



Planning & Development Services

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Design Review Committee Hearing Minutes of October 13, 2010

Committee Members Present Rodney Evans, Chairman, Bruce Taylor, Brian Garrett, Elizabeth Wolf, Rob Anderson, Greg Ugrin, James Marsh and Steven Rupp

Staff Members Present Sarah Schafer, Josh Wilson, Andrea Tuning, Cody Riddle, Angela Brosious, Hal Simmons, Bruce Chatterton, Mary Watson and Nicki Heckenlively

DRH10-00178 J.R. Simplot Foundation, Inc., SBP LLLP and JRS Properties III L.P.

Location: 1000 W. Myrtle

Request approval to construct an eight-story, multi-use building with below grade and structured parking, office, assembly area, training and educational spaces on ± 7.48 acres located in a C-5DD (Central Business District with Downtown Design Review) zone. *(This item was deferred at the September 15, 2010 and September 29, 2010 hearings.)*

CHAIRMAN EVANS: This hearing will be closed and we will not be taking any additional testimony unless the Committee Members ask to open it for questions of the applicant or public. We'll go through formalities first and approve meeting minutes. Some of which are directly related to this and others from past worksessions and hearings including September 1, 2010, September 8, 2010, September 10, 2010 and September 29, 2010.

COMMITTEE MEMBER MARSH MOVED TO APPROVE THE MINUTES OF SEPTEMBER 1, 2010, SEPTEMBER 8, 2010, SEPTEMBER 10, 2010 AND SEPTEMBER 29, 2010.

COMMITTEE MEMBER WOLF SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIED UNANIMOUSLY.

CHAIRMAN EVANS: I'm going to ask the Committee Members to declare any site visits or contacts with any interested parties including the applicant or neighbors of the property or any other members of the public.

SITE VISITS

Garrett: None

Anderson: None

Ugrin: None

Evans: None

Taylor: None

Wolf: None

Marsh: I had a very brief phone call with Mark Rivers where we discussed the procedure for tonight's hearing.

RUPP: None

CHAIRMAN EVANS: I will ask Committee Member Anderson to state for the record that he has reviewed all the minutes, memos, exhibits from the last hearing and all the information related to this application due to his absence at the last public hearing.

COMMITTEE MEMBER ANDERSON: I have.

CHAIRMAN EVANS: I will ask the Committee for a motion on DRH10-00178.

COMMITTEE MEMBER ANDERSON: I would like to make some comments to the committee. As you know I was not here last time, but I have read the minutes in detail and I have gone over portions of them with great interest. I thought you all thoroughly explored the issue. As you also know I am a trial attorney by profession and I like trials. Most cases get settled now days and as a result I've gotten pretty good at taking difficult issues and working with people in a group or opposing counsel and coming to a resolution. As I read the minutes it dawned on me that perhaps there is a way we could look at this project and come to some sort of a resolution and see if we can break the deadlock having seven tonight, but by sort of a consensus. I have read the minutes and I have gone through the plans in detail including the plans that were submitted on September 29, 2010. I have looked at our mission again and looked at the applicable ordinances and I have to tell you that this is not the kind of decision I thought I would have to be faced with. When I got on this Committee my goal was to stop the brown box syndrome that Boise has. I thought I'd be up here keeping those kinds of structures out of our downtown core and what I'm faced with tonight is completely the opposite. This is a unique design and unique project. It is colorful and outside the box although it uses boxes. It is something that Boise can use in terms of growth. I asked staff at one point if any other city had anything like this. I wanted to see if other cities have had a history with projects like this and whether or not they turned out to be magnets or millstones. They said there aren't any. They couldn't find any and couldn't give me any guidance in that respect. I went to the drawings again and researched this pretty well and I have to tell you that in almost 99 percent of all the issues I'm in favor of this moving forward with a conditional approval. There are two areas that we need to look at and I have a solution of how we can do that review.

The first involves the slides and swirls above the stairs. I cannot get around the idea that this is kind of a forced frivolity and it detracts and distracts from what is a fairly...I've used the term unique, but it is a very interesting design. I've looked at all the perspectives and moved them around and every time I looked at that I couldn't get past the little swirls. They catch your eye and not in a pleasing manner. They are something that needs to be looked at.

The second area that troubles me is the height of the parking garage and the exposed fireproofing. Staff and other members of the committee have raised this. I didn't go to this site, but I walked through BoDo and I looked up at those windows on the Hampton Inn garage where you can see the exposed beams and it is unattractive. I can't imagine this project with all the work and thought that has gone into it leaving something like that on the exposed side of Myrtle. Committee Member Wolf mentioned that this is almost two blocks long. Committee Member Marsh indicated that it is two blocks, but it is broken up and they've done a good job of trying to break up that façade and make it not so monolithic. The fact remains that there is a larger area down below and it is higher...that first floor and it allows people to look up into that area. Ms. Butler when she gave her remarks indicated that cars would be driving by at a fast speed and they'd be going by very quickly and there would be a lot of landscaping. Somehow that runs counter to the concept that we have here and that is to attract people downtown. This is more pedestrian oriented with the Pioneer Walkway through there and it seems to be at cross purposes to hope that people drive by quickly and not notice this condition. As I understand it the insulation gets dirty when you're right there by a roadway. With a project of this magnitude, complexity and thought that has gone into it I still can't get my arms around that particular element. Mr. Metzger testified he indicated that there was a possibility of a new study. He had been in meetings with the City Building Department and Fire Marshall and they have a consultant that they are using...I'm looking at Page 13 of 26 of the minutes and he said, "We can't promise anything, but it looks like there is a possibility of eliminating the fireproofing". He then concluded, "But if it doesn't work we are out of options". I am not a design professional, but I defend architects and engineers all over the state and all over the west and I work with a lot of them. Concrete is a possibility. Those tensioning of the slabs is a distinct possibility that doesn't require the fireproofing. There may be other ways to do this.

With all that in mind I would like to propose to the Committee that we move forward with conditional approval, but with some additions to the worksessions that have previously been set forth by staff. What I would like to see in those worksessions in terms of additional topics would be a submittal of a redesign for the stairs. That eliminates the swirls. I would like to see a worksession and they can be combined, but I would like to have additional designs submitted in the worksessions regarding alternatives to the steel and fireproofing that is currently in the project. I don't think these items should hold up construction drawings. They are elements that can be addressed as we proceed. I would prefer as a Design Review Committee Member to maintain control over the project as staff has laid out. I'm fine with the form, location and all of the major components of the project, but as Sarah Schafer indicated in her opening remarks of the September 29, 2010 hearing...she said, "Conceptual Design

Review approval would mean the Committee is comfortable with the form and location of the building on the site. In this instance worksessions would be held at future dates to discuss items such as architecture, materials and other elements.” That’s what I would propose with respect to those two areas.

COMMITTEE MEMBER WOLF: As Mr. Anderson stated there are no other projects like this that anyone could find. Probably because...I can’t imagine another community putting in a two city block long parking structure in an urban area. This project was submitted to the Design Review Committee in July of this year. Ten days later the proposal was released to the public and to us the Design Review Committee. Considering the magnitude and the scope of the project it has been extremely important for our Committee to thoroughly review this application. For us it has been three short months and two not so short meetings. For the applicant it has been many long years and many long meetings. I understand their impatience and frustration, but it looks like we will be making a decision tonight. We, the Committee, are obligated to look at this project in relation to the Boise City Zoning Ordinance, the Boise City Comprehensive Plan and the plans and guidelines of the River Street/Myrtle Street Master Plan and then evaluate in good faith how it does or does not match these ordinances, design objectives, findings, policies and goals. This procedure is not about our personal likes and dislikes. We have to take an objective look at the proposal as submitted and make an informed decision. This decision it is not about personal taste. It is about civic responsibility and to be thorough and to be objective. As I stated for the record in the public hearing of September 29, 2010, the design as submitted does not comply with the following:

Section 11-7-3.01 / Boise City Zoning Ordinance

Section 11-7-3.02 / Item a. / Boise City Zoning Ordinance

Section 11-7-3.02 / Item b. / Boise City Zoning Ordinance

Section 11-4-6.12 / Item d. / Boise City Zoning Ordinance

Section 11-4-6.12 / Item g. / Boise City Zoning Ordinance

WC-1 / River Street/Myrtle Street Master Plan

WC-4 / River Street/Myrtle Street Master Plan

WC-10 / River Street/Myrtle Street Master Plan

In addition to these eight items I would now like to add seven more:

1. Boise City Comprehensive Plan, Chapter 8, Land Use / Objective 17 - Land Use and Development Policies Specific to the Downtown Area

- Policy 1 states in part, *“Downtown shall be acknowledged as a civic, economic and cultural center of the Boise City planning area. It shall continue to development with the concentrated higher density”*.

DRH10-00178 does not comply with this policy because this is not a high density project. It incorporates a parking garage, a small amount of enclosed event space, a limited amount of studio space and a large open outdoor space.

2. Boise City Comprehensive Plan / Chapter 8, Land Use

- Objective 17 states in part, *“Street level pedestrian activities shall be specifically enhanced through the design and orientation of new buildings”*.

DRH10-00178 does not comply with this policy because the building fronts Myrtle Street. The pedestrian experience on Myrtle Street is a two block long parking structure.

3. Boise City Comprehensive Plan, Chapter 7.2, Gateways

- Objective 7 states *“Strengthen the visual character of the City’s gateways to clarify the City’s structure and improve City wide identity”*.

DRH10-00178 does not comply with this objective because Myrtle Street has been designated as a gateway street. From Myrtle Street the visual character is of a parking garage embellished with brightly colored theme park like elements.

4. Design Review Guidelines / Architectural Design

- *“Design materials and colors of projects will be reviewed by the Committee for compatibility with desirable adjoining properties. Particular attention will be given to buildings located along primary or gateway street.”*

DRH10-00178 does not comply with this guideline because the bright bold colors shown on the color sample board are not compatible with any colors seen in the downtown area skyline because the colors shown on the color board.

5. Downtown Boise Plan / Goal 1

- Policy B, *“Concentration of office and retail uses within the Central Business District will be encouraged”*.

DRH10-00178 does not comply with this policy because there is no retail on the property and currently there are no designated offices.

6. Downtown Boise Plan / Goal 2

- *“Retail, personal services and entertainment uses should be concentrated in the Central Business District to encourage a high level of pedestrian use and to promote a 24 hour activity atmosphere.”*

DRH10-00178 does not comply with this goal because although entertainment uses have been suggested there are no retail or personal service uses.

7. Downtown Boise Plan / Goal 7

- *“The intensity of uses and the arrangement and design of proposed structures, parking areas, streetscapes, signs and open spaces should relate to the intended level or type of activity of each Downtown Sub District. Special considerations should be applied to the development along the connector which serves as an important gateway and entryway corridor into and through the Central Business District.”*

DRH10-00178 does not comply with this goal because from Myrtle Street the visual character is a parking garage embellished with brightly colored theme park like elements. This is not an appropriate visual statement for an “Important gateway and entryway corridor into and through the Central Business District”.

In conclusion I would like to make a purely objective observation. The JUMP Project seems to be about celebrating innovation, Idaho’s agricultural roots, the arts and Boise’s Urban landscape...from the name JUMP, Jack’s Urban Meeting Place.

Agricultural History

The history of Idaho’s agricultural roots is symbolized by the collection of tractors assembled by J.R. Simplot. Why are they placed randomly in the garage? Why not create an environment for learning about agriculture and farming? What about using the site for innovative urban farming or agriculture? It would be a good fit with the proposed ground floor cooking studio. The ambitious plan to recreate Idaho’s eco regions doesn’t really seem to fit with the applicant’s intent.

Urban Environment

The name of the project, Jack’s Urban Meeting Place is a great name, but we seem to be missing the urban component. Even though the current economic environment doesn’t encourage retail development one day things will change. Why not build some ground floor spaces that would be suitable for retail when the time is right. In the meantime use them as studio and/or event spaces. Building a massive parking garage on stilts is not an urban design.

Arts

The Simplot Family has a great legacy of support and dedication to the arts and with this project it will become even greater.

For the applicant it has been a really long road and filled with obstacles. However, I hope they don’t give up. There is an opportunity for the applicant to demonstrate their commitment to our community by coming back with a design that we can easily approve. I know the Committee wants this project to succeed. However, not only does the current design not meet the needs of the City it does a great disservice to the objectives of the applicant. By approving the project in its present form we do them no favors. It does not celebrate innovation, it does not celebrate Idaho’s agricultural roots, it does celebrate the arts, but it does not celebrate Boise’s urban landscape. The applicant deserves more and we must demand more. With that said, I move to deny DRH...

CHAIRMAN EVANS: Can I interrupt you right there. At this point I would like to keep the Committee discussion going before a motion is made, but I will ask for a motion momentarily.

COMMITTEE MEMBER GARRETT: I would like to state that the Ordinance and Master Plans are not necessarily prescriptive design manuals for us to pick and choose how we want to apply the elements listed in there, but they are guidelines to be applied in a broad overarching way. It is subjective to say that it does not meet a high density street level activity, gateways, compatible colors, offices and retail is offset by the public nature of the parks and addressing how the public would use these art studios and spaces. The connector...the visual character of the parking garage is also a subjective statement. This is more than a parking garage. It's not simply a two block parking garage. Even if it was that alone is a precedent to deny the project. Every city in America including Boise has large parking structures in downtown. There's one right there attached to this building (refers to Boise City Hall). To say that this was a purely objective interpretation is questionable in my opinion.

COMMITTEE MEMBER MARSH: I struggle with general terms in the Ordinances and Plans like "*Should*" and "*Encourage*". If the retail portion gets forced it doesn't necessarily make a successful project. Even the River/Myrtle Street Plan identifies this area as a transitional area. It states that it is uncertain how this area will develop and several possibilities are plausible. One thing consistent with the plan is to cluster retail into shopping districts rather than dispersing individual retail that would dissipate the retail energy by allowing to locate on any street frontage. That might be the result if we force the retail component in what we have here.

CHAIRMAN EVANS: Hearing no further comments from Committee Members I'll ask for a motion.

COMMITTEE MEMBER ANDERSON MOVED FOR CONDITIONAL APPROVAL OF DRH10-00178 WITH THE ADDITIONAL CONDITIONS THAT WORKSESSIONS BE ADDED TO THE LIST PREVIOUSLY DEVELOPED BY STAFF IN TERMS OF TOPICS. THE TWO NEW TOPICS WOULD INCLUDE SUBMITTAL OF A REDESIGN FOR THE STAIR STRUCTURES TO PRESENT A CONCEPT THAT IS AGREEABLE OR ACCEPTABLE TO THE COMMITTEE AND SUBMITTAL OF ALTERNATIVE DESIGNS FOR THE PARKING STRUCTURE THAT IN SOME FASHION ELIMINATES HIGHLY VISIBLE FIREPROOFING.

COMMITTEE MEMBER GARRETT SECONDED THE MOTION.

CHAIRMAN EVANS: I'm going to ask the Committee when they cast their vote to use yes or no.

COMMITTEE MEMBER GARRETT: I believe that the fireproofing was already a condition placed on the project by staff. Could we strike that as an additional condition and allow staff's Condition i. or j? I don't have it in front of me right now.

CHAIRMAN EVANS: Committee Member Anderson could you reread your motion stating that all the conditions are still applicable and add in your other...

COMMITTEE MEMBER ANDERSON: I don't have those at the ready here.

CHAIRMAN EVANS: A general statement on those conditions would suffice. The site specific conditions, worksessions, etc. Please state the Design Review number.

COMMITTEE MEMBER ANDERSON MOVED TO GRANT CONDITIONAL APPROVAL OF DRH10-00178 SUBJECT TO THIS APPLICATION NUMBER WITH THE WORKSESSIONS SET FORTH BY STAFF IN ITS REPORT ADDING AS AN ADDITIONAL WORKSESSION TOPIC THE SUBMITTAL AND ACCEPTANCE OF AN ACCEPTABLE DESIGN FOR THE STAIRWELLS OR STAIR TOWERS THAT ELIMINATES THE SWIRLS AND SLIDES.

COMMITTEE MEMBER GARRETT SECONDED THE AMENDED MOTION.

COMMITTEE MEMBER MARSH: I was wondering if they might want to consider one additional condition. Upon reading the City Council's minutes regarding the vacation of the right-of-way I believe that an additional condition that the applicant provide a pedestrian easement or an acceptable alternative for the preservation of the Pioneer Pathway.

CHAIRMAN EVANS: Committee Member Anderson would you amend your motion with that condition?

COMMITTEE MEMBER ANDERSON MOVED TO AMEND THE MOTION FOR DRH10-00178 TO INCLUDE AS A WORKSESSION TOPIC THE REDESIGN OF THE STAIRWELL TOWERS AND TO SET FORTH THE REQUIREMENT OF AN EASEMENT FOR THE PIONEER WALKWAY AREA.

COMMITTEE MEMBER GARRETT SECONDED THE AMENDED MOTION.

SARAH SCHAFER: Does the motion include site specific conditions of approval 1. a through qq or is it only including the worksession conditions?

COMMITTEE MEMBER ANDERSON: It would include 1. a through qq.

SARAH SCHAFER: And all of the standard conditions of approval?

COMMITTEE MEMBER ANDERSON: Yes.

ROLL CALL VOTE 3:4. MOTION FAILS.

MARY WATSON (Legal Counsel): The motion up for vote has failed so there will need to be deliberation and another motion. The motion for approval failed so nothing yet has happened on the project. There's been no determination by the Committee.

COMMITTEE MEMBER ANDERSON: Is there an alternative motion that might pass? I know that there were several add-ons to my original motion and I'm wondering if there are...is the easement the hang up or is there something else we can address? I'd like to move this matter forward to conclusion if we can tonight.

CHAIRMAN EVANS: We can entertain another motion to try to finalize.

COMMITTEE MEMBER WOLF MOVED TO DENY DRH10-00178 BECAUSE IT DOES NOT COMPLY WITH ORDINANCES, DESIGN OBJECTIVES, FINDINGS, POLICIES AND GOALS.

COMMITTEE MEMBER UGRIN SECONDED THE MOTION.

ROLL CALL VOTE 4:3. MOTION CARRIED WITH COMMITTEE MEMBERS GARRETT, ANDERSON AND MARSH VOTING AGAINST.