



Planning & Development Services

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13

CUP10-00059 & CVA10-00032 / Persimmon II, LLC

Summary

Persimmon II, LLC requests approval of a special exception to construct a 1,800 sq. ft. retail building and a conditional use permit to construct a \pm 25,000 sq. ft. stand-alone grocery store on \pm 1.8 acres located at 1511 W. Bannock Street in an R-ODD (Residential Office with Downtown Design Review) zone. The application includes a request to exceed the maximum number of allowable parking spaces and variances from front and street-side setbacks for the parking lot and buildings.

Prepared By

Susan Riggs, Planning Analyst

Recommendation

Staff recommends **approval** of CUP10-00059 & CVA10-00032.

Reason for the Decision

Conditional Use Permit (CUP10-00059)

The project is compatible with other development in the neighborhood. The area currently supports a variety of uses including retail, commercial, office, and residential. The site is unique in that it consists of an entire city block and abuts four streets. The grocery store will add diversity and help achieve an active, 24-hour presence in the neighborhood. With approval of the variance, the site is large enough to accommodate the proposed use without adversely affecting other properties in the vicinity. The development is similar in intensity and operating characteristics to the variety of uses in the vicinity. The building complies with the height and floor area requirements of the proposed zone. Traffic counts provided by the Ada County Highway District (ACHD) indicate the abutting roadways each operate at an acceptable Level of Service "C" in regard to average daily traffic. Based upon information provided by ACHD, the multiple alternative modes of transportation that are readily accessible, and the site's location within the City's downtown core, the development will not create an undue burden on the transportation system. The waiver for the 93 parking spaces is justified as a grocery typically requires additional parking beyond the minimum standards and not parking structures are located within vicinity. The development is in compliance with the goals and objectives of the Comprehensive Plan. *Goal 8.1* strives for a city that minimizes suburban sprawl, and that provides basic services and facilities in close proximity to where people live. *Goal 7.2* and *Objective 8.1.3* encourages a compact city comprised of a central Downtown with surrounding neighborhoods that have a center focus combining residential, commercial, and employment. The grocery will occupy a city block that has been vacant for a number of years. The grocery will be an anchor to Westside Downtown and provide a focus for the neighborhood as well as generating employment opportunities. It will help spawn new development and will serve as an amenity for the existing and future urban residential developments.

Special Exception

The Zoning Ordinance does not list stand alone retail as an allowed use in the R-O zone. This area of the Westside Urban Renewal District is envisioned to develop as a residential neighborhood with building heights between four to six stories. However, due to the economic downturn in the market, it may be some time before the city sees a residential project of that scale. The site's location on the western edge of the downtown with the Linen District to the south and residential to the north makes this a desirable use in the zone.

The facility will produce an equal or reduced impact on the site and neighborhood than an allowed use. The proposed 1,800 square foot retail building will produce an equal or reduced impact upon the site than the allowed grocery. The location of the proposed use is compatible with other uses in the general neighborhood. The site is located adjacent to commercial, office and residential uses. The retail use will provide an amenity for the residents and local businesses in the area. Correspondence received from commenting agencies indicates the proposed use will not place an undue burden on transportation or other public services in the vicinity. With approval of the variance to locate the building to the property line on 15th Street, the site is of sufficient size to accommodate the retail use. A large landscaped plaza is proposed adjacent to the site that will provide useable open space, for outdoor dining and neighborhood gatherings. Although appropriate zoning for the use is available in the general neighborhood, the retail building will bring additional vitality to the site, providing a more comprehensive activity node in the neighborhood. More significantly, maintaining the R-O (Residential Office) zoning of the site will support residential development of an appropriate scale and intensity on the site in the future. Safe access is provided to the site. The Ada County Highway District has approved three access points; one off 15th, 16th and Bannock Street. The Bannock Street driveway allows right turns as an exit only. Sidewalks are provided on all streets that abut the site and are generally designed to meet the Downtown Boise Streetscape Standards. The approval of the special exception is unique to this site based on the allowed grocery use and the vitality that a retail use can bring to this area. The ordinance does not anticipate that a retail use when constructed in conjunction with a grocery can add vitality and interest to the overall development. Staff has included a condition requiring the retail use to be geared to primarily serve the needs of the local residents. Examples of such uses would be a restaurant or coffee shop. Additionally, the plaza proposed between the retail building and the grocery on the southeast corner of the site, is designed with an emphasis on pedestrian amenities such as public art, a fountain, benches and tables and landscaping. Staff has recommended that a grocery store entrance to the plaza be provided to the northeast corner of the building.

Variance (CVA10-00032)

The granting of the variance will not be in conflict with the spirit and intent of the Comprehensive Plan. *Goal 7.2* and *Objective 7.2.5* encourage services and amenities that are convenient, visually pleasing and properly integrated with surrounding development. This development is located in downtown where buildings are encouraged to be constructed to the property line. The proposed setbacks are similar those of in the vicinity, specifically the commercial building on the south side of Idaho Street. The placement of the building provides greater separation from the residential properties to the north. There are unique circumstances that justifies reducing the setbacks. The site is bordered by four streets. There is an existing sewer line that traverses east to west through the middle of the site splitting the site into two sections forcing the buildings to one side of sewer line and the parking to the other. The variances further justified as the site located in the downtown, which encourages new urbanism with buildings constructed at the sidewalk's edge. There will be no privacy impacts as buildings are not adjacent to residential dwelling. Staff cannot identify any adverse impacts on the surrounding properties. The site consists of an entire city block with adjacent uses being separated by principal arterials and collector streets. All the adjacent uses are zoned C-2 (General Commercial) and the residential neighborhood on the north side of Bannock Street is located across a ±80 right-of-way.







PHASE 1 PARKING:
91 NEW
11 ON STREET PARKING
102 TOTAL PARKING

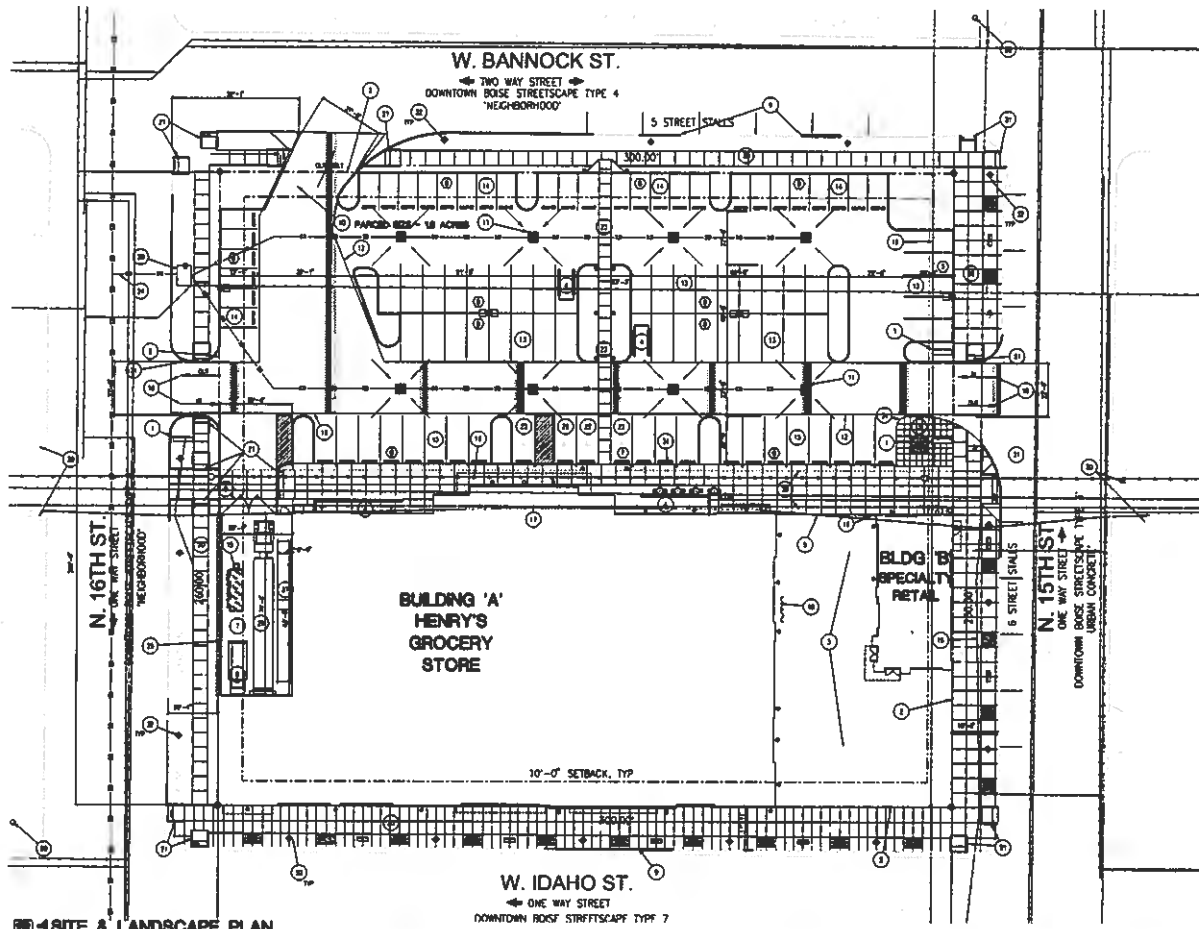
PHASE 2 PARKING:
30 UNDERGROUND
18 NEW
29 EXISTING
11 ON STREET PARKING
88 TOTAL PARKING



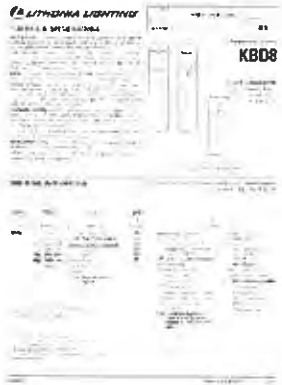


1. CONCRETE PAVING (SIDEWALK, DRIVE OR DRIVEWAY)
2. 1" CONCRETE SPALL
3. REINFORCING BARS OR IRON REINFORCING
4. POLE OR SIGNATURE/TRAFFIC SIGN
5. FORMS, TABLETS, OR SIGNAGE
6. NAIL OR NAIL END OF CONCRETE PAVING
7. CRACKS, FRACTURES, OR DISINTEGRATION OF CONCRETE PAVING
8. USE OF ANY OTHER MATERIALS OR METHODS FOR CONCRETE PAVING

EXHIBIT 6-10

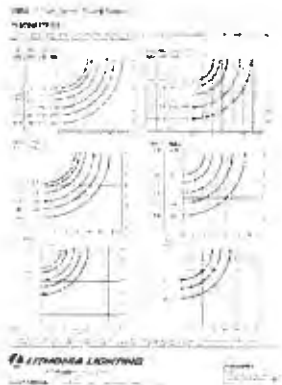


1 SITE & LANDSCAPE PLAN
SCALE 1/8" = 10'-0"

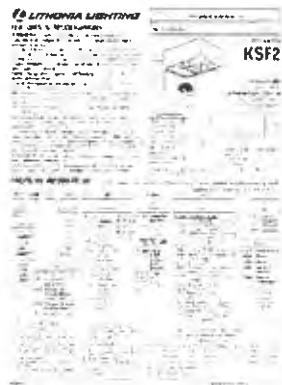


BOLLARDS ●

2 PARKING LOT LIGHTS
SCALE 1/8" = 10'-0"



PARKING LOT LIGHTS □□



WALL MOUNTED BUILDING LIGHTS ○

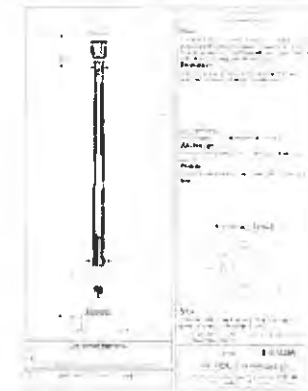
PARKING CALCULATIONS	
TYPE OF PARKING	NUMBER OF SPACES
TYPE OF PARKING	NUMBER OF SPACES
TYPE OF PARKING	NUMBER OF SPACES
TYPE OF PARKING	NUMBER OF SPACES
TYPE OF PARKING	NUMBER OF SPACES

MINIMUM SETBACKS

TYPE OF SETBACK	MINIMUM SETBACKS	
	FEET	FEET
TYPE OF SETBACK	FEET	FEET
TYPE OF SETBACK	FEET	FEET
TYPE OF SETBACK	FEET	FEET

① SHEET NOTES:

1. EXISTING BUILDING
2. EXISTING LOT
3. EXISTING PARKING
4. EXISTING DRIVE
5. EXISTING DRIVE
6. EXISTING DRIVE
7. EXISTING DRIVE
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CITY OF BOISE ANTIQUE STREET LAMP

PRELIMINARY
NOT FOR
CONSTRUCTION

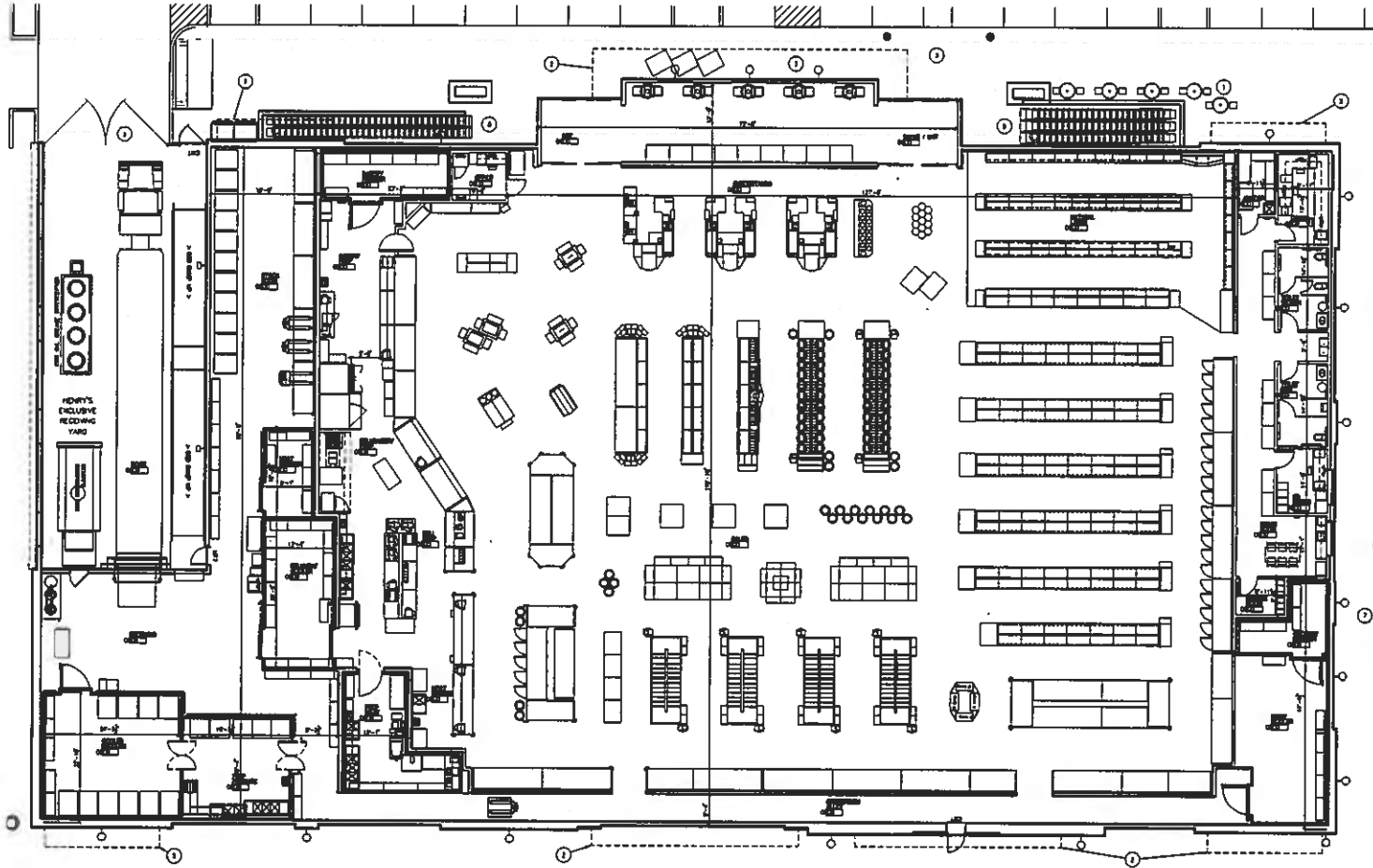
BOISE, ID
HENRY'S FARMER'S MARKET
1511 W BANNOCK ST
CSHQ

CUP
SUBMITTAL
ADDENDUM
ONE

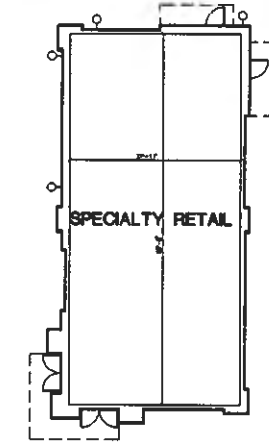
HENRY'S
FARMER'S MARKET

SHEET
PLAN

SHEET
1
TOTAL SHEETS: 10



1ST FLOOR PLAN - BUILDING 'A'
SCALE 1/8" = 1'-0"



2ND FLOOR PLAN - BUILDING 'B'
SCALE 1/8" = 1'-0"

① SHEET NOTES:

1. OUTSIDE STAIRS
2. BUILT FURNITURE
3. 1/2" DIA. RAIL
4. TRASH COMPACTOR
5. DRY
6. 1/2" DIA. RAIL
7. RAILING FLOOR
8. CAR CORN.

PRELIMINARY
NOT FOR
CONSTRUCTION

BOISE, ID
HENRY'S FARMER'S MARKET
1511 W BANNOCK ST

CSHA

CUP
SUBMITTAL
ADDENDUM
ONE

DATE
10-13-16

DATE
10-13-16

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10-13-16



BUILDING 'B'

BUILDING 'A'

1 NORTH ELEVATION - BANNOCK STREET
SCALE 3/32" = 1'-0"



BUILDING 'A'

2 SOUTH ELEVATION - IDAHO STREET
SCALE 3/32" = 1'-0"



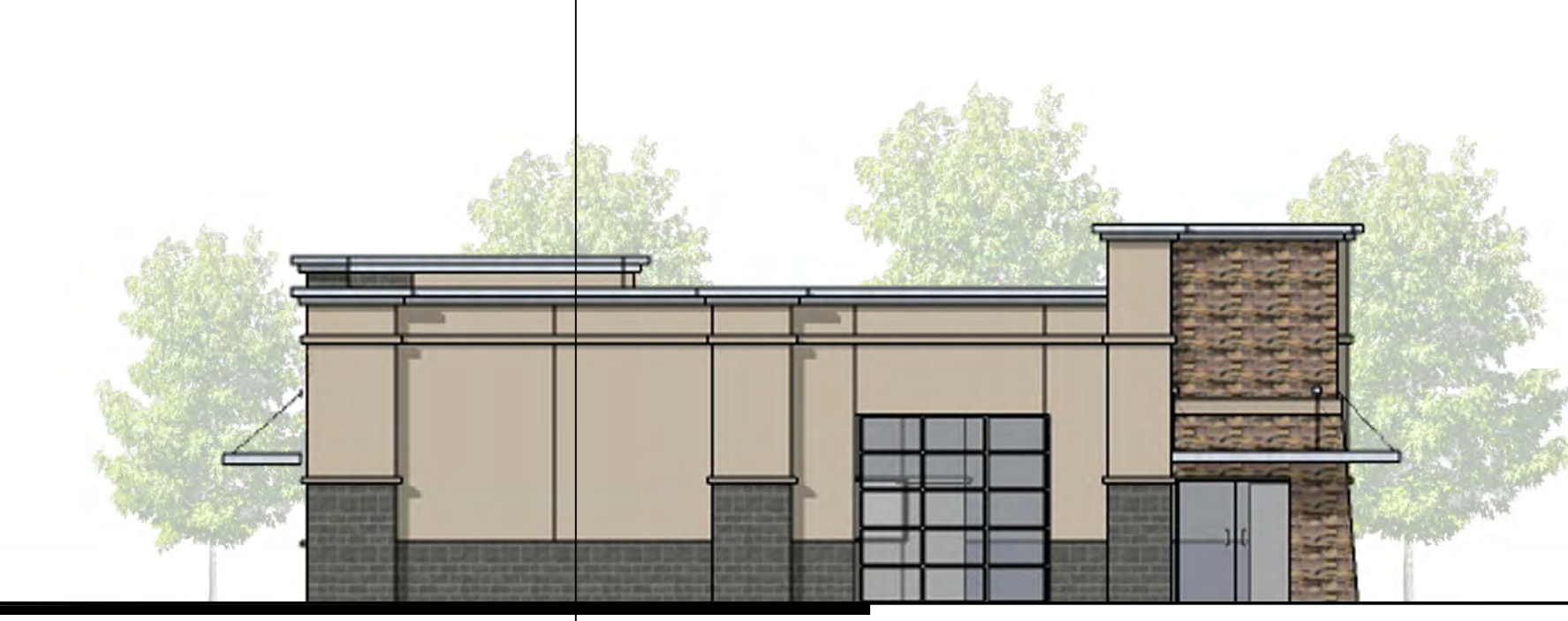
BUILDING 'A'

3 WEST ELEVATION - 16th Street
SCALE 3/32" = 1'-0"



BUILDING 'A'

4 EAST ELEVATION - 15th Street
SCALE 3/32" = 1'-0"



5 WEST ELEVATION - 15th Street
SCALE 3/32" = 1'-0"



6 EAST ELEVATION - 15th Street
SCALE 3/32" = 1'-0"





1 SOUTHWEST PERSPECTIVE ALONG IDAHO STREET
SCALE NOT TO SCALE



4 FRONT ENTRY FROM PE
SCALE NOT TO SCALE



2 NORTHWEST PERSPECTIVE
SCALE NOT TO SCALE



5 PLAZA PERSPECTIVE FR
SCALE NOT TO SCALE















**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

RECEIVED

OCT 20 2010

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.

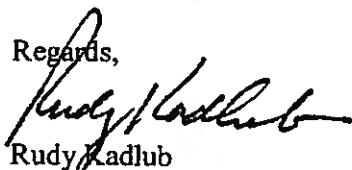
The number of parking spaces proposed exceeds the maximum allowed by zoning but is necessary to support the current needs of Henry's Farmers Market. Henry's will be an anchor to CCDC's Westside Downtown District. It will spawn new development and is a great amenity for the future urban residential planned 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



Planning & Development Services

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Planning Division Staff Report

File Number	CUP10-00059 & CVA10-00032
Applicant	Persimmon II, LLC / Rudy Kadlub
Property Address	1511 W. Bannock Street
Public Hearing Date	November 1, 2010
Heard by	Planning and Zoning Commission
Analyst	Susan Riggs
Checked By	Cody Riddle

It is important to submit all evidence to the Planning and Zoning Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Public Notification

Neighborhood meeting conducted: September 22, 2010

Newspaper notification published on: October 16, 2010

Radius notices mailed to properties within 300 feet on: October 15, 2010

Staff posted notice on site on: October 13, 2010

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Exhibits

Boise City Fire Comments

Public Works Comments

Solid Waste Comments

Ada County Highway District Comments

Capital City Development Comments

1. Project Data and Facts

Project Data	
Applicant/Status	Persimmon II, LLC / Rudy Kadlub (Owner)
Architect/Representative	Danielle Weaver / CSHQA
Location of Property	1511 W. Bannock Street
Size of Property	±1.8 acres
Zoning	R-ODD (Residential Office with Downtown Design Review)
Comprehensive Plan Designation	Mixed Use
Planning Area	Downtown
Neighborhood Association/Contact	Downtown Boise Neighborhood Association / Gail Young
Procedure	The Planning and Zoning Commission decision on the conditional use permit and variance may be appealed to the City Council. The Commissions recommendation on the special exception goes directly to Council.

Current Land Use
The site most recently has been used as an unpaved off-site parking lot for Bogus Basin Mountain Resort.

Description of Applicant's Request
The applicant is requesting a special exception to construct a 1,800 sq. ft. retail building and a conditional use permit to construct a ± 25,000 sq. ft. stand-alone grocery store with variances from front and street-side setbacks for the parking lot and buildings. The application includes a request to exceed the maximum number of allowed parking spaces.

2. Land Use

Description and Character of Surrounding Area
The subject property abuts the streets of Bannock, Idaho, 15 th and 16 th . The surrounding area is comprised of a variety of uses including commercial, office and single-family homes.

Adjacent Land Uses and Zoning

North:	Bannock Street, then residential and office / C-2DD
South:	Idaho Street, then retail and broadcasting studio / C-2DD
East:	15 th Street, then commercial and office / C-2DD
West:	16 th Street, then laundry business and truck loading facility / C-2D

Special Considerations

The site is bordered by public streets on all four sides. Three of the streets are one-way. Sewer lines extend east to west across the middle of the site.

History of Previous Actions

CAR02-00008	Approval of an amendment to incorporate the Westside Downtown Framework Master Plan into the Comprehensive Plan.
CAR05-00003 CUP05-00003 CVA05-00003	Approval to construct a mixed-use planned unit development consisting of office and retail space and 92 residential units. The proposal included a below-grade parking structure and a request for a height exception.
CAR06-00023	Approval of Capitol City Development Corporation requests to amend the Zoning Ordinance to expand the boundaries of the P-1 and P-2 Parking Overlay Zones.

3. Project Proposal**Site Design**

Land Use	Proposed
Percentage of the site devoted to building coverage:	34%
Percentage of the site devoted to paving:	16%
Percentage of the site devoted to landscaping:	44%
Percentage of the site devoted to other uses: (loading dock/ramps/sidewalks/plaza)	6%
Total	100%

Parking

Proposed		Required	
Handicapped spaces proposed:	4	Handicapped spaces required:	4
Total parking spaces proposed:	93	Total parking spaces required:	45
Number of compact spaces proposed:	30	Number of compact spaces allowed:	37
Bicycle parking spaces proposed:	18	Bicycle parking spaces required:	5
Parking Reduction requested?	No	Off-site Parking requested?	No

Setbacks (Henry's Market)

<i>Yard</i>	<i>Building</i>		<i>Parking</i>	
	<i>Proposed</i>	<i>Required</i>	<i>Proposed</i>	<i>Required</i>
Bannock Street (Collector)	123'	10'	0'*	10'
Idaho Street (Collector)	0'*	10'	N/A	10'
15 th Street (Principal Arterial)	72'	20'	0'*	20'
16 th Street (Principal Arterial)	0'*	20'	0'*	20'

* A variance has been requested to reduce this requirement)

Setbacks (Retail Building)

<i>Yard</i>	<i>Building</i>		<i>Parking</i>	
	<i>Proposed</i>	<i>Required</i>	<i>Proposed</i>	<i>Required</i>
Bannock Street (Collector)	139'	10'	0'*	10'
Idaho Street (Collector)	55'	10'	N/A	10'
15 th Street (Principal Arterial)	0'*	20'	0'	20'
16 th Street (Principal Arterial)	Interior to site	20'	0'*	20'

* A variance has been requested to reduce this requirement)

Fencing

None proposed/specified.

Outdoor Lighting

Parking lot and streetscape lighting is proposed. Detailed review and approval of these features will occur during the Design Review process.

Structure(s) Design**Number and Proposed Use of Buildings**

The applicant is proposing two buildings comprised of a grocery store and a retail building.

Maximum Building Height

35'

Number of Stories

One story

4. Zoning Ordinance

Section	Description
11-04-05	REGULATIONS FOR NEIGHBORHOOD OFFICE (N-O), LIMITED OFFICE, AND RESIDENTIAL OFFICE (R-O) DISTRICTS
11-04-05-06	ADDITIONAL DEVELOPMENT STANDARDS FOR THE R-O DISTRICT
11-06-04	CONDITIONAL USE PERMITS
11-06-08	SPECIAL EXCEPTIONS
11-06-11	VARIANCE TO THE ZONING ORDINANCE
11-10	OFF STREET PARKING AND LOADING REQUIREMENTS

5. Comprehensive Plan

CHAPTER	GOALS, OBJECTIVES & POLICIES
CHAPTER 6-TRANSPORTATION	Objective 6.1.6 Policy 6.1.6.5
CHAPTER 7-COMMUNITY DEVELOPMENT	Goal 7.2 Objective 7.2.1 Policy 7.2.1.5 Objective 7.2.5 Policy 7.2.5.2
CHAPTER 8-LAND USE	Goal 8.1 Objective 8.1.3 Objective 8.1.4 Policy 8.1.4.2 Policy 8.1.17.10 Policy 8.1.17.11 Policy 8.1.17.13

6. Transportation Data

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
15 th Street	260-feet	Principal Arterial	795	"F"	"F"
16 th Street	260-feet	Principal Arterial	898	Better than "E"	Better than "E"
Idaho Street	300-feet	Collector	835	"F"	"F"
Bannock Street	300-feet	Collector	99	Better than "D"	Better than "D"

* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH).

* Acceptable level of service for a four-lane principal arterial is "E" (1,330 VPH).

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

* Acceptable level of service for a three-lane collector is "D" (530 VPH).

Average Daily Traffic Count (VDT)

1. The average daily traffic count for 15th Street north of Idaho Street was 7,678 on October 20, 2009.
2. The average daily traffic count for 16th Street north of Idaho Street was 9,839 on February 4, 2009.
3. The average daily traffic count for Idaho Street west of 15th Street was 6,110 on March 11, 2009.
4. The average daily traffic count for Bannock Street west of 15th Street was 1,745 on July 1, 2009.

7. Analysis/Findings

The applicant is requesting a special exception to construct a 1,800 square foot retail building and a conditional use permit to construct a \pm 25,000 square foot stand-alone grocery store. The application includes a request to exceed the maximum number of allowable parking spaces and variances from front and street-side setbacks for the parking lot and buildings. Phase II of the development shows two building pads with three story residential buildings located along Bannock Street where parking is currently proposed. Phase II is conceptual with no immediate plans for construction. It would require detailed approval in the future.

The site is bordered by four streets; Bannock to the north, Idaho to the south, 15th to the east, and 16th to the west. The property lies within the Downtown Planning Area, and is part of the Westside Urban Renewal District and Westside Framework Master Plan adopted by reference in the Comprehensive Plan. The surrounding area is comprised of a variety of uses including residential, office, commercial and retail. The project should create vitality in the neighborhood by introducing an amenity not currently available to residents and employees in the area.

Staff is somewhat concerned with the layout and configuration of the project. The site is located in the Downtown Planning Area of the Comprehensive Plan. *Policy 8.1.17.13 and numerous others* promote the principles of new urbanism and pedestrian orientation in downtown development. The project includes elements more commonly associated with suburban retail development. It is a single-use (retail) development with a large surface parking lot and the primary building does not include an entrance along Idaho Street. However, staff recognizes that unless part of a larger mixed-use project, a grocery store requires some amount of surface parking. Staff has worked extensively with the applicant who has explored numerous design alternatives to ensure the project is appropriately integrated with surrounding uses, and those reasonably expected to develop. Options included orienting the building to Idaho Street, aligning the service drive entrance with the existing alley and creating a pedestrian promenade, or providing an additional building entrance to the retail plaza on the southeast corner of the site.

There are challenges to implementing any of these options. While highly desirable to have an entrance on Idaho, if the building were essentially flipped and oriented to that street, customers would be forced to travel through the pedestrian plaza or around the service area with bags of groceries or shopping carts to get to their cars. This alternative would likely be more feasible in the future if the grocery store is reconfigured as part of a future phase of development to include multiple entrances. A second option discussed was to reinstate the east/west alley as an urban shared pedestrian and vehicular promenade in alignment with the alleys on 15th and 16th street. Although the alley was abandoned in 1985, it is important to maintain the established mid-block connections in the downtown area. Staff had suggested the alley could be redesigned with an urban street appearance, including pedestrian amenities, between the store and the parking lot. This scenario will impact the size and shape of the building. The final option discussed was to provide an entrance to the building off the retail plaza on east side of the building. Staff believes this scenario will better accommodate pedestrians and will help to activate the plaza. Staff has included this as a condition of approval and recognizes that it will require a slight reconfiguration of the floor plan.

To ensure the project is in conformance with adopted plans and ordinance requirements, the applicant has proposed an approximately 1,800 square foot retail building between the grocery store and 15th Street. This building includes entrances along each street frontage and a pedestrian plaza that includes landscaping, seating, and bicycle parking. This portion of the project requires approval of a special exception as a stand-alone grocery store is the only permissible retail use in the underlying R-O (Residential Office) zone.

The intent of the R-O zone is to implement mixed use development in those areas identified as such in the Comprehensive Plan. The zone is primarily intended to provide for higher density residential and office uses with an emphasis on high quality urban design and pedestrian orientation. The intent of a special exception is to allow certain uses which because of their normal nature or design are not commonly permitted in a given district, but with special consideration by the applicant to the standards of the area, impact, design and existing uses, may benefit the immediate community. The ±1,800 square foot retail building abuts the sidewalk on 15th Street and includes an entrance. Additional entrances are proposed on the north, south and west elevation, as well as a roll-up style glass door on the west. While no tenant has been identified, the applicant would like one that compliments the specialty grocery store and neighborhood. To ensure this objective is achieved, and the plaza remains an active space, staff has included a recommended condition of approval limiting the use of this building to retail or restaurant type uses.

The site currently includes 93 parking spaces where only 45 are required. As such, the conditional use permit includes a request to exceed the number of parking spaces allowed by the base allowance. To grant the additional spaces, the Commission is required to find they are necessary to reduce adverse impacts on the surrounding neighborhood and due to unique characteristics of the site. The site is located within the boundaries of the P-3 Parking Overlay District. The overlay districts are intended to reduce surface parking by relying more heavily on public parking in and around the downtown core. This remains an appropriate long-term objective for the subject property and surrounding parcels. However, there is currently minimal public parking within walking distance of the site. As such, staff finds the proposed parking to be appropriate to support the grocery store and retail space.

In addition to the conditional use and special exception, the application includes variances to the setbacks along each street frontage. As outlined in the findings below, staff believes a reduction to the setbacks is warranted. In addition to street setbacks along each property line, the site is encumbered by a sewer line easement that traverses the middle of the property. This effectively splits the site in half.

The Capital City Development Corporation (CCDC) provided detailed comments on each of the applications in correspondence dated October 12, 2010. Their comments focus largely on how the project relates to the Westside Urban Renewal District and the Westside Downtown Framework Master Plan, adopted by reference in the Boise City Comprehensive Plan. CCDC finds the project fails to comply with the Urban Renewal District, and has recommended the City deny the conditional use, special exception and variance applications. Their detailed comments are attached as an exhibit to this report and echo many items already discussed with regard to the orientation of the buildings and their lack of attention in addressing the urban core of the downtown and the commercial center of the Westside District. CCDC does not support cars parked towards the residential and light office uses to the north. They recognize the building is sited in part for the purpose of avoiding the sewer line, however they feel the site plan can be substantially improved by repositioning the grocery building.

While CCDC has valid concerns with the proposal, the primary use of the site is a grocery store, a conditionally allowed use. Staff is unable to identify any issues in terms of compatibility or adverse impacts on surrounding properties or public infrastructure. Further, the inclusion of a significant pedestrian plaza and retail building oriented to the street substantially addresses staff's concerns with the project. The architecture, landscaping, and design of the plaza space will be refined and reviewed in detail by the Design Review Committee.

FINDINGS

CONDITIONAL USE PERMIT

A. That the proposed use is compatible to other uses in the general neighborhood.

Staff finds the proposed grocery store will be compatible with other development in the general neighborhood. The property is designated as 'Mixed Use' on the Land use Map of the Comprehensive Plan. The plan defines this designation as follows:

"A variety of complimentary and integrated uses is allowed, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact form."

The site is bordered by four streets; Bannock to the north, Idaho to the south, 15th to the east, and 16th to the west. The area currently supports a variety of uses and with the exception of this block; the surrounding zones are commercial. To the west is a laundry mat, Meadow Gold and an office building, to the east is an office building, to the south is Nampa Auto Parts and a Channel 2 Television facility, and to the north is residential and office. In terms of use, the grocery store will add to this diversity and help achieve an active, 24-hour presence in the neighborhood. Although there is not currently a high demand for residential development, it is anticipated the grocery will help create this need in the future as the market improves. The neighborhood will benefit from the convenience of a grocery on the west end of downtown and the development of a lot which has remained vacant for a number of years.

B. That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity.

Based on traffic counts provided by the Ada County Highway District (ACHD), 15th Street (north of Idaho Street) carries 7,678 vehicle trips per day (VTD), 16th Street (north of Idaho Street) carries 9,839 VTD, Idaho Street (west of 15th Street) carries 6,110 VTD day and Bannock Street (west of 15th Street) carries 1,745 VTD. Each of the identified roadways operates at a Level of Service (LOS) "C" in regard to average daily traffic.

In addition to the average daily traffic present on the adjacent roadways, ACHD has also provided more detailed information in regard to the PM Peak Hour Traffic and the PM Peak Hour Level of Service. This information can be found in the preceding chart that is located on page 6.

Based upon this information, 15th and Idaho Street currently have a PM Peak Hour LOS “F”, while 16th Street has a PM Peak Hour LOS Service “E” and Bannock Street has a PM Peak Hour LOS “D”. With the additional 2,636 vehicle trips per day (268 peak hour trips) this project is anticipated to generate, the PM Peak Hour LOS on 15th, 16th, Idaho, and Bannock Street will remain consistent. While the City of Boise and Ada County Highway District attempt to achieve a Level of Service D or better on all of the roadways within City limits, it is typical to see lower levels of service within the Central Business District. This is especially true during PM peak hour travel.

Due to the fact that the levels of service are appropriate throughout the remainder of the day, there are bicycle commuter lanes adjacent to the site, and bus stops within walking distance and throughout the Central Business District, staff is comfortable adding an additional 2,636 vehicle trips per day (268 peak hour trips) to the adjacent roadways. Based upon the information provided by the Ada County Highway District, the multiple alternative modes of transportation that are readily accessible and the site's location within the City's downtown core, staff believes the site will not create an undue burden on the transportation system.

Bicycle circulation is an important consideration in downtown projects. Bannock Street is one of few streets that serve east-west bicycle travel in downtown Boise. It has 80 feet of right-of-way, is a two-way street, and is classified as a town center collector. East of 13th Street, Bannock Street is striped with bike lanes. West of 13th Street, the street section narrows and currently does not include bike lanes. ACHD's Roadways to Bikeways Bike Master Plan shows Bannock Street between 13th and 16th as an existing shared bikeway and east of 13th Street as an existing bike lane. There is ample right-of-way on Bannock Street to improve it with bike lanes. Additionally, the curb and gutter abutting the site is significantly broken, does not align with the curb and gutter on the east side of 15th Street, and is required to be replaced. The north side of Bannock Street is improved with detached sidewalk, an 11 foot planter with large, mature trees, curb, and gutter.

After discussing the need for a continuous bike lane and the alignment concerns with ACHD's Traffic Services, staff recommends the applicant reconstruct Bannock Street with a 46 foot back-of-curb to back-of-curb street section to match the curb line east of 15th Street. This street section will accommodate parking on the north side, two bike lanes and two travel lanes. Between the curb and the right-of-way lines will be a six foot planter with root-barrier, trees, a six foot sidewalk, and space for a two foot wall. Another option is an eight foot planter with trees and no root-barrier, and a six foot sidewalk. This would leave no separation between the site's parking and the sidewalk.

This proposal removes the five on-street parking stalls abutting the site shown on the submitted site plan. Staff supports bike lanes on Bannock Street over five parking stalls.

On 15th and 16th Streets the applicant is required to replace the curb and gutter. Both these streets also have ample right-of-way at 80 feet in width. 15th Street is currently striped with on-street parking on the west side, two travel lanes, and a six foot bike lane next to on-street parking. Staff would like to maintain the existing street cross section on 15th Street. 16th Street has an existing five foot bike lane, no gutter, and vertical curb abutting the site. The applicant will be adding gutter when the existing curb is replaced. Staff recommends a condition to secure a standard five foot wide bike lane width, outside of the gutter, on 16th Street with the reconstruction of the curb and gutter. The applicant will need to work with ACHD's Traffic Services staff to determine how to incorporate the gutter and bike lane. It may require shifting the curb line to the east or re-striping the travel lanes.

In correspondence received September 30, 2010, the Solid Waste Coordinator listed seven site specific conditions pertaining to recycling, location and access to the trash compactors, and design guidelines for trash enclosures. Boise Public Works provided comments and requirements as they pertain to central sanitary sewer, drainage, grease abatement and historic lighting. Boise City Fire included standard conditions of approval. Other than the aforementioned groups, no public agency has voiced opposition to this request with regards to transportation or public facilities.

- C. That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by this title.***

With approval of the variances, the site is large enough to accommodate the proposed use and all elements required for a project of this type. The structure adheres to the height limit and other dimensional standards of the zone with the exception of setbacks. The project is located in the P-3 Parking Overlay District. Based on the proposed uses, 45 parking spaces are required to support the two retail buildings delineated on the site plan. The applicant is requesting a waiver to allow 93 parking spaces, thus exceeding the maximum number of allowable spaces. Staff believes the request is justified as a grocery typically requires additional parking beyond the minimum standard. Additionally, there is no parking structures located within walking distance of the site. Phase II of the development conceptually identifies two, three story buildings with 30 residential units and underground parking. When Phase II is developed, a number of surface parking spaces will be eliminated to make room for the new construction. However, until a substantial number of residential dwellings units are built and occupied in the District, customers will primarily arrive to the grocery by automobile.

- D. That the proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity.***

Staff finds the development will not adversely affect other property in the vicinity. The grocery store is similar in intensity to other development in the area and will provide an amenity for the neighborhood. The applicant anticipates store hours to be 7:00 am to 10:00 pm seven days a week. After the grand opening, long haul truck (semis) deliveries will occur three days a week with no deliveries on Sunday.

The trucks will generally arrive prior to the opening of the store. Small direct store delivery vans with farm fresh goods will probably arrive daily. Although the larger trucks will exit on Bannock Street, the smaller trucks will have the opportunity to exit on 15th or 16th Street. Truck traffic will not be new to this neighborhood as there is truck traffic throughout the downtown, plus Meadow Gold is located across the street. To buffer the residents on the north side of Bannock Street from the parking lot, staff has recommended a condition requiring a two foot tall screen wall and/or fencing and landscaping adjacent to the sidewalk on Bannock Street. The design and landscaping is to be approved by the Design Review Committee. Based on compliance with the conditions of approval, staff cannot identify any conflicts associated with approval of this request.

E. That the proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

The project is consistent with the goals, objectives and policies of the Boise City Comprehensive Plan. *Goal 8.1* strives for a city that minimizes suburban sprawl, and that provides basic services and facilities in close proximity to where people live. *Goal 7.2* and *Objective 7.2.5* encourage services and amenities that are convenient, visually pleasing and properly integrated with surrounding development. *Objective 7.2.1.1* encourages the establishment of a physical framework of development which encourages the development of form and character of its districts, and the preservation of its neighborhoods. *Objective 8.1.3* encourages a compact city comprised of a central Downtown with surrounding neighborhoods that have a center focus combining residential, commercial, and employment. The grocery will occupy a city block that has been vacant for a number of years. The unimproved gravel site most recently served as a park and ride lot for Bogus Basin. The proposed grocery will be an anchor to Westside Downtown and provide a focus for the neighborhood as well as generating employment opportunities. It will help spawn new development and will serve as an amenity for the existing and future urban residential developments. The building is nicely designed and will be further refined during Design Review. The plaza located on the east side of the building will create an inviting pedestrian entrance from the Linen District to the south and from the Downtown business District to the east. The plaza will provide an opportunity for outdoor dining and neighborhood gatherings.

SPECIAL EXCEPTION

A. That the Zoning Ordinance does not anticipate that such a use could be a desirable use in the zone under special circumstances.

The Zoning Ordinance does not list stand alone retail as an allowed use in the R-O zone. This area of the Westside Urban Renewal District is envisioned to develop as a residential neighborhood with building heights between four to six stories. However, due to the economic downturn in the market, it may be some time before the city sees a residential project of that scale.

The site's location on the western edge of the downtown with the Linen District to the south and residential to the north makes this a desirable use in the zone. Although this is not a mixed use project, the right retail use will help vitalize this urban block which has remained vacant for a number of years. The retail use will be easily accessible to the neighborhood, businesses and employees working in the downtown area.

B. That the use will produce an equal or reduced impact upon the site or neighborhood than would an allowed use.

The facility will produce an equal or reduced impact on the site and neighborhood than an allowed use. The proposed grocery store is an allowed use in the R-O zone. The proposed 1,800 square foot retail building will produce an equal or reduced impact upon the site than the grocery. Although a tenant has not been identified at this stage, staff recommends the intended use be geared to primarily serve the needs of local area residents with uses such as a café, restaurant, juice bar, coffee shop or other similar use. A condition of approval requires the tenant be a business that will activate the plaza.

C. That the location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation and services facilities in the vicinity.

The location of the proposed use is compatible with other uses in the general neighborhood. The site is located adjacent to commercial, office and residential uses. The retail use will provide an amenity for the residents and local businesses in the area. There is sufficient parking on the site, and as such there will be no adverse impact on the surrounding properties.

Correspondence received from commenting agencies indicates the proposed use will not place an undue burden on transportation or other public services in the vicinity. Based on traffic counts provided by the Ada County Highway District, each of the identified roadways operates at a Level of Service (LOS) "C" in regard to average daily traffic. With the addition 2,636 vehicle trips per day (grocery & retail) (268 peak hour trips) this site is anticipated to generate, the PM Peak Hour Level of Service on 15th, 16th, Idaho, and Bannock Street remain consistent with anticipated level of service. A more detailed analysis of transportation impacts is provided under Conditional Use Finding B above.

- D. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as are required by this Ordinance.***

With approval of the variance to locate the building to the property line on 15th Street, the site is of sufficient size to accommodate the retail use. The site plan indicates a greater number of parking spaces than required. A large landscaped plaza is proposed adjacent to the site that will provide useable open space, for outdoor dining and neighborhood gatherings.

- E. That the site is appropriate for such proposed use and that proper zoning for the proposed use is not available in the general neighborhood.***

Although appropriate zoning for the use is available in the general neighborhood, there is sufficient space on the site for the proposed retail building. Staff believes the addition of the retail building will bring additional vitality to the site, providing a more comprehensive activity node in the neighborhood. More significantly, maintaining the R-O (Residential Office) zoning of the site will support residential development of an appropriate scale and intensity on the site in the future.

- F. That natural features and existing trees are appropriately preserved and integrated with the project and that the finished grading, storm drainage and landscaping are consistent with the established or contemplated character of the neighborhood.***

The site is comprised of a flat gravel lot with no natural features.

- G. That access to the property and internal vehicular circulation thereon are safe and convenient for pedestrians, cyclists, automobiles and service vehicles and are designed such as to have minimal impact upon the surrounding neighborhood and traffic operations.***

The Ada County Highway District has approved three access points; one off 15th, 16th and Bannock Street. The Bannock Street driveway allows right turns as an exit only. Sufficient parking is located north of the building with good circulation throughout the site. Sidewalks are provided on all streets that abut the site and are generally designed to meet the Downtown Boise Streetscape Standards. A condition of approval requires a two foot tall screen wall and/or fencing and landscaping adjacent to the sidewalk on the south side of Bannock Street. This will help screen the vehicular lights from the residences to the north.

- 1. The Planning and Zoning Commission must list, as part of its report to the Council, those "special circumstances" which are not anticipated by the Zoning Ordinance.***

The approval of the special exception is unique to this site based on the allowed grocery use and the vitality that a retail use can bring to this area. The ordinance does not anticipate that a retail use when constructed in conjunction with a grocery can add vitality and interest to the overall development.

2. ***The Planning and Zoning Commission may make recommendations as to specific conditions for approval, which would allow establishment of the proposed use in a compatible manner with the neighborhood. Such conditions shall be imposed in accordance with the provisions of Section 11-6-4.14 of the Boise City Code.***

Staff has included a condition requiring the retail use to be geared to primarily serve the needs of the local residents. Examples of such uses would be a restaurant or coffee shop. Additionally, the plaza proposed between the retail building and the grocery on the southeast corner of the site, is designed with an emphasis on pedestrian amenities such as public art, a fountain, benches and tables and landscaping.

VARIANCE

- A. ***That the granting of the variance will not be in conflict with the spirit and intent of the Comprehensive General Plan for the City, and will not effect a change in zoning.***

Staff finds the granting of the variance will not be in conflict with the spirit and intent of the Comprehensive Plan. *Goal 7.2* and *Objective 7.2.5* encourage services and amenities that are convenient, visually pleasing and properly integrated with surrounding development. *Objective 7.2.1.1* encourages the establishment of a physical framework of development which encourages the development of form and character of its districts, and the preservation of its neighborhoods. This development is located in downtown where buildings are encouraged to be constructed to the property line. The proposed setbacks are similar those of in the vicinity, specifically the commercial building on the south side of Idaho Street. The building was intentionally placed on the south side of the site to provide greater separation from the residential properties on the north side of Bannock Street. The building is nicely designed to fit into the neighborhood and will be further refined during Design Review.

- B. ***That there is either a hardship associated with the property itself or an exceptional circumstance relating to the intended use of the property which is not generally applicable to property or permitted uses in the district.***

Staff finds there are unique circumstances that justifies reducing the setbacks. The site is bordered by four streets; Bannock to the north, Idaho to the south, 15th to the east, and 16th to the west which forces larger setback than if this were an interior lot. There is an existing sewer line that traverses east to west through the middle of the site. This basically splits the site into two sections forcing the buildings to one side of sewer line and the parking to the other.

The variance for a zero building setbacks along 15th, 16th, and Idaho Street, is further justified as the site located in the downtown, which encourages new urbanism with buildings constructed at the sidewalk's edge. There will be no privacy impacts as buildings are not adjacent to residential dwelling. Additionally, the commercial building on the south side of Idaho Street is also constructed to the sidewalk. Many design alternatives were discussed and the grocery has made compromises to their traditional building footprint to fit this site.

The applicant is requesting to construct the parking to the property line along 15th, 16th, and Bannock Street. The applicant has proposed a five foot landscape setback in the right-of-way on 16th Street, a two foot-eight inch planter along Bannock Street and no landscaping along 15th Street. Staff believes some relief to the parking setbacks are justified as the parking is separated from 15 to 20 feet from the street with extended sidewalks and planting strips. A condition of approval requires the parking lot to be screened with a five foot landscape buffer along 15th and 16th street and a two foot high screen wall and/or fencing and landscaping along Bannock Street.

C. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement.

Staff cannot identify any adverse impacts on the surrounding properties. The site consists of an entire city block with adjacent uses being separated by principal arterials and collector streets. All the adjacent uses are zoned C-2 (General Commercial) and the residential neighborhood on the north side of Bannock Street is located across a ±80 right-of-way. The sidewalks and streetscape will be designed in compliance with the Downtown Boise Streetscape Standards which provide a streetscape considerably larger than a residential district. Staff believes this provides sufficient separation from the adjacent properties.

8. Conditions of Approval

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received September 28, 2010 (applications) and October 14, 2020 (all drawings) except as expressly modified by the Design Review Committee, staff, or the following conditions:
2. **Planning**
 - a) Provide a five foot landscape buffer adjacent to the parking lot on 15th Street, similar to the one on 16th Street.

- b) Provide a two foot tall screen wall and/or fencing and landscaping along Bannock Street to help screen the parking lot from Bannock Street.
- c) Building B shall support a use or uses that activate the plaza such as a restaurant, coffee shop or pedestrian oriented retail intended to support residents and employees in the area.
- d) Providing a corner entrance to the grocery that wraps the northeast corner and allows the customer a direct access to the plaza.
- e) Widen Bannock Street to a 46-foot street section, back-of-curb to back-of-curb, by rebuilding the curb and gutter abutting the site.
- f) Work with ACHD Traffic Services Department to re-stripe the street as follows: parking abutting the north curb, bike lane, two travel lanes, bike lane (five foot minimum width excluding gutter). There is space to transition the centerline at 15th Street, due to the driveway(s) at the northwest corner of 15th and Bannock. The applicant shall submit plans to Boise City verifying the required cross section before submitting construction plans to ACHD.
- g) ACHD requires the reconstruction of the broken curb and gutter on 16th Street. Incorporate a five foot wide bike lane on 16th Street within this reconstruction (do not include the gutter in the bike lane width). This can be accomplished by shifting the curb line to the east or altering the lane striping; work with ACHD Traffic Services to determine which option to apply. The applicant shall submit plans to Boise City verifying the required cross section before submitting construction plans to ACHD.
- h) ACHD requires the reconstruction of the broken curb and gutter on 16th Street. The street section shall not be narrower than the existing 46 foot street section, which accommodates an existing 6 foot bike lane, on-street parking, and travel lanes. The applicant shall submit plans to Boise City verifying the required cross section before submitting construction plans to ACHD.
- i) The Streetscape on 15th, 16th, Bannock, and Idaho Street shall be constructed in accordance with the Downtown Boise Streetscape Standards.
- j) Phase II of the development requires detailed conditional use approval.
- k) The plaza proposed between the two buildings on the southeast corner of the site shall be designed with an emphasis on pedestrian amenities such as public art, a fountain, benches and tables and landscaping.
- l) This approval allows the applicant to exceed the maximum number of parking spaces to the extent all other conditions of this permit are met.

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- m) All signage associated with the development requires a separate approval by Planning and Development Services prior to installation.

Revised plans indicating compliance with the above conditions shall be submitted to Planning Staff for approval prior to application for any construction permits

Responsible Agencies and Other Boise City Departments

3. A Building Permit approval is contingent upon the determination that the site is in conformance with the Boise City Subdivision Ordinance. Contact the Planning and Development Services Subdivision Section at 384-3998 regarding questions pertaining to this condition.
4. A Building Permit is contingent upon approval from Boise City Community Forestry for tree planting within right-of-ways, per Title 9, Chapter 16, Section 09-16-05.2. Contact Boise City Community Forestry at 384-4083 with questions regarding this condition.
5. The applicant shall comply with the Boise City Fire Code as outlined in department comments dated October 25, 2010.
6. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, Solid Waste/Ground Water Manager, and street lights per the memo dated October 1, 2010. 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 Storm Water Plan must be resubmitted to BCPW for approval.
7. Compliance with requirements as requested of Boise City Solid Waste per the attached comments dated September 30, 2010.
8. Compliance with requirements as requested by the Ada County Highway District (ACHD) per the attached comments dated October 25, 2010.
9. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have an approved mulch such as bark or soil aid.
10. All landscape trees shall be pruned in accordance with the American National Standards Institute's Standard Practices for Tree Care Operations (ANSI A300 - latest edition). No trees on the site shall be topped, headed back, rounded over or otherwise disfigured. Contact Boise City Community Forestry at 384-4083 for information regarding tree care operations.
11. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.

12. Vision Triangles as defined under Section 11-1-3 and Section 11-10-4.4G of the Boise City Code shall remain clear of sight obstructions.
13. In compliance with Title 9, Chapter 16, Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 384-4083. Species shall be selected from the Boise City Tree Selection Guide.
14. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
15. Trash receptacles and on-grade and rooftop mechanical fixtures and equipment shall be concealed from public view by use of an approved sight-obscuring method. All screening materials shall be compatible with the building materials/design.
16. Utility services shall be installed underground.
17. Loading facilities shall be provided in conformance with Section 11-10-05 of Boise City Code and located so as not to interfere with required parking or fire lanes. These areas shall provide adequate maneuvering area for trucks and be located to minimize the visibility of loading activities from public view.
18. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.
19. 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 Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
20. 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 successors of interest, advise Boise 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.
21. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.

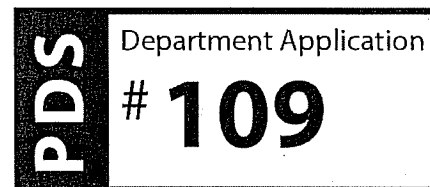
22. This Conditional Use Permit shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission.
23. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, or building foundations.
24. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a one-year time extension. A maximum of three (3) extensions may be granted.
25. All development authorized by this Conditional Use approval must be completed within 5 years (60 months) from the date of the Commission's approval or the applicant will be required to submit a new conditional use application.

Construction Site Requirements

26. 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) 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.

- d) 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.
- e) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
- f) 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

Conditional Use Application Form



New! Type data directly into our forms.

Case #: _____

Note: Be sure to print this form before closing it or you will lose your data. This form cannot be saved to your computer.

Property Information

Address: Street Number: 1511 Prefix: W Street Name: BANNOCK ST
BCOT
Subdivision: (BOISE CITY ORIG. TOWNSITE) Block: 116 Lot: 1-12 Section: 10 Township: 3N Range: 2E
*Primary Parcel Number: R1013007741 Additional Parcels: N/A

Applicant Information

*First Name: RUDY *Last Name: KADLUB
Company: PERSIMMON II, LLC *Phone: 971-250-2350
*Address: 44292 S. EL MACERO DR *City: EL MACERO *State: CA *Zip: 95618
E-mail: rudy@costapacific.com Cell: 503-34-8014 Fax: 925-938-3355

Agent/Representative Information

First Name: DANIELLE Last Name: WEAVER
Company: CSHQA Phone: 208-343-4635
Address: 250 S. 5th ST. City: BOISE State: ID Zip: 83702
E-mail: danielle.weaver@cshqa.com Cell: _____ Fax: 208-343-1858
Role Type: ☒ Architect ☐ Land Developer ☐ Engineer ☐ Contractor ☐ Other

Owner Information

Same as Applicant? ☒ Yes ☐ No (If yes, leave this section blank)

First Name: _____ Last Name: _____
Company: _____ Phone: _____
Address: _____ City: _____ State: _____ Zip: _____
E-mail: _____ Cell: _____ Fax: _____

Date Received: _____
Revised 10/2008



www.cityofboise.org/pds
City of Boise Planning & Development Services
P.O. Box 500 • 150 N. Capitol Blvd • Boise, Idaho 83701-0500
Phone 208/384/3830 • Fax 208/433-5688 • TDD/TTY 800/377-3529

1. Neighborhood Meeting Held (Date): SEPTEMBER 22, 2010

2. Neighborhood Association: WEST DOWNTOWN

3. Comprehensive Planning Area: DOWNTOWN PLANNING AREA

4. This application is a request to construct, add or change the use of the property as follows:

THIS APPLICATION SERVES TO REQUEST THE CONSTRUCTION OF A FREESTANDING GROCERY STORE (BUILDING 'A'), AND THE CONSTRUCTION OF A SMALL FREESTANDING RETAIL BUILDING (BUILDING 'B')

A SECOND (FUTURE) PHASE OF THIS PROJECT REQUESTS THE CONSTRUCTION OF RESIDENTIAL UNITS WHICH WILL OFFSET THE SMALL RETAIL PORTION OF THIS PROJECT

A. Is this a modification? ☐ Yes ☒ No

B. File number being modified: _____

5. Size of property: 1.8 ☒ Acres ☐ Square Feet

6. Water Issues

A. What are your fire flow requirements? (See International Fire Code) 3250 gpm - PER CHAPTER 9, APPENDIX B OF THE IFC, A 50% REDUCTION IS ALLOWED WITH AN APPROVED

B. Number of hydrants (show location on site plan): (Note: Any new hydrants/hydrant piping require United Water approval.) AUTOMATIC SPRINKLER SYSTEM.

Number of Existing: 2 Number of Proposed: 0

C. Is the building sprinklered? ☒ Yes ☐ No

D. What volume of water is available? (Contact United Water of Idaho at 362-7330.) 3,000 gpm

7. Existing uses and structures on the property are as follows:

THE PROPERTY IS CURRENTLY VACANT

8. Are there any known hazards on or near the property?

(Such as canals, hazardous material spills, soil or water contamination.) If so, describe them and give their locations:

NONE KNOWN

9. Adjacent Property Information

Building types and/or uses:		Zone:
APARTMENT RENTALS		C-2DD
North:	LOW RISE OFFICE - JOHN L. SCOTT	C-2DD
South:	RETAIL STORE	C-2DD
	LOW RISE OFFICE	C-2DD
East:	LOW RISE OFFICE - MITCHNER INVESTMENTS	C-2DD
	RETAIL STORE - THOMPSON LAUNDRY	C-2D
West:	MISCELLANEOUS - COMMERCIAL - MEADOW GOLD	C-2D
	LOW RISE OFFICE (AFL-CIO)	C-2D

10. Proposed Non-Residential Structures

A. Number of non-residential structures: TWO (2)

Square footage of proposed non-residential structures or additions (If 5+ floors, attach narrative with chart):

	Gross Square Feet	Net Leasable Square Feet
1st Floor:	BUILDING 'A' - 25,000 SF BUILDING 'B' - 1,800 SF	
2nd Floor:		
3rd Floor:		
4th Floor:		

B. Maximum Proposed Structure Height(s): BUILDING 'A' - 35'
BUILDING 'B' - 26'

C. Number of Stories: ONE (1)

11. Proposed Residential Structures

A. Number of Residential Units (if applicable): N/A

B. Maximum Proposed Structure Height(s): N/A

C. Number of Stories: N/A

12. Site Design

A. Percentage of site devoted to building coverage: 34%

B. Percentage of site devoted to landscaping: 16%

C. Percentage of site devoted to paving: 44%

D. Percentage of site devoted to other uses: 6%

E. Describe other use: LOADING DOCK / RAMPS / SIDEWALKS / PLAZA

13. Loading Facilities, if proposed (For Commercial uses only):Number: ONE FULL TRUCK DOCK Location: WEST SIDE OF BLDG 'A'Size: 75' TRUCK Screening: CMU WALL/GATE**14. Parking**

	Required	Proposed
A. Handicapped Spaces:	<u>3</u>	Handicapped Spaces: <u>4</u>
B. Parking Spaces:	<u>45</u>	Parking Spaces: <u>93</u>
C. Bicycle Spaces:	<u>5</u>	Bicycle Spaces: <u>18</u>
D. Proposed Compact Spaces:	<u>30</u>	

E. Restricted (assigned, garage, reserved spaces) parking spaces proposed: N/AF. Are you proposing off-site parking? ☒ Yes ☐ No If yes, how many spaces? 30G. Are you requesting shared parking or a parking reduction? ☐ Yes ☒ No If yes, how many spaces?

Note: If you are requesting shared parking or a parking reduction, you must submit a survey of persons using and working on the premises and any additional information demonstrating that use by the regular employees and visitors to the premises will require fewer off-street parking spaces than required by the Zoning Ordinance.

15. Setbacks (Plans that are not graphically dimensioned will not be accepted.)

	Building Required	Building Proposed	Parking Required	Parking Proposed
Front:	<u>10'</u>	<u>0'</u>	<u>10'</u>	<u>0'</u>
Rear:	<u>10'</u>	<u>0'</u>	<u>10'</u>	<u>0'</u>
Side 1:	<u>10'</u>	<u>0'</u>	<u>10'</u>	<u>0'</u>
Side 2:	<u>10'</u>	<u>0'</u>	<u>10'</u>	<u>0'</u>

16. Drainage (proposed method of on-site retention):

DRAINAGE WILL BE COLLECTED ON SITE IN CATCH BASINS AND CONVEYED IN PIPES TO A DETENTION/RETENTION AREA. COORDINATE WITH ACHD TO RELEASE INTO THEIR SYSTEM, IF ALLOWED

17. Floodways & HillsideA. Is any portion of this property located in a Floodway or a 100-year Floodplain? ☐ Yes ☒ NoB. Does any portion of this parcel have slopes in excess of 15%? ☐ Yes ☒ No

Note: If the answer to either of the above is yes, you will be required to submit an additional Floodplain and/or Hillside application and additional fee. You must submit the additional required application(s) for review at the same time as this request.

18. Airport Influence Area

Is the subject site located within the Airport Influence Area? (If yes, please mark which area.)

☒ No ☐ Area A ☐ Area B ☐ Area B1 ☐ Area C

19. Solid Waste

A. Type of trash receptacles:

☐ Individual Can/Residential ☐ 3 Yd Dumpster ☐ 6 Yd Dumpster ☐ 8 Yd Dumpster ☒ Compactor

B. Number of trash receptacles: ONE (1)

C. Proposed screening method: CMU SCREEN WALLS INTEGRAL TO EACH BLDG

D. Is the proposed location accessible for collection? (Contact Boise Public Works at 384-3901.) ☒ Yes ☐ No

E. Is recycling proposed? ☒ Yes ☐ No

Verification of Legal Lot or Parcel Status

Acceptance of this application does not validate the legal status of any lot or parcel. Prior to submitting for a Building Permit you must have a Verification of Legal Parcel Status form signed by the Boise City Subdivision Division. It is the applicant's responsibility to provide deeds and/or other documentation to the Subdivision Division. See Verification of Legal Lot or Parcel Worksheet for submittal requirements.


Applicant/Representative Signature

9.23.10
Date

Print Form

Variance Application Form

PDS	Department Application
	# 122

Case #: _____

New! Type data directly into our forms.

Note: Be sure to print this form before closing it or you will lose your data. This form cannot be saved to your computer.

Property Information

Address : Street Number: 1511 Prefix: W Street Name: BANNOCK ST
Subdivision: BCOT (BOISE CITY ORIG TOWNSITE) Block: 116 Lot: 1-12 Section: 10 Township: 3N Range: 2E
*Primary Parcel Number: R1013007741 Additional Parcels: N/A

Applicant Information

*First Name: RUDY *Last Name: KADLUB
Company: PERSIMMON II, LLC *Phone: 971-250-2350
*Address: 44292 S. EL MACERO DR *City: EL MACERO *State: CA *Zip: 95618
E-mail: rudy@costapacific.com Cell: 503-314-8014 Fax: 925-938-3355

Agent/Representative Information

First Name: DANIELLE Last Name: WEAVER
Company: CSHQA Phone: 208-343-4635
Address: 250 S 5th ST. City: BOISE State: ID Zip: 83702
E-mail: danielle.weaver@cshqa.com Cell: _____ Fax: 208-343-1858
Role Type: ☒ Architect ☐ Land Developer ☐ Engineer ☐ Contractor ☐ Other

Owner Information

Same as Applicant? ☒ Yes ☐ No (If yes, leave this section blank)

First Name: _____ Last Name: _____
Company: _____ Phone: _____
Address: _____ City: _____ State: _____ Zip: _____
E-mail: _____ Cell: _____ Fax: _____

www.cityofboise.org/pds



City of Boise Planning & Development Services
P.O. Box 500 • 150 N. Capitol Blvd • Boise, Idaho 83701-0500
Phone 208/384/3830 • Fax 208/433-5688 • TDD/TTY 800/377-3529

Date Received: _____
Revised 1/2010

1. Neighborhood Meeting Held (Date): SEPTEMBER 22, 2010

2. Neighborhood Association: WEST DOWNTOWN

3. Comprehensive Planning Area: DOWNTOWN PLANNING AREA

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A FREESTANDING GROCERY STORE (BUILDING 'A'), AND THE
CONSTRUCTION OF A SMALL FREESTANDING RETAIL BUILDING (BUILDING 'B').
A SECOND (FUTURE) PHASE OF THIS PROJECT REQUESTS THE
CONSTRUCTION OF RESIDENTIAL UNITS WHICH WILL OFFSET
THE SMALL RETAIL PORTION OF THIS PROJECT.

5. Size of property: 1.8 ☒ Acres ☐ Square Feet

6. What Ordinance standards are you requesting a variance from:

1. SETBACK ADJUSTMENTS FOR PARKING AND BUILDINGS
2. PARKING SPACE COUNTS - REQUEST ADDITIONAL PARKING
ABOVE CITY OF BOISE OFF-STREET PARKING REQUIREMENTS

7. What special circumstances or conditions apply to the land or use which do not generally apply to other lands or uses in the same zone or vicinity?

THIS SITE IS INFLUENCED BY THE PEDESTRIAN CONNECTION
TO THE DOWNTOWN CORRIDOR, AND THE ON-SITE
TRUCK ROUTE.

8. Why is a variance necessary for the enjoyment of your rights as a property owner?

IT IS NECESSARY TO ENCROACH ON THE 10' SETBACKS
TO ALLOW THE BUILDING DESIGN TO ALIGN WITH THE
CITY OF BOISE'S NEW URBANISM REQUIREMENTS.
THE BUILDING TYPE, GROCERY STORE, ALSO REQUIRES
ADDITIONAL PARKING STALLS TO OPERATE.

9. Explain why this variance will not adversely affect the health, safety, or general welfare of the persons residing or working in the vicinity of the property.

THE LANDSCAPE BUFFERS ENHANCE BOTH THE PEDESTRIAN AND AUTOMOBILE EXPERIENCE AROUND THE SITE. THE PEDESTRIAN CONNECTION TO THE DOWNTOWN CORRIDOR AND ACROSS THE SITE ENHANCES THE NEIGHBORHOOD'S SOCIAL ASPECTS. FINALLY, THE RE-ALIGNMENT OF THE 16' PUBLIC ALLEY ACROSS THE SITE WILL DISCOURAGE THOROUGHFARE TRAFFIC AND PROVIDE SAFER PEDESTRIAN CIRCULATION.

10. Explain any hardships associated with the property that were not the result of your own actions or were not known to you prior to the purchase or development of the property.

UNKNOWN AT THIS TIME

11. Adjacent Property Information

	Building types and/or uses	Zone
North:	APARTMENT RENTALS LOW RISE OFFICE - JOHN L. SCOTT	C-2DD C-2DD
South:	RETAIL STORE LOW RISE OFFICE	C-2DD C-2DD
East:	LOW RISE OFFICE - MITCHNER INVESTMENTS RETAIL STORE - THOMPSON LAUNDRY	C-2DD C-2D
West:	MISCELLANEOUS - COMMERCIAL - MEADOW GOLD LOW RISE OFFICE (AFL-CIO)	C-2D C-2D

12. Additional comments:

[Signature]

Applicant/Representative Signature

9.23.10

Date

BOISE FIRE DEPARTMENT

M E M O R A N D U M

TO: Susan Riggs, PDS
FROM: Mark Senteno
SUBJECT: CUP10-00059
DATE: October 25, 2010

The Boise Fire Department has reviewed and can approve the application subject to compliance with all following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise this memo represents requirements of the International Fire Code as adopted and amended by Ordinance 6308.

Code Requirement:

Fire Department vehicular access shall be provided to within 150' of all portions of the non-sprinklered buildings. Dead end roads are prohibited from exceeding 750 feet. These distances can be increased somewhat for sprinklered buildings but exact distances are on a case-by-case basis. All Fire Department access roads, fire lanes, bridges, and gates are to be a minimum of 20' wide with 13' 6" overhead clearance, shall be capable of supporting 75,000 lbs GVW (25,000 lbs per axle), and shall be paved. Fire Department access roads and fire lanes shall have a minimum outside turning radius of 48' with an inside radius of 28'. Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height, and at least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. Any dead-end road in excess of 150' needs a Fire Department approved turnaround. No grade may exceed 10% (please note that fire apparatus are designed for a maximum 6% grade). Width and turning radius measurements specified by this paragraph can include those surfaces vehicles generally drive upon. Specifically, gutter and rolled curb are generally considered useable, while vertical curb or sidewalks are not.

Comments:

Condition of Approval:

Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height, and at least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.

Code Requirement:

For streets having a width less than 36 feet back of curb to back of curb parking shall be restricted on (1) one side; for streets having a width less than 29 feet back of curb to back of curb parking shall be restricted on both sides; and for standard ACHD cul-de-sacs parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC.

Comments:

Condition of Approval:

Code Requirement:

Fire hydrant location and distribution shall meet requirements of International Fire Code Appendix C.

Comments:

Two fire hydrants have been noted on application. In the absence of information on additional existing hydrants it appears that no new hydrants may/will be needed. However, we reserve the right to modify requirements as more information comes to light. Variables affecting hydrant numbers and location include, but are not limited to, area, construction type, existing hydrants, accuracy of information provided in the application, strategic location for fire fighting forces, and required fire flow. New hydrants must be "non-private" installations.

Condition of Approval:

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code, and Boise City Code will apply. However, these provisions are best addressed by a licensed Architect at building permit application.

Please feel free to have the applicant contact Mark Senteno, 570-6567

cc: File

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: October 1, 2010

To: Boise City Planning & Zoning

Re: CUP 10-00059; 1511 W. Bannock St.

CONDITIONS OF APPROVAL

SEWER CONDITIONS – MIKE SHEPPARD (384-3920)

Upon development of the property, connection to central sanitary sewer is required. Sewers are available in the center of the property.

Prior to granting of final sewer construction plan approval, all requirements by Boise City Planning and Development Services must be met.

DRAINAGE / STORM WATER CONDITIONS – BRIAN MURPHY (384-3752)

A drainage plan must be submitted and approved by Public Works prior to issuance of a building permit.

STREET LIGHT CONDITIONS – HANK ALARCON (388-4719)

This project is within the defined Historical Lighting District and ornamental-style street lighting is required along the following street frontages:

1. W. Bannock St.
2. W. Idaho St.
3. N. 16th St.

PERSON MAKING OTHER COMMENTS – WALT BAUMGARTNER (384-3991)

OTHER COMMENTS –

Suitable and adequate grease abatement will be required for any food service/restaurant facilities. Applicant may be required to provide odor abatement facilities downstream of large outside grease interceptors. Call Walt Baumgartner 384-3991 for more information.

cc: Applicant

RECEIVED
OCT 06 2010
DEVELOPMENT
SERVICES

Shell and Core Projects - Applicant/Builder shall provide segregated grease line for all tenant spaces with any potential to house food service facilities. More than one outside grease interceptor unit may be required. Call Walt Baumgartner 384-3991 for more information.


PUBLIC WORKS REPRESENTATIVE


PUBLIC WORKS REPRESENTATIVE

cc: Applicant

Memo

To: Planning and Development Services
From: Peter McCullough, Solid Waste Coordinator, Public Works Department
Date: 9/30/10
Re: CUP10-00059, 1511 W. Bannock, Henry's Farmer's Market

Solid Waste staff has reviewed the application for this project and has the following comments.

1. The proposed compactors and recycling containers must adhere to all City of Boise requirements detailed in the link below.
2. The location of the trash compactor must provide 60' of straight line access.
3. 25' of overhead clearance is required to service the compactors and recycling container.
4. Any recycling area needs to provide 50' of straight line access in front of the recycling container.
5. The gates/doors to any enclosures must open at least 120 degrees and provide wind stops or utilize sliding doors.
6. Trash and recycling from "Building B" must be taken to "Building A" for disposal as no other enclosure is proposed.
7. Trash service for Phase II of the project (residential) is not indicated and has not been reviewed.

Please contact me with any questions at 384-3906. The following link will provide information regarding City of Boise trash enclosure design, location, and submittal requirements:

www.cityofboise.org/Departments/Public_Works/NewDevelopmentPermitApps/page29449.aspx



Committed to Service

Project/File: CUP10-00059

This application is for construction of a free-standing grocery store of approximately 25,000 square feet and a small free-standing retail building of approximately 1,800 square feet. The site is located at 1511 W. Bannock Street, Boise, Idaho.

Lead Agency: City of Boise

Site address: 1511 W. Bannock Street

Staff Approval: October XX, 2010

Applicant: Persimmon II, LLC
Rudy Kadlub
44292 S. El Macero Drive
El Macero, CA 95618

Representative: CSHQA
Danielle Weaver
250 S. 5th Street
Boise, ID 83702

Staff Contact: Jarom Wagoner
Phone: 387-6174
E-mail: jwagoner@achdidaho.org

Tech Review: October XX, 2010



**D
R
A
F
T**

A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval to construct a 25,000 square foot free-standing grocery store/farmers market and a 1,800 square foot free-standing retail store. The applicant is proposing an open plaza area, located at the corner of Idaho Street and 15th Street, between the grocery and retail stores.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	General Commercial	C-2
South	General Commercial	C-2
East	General Commercial	C-2
West	General Commercial	C-2

3. **Site History:** ACHD has not previously reviewed this site for a development application.

4. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

5. **Capital Improvements Plan (CIP)/Five Year Work Plan (FYWP):**

There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Five Year Work Program or the District's Capital Improvement Plan (CIP).

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 2,636 additional vehicle trips per day (none existing); 268 additional vehicle trips per hour in the PM peak hour (none existing), based on the Institute of Transportation Engineers Trip Generation Manual, 8th edition.

2. **Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
15 th Street	260-feet	Principal Arterial	795	"F"	"F"
16 th Street	260-feet	Principal Arterial	898	Better than "E"	Better than "E"
Idaho Street	300-feet	Collector	835	"F"	"F"
Bannock Street	300-feet	Collector	99	Better than "D"	Better than "D"

* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH).

* Acceptable level of service for a four-lane principal arterial is "E" (1,330 VPH).

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

* Acceptable level of service for a three-lane collector is "D" (530 VPH).

3. **Average Daily Traffic Count (VDT)**

Average daily traffic counts are based on ACHD's most current traffic counts.

- The average daily traffic count for 15th Street north of Idaho Street was 7,678 on October 20, 2009.
- The average daily traffic count for 16th Street north of Idaho Street was 9,839 on February 4, 2009.
- The average daily traffic count for Idaho Street west of 15th Street was 6,110 on March 11, 2009.
- The average daily traffic count for Bannock Street west of 15th Street was 1,745 on July 1, 2009.

C. Findings for Consideration

1. **15th Street**

- a. **Existing Conditions:** 15th Street is improved with 2-travel lanes, on-street parking, striped bike lane, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 80-feet of right-of-way for 15th Street (40-feet from centerline). There are significant amounts of broken curb, gutter and sidewalk along 15th Street.

b. Policy

Arterial Roadway Policy: District Policy 7203.4.3 states that if a proposed development abuts an arterial street, the developer shall provide sidewalk along the paved frontage and dedicate right-of-way required by the proposed land use and scale of the project.

Right-of-Way Policy: District policy requires 70-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 3-lane roadway with curb, gutter, 5-foot wide concrete detached sidewalks and bike lanes.

Sidewalk Policy: District policy requires 7-foot wide attached (or 5-foot wide detached) concrete sidewalk on all collector roadways and arterial roadways (7204.7.2).

- c. ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of 15th Street is designated in the MSM as a Towncenter Arterial with 3-lanes and on-street bike lanes, a 60-foot street section within 90-feet of right-of-way.
- d. Applicant Proposal:** The applicant has not proposed any improvements to 15th Street.
- e. Staff Comments/Recommendations:** The applicant will not be required to dedicate any additional right-of-way with this application due to the fact that there are no roadway projects currently planned for 15th Street in either the Five Year Work Plan or the Capital Improvements Plan. The applicant should provide the District with a sidewalk easement for any segment of the sidewalk located outside of the right-of-way. The applicant should also be responsible to replace any cracked or broken sidewalk, curb or gutter along 15th Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.6.

2. 16th Street

- a. Existing Conditions:** 16th Street is improved with 4-travel lanes, striped bike lanes, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 80-feet of right-of-way for 16th Street (40-feet from centerline). There are significant amounts of broken curb, gutter and sidewalk along 16th Street.
- b. Policy**
- Arterial Roadway Policy:** District Policy 7203.4.3 states that if a proposed development abuts an arterial street, the developer shall provide sidewalk along the paved frontage and dedicate right-of-way required by the proposed land use and scale of the project.
- Right-of-Way Policy:** District policy requires 70-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 3-lane roadway with curb, gutter, 5-foot wide concrete detached sidewalks and bike lanes.
- Sidewalk Policy:** District policy requires 7-foot wide attached (or 5-foot wide detached) concrete sidewalk on all collector roadways and arterial roadways (7204.7.2).
- c. ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of 16th Street is designated in the MSM as a Towncenter Arterial with 5-lanes, on-street parking and bike lanes and an 80-foot street section within 110-feet of right-of-way.
- d. Applicant Proposal:** The applicant has not proposed any improvements to 16th Street.
- e. Staff Comments/Recommendations:** The applicant will not be required to dedicate any additional right-of-way with this application due to the fact that there are no roadway projects currently planned for 16th Street in either the Five Year Work Plan or the Capital Improvements Plan. The applicant should provide the District with a sidewalk easement for any segment of the sidewalk located outside of the right-of-way. The applicant should also be responsible to

replace any cracked or broken sidewalk, curb or gutter along 16th Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.6.

3. Idaho Street

- a. **Existing Conditions:** Idaho Street is improved with 3-travel lanes, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 80-feet of right-of-way for Idaho Street (40-feet from centerline). There are significant amounts of broken curb, gutter and sidewalk along Idaho Street.
- b. **Policy**
 - Right-of-Way Policy:** District policy requires 70-feet of right-of-way on collector roadways (Figure 72-F1B). This right-of-way width allows for the construction of a 3-lane roadway with curb, gutter, 5-foot wide detached sidewalks and bike lanes.
 - Street Section Policy:** District policy 72-F1B requires collector roadways to be constructed as 46-foot street sections with vertical curb, gutter, and 5-foot detached (or 7-foot attached) concrete sidewalks within 70-feet of right-of-way. This street section allows for the construction of a 3-lane roadway with bike lanes.
 - Sidewalk Policy:** District policy requires 7-foot wide attached (or 5-foot detached) concrete sidewalk on all collector roadways and arterial roadways (7204.7.2).
- c. **Existing Collector ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Idaho Street is designated in the MSM as a Towncenter Arterial with 3-lanes and on-street bike lanes, a 60-foot street section within 90-feet of right-of-way.
- d. **Applicant Proposal:** The applicant has not proposed any improvements to Idaho Street.
- e. **Staff Comments/Recommendations:** The applicant will not be required to dedicate any additional right-of-way with this application due to the fact that there are no roadway projects currently planned for Idaho Street in either the Five Year Work Plan or the Capital Improvements Plan. The applicant should provide the District with a sidewalk easement for any segment of the sidewalk located outside of the right-of-way. The applicant should also be responsible to replace any cracked or broken sidewalk, curb or gutter along Idaho Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.6.

4. Bannock Street

- a. **Existing Conditions:** Bannock Street is improved with 2-travel lanes, vertical curb, gutter, and 5-foot wide sidewalk abutting the site. There is 80-feet of right-of-way for Bannock Street (40-feet from centerline). There are significant amounts of broken curb, gutter and sidewalk along Bannock Street.
- b. **Policy**
 - Right-of-Way Policy:** District policy requires 70-feet of right-of-way on collector roadways (Figure 72-F1B). This right-of-way width allows for the construction of a 3-lane roadway with curb, gutter, 5-foot wide detached sidewalks and bike lanes.
 - Street Section Policy:** District policy 72-F1B requires collector roadways to be constructed as 46-foot street sections with vertical curb, gutter, and 5-foot detached (or 7-foot attached) concrete sidewalks within 70-feet of right-of-way. This street section allows for the construction of a 3-lane roadway with bike lanes.
 - Sidewalk Policy:** District policy requires 7-foot wide attached (or 5-foot detached) concrete sidewalk on all collector roadways and arterial roadways (7204.7.2).

- c. **ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Bannock Street is designated in the MSM as a Towncenter Collector with 3-lanes and on-street bike lanes, a 60-foot street section within 88-feet of right-of-way.
- d. **Applicant Proposal:** The applicant has not proposed any improvements to Bannock Street.
- e. **Staff Comments/Recommendations:** The applicant will not be required to dedicate any additional right-of-way with this application due to the fact that there are no roadway projects currently planned for Bannock Street in either the Five Year Work Plan or the Capital Improvements Plan. The applicant should provide the District with a sidewalk easement for any segment of the sidewalk located outside of the right-of-way. The applicant should also be responsible to replace any cracked or broken sidewalk, curb or gutter along 15th Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.6.

5. Driveways

5.1 15th Street

- a. **Existing Conditions:** There is one driveway on 15th Street, located mid-block and in alignment with the existing alley on the east side of 15th Street. This driveway is 135-feet south of the intersection of 15th Street and Bannock Street (measured near-edge to near-edge) and is approximately 18-feet wide.
- b. **Policy**
 - Access Policy:** District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission.
 - Successive Driveways:** District policy 72-F5, requires driveways located on collector or arterial roadways with a speed limit of 30 to align or offset a minimum of 125-feet from any existing or proposed driveway.
 - Commercial Driveway Width Policy:** District policy 7207.9.3 restricts commercial driveways with daily traffic volumes over 1,000 vehicles to a maximum width of 36-feet. Most commercial driveways will be constructed as curb-cut type facilities if located on local streets. Curb return type driveways with 15-foot radii will be required for driveways accessing collector and arterial roadways.
 - Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers with 15-foot radii abutting the existing roadway edge.
- c. **Applicant's Proposal:** The applicant is proposing to relocate the existing driveway 95-feet south of the intersection of 15th Street and Bannock Street (measured near-edge to near-edge). The driveway is proposed to be widened to 22-feet wide.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Successive Driveway and Driveway Location Policies, however, staff recommends a modification of policy to allow the driveway to be located as proposed due to the fact that 15th Street is a one-way roadway and therefore there will be no turning conflicts with the driveway. Additionally the applicant has provided a pedestrian alignment with the existing alley that abuts the store front. Relocating the drive alley to the south to align with the existing alley

would create a safety hazard for the pedestrians as they immediately exit the store. Staff recommends that the existing driveway be re-located 95-feet south of the intersection of 15th Street and Bannock Street (measured near-edge to near-edge), as proposed. The driveway width of 22-feet should also be approved, as proposed.

5.2 16th Street

a. **Existing Conditions:** There are three driveways on 16th Street. They are located as follows:

- 40-foot wide driveway located 35-feet south of the intersection of 16th Street and Bannock Street (measured near-edge to near-edge).
- 18-foot wide driveway located mid-block and 135-feet south of the intersection of 16th Street and Bannock Street (measured near-edge to near-edge).
- 30-foot wide driveway located 20-feet north of the intersection of 16th Street and Idaho Street (measured near-edge to near-edge).

b. Policy

Access Policy: District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission.

Successive Driveways: District policy 72-F5, requires driveways located on collector or arterial roadways with a speed limit of 30 to align or offset a minimum of 125-feet from any existing or proposed driveway.

Commercial Driveway Width Policy: District policy 7207.9.3 restricts commercial driveways with daily traffic volumes over 1,000 vehicles to a maximum width of 36-feet. Most commercial driveways will be constructed as curb-cut type facilities if located on local streets. Curb return type driveways with 15-foot radii will be required for driveways accessing collector and arterial roadways.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers with 15-foot radii abutting the existing roadway edge.

c. **Applicant's Proposal:** The applicant is proposing to relocate the existing mid-block driveway to 95-feet south of the intersection of 16th Street and Bannock Street (measured near-edge to near-edge). The driveway is proposed to be widened to 22-feet wide. The applicant is proposing to close the other two existing driveways with vertical curb, gutter and sidewalk.

d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Successive Driveway and Driveway Location Policies, however, staff recommends a modification of policy to allow the driveway to be located as proposed due to the fact that 16th Street is a one-way roadway and therefore there will be no turning conflicts with the driveway. Additionally the applicant has provided a pedestrian alignment with the existing alley that abuts the store front. Relocating the drive alley to the south to align with the existing alley would create a safety hazard for the pedestrians as they immediately exit the store. Staff recommends that the existing mid-block driveway be relocated 95-feet south of the intersection of 16th Street and Bannock Street (measured near-edge to near-edge), as proposed. The driveway width of 22-feet should also be approved, as proposed.

5.3 Idaho Street

- a. **Existing Conditions:** There is one driveway on Idaho Street, located 140-feet west of the intersection of 15th Street and Idaho Street (measured near-edge to near-edge) and is approximately 26-feet wide.

b. **Policy**

Access Policy: District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission.

Driveway Location Policy: District policy 72-F4 (2) requires driveways located on collector roadways near a stop controlled intersection to be located a minimum of 150-feet from the intersection for a full-access driveway and a minimum of 110-feet from the intersection for a right-in/right-out only driveway.

Successive Driveways: District policy 72-F5, requires driveways located on collector or arterial roadways with a speed limit of 20 MPH to align or offset a minimum of 105-feet from any existing or proposed driveway.

Commercial Driveway Width Policy: District policy 7207.9.3 restricts commercial driveways with daily traffic volumes over 1,000 vehicles to a maximum width of 36-feet. Most commercial driveways will be constructed as curb-cut type facilities if located on local streets. Curb return type driveways with 15-foot radii will be required for driveways accessing collector and arterial roadways.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers with 15-foot radii abutting the existing roadway edge.

- c. **Applicant's Proposal:** The applicant is proposing to close the existing driveway on Idaho Street and replace it with vertical curb, gutter and sidewalk.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District Policy and should be approved as proposed.

5.4 Bannock Street

- a. **Existing Conditions:** There are four driveways on Bannock Street. They are located as follows:

- 10-foot wide driveway located 65-feet west of the intersection of Bannock Street and 15th Street.
- 10-foot wide driveway located 135-feet west of the intersection of Bannock Street and 15th Street.
- 20-foot wide driveway located 140-feet east of the intersection of Bannock Street and 16th Street.
- 30-foot wide driveway located 40-feet east of the intersection of Bannock Street and 16th Street.

b. Policy

Access Policy: District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission.

Driveway Location Policy: District policy 72-F4 (2) requires driveways located on collector roadways near a stop controlled intersection to be located a minimum of 150-feet from the intersection for a full-access driveway and a minimum of 110-feet from the intersection for a right-in/right-out only driveway.

Successive Driveways: District policy 72-F5, requires driveways located on collector or arterial roadways with a speed limit of 20 MPH to align or offset a minimum of 105-feet from any existing or proposed driveway.

Commercial Driveway Width Policy: District policy 7207.9.3 restricts commercial driveways with daily traffic volumes over 1,000 vehicles to a maximum width of 36-feet. Most commercial driveways will be constructed as curb-cut type facilities if located on local streets. Curb return type driveways with 15-foot radii will be required for driveways accessing collector and arterial roadways.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.9.1, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers with 15-foot radii abutting the existing roadway edge.

- c. Applicant's Proposal:** The applicant is proposing to close the existing four driveways and replace them with an egress only, 22-foot wide driveway located 45-feet east of the intersection of Bannock Street and 16th Street (measured near-edge to near-edge).
- d. Staff Comments/Recommendations:** The applicant's proposal to close the existing four driveways and replace them with vertical curb, gutter and sidewalk meets District Policy and should be approved, as proposed. The applicant's proposal to locate the new driveway 45-feet east of the intersection of Bannock Street and 16th Street does not meet District Driveway Location Policy, however, staff recommends a modification of policy to allow the driveway to be located as proposed due to the fact that the driveway will be utilized as an exit only. Additionally the driveway will facilitate the exiting of delivery trucks. Relocating the driveway further east would hamper the movement of delivery trucks and cause potential conflicts with customer traffic. Staff recommends that the driveway be relocated 45-feet east of the intersection of Bannock Street and 16th Street (measured near-edge to near-edge) for a right out only driveway, as proposed. The applicant should work with District Traffic Services and Development Review staff for the proper signing of the driveway.

6. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

7. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all

public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

8. Other Access

15th Street and 16th Street are classified as principal arterial roadways, Idaho Street and Bannock Street are classified as collector roadways. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways.

D. Site Specific Conditions of Approval

1. Relocate the existing driveway onto 15th Street 50-feet to the north, so as to be located 95-feet south of the intersection of 15th Street and Bannock Street (measured near-edge to near-edge), as proposed. The driveway width shall be 22-feet, as proposed. Replace the existing driveway with curb, gutter and sidewalk to match the existing conditions on either side. Pave the driveway its full-width at least 30-feet into the site beyond the edge of pavement.
2. Relocate the existing driveway onto 16th Street 50-feet to the north, so as to be located 95-feet south of the intersection of 16th Street and Bannock Street (measured near-edge to near-edge), as proposed. The driveway width shall be 22-feet, as proposed. Replace the existing driveway with curb, gutter and sidewalk to match the existing conditions on either side. Pave the driveway its full-width at least 30-feet into the site beyond the edge of pavement.
3. Replace the existing driveway onto 16th Street located 35-feet south of the intersection of 16th Street and Bannock Street (measured near-edge to near-edge) with vertical curb, gutter and sidewalk to match the existing conditions on either side.
4. Replace the existing driveway onto 16th Street located 20-feet north of the intersection of 16th Street and Idaho Street (measured near-edge to near-edge) with vertical curb, gutter and sidewalk to match the existing conditions on either side.
5. Replace the existing driveway onto Idaho Street located 140-feet west of the intersection of 15th Street and Idaho Street (measured near-edge to near-edge) with vertical curb, gutter and sidewalk to match the existing conditions on either side, as proposed.
6. Construct the new driveway onto Bannock Street so as to be located 45-feet east of the intersection of Bannock Street and 16th Street (measured near-edge to near-edge), as proposed. Driveway shall be designed and signed for right out only. Applicant shall coordinate a signage program with District Traffic Services and Development Review staff. The driveway width shall be 27-feet, as proposed. Pave the driveway its full-width at least 30-feet into the site beyond the edge of pavement.
7. Replace the existing four driveways onto Bannock Street with vertical curb, gutter and sidewalk to match the existing conditions on either side, as proposed. These driveways are located:
 - 65-feet west of the intersection of Bannock Street and 15th Street (measured near-edge to near-edge).
 - 135-feet west of the intersection of Bannock Street and 15th Street (measured near-edge to near-edge).
 - 140-feet east of the intersection of Bannock Street and 16th Street (measured near-edge to near-edge).

- 40-feet east of the intersection of Bannock Street and 16th Street (measured near-edge to near-edge).
8. Provide an easement for any sidewalk that is located outside of the public right-of-way.
 9. Other than the access specifically approved with this application direct lot access is prohibited to 15th Street, 16^h Street, Idaho Street and Bannock Street.
 10. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this

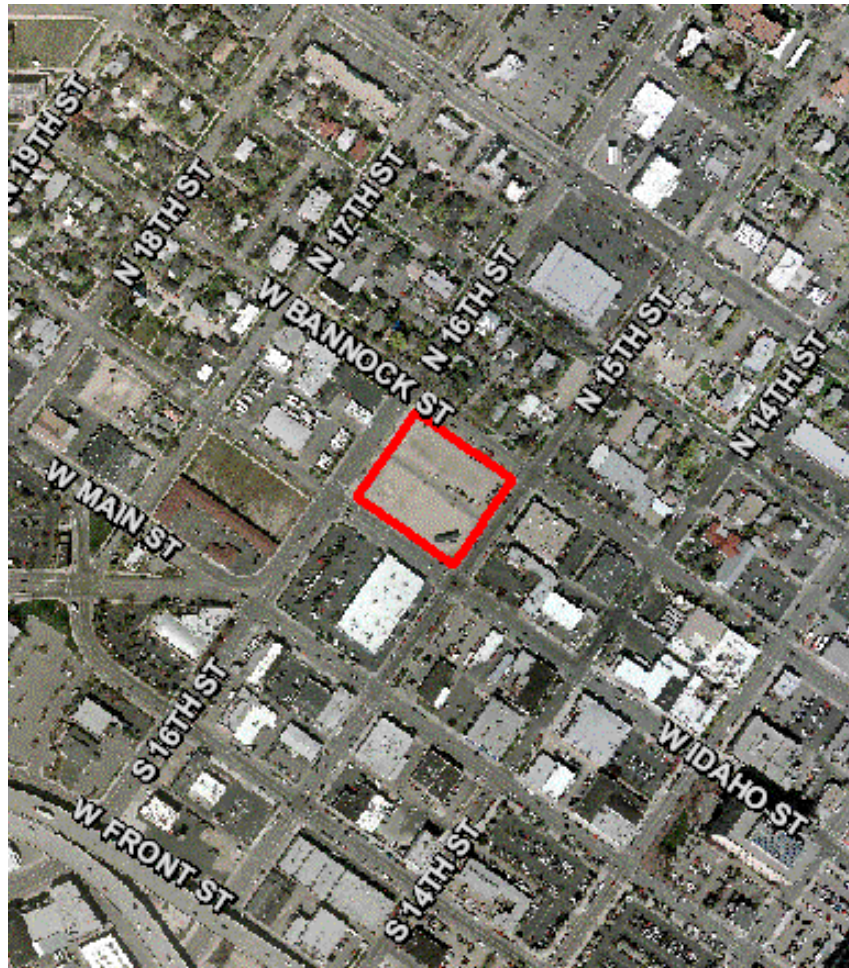
F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are consistent with applicable federal, state and local laws.

Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines

Vicinity Map





MEMORANDUM

TO: Susan Riggs, Boise City Planning and Development Services

FROM: Jon Cecil, Capital City Development Corporation (CCDC)

DATE: October 12, 2010

SUBJECT: Rudy Kadlub-1511 W. Bannock St. / Conditional Use, Special Exception and Variance Applications / CUP10-00059 and CVA10-00032

Capital City Development Corporation (CCDC) provides these comments for the conditional use, special exception, and variance applications scheduled for the Boise City Planning and Zoning Commission on November 1, 2010. CCDC will provide additional comments for the design review application we anticipate will be submitted within the next few months.

Summary and Recommendation

Rudy Kadlub proposes to build a free-standing 25,000 square foot retail grocery and prepared foods store (Building A) and a 1,800 square foot retail building (Building B) at the now vacant site. The site and landscape plan conceptually envisions a future second residential phase of the project.

On the positive side, the retail store will likely create vitality in this neighborhood of small offices and residential uses. It will provide services to neighborhood residents and the envisioned growing residential neighborhood.¹ However, the proposed development leaves us with several concerns regarding land use and design that are inconsistent with the Westside Master Plan, which we summarize as follows:

- This area of the Westside Urban Renewal District is envisioned to develop as a residential neighborhood. The site is located in an area designated as a “housing emphasis area.” Although the applicant’s plans include residential use as a later phase, we have doubts that residential development will happen on this site as a second phase because of its physical relationship with the proposed grocery and its parking lot, and because it will displace parking the applicant has argued is necessary to support the grocery store. Furthermore, the proposed design of the buildings and surface parking do not create an environment that encourages residential development on adjacent sites.
- Density of the proposed development is insufficient relative to the form of development envisioned by the Westside Master Plan. The proposed 25,000 square foot grocery and 1,800 square foot retail building cover less than one half of the 78,000 square foot site.
- The rear of the building faces Idaho Street while the front of the building faces a parking lot facing on Bannock Street. Therefore, the buildings are sited such that their backs are turned toward the core of downtown and the commercial center of the Westside District, with the negative effects of cars parked toward the residential and light office uses to the north of the site.

- Because of the reduced setbacks (setback variances) requested by the application, there is insufficient landscape between the parking lot and the sidewalk to mitigate the negative effects of the surface parking.

Given these concerns CCDC is recommending the proposed conditional use permit, special exception, and variance applications not be approved. We recognize that the building is sited in part for the purpose of avoiding a sewer line that runs in an east to west direction through the middle of the site. However, we feel the site plan can be substantially improved by repositioning the grocery building such that the front of the building faces east toward 15th with the rear facing 16th. In the event the City of Boise approves the project without a reorientation of the building, we include minimal conditions of approval at the close of this memorandum.

Basis for Recommendation

Urban Renewal District and Plan

The site is located in the Westside urban renewal district. The Westside Master Plan applies along with the Boise City Comprehensive Plan (1997). We have compiled the attached list of the guidelines from these plans that are most applicable to this particular project (see Attachment 1). The Boise City Comprehensive Plan encourages a mix of uses to support activity day and night and gives particular emphasis to residential uses. The Westside master plan states in part:

- Stop the encroachment of surface parking lots into viable neighborhood areas by provision of parking alternatives.
- Respect existing urban development patterns: blocks, grid streets, street-oriented buildings, rear parking, curbside street trees, alleys (where feasible), etc.
- Require a pedestrian orientation of new development in the design and location of buildings, streets, parking and open space.
- Provide flexibility in the design of buildings for the changing nature of uses.
- Extend special design treatment on Main and Idaho streets.
- Envisions a height of 4-6 stories.
- Encourages structured parking and suggests mitigation measures for surface parking.
- Recommends that building orientations provide for clearly visible primary entrances. At buildings facing both a street and open space, provide entrances on both with through-lobby orientation.

- Provide individual entrances to retail uses directly from streets, plazas and open areas (not exclusively from open areas).
- Locate driveways to parking away from corners.
- In accordance with the the City's Streetscape Standards, identifies Urban (Concrete) improvements on 15th Street; Special Street treatment on Idaho Street; and Neighborhood streetscape improvements on 16th and Bannock streets. The standards for these three street types are attached.

Lot Layout

The applicant proposes that the back of Building A face Idaho Street with the truck loading on the (west) side of the building facing 16th Street. The front of the building is oriented towards the interior parking lot facing toward Bannock Street. The back-of-house treatment on Idaho Street is incompatible with this primary pedestrian street. Moreover, we note that Idaho Street is a principal arterial that captures a significant amount of peak hour auto traffic. Bannock is a two-way collector that primarily serves local neighborhood traffic as well as serving bicycle traffic with a bike lane in each direction. The orientation of the store front appears to be incompatible with the likely commercial objective of capturing peak hour commuters, most of whom will be traveling on Idaho Street rather than on Bannock. Building B's main entrance is also oriented toward Bannock Street rather than 15th or Idaho streets. We would note also that neither of the buildings has an entry directly adjacent to a public sidewalk, which is incompatible with their Downtown location, and with the City's investment in pedestrian facilities.

The current submission shows a possible future development as phase 2 with two pads with three story residential buildings as illustrated. We believe that phase 2 is strictly conceptual and highly uncertain and thus, in effect, the application seeks to permit a suburban-style, low density retail development on a full downtown block located on the west edge of downtown in an area that has promise as a growing residential neighborhood.

Design Concept for Southeast Corner of Site.

The plans with the application indicate a landscaped plaza located on the southeast corner of the site. The landscaped plaza may provide aesthetic mitigation for the orientation of the retail building (identified as "B" in the application materials) at the southeast corner facing 15th and Idaho streets. It also has some potential as a functional open space where pedestrians could gather, however, the plaza could be much improved with building entrances facing it. The entrances to buildings A and B do not face the plaza area. If the conditional use and variance applications are approved the landscape plaza should be subject to further review prior to the design review process.

Variances

The applicant is proposing street setback variances for the surface parking and buildings. The proposed setbacks would be eliminated on all four sides of the development in order to maximize the size of both building pads and the interior parking lot. Although CCDC has supported setback variances for previous development proposals for this site in the past, this application does not propose a development density,

form, or mix of uses to justify a variance to the side, front and rear setbacks. Some setback on Idaho Street would help ensure a streetscape that can fully accommodate adequate sidewalk width for pedestrian comfort, street trees, historic street lights, and other amenities. In the proposed design there is insufficient space in the streetscape on Idaho Street for pedestrians and street trees. The proposed setback for the parking lot along Bannock Street is too narrow to provide for sufficient landscape as a buffer between the parking lot and the residential uses on the north side of Bannock.

Special Exception

The Applicant requests a Special Exception for the addition of Building B, a 1,800 SF stand-alone retail establishment. The applicant has not identified the use or likely range of uses for the building and, therefore, we feel the granting of a special exception in this case is not appropriate. We are open to retail uses of the small building if the applicant can provide for a stronger pedestrian orientation that meets other plan policies and guidelines.

Land Use and Significance of Project

The project's mix of uses is less than ideal for this west-of-central downtown location. The Westside Master Plan envisions housing on this site. Although the proposed grocery store will function as a retail destination and as a service for the residential population in and around Downtown, the lack of office and/or residential or other mixed use components is a significant drawback to the use of this site. Two pads for future residential buildings offer potential to make this a truly mixed use project however, absent other zoning controls as might be included in a development agreement or other zoning classification, the timing and potential residential uses of the two pad sites are being left to the dictates of an uncertain real estate market.

Building Height and Mass

The Built Form Map in the Westside Downtown Framework Master Plan provides general direction as to appropriate building height in this full block, suggesting 4-6 stories on this site. However, the Built Form Map is intended as a statement of acceptable urban form and as a height and density the marketplace could someday support in this area. At the same time we recognize and acknowledge that economic conditions have changed considerably since the adoption of the Westside master plan.

Windows

We are unclear as to the window treatment particularly on the south elevations of both the larger retail store and the small retail building that would face Idaho Street. We have previously suggested to the applicant that the use of opaque, reflective, or translucent glazing is strongly discouraged. The window treatment issue is addressed in our recommended conditions of approval (below).

Awnings

CCDC supports the use of awnings and other weather protection. The Downtown Boise Design Goals and Objectives also holds important the visual quality and durability of awnings and canopies. The applicant is proposing a structured type of awning on several of the elevations; however, we feel there is some inconsistency on the elevation plans with respect to the awnings, which appear to be minimal at best. Treatment of the awnings is addressed in our recommended conditions of approval.

Loading Dock

The loading dock noted on the West elevation is uninviting at the pedestrian level and should be addressed prior to the Design Review process.

Parking

The plans identified 93 parking stalls including 36 on street parking spaces. CCDC is generally opposed to an excessive amount of surface parking and we would note that there is an ample amount of parking available. We also note that on street parking is not typically included within the overall parking count. Further, a low wall or fence around the perimeter of the surface parking lot would provide a more appropriate street edge and should be addressed prior to the DR process.

Streetscape Design of Bannock, 16th, 15th and Idaho streets

The proposed plans do not comply with the Downtown Boise Streetscape Standards on all four streets, as described below:

- The streetscape standards designate Bannock and 16th streets to be constructed as *Neighborhood*. The Neighborhood type calls for Class II or Class III street trees in the furnishing zone and in similar alignment as historic streetlights, with 8' to 12' law strip composed of turf; modular scored concrete with four historic streetlights per block face in the same alignment as the trees.
- The streetscape standards designate 15th Street to be constructed as *Urban (Concrete)*. The Urban types calls for concrete sidewalk extending from face of building to curb; total width of wide urban sidewalk is 16' or greater and includes a curb zone between curb and tree grate; concrete in pedestrian zone with parallel and cross scores at 4' intervals, no parallel score are made within 6" of building foundation; concrete in furnishing and curb zones are scored in 2' intervals. Class II trees in the furnishing zone and in same alignment as historic street lights. Trees to be spaced approximately 30' apart and installed in 6'x6' tree grates.
- The streetscape standards designate Idaho Street to be constructed as *Special* streetscape type. At a minimum the sidewalk should be wide enough to accommodate the pedestrian zone and street trees. The landscape plans do not appear to be adequate to address the Special streetscape treatment as called for in the Streetscape standards. The Special streetscape treatment calls for trees in a 6'x6' tree grate spaced approximately 30' apart. The Special standard calls for curbless sidewalk with parking valley gutter. Historic streetlights are to be spaced approximately 60' apart.

CONDITIONS OF APPROVAL

CCDC recommends approval of the conditional use and variance applications, according to the plans we received September 30, 2010 subject to the conditions below.

1. The streetscape along 16th and Bannock streets shall be constructed to comply with the Neighborhood streetscape standard; the streetscape along 15th shall comply with the Urban

(Concrete), and Idaho Street shall be constructed to comply with the Special Streetscape standard as described in the Downtown Boise Streetscape Standards.

2. The plaza area at the southeast corner of the site shall be subject to a detailed review as part of the Design Review process.
3. All street trees shall have a minimum of 2" diameter at breast height (2" dbh) and be subject to review by Boise City Forestry.
4. All glazing at the ground level of all building shall be transparent. Spandrel glass or any architectural treatment that results in an opaque or translucent effect to the glazing is not permitted.
5. Streetscape-related conditions of the Design Review approval may add to or be superceded by the streetscape conditions of this conditional use and variance applications.
6. A low wall or fence around the perimeter of the surface parking lot would provide a more appropriate street edge and shall be subject to a detailed review prior to the DR process.

In addition to the above conditions, CCDC recommends the following be addressed with the Design Review process:

- A more detailed review of the exterior building materials and their composition including awnings along with other design components typically subject to Design Review process.

CC: Sarah Schafer, Boise Planning and Development Services
Angie Brosious, Boise City Project Management
Danielle Weaver, AIA, CSHQA
Rudy Kadlub, Persimmon II, LLC

Attachment 1 – Applicable Policies and Guidelines (2-pp)

Attachment 2 - Downtown Boise Streetscape Standards – Urban (Concrete), Neighborhood, and Special street types

Jon Cecil, AICP
Capital City Development Corp.



¹ The application materials do not identify the retail occupant of Buildings B.

Attachment 1 APPLICABLE POLICIES AND GUIDELINES

Boise Comprehensive Plan and Westside Master Plan

CCDC Comments Regarding Conditional Use, (Special Exception) and Variance Applications CUP10-00059, CVA10-00032, October 2010 / Rudy Kadlub – 1511 W. Bannock Street

Boise Comprehensive Plan

Downtown shall continue to develop with a traditional mix of uses including retail, office, civic, cultural, entertainment and residential, thereby instilling an active atmosphere and twenty-four hour presence. (Boise Comprehensive Plan 8.17.3, p. 8-33)

The residential component of the Downtown shall be given particular emphasis to encourage living opportunities within walking distance of the Downtown employment centers as well as neighborhood services. (Boise Comprehensive Plan 8.17.4 p. 8-33)

Westside Downtown Framework Master Plan

Framework Plans & Design Guidelines

Preferred Development Concept Map (Land Uses): The site is designated for *Flexible Use – Office, Housing*. (page 25)

Description of *Flexible Use* in the Framework Plans and Design Guidelines Section of the Master Plan: Office uses tend to be market driven and can be accommodated in a number of locations, hence they are indicated in areas of flexible use. Current market forces and land economics in Westside tend to favor office development over housing and retail. In order to achieve the desired mix of uses in Westside, it will be necessary to prompt new housing and retail uses through catalyst projects and incentives and by the direction depicted in the plan.

Built Form Map: The site is designated 4-6 *Stories*. (page 29)

Streetscape Character: The abutting streets are designated for Neighborhood, Special and Urban streetscape improvements. The Civic Space Framework Plan Section of the Master Plan identifies Idaho Street as a primary pedestrian street and Bannock Street as a secondary pedestrian street. As such Special Streets' design treatment includes matching or similar design treatment found on Main and Idaho streets between Capitol and Ninth (two colors of brick paving, street trees, benches, trash receptacles, historic Boise pedestrian lights, flower pots, hoop bike racks, etc, with the design carried on cross street block to create a unified two-street district. Café seating is encouraged; curb extensions with 20' radius are also anticipated.

Transit

- 5.1 Provide transit stops on primary transit streets like Main and Idaho at the beginning of a block to allow buses to get through intersections and have the remainder of the block to change lanes if necessary. Allow buses to stop and go from the right hand lane, providing widened sidewalks for transit amenities and eliminating the need to re-enter traffic from a bus pullover zone.
- 5.3 Accommodate bus dimensions and turning parameters in the design of all current and potential transit streets.

Pedestrian and Bicycle

- 6.1 Ensure a pedestrian-orientation to the design of rights-of-way in Westside. Where feasible, maintain alleys for service and loading access.
- 6.2 Provide pedestrian amenities in public rights-of-way, including shade, shelter, lighting, street trees, planters, and other street furniture.
- 6.3 Provide safe and direct pedestrian access to and between streets, public open spaces, and popular destinations.
- 6.6 Establish continuous, striped bike lanes through Westside and the downtown core (Central District) on Tenth, Eleventh, Fifteenth, Bannock, and Grove streets.

Parking

- 7.4 Integrate parking below internal open space and behind retail frontage where appropriate.

Sustainable Development

Water Efficiency

- Where appropriate, consider “green” roofs for storm[water] runoff detention and heat sink-dampers.
- Reduce and filter water runoff. Limit impermeable surfaces, install oil grit separators, biofiltration or detention ponds for parking facilities.

¹ The proposed grocery store is similar in size to the Co-op grocery store in Boise’s North End neighborhood.

Wide Urban Sidewalk – Concrete

Description: Urban sidewalks are generally located in business and mixed-use districts where there is a concentration of higher intensity development, ground floor retail, restaurants and entertainment uses and on-street parking. They are designed for heavy pedestrian use and to be compatible with retail or similar uses in a dense urban environment. They may also be used with offices and housing at street level when such uses are located in business or mixed-use districts rather than neighborhoods.

Surfaces:

- Concrete sidewalk extends from face of building to curb.
- Total width of wide urban sidewalk is 16' or greater and includes a curb zone between curb and tree grate.
- Concrete in pedestrian zone with parallel and cross scores at 4' intervals. No parallel scores are made within 6" of building foundation. Concrete in Furnishing and curb zone is scored in 2' intervals.

Furnishings:

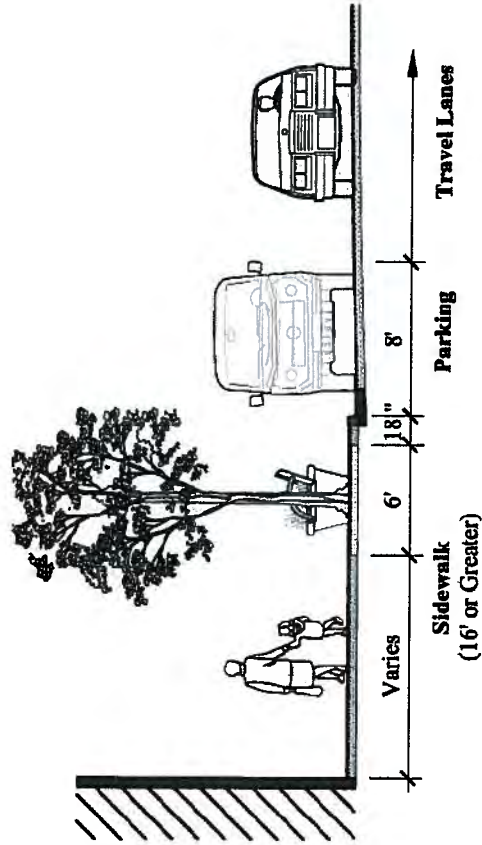
- Historic street lights with approximately 60' separation and in same alignment as trees. Lights should be centered between trees and conflicts with trees should be avoided.
- Benches, trash receptacles, bicycle racks and other furnishings shall conform to "Elements of Continuity."

Street Trees:

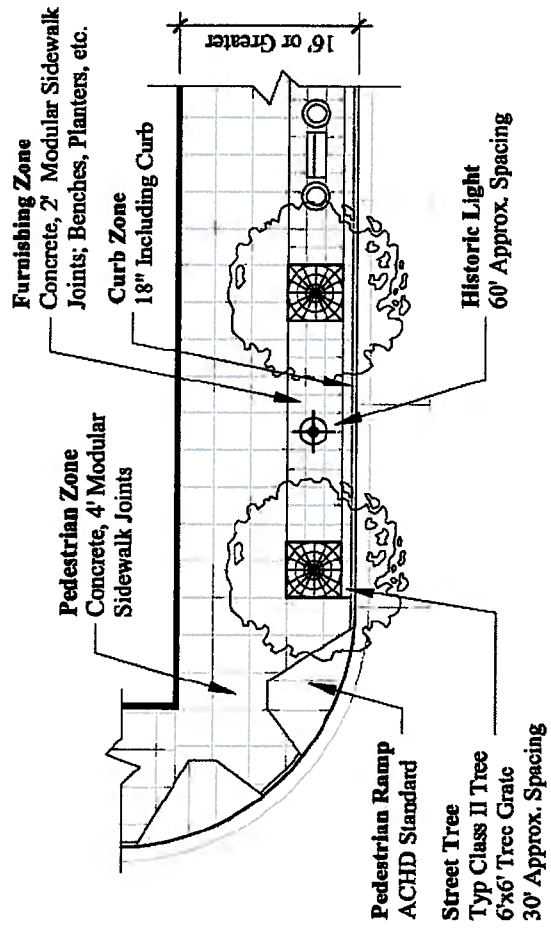
- Class II trees in furnishing zone and in same alignment as historic street lights. Trees spaced approximately 30' apart and installed in 6' x 6' tree grate. Where block faces are developed with storefront-style retail, trees should be spaced so they coordinate with the typical storefront width of 25' and fall on the property line between storefronts. The purpose of this standard is to improve visibility of signage on the storefronts while also retaining street trees at a consistent spacing along the block face.
- Tree species may be limited to the Class I type within 15' of overhead power lines.
- Coordinate planning and installation of trees with Boise Community Forestry.

Note:

- Some variation in how these standards are applied may be appropriate to account for local conditions.
- Furnishings and street trees shall meet Ada County Highway District sight distance requirements.
- All furnishings, trees and improvements in the street right-of-way require a license agreement and/or other form of approval by the Ada County Highway District.



WIDE URBAN SIDEWALK (CONCRETE) SECTION
NOT TO SCALE



WIDE URBAN SIDEWALK (CONCRETE) DETAIL PLAN
SCALE 1"=20' 8/04 JBA

Neighborhood Streetscape

Description: The Neighborhood Streetscape is used in areas of downtown that have less intense development with a higher proportion of residential uses and more limited retail and office uses. It is designed to accommodate pedestrian traffic in locations where a residential neighborhood character is desired. The distinguishing characteristic of this style of streetscaping is the use of tree lawns between the sidewalk and the street, rather than continuing the sidewalk surface to the curb. The intent of the neighborhood streetscape is to create a pleasant pedestrian environment and encourage walking as an alternative to using an automobile. The Neighborhood Streetscape is compatible with housing, office and limited retail uses.

Surfaces:

- 6' concrete sidewalk separated from curb and roadway by a lawn strip.
- The width of the lawn strip will vary according to local conditions but is generally 8' to 12'. A minimum width of 6' is generally required for street trees.
- The lawn strip consists of turf; topsoil augmentation may be needed for new turf where it has not recently existed.
- Modular scored concrete and/or an 18" concrete curbside walk may be required depending on local conditions and placemaking efforts. The purpose of the curbside walk is to protect the lawn strip and provide a more sustainable surface in areas of high pedestrian traffic or high turnover of on-street parking spaces.
- Surface treatment inside of the sidewalk will vary depending on building setbacks, use, and other conditions.

Furnishings:

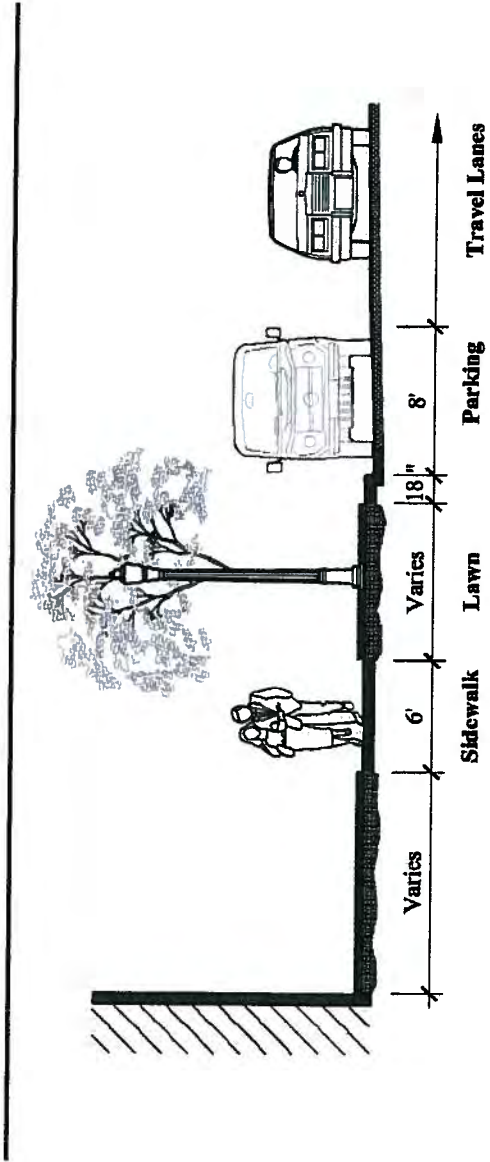
- Historic street lights approximately 4 per block and in same alignment as trees. Lights should be centered between trees and conflicts with trees should be avoided. Under most conditions, lights are to be aligned in the center of the lawn strip.

Street Trees:

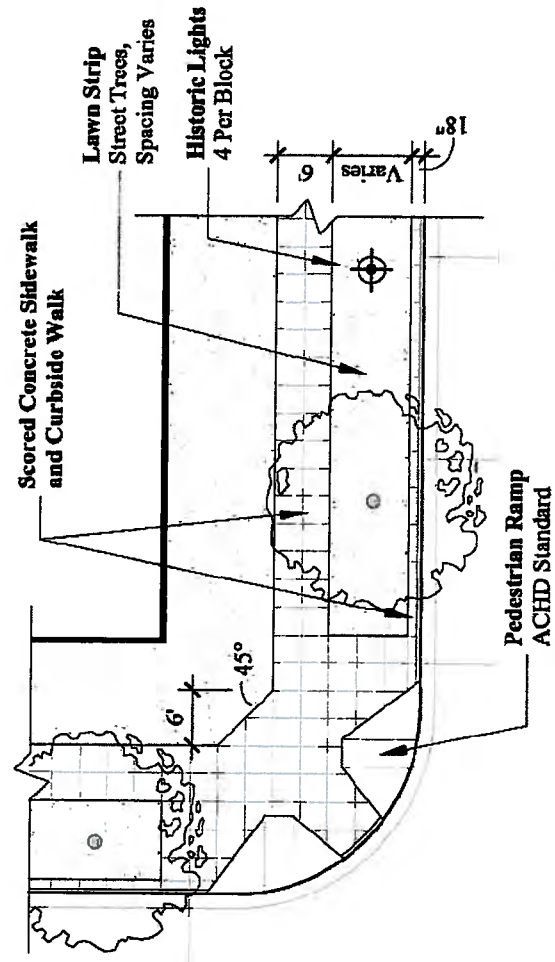
- Class II trees in furnishing zone and in same alignment as historic streetlights. Where the lawn strip is at least 10 feet in width, Class III trees may be recommended or required depending on land use and other local conditions. Tree spacing depends on species and size at maturity.
- Tree species may be limited to the class I type within 15' of overhead power lines.
- Coordinate planning and installation of trees with Boise Community Forestry.

Note:

- Some variation in how these standards are applied may be appropriate to account for local conditions.
- All furnishings, trees and improvements in the street right-of-way require a license agreement and/or other form of approval by the Ada County Highway District.



NEIGHBORHOOD STREET SECTION
NOT TO SCALE



NEIGHBORHOOD STREET DETAIL PLAN
SCALE 1"=20'

8/04 JBA

Special Street

Description: The Special Street designation is used for particular street segments where an extraordinary pedestrian emphasis and placemaking effort is planned and warranted. A special street may function as both a street and also as a public space for sidewalk cafes, street fairs, festivals, cultural and special events. The best examples in downtown Boise are 8th Street between Bannock and Main and the Basque Block on Grove between Capitol Boulevard and 6th Street. It may be open or closed to vehicular traffic, or may be designed to allow temporary traffic closures. Each special street is expected to have a unique design often celebrating a particular theme.

The design standard presented here is a prototype. The actual design will vary and is expected to be determined at the time a specific project is planned and constructed. All furnishings, trees and improvements in the street right-of-way require a license agreement and/or other form of approval by the Ada County Highway District.

