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(Address on File, Not for Public Record)

August 27, 2021

City of Meridian City Council
33 E Broadway Ave
Meridian, ID 83642

Reconsideration Pursuant to MCC 1-7-10

City Council Members:

I am requesting a reconsideration hearing under Meridian City Code 1-7-10 pursuant to a decision made on CR-2021-0004 and CR-2021-0005 upon a number of factual basis listed below:

In consideration of inadequate parking, in multiple instances on the public record the city council has deferred the acknowledgement of SME (Subject Matter Expert) material in the areas of planning compliance to the appropriate SME representatives at the City of Meridian Planning Department. In this case, our representative Mr. Joseph Dodson acted as the subject matter expert in the original case H-2021-0004 and indicated in his professional opinion and comprehensive analysis that a ratio of 4:1 (one parking space for every 4 persons) would be more than adequate to fit the proposed use. This ratio is in **excess of 400%** more than what is required by Meridian Code. This opinion was subsequently approved by his immediate supervisor Mr. Bill Parsons prior to publication, and recommended the permit for approval. Upon reaching consideration by the Planning and Zoning Commission, it was recommended a ratio of 3:1 be required, which was provided by the applicant and subsequently the permit was approved. After reaching the City Council, this ratio was moved again in a "moving target" scenario, where the ratio of 2.5:1 was proposed with the knowledge the number would be increased until compliance would be impossible, and was inappropriately used as the basis for denial.

In deliberation, multiple members of the City Council mentioned that the City of Meridian did not have a law to specifically address the proposed use and its standards, and pointed out the shortcomings of the currently written law as published. It is not the responsibility of the applicant to comply with arbitrary statements and opinions when the appropriate law does not exist. This action erodes the rule of law to govern its citizens equally and fairly, and it is unreasonable to suggest compliance with a law that does not yet exist.

In following quasi-judicial proceedings, the City of Meridian allowed the appeal hearings to proceed in direct contradiction to the written law, and the appeal applications were not completed and finalized with the required documents until long after the allotted 14-day period

to file an appeal had already elapsed, and were allowed to proceed despite missing several critical elements the law required. The City of Meridian selectively applied compliance to the written law as a bias to benefit the appellants.

While multiple documents, demonstrations, and diagrams were provided as part of the application process, the original narrative documents, and also presented in the previous hearing, specific information was not provided in the appeal hearing due to elapsing the allowed time to present the project. Because the two primary concerns and basis for the decision came down to noise and parking, the parking issue was addressed above. A sound study was performed at the project site, and the results reflected the same claim made with sound published and documented known scientific principles as presented in the hearing and in the application narrative. The study found the average ambient noise (of three separate measurements) of A-weighted standardized decibels (dBA) at the sidewalk adjacent to Eagle Road to be 70.2 dBA. The measurement at the property line of the project site for ambient noise was found to be an average of 58.9 dBA.

A total of four inverse square decibel reading tests were conducted at 60, 70, 80, and 90 dBA thresholds using 24-bit 96kHz pink noise. For comparison, noise exceeding the range of 80 dBA would no longer allow for a normal conversation without shouting. It would be extremely improbable for this level of sound pressure to exist outside of a fully contained indoor facility. For the 60dBA test, no detectible noise above ambient could be found beyond the 8ft mark from the location of the proposed building. For the 70dBA test, no detectible noise above ambient could be found beyond the 16ft mark. For the 80dBA test, no detectible noise above ambient could be found beyond the 32ft mark. For the 90dBA test, no detectible noise above ambient could be found beyond the 64ft mark. No other tests were conducted as all detectible sound had dissipated long before reaching even halfway to the closest residence. A total of four test conducted at all different sound pressure levels demonstrated congruency to the presented scientific principles and have demonstrated in real-life practicality its consistency to the claim that all noise would be less than the sound of traffic from Eagle Road.

This reconsideration is being requested not only for the account of the above, but on the basis that a fair and impartial hearing was not conducted. It became immediately apparent once again that the appellants utilized their leverage with friends and religious organizations to intentionally fill the council chambers with opposition members in an effort to sway the decisions of city council members, making it impossible to have an impartial deliberation and decision issuance. All but a few of these individuals once again resided far outside the area of potential impact, other than a small portion of potential traffic impact. I had the opportunity to meet with many members of the public after their testimony, and once again they told me they weren't actually against the proposed project, but only voiced their opposition because someone asked them to.

Deferring to the subject matter experts of traffic in the area, the Ada County Highway District, no traffic impact study was requested or required as part of this project as the minimal scale

and use size would not cause any discernable difference in traffic flow or congestion during off peak hours as evaluated by the District.

As the applicant, I have been asked to provide information, documents, plans, and coordination far above and beyond that has been asked of any other applicant in the entire history of the City of Meridian. Many of these including an extensive safety plan, exhaustive mitigation efforts, and working with all available public services of the city to demonstrate the consideration of all legally required elements require another look, as the basis of reconsideration listed above.

Sincerely:

A handwritten signature in dark ink, appearing to read 'Brian Tsai', with a long, sweeping horizontal stroke extending to the right.

Brian Tsai