



## Planning & Development Services

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# MEMORANDUM

**TO:** Mayor and Boise City Council

**FROM:** Hal Simmons  
Planning Director  
Boise City Planning and Development Services

**DATE:** November 19, 2010

**RE:** CUP10-00059 / 1511 W. Bannock Street / Special Exception

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The following application is scheduled for **December 7, 2010**

**Persimmon II, LLC** requests approval of a special exception to construct a  $\pm 1,800$  square foot retail building in conjunction with a previously approved grocery store on a  $\pm 1.8$  acre parcel located at 1511 W. Bannock Street in an R-OD D (Residential Office with Downtown Design Review) zone.

### **PUBLIC NOTIFICATION**

Newspaper publication: November 19, 2010

Radius Notices: November 19, 2010

Site Posting: November 12, 2010

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### **ACTION BY THE BOISE CITY PLANNING AND ZONING COMMISSION**

At the November 1, 2010 hearing, the Commission recommended unanimous approval of a special exception to construct an 1,800 square foot retail building and also granted a conditional use permit to construct a ± 25,000 square foot stand-alone grocery store. Approval of the grocery store has not been appealed, and as such, only the smaller retail building is before Council. The entire project has received Design Review approval, pending approval of the special exception.

The Commission also approved 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.

### **SUMMARY**

A grocery store is a conditionally allowed use in the R-O zone; however, the Zoning Ordinance does not list stand alone retail as an allowed use in this zone. As such, the applicant is requesting a special exception for the ±1,800 square foot retail building to be constructed in conjunction with an approved grocery store. The retail building is proposed on the east side of the site between the grocery and 15<sup>th</sup> Street. *Policy 8.1.17.13 and numerous others* promote the principles of new urbanism and pedestrian orientation in downtown development. The Commission approved a variance for a zero setback along 15<sup>th</sup> Street based on the building's location in the downtown which encourages buildings constructed to the sidewalk's edge.

The site is bordered by four streets; Bannock to the north, Idaho to the south, 15<sup>th</sup> to the east, and 16<sup>th</sup> 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 as a whole should create vitality in the neighborhood by introducing an amenity not currently available to residents and employees in the area.

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 reasonable 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.

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 building abuts the sidewalk on 15<sup>th</sup> 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 complements 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.

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.

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 Plan, and recommended denial of the applications. Their detailed comments are attached as an exhibit to the Planning and Zoning staff report.

### **PLANNING AND ZONING COMMENTS**

The majority of the Commissioners' discussion dealt with the grocery store and not the special exception. Commissioner Russell stated he was pleased with the architecture and the overall theme of the development. He believes the corner plaza is in a key location on the downtown side of the building. He also commented there is going to be a lot of bicycle travel north on 15<sup>th</sup> and south on 16<sup>th</sup>. He believes it will be easy to access this site via bicycle as well as for pedestrians coming from the east part of downtown. He is interested to see what happens with the small retail building and how it will work into the plaza.

### **MAJOR ISSUES & COMMENTS DISCUSSED BY THE NEIGHBORS**

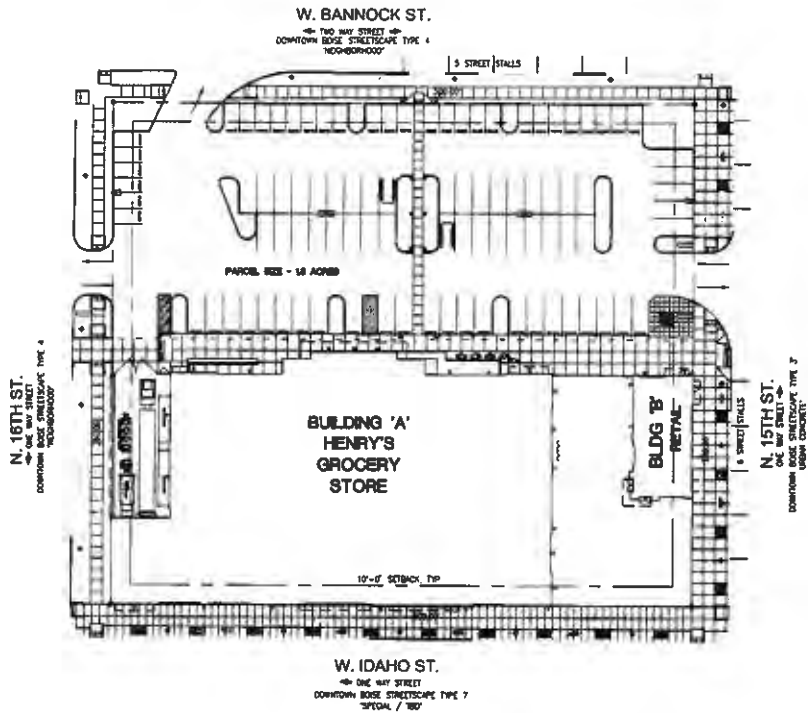
Scott Tagg, President of the West Downtown Neighborhood Association (abutting neighborhood association), spoke in favor of the application. The association believes the development will be an enhancement to the area and help make the West Downtown a more viable and livable area. They hope the project sparks more development on the west side. The association is very excited about the plaza and retail building, and supports the special exception.

Brian Rencher, has lived in the immediate area for 35 years and is in favor of the development. He stated that the property has been empty for 25 years and believes it is time that it be developed.





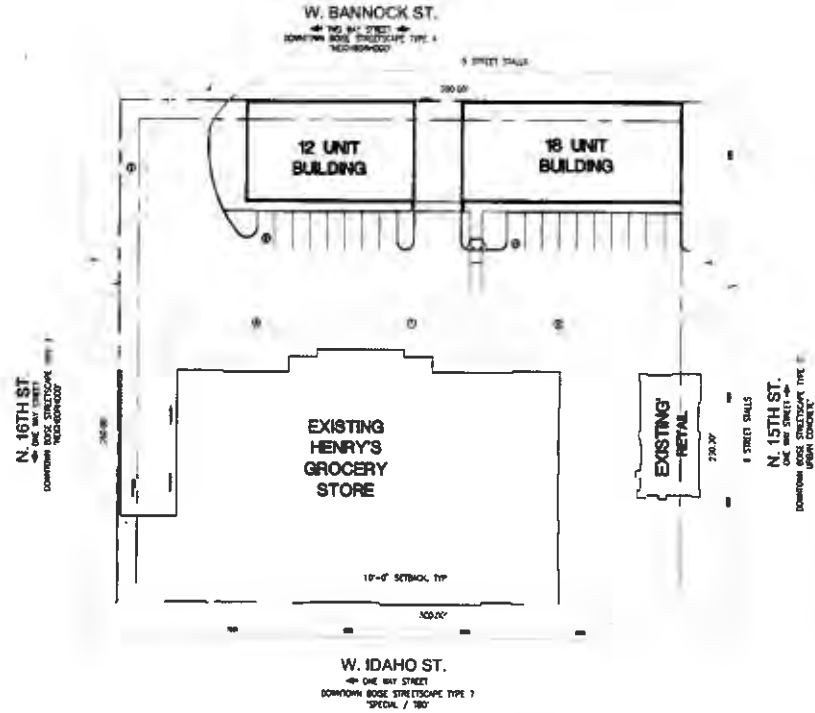




**1 PHASE 1**  
SCALE NOT TO SCALE

PHASE 1 PARKING:  
11 NEW  
33 ON STREET PARKING  
146 TOTAL PARKING

PHASE 2 PARKING:  
10 UNDERGROUND  
10 NEW  
33 ON STREET  
11 ON STREET PARKING  
63 TOTAL PARKING



**2 PHASE 2**  
SCALE NOT TO SCALE



**3 PHASE 2 ELEVATIONS**  
SCALE NOT TO SCALE

PRELIMINARY  
NOT FOR  
CONSTRUCTION

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

CSHQA

CUP  
SUBMITTAL  
ADDENDUM  
ONE

PROJECT  
151 W B  
DATE  
10-15-18  
DESIGNER  
CSHQA

1

MASTER  
PLAN

SHEET  
1A

November 2, 2010

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

Re: **CUP10-00059 & CVA10-00032 / 1511 W. Bannock Street**

Dear Mr. Kadlub:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a special exception to construct an 1,800 sq. ft. retail building and a conditional use permit for 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.

The Boise City Planning and Zoning Commission, at their hearing of November 1, 2010, **approved** your conditional use and variance requests and recommended to the Mayor and City Council approval of the special exception, based on compliance with the attached Reasons for the Decision and Conditions of Approval. Findings may be reviewed at the PDS department. A regulatory takings analysis may be requested by the landowner.

The special exception has been forwarded to the Boise City Council to establish a public hearing date. You will be notified of the established hearing date

May we also take this opportunity to inform you of the following:

1. The conditional use and variance will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to the Boise City Council within ten (10) calendar days from the issuance of this decision. The Appeal must be written, accompanied by the appropriate fee, and submitted to the Boise City Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at:  
**[www.cityofboise.org/pds/](http://www.cityofboise.org/pds/)**  
or **<http://www.cityofboise.org/pds/index.aspx?id=apps>**

3. All appeals of these permits must be filed by **5:00 P.M., on November 12, 2010.**
4. If this conditional use and variance is not acted upon within eighteen (18) months, it will become null and void without further notification from this Department.

This letter constitutes your Variance Permit. If you have any questions, please contact this department at (208)384-3830.

Sincerely,

Susan Riggs  
Planning Analyst  
Boise City Planning and Development Services Department

SR/bjc

Attachment

cc: CSHQA / Danielle Weaver / 250 S. 5<sup>th</sup> St. / Boise, ID 83702  
DBNA / Walt Sledzieski / 199 N. Capitol Blvd., #705 / Boise, ID 83701  
DBA / Karen Sander / 720 W. Idaho St. / Boise, ID 83702  
CCDC / Jon Cecil / 121 N. 9<sup>th</sup> Street, #501 / Boise, ID 83702



## **Reasons for the Decision**

### **Conditional Use Permit**

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 no 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 encourage 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 15<sup>th</sup> 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 15<sup>th</sup>, 16<sup>th</sup> 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. Approval of the special exception is unique to this site based on the allowed grocery store 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.

### **Variance**

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 justify 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 it into two sections and forcing the buildings to one side of sewer line and parking to the other. The variances are 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 dwellings. There will not be 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  $\pm 80$  right-of-way.

### **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 15<sup>th</sup> Street, similar to the one on 16<sup>th</sup> Street.~~
  - b) Provide a minimum two foot tall screen and/or fencing and landscaping along Bannock Street to help screen the parking lot from Bannock Street **unless otherwise approved by Design Review.**

- 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) **Staff recommends the applicant** 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. **This recommendation is subject to approval by ACHD.**
- f) **Staff recommends the applicant** 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 to 15<sup>th</sup> Street, due to the driveway(s) at the northwest corner of 15<sup>th</sup> and Bannock. The applicant shall submit plans to Boise City verifying the required cross section before submitting construction plans to ACHD. **This recommendation is subject to approval by ACHD.**
- g) ACHD requires the reconstruction of the broken curb and gutter on 16<sup>th</sup> Street. **Staff recommends the applicant** incorporate a five foot wide bike lane on 16<sup>th</sup> 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. **This recommendation is subject to approval by ACHD.**
- h) ACHD requires the reconstruction of the broken curb and gutter on 16<sup>th</sup> Street. **Staff recommends** 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. **This recommendation is subject to approval by ACHD.**
- i) The Streetscape on 15<sup>th</sup>, 16<sup>th</sup>, 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.
- 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

PARTIES OF RECORD FOR  
P&Z HEARING NOVEMBER 1, 2010

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

Brian Rencher  
1722 W. Idaho  
Boise, ID 83702

Jon Cecil  
120 N. 8<sup>th</sup> street  
Boise, ID 83702

Scott Tagg  
1820 W. Jefferson  
Boise, ID 83702

Mike Hall  
120 N. 8<sup>th</sup> Street  
Boise, ID 83702

## **CUP10-00059 & CVA10-00032 / PERSIMMON II, LLC**

Location: 1511 W. Bannock Street

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 IN AN R-ODD 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.

**Susan Riggs** (Staff) – Presented the staff report with a recommendation of approval based on the findings of fact, conclusions of law and subject to the conditions of approval.

**Rudy Kadlub** (Applicant) – I am the CEO of Costa Pacific Communities. I'm here as a member of Persimmon II, LLC which is a special LLC formed to develop and own the site and development at the address on the application, 1511 W. Bannock Street.

I want to thank both the Planning staff, CCDC (Capitol City Development Corporation) and ACHD (Ada County Highway District). We've probably had a dozen meetings leading up to this evening's application and hearing. We've come along ways in trying to understand what the needs and wants are and try to mesh a very specific use to a site that has some serious constraints in terms of existing utilities and the four sided block and determining where the front is and where the rear is. We do have a few items we would like to address, otherwise, we are in agreement with every thing on the staff report with the exception of the items I would like to mention here.

First of all, CCDC made some recommendations that in the event the city approves this CUP (Conditional Use Permit). Regarding Condition #2, if you go to that exhibit I will quote from the recommendation. The tree lawn on Bannock and 16<sup>th</sup> Street shall be wide enough to accommodate class 3 trees. In #2 the landscape plan should follow the downtown of Boise streetscape standards for three streetscape types. We are suggesting there are 80 and 100-foot trees on the north side of Bannock Street; in fact, the canopy stretches almost to the south side of the street. The tree lawn is 6-foot, 4 inches and as I read from your streetscape map, the streetscape plan for neighborhood is type 4. It states that street trees where the lawn strip is at least 10 feet in width, class 3 trees may be recommended or required, depending on land use or other local conditions. The trees should be spaced approximately 30 feet apart and so forth. The lawn strip here is not 10 feet along Bannock, it's 6-foot, and 4 inches. Along 16<sup>th</sup> Street it is 9-foot, 9 inches, so we think it makes sense to have class 3 trees along 16<sup>th</sup> Street. Those large trees would provide nice shade for the entire site from the west. Along here there is a 10-foot tree lawn which we think is appropriate to have class 3 trees. We think along here it is 6-foot, 4 inches and it is really a type 4 neighborhood which really requires class 2 trees. We think it is more appropriate to do a class 2 tree here. The class 3 trees would take a long time to get to a point where they would match the trees across the way. We think if we did a more columnar style class 2 trees, like a tree called a European Hornbeam which is more columnar and full, we would place it a little closer in proximity to one another. It would help create more of a screen from the residential mixed-use neighborhood to the north.



That is one thing we would ask from CCDC's recommendation. The other thing is Condition #4 has surface parking elevations and CCDC recommends consideration in dropping the elevation of the surface parking lot. We understand the site plan moves downward from north to south and they want us to excavate to get a little more depth. What they are suggesting is that we excavate along here (north) so this parking would be about 2 feet below the sidewalk. In the staff report, staff is recommending a 2-foot high screen wall on top of that. I just want to make a point that the slope is actually going in this direction. As we excavate maybe 2 feet lower in the northeast, but as we get over to here, it is probably going to be at grade. We're suggesting that we put a 3-foot high screen wall along both Bannock and 15<sup>th</sup> Street and this section of 16<sup>th</sup>. We think the vertical separation between the public domain and the private domain makes some sense there. In staff's conditions of approval, Condition A suggests that a 5-foot landscape strip be added here. We actually made this a 3-foot planting strip and we're also suggesting a 3-foot high screen wall opposed to one 2-foot high. In an urban setting like this, to get the most efficient use of the land we think the vertical separation between the public and private domain makes more sense than adding 2 feet to the horizontal, because you don't gain much in a horizontal separation there.

In Condition E, to widen Bannock Street, Exhibits D, E, F, G and H, we are okay with. We are a little bit confused with E and F because ACHD is telling us they do not want a bike lane on Bannock Street. In fact, under no terms do they want a bike lane there. The city is suggesting we increase the width of Bannock Street to 46 feet to actually accommodate two bike lanes on the north and the south, as I understand it. So, we're confused. We'll do whatever ACHD and the City figures out, but we think you can do a bike lane on the south side of the street which would line up with a bike lane that actually does start east of 15<sup>th</sup> Street, with a current 42-foot curb to curb street section that is in there now, so 7-foot of parking on both sides, 10 1/2-foot drive lanes and a 6-foot bike lane. We are up in the air and don't know where to go with those conditions because staff is saying one thing and ACHD is saying the other.

Kevin, would you please go to Exhibit 3, the floor plan. We need to address Condition D of the conditions of approval. We are very excited about Henry's Farmers Market. This is a very exciting store that started a number of years ago in San Diego. There are some that have been around for 25 plus years in some neighborhoods. It's much more of a neighborhood store. The focus of Henry's Farmers Market is really produce. The floor plan you'll see here is a wide and open unlike conventional grocery stores. When you usually enter a grocery store, the grocery aisles are perpendicular to the cash wraps so when you walk in you've got big tall grocery aisles. If you are with your kids or your mate and one of them gets on a different aisle, you have to go to the end and walk up and down to try to find them. This is quite different. Kevin, go and show #1. The focus of Henry's Market and what really drives people to want to be there is their fresh produce. You can see the center of the store is totally wide open and is filled with bins of fresh and local produce. As you stand in the store you can see almost anybody, anywhere in the store. It's what makes it unique.

If you think about most of the stores you go into, the produce is either on the right or the left and you have to work your way around the store to where the milk, meat, and everything is located which is typically in the back of all those grocery isles. Being a typical 35,000 or 50,000 square foot space you literally get lost or lose somebody else. This floor plan is wide open.

If we go back to Condition #3, we've really worked with Henry's and they merchandise their produce first in this whole Farmer's Market feel. Everything spins off of the center of the store so the grocery isles are parallel to the front of the store and they are much lower than you would see in most stores. Everything else is low bins and trays and it's very, open. The bakery and deli are along the edges that back up here and it's a real operational program the way they merchandise it. They have criteria which they have proven and are standard in the industry for them. We've tried to work with Henry's and staff to figure out how to reconfigure this floor plan to get a door to activate out to the plaza. Even as of the middle of last week and even today they have looked and re-looked at the problem with the constraints. We've got the truck loading docks on 16<sup>th</sup> Street, which we figure is the most appropriate place to put those because you have more of an industrial element on that west side with a dairy there. Therefore, that leads to the loading, storage, and the back room being on the west side of the building. The coolers and freezers and all that support the deli, the bakery and so forth need to be on the west side. If you flip that over and I have to say Henry's has made some major changes to their prototypical store. Their typical store is really more of a square building than the rectangle one we proposed here. We've had them extend the length of the building and make it much narrower to accommodate the constraints on the site and the fact it is an urban location. Any change here to these critical spaces, they find unacceptable in terms of the way they would be able to merchandise. I don't know of many stores, or any stores that have corner entries. It would eat up so much space that it's really inefficient in terms of following the principles of new urbanism. The building would have to get bigger for no other reason than to have an entrance there and to be able to accommodate that type of floor plan. Even as recent as today they have indicated to us that it's a non-starter and does not work. They need their entrances in front of the cash wraps so that the entrances accommodate shoppers to the parking area.

The other issue we would have and they brought it up again today is if the entrances were here off the corner, a couple of things, it's not anywhere close to centering on the parking, but it changes the nature of this plaza. The plaza is intended to be almost a public park. If we had an entry here, what you would end up with is cart racks and cart traffic in the plaza. What we really want are tables and chairs. There is a fountain and it really becomes more of a neighborhood gathering place. I believe it will be energized with the retail store we have.

Onto slide 4, this is the front of the store here. We've created a very wide promenade along the front of the store that connects with the plaza and the retail store next to it. If you go to slide 5, this is from the Idaho Street side, what we've got Henry's to agree to is putting windows that open up. They have actually designed an interior stock alley so they can make this configuration of a store work. Again, it is longer and narrower, so there is a stock alley that runs from the storage on the west side, to service the sales and the floor on the east side, but allows us to create what looks more like a main street frontage.

Ultimately, if there are developments the way we would all like to see it develop with mid-rise condominiums, high density residential and if there were 3 or 4 thousand people living within a few blocks of this area, then it changes the whole nature of how this would work. We could then accommodate an entrance along the sidewalk on Idaho Street. We've designed the building to accommodate that in the future.

Continuing onto slide 6 (retail building/plaza), this gives you a look into the plaza from the intersection of Idaho and 15<sup>th</sup> Street. You can see it is a very generous space. It also has doors that front onto Idaho Street and onto the plaza. In fact, this has doors on all four sides of this building to activate the space. This canopy provides shelter for bike parking. This represents what will be a fountain area with tables and protective bollards along here. It makes it easier to get in and out of the site and actually, it really invites people walking up 15<sup>th</sup> Street to the Linen District into the plaza, or if you are walking west on Idaho Street, it invites you right into the front of this. If we flip back to slide 4 again, people would walk through here, through this space, and along this nice promenade to the front of the store. The bottom line is, we think we've done that from a standpoint of design. If you look at the architecture here, this is not your basic grocery store box. It has lots of fenestration, lots of openings, lots of windows, lots of detail, lots of movement and materials which we think are very exciting. Our tenant cannot change the floor plan in their mode of operation to accommodate item D of conditions of approval.

One of the things we talked about today and is kind of a whimsical thing, would be to create a sort of artistic little farm animal footprints in the sidewalk that leads from the front of the store along the promenade and into the plaza. I might mention that Henry's is unlike a lot of stores you have in mind. They don't have a coffee bar or any indoor dining. The big stick really is its produce and health foods, although, they do have a deli where you can buy a sandwich. The intent would be for people to take that sandwich and either take it to go or dine on the plaza.

**Commissioner Stevens** – I have one question for the applicant and one for staff. Since he is here I'll start with the applicant. I was concerned about your patience with ACHD. In our packet, I'm not seeing in the letter, particularly in the part of their letter regarding Bannock Street, anything that indicates they are opposed to the bike lane. Did that happen in an outside communications that we are not aware of? Maybe my fellow commissioners found it, but I can't find it.

**Rudy Kadlub** – You're right, this is a very thorough report. I couldn't get through it all either. I received a communication today from Mindy, or Susan might be able to answer that.

**Susan Riggs** – Actually, we thought we had this worked out with ACHD. Their staff report really failed to address the streetscape all together. They talked about replacing curb, gutter and sidewalk in some standard conditions, but they really failed to address the bike plan.

With that being said, we had city transportation planning staff work with the ACHD engineering department and we thought we had this all worked out until just before this meeting this evening. That's why we've revised our conditions pertaining to this issue to be a "recommendation". This will allow an opportunity for the applicant to coordinate with ACHD to find a workable solution. Does that answer your question?

**Commissioner Stevens** – It does, but since you're there I'd like to ask the second question as well? This is unrelated. I think I've asked this on other applications so I may already know my answer but is there a maximum parking for this application?

**Susan Riggs** – Yes there is. The maximum amount of required parking spaces is 45 spaces. Anytime you go over by 1.5 times the amount of required spaces (per new parking ordinance), the commission must make a recommendation for a approval. It's actually a waiver from the standard.

**Commissioner McLean** – Can we go back to the Bannock bike lane? I'm really not sure what you were saying. If we leave it in as a condition, but ultimately ACHD will decide, do you have doubt they will require a bike lane since we have it on the rest of Bannock.

**Susan Riggs** – It would be subject to final approval by ACHD. Staff has formed this condition as a recommendation only, with the final decision being left up to ACHD. These are conditions we felt were appropriate and needed to be included in the staff report. Again, ACHD failed to address these issues all together in their staff report. They didn't even discuss bike lanes or streetscape.

**Commissioner Cooper** – My follow-up on that question is to push a little more on that issue. Susan, those of us who ride bikes know very well that Bannock is the only east/west bike road in town. Is it your opinion that we can depend on getting bike lanes in this part of Bannock?

**Susan Riggs** – The bike plan does call for bikes along Bannock Street. All I can tell you at this point is ACHD will be the reviewing agency to implement and require the bike lanes. Apparently, our conditions were not in agreement with their staff.

**Rudy Kadlub** – The applicant is certainly ok with the bike lanes. We just don't want to get on the wrong side of either one of these groups.

**Susan Riggs** – What I understand from ACHD is they want to do improvements as a corridor and not as they stated "piecemeal" it together. However, that being said, with a development application such as this, it is staff's opinion that this is the time to get agreement for the bike lanes especially on Bannock Street.

**Commissioner Cooper** – This is an unrelated question. I wanted to confirm, or ask you, will this project be subject to Design Review?

**Susan Riggs** – Yes, it will go onto Design Review. I think it is scheduled for next Wednesday.

**Commissioner McLean** – My question is most likely for staff. Will Design Review look at whether or not a fence or a wall is appropriate and things like that?

**Susan Riggs** - That is correct; they will review the wall, fencing and landscaping. .

**Commissioner Cooper** – Will they discuss things like width of planting strips?

**Susan Riggs** – Yes, that will be included.

**Commissioner Story** – This question is for the applicant. Going back to where you were speaking about the conditions that wouldn't work, was the only one that was actually in a site specific condition of approval from the City, # D? I know you had mentioned a few other things about heights, screen walls and other things were those comments from CCDC?

**Rudy Kadlub** – Actually, Condition A and B were conditions by the staff. We are okay with Condition B. Staff says a 2-foot tall screen wall and we say 3-foot. We think that is more appropriate. In Condition A, we were just asking for that 5-foot landscape buffer to be 3-foot instead of 5 feet. Other than conflicts between ACHD and staff, the only real condition that is of concern to us is Condition D, for the reasons I explained earlier. It's a non-starter for Henry's despite all of the efforts we made to try to make that work.

**Commissioner Russell** – Along those lines, it seems that one of the concerns CCDC had is the fact that there is no entry on the south. You had mentioned you designed the store in such a way that it can be retrofitted in the event we get more residential down there and that you are also designing that façade to really look like an entry location. I'm wondering, is there any possibility that entry could be placed on the south now, rather than waiting?

**Rudy Kadlub** – It's an operational issue. I don't run a grocery store, maybe some of you have, but apparently it's a real operational issue to be able to control shrinkage, to have security and have cash wraps on both sides of the store. If we change and I don't know if that's 10 years, 20 or 30 years from now, but if the west side changes to become a very dense residential area then it's possible. In our Master Plan we are showing a potential residential development on the north side of the site and reduce the amount of parking. If 75 percent of their traffic is foot traffic, as is Whole Foods in the Pearl District in Portland, then it would be different if we could have that kind of density. Today, we don't have that sort of urban environment, but we're planning for that potential in the future. It would have to get to a point where it was so dense that most of the people come on foot. Then you would flip the whole building around so all of the entrances would be on Idaho.

**Commissioner Russell** – So, in the event this would happen you would basically move the entrances to the south and close the entrances on the north?

**Rudy Kadlub** – Yes.

**Commissioner Russell** – I understand the logistics you are talking about, I'm not a grocer but I can see.

**Rudy Kadlub** – Imagine your mom having to take her groceries from the front of the store and then wheel her cart all the way around the building to get to the parking. How many people would go with that kind of experience for very long?

**Commissioner Russell** – My point is you're making a presence on Idaho Street. Potentially, there could be a door over there to accommodate pedestrian traffic, which I do believe you will have at the site. I believe 15<sup>th</sup> and 16<sup>th</sup> Streets are definitely heavy bike use corridors and there could be a minor entrance on the south. If you're planning for it, it seems like it might be something (interrupted by applicant)

**Rudy Kadlub** – But a minor entrance creates a major problem for the operator. If we go back to Condition 6, or the plaza, and you really think about people walking up from the Linen District along 15<sup>th</sup> Street because that is kind of where the major part of the residential would be, south of Idaho. They are going to walk up 15<sup>th</sup> and see this great plaza and they are going to want to walk into the plaza. Is it any shorter to walk through the plaza to the door on the north? Maybe it's 10 or 15 steps to go to the one on the south? I don't know.

**Commissioner Russell** – But an entrance on the east would surely address all of that.

**Rudy Kadlub** – I don't disagree with you. If I could make that work, I would. I've talked until I was blue in the face with Henry's and they just can't make that work.

**Commissioner Russell** – I understand. We don't have to continue, I was just curious about that.

**Commissioner Cooper** – I do have a question related to that residential aspect. Susan, it sounds like at this point the suggested second phase of residential buildings on the north side, at this point we really have no control over that possibility.

**Susan Riggs** – Right now it is conceptual and I don't think it is going to happen in the near future, but hopefully, as the economy turns around it would be a possibility. It would require detailed approval and would have to come back before you. It's just conceptual at this point.

**Commissioner Cooper** – I think my question is not the approval, but can we count on it happening?

**Susan Riggs** – I would say no.

**Commissioner Ellsworth** – As a follow-up to that question, if the site were to develop any further it would have a residential component because of our special exception and because of the zone R-O? They couldn't put another pad out there, let's say, for a drug store?

**Susan Riggs** – That is true. They can't put another stand alone retail use out there.



It would have to go through a special exception just like the special exception for the 1,800 square foot retail building they are proposing now. If they wanted to come back and do residential, we certainly would encourage that and review it at that time.

**Commissioner Barker** – Because this was quite awhile ago, I'm going to ask a technical question and that is Condition B is recommended, or as approved by Design Review in Conditions E, F and G, are staff recommended with final approval by ACHD, is that correct?

**Susan Riggs** – That is correct. That's the addition to Item B and the ACHD suggestions, I'm not sure if you said H, but they're E, F, G and H.

**Commissioner Barker** – A portion of H doesn't include ACHD activities, is that correct? I just want to make sure because the applicant has discussed these conditions. We've gone a little back and forth about who's doing what. I just want to make the changes that have been suggested.

**Susan Riggs** – Conditions E, F, G and H regarding the street improvements would be a recommendation only and would require final approval from ACHD.

#### PUBLIC TESTIMONY

**Jon Cecil** – I'm the Planning Manager with CCDC (Capitol City Development Corp.). CCDC has previously supported redevelopment at this site located at 1511 W. Bannock. Most recently for a mixed use, high density residential project and due to changes in the market conditions the residential project did not materialize. Now the City is being asked to approve a new development comprising of a stand-alone grocery store with a small retail building. The applicant has requested variances from the front and street side setbacks for the parking lot and buildings, as well as the request to exceed the maximum number of allowable parking spaces. We are pleased that this particular retailer has selected Boise to expand its market presence and we are also pleased this retailer is trying to develop a store in the west side of downtown, which if sited properly could bring new vitality to the West Side District. We recognize it is a difficult time to make this type of development work given the current economic climate. That being said CCDC does not support the conditional use or variance applications based on the project as it is designed today. The updated plan elevation gives us some comfort about the appearance of the buildings exterior; however, the project does not meet the intent of the West Side Master Plan. We've provided detailed written comments to explain our position so I won't repeat them now due to the interest of time. However, I would like to focus on two specific concerns. First the site is in an area envisioned in the West Side Master Plan as a housing emphasis area. The applicant indicates housing could be built sometime in the future but we doubt residential development will happen on this site, as a second phase, given this physical relationship with the proposed grocery store and surface parking lot.

For all intents and purposes the project is a suburban style low density retail development on a full downtown city block on the west edge of downtown, in an area that shows promise as a growing residential neighborhood. The density of the proposed development is insufficient given that the parcel is 78,000 square feet and the two retail buildings together cover less than half of the site.

The interior surface parking lot also consumes half of the property and it faces onto the residential use it borders, West Bannock Street. I have a few quick comments about that at the end.

Secondly, we have concerns with the site layout. The rear of the building faces Idaho Street while the front faces a surface parking lot fronting on Bannock, so their backs are turned away from downtown and the commercial center of the West Side District. In our view this will negatively impact on the residential light office uses to the north of the site. In particular, we note that delivery trucks will have their lights on and their reverse beep sound as they navigate into the truck loading dock that parallels 16<sup>th</sup> Street. Truck deliveries will occur at least six days of the week.

Just a quick final summary, the way the buildings and the parking lot are sited, they've placed the most intense activity on the north half of the block while doing little to generate activity on the Idaho Street side. The design will make the development of housing on adjacent blocks more difficult than it is now. Given these concerns we do not support the conditional use or variance applications based on the project as it is designed today. I would like to quickly respond to a couple of points the applicant and staff made earlier. I would point out that in terms of our comments we followed up on October 12<sup>th</sup>, we did indicate that class 2 or class 3 trees would be suitable for Bannock and 16<sup>th</sup>. We are also in support of staff's conditional of approval in terms of the entryway on the northeast corner. In regards to conditions of approval 2B, we would also recommend the screen wall, or the fencing component, be a minimum of 3 feet in height.

**Commissioner Cooper** – Jon, on a discussion we had earlier about the population of this area, could you, off the top of your head, just give us a number of what the West Side Planning contemplates for residents in this area?

**Jon Cecil** – Off of the top of my head, I don't. Maybe Mike, who is more familiar with the West Side plan might.

**Mike Hall** – We have not forecast a population count for a future residential population for the neighborhood. The plan encourages housing area that consists of up to 5-story, mid-rise residential buildings. That gives you an idea of the kind of density. We don't have a population forecast.

**Scott Tagg** – I am also the President of the West Downtown Neighborhood Association which is the abutting neighborhood association to this application. We have submitted a letter to staff that we are in support of this project as the abutting neighborhood association. Our neighborhood association is very unique because we are on that transition between the downtown core and more residential areas.

We are unique in that we do have a mix of single-family homes, rental properties and commercial use. Since becoming a neighborhood association 9½ years ago, we've worked very hard to maintain that balance and that unique mix.

We have also been fortunate to receive three neighborhood reinvestment grants from the City. We look forward to applying and competing for more as we work hard to improve our neighborhood so it doesn't become rundown and so we help improve the values and our quality of life for those in our neighborhood association.

We realize there are some at the City and CCDC that may not fully support the project. We look at the back of the store on Idaho Street as more welcoming and opening to us in the neighborhood, because this again is going to be our neighborhood market. We feel it is going to be an enhancement and help make our part of the West Downtown a more viable livable area and we hope in the long term it will provide that spark so we can hopefully get a little bit more development on the west side. Again, in reviewing the applicant's plan, particularly this plaza with a separate retail, we are very enthusiastic about seeing this project go forward.

**Brian Rencher** – I've lived in my house for 35 years which is two blocks west of the planned grocery store. I would like to speak in favor of the grocery store. That property has been empty for 25 years. It's time that property was developed. I know there are some discussion on the layout and which direction the store should sit, but I feel having it backing onto Idaho is the proper place. It is a good neighborhood. I've lived there for a long time and plan to live there for a lot longer. I would like to see the neighborhood improved and I feel that grocery store will improve the neighborhood. I'm in favor of it and hopefully you'll approve their plan.

#### REBUTTAL

**Rudy Kadlub** – We have looked at the other configurations. We've looked at four or five different ways to site the building. City staff was very interested in retaining the new urban feeling of bringing in architecture right to the edge. If we put the architecture at the edge on Bannock and turned our back to Idaho Street, we are actually fronting on the existing neighborhoods to the north and the west. If we put our back on Bannock Street a couple of things happen. We lose the opportunity for the smaller retail building which is necessary to create that plaza. This is because when it's on Bannock, we have to move the building all the way to the east, we lose because of where the trucks have to exit. So what happens is you end up with a more suburban situation with a sea of parking fronting onto Idaho Street. It's so much different than the plaza you saw. We've looked at all of the options and this one appears to be the most appropriate.

#### PUBLIC HEARING CLOSED

COMMISSIONER STORY MOVED TO APPROVE CUP10-000 59 AND CVA10-00032, FOLLOWING MODIFICATIONS TO THE CONDITIONS OF APPROVAL. I WOULD LIKE TO SCRATCH CONDITION D WHICH IS PROVIDING A CORNER ENTRANCE TO THIS GROCERY STORE. I CAN HEAR AND COMMENSERATE WITH THE APPLICANT ON THAT. MODIFY CONDITION 3 TO READ "PROVIDE A MINIMUM OF 2-FOOT TALL SCREEN WALL AND FENCING TO THE RESTURANT, OR AS APPROVED BY DESIGN REVIEW".

COMMISSIONER BARKER SECONDED IF THE MAKER WOULD CONSIDER MAKING A SLIGHT ADDITION TO CONDITIONS E, F, G AND H AND MAKE THOSE STAFF RECOMMENDATIONS SUBJECT TO FINAL APPROVAL BY ACHD.

**Commissioner Story** – The maker approves.

**Commissioner Cooper** – I will support the motion, although, I think we should recognize that we've heard a lot about how grocers are not able to alter their plans for our downtown and I have some heartburn about this corner entry. I do understand the objection by the applicant but I just can't buy the argument that having that would harm the plaza. I think that's not true. However, I do think that having the plaza on that side is positive. That is the 15<sup>th</sup> Street corridor where CCDC envisions the heart of that residential area. It's a procession of spaces and I think that is a feature of the project and is a good one.

**Commissioner Stevens** – I hesitate to weigh in because I'm pretty torn on this application. Obviously, I have another application fresh in my mind that has a lot of similarities. I'm trying in my own mind and I'm hoping that maybe my fellow commissioners can help me sort it out. We're facing a similar situation on a somewhat similar parcel. There are some significant differences, but we're dealing with similar objections from CCDC that I think are really significant suggestions. I think, for me, there's a lot of heartburn associated with providing an applicant with more than double the maximum parking spots. We just passed an ordinance which stipulates there be a maximum number of allotted parking spaces; yet here we have an application for more than twice the required amount. This could have significant implications associated with it. Number one in my own mind is the storm water runoff and the pollution that it creates, not to mention all of the things associated with the suburban strip mall type of development in downtown. I realize it's on the west side, but it's still a part of the Linen District that is very much associated with walking right up on the street side with entrances. I'm not sure where I sit on this. It's a similar situation in that we want to see something developed on this vacant lot that has been sitting for how ever long it's been sitting there. I'm just not sure how I'm going to vote on this.

**Commissioner Russell** – I hear what you're saying and I've had some of the same struggles as I've been sitting here listening to this. I agree with Commissioner Cooper's comment that this northeastern entry could be worked into the design and I'm a little discouraged they don't want to budge on that because I do think some sort of eastern entry in this plaza would be ideal. After a little bit more discussion I was more comfortable with not providing the entry on the south, but I do believe the entry on the east would be a great addition.

The thing I find to be different with this application when you compare it to some that are fresh in our mind, is that I do believe this design interacts with the streets a little bit more than some of the others we've seen. I think the corner plaza is in a key location on the downtown side of the building. I do believe there's going to be a lot of bicycle travel north on 15<sup>th</sup> and south on 16<sup>th</sup> and I think it's going to be pretty easy to access this site via bicycle as well as pedestrians coming from the east part of downtown. I'd definitely be interested to see what happens with this small building and how that all will work into this plaza.

I guess it's going to have dependence on what that becomes. It's hard to say at this point, but I do believe this is an area of town where this facility could work. I do believe they have tied it into the Idaho, 16<sup>th</sup> and 15<sup>th</sup> streets fairly well. I think it could be done better with the entry on the east as I've mentioned, but the plaza really helps. Since we are talking about past applications we know that this decision is probably going to be scrutinized, or compared to that one.

I do believe wholeheartedly that some of the pedestrian accesses to that last application were very defiant and it didn't work well in drawing people in from other critical population areas in critical pedestrian use zones, parks and what not. In this case, I believe they've accomplished it. I understand your concern about the parking. Yes, it is double to what we allow but I think it's also important to understand this will be a popular facility and that you could be creating a potentially a bigger nightmare by not having that parking. So long as it's landscape and screened accordingly, I think it can work. I do believe that the facility being on the south side of the site is better than the north, just because I think having the larger building closer to some of the commercial uses to the south is a better idea. I think we should definitely push real hard as a city to get the bike lanes on Bannock. I think that is a critical piece and I hope ACHD will work with us in that regard. I'm pleased with the architecture. I'm pleased with the overall theme of this store. I think it can be successful and I think with Design Review taking a hard look at the streetscape and really making sure these streetscapes tie in to the overall vision of downtown to make sure it is inviting pedestrian type zones, that it can be successful. Even though every little part and piece isn't exactly what the City may want, I think that by following the design they provided us tonight and getting a little bit more scrutiny through Design Review, that it can work.

**Commissioner McLean** – Aside of that, I've been struggling with this throughout. I will support the motion. Looking at the google map from above the plaza makes sense where it is. When you think about people walking from the Water Cooler or from the Modern to the grocery, it makes sense that it is right there. I think it's more likely we see a 5-story residential development in 15 years fronted up against the back of a building which would be pleasant for the existing homes on Bannock Street. I used to bike this corridor every day to get from 18<sup>th</sup> Street to the Banner Bank Building. I'm really concerned bike lanes might be questionable. I think it's important the City makes it clear; we need to extend that corridor. This is the way bikers travel whether it be getting to the greenbelt or getting your kids to school. Also, I think it is really important that we've got neighbors here in support. How often do we have residents coming in asking for a mixed use development like this? I think the fact that neighborhood association and some other residents see this as the magnet is important.

I'm not sure what I think about this wall notion in the way it would separate the lot from Bannock, which is why I was asking about the wall earlier and I would like to see an entrance against the patio. However, I'm convinced that if that extra building were to fill, it would make it so that the patio is actually used. In looking at the kind of the pedestrian corridors where I can imagine people coming from I think people would sneak through and end up at the front of the store. Those were the points I really wanted to make.

**Commissioner Cooper** – I wanted to make one comment about scale. I think this store is about a third the size of the (inaudible) we are talking about and it is probably an easier problem to solve on this site than the other site. I think because of that things seem to work a little better and I think the scale of the design is a much more appropriate scale for this building size and the neighborhood. I agree with you that it's probably better on the south side of the site which is where the larger commercial development (inaudible)

ROLL CALL VOTE

COMMISSIONER STORY	AYE
COMMISSIONER BARKER	AYE
COMMISSIONER MEYER	AYE
COMMISSIONER STEVENS	AYE
COMMISSIONER ELLSWORTH	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER MCLEAN	AYE
COMMISSIONER RUSSELL	AYE

ALL IN FAVOR NONE OPPOSED, MOTION CARRIES.



## Planning & Development Services

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

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TDD/TTY: 800/377-3529  
Website: [www.cityofboise.org/pds](http://www.cityofboise.org/pds)

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 store typically requires additional parking beyond the minimum standards and no 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 store will occupy a city block that has been vacant for a number of years. The grocery store 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 15<sup>th</sup> 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 15<sup>th</sup>, 16<sup>th</sup> 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 justify 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.

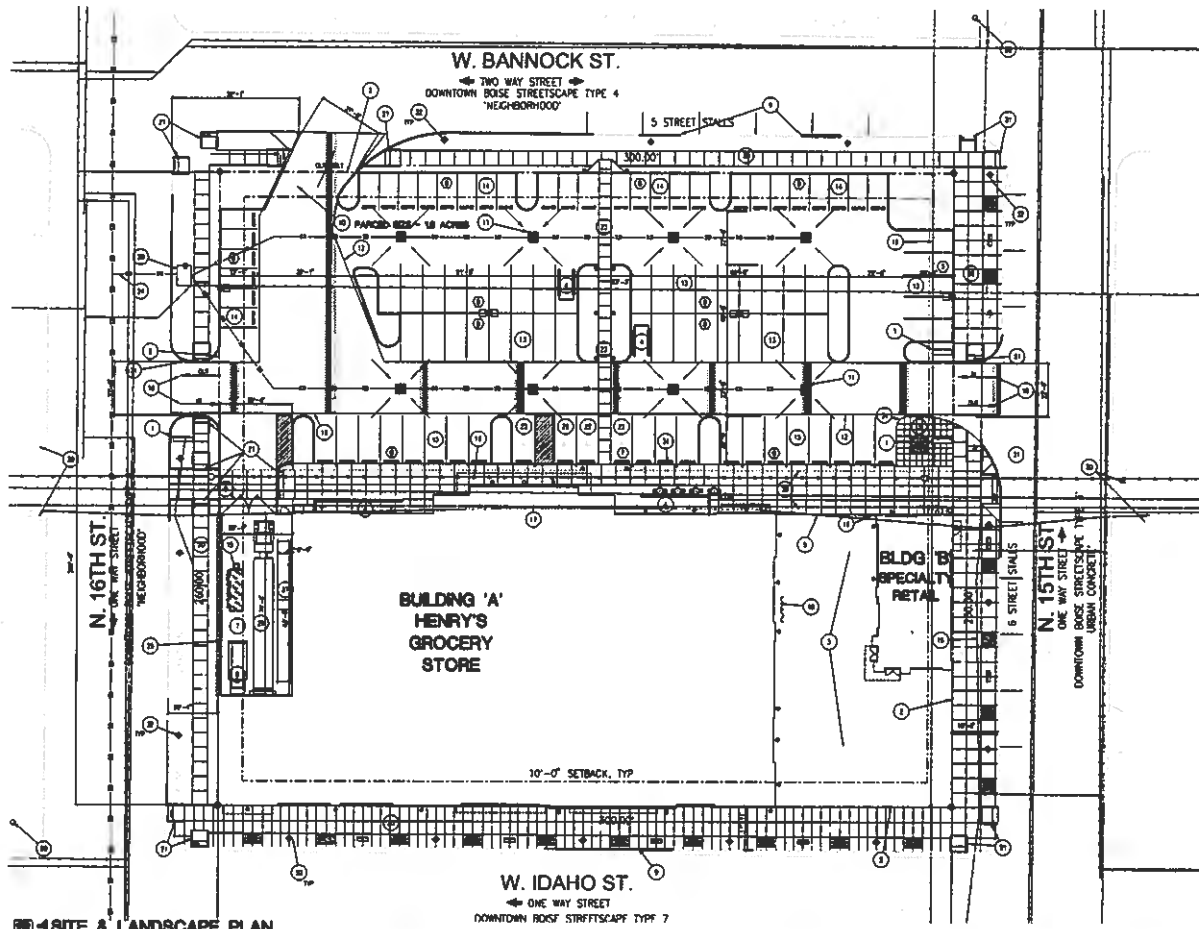




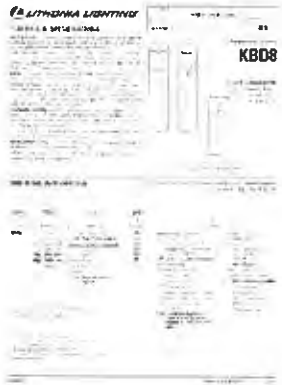


1. CONCRETE PAVING (SIDEWALK, DRIVE OR DRIVEWAY)
2. IF CONCRETE DRIVEWAY
3. REINFORCE DRIVEWAY w/ MESH OR REINFORCING
4. PAVE w/ ASPHALT/GRIT PAVING (TOD)
5. FORMS TABLET/SPREADER/SPREADER
6. USE w/ 1" or 2" OR MORE CONCRETE
7. DRIVEWAY/PAVING/PAVING CONCRETE PAVING DRIVEWAY
8. USE DRIVEWAY OR DRIVEWAY DRIVEWAY DRIVEWAY DRIVEWAY

EXHIBIT 6-10

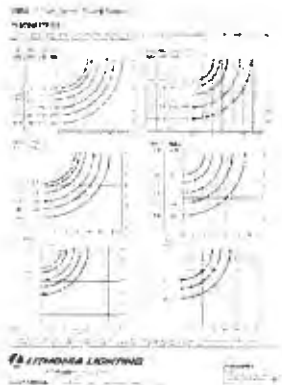


**1 SITE & LANDSCAPE PLAN**  
SCALE 1/8" = 10'-0"

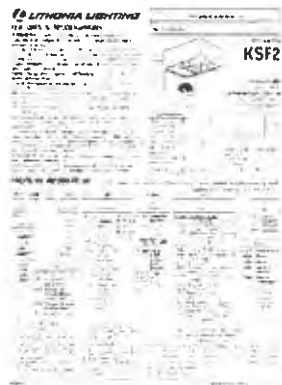


**BOLLARDS** ●

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



**PARKING LOT LIGHTS** □□



**WALL MOUNTED BUILDING LIGHTS** ○

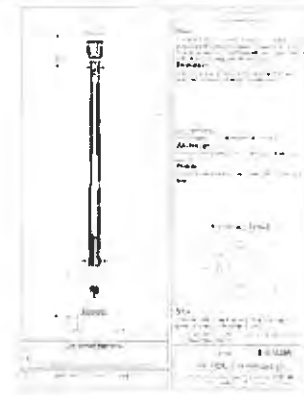
PARKING CALCULATIONS	
TYPE OF PARKING	NUMBER OF SPACES
TYPE OF PARKING	NUMBER OF SPACES
TYPE OF PARKING	NUMBER OF SPACES
TYPE OF PARKING	NUMBER OF SPACES
TYPE OF PARKING	NUMBER OF SPACES

#### MINIMUM SETBACKS

	MINIMUM SETBACKS	
	FEET	FEET
FRONT SETBACK	10	10
REAR SETBACK	10	10
SIDE SETBACK	10	10
REAR SETBACK	10	10

#### ① SHEET NOTES:

1. EXISTING BUILDING
2. EXISTING LOT
3. EXISTING PARKING
4. EXISTING DRIVE
5. EXISTING DRIVE
6. EXISTING DRIVE
7. EXISTING DRIVE
8. EXISTING DRIVE
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48. EXISTING DRIVE
49. EXISTING DRIVE
50. EXISTING DRIVE



**CITY OF BOISE ANTIQUE STREET LAMP**

PRELIMINARY  
NOT FOR  
CONSTRUCTION

BOISE, ID

BOISE, ID

**HENRY'S FARMER'S MARKET**  
1511 W BANNOCK ST

**CSHQ**

**CUP SUBMITTAL ADDENDUM ONE**

**HENRY'S**

GROUP

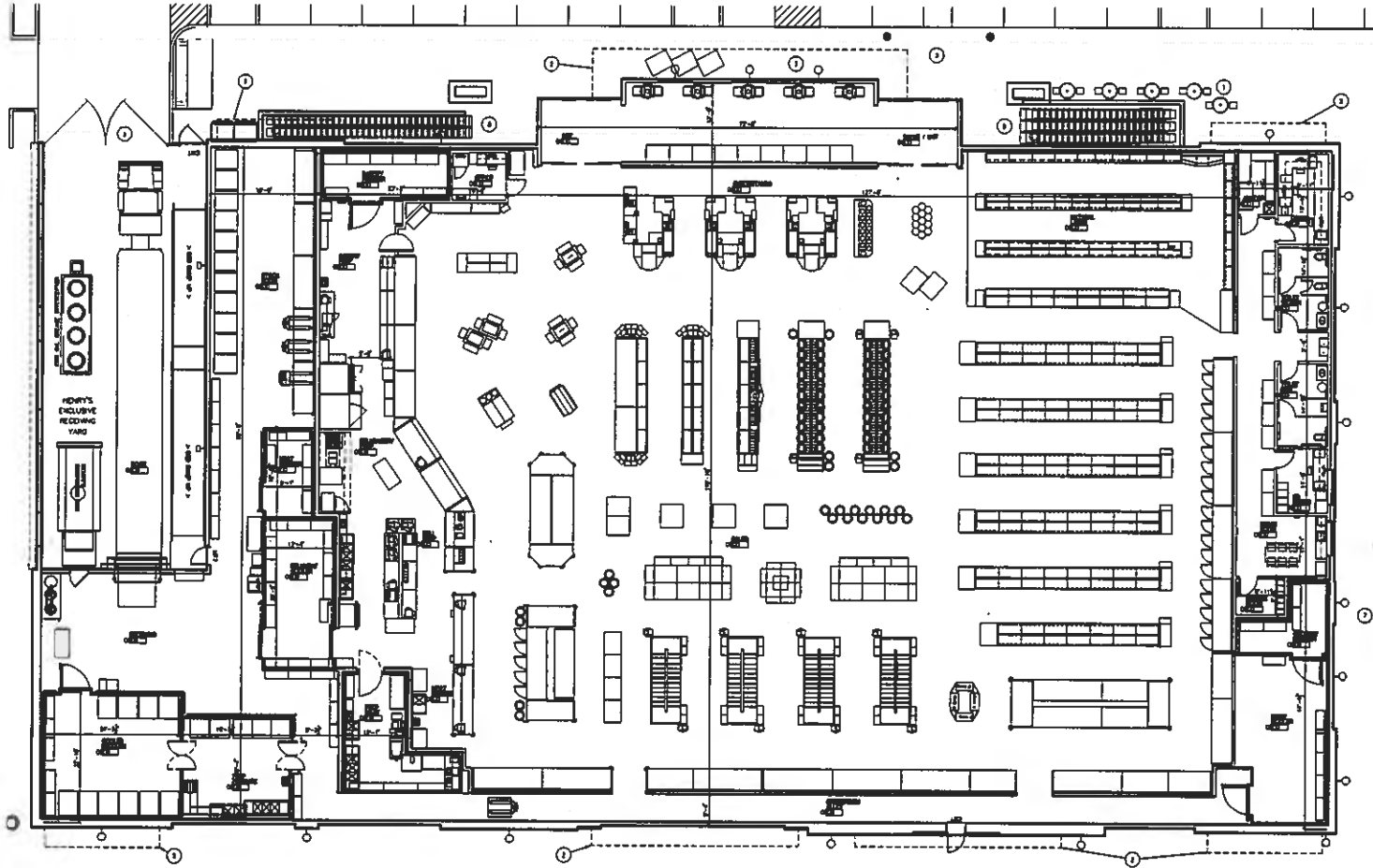
SHEET

**SITE PLAN**

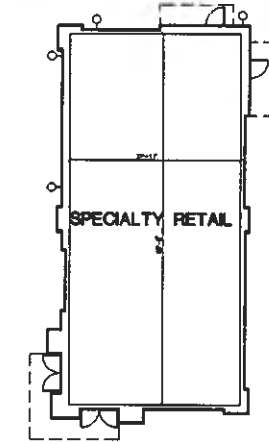
SHEET

**SHEET 1**

ORIGINAL SHEET 1000



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



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

① SHEET NOTES:

1. OUTSIDE STAIRS
2. BUILT FURNISH
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

HENRY'S

DATE  
10-13-16

FLOOR  
PLAN

SHEET  
4

OFFICIAL PROJECT NAME  
10-13-16



**1 NORTH ELEVATION - BANNOCK STREET**  
SCALE 3/8" = 1'-0"



**2 SOUTH ELEVATION - IDAHO STREET**  
SCALE 3/8" = 1'-0"



**3 WEST ELEVATION - 16th Street**  
SCALE 3/8" = 1'-0"



**4 EAST ELEVATION - 15th Street**  
SCALE 3/8" = 1'-0"



**5 WEST ELEVATION - 16th Street**  
SCALE 3/8" = 1'-0"

**6 EAST ELEVATION - 15th Street**  
SCALE 3/8" = 1'-0"

PRELIMINARY  
NOT FOR  
CONSTRUCTION

BOISE, ID  
HENRY'S FARMER'S MARKET  
1511 W BANNOCK ST  
BOISE, ID 83725

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1511 W BANNOCK ST  
BOISE, ID 83725









**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 15<sup>th</sup> St, the resulting plaza will be a useable space for outdoor dining, neighborhood gatherings and public art. (See site plan.) The 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> to 16<sup>th</sup>, as well as affording outdoor display of produce and other goods. The Plaza serves as the main pedestrian connector from the Idaho-15<sup>th</sup> 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 15<sup>th</sup> to 16<sup>th</sup> and that the driveway on Bannock was too close to the 16<sup>th</sup> 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 15<sup>th</sup> and 16<sup>th</sup> 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.

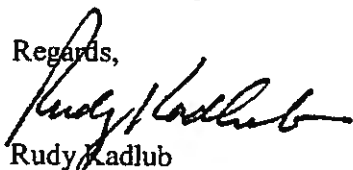
The number of parking spaces proposed exceeds the maximum allowed by zoning but is necessary to support the current needs of Henry's Farmers Market. Henry's will be an anchor to CCDC's Westside Downtown District. It will spawn new development and is a great amenity for the future urban residential planned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

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

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

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### Planning Division Staff Report

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

### Table of Contents

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3. Project Proposal	3
4. Zoning Ordinance	5
5. Comprehensive Plan	5
6. Transportation Data	6
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8. Recommended Conditions of Approval	16

### 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

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

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

<b>Description of Applicant's Request</b>
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

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

### Adjacent Land Uses and Zoning

<b>North:</b>	Bannock Street, then residential and office / C-2DD
<b>South:</b>	Idaho Street, then retail and broadcasting studio / C-2DD
<b>East:</b>	15 <sup>th</sup> Street, then commercial and office / C-2DD
<b>West:</b>	16 <sup>th</sup> 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**

<b>Land Use</b>	<b>Proposed</b>
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**

<b>Proposed</b>		<b>Required</b>	
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 <sup>th</sup> Street (Principal Arterial)	72'	20'	0'*	20'
16 <sup>th</sup> 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 <sup>th</sup> Street (Principal Arterial)	0'*	20'	0'	20'
16 <sup>th</sup> 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 <sup>th</sup> Street	260-feet	Principal Arterial	795	"F"	"F"
16 <sup>th</sup> 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 15<sup>th</sup> Street north of Idaho Street was 7,678 on October 20, 2009.
2. The average daily traffic count for 16<sup>th</sup> Street north of Idaho Street was 9,839 on February 4, 2009.
3. The average daily traffic count for Idaho Street west of 15<sup>th</sup> Street was 6,110 on March 11, 2009.
4. The average daily traffic count for Bannock Street west of 15<sup>th</sup> 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 ± 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 the 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, 15<sup>th</sup> to the east, and 16<sup>th</sup> 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 15<sup>th</sup> and 16<sup>th</sup> 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.

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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 15<sup>th</sup> 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, 15<sup>th</sup> to the east, and 16<sup>th</sup> 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, 16<sup>th</sup>, 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 13<sup>th</sup> Street, Bannock Street is striped with bike lanes. West of 13<sup>th</sup> Street, the street section narrows and currently does not include bike lanes. ACHD's Roadways to Bikeways Bike Master Plan shows Bannock Street between 13<sup>th</sup> and 16<sup>th</sup> as an existing shared bikeway and east of 13<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> and 16<sup>th</sup> 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. 15<sup>th</sup> 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 15<sup>th</sup> Street. 16<sup>th</sup> 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 16<sup>th</sup> 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 15<sup>th</sup> or 16<sup>th</sup> 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 15<sup>th</sup>, 16<sup>th</sup>, 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 15<sup>th</sup> 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 15<sup>th</sup>, 16<sup>th</sup> 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, 15<sup>th</sup> to the east, and 16<sup>th</sup> 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 15<sup>th</sup>, 16<sup>th</sup>, 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 15<sup>th</sup>, 16<sup>th</sup>, and Bannock Street. The applicant has proposed a five foot landscape setback in the right-of-way on 16<sup>th</sup> Street, a two foot-eight inch planter along Bannock Street and no landscaping along 15<sup>th</sup> Street. Staff believes some relief to the parking setbacks are justified as the parking is separated from 15<sup>th</sup> 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 15<sup>th</sup> and 16<sup>th</sup> 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 15<sup>th</sup> Street, similar to the one on 16<sup>th</sup> Street.



- b) Provide a two foot tall screen wall and/or fencing and landscape 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 15<sup>th</sup> Street, due to the driveway(s) at the north west corner of 15<sup>th</sup> 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 16<sup>th</sup> Street. Incorporate a five foot wide bike lane on 16<sup>th</sup> 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 16<sup>th</sup> 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 15<sup>th</sup>, 16<sup>th</sup>, 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.

- 
- 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.

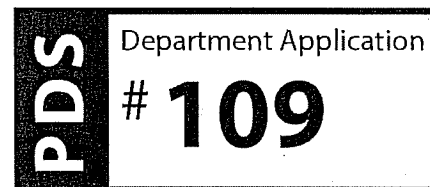
22. This Conditional Use Permit shall be valid for a period not to exceed eighteen (18) months from the date of approval by the Planning and Zoning Commission.
23. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures 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. 5<sup>th</sup> 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](http://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 & Hillside**A. 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)

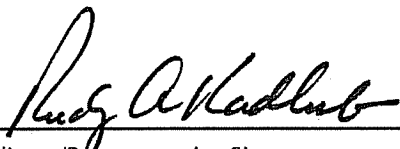
C. Proposed screening method: CMU SCREEN WALLS INTEGRAL TO EACH BLDG

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

<b>PDS</b>	Department Application
	# <b>122</b>

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: \_\_\_\_\_

Date Received: \_\_\_\_\_  
Revised 1/2010



[www.cityofboise.org/pds](http://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:

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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. 16<sup>th</sup> 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

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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](http://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. 5<sup>th</sup> Street  
Boise, ID 83702

**Staff Contact:** Jarom Wagoner  
Phone: 387-6174  
E-mail: [jwagoner@achdidaho.org](mailto:jwagoner@achdidaho.org)

**Tech Review:** October XX, 2010



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**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 15<sup>th</sup> 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, 8<sup>th</sup> 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 <sup>th</sup> Street	260-feet	Principal Arterial	795	"F"	"F"
16 <sup>th</sup> 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 15<sup>th</sup> Street north of Idaho Street was 7,678 on October 20, 2009.
- The average daily traffic count for 16<sup>th</sup> Street north of Idaho Street was 9,839 on February 4, 2009.
- The average daily traffic count for Idaho Street west of 15<sup>th</sup> Street was 6,110 on March 11, 2009.
- The average daily traffic count for Bannock Street west of 15<sup>th</sup> Street was 1,745 on July 1, 2009.

## **C. Findings for Consideration**

1. **15<sup>th</sup> Street**

- a. **Existing Conditions:** 15<sup>th</sup> 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 15<sup>th</sup> Street (40-feet from centerline). There are significant amounts of broken curb, gutter and sidewalk along 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.6.

**2. 16<sup>th</sup> Street**

- a. Existing Conditions:** 16<sup>th</sup> 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 16<sup>th</sup> Street (40-feet from centerline). There are significant amounts of broken curb, gutter and sidewalk along 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 15<sup>th</sup> Street abutting the site, consistent with ACHD's Minor Improvements Policy 7203.6.

## 5. Driveways

### 5.1 15<sup>th</sup> Street

- a. **Existing Conditions:** There is one driveway on 15<sup>th</sup> Street, located mid-block and in alignment with the existing alley on the east side of 15<sup>th</sup> Street. This driveway is 135-feet south of the intersection of 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 16<sup>th</sup> Street

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

- 40-foot wide driveway located 35-feet south of the intersection of 16<sup>th</sup> 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 16<sup>th</sup> Street and Bannock Street (measured near-edge to near-edge).
- 30-foot wide driveway located 20-feet north of the intersection of 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> Street.
- 10-foot wide driveway located 135-feet west of the intersection of Bannock Street and 15<sup>th</sup> Street.
- 20-foot wide driveway located 140-feet east of the intersection of Bannock Street and 16<sup>th</sup> Street.
- 30-foot wide driveway located 40-feet east of the intersection of Bannock Street and 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> 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**

15<sup>th</sup> Street and 16<sup>th</sup> 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 15<sup>th</sup> Street 50-feet to the north, so as to be located 95-feet south of the intersection of 15<sup>th</sup> 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 16<sup>th</sup> Street 50-feet to the north, so as to be located 95-feet south of the intersection of 16<sup>th</sup> 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 16<sup>th</sup> Street located 35-feet south of the intersection of 16<sup>th</sup> 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 16<sup>th</sup> Street located 20-feet north of the intersection of 16<sup>th</sup> 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 15<sup>th</sup> 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 16<sup>th</sup> 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 15<sup>th</sup> Street (measured near-edge to near-edge).
  - 135-feet west of the intersection of Bannock Street and 15<sup>th</sup> Street (measured near-edge to near-edge).
  - 140-feet east of the intersection of Bannock Street and 16<sup>th</sup> Street (measured near-edge to near-edge).

- 40-feet east of the intersection of Bannock Street and 16<sup>th</sup> 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 15<sup>th</sup> Street, 16<sup>h</sup> 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**

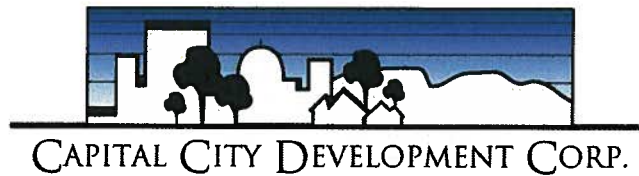
1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are consistent with applicable federal, state and local laws.

### 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

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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.<sup>1</sup> 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 15<sup>th</sup> with the rear facing 16<sup>th</sup>. 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 15<sup>th</sup> Street; Special Street treatment on Idaho Street; and Neighborhood streetscape improvements on 16<sup>th</sup> 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 16<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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, 16<sup>th</sup>, 15<sup>th</sup> 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 16<sup>th</sup> 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 15<sup>th</sup> 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 16<sup>th</sup> and Bannock streets shall be constructed to comply with the Neighborhood streetscape standard; the streetscape along 15<sup>th</sup> 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.



<sup>1</sup> 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.

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<sup>1</sup> 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:**

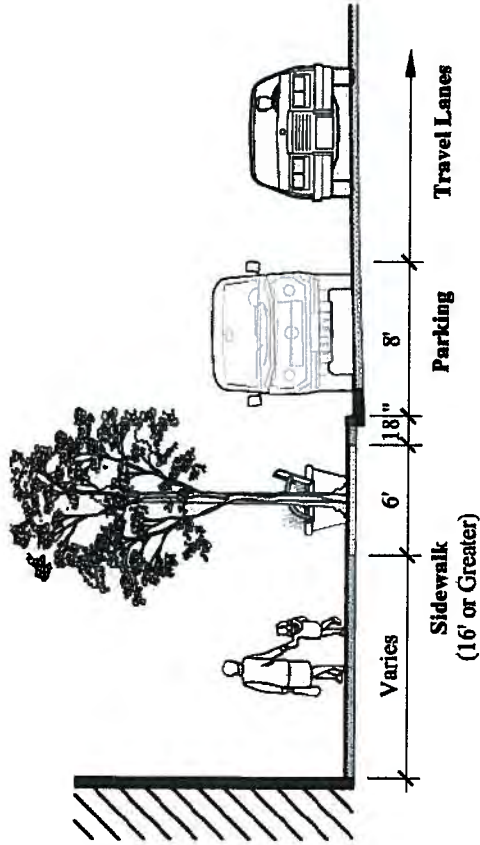
- Historic street lights with approximately 60' separation and in same alignment as trees. Lights should be centered between trees and conflicts with trees should be avoided.
- Benches, trash receptacles, bicycle racks and other furnishings shall conform to "Elements of Continuity."

### **Street Trees:**

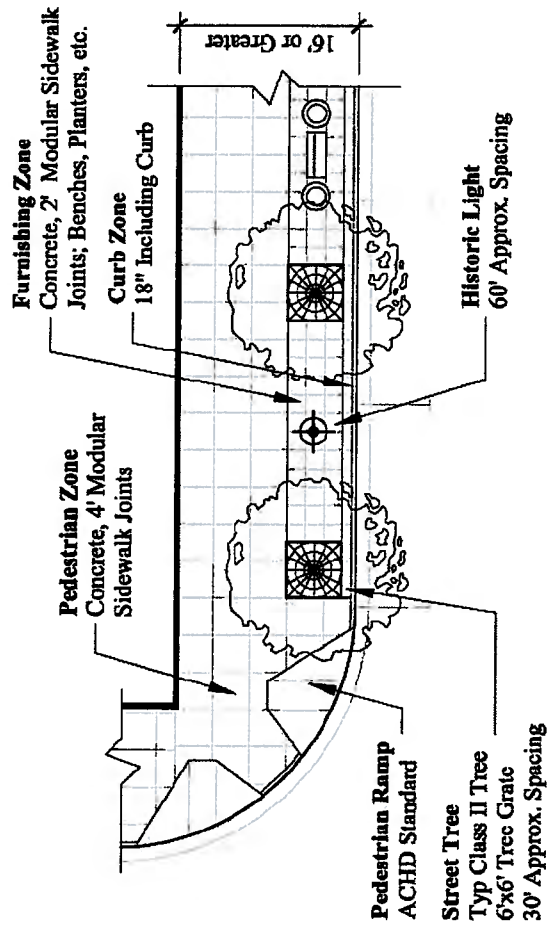
- Class II trees in furnishing zone and in same alignment as historic street lights. Trees spaced approximately 30' apart and installed in 6' x 6' tree grate. Where block faces are developed with storefront-style retail, trees should be spaced so they coordinate with the typical storefront width of 25' 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.

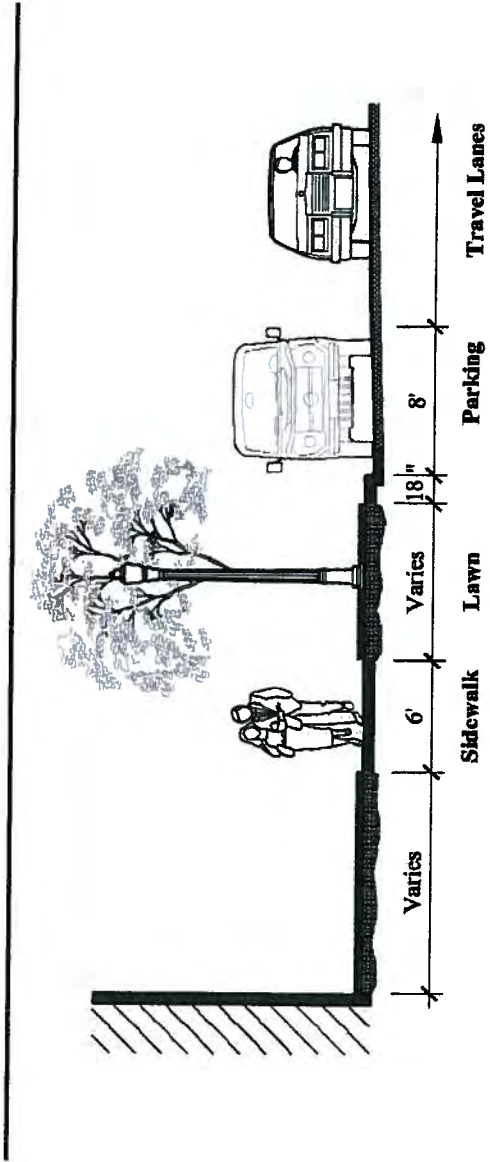
### Street Trees:

- 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.

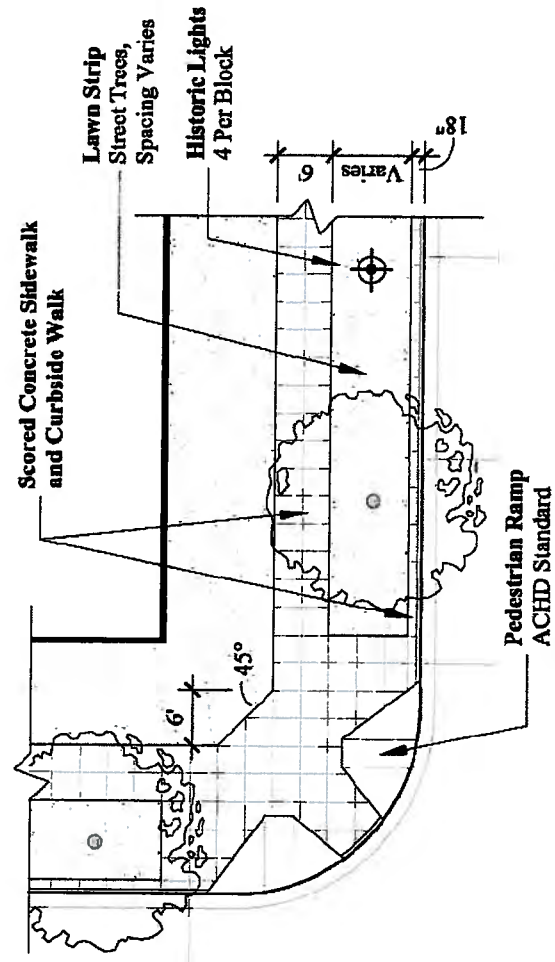
### Note:

- 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'

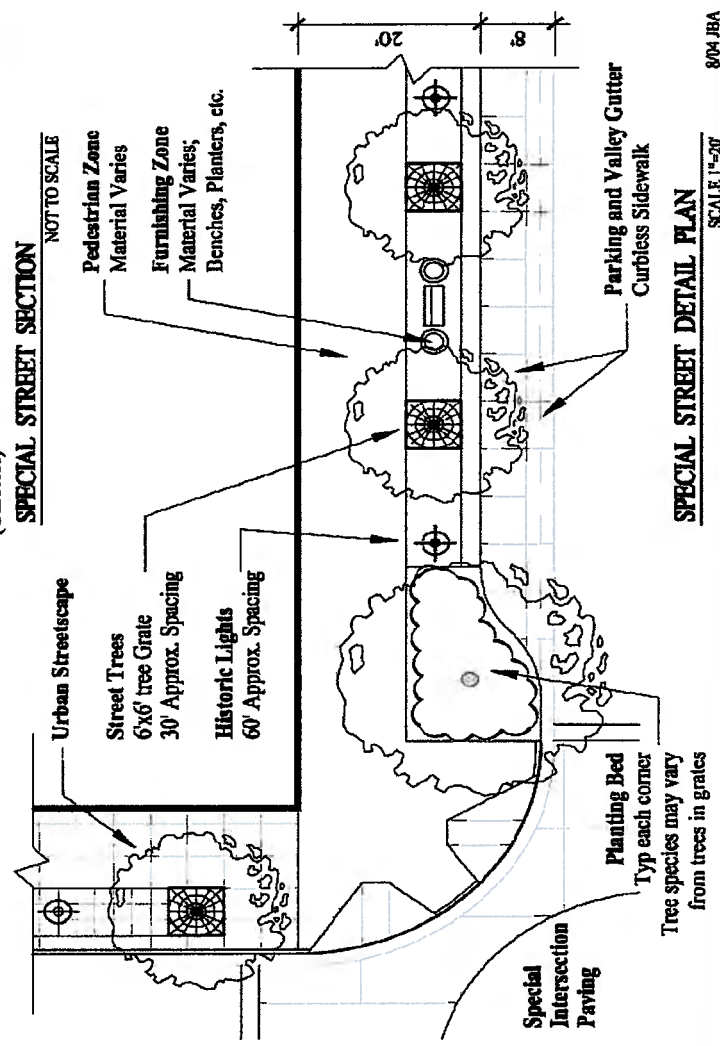
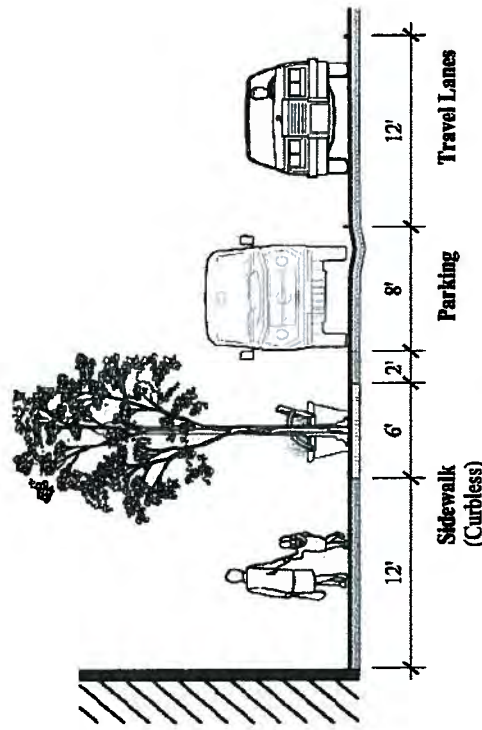
8/04 JBA

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## ***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 8<sup>th</sup> Street between Bannock and Main and the Basque Block on Grove between Capitol Boulevard and 6<sup>th</sup> 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.



**SUSAN RIGGS - CUP10-00059 & CVA10-00032**

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**From:** "Mike Keller" <mtk@tokre.com>  
**To:** <sriggs@cityofboise.org>  
**Date:** 10/27/2010 2:41 PM  
**Subject:** CUP10-00059 & CVA10-00032

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Susan per our telephone conversation today I would like to voice my support and approval of the above referenced project. I own a neighboring property located at 1604 W. Bannock. I attended the neighborhood meeting, have seen the project elevations and site layout and met the owner/developer as well. Unfortunately I have a conflict in my schedule and will not be able to attend the meeting in person. In my opinion the project will provide the neighborhood and the residents of the city of Boise a first class quality project and another quality new business that will provide new jobs in our community.

I understand from reviewing the staff report that staff is recommending a door be placed on the NE side of the building leading out onto the plaza area. I am not aware of any other grocery operators that have multiple access points for their customers and this requirement may be problematic from a security, safety and operational standpoint. I would ask that the commission defer to the store operator on this as they have the most knowledge on this matter. I do think the plaza area is a very nice amenity and without the direct access from the NE side of the store it still will be easily accessible and used frequently without any problems.

Thank you for your time and consideration.

**Michael T. Keller**