%, storage facilities, industrial use, lodging, RV Park, tiny homes etc. The city cannot claim to ignore usage for a parking garage but attempt to enforce it in other areas, there is no difference between one prohibited use and another, if the city ignores this to push through this project it will be directly detrimental to the city and its residents.

-The city and committee must operate with some semblance of consistency. The developer and architects of this project have used boise city code extensively to direct its parking requirements as our parking code is found lacking in many areas. We must be consistent with the usage of boise code to address short comings and not allow developers to pick and choose when and where it is utilized. Our parking code does not have any verbiage on the maximum amount of parking required, that is not to say that it is open ended or unlimited, only that the city has not addressed it. In developed sections of code, amounts that do not have limits are clearly identified as such, (example building height in R-3 is clearly specified to have no limit). Therefore the fact that maximums are not addressed, simply means our code has not yet developed a maximum and the appropriate means of handling this is the exact same as this developer used to calculate parking for the boardwalk project and how most elements of insufficient code are handled, by looking at boise city code. Boise happens to have a well developed and well implemented parking code that clearly states residential minimums and maximums. The city of Boise

parking standards clearly state as follows.

Parking standards 1-A-4. Maximum parking. Off street parking spaces shall not exceed 1.75 times the amount required in table 1 if the required number is 20 or less, and 1.5 times the amount where more than 20 are required.

It is totally irresponsible for the city to allow a developer to utilize boise code when it suits its purpose and completely ignore it when it doesn't. This is a clear case of undeveloped coding and the correct means of dealing with this was very clearly stated by Hanna Veal during the 8-16-21 design review meeting in regards to parking, QUOTE " since garden city code does not specify parking minimums or maximums, the planning office defers to the city of boise". This is a time to do exactly such and operating with a reasonable level of consistency is incredibly important for our city and its residents.

-This property is not an acceptable zoning or location to execute a cross parking agreement, nor is it the location under which the boardwalk project was approved for. The cross parking agreement was approved for 520 e 40th st, and although this is also a residential property, we ask that all parking requirements and statements of intent that were in place at the time of approval be maintained, both to uphold good will towards those who fought and appealed the development over parking and to prevent developers from acquiring less costly residential properties and using them to fulfill the required parking for

a commercial property.

During the reconsideration of the appeal, the developers stated.

“We intend to execute a cross parking agreement for 44 spaces to be located at 520 e. 40th st”

-A cross parking agreement is not required for this project, it was requested by the developer in lieu of providing adequate parking on site, using this ‘requirement’ of a cross parking agreement as an argument for overparking a residential property is not a valid reason..

Nor does a cross parking agreement supersede zoning code which states a parking garage is not an allowable use.

-a Parking garage on a residential lot, surrounded by residences is not an acceptable reason for a rezone

-Wanting to see an automated parking garage, as some members of this committee really want to see, is not a valid reason for approval, nor is providing excessive parking due to the efficiency of such a system. The appropriate place for both the parking and the Automated garage is within the boardwalk buildings, where residents of that project can actually use them.

-This project is directly detrimental to the health, well-being and property values of surrounding properties. Who

wants to live next to a parking garage on a residential street? There is cause for concern with excessive amounts of fumes, pollution, carbon monoxide, noise, and traffic in an area that would have none of these without this project.

-The lack of consideration for the current residents of garden city and their well-being by this committee and the city council is absolutely appalling. Would any of you honestly want this project to be built on the residential property next to you?

-Finally, as you all know, the boardwalk project was appealed in all forms over lack of parking. Many residents spent their hard earned time and money in order to appeal and express concerns over the lack of on-site parking provided by this developer, which is why it is a kick to the face and totally insulting to both the city and those who expressed concern, when in the pre-application meeting for this project, mr. Chad weltzin clearly stated on record that the development does not have enough parking. As the developer argued that the project was not only adequately parked but in fact over parked, and mr Talbot claimed that the parking was "master planned" in order to get the project approved, it should be considered that the information that the project was approved upon was insufficient, misleading, inaccurate or incomplete. Wether intentional or not, it is hard to stomach that a "master planned" project that was fought and appealed on exactly that basis would be

deficient enough in parking to attempt to justify building a parking garage on a residential property. How, when the project hasn't reached any stage of completion, can a developer state that despite the fact they claimed the project to be so well parked in order to obtain approval can they come back less than a year later and claim it to be under parked?

The boardwalk project will be built, but it is essential for the future of our city to ensure that the largest development of our city is built properly, based upon correct and sufficient information and doesn't leave us in a debacle that cannot be reversed. Therefore the correct and appropriate means of action according to Idaho state municipal code 54-4311, is to revoke the approval and permit of the boardwalk condo tower and allow the developer to come back to the table with a reasonable and correct parking plan. The super cool automated garage should be located in the boardwalk tower, they have 1.26 acres of commercial property and can add a few stories without any discernible difference to the buildings mass. Instead of over developing and excessively over parking a .45 acre residential lot over a 1/4 mile from the development. Lets do this right, not hastily and based upon obviously misleading information, this is a very important stage of growth for our city and it will set an example for development and developers for years to come. We as a city, cannot allow developers to misuse our code, gain approvals based on inaccurate or misleading information or leave our city in a place where

there is no parking for access of the greenbelt or any of the facilities that this development claims to provide.

Thank you for considering these issues and for making the appropriate decision for this cities future and its current and future residents