

**Persimmon II, LLC
44292 South El Macero Drive
El Macero, CA 95618-1032**

October 20, 2010

Ms. Angie Brosius
Project Manager
City of Boise
150 N. Capitol Blvd.
Boise, ID 83701-0500

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**DEVELOPMENT
SERVICES**

Dear Ms. Brosius,

This letter is submitted as an explanation of Persimmon II LLC's amendment to our Conditional Use Permit application dated September 28, 2010 for the development of Block 116 in Downtown Boise. This amendment is in response to comments from the City Planning staff, ACHD and CCDC.

The Grocery store is an allowed use in the MU zone with a Conditional Use Permit. In addition, we are requesting a special exception for the smaller retail building. Together these buildings form the edge of an outdoor room which creates an inviting pedestrian entrance from the Linen District to the South and from the Downtown Business District to the East. The grocery store will abut the ROW on Idaho and the specialty retail building will front the sidewalk on 15th St, the resulting plaza will be a useable space for outdoor dining, neighborhood gatherings and public art. (See site plan.) The 15th Street Plaza is a natural extension of the River Street-Myrtle Street Master Plan intent of pedestrian connectivity.

CCDC and City Planning staff expressed a concern that the building on Idaho St. seemed to turn its back on the future neighborhood, that the plaza and retail building lacked energy and connectivity to 15th and Idaho, and that the surrounding sidewalks did not meet the Downtown Boise Streetscape design intent.

During our pre-app meeting it was suggested that perhaps the building would best be "backed up" to Bannock St. to provide a buffer to the mixed use neighborhood to the north. However, after further design study it was determined that such placement would eliminate the Plaza, complicate the delivery circulation and ignore the new urban design intent by creating a "strip-style" development fronting on Idaho. It would, in fact, cut off pedestrian access from the substantial existing residential development to the north and northwest.

From an operational standpoint, it is imperative that the entry to the store front on the parking area and therefore is an unwavering requirement for Henry's. However, to address staff's concerns we have added fenestration (pedestrian level windows that open up to the store's operation area) and created diversity in height and style to provide a "Main Street" feel to the Idaho St. elevation. Likewise to the retail building, we have added inviting entry elements on 15th and Idaho Sts. and a roll-up style glass door on the plaza to further energize the Plaza space.

The Plaza is further enhanced with permanent and moveable seating, a fountain and shade trees as well as specialty paving to provide an inviting and comfortable gathering place.

The full-width sidewalks along Idaho and 15th are urban in nature with street trees embedded in decorative street grates. Along the north side of the store a wide pedestrian Promenade allows easy east-west movement across the site from 15th to 16th, as well as affording outdoor display of produce and other goods. The Plaza serves as the main pedestrian connector from the Idaho-15th intersection and the Promenade. In addition, the Promenade is connected to Bannock St. through the center of the development by a wide pedestrian walkway demarcated with specialty paving and safety islands.

We have included with this resubmittal streetscape sections and include the location of bike lanes required on the adjacent streets.

ACHD expressed concerns that the Alley be continued from 15th to 16th and that the driveway on Bannock was too close to the 16th and Bannock intersection.

For background information, the alley on Block 116 was abandoned in 1985 and therefore technically there has been no public connection for 25 years. The only recent use of the paved alley has been truck traffic from a bifurcated business which technically trespasses across the property on a regular basis.

We have explored numerous options for positioning the building and found the proposed plan to be the best option. In order to keep a pedestrian access aligned with the public rights of way on the east and west, we have compromised Henry's prototypical floor plan by making it wider and shallower therefore allowing for a wide pedestrian Promenade. After additional conversations with and study by ACHD staff they find our alignment circulation plan acceptable and have no concerns about turning conflicts since both 15th and 16th are one way streets.

In order to address the concern of the Bannock driveway we have directed it to the northeast and designated it as egress only. Its location is specific to the movement of delivery trucks and will not work in another location without severely affecting the site plan and circulation.

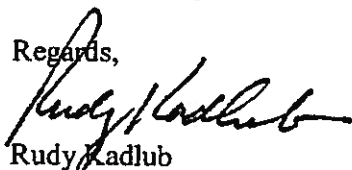
The number of parking spaces proposed exceeds the maximum allowed by zoning but is necessary to support the current needs of Henry's Farmers Market. Henry's will be an anchor to CCDC's Westside Downtown District. It will spawn new development and is a great amenity for the future urban residential planned for the District. However, until a substantial number of residential dwelling units are built and occupied in the District, Henry's must rely on customer traffic arriving by automobile. Therefore, we are requesting a variance to the maximum parking requirement.

Likewise, the residential phase planned for the site will only be feasible when a critical mass of additional residential units are built within walking distance (1/4 mile) of the site. At that time Henry's can rely more on foot traffic and reduce the number of onsite parking stalls, thereby freeing up land for adding the residential phase with its structured parking.

Finally, staff inquired as to the store hours and the frequency and times of delivery for the operator. Henry's anticipates store hours to be 7:00 am to 10:00 pm seven days a week. After Grand Opening long haul trucks (semis) will probably settle in to a 3 day a week routine with no deliveries on Sundays. These trucks generally will arrive prior to the morning opening of 7:00 am. This schedule, however, is dependent on trucking availability, backhaul scheduling and warehouse pick scheduling. Small Direct Store Delivery vans with farm fresh goods will probably arrive every day. Though the lease has yet to be signed by our tenant, we remain confident that the signing will occur in the weeks ahead. Funding is committed for the project and we are projecting a schedule that would allow for construction to start prior to December 31, 2010 in order to preserve the use of the Recovery Zone Facility Bond financing.

Thank you for your consideration of our application.

Regards,



Rudy Kadlub

Member

Persimmon II, LLC