

July 16, 2008

YMCA-Treasure Valley
David Duro
1050 W. State Street
Boise, ID 83702

Re: **CUP08-00027 Special Exception & DRH08-00067 / Appeal /
1102 W. Hays Street**

Dear Mr. Duro:

This letter is to inform you of the action taken by the Boise City Council on your appeal of the Historic Preservation Commission's denial of a Certificate of Appropriateness for a change of use for a temporary off-site parking lot and your request for a Special Exception for a temporary off-site parking lot located at 1102 W. Hays Street in an R-3D/CD (Multi-Family Residential with Design Review and Near North End Conservation District) and R-3HD/CD (Multi-Family Residential with Historic Design Review and Near North End Conservation District) zone.

The Boise City Council, at their meeting on July 8, 2008 **approved** your requests based on the attached Reasons for the Decision and Conditions of Approval.

If you have any questions, please contact this department at (208) 384-3830.

Sincerely,

Hal Simmons
Planning Director
Boise City Planning and Development Services Department

Attachment

cc: Erstad Architects / Andy Erstad / 420 Main St., Ste. 202 / Boise, ID 83702
NENA / Kevin McGowan / P.O. Box 1235 / Boise, ID 83701

Reasons for the Decision

General

The land that is the subject of this application is located at 1102 W. Hays in Boise, Idaho. The entire block has R-3 zoning and has a conservation district overlay known as the Near North End Conservation District. The block is bound by Hays Street to the south, Fort Street to the north, 12th Street to the west and 11th Street to the east. The purpose of the conservation district is to protect the area from excessive surface parking lots and office development. An alley runs through the center of the property from 12th Street to 11th Street. One-half of the Hays Street block has pre-existing parking. In addition to the conservation district, the entire length of the Fort Street block between 12th Street and 11th Street has an additional overlay of an historic district.

The entire block is owned by the Methodist Church. The church has previously filed an application for development and moved or demolished all houses on the land to clear the way for development. The Church testified that they plan to file a subsequent development application within the next year.

The YMCA has required parking on-site at their establishment. They had been leasing an additional off-site lot for parking beyond their required numbers of parking spaces. This overflow parking is to be displaced while the lot is used for staging for an unrelated development. The YMCA testified that they have entered into an agreement with the Methodist Church to utilize the subject block for the next eleven months for temporary, non-required or spill over parking.

The YMCA has been trying to gain the necessary City approvals for the temporary parking lot. To that end, a hearing was held before the Historic Preservation Commission for a change of use certificate of appropriateness. The Commission denied the application and the YMCA has appealed to City Council. The YMCA also requested a variance and a special exception permit from the Planning and Zoning Commission. The variance request was granted. Further, the Planning and Zoning Commission made a recommendation to the City Council to approve the special use exception.

City Council heard the appeal of the Historic Preservation Commission's decision and the special use exception on July 8, 2008. After hearing all testimony, considering all written memoranda and reviewing all evidence, the City Council concluded that the application is for temporary, non-required over-flow parking and thus allowed in the zone. Further, the application is supported by the comprehensive plan. In addition, while Boise City Code 11-20-03 prohibits new off-site parking in the conservation district overlay zone, Boise City Code 11-20-02 defines off-site parking as any required parking. Thus, the prohibition of B.C.C. 11-20-03 does not apply as the requested overflow lot is not required parking. Boise City Code 11-10-07 allows temporary parking lots for non-required parking to be permitted by planning staff in R-3 zones where new building construction is planned.

DRH08-00067Appeal / YMCA

The City Council upheld the appeal by the YMCA and overturned the Historic Preservation Commission's denial of the Certificate of Appropriateness. The Council determined that the Historic Preservation Commission erred in their denial of the application. The error was based on several factors: the Near North End Conservation District prohibits permanent "required" off-site parking but does not prohibit temporary parking that is not "required" parking; the location of the proposed temporary lot is currently vacant and in a degraded condition and the temporary parking lot as proposed is congruous with the block and will constitute an upgrading and improvement of the lot; and with the additional landscaping provided on the parking lot it will become more congruous with the adjacent historic district than it currently is today. The temporary parking is also a short-term use that will expire in 11-months and will eventually be replaced with a permanent use that is consistent with the Conservation and Historic District.

CUP08-00027/Special Exception/YMCA

The City Council approved the Special Exception for a Temporary Parking Lot with the determination that Temporary Parking Lots are allowable in the Near North End Conservation District because the District prohibits permanent "required" off-site parking but does not prohibit temporary parking that is not "required" parking. The City Council also confirmed the Reasons as recommended by the Planning and Zoning Commission and modified four of the Conditions of Approval as indicated below.

Based on the temporary nature of the off-site parking lot and with special consideration to the landscaping and design; the proposed off-site temporary parking lot may benefit the immediate community. The YMCA provides an enormous amenity to the Downtown and the North End Neighborhood. The parking lot will create an equal or lesser impact than uses permitted in the district and that it will be compatible with the neighborhood. The parking lot will not immediately abut any residential property. The site is bounded by Fort Street to the north, Hays Street to the south, 11th Street to the east and 12th street to the west. The Cathedral of the Rockies is located south of the site with a surface parking lot located in the southwest corner of the subject site. Residential properties are located north, east and west of the site.

With the recommended conditions of approval regulating the design, circulation, lighting, and parking lot hours, the temporary lot may be a desirable use in the zone under the special exception. The parking lot will produce an equal or reduced impact upon the site or neighborhood than an allowed use would. The 1.68 acre site could allow up to 73 dwelling units requiring anywhere from 109 to 146 parking spaces.

The site is of sufficient size to accommodate the use and access to the parking lot and internal circulation will be safe and convenient for Y members. Two way circulation is proposed throughout the parking lot with required 22' of back up space provided for all vehicles. The natural features and existing trees will be appropriately preserved and integrated with the project. No landscape is proposed to be removed and the applicant is proposing additional trees and landscaping.

Pursuant to Boise City Code 11-10-07, this application could have been permitted by planning staff as the parking is for overflow, non-required parking and the Methodist church is planning to build on the site and a variance has been granted for the parking relocation. This application is for an allowed use in the conservation district. Staff's decision would be appealable. However, the advertised hearings before the Historic Preservation Commission, Planning and Zoning Commission and the City Council have met or exceeded all due process requirements and this decision shall be the final decision of the City.

The following are special circumstances associated with this proposal:

- The parking lot is only temporary and will be removed within 11 months.
- The YMCA has done an exhaustive search and attempted several negotiations with owners of existing parking lots and has not been able to secure reliable parking within a reasonable distance to the Y.
- Landscaping of the existing vacant lot will provide a reasonable buffer to the neighborhood.
- The YMCA is an amenity for the entire community and needs the parking to maintain its operations.

Conditions of Approval

Site Specific:

1. Construction, use and property development shall be in compliance with plans and specifications on file with the Boise City Planning and Development Services Department date stamped received on March 18, 2008 except as may be modified by the Boise City Historic Design Review Staff or expressly modified by the following conditions:
2. The parking lot is approved for a maximum of ~~15~~ **11** months from the date of Council's approval or until alternative parking becomes available, which ever is shorter.
3. All parking areas shall be provided with approved wheel restraints, and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.
4. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.
5. Upon vacating the temporary parking lot, the applicant shall remove all wheel stops and light fixtures from the premises. **The applicant shall also remove the gravel and treat the property with dust and weed inhibitors so that the lot may be maintained in a clean and sightly condition.**

6. Signage is required restricting the parking lot to YMCA use only. **The YMCA shall patrol the parking lot to ensure that only customers are using the lot and shall enforce this restriction on usage.**
7. Upon vacation of the parking lot, the applicant shall place no parking signs at the 11th and 12th Street entrances to the site.
8. Upon vacation of the site, the applicant shall block off access to the parking lot with bollards and connecting chains or some other device that secures the site from illegal parking.
9. All light fixtures shall be set on an automatic timer. The lights shall not go on before 6:30 a.m. or remain on after 9:00 p.m.
10. A landscaped area of five percent (5%) of the lot's total area is required. Removable planters are acceptable.
11. All new deciduous trees shall have a minimum caliper of 2" and evergreen trees shall be a minimum of 6' in height at the time of planting.
12. Existing mature landscaping shall not be displaced by the parking lot unless prior written staff approval is received.
13. A detailed grading and drainage plan shall be submitted for review and approval by the Ada County Highway District and the Boise City Public Works Department before a Building Permit is issued.
14. An adequate temporary irrigation system to maintain the temporary landscaping in a healthy condition, as approved by Staff shall be provided.
15. All landscaping shall be maintained in a healthy and attractive condition and shall be irrigated by an appropriate underground irrigation system. **After the parking lot is vacated, the property owner shall continue to maintain the landscaping and irrigation system until such time as the site is redeveloped.**
16. The parking lot shall contain gravel surfacing.
17. Prior to the issuance of a Building Permit, a with a written maintenance plan for dust control measures for the parking lot and access road shall be submitted for review and approval by the Public Works Department..
18. Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.

19. The applicant shall stripe the YMCA on-site parking lot for one additional handicap parking space. The accessible space shall be a minimum of 8' in width plus a 5' wide adjacent access aisle. No handicap parking spaces are necessary in the off site temporary parking lot.
20. Prior to the issuance of a Building Permit, the applicant shall submit a bond for one hundred ten percent (110%) of the cost for removal of the parking lot. The bond shall include the cost of the removal of all wheel restraints, the two (2) no parking signs to be placed on 11th and 12th street entrances (materials & installation), and bollards with connecting chains to be placed at locations necessary to prevent any vehicle from parking on the gravel lot.
21. Three months from the date of the approval of this Special Exception, the applicant shall submit a monitoring report to staff for review by the Planning and Zoning Commission at a scheduled work session. The monitoring report shall include any neighborhood complaints, problems with non YMCA members using the lot and any other details or concerns that may have arisen in that time span. A reclamation plan indicating how the site will be restored after the removal of the parking lot shall also be submitted for review by the Commission.

General

22. This project is in a Historic Design Review District and shall be subject to staff review for a Certificate of Appropriateness.
23. All of the Ada County Highway District conditions of approval related to the development of the subject property shall be complied with per staff report dated March 5, 2008.
24. Vision Triangles as defined in Section 11-01-03 and Section 11-10-04.4G. of the Boise City Zoning Ordinance shall remain clear of all sight obstructions.
25. The applicant or his/her contractor shall obtain a right-of-way permit from the Ada County Highway District prior to any construction in the public right-of-way.
26. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and subdivisions per Department requirements dated March 13, 2008. Please contact BCPW at 384-3900. All items required by BCPW shall be included on the plans/specifications that are submitted for a Building Permit. Please note that any changes or modifications by the owner to the approved plans must be submitted to the Public Works Department for approval.
27. This approval does not include approval of any signage. A separate Sign Permit will be required from the Boise City Planning and Development Services Department prior to installation of sign(s).

28. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative, and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.
29. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the City of its intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
30. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
31. Failure to abide by any condition of this approval may be grounds for revocation by the Boise City Planning and Zoning Commission.