



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

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Planning Division Staff Report

File Number	DRH08-00331
Applicant	Kelly and Richard Feldman
Property Address	1714 North 11 th Street
Public Hearing Date	13 October 2008
Heard by	Historic Preservation Commission
Analyst	Matt Halitsky
Checked By	Sarah Schafer

Public Notification

Radius notices mailed to adjacent properties:	26 September 2008
Staff posted notice on site on:	25 September 2008

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1. Project Data and Facts

Applicant/Status	Kelly and Richard Feldman <i>Owners</i>
Architect/Representative	Jeff Wallace, Wallace Custom Design & Renovation
Location of Property	1714 North 11 th Street
Size of Property	5,060 square feet
Present Zoning and Land Use	R-1CH <i>Single Family Residential with Historic Overlay</i>
Historic District	North End
Date of Construction	1940
Style	Vernacular with Tudor Elements
Status	Noncontributing
Square Footage of Existing House	1,245 square feet

Description of Applicant's Request
The applicant is proposing to convert the attic to additional living space by adding a large second story rear dormer, as well as replacing two windows with metal clad casement windows.

2. Land Use

Description and Character of Surrounding Area
The surrounding neighborhood is a mixture of single and one and one-half story homes, with single-story garages accessed off of a rear alley.

Site Characteristics
The site is currently developed with a one-story, single family dwelling with a detached garage. A large deck and patio are located to the south side and rear of the home. The lot is quite narrow at 44-feet in width. The property is landscaped with mature trees and shrubs.
Special Considerations
The lot is considered an original substandard lot of record.
History of Previous Actions
DRH08-00313 Staff approval for sidewalk replacement and new garage door. <i>Approved</i>

3. Project Proposal

Site Design

Land Use	Existing	Proposed
Percentage of the site devoted to building coverage:	23%	No Change
Percentage of the site devoted to paving:	13.6%	15%
Percentage of the site devoted to landscaping:	63.4%	62%
TOTAL	100%	100%

Setbacks

Yard	Required	Proposed for Building	Proposed for Garage
Front (west)	15' (bldg.) 20' (garage)	No Change	No Change
Side (north)	5' (bldg.) 5' (garage)	No Change	No Change
Side (south)	5' (bldg.) 5' (garage)	No Change	No Change
Rear (east)	15' (bldg.) 0' (garage)	No Change	No Change

Fencing

No changes to existing fencing.

Structure(s) Design

Number and Proposed Use of Buildings	One single family home One detached garage
Maximum Building Height	21' to the ridgeline (existing)
Number of Stories	1 ½

4. Ordinance / Standards

Section	
11-04-04.01	General Standards
11-04-14	Standards for Development of Substandard Original Lots of Record
2-18-09	Historic Preservation Ordinance
4.1	Guidelines for Residential Historic Districts
	Secretary of the Interior's Standards for the Treatment of Historic Structures

5. Analysis/Findings

Contributing Analysis

B.C.C Section 2-18-09 (A) (1) (c) states: *As part of the application process for a Certificate of Appropriateness, the Planning Staff shall confirm the contributing or non-contributing classification of the property based on the criteria set forth in the definitions of Section 2-18-02.*

The subject home, built in 1940, was considered noncontributing in a survey conducted by the Arrowrock Group in 1999 due to inappropriate changes made throughout its history. The property remains noncontributing.

Substandard Lot Analysis

B.C.C. Section 11-04-14

Pursuant to §11-04-14 of the Boise City Code, residential development on substandard lots within the R-1C zone shall be guided by the *Development Standards for Substandard Original Lots of Record* (§11-04-14.03), as well as the *Design Guidelines for Substandard Lots* (§11-04-14.04).

Section 11-04-14.03 Standards for Substandard Original Lots of Record

A. Setbacks

1. *Front Setbacks: The front yard setback for livable space and porches shall be within five (5) feet of the average of the front yard setbacks of adjoining properties. However, in no case shall the front setback be less than 10 feet or more than 20 feet. The front setback for parking is 20 feet. Maximum setbacks are required in order to provide a visual and physical relationship to the street*

and retain room for an open back yard area. If the applicant has multiple contiguous lots, the front setbacks should provide modulation in order to avoid a uniform line of dwellings with identical front setbacks.

2. *Side Setbacks: Interior side setbacks shall be in accordance with the applicable zone; street side yard setbacks shall be 15 feet for livable space and porches and 20 feet for parking, unless one of the following is applied:*
3. *Rear Setbacks: Rear yard setbacks shall be as required by the zoning district in which the substandard lot is located.*
4. *Garage: A single story detached garage accessed off of an alley may have a three (3) foot interior side setback.*
5. *The first story of a two story attached building shall be setback a minimum of five (5) feet from the side property line. The second story of a two story attached building shall be setback a minimum of eight (8) feet from the side property line; provided, bay windows, pop-outs or other architectural appurtenances may be allowed at the five (5) foot setback line in the R-1C zone. All other zones must meet their side yard setback requirements. (See also Section 11-05-05 Boise Municipal Code)*

The proposed project either meets or exceeds all required setbacks prescribed by Code.

- B. *Building height shall not exceed the width of the lot or the maximum height allowed by the zone, whichever is most restrictive.*

The width of the lot is 44-feet, while the maximum building height for this zone is 35-feet. As proposed the building height as measured to the ridgeline is approximately 22-feet as provided by the applicant.

This requirement has been met.

- C. *Building Size: Residential floor area shall not exceed 55% of the effective lot area on lots with less than 5,000 square feet. "Effective Lot Area" is the gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or road easement. "Residential Floor Area" is the amount of all livable space including basements and bonus rooms.*

Residential floor area has been calculated at 46% of the effective lot area.

This requirement has been met.

- D. *Private Open Space: All substandard lots must provide a minimum of 375 square feet of private open space in the rear yard. This open space must be configured as a 15 foot by 25 foot rectangle and must have a minimum rectangular dimension of 10 feet by 15 feet that is open to the sky. Covered rear porches are allowed to be calculated as part of the private open space area.*

The applicant's proposal would exceed the 375 square feet of open space required by Code. In addition, the existing fence will provide the privacy element as spelled out by Ordinance.

Thus, this requirement has been met.

- E. *Landscaping: A landscape plan shall be required. All areas that are not developed with structures, driveways, parking lots, streets, pathways, patios and similar useable areas shall be landscaped. The landscaping shall accomplish the following objectives:*

- *shading of parking areas and walkways;*
- *ground cover consisting of predominantly live planted materials shall be used;*
- *erosion control;*
- *and attractive streetscapes and common areas.*

Some useable hardscape features (such as pavers, planters, stonework, decks, etc) may be allowed up to 25% of the entire landscaped areas. Plastic or other artificial materials are not allowed. The landscape plan shall include an irrigation system. Xeriscape plans that are consistent with Public Works standards shall be considered acceptable.

A landscaping plan has not been submitted, however the application indicates that there will be no removal of prominent trees or vegetation.

This requirement has been met.

- F. *Parking*

1. *Each dwelling shall be provided with two (2) off street parking spaces.*
2. *Vehicular access and parking shall be provided according to the following standards:*
 - a. *Access to an alley:*
 1. *All access shall be taken from the alley. Two spaces shall be provided with 22 feet of backup space in accordance with Section 11-10-04.04, Table 12, Boise City Code.*
 - b. *No access to an alley:*

1. *Interior lots with no alley access shall be required to provide a two (2) car attached garage. The applicant shall include design elements that will provide varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. The setback of the garage face shall be 20 feet. Driveways for a two car attached garage may not exceed 20 feet in width.*
2. *The use of a 10 foot wide shared driveway providing access to rear yard garages that are attached with a common wall on the property line is allowed.*

The existing garage provides the on-site parking required by Code.

This requirement is met.

G. *Right-of-Way Improvement*

1. *All developments shall provide curb, gutter and sidewalk on the adjacent roadway(s) and, if applicable, the applicant shall provide a paved driveway apron that extends to the edge of the pavement. Waivers or variations to some or this requirement may be granted by the Planning Director based upon local conditions such as the lack of adjacent improvements and/or documented drainage problems that may result from the improvement of the roadway. Any alternative granted through a waiver shall include a curb line or physical barrier to prevent parking adjacent to the right-of-way. If a waiver is granted, the value of the improvements, as estimated by the City of Boise, shall be placed in a Public Rights-of-Way Road Trust deposit for up to ten (10) years to be held by the City of Boise for later improvement of the curb, gutter and sidewalk abutting the site.*
2. *Dirt or gravel strips in the front yard or undeveloped street right-of-way shall not be permitted. Irrigated landscaping shall be provided in these areas through license agreements with the ACHD. Bonding for landscape improvements may be allowed based on weather related constraints. If ACHD denies the necessary license agreement, the requirement for landscaping shall be waived.*
3. *If full right-of-way improvement is not feasible and ACHD determines that there is insufficient pavement width for travel lanes with on-street parking, a non-landscaped ACHD-approved shoulder shall be installed that is the minimum width necessary to accommodate parallel parking. Landscaping shall still be required to the edge of the parking shoulder.*
4. *All right-of-way improvements, license agreements and bonding shall be completed prior to issuance of a Residential Certificate of Occupancy permit for the structure.*

North 11th Street is currently improved with vertical curb, gutter and sidewalk abutting the site. As such, no additional right-of-way improvements are required by the City at this time.

This requirement has been met.

H. Alternative Building Arrangements

- 1. Attaching single family units in multiples of two (2) or three (3) on common lot lines is encouraged as a means of creating more substantial structures that will be imitative of standard width single-family homes. Such units remain subject to the general design criteria stated in this Chapter and do not require a planned unit development application.*
- 2. Additional requirements for attached buildings:*
 - a. Attached buildings shall be constructed to comply with townhouse construction standards in accordance with the Boise City Building Code.*
 - b. The Office of the City Attorney shall review and approve all easement agreements an applicant or builder seeks to obtain for the use and maintenance of common facilities such as driveways, parking sites and common party walls. All such easements shall be recorded in the records of Ada County prior to an applicant or builder seeking a building permit under this ordinance.*
 - c. Adjustments to lot lines and reduction in the number of lots within the same parcel are subject to review and approval pursuant to all applicable Boise City subdivision and zoning regulations. The applicant shall obtain approval from Boise City and record any lot line adjustments or reduction in lots with the Ada County Recorder prior to submission for a building permit.*

The applicant is not proposing to build an attached building.

This requirement is not applicable.

Thus, the applicant's proposal meets the development standards for substandard lots of record pursuant to §11-04-14.03.

Section 11-04-14.04 Design Guidelines for Substandard Lots

A. *In addition to the development standards described in Section 11-04-14.03 of Boise City Code, the following general design guidelines shall apply to substandard lots. The Design Review Committee and Design Review staff shall take into account the location and design of adjacent buildings, landscaping and right-of-way improvements, and shall apply the following criteria as appropriate:*

1. *Full-length two story structures are not allowed;*
2. *One and a half story structures are the preferred form of development on substandard lots. One and a half story structures will be required when the existing structures adjacent to the proposed development are one story in height.*

A one and a half story structure can be defined as:

- a. *A structure that has a maximum building height of 18 feet (to the midline of the roof) and includes a daylight basement that is sunk into the ground a minimum of four (4) feet.*
- b. *A structure that has a maximum building height of 18 feet (to the midline of the roof) and contains the second story within the pitched roofline.*
3. *Partial two story structures may be allowed when the surrounding properties will not be adversely impacted by such height. The circumstances to be considered shall include: the size and height of the adjacent dwelling units; privacy impacts on adjacent properties; the height, mass, window placement and roofline pitch of the proposed structure; and the overall design of the upper story of the proposed structure. Upper story limitations or setbacks on the new building may be an acceptable means of ensuring compatibility with adjacent structures of smaller size.*

The proposed home is considered a story and a half under 2(b) above.

This requirement has been met.

4. Front Façade Design Requirements.

- a. *Homes shall have a front door that faces the street. When a unit is built on a corner lot, the door shall face the dominant street.*
- b. *In lieu of a street facing front door, the applicant may construct a prominent front porch that is a minimum of six (6) feet in depth and the dwelling shall have a minimum of 25% of the front facade comprised of*

windows and/or door openings. For homes with front-loaded garages, a garage door shall not count toward the window opening requirements. The garage door shall include design elements such as: panels, windows, trim features, cross members, or other architectural features as determined by the Design Review Committee or Design Review staff.

- c. Detached dwelling units shall provide a façade that substantially differs from the façade of adjacent structures. Variations in materials alone will not be considered sufficient. The unique façade may be obtained through the use of structural changes or through the use of substantial design elements. In addition to complying with the preceding design guidelines, the front façade shall include multiple design elements such as: multi-paned windows, varied roof lines, dormers, bay windows, wainscoting, a covered front door, a usable front porch or other elements as approved by the Design Review Committee or staff that create a unique façade. Articulated designs may repeat on non-contiguous lots.*
 - d. Attached units shall provide modulation and architectural design features to prevent flat façade wall planes.*
 - e. Building design shall incorporate quality materials such as brick, stone, stucco, tile, and wood for a significant (35% or more) portion of the façade and second story elements. The presence of such materials on nearby homes shall be reviewed as a guide for appropriate materials to be used on the new dwelling.*
- 5. All buildings shall be oriented toward a public street. When buildings cannot be oriented toward a public street due to inadequate street frontage or similar circumstances, the buildings shall be oriented toward a private street or lane that conforms to City standards.*
- 6. Where front yard driveways are permitted for access, the driveway may be designed with concrete wheel strips or grass pavers that are separated by vegetation.*

These requirements have been met.

Thus, the applicant's proposal meets the design guidelines for substandard lots of record pursuant to §11-04-14.04.

**Design Guidelines for Residential Historic Districts,
Secretary of the Interior's Standards for the Treatment of Historic Structures**

The applicant is proposing to increase the square footage of the home by converting the attic to livable space and constructing a new 72-square foot dormer at the rear of the home. This dormer would cantilever out from the existing wall plane by 2-feet as shown on the attached elevations. In addition, the proposed south elevation indicates that the proposed dormer would rise above the existing roofline by approximately one foot. This type of construction is not typically seen in the North End. Dormers are typically set back from the wall plane, not cantilevered out to create additional floor space. The Boise City Design Guidelines for Residential Historic Districts states that it is generally appropriate to use a dormer in character with the style of the house and of typical form (4.1.9). The proposal is inconsistent with not only the design of the home, but that of the surrounding neighborhood. Staff recommends as a condition of approval that the dormer be set back from the existing wall plane, and not rise above the existing roofline. The reconfigured dormer would be more congruous with the existing architectural style and the neighborhood, and be more consistent with respect to the residential design guidelines.

Along with the proposed dormer, the applicant is proposing to replace a front window, the side kitchen window and the second story windows with metal clad wood casement windows. Although replacement of the windows, especially the glass window box, with more energy efficient metal clad wood windows is a positive change, the casement windows proposed are inconsistent with the existing window pattern. The residential design guidelines recommend against the use of window and door types incongruous with the character of the district (5.7.10). Similarly, the use of multiple window styles is generally considered inappropriate (5.7.12). Staff recommends as a condition of approval that the new windows proposed be either single or double hung, with a mullion pattern to match that of the existing windows.

Overall, the project can be completed in such a way that retains what is left of the historic character of the home while meeting the objectives of the owners. The recommended conditions of approval will help the proposed design be more consistent with respect to the residential design guidelines, as well as be more congruous with the neighborhood and the district. Conversion of the attic and the addition of the rear dormer will provide additional living space without a major ground floor addition, retaining the existing lot coverage and setbacks. Staff recommends approval of the application as conditioned below.

6. Conclusion and Recommended Conditions

Pursuant to Boise City Code 2-18-9 A and B of Boise Municipal Code, the proposed development is congruous with the historical, architectural, archeological, educational or cultural aspects of the historic district because:

The Secretary of the Interior's Standards for the Treatment of Historic Properties (1995 Edition), the Boise City Design Guidelines for Residential Districts, the North End Plan and the Boise

City Comprehensive Plan are references often utilized by the Historic Preservation Commission to determine whether a change is congruous with the historic and architectural qualities of the historic district.

1. *BCC Section 2-18-11.01 A* states that the request shall be consistent with the Design Guidelines for Boise City's Historic Districts. This application is not within one of the Commercial Districts therefore this finding does not apply to this application.
2. *BCC Section 2-18-11.01 B* states the request shall be consistent with the Boise City Design Guidelines for Residential Historic Districts. Per the above analysis and with the attached conditions of approval, the application will comply with the requirements of this finding.
3. *BCC Section 2-18-11.01 C* states the request shall be consistent with The Secretary of the Interior's Standards for Rehabilitation, or other standards as applicable (preservation, restoration or reconstruction). As conditioned, this application is consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties. The proposal neither creates a false sense of history, nor detracts from the historic neighborhood as a whole.
4. *BCC Section 2-18-11.01 D* states the request shall support the goals, objectives and policies of the Boise City Comprehensive Plan and the plans referenced therein. As conditioned, the application is in compliance with the goals, objectives and policies of the Boise City Comprehensive Plan. The proposal promotes redevelopment while retaining the historic integrity and character of the neighborhood.
5. *BCC Section 2-18-11.01 E* states that based on the adopted design guidelines the request will not be incongruous with the historical, architectural, archaeological, educational or cultural aspects of the district. Based on the above analysis and in light of the attached conditions of approval, this application is congruous with the historical, architectural, archaeological, education and cultural aspects of the district.
6. *BCC Section 2-18-11.01 F* states that the request must comply with the dimensional standards and other applicable requirements of Title XI (Zoning Ordinance) including, but not limited to setbacks, height restricts and parking requirements unless the Commission finds that modifying the standards is necessary to protect the overall characteristics of the district and to comply with the adopted design guidelines. This application complies with all of the dimensional requirements of the underlying zone as laid out in Title XI without the need for a waiver or variance.
7. As conditioned, the proposed development is consistent with §11-04-14, *Standards for Development of Substandard Original Lots of Record*.

Site Specific Conditions of Approval

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received 15 September 2008, except as expressly modified by the following conditions:
 - a. The proposed casement windows shall be single or double hung with a mullion pattern to match that existing on the home.
 - b. The proposed dormer shall rise no higher than the existing roofline and not cantilever out as proposed. The dormer shall be set back from the existing wall plane.

Standard Conditions of Approval

2. The applicant shall comply with the Boise City Fire Code.
3. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
4. No change in the planned use of the property by the applicant 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.
5. Any change in the planned use of the property by the applicant 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 successors in interest advise the City of 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.
6. If the applicant does not act on the Certificate of Appropriateness through the commencement of construction, or extended pursuant to the Boise City Code, within eighteen months, it will become null and void without further notification from this department.
7. The applicant shall be required to obtain a Building Permit prior to the start of construction.

Construction Site Requirements

8. The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and

demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.

- a) 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.
- b) Measures shall be taken to manage construction debris and trash on the construction site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures shall include, but are not limited to:
 - Provide suitable containers for solid waste generated by construction activity;
 - Wet demolition of existing buildings;
 - Watering of driving surfaces and earth moving activities;
 - Installation of wind screening around property and each open floor above grade; and
 - Daily broom cleaning of above grade floors, adjacent streets and sidewalks.
- c) To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
- d) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.
- e) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.
- f) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
- g) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions

set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.