

MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D' ALENE, IDAHO,  
HELD AT THE LIBRARY COMMUNITY ROOM

June 4, 2024

The Mayor and Council of the City of Coeur d' Alene met in a regular session of said Council at the Coeur d' Alene City Library Community Room on June 4, 2024, at 6:00pm., there being present the following members:

James Hammond, Mayor

Woody McEvers                    ) Members of Council Present  
Christie Wood                    )  
Dan Gookin                        )  
Dan English                       )  
Amy Evans                         )  
Kiki Miller                         )

**CALL TO ORDER:** Mayor Hammond called the meeting to order.

**INVOCATION:** Kevin Bitnoff of The Church of Jesus Christ of Latter-day Saints led the Invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember Wood led the pledge of allegiance.

**QUASI-JUDICIAL PUBLIC HEARING FOR AN APPEAL MADE BY JOAN WOODARD OF DR-1-24AA; CDA HOTEL LLC (MARRIOTT HOTEL) LOCATED AT 602 & 612 E. SHERMAN AVENUE**

**STAFF REPORT:** City Attorney Randy Adams provided an outline of the appeal process as mandated by the City Code. He explained that it will start with staff providing an overview followed by the appellant presentation, applicant presentation, public testimony, applicant rebuttal, and appellant rebuttal. He stated that on December 1, 2023, a Design Review Application was submitted for a Marriott AC Hotel project located on the southeast corner of E. Sherman Avenue and S. 6<sup>th</sup> Street. He mentioned that there has been some talk about a pedestrian oriented street but by code, the pedestrian-oriented street at Sherman ends at 6<sup>th</sup> Street, then from 6<sup>th</sup> Street East is a vehicle-oriented street. Mr. Adams noted that the appeal concerns the decision of the City's Design Review Commission (DRC) whose role determines whether the project meets the downtown design guidelines that were established by the City Council. He explained that the guidelines deal with very specific issues and most of which are not involved in this appeal. He pointed out that the issues that were raised by the appellant that falls under the criteria of the design review commission include: sidewalk uses, massing, ground level details, and unique historic features. He stated that some of the issues were not applicable to this project such as the parking because it will be underground parking and landscaped trees are not needed for underground parking. Mr. Adams explained that the design review process is intentionally narrow, and the role of the DRC is to determine whether a project meets the design guidelines adopted by Council. He stressed that the

DRC did not and cannot address basic zoning questions, floor area ratios, building height, density, and what uses are permitted in any given zone. He added that the DRC cannot consider the nature of the development in general, its height, development intensity, parking and traffic impacts because these matters are addressed by various city departments as the building plans are submitted and the development proceeds.

Councilmember Wood asked for an example on the provision in the Code that the DRC has discretion to reconcile adopted standards and guidelines with site specific conditions to meet the intent of the zoning code. Planning Director Hilary Patterson stated that for this project, one example that was adopted with conditions was the weather protection which they exercised their collective judgement and stated that it conforms with the adopted design guidelines.

Mr. Adams mentioned that the Council must base its decision on the record that was determined before the DRC, hence no new evidence or no new facts can be brought forward and considered by the Council. He stressed that it is by Code that the Council cannot accept new evidence at this stage of the process, whether it is in the form of a document or testimony. He further explained that any comments or arguments in the hearing tonight should be based on record and only on matters pertaining to the DRC determination. He stated that the burden of proof is on the appellant by a preponderance of the evidence which means she must show that the DRC committed an error either in a factual determination that was not supported by the evidence or in a legal error.

Mr. Adams recalled that the appellant, Joan Woodard raised several issues on her appeal; however, some of those don't fall within the scope of the DRC's authority such as traffic studies which is something that will be addressed by the concerned city department when the final building plans are submitted. He said that a traffic review study has been done but was not considered by the Commission. Councilmember Wood inquired about the missing information in the application such as the photos of the view corridor and where was it addressed in the DRC report, and Mr. Adams explained that it is not in the design guidelines, or it does not apply because the building is not tall enough. In ending, Mr. Adams stated that the Council has the duty to affirm or reverse the DRC decision or it may refer the matter back to the DRC for further action or clarification.

**DISCUSSION:** Councilmember Miller asked for clarification on the options of the Council and stressed that the fact that there will be a hotel is not a decision point. She said that the appeal is clearly about the DRC decision. Mr. Adams explained that the Council is limited to the options he mentioned. He added that the zone allows a hotel as a matter of right. Councilmember Miller stated that they are only supposed to consider the evidence presented; however, they received a lot of emails. Mr. Adams explained that the emails could be considered argument, but they would have to address facts that were presented to the DRC and would have to pertain only to areas that the DRC is authorized to address.

**APPELLANT PRESENTATION:** Joan Woodard, Coeur d'Alene, stated that she filed an appeal because she believes that there were errors by the City staff that enabled the application to proceed and there were shortcomings in the design review deliberations. She explained that while she is not opposed to a hotel, her appeal is based on several serious issues. Ms. Woodard mentioned the lack of public notice and she pointed out that the information for the design review meeting was not posted for public review until January 22 and the hearing was held on January 25, which is a