

Skeleton Creek Department of Design

201 W 37th, Garden City, ID 83714

60921 McMullin Drive, Bend, OR 97702

Nicholas J. McGarvey, Owner

Letter in Opposition to “Reese Townhomes” as proposed by Hatch Design Architecture, April 2024

Below are my findings in regard to the proposed development on parcels R2734511725, R2734511720, R2734511730 and R2734511610, between W 36th and W 37th Streets in Garden City, ID. In addition, I have attached a drawing provided by the architect's office, with my own similar commentary added for visual reference. These following key items were of concern to the attendees of the neighborhood meeting held April 30, 2024 at the Hatch Design Architecture office, conveniently located adjacent to the proposed development.

GENERAL FINDINGS:

This proposed development is described and designed as single-family attached, in this case townhouses, as noted in the title block on the site plan provided by the architect. The units are in fact condominiums and subject to multi-family design guidelines per Garden City's definitions, below:

DWELLING, SINGLE-FAMILY ATTACHED:	A structure containing two (2) or more dwelling units attached by a common wall or walls, where each dwelling is located on a separate property.
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We see that Garden City denotes “*each dwelling is located on a separate property*” for this definition, which is not applicable to the proposed development.

DWELLING UNIT, MULTI-FAMILY:	A structure or property containing three (3) or more dwelling units, excluding dwelling unit, accessory. The term "multifamily dwelling unit" includes apartments and condominiums with varying arrangements of entrances and party walls.
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We see that three (3) or more units, and, via omission of “*separate property*”, this definition describes the proposed development, consisting of single buildings with party walls, up to eight units each, generally on single parcels of land. There are in fact five buildings spread across only four parcels.

In addition, two of the units are described as “duplex”, but in reality there are thirty total units, four of which are smaller than the other twenty-six.

OPEN SPACE CONCLUSIONS:

Less than 30% of the required open space for a townhouse or single-family attached development has been provided.

This proposal is not townhouses. This proposal is condominiums per Garden City's above listed definitions, due to the shared land/private residence arrangement and quantity of units per building. However, the title block provided reads "townhomes" so we will attempt to honor the architect's intent to be analysed as such, though the definition does not in fact apply to the proposed development.

None of the landscaped areas specific to each unit, nor any of the landscape buffers qualify as open space per Garden City 8-4L-4. As such, a mere 1,860 of the minimum 10% of 64,207 square feet, or 6,421 SF has been provided. There is no place within the site to provide such an amenity. The proposed Floor Area Ratio (FAR) is too high to accommodate open space requirements.

Subdividing the four lots into 28 individual parcels to qualify as single-family attached may alleviate some of this issue.

To satisfy the open space conditions under 8-4L-5 – Multi-Family Developments, which applies to the proposed development, the situation becomes significantly more difficult.

There must be a minimum of 80SF of private open space provided for each unit. Currently there is zero provided of this 2,240SF requirement. There are currently landscaped areas near each entrance of approximately 80SF each, but they are in no way private. In addition, we can surmise that most of the units are well over 1,200SF each per the building area recap not provided at the neighborhood meeting but shown in the attached drawing, received from the architect's office, requiring on average 350SF common open space per unit. To be fair, we will assume the "duplex" units are between 500 and 1,200SF, requiring only 250SF per unit. This brings the common open space requirement to 9,600SF, in addition to 80SF private open space per unit. As a reminder, 1,860SF has been proposed. There is an approximately 10,000SF open space deficiency, as currently drawn.

There are several more difficulties to address if we read more carefully under 8-4L-5, such as phasing, exclusion of vehicular circulation, etc. etc. The proposed FAR is *vastly* too high to accommodate open space requirements under Garden City 8-4L-5, which does in fact apply to the proposed development.

LANDSCAPING CONCLUSIONS:

Garden City has strict landscaping requirements, none of which are addressed in the site plan provided. Granted, Jeff Hatch provides landscape plans separately from site plans, but one cannot landscape land which does not exist. A cursory analysis of the site plan provided, using Garden City 8-4I-4B follows:

200 linear feet of street frontage divided between W 36th and W 37th streets and approximately 12,400 square feet of "landscaped" (not building or hardscape) areas gives:

- One (1) class II or III street tree per frontage = Two (2) class II or III trees
- One (1) additional class I tree per 50 linear feet of frontage = Four (4) class I trees
- A minimum of one (1) tree per 1,000SF landscaped area = Twelve (12) trees
- A minimum of one (1) shrub per 150SF landscaped area = Eighty-three (83) shrubs

For a total of eighteen (18) trees and eighty-three (83) shrubs to satisfy minimum design standards.

In addition to the minimum city requirements, significant tree removal mitigation of approximately 200 caliper inches will be required, per Garden City 8-4I-7-1, 2, 3, 4a-4d. Building C is under the drip line of said existing trees, as prohibited per Garden City 8-4I-7-4. More to the point, building C cannot be built without complete tree removal across the entire parcel.

There is simply not enough room for the proposed buildings, driveways and these city requirements to exist on these parcels, as drawn. For perspective, if the 18 trees required by minimum design standards were all 3" caliper, which is larger than a common class I nursery tree, we only have 54 caliper inches worth of new trees. Add to that 200 tree removal mitigation caliper inches, as the proposed development is currently drawn. That's an additional 67 new 3" caliper trees or 100 new 2" caliper trees, just to mitigate tree removal.

Again, the FAR is too high to satisfy all development requirements. After the proposed removal of the existing trees to fit the proposed buildings on site, no accommodation for landscaping requirements and no accommodation for tree removal mitigation, there remains a massive open space deficiency, on the order of 10,000 square feet. The proposed FAR is too high to satisfy all development requirements.

Multiple property lines of the proposed development abutt residential uses. To the north and south of Building A, to the south of Building B and to the west of Building D, eight foot masonry as allowed per Garden City 8-4A-3-C3 is a good solution. Replacement of all nonconforming chain link fence at a bare minimum is required per Garden City 8-4A-3-E. Parking between Building A and 201 W 37th to the north requires landscape screening which conforms to Garden City 8-4I-6: Parking Lot Landscaping Provisions in addition to fencing.

None of the proposed uncovered parking stalls can be shaded per Garden City 8-4I-6-E3. It is not possible to shade the stalls due to the building locations relative to the stalls, nor is there room for such trees anywhere on site. Again, the FAR is too high to satisfy all development requirements.

PARKING CONCLUSIONS:

While the absolute bare minimum in covered and uncovered stall count required by Garden City has been provided, it is exactly that and no more; the absolute bare minimum. And, there is physically no more room within the site, as proposed, to provide anything more. As noted by attendees of the neighborhood meeting, 11 of the 12 required guest stalls are compact. The reason: it's the only way to make them fit. One attendee accurately commented "don't have friends with trucks!" Once again, the FAR is too high to satisfy all development requirements. Numerically, parking is satisfied. Practically, it is not.

TRAFFIC CONCLUSIONS:

There are a number of questions about traffic flow into, and more importantly, out of this proposed development. There is effectively a new street being constructed between W 36th and W 37th Streets. There is no indication how pass-through trips will be discouraged. A glance 100 feet to the south will show a similar condition already exists, and the owners at 206 W 36th and 207 W 37th will attest – they had to begin closing a gate to prevent traffic flow from people looking to skirt the traffic light at Orchard and Chinden.

Of greater concern, however, is how vehicles leave the proposed development. W 37th Street is one block west of the traffic light at Orchard and Chinden. At peak traffic times, cars back up at the light well past W 37th and sometimes past W 38th. There is a recent approval, DSRFY2023-0009, for a 220 unit residential complex at 200 W 37th. Granted, this project will have access to W 38th as well, but W 37th is going to become a problem. The focus might then become W 36th as a better option, but that is not the case. From Chinden south to the proposed project entrance/exit, W 36th is one-way. In fact, W 36th is one-way *past* the access point, making it illegal to enter the property from the south on W 36th. The project exit faces into the concrete wall of Orchard coming downhill from the bench, making it impossible to create two-way traffic flow, so all traffic must exit heading south. It will then travel under Orchard, north on W 35th and perhaps west on Brown Street, where another one-way flow pattern exists from Brown onto Orchard, heading north. This one-way is not physically enforced by a concrete wall and more prone to accidents due to cars making an illegal turn. They happen every day, as do wrong-way trips up W 36th; I know because my former office at 200 W 36th looked directly out the window, mere feet away from the street, with a view of both locations.

So then, to leave the proposed development and travel south on Orchard, a very common thing to do, we need to use the traffic light. W 35th is 200 feet to the east of the light and prone to the same issues as W 37th, often making W 34th or W 33rd better alternatives to crossing two lanes of Chinden traffic and squeezing into a full turn lane (if you can) to head south on Orchard.

Currently, the proposed development is labeled in three phases – Phase I for buildings A and B, phase II for building C and phase III for buildings D and E. The fire engine egress hammerhead shown at the T intersection near the center of the project will not be usable until phase III is paved, making paving from W 36th to W 37th necessary at phase I. This would also make pass-through traffic control necessary at phase I.

OVERALL CONCLUSIONS:

There is a theme for this project: The FAR is too high to satisfy all development requirements, and that's if it were single-family attached, which it is not. Yes, the minimum parking stall count required by Garden City has been met, with zero buffer, but that is predicated upon the proposal being viable *as drawn*, which it is not. Open space requirements are vastly deficient *if we* take Garden City's townhouse definition, which does not in fact apply to the proposed development. *If we* completely waive tree removal mitigation, there is no room for Garden City's otherwise regularly required landscaping, but tree mitigation will not be waived, as evidenced by the recent approval of DSRFY2023-0009, *directly across W 37th Street from this proposed development*, where Derek Hurd himself pushed for answers about mitigation tree locations.

The FAR is simply too high and the building type is misrepresented to lower design requirement thresholds. The glaring deficiencies in this proposal will likely be submitted in the form of a Planned Unit Development which allows the architect an attempt to plead them away at a later date. "It is better to ask forgiveness than permission." But the fact is, this proposal does not physically fit on the parcels as drawn even with semantic misrepresentation, and the considerations for the neighboring properties (which do include me personally at 201 W 37th) are currently nonexistent in proposal and cost prohibitive in practice, unless we accept a 6 foot wooden fence, which I would find highly insufficient for the task at hand.

It is challenging to make sense of the exiting vehicle trips, given the one-way traffic flow at W 36th Street, one-way traffic flow at Brown Street onto Orchard, illegality of access from the south on W 36th and proximity to the traffic light at Orchard and Chinden from both the east and west. These traffic issues are *in addition* to the 220 unit complex approved via DSRFY2023-0009 which will flow directly onto W 37th and W 38th Streets. Perhaps Stockton, a single lane alley which empties southbound onto Orchard just south of the traffic light, will become the blow-off valve for the confused exiting traffic trying to access the Bench or the Connector via the Curtis on-ramp.

IN SUMMARY:

The proposed development does not have the physical space to accommodate all the buildings, driveways and parking without abandoning other minimum development requirements. The open space and landscaping requirements have been ignored in an attempt to make 30 units in five buildings fit on the site. There are 30 units – a duplex is, by definition, two units in one building. This proposal is up to nine single units in one building, with exactly zero duplex.

The proposed buildings are not townhouses by Garden City's definition. They are condominiums and are subject to multi-family design guidelines which are more demanding than the single-family attached guidelines that the project cannot satisfy.

The proposed development shows zero consideration for its surroundings, though the privacy of multiple residences will be destroyed. A 6 foot wooden fence will likely be proposed at the entire perimeter.

The proposed development is relying on 100% existing tree removal with zero mitigation to physically fit on the site, yet remains significantly deficient in open space and landscaping.

The proposed parking is technically sufficient for the project as drawn, though the project as drawn is insufficient to satisfy several minimum city design requirements, making the parking insufficient by association. In practice, the parking, as drawn, would hardly suffice as useable.

There is no consideration for pass-through traffic control, *which will be an issue*, starting the day the pavement connects from W 36th to W 37th, which must happen at phase I for fire engine egress.

The proposed development has complicated exiting traffic issues which are likely to create an increase in accidents near W 36th and Orchard. I personally occupied the corner office at 200 W 36th until June, 2021 and witnessed multiple wrong-way trips from W 36th and Brown Street daily.

This letter is intended not only to express my own opposition to the project and the concerns of the *very few* people who live in the area. This letter is intended to represent the numerous businesses and their owners' interests, including my own, in retaining and maintaining a commercial setting where they can and have done business for decades.

It is true that single-family (as this proposed development is described) and multi-family (as this proposed development is in reality) are permitted uses in C-2 zoning.

It is also true that ASAP towing hauls cars in at 2am, that Epsco runs their powder coating ovens at 7am and takes material deliveries all day, that Ultimate Transmission uses W 37th to make sure their transmissions work, that semi-trucks drive up and down W 36th and W 37th all day, every day, and that musicians come and rehearse at my property at 201 W 37th many times during the week - all approved activities for the respective businesses. It is busy and noisy and exciting down here. It is terrible for condos.

I intend on developing my property in the future, *commercially*. My opposition to this proposed development is not blanket opposition to development; it is opposition to an intentionally under-designed attempt at an out-of-place project that seeks city approval to be sold as an entitled land package deal to some monied developer who doesn't care about Garden City and just wants to maximize ROI to the detriment of every single business and residence in the area for the rest of our existences. Look at the approval for DSRFY2023-0009. They don't have a builder, they have a FOR SALE sign with a sticker that says "City approved multi-family 220 units". It's the exact same thing that's going to happen with this project.

The burden of proof has been dropped in the lap of the public to figure out if this proposal even works, something that I am professionally capable of doing. This is not a task to be left for someone outside the architecture and construction industry. That is a disservice to the public by the architect. And as it turns out, the proposal most certainly *does not work*. I have enumerated only a few of the ways in which this proposed development flies in the face of the entire Garden City Development Code, using nothing but a site plan. I hope that code means something and is upheld at design review and by city council when this project inevitably comes back in another form.

I have very much enjoyed my twenty years in Garden City. May 20, 2024 is my 20th anniversary of owning "The Mansion", as it has come to be known. It is one of two places in the entire Treasure Valley where musicians can rehearse, safe from the threat of disturbing the peace tickets. In 2004, there was no footbridge, no Waterfront District, no Esther Simplot Park, no breweries whatsoever. Now we're fancy with our higher-than-Boise median home prices, making every list of "10 must-visit cities in Idaho". It all happened so fast.

This little corner of Garden City is amazing for business. We all hope we can continue to conduct, and maybe even grow our businesses, right here below that big curvy hill on Orchard. I am not convinced that 30 condominiums devoid of amenities does that future, or the would-be residents thereof, any justice whatsoever. We all hope that our higher-than-Boise median home prices and making every list of "10 must-visit cities in Idaho" doesn't erode the true fabric that made Garden City attractive to us so long ago, replacing it with ill-concieved half-million dollar condos, one by one.

Very, very sincerely,

- Nick McGarvey

