



Planning & Development Services

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1

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sarah Schafer
Manager, Design Review and Historic Preservation

DATE: September 12, 2011

RE: DRH11-00133 / Glenn Levie / 1005 W. Royal Boulevard (Appeal)

Boise Green Investors appealed the Design Review Committee's approval of a 108 unit, three-story apartment building located at 1005 W. Royal Boulevard in an R-ODD (Residential Office with Design Review) zone.

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HISTORY OF PROPERTY

The Design Review Committee approved the application for a 108 unit, three-story apartment complex with live/work units on August 10, 2011. In conjunction with the application there was a request for a parking reduction of 11 parking spaces.

The application, submitted on June 7, 2011, incorporates the use of recycled shipping containers for a portion of each unit's footprint. Each residential and/live work unit is single bedroom and incorporates the shipping container and stick built construction. A portion of the parking is located within the first floor structure in behind the work portion of the live/work units. Site improvements are to include native vegetation for water-wise landscape as well as including the required street trees and sidewalk improvements.

ACTION BY DESIGN REVIEW COMMITTEE

After reviewing the evidence, hearing and reading all testimony, the Design Review Committee approved the application but placed conditions on the as listed below:

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department date received June 7, 2011 (sections and isometric drawings and revised June 21, 2011 (upper level floor plans) and July 21, 2011 (the site plan, landscape plan and elevations), except as expressly modified by the following conditions:
 - a. Provide cut sheets for each of the building mounted lighting fixtures. Show locations on the building and indicate number to be used.
 - b. Provide a cut sheet for the pathway lighting fixtures. Indicate height and number of fixtures to be used.
 - c. The building façade shall be modulated at no more than every 20 feet for a minimum depth of three feet.
 - d. Provide details for the bicycle storage location. Some bike parking spaces shall be located within 50 feet of the live/work unit entries along Dale and La Pointe.
 - e. The sidewalks adjacent to La Pointe and Dale and Island shall be detached a minimum of eight feet with a five foot sidewalk.
 - f. The street frontage along Island can be reduced to a six foot tree lawn and a five foot sidewalk with Class II trees.
 - g. The sidewalk adjacent to Royal shall be detached a minimum of eight feet and have an eight foot sidewalk.
 - h. A minimum of five different tree species shall be used for the site. No species is allowed to make up more than 40% of the tree plantings.
 - i. Street trees shall be Class III trees spaced a minimum of 40 feet on center. Trees may be grouped however the required 34 street trees must be planted. The tree lawn must be finished with a vegetative ground cover.
 - j. Tree grates shall be a minimum of 36 square feet if used in conjunction with the "Social Exchange Mall". The City prefers a standard six foot by six foot grate or larger.
 - k. Light poles are prohibited within the parking lot planters.
 - l. Provide a revised location and elevations for the screened trash enclosure. Elevations shall call out materials and colors.
 - m. Vinyl siding shall not be used on the proposed structures.
 - n. All non-residential uses and related activities, except parking, shall be conducted within a completely enclosed structure.
 - o. A Minimum of three foot wall shall be design along the street frontages to screen the

- surface parking areas. Additional landscape shall be installed in these areas as well to soften the wall and the visibility of the parking.
- p. The project shall be brought back to the Design Review Committee under a separate application no later than 50% construction document development in order to ensure compliance with all ordinance requirements.
 - q. The project shall provide a total of 162 parking stalls shall be provided. A parking reduction of 11 stalls has been granted with this application.
 - r. Color samples shall be submitted to staff for review and approval. The primary colors shall be of a dark shade.
 - s. The doors for the live/work units shall face the street.
 - t. The windows on the live/work units along the street shall be more of a storefront type where they are closer to the ground to allow for display of product.

APPEAL DISCUSSION

The appellant is appealing the approval of the parking reduction allowing the applicant to provide 162 parking spaces for a reduction of 11. They additionally state they would like to have a traffic study completed with accurate data.

As part of their letter supporting the appeal application, Boise Green Investors states the following three main concerns with the project:

1. **Traffic** – *The intersection at Ann Morrison Park / Capital Boulevard is the only exit from the neighborhood to reach downtown and BSU. This development will increase traffic flowing through the neighborhood towards this intersection and will increase congestion at an already crowded, confusing intersection.*
2. **Parking** – *Street parking is extremely challenging in this neighborhood. With traffic from BSU, Ann Morrison Park, and the surrounding businesses, apartments, the streets are always crowded and pose a hindrance to any visitors of the existing establishments. Additionally, the fact that all of the surrounding multi-family properties in the neighborhood are under-parked (per city code), it would be a disservice to the neighborhood to considering allowing another non-conforming use in the area.*
3. **Pedestrian Safety** – *The surrounding neighborhood contains several people who live and park in the area, walking to class, downtown, and the Greenbelt. As a result of this increased traffic and parking which takes up the majority of the street (equating to worse corner visibility), there is a reduction in safety for walking/biking pedestrians in the neighborhood. Anecdotally, our residents have had numerous close calls with autos in the neighborhood hurrying to find parking, get out of the neighborhood, etc.*

Response:

Traffic

The Ada County Highway District (ACHD) reviewed the project and provided conditions of approval for the design review application which focused on the construction of curb, gutter and sidewalk improvements along the four adjoining streets. As the agency in charge of the City's roadways, ACHD did not present to staff any concerns with the capacity of any of the adjoining roadways or intersections. City staff did request ACHD capture trip counts for this area. As of the date of publication for this staff report, the information had not yet been received.

This development will impact several of the surrounding roadways. At this time, there is a traffic count available that concludes as of May 19, 2011, there are 5,922 vehicle trips per day on Ann Morrison Park Drive with 647 of these trips occurring within the PM peak hour. Based upon the most current Institute of Transportation Engineers Trip Generation Manual, the development will generate a total of 718 vehicle trips per day with 67 of these trips occurring in the PM peak hour. (This information is also part of the ACHD report dated June 20, 2011.) The City would classify the streets in this as commercial streets. Commercial streets may carry up to 7,500 vehicle trips per day and function at an acceptable level. With the 5,922 existing vehicle trips per day and the addition of 716 vehicle trips per day, staff anticipates Ann Morrison Park Drive will continue to operate at an acceptable level of service.

Parking

Committee Member Garrett stated as part of deliberation:

I worked off La Pointe and parking is a concern in that area, but meeting the requirements...in my opinion this is probably going to be used a lot for student and non-student housing and it is mixed use and all of that good stuff. This project is not necessarily, with the parking that they are providing, exasperating that problem. A lot of it has to do with the BSU students that come in there during the day, park and leave their car all day and drive back home at night. That is a huge problem, but as Andrea mentioned that is an ACHD issue.

Committee Member Garrett further stated the more appropriate solution to the problem would actually be defining an hourly and/or residential parking district which would alleviate the problem of BSU students parking on the street for the day. Committee Member Zabala agreed this would be a more appropriate approach versus denying the applicant's request to reduce the amount of on site parking. The additional eleven spaces which would be provided on site would not alleviate the parking problems caused by the BSU students or the public at an event in the park from using the right-of-way.

Section 11-10-04.03 of the ordinance requires the following in order to grant a parking reduction:

- A. A parking study documenting a reduction need for parking.
- B. List and schedule of major parking events.
- C. A detailed site plan and parking counts.
- D. A description of available public transit services.
- E. A description of available on-street parking.

All of the units within the proposed development are to be one bedroom units. The use of two cars per each unit is more than likely going to be the exception versus the rule. The project is parked at 1.5 parking spaces per unit. The portion of the ordinance the applicant is requesting the reduction from is the guest parking spaces which is one space for every ten units.

With this being a residential development, there are no specific events associated with the project. There are events in the surrounding area with BSU and the park.

Detailed site plans with the parking counts have been provided for review. A combination of surface and covered parking for a total of 162 spaces is provided for the site. There are no parking spaces designated and all are for use on a first come/first serve basis.

There is available public transportation in the area. Valley Regional Transit provides bus service within a quarter mile walking distance from the site along Capitol and 9th Streets. Additional bus services can be found on the BSU campus which is within walking distance. Per Mike Keller's (Morrison Park Investors) testimony at the Design Review hearing there is also a shuttle stop on their property that is free to Boise State students to transfer them over to the University. The Boise Greenbelt is also within walking distance with pedestrian and bicycle access to downtown and the campus.

Pedestrian Safety

The appellant states that because there is parking along the streets, pedestrian safety is continually an issue. With the proposed application, there is a clear pedestrian circulation system being installed around and through the site. The project has detached sidewalks with eight foot tree lawn and five to eight foot wide sidewalks. The intersections will be clearly delineated as curb, gutter and pedestrian ramps required with construction of the site.

There is an additional sidewalk system leading through the site in both a north/south and east/west directions. A small gathering court is established in the center of the block.

CONCLUSION

The project supports Comprehensive Planning goal 8.6.1 which states:

Residential densities greater than 15 units per acre shall generally be located along arterials or in the vicinity of major employment and activity centers.

The project is located near Boise State University where there is a continuing need for housing for students and staff. The parcel is also within walking distance of downtown and its major employers.

The parking reduction requested by the applicant and granted by the Design Review Committee is supported based on the ordinance requirements for transportation alternatives in the area. Valley Regional Transit provides bus service within a quarter of a mile radius, the Greenbelt is within walking distance, and there is BSU shuttle service from the property directly across the street to campus. The units are all one bedroom units. The need for more than one parking space per unit is going to be rare given the limited square footage of each. No special events will take place at the units which would require them to provide extra parking and all parking proposed is on a first come first serve basis with on-street parking available.

STAFF RECOMMENDATION/REQUIRED MOTIONS

The decision of the Commission does not exceed their statutory authority, and all hearings were lawfully conducted. Staff believes the decision is based upon the facts and evidence presented and the decision was not arbitrary, capricious or an abuse of discretion. The application met the findings of the ordinance required for a parking reduction. The project will provide a safer pedestrian circulation system than what currently exists on the site today though there will be increased traffic in the area, the traffic counts we have available as of the date of this report, indicate the roadways will still function at an acceptable level of service even during peak PM hours. Based on this analysis, staff recommends the decision of the Design Review Committee be upheld and the appeal denied.

ZONING ORDINANCE

Section 11-03-07 - Quasi-judicial Appeals; Form; Content:

Any administrative, committee or Commission level decision may be appealed to the appropriate Commission, or Council in accordance with the procedures established herein. All such appeals

must be written, accompanied by the appropriate fee and submitted to the Planning Director prior to the deadlines set forth herein. If the appeal deadline falls on a weekend or holiday the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and specify the issues, items or conditions that are being appealed.

Section 11-03-07.04 – Appeals of Design Review Committee Decisions:

Decisions of the Design Review Committee may be appealed to the Planning and Zoning Commission in accordance with the provisions of this chapter.

Section 11-03-07.05 - Quasi-judicial Appeals to City Council of Decisions of the Planning & Zoning Commission, Hearing Examiner and Historic Preservation Commission

Section 11-03-07.05 G 8 The City Council may find error on the following grounds:

- (a) The decision below is in violation of constitutional, State or City provisions. An example would be that the review body's decision would be a taking or failed to comply with mandatory notice required under the local planning act.
- (b) The review body's decision exceeds its statutory authority. An example would be when there is no authority for the decision in federal or Idaho law, local ordinance or the Comprehensive Plan. Because the decision-makers below are experts in their substantive areas, the City Council shall give due consideration to a reasonable interpretation of a City Ordinance adopted by the review body.
- (c) The decision below is made upon unlawful procedure. An example would be if inadequate notice of the hearing was provided.
- (d) The decision below is arbitrary, capricious or an abuse of discretion. For the City Council's actions to be deemed arbitrary or capricious, it must be shown that that its actions were done without rational basis; or in disregard of the facts and circumstances presented; or without adequate determining principles. Where there is room for two opinions, action is not arbitrary and capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached.
- (e) The decision below is not supported by substantial evidence.

In appeals from the decisions of the Design Review Committee there are additional grounds for appeal:

Section 11-07-06 APPEAL

Any action of the Design Review Committee may be appealed to the Planning and Zoning Commission in accordance with Section 11-3-7.3 of this Ordinance. Decision of the Historic Preservation Commission must be appealed to the Boise City Council in accordance with Section

11-3-7.2.

Section 11-07-06.01 ACTION BY THE COMMISSION

- A. Within ten (10) days after the receipt of an appeal, the Planning Director shall fix a date for a public hearing of the appeal before the Commission and notify the appealing party and the applicant, with no further notification being required. Whenever the “Committees” shall disapprove an application, or approve an application with conditions unacceptable to the applicant, the applicant or a representative shall have the right to appeal and be heard before the Commission. Whenever the Design Review Committee shall approve an application either wholly or with conditions, any aggrieved party of the Planning Director shall have the right to appeal and be heard before the Commission. The basis of the appeal may include, but is not limited to the following:
1. Inconsistency with the purpose and objectives of the ordinance as defined herein;
 2. Unreasonably economic hardship;
 3. Undue interference with the design integrity of the proposal;
 4. Discriminatory prevention of allowed land use;
 5. Consideration by the Design Review Committee of improper motive or irrelevant information such as the race, ethnic origin, incomes, or other attributes of the proposed occupants or owners;
 6. Prohibition or unwarranted restriction of building type, material, or method.
- B. The Planning and Zoning Commission may, on appeal, affirm, affirm with conditions and limitations, reverse, or remand to the “Committees” with instructions.



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Application for Appeal

Fee: \$ 182

I (we) Boise Green Investors, hereby appeal the decision of the Boise City:

- ☐ Planning & Zoning Commission ☐ Hearing Examiner ☒ Design Review Committee
☐ Historic Preservation Commission ☐ Planning Director

File Number: DRH 11-00133

Address: 989 W. Sherwood St., Boise, ID

Specific Action Being Appealed: Approval of DRH 11-00133 / 1005 W. Royal Boulevard

Grounds for Appeal

1. The project shall provide a total of 162 parking stalls. A parking reduction of
2. 11 stalls has been granted with the application.
3. Traffic study has not been completed with accurate data.
- 4.

Appeal Contact Person: Gretchen Frankenthal

Address: 516 W. Hale St., Apt 101, Boise, ID 83706

Home Phone: (414) 350-5149

Work Phone: 6

Appeals

- ☐ Appeal of an Administrative Decision to the Planning & Zoning Commission or Design Review Committee (non-refundable fee).
☒ Appeal of a Design Review Committee Decision to the Planning & Zoning Commission.*
☐ Appeal of a Planning & Zoning or Historic Preservation Commission decision to City Council.*
☐ Appeal of a Hearing Examiner decision to City Council.*

* Portion of fee is refundable if appeal is successful.

Notes

- If the reasons for the appeal are resolved prior to the appeal hearing, please contact the Planning Staff at 384-3830.
- The only topics which may be discussed during the appeal hearing are the specific reasons for the appeal as stated in the application.
- Neighborhood groups are encouraged to elect a spokesperson for appeals that are supported by numerous residents of the project to avoid a duplication of testimony.
- Section 11-3-7.2 of the Zoning Ordinance provides that an appeal to Council may not be withdrawn without the consent of Council.

Signature of Appellant/Representative: Gretchen E. Frankenthal Date: 8/19/2011

For Staff Use Only:

If the appellant is not the applicant, the applicant must be contacted immediately following the acceptance of this appeal.

Applicant contacted on 8/19/11 by Sarah M. Schafer ☐ Appeal is by applicant



August 19, 2011

To Whom it May Concern,

As part of the formal process for appeals, we would like to attach a letter explaining our reason for appealing the Design Review Committee's "approval with conditions" of the "Royal Cubes" development, 108 apartments and "live/work" units. Although the development meets the majority of the zoning/code requirements, Boise Green Investors (aka "Park Village Apartments") is extremely concerned that the developer is asking for a parking variance and submit plans for approval prior to a formal traffic study.

As voiced during the meeting, the collective concern of the neighborhood is the parking/traffic dilemma. I have outlined our three main reservations below:

1. **Traffic** – The intersection at Ann Morrison Park / Capital Boulevard is the only exit from the neighborhood to reach downtown and BSU. This development will increase traffic flowing through the neighborhood towards this intersection and will increase congestion at an already crowded, confusing intersection.
2. **Parking** – Street parking is extremely challenging in this neighborhood. With traffic from BSU, Ann Morrison Park, and the surrounding businesses/apartments, the streets are always crowded and pose a hindrance to any visitors of the existing establishments. Additionally, the fact that all of the surrounding multi-family properties in the neighborhood are under-parked (per city code), it would be a disservice to the neighborhood to considering allowing another non-conforming use in the area.
3. **Pedestrian Safety** – The surrounding neighborhood contains several people who live and park in the area, walking to class, downtown, and the Greenbelt. As a result of this increased traffic and parking which takes up the majority of the street (equating to worse corner visibility), there is a reduction in safety for walking/biking pedestrians in the neighborhood. Anecdotally, our residents have had numerous close calls with autos in the neighborhood hurrying to find parking, get out of the neighborhood, etc.

We strongly oppose the approval of this project until a formal traffic study has been performed to assess the impact of this new project. We would like to see a formal recommendation from the county's traffic/parking committee.

We recognize that the City's master plan calls for the area to be redeveloped into high density, mixed-use and are excited for new projects that are aligned with this goal. Our main concern is that the developer is asking for a parking variance in an already under-parked area with severe traffic issues. We would like to see the city decline this parking variance and also factor in the traffic impact before approving this proposed development.

Thank you very much for your time and consideration.

My best,

Gretchen Frankenthal
Asset Manager – Boise Green Investors



Planning & Development Services

Bruce Chatterton
Director

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150 N. Capitol Boulevard

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David H. Bieter

City Council
President
Maryanne Jordan

Council Pro Tem
Alan W. Shealy

Elaine Clegg
David Eberle
Lauren McLean
TJ Thomson

August 11, 2011

Glenn Levie
Levie Architectural Idaho PLLC
17711 Karen Drive
Encino, CA 91316

RE: ***DRH11-00133 / 1005 W. Royal Boulevard***

Dear Applicant:

The Boise City Planning and Development Services Department has approved your request, with the attached Conditions of Approval, for a three-story 108 unit apartment building with live/work units on property located in an R-OD (Residential Office with Design Review) zone.

The Conditions of Approval are based on compliance with the Objectives, Findings and Considerations of Sections 11-7-3.1, 11-7-3.2 and 11-7-3.3 of the Zoning Ordinance. The applicable Findings and Considerations of the Zoning Ordinance are attached.

Please be advised of the following:

1. This approval will not take effect until after the appeal period has lapsed.
2. A Building Permit will be required from the Boise City Building Division prior to construction.
3. If this Design Review Permit is not acted upon by the commencement of construction or extended, pursuant to the Boise City Code, within two years, it will become null and void without further notification from this department.
4. Any condition(s) of a Staff Level Design Review may be appealed to the Design Review Committee within ten (10) days from the date of issuance of this approval. All appeals of this Design Review Permit must be filed by **5:00 p.m.** The Appeal must be written, accompanied by the appropriate fee and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning and Development Services Department located on the 2nd floor of City Hall.
5. Any work within street right-of-ways requires a Construction Permit from Ada County Highway District.

If you have any questions, please contact this department at 384-3830.

Sincerely,

Andrea Tuning
Design Review Planner
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Attachments:

- Conditions of Approval
- Findings of Fact

CONDITIONS OF APPROVAL

Staff finds the project generally complies with Sections 11-7-3.1, 11-7-3.2 and 11-7-3.3 of the Zoning Ordinance and the goals and policies of the Boise City Comprehensive Plan and would recommend approval subject to the following conditions:

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received June 7, 2011 (sections and isometric drawings) and revised June 21, 2011 (upper level floor plans) and July 21, 2011 (the site plan, landscape plan and elevation), except as expressly modified by the following conditions:
 - a. Provide cut sheets for each of the building mounted lighting fixtures. Show locations on the building and indicate number to be used.
 - b. Provide a cut sheet for the pathway lighting fixtures. Indicate height and number of fixtures to be used.
 - c. The building façade shall be modulated at no more than every 20 feet for a minimum depth of three feet.
 - d. Provide details for the bicycle storage location. Some bike parking spaces shall be located within 50 feet of the live/work unit entries along Dale and LaPointe.
 - e. The sidewalks adjacent to La Pointe and Dale and Island shall be detached a minimum of eight feet with a five foot sidewalk.
 - f. The street frontage along Island can be reduced to a six foot tree lawn and a five foot sidewalk with Class II trees.
 - g. The sidewalk adjacent to Royal shall be detached a minimum of eight feet and have an eight foot sidewalk.
 - h. A minimum of five different tree species shall be used for the site. No species is allowed to make up more than 40% of the tree plantings.
 - i. Street trees shall be Class III trees spaced a minimum of 40 feet on center. Trees may be grouped however the required 34 street trees must be planted. The tree lawn must be finished with a vegetative ground cover.
 - j. Tree grates shall be a minimum of 36 square feet if used in conjunction with the “Social Exchange Mall”. The City prefers a standard six foot by six foot grate or larger.
 - k. Light poles are prohibited within the parking lot planters.
 - l. Provide a revised location and elevations for the screened trash enclosure. Elevations shall call out materials and colors.
 - m. Vinyl siding shall not be used on the proposed structures.

- n. All non-residential uses and related activities, except parking, shall be conducted within a completely enclosed structure.
- o. A minimum of a three foot wall shall be designed along the street frontages to screen the surface parking areas. Additional landscape shall be installed in these areas as well to soften the wall and the visibility of the parking.
- p. The project shall be brought back to the Design Review Committee under a separate application no later than 50% construction document development in order to ensure compliance with all ordinance requirements.
- q. The project shall provide a total of 162 parking stalls shall be provided. A parking reduction of 11 stalls has been granted with this application.
- r. Color samples shall be submitted to staff for review and approval. The primary colors shall be of a dark shade.
- s. The doors for the live/work units shall face the street.
- t. The windows on the live/work units along the street shall be more of a storefront type where they are closer to the ground to allow for display of product.

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

- 2. 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.
- 3. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers and street lights per department comments dated June 13, 2011, and per memorandum from the Solid Waste/Ground Water Manager dated June 8, 2011. 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.
- 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. Compliance with requirements as requested by the Ada County Highway District (ACHD) in the memo dated June 20, 2011.
- 6. The applicant shall comply with the Boise City Fire Code as required by the Boise Fire Department as outlined in the memo dated June 16, 2011.

General Conditions

7. 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.
8. 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.
9. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
10. 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.
11. 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.
12. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
13. 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.
14. All signs will require approval from the Planning and Development Services Department prior to installation.
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. 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.

18. 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.
19. 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.

Construction Site Requirements

20. 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.

FINDINGS OF FACT

Objective - Site Design (Section 11-7-3.1)

- A. That the site plan minimizes impact on adjacent streets and that the pedestrian and bicyclist has been provided for by requiring sidewalks, paths, landscaping and safe parking lot design as appropriate.**
- B. That the proposed site's landscaping screens are adequate to protect adjacent uses, provide sound and sight buffers and can be adequately maintained; slope and soil stabilization have been provided for; and, that unsightly areas are reasonably concealed or screened.**
- C. That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.**
- D. That signing for any proposed project provides for business identification and minimizes clutter and confusion on and off the site, and is in compliance with Boise City Code sign provision.**
- E. That utility service systems do not detract from building design and that size and location of all service systems are appropriate and maintainable.**

Objective - Structure Design (Section 11-7-3.2)

- A. Building Mass - The mass of the building should be reviewed for its relationship and consistency with existing development in the immediate surrounding area and with the allowed use proposed by the applicant.**
- B. Proportion of Building Facades - The height to width relationship of new structures shall be compatible and consistent with the architectural character of the area and the proposed use.**
- C. Relationship of Openings in the Facades - Openings in the facade shall be consistent with the architectural character of the area (for example, balconies, bays and porches are encouraged with a minimum of monotonous flat planes), to provide shadow relief.**
- D. Relationship of Exterior Materials - To determine the appropriateness of materials as it relates to building mass, shadow relief and existing area development; use of color to provide blending of materials with the surrounding area, shadow relief and building use; the functional appropriateness of the proposed building design as it relates to the proposed use.**

Objective – Adopted Plans and Design Guidelines (Section 11-7-3.3)

- A. Boise City Comprehensive Plan (including neighborhood plans)**
- B. Design Review Guidebook**



Planning & Development Services

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Design Review Committee Hearing Minutes of August 10, 2011

Committee Members Present Rodney Evans, Chairman, Brian Garrett, Rob Anderson, Tom Zabala

Staff Members Present Andrea Tuning, Josh Wilson, Rob Lockward and Nicki Heckenlively

DRH11-00133 / Glenn Levie

Location: 1005 W. Royal Boulevard

Design Review for a four-story 108 unit apartment building with live/work units on property located at 1005 West Royal Boulevard in an R-OD (Residential Office with Design Review) zone. *(This item was deferred at the July 13, 2011 hearing.)*

ANDREA TUNING: We are here in regard to DRH11-00133. This is an application for a 108-unit apartment complex comprised of one and two bedroom units as well as live/work units in four story buildings located at 1005 W. Royal Avenue in an R-OD zone. In this particular case the applicant is proposing to construct two buildings located on a site that is located between Dale, Island, LaPointe and West Royal Streets. The area is located within the aerial map located on the overhead projector. Within this area we have a very large use of a mixture of products that currently exist. You can find residential and office as well as older industrial properties within this area. The Ann Morrison public park is also located one block away. The applicant is proposing the buildings to be located on the site. Each building will contain 54 residential units. The first apartment building would be located on the corner of Dale and Island and the second located on the corner of LaPointe and West Royal Street. 20 of the proposed 108 units are live/work and those are located over what is identified on the site plan as parking garage. The applicant is proposing mostly surface parking. In fact they are proposing 162 parking spaces. Most of those spaces are that surface parking lot that you can identify on the corners of Island and LaPointe as well as Dale and Royal. However, there are 44 spaces that are located within parking structures underneath the live/work units. Typically within our Zoning Ordinance the applicant would be required to provide 1.5 vehicle parking spaces per unit plus one additional space for parking. The applicant has requested a parking reduction in this particular case to allow for the parking of 1.5 spaces per unit. Staff has recommended approval of the parking reduction simply because of the proximity to the University, proximity to public transportation, its proximity to the Boise Greenbelt as well as bicycle and pedestrian routes within the area. The applicant is also asking to provide 20 bicycle parking spaces with this application. 19 of those spaces are required by our current Zoning Ordinance. I want to take you through the area to give you an idea of what we have in the area. You'll notice that looking in the surrounding area that most of the streets are unimproved. They all provide perpendicular parking near the older

structures. However, the area is starting to be revitalized. We have some residential structures some older industrial transportation related structures as well as some multi-family residential structures. Walking through the area you'll notice that the residential structure to the west actually has attached curb, gutter and sidewalk that was constructed with that development as it came in. We have some other trucking and transfer facilities. In general we have a transitional area that is going from the older industrial uses to some newer uses providing housing for the local University nearby. Here we have some streetscape that has been improved with residential units to the west as well as some newer office buildings that were located along the Boise River Greenbelt. As you can see there truly is a mixture of uses within this area. Back to the site plan and what is being proposed with this particular application. The applicant has received correspondence from the Ada County Highway District in regard to the right-of-way street improvements. Dale, Island, La Pointe and West Royal are all under the jurisdiction of the Highway District. As part of the Highway Districts comments they have recommended that the applicant connect those roadway streets as one half of 36 foot street section with vertical curb, gutter and sidewalk. Staff has evaluated the area and made some determination in regard to what the streetscape should look like. In this particular case staff has identified Royal Street as a major arterial to the local Ann Morrison public park. Because it is heavily traversed with both pedestrians and bicyclist we have recommended that the applicant provide an eight foot sidewalk that is detached from the curb with an eight foot planter strip. We also required a five foot concrete sidewalk along Dale and LaPointe that is separated by the eight foot planter strip. Island is a little bit of a unique situation. To accommodate for the larger sidewalk on West Royal we have allowed the applicant to reduce the planter strip along Island Street to six feet as opposed to the traditional eight. The applicant is proposing both one and two bedroom units within the 108 residential units. Of those, we have 20 live/work units. When we look at the elevations that have been provided by the applicant we can note that the flat roofs are all the residential components. Once you get into the sloped or the shed roof type structures that is where we focus on live/work units. The streetscape is slightly different for both of those as well. Once we get along the live/work units staff has asked the applicant to shift the building closer to the street with that pedestrian interaction as well as creating more of a hard surface area with tree grates and concrete surfacing. This application is an allowed use within the R-OD zone. It is located near the University and is appropriate for residential units. The one thing that is unusual about this particular project is the materials that the applicant has chosen to utilize. The applicant has chosen to utilize 16 inch hardi-plank vertical siding which would be located on the first and second floors. You can see that identified with the beige color we see on the overhead projector. The upper stories in this particular case would be the third story. The applicant has proposed to provide a vinyl siding product. Boise City Council has evaluated vinyl siding on a case-by-case basis, but has instructed staff to create minimum standards for vinyl siding. If you take a look at the conditions of approval we have recommended that the applicant be able to utilize the vinyl siding on those upper floors, however the quality of that product shall be of the minimum standards that we've established. The applicant is also providing cement fiber board as well as recycled shipping containers. If you take a look you can see that the shipping containers are actually stacked upon one another within the residential units. In the central location and the location I am identifying those are stacked three deep. The reused shipping containers are only a portion of the building. The applicant is proposing to connect this with stick built construction. We'll have a combination and hybrid of these recycled materials as well as new materials. There will be traditional wood frame construction that would meet current standards. The applicant has also utilized primary colors. In this particular case you'll see the

blues, yellows and reds. The applicant has provided a number of samples that they will walk you through in their presentation giving you examples of international as well as national products of multi-family residential units that have utilized the recycled containers. The building masses are located along the intersections of the streets and they do form the streets and identify a pedestrian connection to the units. The surface parking consists of approximately 38 percent of the street frontage and a parking reduction of less than 10 percent has been recommended. If you take a look at the Site Specific Conditions of Approval you'll notice that staff has a number of recommendations in regard to this. The most unique item would be item q. That eventually requires the applicant to come back to the Design Review Committee under a separate application once 80 percent of their construction drawings and documents have been completed to ensure they have met all the conditions of approval that we are recommending. Most of those conditions of approval are in regard to landscaping and streetscape, but there are a few modifications that we have made in regard to elevations. Those elevation requirements were to require the applicant to provide color samples to the Design Review Committee or staff. They have brought those and you'll have the opportunity to review those. If you find that the materials they have provided are sufficient you have the ability to strike item s. as a condition of approval. The other item is that staff has recommended that the doors for each one of the live to work units be located front facing toward the street so we do get that interaction between the business as well as the street. We've also recommended that the windows...this is a residential unit, but that the windows essentially extend to the ground floor to create the appearance of the display area or business area in which those live to work units would be utilizing. We have received a number of comments from neighboring properties. One of those items we received as written correspondence from a property owner. We've also received some additional documentation that I handed to you this evening so if could take a look at that information. I know the applicant is here to speak as well as a number of residential owners or business owners located in that area that would like to provide some additional comments.

COMMITTEE MEMBER ANDERSON: Is there a material board to look at?

ANDREA TUNING: We do not have a material board. We do have the materials sample sheet that the applicant will walk us through. Also, within your packet you'll notice that you have what appears to be a color rendering that identifies the actual materials as well as the colors. The applicant will walk you through the color board that they are proposing. That is here and we can make that available to you as well in hard form.

GLENN LEVIE (Applicant): Staff more than adequately covered the thrust of my presentation this evening. What I would like to do is walk you through some of the ideas behind where we had come up with the concept of the design, what we're ultimately trying to achieve and give you some examples of current projects that are out there. The emphasis of this project is to look at trying to build a more conscientious environmental building. We believe that the recycling of the containers is a portion that will move toward that goal. We will try to integrate sustainable materials. The hardi-plank cement product is one. Oddly enough vinyl siding is one. We look to efficiencies within our heating, air conditioning and mechanical systems in order to achieve a better building product. That is our primary goal. We want to address the social benefits of it and environmental benefits of it as they relate to sustainability. Another one of our chief goals is to introduce a mix of activities on site that promote a more social interactive community within our property and also hopefully will draw from the surrounding community. The live/work

blends into the underlined mixed use that the city has on the property. We're new to this and there is not a whole lot out there. We're obviously not relying on a large percentage of it in our project, but we believe that we will attract people and it will bring some form of activity during the daytime to the pedestrian level of the property hopefully giving it some life. Hopefully these businesses as the evening goes the dwellers come back or neighbors come around. There may be applications where these businesses can interact with the community past normal business hours. It is a bit of an experiment. We do believe that it does have a good place here. It has been proven out successfully in other communities. We're willing to jump in and see...let's give this a shot, not over do it, but let's see what happens. As staff discussed there is a number of ways that you can go about building with shipping containers and I'll show a number of examples. Our choice was to do a hybrid of shipping container and conventional construction. The properties with the shipping containers that we felt were most suitable for what we were attempting was that inherently they are rigid steel frame structures so if we place them in an order where they are separated the voided spaces between them basically become infill. The natural product to use for infill would be conventional stick construction. Some of the advantages that the containers bring in the infill is that infill doesn't become this onerous wood frame construction anymore where we're relying on plywood sheeting to keep stabilization for horizontal forces. We're really minimizing the amount of wood in these infill pieces. As I said earlier, we're trying to utilize sustainable products so there is a bit of an added advantage to using the container. From a structural perspective clearly this is an infill product. This is the number of examples of shipping container projects. This is the mother of all that I have visited. It may work where it is. It is in Amsterdam and it is a student housing project. I visited it recently and it just isn't applicable to the United States. It is barely applicable to Amsterdam. It is an example that I wanted to show. It is so literal. It is just stack them up and live. It is not something I feel is compatible or conducive to living environments and I do not feel it is compatible to Boise at all. This is one other literal example. This is an office building outside of London. I visited this as well. They're very interesting. They are fun to walk around. There may be interesting one-off notes, but the bottom line is that the appropriateness in my view and particularly the appropriateness for Boise and this site is, "Don't go there". This is the other side of the shipping containers that is a little more extreme than what we're proposing. These are shipping containers that are used inherently in a greater project and they are used with a variety of materials to create a diversity of space. The upper project was recently completed in the Mojave Desert. The lower space is a prefabricated unit that was constructed offsite and then delivered and erected on site. The lower project is actually a product that was built by the company that we are most likely going to have our units constructed by. This particular project was the one I laid eyes on three years ago and I was most impressed with. It really inspired me to think about solid versus void and how a shipping container doesn't have to be the main part, but is a strong acting part in the overall design. I thought this was a brilliant example of open space and a void of shipping container. Personally it was something I really enjoyed. From that design I really looked at and thought about how containers and void spaces worked together and this was the kickoff for doing this particular design. Basically you have prefabricated units that get delivered on site, they get stacked up and then the general contractor comes in and infill's and completes the project. This was an early study of that void and container idea. These are other applications that I'm currently looking at in my office. This is an art center for a private school that is again the void and solid. That is an interior view of one of the art studios. This was another project we briefly looked at. A little more literal on the shipping container side, but it was for a hotel development. This brings us to the Royal Cube site. Two notes that I want to

make on the presentation from staff and there are very incidental. We have 164 spaces not 162. I counted, counted, counted and I'm fairly certain that is the number. The second one is that the staff report said that this is a four story building. The original submission was four stories. We met with Planning and we reviewed trying to put the buildings at the corners and parking in between and both the Design Review staff and I concluded that the parking in the middle with buildings at the ends didn't quite fit the site as nicely as we like with this particular design. The design is three stories now and not four stories. We've pretty well covered all of the design features from the site. This particular sketch does show the updated sidewalks with the detached paths and also shows the tree grates and trees along the live/work units that face the street. These are a number of views. This is in the parking lot looking back towards the courtyard area. This is a pedestrian way from the street back toward the center of the project. We've made a modification to this in that we've eliminated the concrete. We're going to look at a little more environmentally friendly product like decomposed granite that takes and absorbs rain versus repelling it. This is a cutaway. It is a little difficult to see, but in the left hand portion you can see how the parking garage, the live/work and the unit all integrate. The live/work is on the ground floor and the staircase takes the tenant up to his apartment area directly above the garage and then the floor above it is a straight forward one bedroom apartment. This is a discussion of materials. Basically we've got the exposed corrugated metal. We've got cement fiber that is 16 inches wide and applied in a vertical manner and then we have a more traditional shiplap vinyl siding. As far as colors are going and as far as the finished colors I would just as soon defer and present a final pallet. It will be very close to this, but I want Design staff to be very comfortable with the pallet before we finalize it. This gives you a good idea of where we're headed. We're looking at warm neutral tones as far as the beiges and the grays. The colors for the containers will be toward earth tones. They will not be vibrant primary colors so the color pallet will match with the earth and warm tones we're trying to achieve. The vinyl color in the upper left...at the moment the cement panel in the lower right...I would like to see the cement panel be a little lighter. This is actually an application in Philadelphia of a row house that used the cement panels. It is a very interested application. They silk screened a number of the panels so they had natural panels plus silk screened panels.

COMMITTEE MEMBER ANDERSON: I'm a little confused because I thought at the beginning you said you were going to use recycled containers for sustainability then later in the presentation I thought you mentioned you're looking at a particular company to build your units.

GLENN LEVIE: Yes. We're looking at taking the bedroom units and pre-build them before we bring them out to the site starting with the recycled shipping container, but then doing the interior improvements before bringing them out for erection.

COMMITTEE MEMBER ANDERSON: So they are recycled but you will have somebody retrofit them before bringing them to the site?

GLENN LEVIE: Correct. They would do the partitioning, insulation and the finishing. Basically what you'd do with a modular home. Prepare it for being dropped on the site and tied into the existing site and utilities once they get there.

COMMITTEE MEMBER ANDERSON: Does this decrease your build out time?

GLENN LEVIE: I don't have a sense that it will. It would be a plus, but it is not something that we're baking into our idea at the moment. It would be obviously be a nice thing.

COMMITTEE MEMBER GARRETT: What are the floor-to-ceiling insulation materials on these?

GLENN LEVIE: The raw floor of a shipping container is 1/8 inch of teak so it is a pretty bullet proof floor. There is a gap below it that gets insulated for sound. On the lid you have a nine and a half foot container so the upper part will have sound attenuating insulation and/or weather insulation if it is a top floor unit. A question that has come up over, over and over and I would be remiss not to tell the Committee. One of the interesting things that I've learned through this process and it was the first question I had. How are these things sustainable from a living point of view, how can somebody live in a metal box. I need that answered before I even try to do this project. One of the fascinating things that has come out of it is that there is a paint product that they apply to this. This is not something that just showed up out of the blue yesterday. This is something they've used for about three or four years now. It was developed for the space shuttle. The ceramic tiles were painted with this for the space shuttle. Basically it is the thickness of a credit card. It gives an R-19 insulation value. I said, "Great. What about condensation?" They take a piece of metal and they put a blow torch on one side and you can touch the metal on the other side. It is a fascinating product. We're not relying on every square inch of the perimeter of these containers to be finished with this material only because you can't live in a metal box. There has to be a drywall finish in the design that we're working on for three of the four walls exposing one wall just for character. The insulation was my first question when I delved into this. How the heck do you this? I was fascinated by the product.

COMMITTEE MEMBER GARRETT: Is it just coated with this for the roofing on the metal containers as well or is there a second.

GLENN LEVIE: I'm looking at this to coat the walls. Because of the narrowness of the unit how do we do our best not to infringe the finished interior width? I looked at the roofing as more of a conventional type of insulation.

COMMITTEE MEMBER ANDERSON: Are you the designer?

GLENN LEVIE: Yes.

COMMITTEE MEMBER ANDERSON: Are there other projects of this type that you have designed?

GLENN LEVIE: No.

COMMITTEE MEMBER ANDERSON: Boise is the first?

GLENN LEVIE: Yes. I'm not the only one out there doing it. There is a boatload of people doing it right now. There are some projects that are starting to come to the surface. S.G. Blocks, which is the company that we're looking at to do our container build-out, has been in business

for three or four years now. They've done a number of projects some of which I've been really impressed with and some which I haven't. It is all gaining momentum.

COMMITTEE MEMBER GARRETT: The vinyl siding is a sore spot for me personally. I'm not that thrilled with it. I wanted you to touch on why you're not using cementitious panels for the vinyl siding areas as well? It seems a little bit out of character for this building to put on something that is, in my opinion, going to stand out. Cementitious panels, fine, steel is fine and then vinyl siding? How does that work into the overall design?

GLENN LEVIE: The presence of the vinyl siding came late in my design review. I was actually looking at how a particular project had secured the cement fiber board to the exterior of the project and I was looking at the variation of materials that they had used and I was impressed with this particular project. They showed a visual of it that had the combination of those two materials. They seem to suit each other very nicely. I like the idea of getting some variation in materials. It is not a deal breaker for me, but it was something that when I took a step back and looked at this particular project I was impressed with it.

COMMITTEE MEMBER GARRETT: Are the cementitious panels going to be applied as a rain screen?

GLENN LEVIE: Yes.

COMMITTEE MEMBER GARRETT: So you'd be opposed to possibly replacing the vinyl with a cementitious panel?

GLENN LEVIE: It wouldn't hurt my feelings.

COMMITTEE MEMBER GARRETT: Vinyl siding hurts my feelings a little bit.

GLENN LEVIE: Thank you staff for the nice report it was very well done.

PUBLIC TESTIMONY

MIKE KELLER (General Partner / Morrison Park Investors): We are the 280 unit apartment complex located directly across the street from this property. I believe you have, in your record, a letter from Rick Nelson who is my partner in the project discussing our concerns with the project. I would ask that you carefully read that letter as well. Because I don't have a lot of time and I don't want to take a lot of your time I will highlight some of the issues that we're concerned about. First and foremost we're not opposed to development on the site at all. We think apartments are an appropriate use for the site. Our concern is what the project is going to look like and how it is going to affect the neighbor. I'd like to also make one quick point as it relates to the design review and my understanding of design review. I got on the City's website and one of the items and one of the purposes of the Design Review Committee is to encourage architecture that responds to the needs of users and presents an attractive exterior to the public and adjoining property owners. I'd like to go on record that I'm concerned about the exterior and how the property will look long-term. When you build a project you build it for a 50 plus year life. I'm concerned not that the containers won't last, but I'm concerned about the viability

and how they will look long-term. We're sort of in the experimentation stage on a project like this because nobody has really done it. It doesn't mean that it's not a good idea, but I'd sure feel a lot more comfortable if we had a little more to sink our teeth into as it related to that. Another concern is parking. If you'll note in the aerial that is in the package there are all kinds of cars that are parked along the side perpendicular to the site now. When the site is developed and the curb and gutter is put in there will be parallel parking on the street. In the staff report they are recommending a 10 percent variance on the parking and in their opinion this is fine because it is close to Boise State and there are all these different uses in the area. Well, to the contrary. Because it is close to Boise State a ton of students park over there and they walk or take the shuttle. We have a shuttle stop at our property that is free to Boise State Students to transfer them over to the University. I'm concerned about parking. I've got my resident manager here that would be happy to testify. Parking is a huge issue in that area so I have a concern about parking and the design itself.

ROCKY TOWLE: My business is at 1014 LaPointe Street across and on the east side of this proposed project. Basically as far as the project we have no qualm with what they're looking to do. The main thing we look at is the parking issue that is there. I would really recommend at least on the east side of LaPointe Street...a lot of the businesses there park perpendicular to the street itself and we've talked to staff and they had no problem with what we were doing. They said that development would not be considered until somebody develops our site as far as doing the curb and gutter there. The main thing I look at is the students and the people that are living on this...I would like to have included in our recommendation if at all possible that the east side have one hour parking from 8:00 a.m. – 5:00 p.m. Monday through Friday so we have spaces for our clients to park and not be interrupted by long-term parking there. The 1.5 parking stalls that are done there is more than what is done on the existing apartments that are adjacent to the park, but still I'm concerned about the overflow of parking. Also, I submitted a letter from House of Wheels who is adjacent to me basically restating the same thing I've said.\

CHAIRMAN EVANS: Could staff please read the letter into the record?

ANDREA TUNING: It is not necessary to actually read the letter. It is more appropriate to notice that we did receive that this evening. It is written correspondence identifying a number of concerns specifically parking. That letter was received from Bill Kelly of House of Wheels. We'll implement that into the record.

MATT GOEBEL (Boise Green Investors): Boise Green Investors is the ownership group for Park Village Apartments at 989 Sherwood. Generally speaking we're excited to see some new development coming into the neighborhood and think it is a positive catalyst for everybody. But, with that said, we have a few concerns. The first of which is traffic congestion heading toward the intersection of Capitol Boulevard and University. Basically anybody coming from the proposed development site that is looking to head north on Capitol Boulevard would need to flow up to Ann Morrison Park Drive and head out to Capitol and take a left at that intersection that is already pretty congested and gets backed up particularly during rush hour and during the school year. That also happens to flow right by our property, which is at the intersection of Ann Morrison, Lusk and Sherwood. We have some concerns about that. I echo the other gentleman's concerns about parking in the neighborhood. I can attest like they did that during special events at the park and during the school year that street parking is hard to come by. The

multi-family properties that exist in the neighborhood currently are under parked generally as it aligns with the City's requirements so I have concern about bringing a third project into the neighborhood that will be below the City code requirements on parking. Lastly and something that ties into my prior two points is pedestrian safety in the neighborhood because so many people do park and walk those streets and ride bikes to try and get over to the University. I can tell you anecdotally of instances in the neighborhood where people take corners quickly and have low visibility because of all the street parking so it can feel a little bit dangerous in the neighborhood. We're just asking that you guys give some more consideration to the traffic and parking impacts that this will have. We trust the Committee to make a good decision.

ROCKY TOWLE: The development shows that there is a part of that corner that is not being used and yet the illustrations show that the full block is. I don't understand that.

ANDREA TUNING: In regard to Mr. Towle's comment that the entire site is not hatched is correct. There are actually two different addresses in our addressing. The City did not identify the entire site. The site is bound by all four roadways and encompasses an entire block. To emphasize on his other comment asking us to make a recommendation for one hour parking along LaPointe Street, the public right-of-way is under the jurisdiction of the Ada County Highway District. In order to restrict that from a first come first serve basis it would require their specific review and approval. We simply don't have that jurisdiction at the Design Review Staff or Committee level. We would ask that this recommendation not be included in this particular item. I did hear some other comments that arose under the public testimony in regard to the concerns with traffic congestion. We do look to the Ada County Highway District as our experts in the transportation industry. In their report that they submitted to us they've identified that this site will generate 718 vehicle trips per day of which 67 of those will be peak hour trips. They don't have any traffic counts that are available, but have estimated that the streets do have the capacity to hold these additional 718 vehicle trips per day that will be generated by the site. So we don't have this instance in the future I have recommended that ACHD do a number of traffic counts and I'm anticipating those counts will be returned to me next week so we'll have some additional information in regard to those and exactly when those p.m. peak hours trips are happening. We're actually going to do some other counts as well because we do know that we're out of school right now and that the park is heavily utilized during this time of the year, but what happens when seasons shift and the park isn't being utilized as much and we do have students coming and going. We'll have some traffic counts that we can actually examine in those different seasons so we have recommended that this be conducted and ACHD is working on that right now. I believe those are the comments that I heard this evening that I was able to address.

COMMITTEE MEMBER GARRETT: I have a question about condition q., the resubmittal of a separate application. This is kind of a quirky item in my opinion...we get another crack at it independent of this review. Correct?

ANDREA TUNING: A quality assurance check is essentially what that is. When we got this application and when you take a look at the landscape they aren't real definitive and they are more conceptual in nature. To ensure that we have all of the recommendations and site specific conditions of approval incorporated into the site plan that moves forward for construction we

want to give you the opportunity to make sure that the quality is there, that we have identified all of the items and that the applicant has actually taken steps forward to incorporate those.

COMMITTEE MEMBER GARRETT: So if we made a motion on the vinyl siding and/or window material, which I haven't seen mentioned anywhere in the report...or did I miss that? The quality control and that type of stuff, but as we make a motion on these site specific conditions and then they come back with 80 percent then this is not a binding document at that point?

COMMITTEE MEMBER ZABALA: No, this is binding.

COMMITTEE MEMBER GARRETT: It is a separate application at the 80 percent...they are bringing a new application right?

ANDREA TUNING: We'll keep it under this file number so it would be a continuation of this particular application, but it would be a new agenda item to you for you to ensure quality assurance. If I understand where you might be headed you are looking a site specific condition of approval that eliminates the use of the vinyl siding on the project. We can go ahead and add that as a site specific condition of approval and continue from the letter u.

COMMITTEE MEMBER GARRETT: Typically we'd do a worksession instead of a new application, but you're saying that there are enough major issues here...

ANDREA TUNING: A worksession or a public hearing. Essentially we have the same public noticing requirements so it could be held at either one.

COMMITTEE MEMBER GARRETT: What is the roofing material of that sloped roof on that single story element...there are two of them and it is an interior...I don't know what that space was in the plan, but on the opening rendering the roof was quite visible and it is just white in the model.

ANDREA TUNING: That might be a more appropriate question for the applicant. It hadn't been identified at the time of the review.

CHAIRMAN EVANS: We will reopen the public portion.

PUBLIC PORTION RE-OPENED

GLENN LEVIE: In response to the roofing material. We haven't selected a particular material, but it will be in the same warm gray earth tone. It's a relatively flat roof. If we were to move into a standing seam metal roof we would obviously come back to Design Review and ask to have that reviewed as a separate item.

COMMITTEE MEMBER GARRETT: That is all I can think of that roof being, but then if you slap TPO up there or something like that...

GLENN LEVIE: I have bigger fish to fry at the moment, but that is a good question. One thing I'd like to address and I know it is a particular concern in the neighborhood with respect to parking. One of the measures I've looked at and obviously parking is problematic if you're a neighbor and you are disgruntled about it. Parking is also problematic if you're a building owner and it is inadequate. It becomes a deterrent to your ability to run a successful project. One of the ways that I've looked at parking which I know the City doesn't use as a benchmark, but I do, is to review physically how many bedrooms you have on a project and assume every bedroom is going to have a car and use that as a measure upon which to determine...I do personally feel it is adequate parking. In our case we have 130 bedrooms and we have 164 stalls. If everybody in a bedroom had a car we still would have more parking than bedrooms. I don't believe and I don't know this to be a fact, but I don't believe that is the case with the adjacent properties. I know that I was the former owner of the project at Sherwood and I know when we initially did this project it was designed for student housing. We went to the University to get parking ratios of people who lived in the dorms and how many used cars and we used that as our determining factor for parking. We exceeded the 1.5 stalls per unit, but they were four bedroom apartments. It just didn't work and it was very upsetting. That was a lesson. I walked away from that project knowing I really need to pay more attention to the ratio of bedrooms to parking than maybe an underlying code. These are all three bedroom apartments and we'd be awfully under-parked in my opinion. I use that as a personal measure.

COMMITTEE MEMBER GARRETT: I'm not trying to be hung up on this 80 percent review thing, but at that the time they would address these site specific conditions of approval?

ANDREA TUNING: After this evening they would go home and they would take all of our recommendations and site specific conditions of approval and incorporate them in their plans and then they will bring you a finished product and ask if they have attained the Committee's goals.

COMMITTEE MEMBER GARRETT: They would incorporate it and reissue it for staff review and then reapply and then we'd review it at that time?

ANDREA TUNING: That is correct.

GLENN LEVIE: I've reviewed the conditions and I'm comfortable and I have no reservations about meeting them.

COMMITTEE MEMBER GARRETT: Even striking the vinyl?

GLENN LEVIE: If you want to strike the vinyl, let's strike the vinyl. I may want to send you a photograph, but I'm willing to strike it.

COMMITTEE MEMBER GARRETT: I have not been thoroughly impressed with any of the vinyl that has come across Design Review. Have you selected windows or do you know what the window material is going to be?

GLENN LEVIE: We've narrowed it down to either an aluminum window that is compatible with the look we're going towards or a vinyl window that would meld in with the exterior.

We're not going with anything more abstract than that. It will be benign versus attention grabbing.

PUBLIC PORTION CLOSED

COMMITTEE MEMBER ANDERSON: I for one like the idea that at 80 percent we get another chance to look at some of these topics. It seems pretty conceptual right now and it would be more firmed up obviously. I would also like to comment about the vinyl going away. That has been our stance and we ought to continue it.

CHAIRMAN EVANS: Yes. It is in a high traffic area and a lot of people will see this project when going to the park.

COMMITTEE MEMBER GARRETT: I'm on a shaky stance about some of the specific conditions of approval. I agree 100 percent with staff with what we've been presented. There are a lot of questions to be answered and a lot of details. I do like the fact that there is pathway lighting and building lighting. Chairman Evans, are you comfortable with what we're asking for in the site specific conditions for a landscape plan? I don't see anything that says...I guess the 80 percent construction documents should incorporate a pretty thorough landscape at that point.

CHAIRMAN EVANS: Staff's been going above and beyond on landscape and site stuff lately so it's fine.

COMMITTEE MEMBER GARRETT: There's the street frontage landscaping, but the actual building landscape plan is what we haven't seen anything for.

CHAIRMAN EVANS: Right, it is very conceptual.

COMMITTEE MEMBER ZABALA: Conceptually the project is rather interesting. There has been a lot of student project studies done in this area and it is a sleeper area in our city that started out as light industrial uses and over the years it has slowly transitioned, but it's positioned in today's world and moving forward where a project like this again, conceptually, has a lot of merit in terms of the development of that area. It is close to the City, close to the college, the park and Green Belt. The live-work concept is interesting. There have been a couple of projects here in town that have tried that on a much smaller scale. I don't know how successful they have been in making that work, but a lot of that depends on the spinoff that occurs on a project like this with service facilities, a market and a deli. Some of those things are in the area right now, but for a lot of those services you still have to get in your car or on your bike and go to them. If those things started to backfill into the neighborhood there you could really develop a community that really works pretty well for adversity of people. With regard to the conditions of approval and the 80 percent point, my only concern there is at that point in the development of the construction documents on a project like this you're more than a little pregnant with the project. Maybe we want to look at it a little earlier. Say 50 percent or something like that to where the applicant has a little bit more flexibility and isn't so invested in the time with engineers and such to make those kinds of changes. I don't know if that makes sense to you or not (*speaking to applicant*) in that regard?

GLENN LEVIE: Absolutely.

COMMITTEE MEMBER ZABALA: It gives you more time to react and you haven't gone too far.

GLENN LEVIE: (*speaking from audience*) I'm a big fan of working together and the earlier the better.

COMMITTEE MEMBER ZABALA: The parking comes up on every project as well as traffic issues. If the world keeps going the way it is gas will drive us out of the marketplace and there will be a lot of us walking most likely. It is something the applicant has stated would be a problem for him and a problem for the neighbors and we'll have to work together with staff and ACHD to resolve some of those issues as they come forward.

COMMITTEE MEMBER GARRETT: Condition c. says. "*Building façade shall be modulated at no more than 20 feet for a minimum depth of three feet*". Given this unique design I was wondering how...or is that something we can strike? I don't know how we can meet that condition to be honest with you looking at the plan.

ANDREA TUNING: As a formality we would have to open the public hearing in order for me to answer that question. However, I would be happy to answer it.

PUBLIC PORTION RE-OPENED

ANDREA TUNING: That condition of approval was identified specifically because this project is located in an R-OD zone. That R-OD zone allows some flexibility in regard to your setback. When you read the zone and the allowance that takes place in that, it allows 50 percent of the building façade to encroach at 80 percent setback so when we ran that calculation 42 percent of the building façade was covering 80 percent of that setback so we don't have the ability to strike that because it is actually built in an R-OD zone. If they are going to encroach into that setback then they have to provide that three foot modulation and that is specific to the Zoning Ordinance as it reads today.

COMMITTEE MEMBER GARRETT: The three foot depth that we're talking about in Condition c. is the encroachment on the setback?

ANDREA TUNING: Correct. Then the 20 feet in width is that every 20 feet it has some...

COMMITTEE MEMBER GARRETT: The way I was reading that was that it was a three foot modulation at 20 foot of width. This has twenty feet of modulation or whatever it is?

ANDREA TUNING: Yes.

COMMITTEE MEMBER GARRETT: That makes sense.

GLENN LEVIE: Would you like me to elaborate on that a little bit because I did work with staff on that. The area that we do encroach is specifically the area that is the business or live/work.

We wanted it to be closer to the sidewalk and more pedestrian oriented so that is where it occurs and we do meet the specific conditions of the code.

MIKE KELLER: I would like to have adequate parking too. The applicant made the point that he has got 108 bedrooms and he's got 160 parking stalls and I agree with and understand that. A lot of times there is more than one person sleeping in that bedroom. My wife sleeps in the same bedroom I do and she has her own car. I'm very, very concerned about the parking and I want to go on record for that. I know staff is recommending a ten percent reduction, but the Committee could do something about that if you believe that is a concern.

COMMITTEE MEMBER GARRETT: I worked off LaPointe and parking is a concern in that area, but meeting the requirements...in my opinion this is probably going to be used a lot for student and non-student housing and it is mixed use and all that good stuff. This project is not necessarily, with the parking that they are providing, exasperating that problem. A lot of it has to do with the BSU students that come in there during the day, park and leave their car all day and drive back home at night. That is a huge problem, but as Andrea mentioned that is an ACHD issue. If I could wave a wand I would definitely make it an hourly and/or residential zoned area for parking so that BSU would have to take care of their own parking problems and not burden you with those problems. In my opinion I don't know how we can put that on this development.

COMMITTEE MEMBER ZABALA: Limited residential parking is imposed on a lot of neighborhoods around odd areas and I suspect it just a matter of the property owners approaching the Highway District with the issue and getting a two hour limit for residential parking on the street.

COMMITTEE MEMBER GARRETT: I'm very much in line with something like that being done down there, but we can't do it.

PUBLIC PORTION CLOSED

COMMITTEE MEMBER GARRETT: As I have made it abundantly clear the 80 percent is a little bit difficult for me and if it weren't for that some of these conditions would have to be locked down to a much greater degree. However, with condition q. I'm relatively comfortable passing these things off. We were discussing modifying that to be a 50 percent set in construction documents or money numbers.

COMMITTEE MEMBER GARRETT MOVED TO APPROVE DRH11-00133 MODIFYING THE CONDITIONS. THE VINYL SIDING WILL NOT BE ALLOWED, STRIKING CONDITION N. SINCE IT IS RELATED TO M. AND MODIFYING Q. TO READ THAT THE APPLICANT SHALL COME BACK WITH A 50 PERCENT CONSTRUCTION DOCUMENT SET INSTEAD OF AN 80 PERCENT DOCUMENT SET.

COMMITTEE MEMBER ANDERSON: At the time of the 50 percent review would we have more traffic numbers so we could possibly address the parking issue at that point and time? I'm somewhat concerned about it and it is a valid point. But, I don't have ACHD's input other than

they haven't done any studies. There are a couple pinch points in that area, if you view it, that are of concern. It is an area that needs to be developed. It is properly located for becoming and attribute to Downtown Boise. As we start this process of adding new developments there the traffic study should be paramount and come first and right now it seems to be behind the cart as opposed to leading the issue. I would like to hear more about the traffic numbers and would like to withhold approval of the reduction in parking based upon the provision of additional information.

COMMITTEE MEMBER ZABALA: What I'm trying to understand is that the traffic study will just reveal traffic counts and won't have anything to do with parking. All it will demonstrate is that they've either created a street flow of Morrison Center, Capitol Boulevard and the block point and I'm not sure how that necessarily reflects on this project or how it would affect our decision on this project.

COMMITTEE MEMBER ANDERSON: It might give us an ideal of the numbers of cars that are coming in going out. I agree with your comments that it's probably not apples-to-apples in all respects, but it is of some concern to me.

CHAIRMAN EVANS: As in the interior parking lots for this project and adjacent roads?

COMMITTEE MEMBER ANDERSON: Right.

COMMITTEE MEMBER GARRETT: I agree parking is a concern, but I'm not exactly sure how we would in effect remedy that problem as Design Review. While I agree, I don't know if we'll have a lot of impact.

COMMITTEE MEMBER ANDERSON: It would be up to ACHD to determine how long people could park on those exterior streets, correct?

COMMITTEE MEMBER GARRETT: We could require that this project have more parking stalls, but I don't think we are going to necessarily alleviate the street parking concerns the adjacent neighbors seem to have which is my point. If they needed more stalls they would have to go with shared parking or whatever they wanted to create it. If they go after that, but the street parking issues will remain regardless of what we do.

COMMITTEE MEMBER ANDERSON: Okay. Thank you for the discussion.

COMMITTEE MEMBER ZABALA SECONDED THE MOTION.

ROLL CALL VOTE 4:0. MOTION CARRIED UNANIMOUSLY.



Planning & Development Services

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TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

Summary for DRH11-00133

Staff's Recommendation

Deferral.

Summary

Glenn Levie requests approval to construct a 108 unit apartment complex comprised of one and two bedroom and live/work units in four-stories on property located at 1005 W. Royal in an R-OD (Residential Office with Design Review) zone.

The project as submitted is conceptual in its ideas. Staff believes the project is appropriate for the area in respects to the use, massing and materials proposed. The applicant is proposing to reuse shipping containers for a portion of the building. They are to be connected with wood frame construction finished with fiber cement board and vinyl siding. The project will utilize primary colors and warm grays for its finishes.

The use of shipping containers for housing has not been used in Boise previously. The use can be found in other communities and in many different countries. The uses range from high end housing to temporary housing depending on how the container is worked into the design. The high end housing is using the shipping container as a focal element of the design because of its material and durability. The temporary housing is using it for its availability, durability and ease of transport from one location to the next.

The main apartment building mass is located at the intersections of Island and Dale as well as Royal and LaPointe. The live/work units are central to the site creating a "Social Exchange Mall" between the buildings to be used by the residents and the people visiting. Surface parking is located at the intersections of Island and LaPointe as well as the intersection of Dale and Royal. Structure parking is located in behind the work portion of the live/work units.

The landscape plan conceptual with this submittal. Very basic concepts which include native grasses and ground cover as well as some tree placing have been proposed. Further development of the landscape plan is needed to ensure compliance with the Landscape Ordinance.

A less than 10% parking reduction has been requested by the applicant. The project will provide 1.5 parking spaces per unit. The spaces not proposed for the site are the ones in the ordinance for guest parking. With the transit in the vicinity, greenbelt, on-street parking and the fact that all of the units are only one bedroom, approval of the parking reduction should be granted.

Motion

Move to approve DRH11-00133 with staff's findings and recommended conditions of approval.

DRH11-00133

1"=300'



S. DALE ST.

S. LA POINTE ST.

W. SHERWOOD ST.

S. LUSK ST.

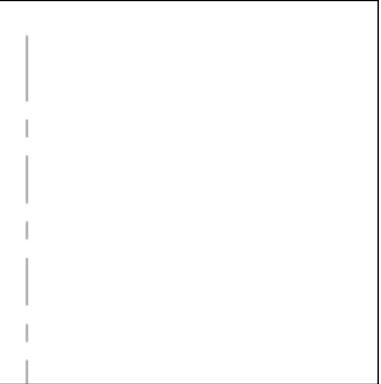
W. ROYAL BLVD.

S. CAPITOL BLVD.





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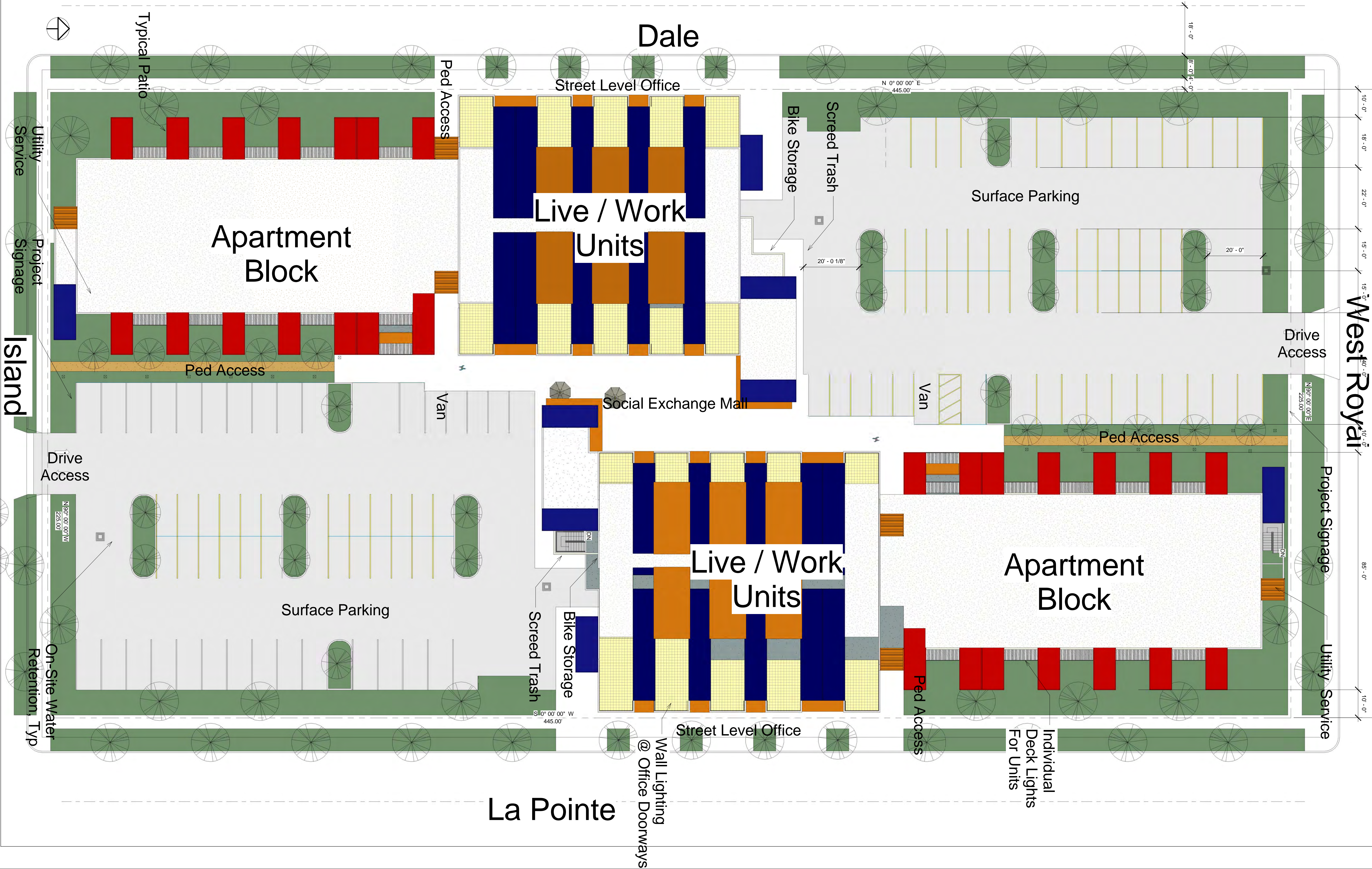


Project Status		
No.	Description	Date

Client:	Applicant Glenn Levie	
	1005 W Royal Blvd Boise, ID	
Project:	Address:	
	Boise, ID	
Project:	Name:	
	Royal Cubes Residential / Office	

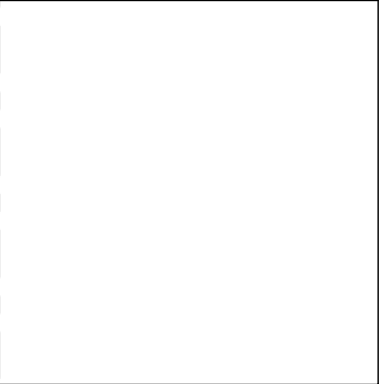
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Date:	Issue Date
Drawn by:	Author
Checked by:	Checker

DR-1
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Plot Date: 7/21/2011 1:35:48 PM





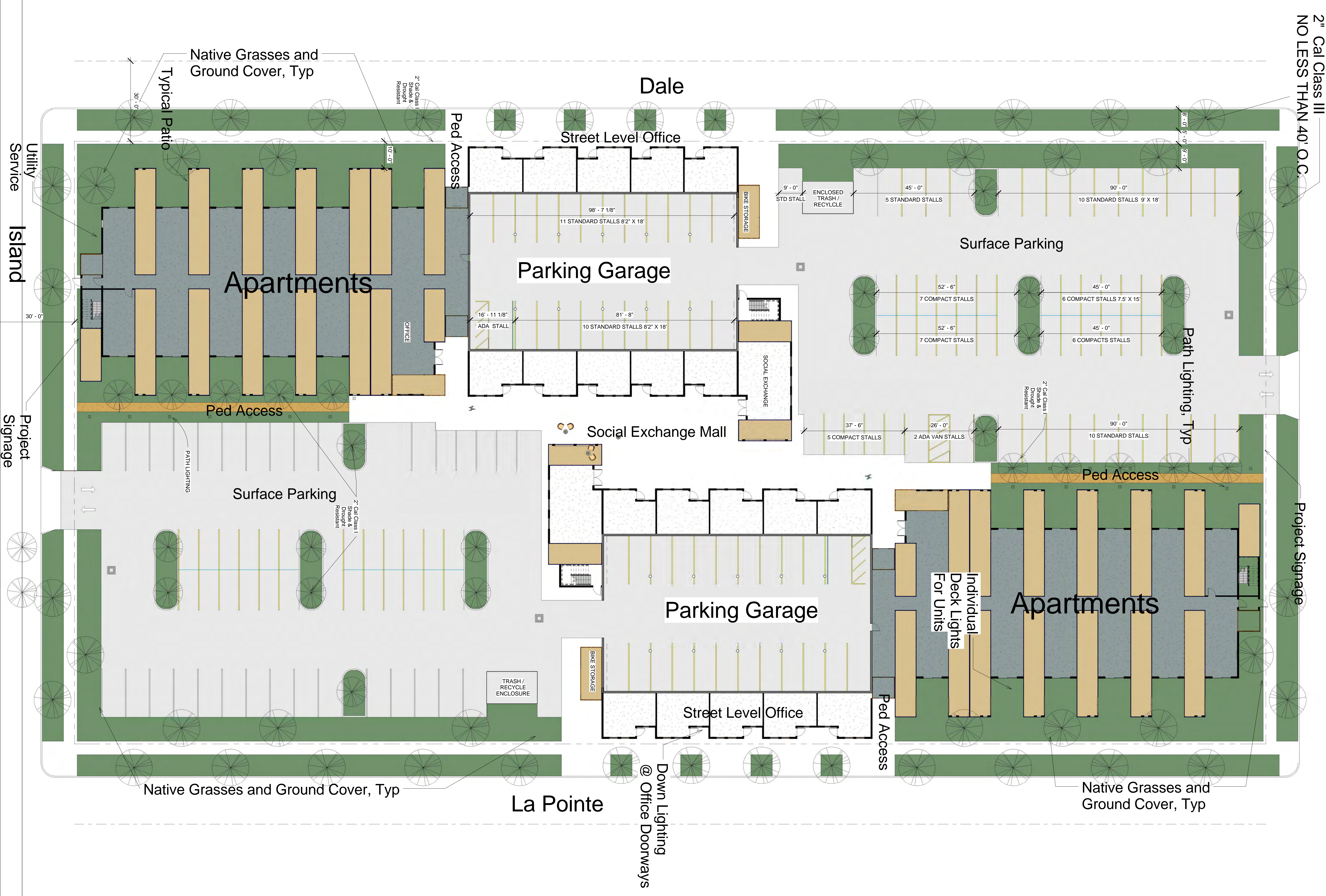
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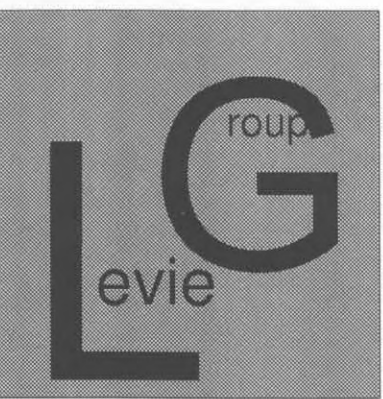
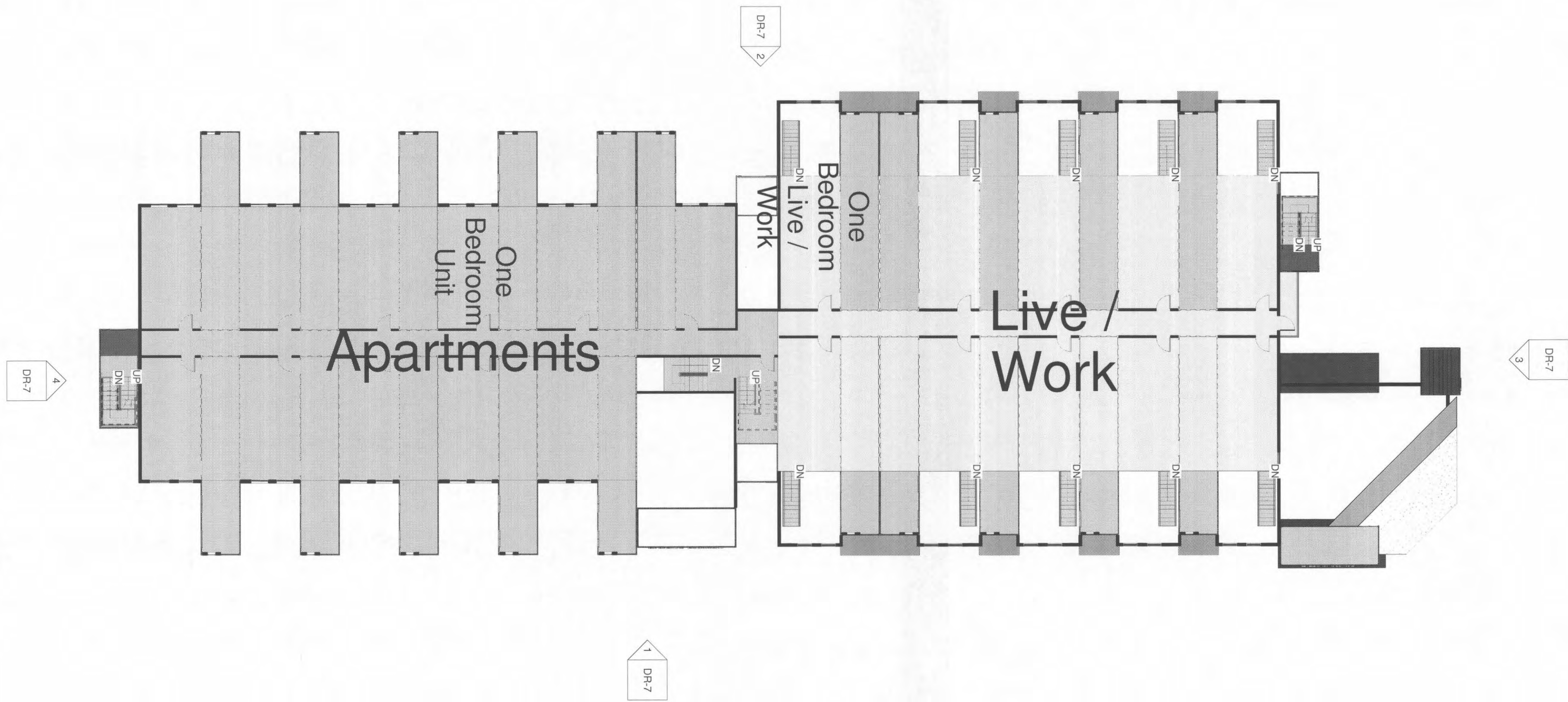


Project Status		
Project Status		
No.	Description	Date

Client:	Applicant Glenn Levie	
	1005 W Royal Blvd Boise, ID	
Project Address:	Royal Cubes Residential / Office	

Ground Level / Landscape Lighting	
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
DR-2	
Scale	1/16" = 1'-0"
Plot Date	7/21/2011 1:36:48 PM





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Project Status
Project Status

No.	Description	Date

Client: **Applicant Glenn Levie**
Project Address: **1005 W Royal Blvd
Boise, ID**
Project Name: **Royal Cubes Residential / Office**

Second Level
Detail

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

DR-4

Scale	1/16" = 1'-0"
Plot Date	6/19/2011 2:05:04 PM



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Project Status
Project Status

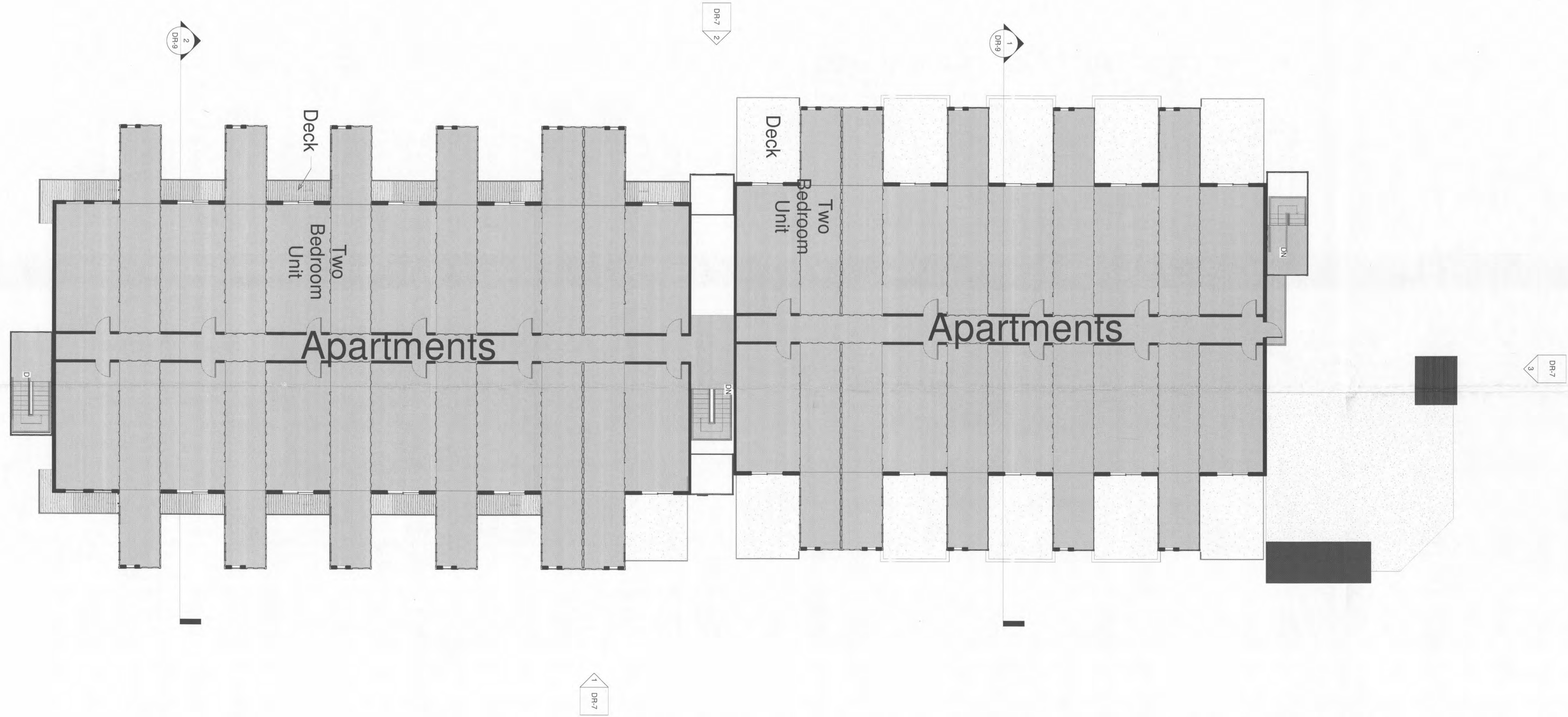
No.	Description	Date

Client: **Applicant Glenn Levie**
Project Address: **1005 W Royal Blvd
Boise, ID**
Project Name: **Royal Cubes Residential / Office**

Third Level
Detail

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

DR-5
Scale 3/32" = 1'-0"
Plot Date 6/6/2011 1:44:48 PM



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DRH11-00133



① East
3/32" = 1'-0"

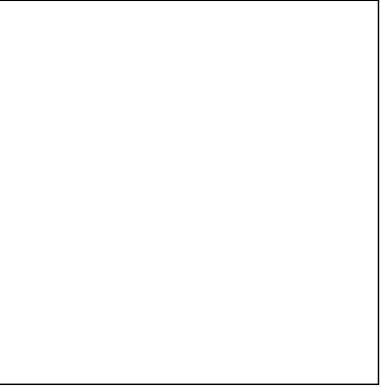


③ North
3/32" = 1'-0"



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Project Status
Project Status

No.	Description	Date

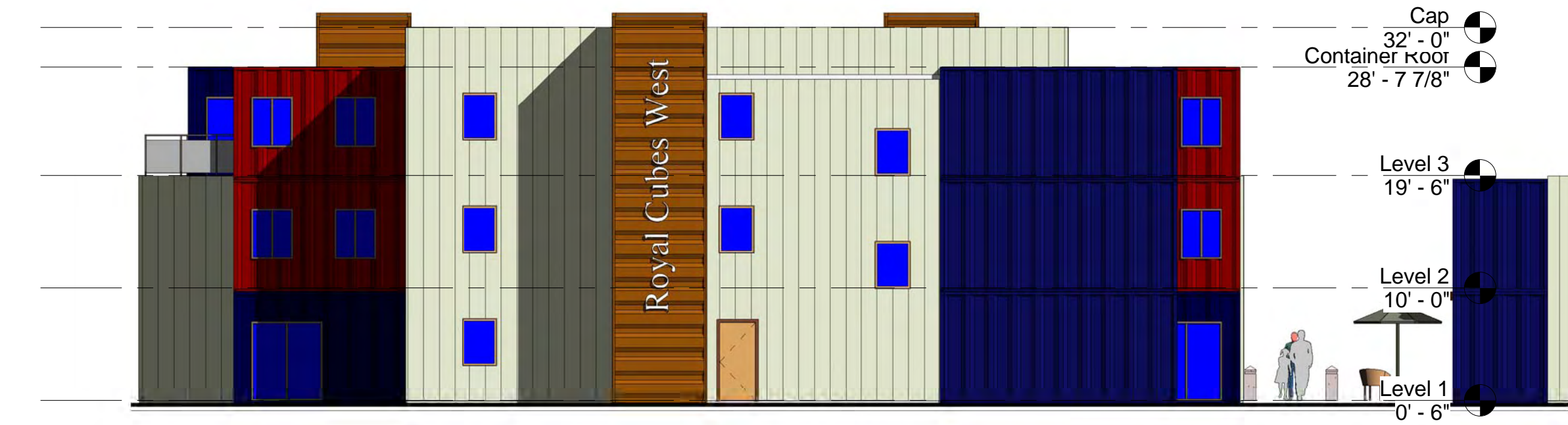
Client:	Applicant Glenn Levie 1005 W Royal Blvd Boise, ID	Project Name:	Royal Cubes Residential / Office
Project Address:			

Elevations	
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

DR-7	
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Plot Date	7/21/2011 1:15:05 PM



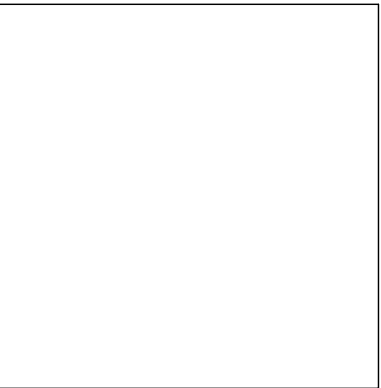
① West
3/32" = 1'-0"



② South
3/32" = 1'-0"



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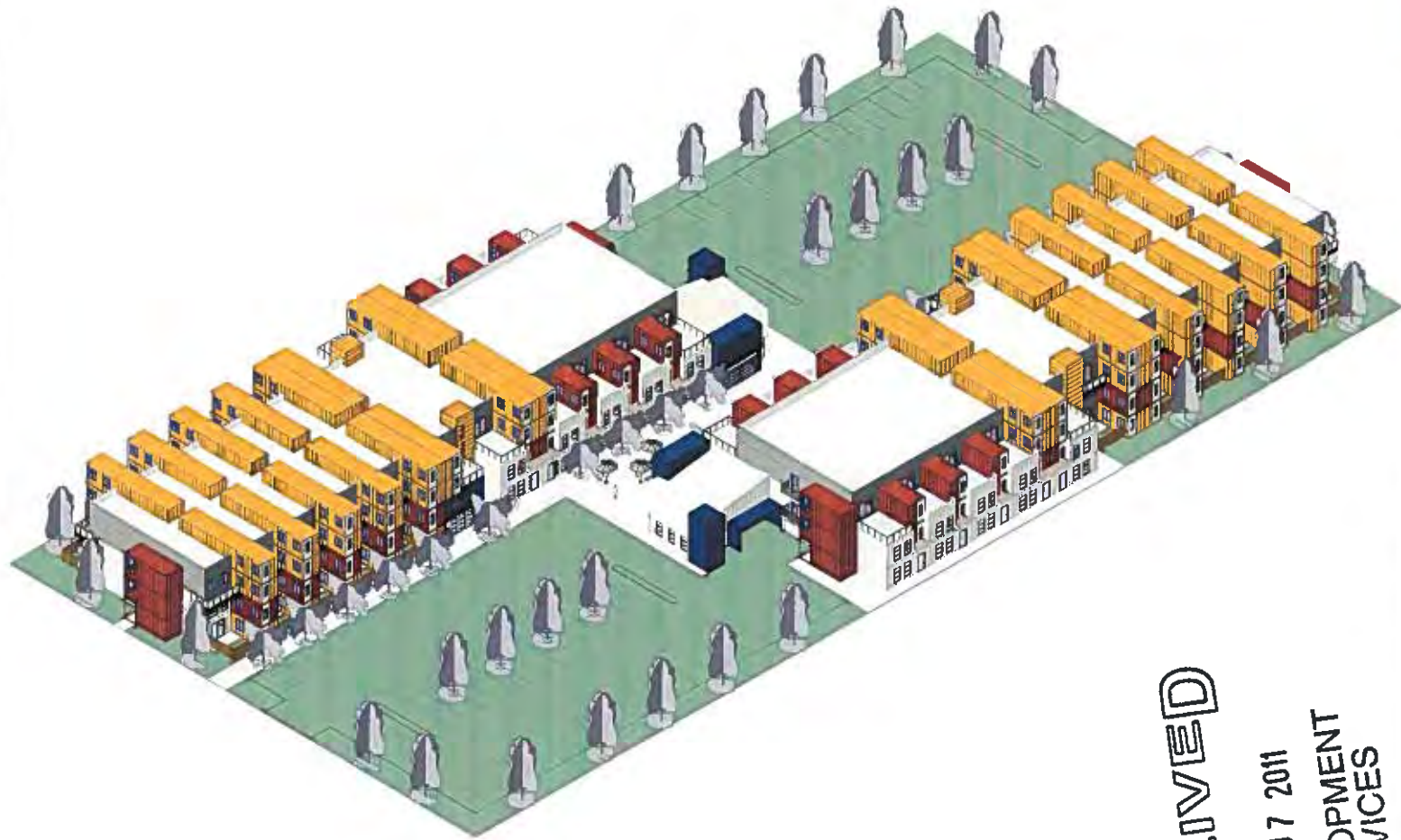


Project Status
Project Status

No.	Description	Date

Client: Applicant Glenn Levie	Project: Address: 1005 W Royal Blvd Boise, ID	Project: Name: Royal Cubes Residential / Office
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Unnamed	
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
DR-7.1	
Scale	3/32" = 1'-0"
Plot Date	7/21/2011 1:28:59 PM



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Project Status		
No.	Description	Date

Applicant Glenn Levie
1005 W Royal Blvd
Boise, ID

Royal Cubes Residential / Office

Client: **Applicant Glenn Levie**
Project Address: **1005 W Royal Blvd, Boise, ID**
Project Name: **Royal Cubes Residential / Office**

Overview

Project Number: **DR-8**
Date: **JUN 07 2011**
Drawn by: **Author**
Checked by: **Checker**

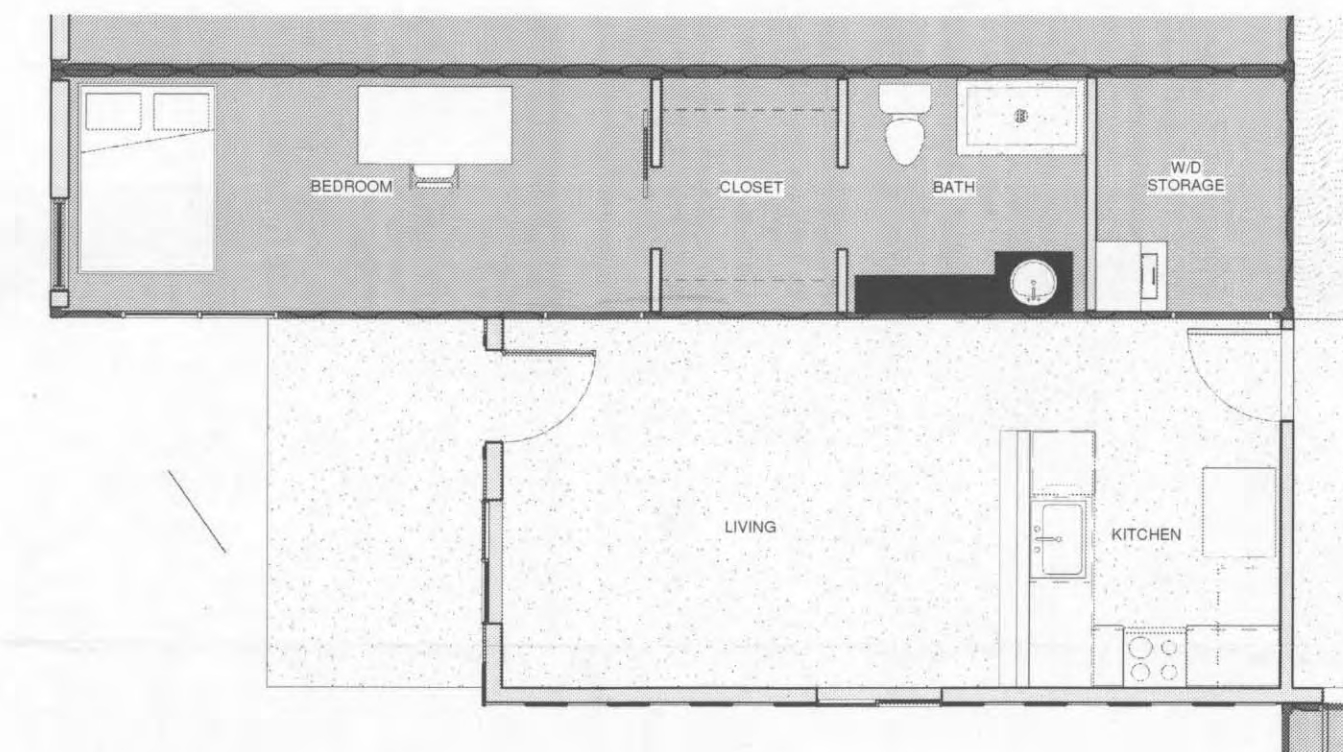
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Plot Date: **6/6/2011 1:49:50 PM**

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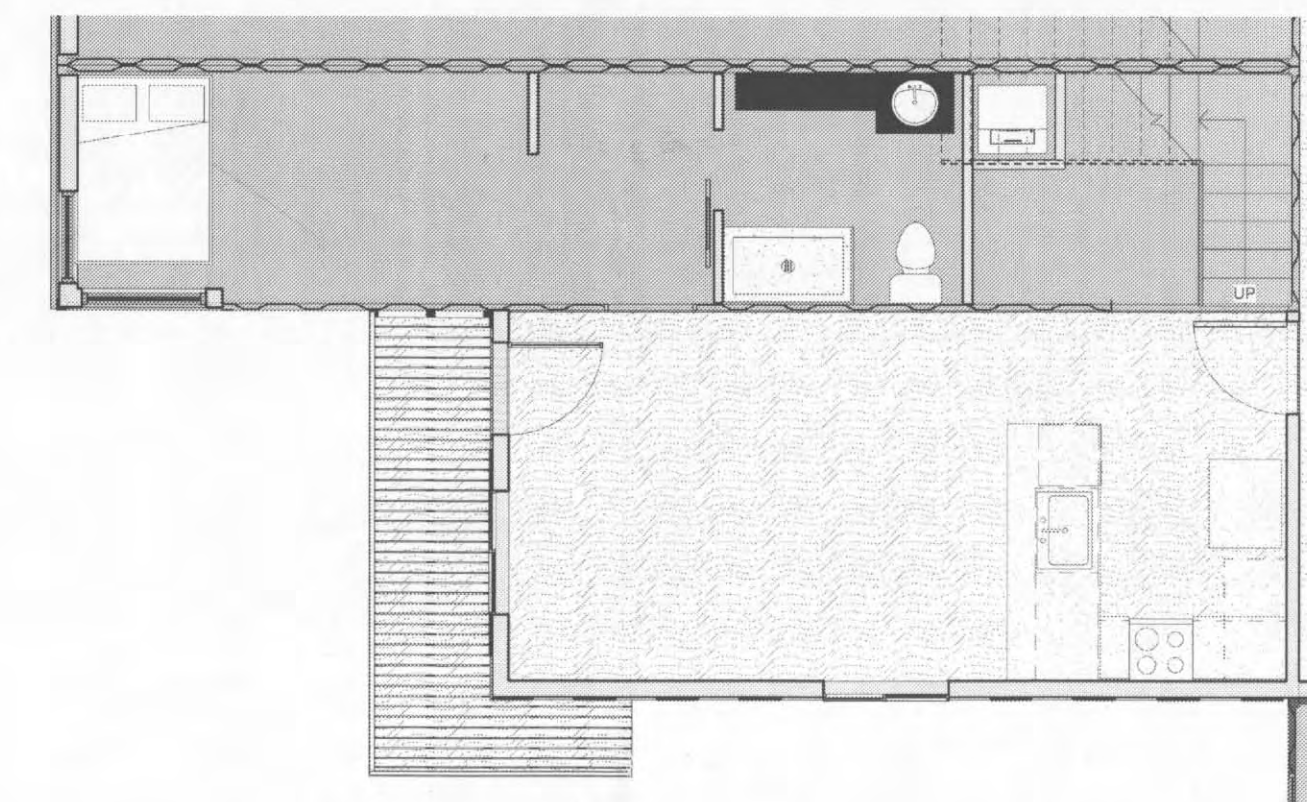
DRH 11 00133



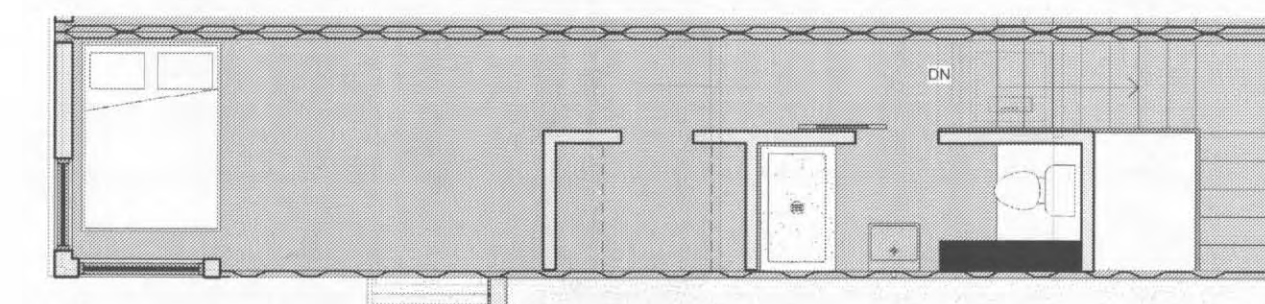
① Cutaway View



② One Bedroom Unit
1/4" = 1'-0"



③ Upper Level Two Bedroom
1/4" = 1'-0"



④ Second Floor Two Bedroom
1/4" = 1'-0"



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Project Status
Project Status

No.	Description	Date

Royal Cubed Partners
Royal Ave
Boise, ID
Project Name: Royal Cubes Mixed Use

Client:
Project:
Address:
Project Name:

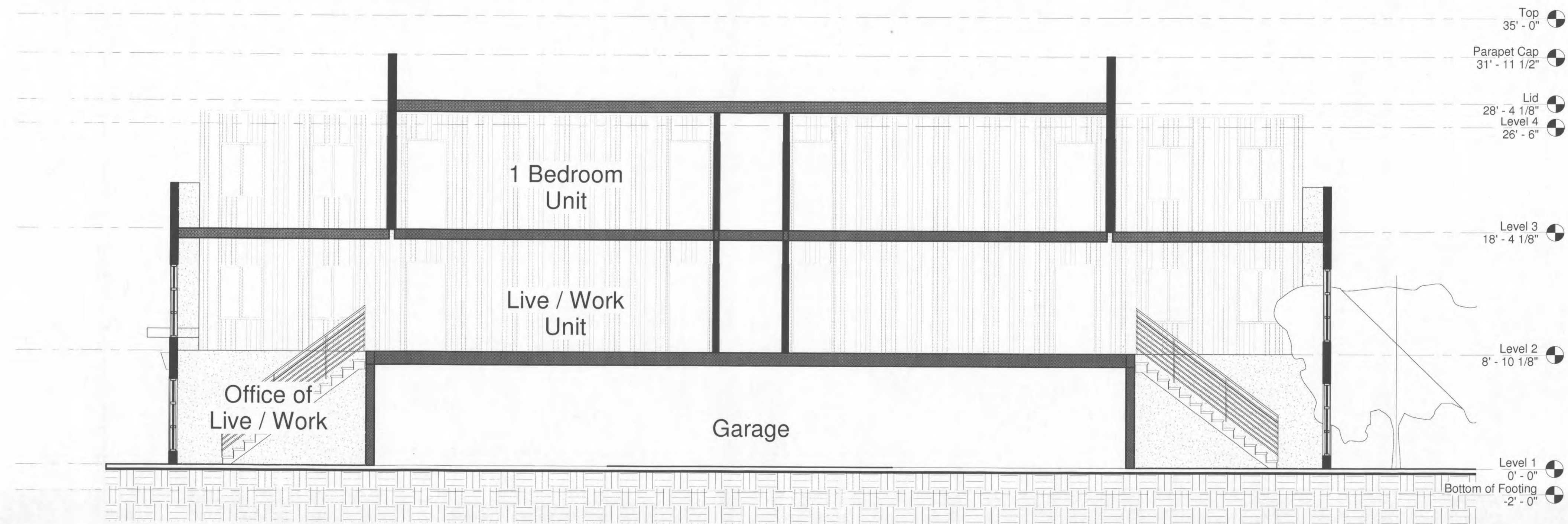
Cut-Away View

Project number Project Number
Date Issue Date
Drawn by Author
Checked by Checker

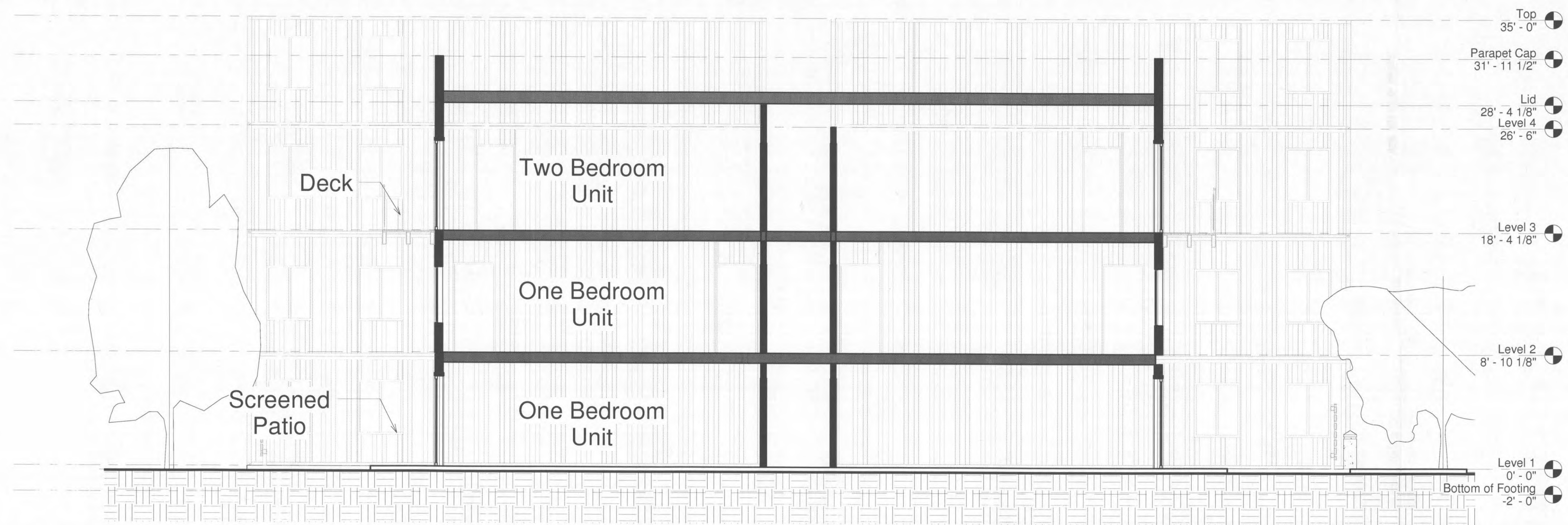
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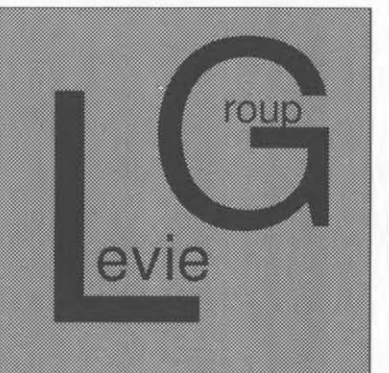
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① Section 1
3/16" = 1'-0"



② Section 2
3/16" = 1'-0"



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Project Status
Project Status

No.	Description	Date

Client: **Applicant Glenn Levie**
Project Address: **1005 W Royal Blvd
Boise, ID**
Project Name: **Royal Cubes Residential / Office**

Sections

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

DR-9

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DRH11-00133



Site looking northeast



Looking Northwest



Looking North



Looking West



Looking South



South along Dale



North along Dale



East along Island



West along Island



East along Royal



West along Royal



South along LaPointe



Royal east of the project site



Island east of the project site



Streetscape at apartments to the west



Buildings visible from property



Fraser Vineyard on LaPointe



Office Building on LaPointe



House of Wheels on LaPointe



1014 LaPointe



House of Wheels on LaPointe



Buildings on LaPointe



Southeast corner of Island and LaPointe

LEVIE ARCHITECTURAL GROUP

an Idaho PLLC



1005 Royal Design Review Intent / Philosophy of the Project

Taking advantage of an opportunity within a mixed used land zone, it is the intent of this development to create a socially responsible development.

By this, the project will be designed to reduce the carbon footprint of typical building construction and create a social interactive community through diversity of activities, encouraging collaboration between dwellers and the surrounding community.

Construction of the project will be a hybrid of recycled shipping containers and conventional wood frame construction with the emphasis on maximizing sustainable building materials. The shipping containers will be utilized for their structural strength. The balance of the materials will be for infill purposes.

The project is designed to meet the needs of professionals seeking a live work environment near the university. The project additionally should attract students and others looking to interact with their neighbors.

The site consists of social enclosed and open areas in and around ground level office space to help foster this interaction. Half of the office spaces create a liner plaza, book ended by activity centers, providing activity throughout the day and into warm summer evenings as well. The balance of the office space will have direct contact with the streets and surrounding environs.

The emphasis on the unit mix will be one-bedroom units, live work units with a small balance of two bedroom units.

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DRH 11 00133

Sarah Schafer - both light and dark are hardi plank

From: Levie Architectural <leviearch@me.com>
To: Sarah Schafer <SSchafer@cityofboise.org>
Date: 8/3/2011 3:31 PM
Subject: both light and dark are hardi plank

the dark was cut on a C&C router, the same machine that cuts kitchen cabinets.



IMG_4677.JPG

Sarah Schafer - Hardi Plank 16" wide verticle application

From: Levie Architectural <leviearch@me.com>
To: Sarah Schafer <SSchafer@cityofboise.org>
Date: 8/3/2011 3:30 PM
Subject: Hardi Plank 16" wide verticle application



IMG_4674.JPG



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Planning Division Staff Report

File Number	DRH11-00133
Applicant	Glenn Levie
Property Address	1005 West Royal Boulevard
Public Hearing Date	August 10, 2011
Heard by	Design Review Committee
Analyst	Sarah Schafer

Public Notification

Newspaper notification published on: June 28, 2011
Radius notices mailed to properties within 300 feet on: June 28, 2011
Staff posted notice on site on: June 16, 2011

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1. Project Data and Facts

Applicant/Status	Glenn Levie / Architect
Architect/Representative	Glenn Levie / Levie Architectural Idaho PLLC
Location of Property	1005 West Royal Boulevard
Size of Property	2.3 Acres
Present Zoning and Land Use	R-OD (Residential Office with Design Review)
Description of Applicant's Request	Approval of a 108 unit apartment complex with live/work units and related site improvements.

2. Land Use

Description and Character of Surrounding Area
The area is currently developed with truck/bus operations which are not in use. This use is typical of an industrial area. There are minimal improvements to the public right-of-way and lack of landscape. In early 2000 the property to the west developed with apartment buildings. With the installation of the apartments there was the addition of curb, gutter, sidewalk and landscape improvements the City would like to see continued throughout the area.

Adjacent Land Uses and Zoning

North:	Truck loading and unloading lot / R-OD
South:	Bus Storage / R-OD
East:	Office uses/ C-2D
West:	Apartments / R-OD

Site Characteristics

The site currently contains three structures which would be removed with this development application. The parcel has been used for truck loading and unloading. There is no prominent vegetation which would need to be maintained. There is on street parking surrounding the site.

Special Considerations

The project is located within the floodplain. The applicant will be required to submit for a floodplain and river system permit prior to issuance of a building permit. [See Memorandum dated June 13, 2011 from Jim Wylie of the Boise City Public works department.](#)

History of Previous Actions

DR-166-74 – Approval of a sign for Browning Freight Line.
DR-196-74 – Approval of security fencing for Browning Freight Line.

3. Project Proposal

Site Design

Land Use	
Percentage of the site devoted to building coverage:	36%
Percentage of the site devoted to paving:	51%
Percentage of the site devoted to landscaping:	13%
Other:	0%
TOTAL	100%

Parking

Proposed		Required	
Handicapped spaces proposed:	5	Handicapped spaces required:	6
Total parking spaces proposed:	162**	Total parking spaces required:	173*
Number of compact spaces proposed:	66	Number of compact spaces allowed:	73
Bicycle parking spaces proposed:	20	Bicycle parking spaces required:	19
Parking Reduction requested?	No	Off-site Parking requested?	No

*Parking is calculated at 1.5 spaces per unit ($108 \times 1.5 = 162$) plus 1 guest space for every ten residential units (11) for a total of 173 spaces.

** As part of the application, the applicant has requested a parking reduction. The parking reduction is less than 10% of the overall required parking. In order to obtain the parking reduction the project must meet the requirements of Section 11-10-04.03 states:

An application for a reduction of parking shall include the following;

- A. A parking study documenting a reduction need for parking.*
- B. List and schedule of major parking events.*
- C. A detailed site plan and parking counts.*
- D. A description of available public transit services.*
- E. A description of available on-street parking.*

The applicant was initially proposing restricted parking with this application. In an e-mail to staff dated June 30, 2011, the applicant stated they no longer wished to include the restricted

parking in the application. The applicant is aware through e-mails and phone conversations with staff that restricted parking would require a 20% increase in parking provided for public use.

Setbacks

<i>Yard</i>	<i>Building</i>		<i>Parking</i>	
	<i>Required</i>	<i>Proposed</i>	<i>Required</i>	<i>Proposed</i>
Front (LaPointe)	10'*	3'2" canopy	10'	10'
Street Side (Royal)	10'*	5'	10'	10'
Front (Dale)	10'*	3'2" canopy	10'	10'
Street Side (Island)	10'*	5'	10'	10'

*The ordinance allows 50% of the building to encroach 80% into the setback. This would allow for a 2 foot setback for 80% of the building façade along that street frontage.

Fencing

Recycled plastic is proposed for the fencing. The applicant has indicated on the rendered elevation that the product will be a Trex warm gray 1 x 4 screen.

Outdoor Lighting

The site plan indicates there will be individual deck lights for the units, there will be wall lighting at the office doors and there will be typical path lighting. As a condition of approval it will be required that cut sheets with heights for the pathway lighting are supplied prior to submittal for a building permit.

Structure(s) Design	
Number/ Proposed Use of Buildings	There are two buildings to be constructed each housing 54 residential units with those at the ground level containing a live/work component with covered parking in behind.
Maximum Building Height	35'
Number of Stories	4
Square Footage	50,200 per building

4. Zoning Ordinance and Comprehensive Plan

Zoning Ordinance Sections	
11-7-3.1	Objective – Site Design A - E
11-7-3.2	Objective – Structure Design A - F
11-7-3.3	Adopted Plans and Design Guidelines

Comprehensive Plan Sections	
7-2-2	Residential Development
8-11	Landuse policies for the Central Bench Planning Area

5. Analysis/Findings

The project is the construction of a 108 unit apartment partially constructed out of used shipping containers. The three story structure will have one bedroom units with up to 20 of the units able to be used as live/work spaces. The project will consist mostly of surface parking with some structured parking tucked in behind the first floor of the live/work units.

The use of shipping containers in construction is becoming more widely used. The product type is ranging from high end single family residential to temporary housing. The high end residential uses the shipping containers as a focal point of the architecture for material and space definition as well as durability. While the temporary housing uses it because of the availability, durability and the ease of moving the units from one location to the next. Some countries have used the shipping containers for student housing. Each container is an individual unit. This project is much different from a project such as this because it is also utilizing stick built construction with the shipping containers. The shipping containers are not the only portion of the residential units.

Comprehensive Plan

The property is located in the Central Bench planning area of the comprehensive plan. Objective 8.12.4 states *Higher-density housing, in conjunction with supporting retail services, shall be promoted in the area between Capitol Boulevard and Ann Morrison Park. The principles and standards of New Urbanism shall be promoted.* The proposed development meets these standards by placing the buildings at two opposite corners of the site. Staff had the applicant take an alternate look at the project by placing the parking mid-block and having the buildings run more along Island and Royal. When reviewing the project in the alternate layout which we thought might meet the New Urbanism standards in a

truer sense, the parking became a much larger focus of the project and the pedestrian connectivity through the parcel was greatly reduced. It became even more difficult to meet the parking requirements.

The design the applicant is moving forward with provides buildings at the southwest corner and the northeast corner of the sites with parking at the northwest and southeast. Splitting the parking into two sections and providing parking in behind the “work” portion of the live/work units de-emphasizes it. Staff believes the design as presented meets the goals of the Comprehensive Plan for high-density housing at 108 units and the guidelines for new urbanism site planning.

The Surrounding Area

The site is bounded by Royal to the north, Dale to the west, La Pointe to the east and Island to the south. The project area is a mixture of residential, office and old industrial uses. There are several lots with large expanses of unimproved parking and storage areas for the existing businesses. Ann Morrison Park is within one block of the development.

The new residential development to the west constructed attached curb, gutter and sidewalk along Dale and Royal. The remainders of the blocks immediately surrounding the project do not contain these improvements.

There is very limited development of landscape within the area except for the residential development to the west along with the park. There is no street, parking lot or site trees developed within the area.

Site Layout and Circulation/ Parking/ Pedestrian and Bicycle Facilities

Access

The buildings are oriented to Dale and La Pointe with parking for approximately 38% of the street frontage. The access to the surface parking lot is located approximately mid-block on Royal and Island. The access point is 22’ in width and doesn’t show the radius and intersection with the streets. ACHD in their memorandum to the City and copied to the applicant has stated the access point will be required to be constructed as a 20’ wide driveway.

Parking

The project provides both surface and structured parking. The parking stall dimensions within the structured parking are 8’ or 9’ in width and 18’ in length with a 22’ back up area. There is approximately five additional feet left over at the end of each parking aisle within the garage. Section 11-10-03.02 A states the minimum dimensions for structured parking stalls is 8’ by 18’ therefore with the current design the ordinance requirements are met. There are 22 parking spaces within each of the two parking structures.

The access aisles within the surface parking lot are 20' in width with drive aisles to be used for back up space as 22'.

The surface parking lots are currently designed for 59 parking spaces each. The dimensions of the spaces meet the minimum zoning ordinance requirements. The parking stall lengths have been reduced to 18' along the perimeter of the lot. The 10' setbacks along the streets are large enough to handle the bumper overhang and the landscape required in this area. The landscape adjacent to the sidewalks is also large enough to handle the bumper overhangs. The parking stalls interior to the surface lot are compact parking stalls with a length of 15'. The ordinance allows for 40% of the parking stalls to be compact and the project only contains 38%.

Section 11-04-05.06 H requires open-air parking areas adjacent to street side yard setbacks to be landscaped and screened. A three foot wall shall be constructed adjacent to the parking area with vegetation to soften portions of the wall and to provide additional screening of the parking beyond. The screen can also take place with continuous landscape to a three foot height.

Parking Reduction Request

As part of the application, the applicant has requested a parking reduction. The parking reduction in less than 10% of the overall required parking. In order to obtain the parking reduction the project must meet the requirements of Section 11-10-04.03 states:

An application for a reduction of parking shall include the following;

- A. A parking study documenting a reduction need for parking.*
- B. List and schedule of major parking events.*
- C. A detailed site plan and parking counts.*
- D. A description of available public transit services.*
- E. A description of available on-street parking.*

All of the units in the apartment complex are one bedroom units. The possibility of there being two cars for each unit is going to be the exception more than the rule. There is limited square footage in each unit so more than two tenants per unit is unlikely. The property is parked at 1.5 parking spaces per unit and meets the base requirement of the ordinance. The ordinance also allows for guest parking at 1 space per 10 units. The applicant is asking for the reduction of the 11 spaces this would provide.

There would be no major events associated with this development so there is no additional information needed for item B. The use of the property would require additional parking based on this item.

The site plan and parking counts have been included in the staff report and are shown on the drawing indicated as sheet "DR-2". There is a combination of surface parking and covered

or structured parking proposed for the site. The covered parking is in the buildings tucked behind the “work” portion of the live/work units. The spaces are not designated parking spaces and are able to be occupied on a first come/first serve basis.

There is available public transportation in the area. Valley Regional Transit provides bus service within a quarter mile walking distance from the site along Capitol and 9th Streets. Additional bus services can be found on the BSU campus which is within walking distance. There is also a shuttle that runs from this area over to BSU. The greenbelt is located just north of the property allowing for easy access to the park system, BSU and downtown.

All of the streets surrounding the property allow for on-street parking. The area is highly used by BSU students and the apartments to the west for on-street parking. The businesses to the east of the property also utilize the on-street parking directly in front of their businesses. Even though the on-street parking is currently highly used, it is available.

Staff believes the applicant has met the requirements for the parking reduction listed in the application. A condition requiring that a minimum of 162 parking spaces be made available on site will be listed.

Bicycle

Bicycle parking has been provided adjacent to the parking area and relatively near the entries to the live-work units. The standard for bicycle parking is one space for every ten vehicle parking spaces. The ordinance also requires the bicycle parking spaces to be located within 50’ of the building’s main entry. In this instance, staff believes the location proposed for bicycle storage is appropriate.

Pedestrian Facilities

The pedestrian access to the site is through the public sidewalk system. Ada County Highway District has approved the attached sidewalks shown on the original application submittal. The applicant has changed the sidewalks to a detached sidewalk at the request of the City. The detached sidewalk provides for a more comfortable environment encouraging people to walk to some of their shorter destinations instead of driving. This also provides the opportunity to construct a tree lawn with street trees providing more shade and a better living environment. Staff believes a comfortable pedestrian environment is very important for this area with the proximity to the University, Ann Morrison Park and public transportation systems there will be a lot of foot traffic.

Royal Boulevard is a highly used access point into Ann Morrison Park. With future development plans in this area, the City is anticipating a high amount of foot traffic along the Royal Boulevard sidewalk adjacent to this property. With the foot traffic a wider sidewalk would be appropriate to accommodate the additional pedestrians. Staff has recommended a condition of approval requiring a minimum 10’ tree lawn and an 8’ sidewalk to accommodate the additional pedestrians. The additional feet needed to meet this requirement can be taken

from the Island streetscape allowing for a smaller tree lawn and Class II trees at that end of the project.

Landscape

The landscape for the project is very conceptual. The only indication for the landscape is the placement of Class III street trees, approximately 27 along the four street frontages. Native grasses and ground cover are indicated for the setbacks.

Street Trees

Section 11-13-04.04 requires a minimum of five different tree species when over 50 trees are used on a site. One species can not amount to more than 40% of the total trees.

Section 11-13-06.01 C requires 1 street tree for every 40' lineal feet of street frontage. There are 34 street trees required as part of this application. There are 49 street trees indicated on the site plan. The landscape plan shows there is a ten foot setback along the parking areas. In these areas a Class III street tree can be required. The larger trees will provide a great tree canopy over these streets in the future.

With the requirement for a tree lawn in this area, street trees will be required in conjunction with vegetation along the back of the sidewalk. Staggered trees along the sidewalks would be appropriate as shown in the plans. The requirements need to be met in conjunction with the requirements of the memorandum from Ryan Rodgers, Forestry Specialist dated June 16, 2011 indicating the use of Class II or Class III street trees at a spacing of 30' to 40' respectively. Though there are already a lot of street trees shown on the application, staff would recommend at least one maybe two additional trees along the Royal and Island Street frontages near the access points.

The streetscape where adjacent to the live/work units has been modified to include trees within tree grates instead of a tree lawn and detached sidewalk. This provides for a different look at the live/work units to help in their identification. The minimum dimension for tree grates is 36 SF. The City prefers to see 6' by 6' dimensions at a minimum. The 8' by 8' grates shown by the applicant exceed the range and will provide for a healthier tree.

Interior Trees

Along the pedestrian access and the social exchange mall, landscape has been shown on either side of the sidewalk. Trees are located along the parking lot side of the sidewalk. The landscape plan shall show the plantings at the base of the building prior to building permit application for staff to approve.

Parking Lot Trees

Section 11-13-07 provides the requirements for the planters within the parking fields. Planters within the parking lot are to be used to delineate the traffic lanes and shall be designed with a minimum internal dimension of 8' for a Class II tree or 10' for a Class III tree. The planters are also required to be the length of the adjacent parking stalls. No

grouping of parking is allowed to exceed 10 spaces in a row without containing a planter island and the planters shall be spaced as evenly as possible. Each planter which serves a single row of vehicles shall include one tree with low shrubs or vegetative ground cover. Each planter which serves a double row shall contain two trees with the low shrubs or ground cover. Light poles are prohibited from being placed within the required landscape islands.

The plans submitted on July 21, 2011 meets these parking lot layout requirements and will provide for softening of the concrete along with the vegetation at the perimeter.

Planter Beds

Planter beds or some kind of vegetation should be installed at the base of the building to soften it. The planter beds should be indicated on the landscape plan with the number and species of each specimen called out.

Plaza

There is an interior courtyard labeled as the "Social Exchange Mall" abutting the live/work units. The area is 17' in width at its smallest location and 34' at its widest and approximately 51' in length with strong pedestrian connections along the north/south access lines. Secondary access points run along the west/east access through and around the building. The original plaza plan shown for the site included trees within tree grates to help provide shade and softening of the plaza. Staff suggests the applicant look at adding the trees back into this area.

Trash Enclosures and Mechanical Units

There are two separate screened trash enclosure location on the interior of the site adjacent to the building. Public Works Solid Waste has indicated in their memoranda dated June 8, 2011 that the proposed trash enclosure locations on documents dated received June 7, 2011 did not meet the dimensional requirements or clearances. The revised plans have been sent to Public Works for further comment. The applicant will be required to meet all requirements of Public Works in regard to solid waste removal for the site.

The mechanical equipment is to be mounted on the roof and screened by parapet walls.

Materials

Building Location	Type/Color
Roof:	flat
Exterior Walls:	Metal, fiberboard, vinyl in primary colors and white
Accents/ Trim:	NA
Windows/ Doors:	Vinyl and metal
Mechanical Equipment:	To be screened by parapet wall

The majority of the exterior finish materials can be found on other buildings throughout the area however, they are used in a different form. Many of the existing structures are tilt-up

concrete or siding. The used shipping containers are unusual however it provides a unique design element for the overall structure. Additionally, the applicant is using Hardi-plank siding in a vertical manner and at a width of 16" versus the standard 4" or 6".

The painted shipping containers are a new construction material for Boise. They do add design interest to the project and with a material which will last with the correct application of paint to protect the metal structure. Staff believes the utilization of the material in this area is interesting given the areas use as trucking transfer facilities.

The project is also proposing to use of cement fiberboard. This material is widely used throughout Boise on housing projects. This location is an appropriate use of the material as it has been shown to weather well in our climate.

The last material the applicant has proposed for a finish material is vinyl siding located on the upper portions of the residential units. City Council has approved vinyl siding within the city limits given that the use is limited, the product isn't located in areas where there would be an extreme heat source such as barbecue grills and the product proposed is of high quality meeting minimal thickness and guarantee standards. It will be required that the vinyl product used in this application have a minimum thickness of 0.044 inches and have a warranty which guarantees a minimum of 3 Hunter units fade. Additionally it will be conditioned that the product not be used adjacent to balconies or patio areas where grills, fire pits or other items which may generate extreme heat can be used.

Building Design

The building design is around the re-use of the shipping containers. The containers are stacked three deep for a height of 32', less than the height limit for the zone. The structure joining the containers is finished with cement fiberboard (Hardieplank) at the ground level and vinyl siding at the upper floors.

The R-O has several requirements for the design of the building. They include the requirement for the building to provide modulation of the façade where it is within the 10' setback required by the ordinance. There is to be no wall plan within the setback greater than 20' in length and the modulation must be at least 3' in depth. If this requirement is met, this zone allows for 50% of the setback to be covered by 80%.

The site plan shows modulation in the building façade meeting these requirements. The live/work portion of the building is located at the two foot setback for approximately 13' before it steps back to accommodate the covered entries. The covered entry wall is setback at 6' with the overhang out a couple of inches past the face of the wall set at 2'. The apartment units are all at or beyond the 10' setback required by the ordinance. There is approximately on 42% of the building façade covering 80% or less of the setback.

The apartment only portion of the buildings is located at the corners of the site and are eleven

feet from the front property line. This portion of the building does encroach into the side street setbacks (West Royal and Island). The stair tower is approximately five feet off the property line.

Massing/ Proportions

The massing of the buildings is similar to the other residential buildings in the area. Each building has two separate massings with the live/work units approximately six feet closer to the property line than the apartment building and the main entry. The residential buildings across the street are clustered into pods with similar length proportions.

The height of the proposed structure is different than the residential units to the west however. With this project the floor to floor height is greatly reduced over what would typically be seen in residential construction. The project is able to obtain three complete levels within 32'. The difference in height and massing can also be attributed through the difference in roofline. The residential units to the west have a gable roofline. This project is proposing a flat roof with a parapet. At the live/work unit portion the parapet roofline cants to mimic a shed roofline. This provides added interest to the design. Carrying this element throughout the project would provide a unique and recognizable roofline to the overall development or the change in parapet could be maintain just at the live/work units to provide further delineation between the types of product provided.

Shadow Relief/ Design Interest

There is a lot of design interest in the project ranging from the use of materials to the modulation of the façade. The wall plans along the street frontage and the interior courtyards provide shadow relief. The way the building design is currently set up the shipping container sections would step out closer to the property line with the recessed portions being the wood construction with cement fiber board (Hardieplank) or vinyl siding finish. Additional interest is added through balconies on the upper levels, recessed entries at the live/work units with overhangs and patio spaces for the ground level units.

There is a lot of design interest in this building with the stepping of the walls, changes in height and roofline and materials.

Openings

The amount of openings in the façade is one concern of staff. Currently the apartments are accessed from the interior with outdoor patios or decks facing the perimeter. The live/work units obviously have access at the ground level however in the current design; the doors do not face the street. Staff believes that it is very important for the doors to be easily visible for the project to be successful as a live/work space.

The windows at the live/work units though slightly wider than the windows within the residential only units, are still less than the City would like to see. Storefront windows, reaching down to the ground level to allow for display of products or easy visual access into

the “work” portion of the unit are desired. This too should allow for a more successful marketing of the product.

The side elevations contain very little window but contain a wide range of material, modulation of the wall planes and interest through varying heights. Staff believes the Design Review Committee should consider the side elevations and determine if additional openings are needed.

Relationship of Exterior Materials

The materials have been discussed throughout the rest of the staff report. The use of metal shipping containers is one we haven't seen in Boise. The overall design is one which could be replicated without the actual shipping container with materials available on the market. The Design Review staff and committee are not responsible for the structural integrity of the building. We are responsible for the exterior presence of the structure.

City Council upon an appeal has approved the use of vinyl siding with the condition the vinyl be of high quality and meet certain standards. This application has recommended conditions from staff detailing those standards.

City Council has also been requesting unique design ideas, ones which bring a different look to Boise. This application does that. The one concern is with the project being dated in 10 to 15 years in its exterior appearance. This is something we ask the Design Review Committee to look at closely to ensure we are getting a product which could be remodeled if the design ever became too dated. Staff believes it is possible with this structure however this is not necessarily a bad thing. Most of the time and architect does design to the current trend. If metal exterior of the shipping container is not something we desire in the future, staff is confident a new finish could be added. The structural integrity of the building could remain.

Colors of buildings are easily changed. Though the area is mainly filled with browns this project would not be completely out of balance when looking at the redevelopment of the area. The red, yellow and blues requested by the applicant are of a darker shade (they have brown/black added to them) to darken them. They are not the true primary color. Staff has suggested a condition of approval requiring the applicant to submit color samples for approval.

Summary

Overall, the application meets the requirements of the ordinance with the 10% parking reduction granted. Staff believes the design is new for the area and provides for a different housing type. The mix of architecture and uses is what makes an area interesting. Over the next couple of years, the City is anticipating additional requests for housing in this area and is hoping to provide a mix of units and architectural styles to help create a vibrant community.

Conclusion and Recommended Conditions

Staff finds the project generally complies with Sections 11-7-3.1, 11-7-3.2 and 11-7-3.3 of the Zoning Ordinance and the goals and policies of the Boise City Comprehensive Plan and would recommend **approval** subject to the following conditions:

Site Specific Conditions

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received June 7, 2011 (sections and isometric drawings) and revised June 21, 2011 (upper level floor plans) and July 21, 2011 (the site plan, landscape plan and elevation), except as expressly modified by the following conditions:
 - a. Provide cut sheets for each of the building mounted lighting fixtures. Show locations on the building and indicate number to be used.
 - b. Provide a cut sheet for the pathway lighting fixtures. Indicate height and number of fixtures to be used.
 - c. The building façade shall be modulated at no more than every 20' for a minimum depth of 3'.
 - d. Provide details for the bicycle storage location. Some bike parking spaces shall be located within 50' of the live/work unit entries along Dale and LaPointe.
 - e. The sidewalks adjacent to La Pointe and Dale and Island shall be detached a minimum of eight feet with a five foot sidewalk.
 - f. The street frontage along Island can be reduced to a 6' tree lawn and a 5' sidewalk with Class II trees.
 - g. The sidewalk adjacent to Royal shall be detached a minimum of 8' and have an 8' sidewalk.
 - h. A minimum of five different tree species shall be used for the site. No species is allowed to make up more than 40% of the tree plantings.
 - i. Street trees shall be Class III trees spaced a minimum of 40' on center. Trees may be grouped however the required 34 street trees must be planted. The tree lawn must be finished with a vegetative ground cover.
 - j. Tree grates shall be a minimum of 36 square feet if used in conjunction with the "Social Exchange Mall". The City prefers a standard 6' by 6' grate or larger.
 - k. Light poles are prohibited within the parking lot planters.
 - l. Provide a revised location and elevations for the screened trash enclosure. Elevations shall call out materials and colors.
 - m. A cut sheet shall be provided for the vinyl siding. The vinyl siding shall have a minimum thickness of 0.044 inches and a warranty guaranteed to a minimum of 3 Hunter units fade resistance.
 - n. The vinyl siding shall not be used in areas where extreme heat sources could be present such as balconies or patios.

- o. All non-residential uses and related activities, except parking, shall be conducted within a completely enclosed structure.
- p. A minimum of a 3' wall shall be designed along the street frontages to screen the surface parking areas. Additional landscape shall be installed in these areas as well to soften the wall and the visibility of the parking.
- q. The project shall be brought back to the Design Review Committee under a separate application no later than 80% construction document development in order to ensure compliance with all ordinance requirements.
- r. The project shall provide a total of 162 parking stalls shall be provided. A parking reduction of 11 stalls has been granted with this application.
- s. Color samples shall be submitted to staff for review and approval. The primary colors shall be of a dark shade.
- t. The doors for the live/work units shall face the street.
- u. The windows on the live/work units along the street shall be more of a storefront type where they are closer to the ground to allow for display of product.

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

- 2. 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.
- 3. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers and street lights per department comments dated **June 13, 2011**, and per memorandum from the Solid Waste/Ground Water Manager dated **June 8, 2011**. 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.
- 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. Compliance with requirements as requested by the Ada County Highway District (ACHD) in the memo dated **June 20, 2011**.
- 6. The applicant shall comply with the Boise City Fire Code as required by the Boise Fire Department as outlined in the memo dated **June 16, 2011**.

General Conditions

7. 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.
8. 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.
9. Swales/retention/detention areas shall not be located along the streets, unless it can be shown that landscaped berms/shrubs will screen the swales.
10. 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.
11. 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.
12. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
13. 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.
14. All signs will require approval from the Planning and Development Services Department prior to installation.
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. 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.
18. 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.
19. 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.

Construction Site Requirements

20. 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.



Project/File: DRH11-00133

This is a design review application for a 108-unit apartment/residential office project on 2.3-acres. This site is located on the southwest corner of Royal Boulevard and La Pointe Street, in Boise, Idaho.

Lead Agency: City of Boise

Site address: 1005 W. Royal Blvd.

Staff Approval: June 20, 2011

**Applicant/
Representative:** Levie Architectural Idaho, PLLC
Glenn Levie
17711 Karen Dr.
Encino, CA 91316

Staff Contact: Kristy Heller
Phone: 387-6171
E-mail: kheller@achdidaho.org



Tech Review: June 15, 2011 (via email)

A. Findings of Fact

1. **Description of Application:** This is a design review application for a 108-unit apartment/residential office project on 2.3-acres. The prior use was a truck loading and unloading center, which is currently vacant.

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

Direction	Land Use	Zoning
North	Residential Office District (Boise Terminal)	R-OD
South	Residential Office District	R-OD
East	General Commercial	C-2D
West	Residential Office District (Morrison Park Condos)	R-OD

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 Plan or the District's Capital Improvement Plan (CIP).

B. Traffic Findings for Consideration

1. **Trip Generation (if TIS not required):** This development is estimated to generate 718 additional vehicle trips per day (none existing); 67 additional vehicle trips per hour in the PM peak hour (none existing), based on the Institute of Transportation Engineers Trip Generation Manual, 8th edition.

2. **Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
Royal Boulevard	225-feet	Local	N/A	N/A	N/A
Dale Street	450-feet	Local	N/A	N/A	N/A
Island Avenue	225-feet	Local	N/A	N/A	N/A
La Pointe Street	450-feet	Local	N/A	N/A	N/A

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

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

- There is no average daily traffic count for Royal Boulevard, Dale Street, Island Avenue, or La Pointe Street.

C. Findings for Consideration

1. **Royal Boulevard**

- a. **Existing Conditions:** Royal Boulevard is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 60-feet of right-of-way for Royal Boulevard (30-feet from centerline).

- b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Standard Urban Local Street—36-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the

parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

Appropriate easements shall be provided if public sidewalks are placed out of the right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Half Street Policy: District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- c. **Applicant's Proposal:** The applicant is not proposing any improvements to Royal Boulevard abutting the site.
- d. **Staff Comments/Recommendations:** The applicant should be required to construct Royal Boulevard as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way. Coordinate the drainage design with District Development Review staff.

2. Dale Street

- a. **Existing Conditions:** Dale Street is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 60-feet of right-of-way for Dale Street (30-feet from centerline). There is vertical, curb, and 7-foot wide attached concrete sidewalk on the west side of Dale Street, across from the site.

- b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Standard Urban Local Street—36-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

Appropriate easements shall be provided if public sidewalks are placed out of the right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Half Street Policy: District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- c. **Applicant's Proposal:** The applicant is not proposing any improvements to Dale Street abutting the site.
- d. **Staff Comments/Recommendations:** The applicant should be required to construct Dale Street as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way. Coordinate the drainage design with District Development Review staff.

3. Island Avenue

- a. **Existing Conditions:** Island Avenue is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 60-feet of right-of-way for Island Avenue (30-feet from centerline).
- b. **Policy:**
 - Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Standard Urban Local Street—36-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

Appropriate easements shall be provided if public sidewalks are placed out of the right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Half Street Policy: District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- c. **Applicant's Proposal:** The applicant is not proposing any improvements to Island Avenue abutting the site.
- d. **Staff Comments/Recommendations:** The applicant should be required to construct Island Avenue as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way. Coordinate the drainage design with District Development Review staff.

4. La Pointe Street

- a. **Existing Conditions:** La Pointe Street is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 60-feet of right-of-way for La Pointe Street (30-feet from centerline).

- b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Standard Urban Local Street—36-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

Appropriate easements shall be provided if public sidewalks are placed out of the right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Half Street Policy: District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- c. **Applicant's Proposal:** The applicant is not proposing any improvements to La Pointe Street abutting the site.
- d. **Staff Comments/Recommendations:** The applicant should be required to construct La Pointe Street as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way. Coordinate the drainage design with District Development Review staff.

5. Driveways

5.1 Royal Boulevard

- a. **Existing Conditions:** There is one existing 24-foot wide driveway onto Royal Boulevard from the site located approximately 130-feet west of the intersection of Royal Boulevard and La Pointe Street (measured centerline to centerline).
- b. **Policy:**
 - Driveway Location Policy:** District policy 7207.4.1 requires driveways located near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest street intersection.
 - Successive Driveways:** District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.
 - Driveway Width Policy:** District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.
 - Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, 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.
- c. **Applicant's Proposal:** The applicant is proposing to construct one 20-foot wide driveway onto Royal Boulevard located approximately 120-feet east of the intersection of Royal Boulevard and Dale Street (measured centerline to centerline).
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District Policy and should be approved, as proposed. The applicant should be required to required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

5.3 Island Avenue

- a. **Existing Conditions:** There are no existing driveways onto Island Avenue from the site.
- b. **Policy:**
 - Driveway Location Policy:** District policy 7207.4.1 requires driveways located near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest street intersection.
 - Successive Driveways:** District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.
 - Driveway Width Policy:** District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.
 - Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy,

7207.4.3, 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.

- c. **Applicant's Proposal:** The applicant is proposing to construct one 20-foot wide driveway onto Island Avenue located approximately 120-feet west of the intersection of Island Avenue and La Pointe Street (measured centerline to centerline).
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District Policy and should be approved, as proposed. The applicant should be required to required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

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.

D. Site Specific Conditions of Approval

1. Construct Royal Boulevard as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way. Coordinate the drainage design with District Development Review staff.
2. Construct Dale Street as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way. Coordinate the drainage design with District Development Review staff.
3. Construct Island Avenue as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way. Coordinate the drainage design with District Development Review staff.
4. Construct La Pointe Street as one half of a 36-foot street section with curb, gutter and 5-foot wide attached concrete sidewalk abutting the site within the existing right-of-way. Coordinate the drainage design with District Development Review staff.
5. Construct one 20-foot wide driveway onto Royal Boulevard located approximately 120-feet east of the intersection of Royal Boulevard and Dale Street (measured centerline to centerline), as proposed. Pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.
6. Construct one 20-foot wide driveway onto Island Avenue located approximately 120-feet west of the intersection of Island Avenue and La Pointe Street (measured centerline to centerline), as proposed. Pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.
7. Enter into a license agreement for any landscaping proposed with ACHD right-of-way abutting the site along Royal Boulevard, Dale Street, Island Avenue, or La Pointe Street.
8. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

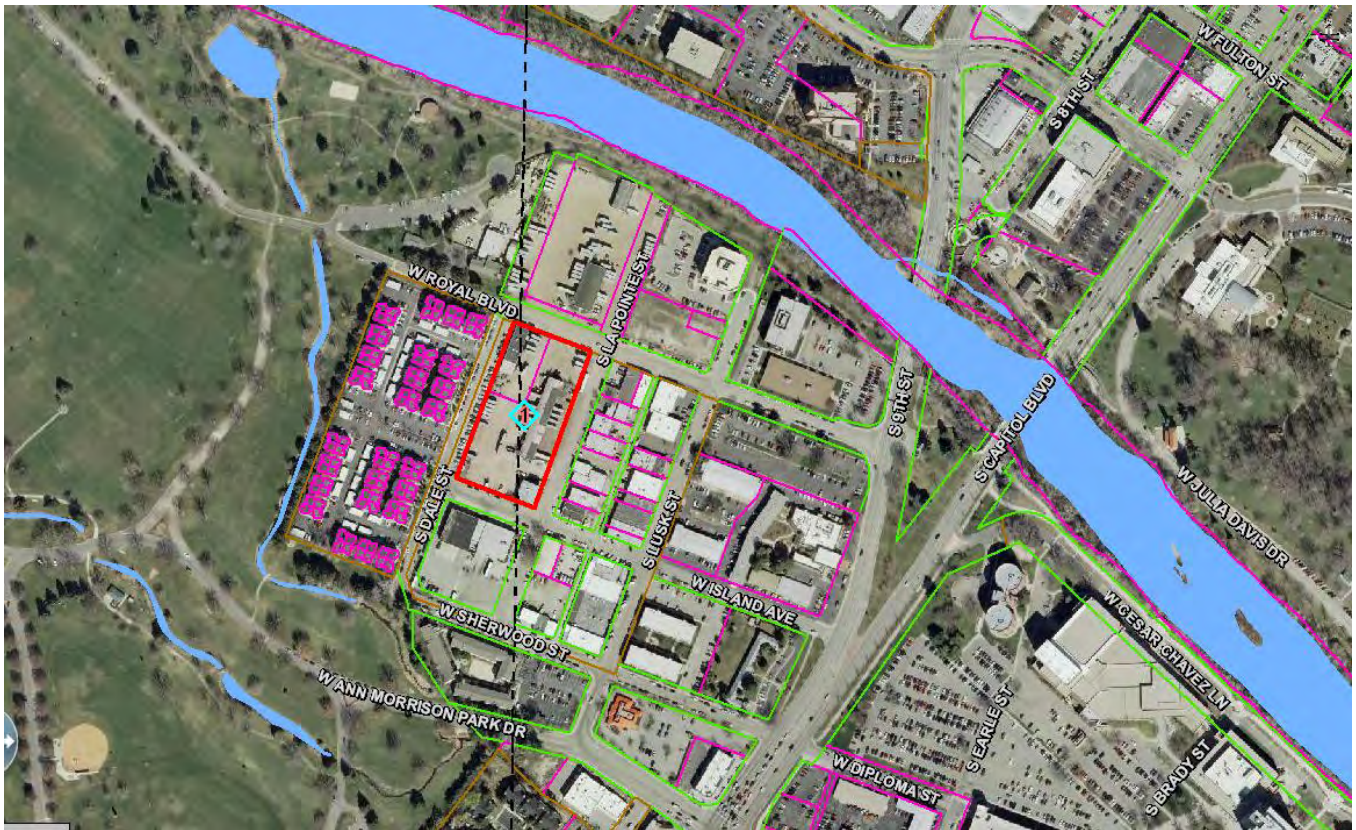
1. Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant 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 application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

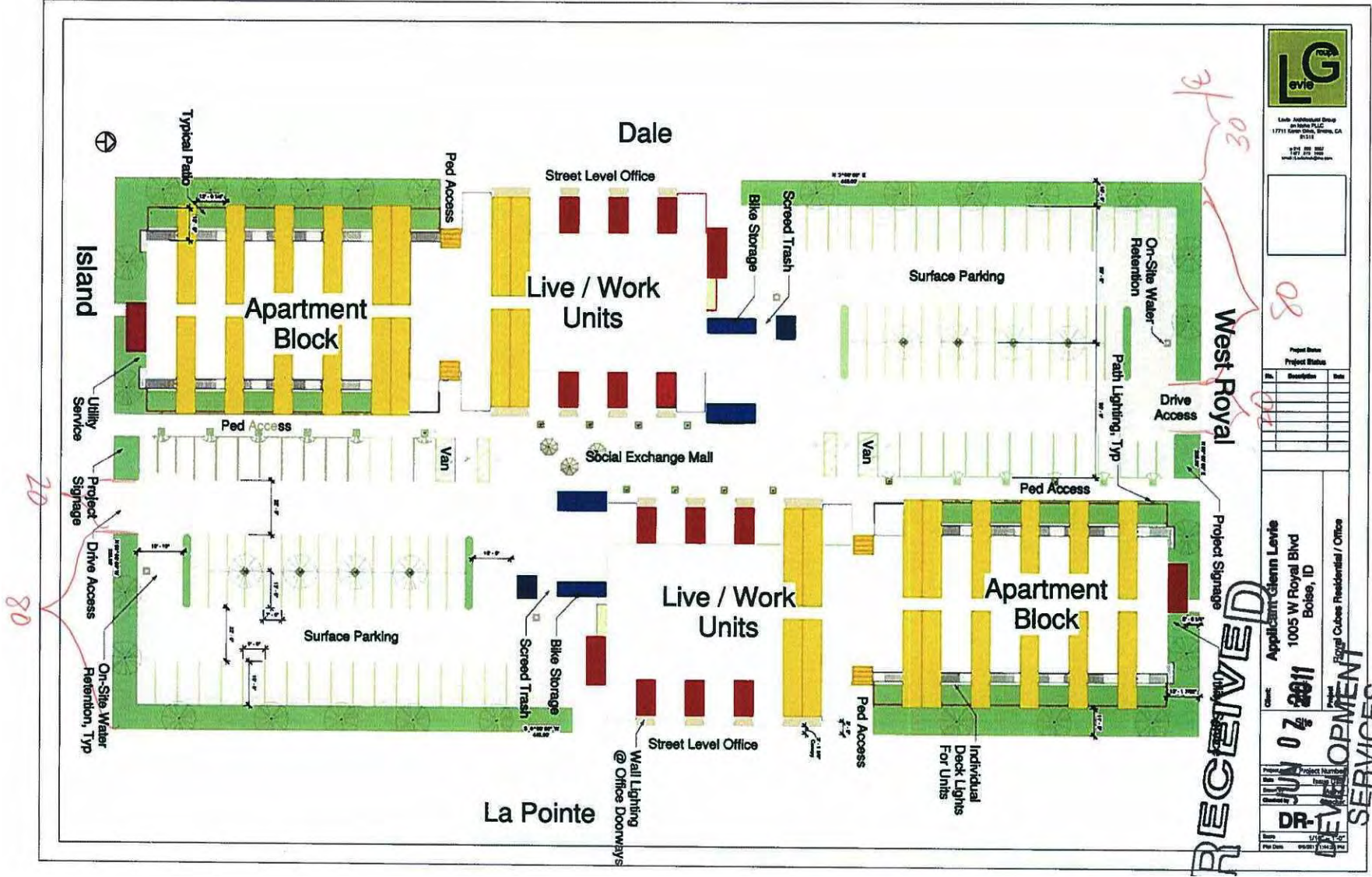
F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

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





Levin Architecture Group
11711 Kerner Blvd., Suite 100
Boulder, CO 80501



Project Name	Project Status

No.	Description	Date

No.	Description	Date

Client: Applicant Glenn Levine
1005 W Royal Blvd
Boulder, CO

Project: Royal Cubes Residential / Office

DR-DEVELOPMENT SERVICES

JUN 07 2011

RECEIVED

Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Development Process Checklist

Items Completed to Date:

- ☒ Submit a development application to a City or to Ada County
- ☒ The City or the County will transmit the development application to ACHD
- ☒ The ACHD **Planning Review Section** will receive the development application to review
- ☒ The **Planning Review Section** will do one of the following:
 - ☐ Send a **"No Review"** letter to the applicant stating that there are no site specific conditions of approval at this time.
 - ☒ Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - ☐ Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- ☐ For **ALL** development applications, including those receiving a **"No Review"** letter:
 - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
 - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- ☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

☐ **Driveway or Property Approach(s)**

- Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

☐ **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

☐ **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

☐ **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- ☐ **Final Approval from Development Services is required** prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the ROWDS Manager when it is alleged that the ROWDS Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. Filing Fee: The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. Initiation: An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. Time to Reply: The ROWDS Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. Notice of Hearing: Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant **of the ROWDS Manager's reply to the notice of appeal. A copy of the decision** being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. Action by Commission: Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.
 - a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.
 - b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
 - c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
 - d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
 - e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
 - f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

BOISE FIRE DEPARTMENT

M E M O R A N D U M

TO: Sarah Schafer, PDS
FROM: Ron Amandus
SUBJECT: Royal Cubes Residential; DRH11-00133
1027 W Royal Blvd
DATE: June 16, 2011

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:

DRH11-00133 Construct a new 17,840 SF multi story 108 unit residential/office complex.

Approved fire apparatus access roads shall be provided as per the International Fire Code Section 503.1.1

Condition of Approval:

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:

All fire access roadways shall be maintained clear and unobstructed.

Code Requirement:

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

Comments:

The proposed fire flow requirements noted are 2,625 GPM. The available fire flow noted of 1,200 GPM is not sufficient. Additional volume of water for fire flow is required.

No fire hydrant has been noted. Without information on existing hydrants it appears that additional 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 code compliance of the building and this occupancy including but not limited to; the building egress components, sprinkler system, fire alarm system shall be reviewed for approval.

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 Ron Amandus, 570-6574

cc: File

Interoffice

MEMORANDUM

DATE: June 16, 2011

TO: Boise Planning & Development

FROM: Ryan Rodgers, Forestry Specialist
Boise Parks & Recreation Department

SUBJ: DRH11-00133 1005 W. Royal Blvd.

The following requirements and recommendations are provided to assist the property owner with selection, placement, maintenance and protection of trees on public and private property.

Required Actions reflect provisions of Boise City Code Title 9, Chapter 16 (Boise Tree Ordinance). Questions relating to these required actions should be directed to this office at (208) 384-4083.

Recommended Actions may be included as a condition of approval, modified or excluded at the request of the Boise Development Services staff.

Existing Trees on public right of way:

None

Required Actions:

- A) Class 2 or 3 trees from the Boise Community Forestry Tree Selection guide shall be planted on the public right-of-way.
- B) Spacing between trees shall be 30 feet for Class 2 trees and 40 feet for Class 3 trees.

Recommended Actions:

- A) In order to provide maximum shade to paved surfaces I would recommend planting class two trees in the proposed parking lot planting sites.
- B) To provide ample room for root growth and tree development I would recommend the planting sites in the parking lot be at least 6' x 6' or better yet one continuous planter bed down the center.

BOISE CITY PUBLIC WORKS DEPARTMENT

DEPARTMENT CORRESPONDENCE

Date: June 13, 2011

To: Boise City Planning & Zoning

Re: DRH 11-00133; 1005 W. Royal Blvd.

CONDITIONS OF APPROVAL

SEWER CONDITIONS – MIKE SHEPPARD (384-3920)

Connection to central sewer is required. Sanitary sewers are available in Royal Blvd. and the intersection of La Pointe and Island (384-3900).

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 – MIKE HEDGE (388-4719)

Street lights are required at the following locations:

1. Retain or replace light on Royal Blvd. at parking lot entrance.
2. Add light on Island St. mid-block at parking lot entrance.

PERSON MAKING OTHER COMMENTS – JIM WYLLIE (384-3925)

OTHER COMMENTS –

See attached memo.

RECEIVED

JUN 14 2011

**DEVELOPMENT
SERVICES**


PUBLIC WORKS REPRESENTATIVE



PUBLIC WORKS REPRESENTATIVE

CITY OF BOISE

**INTER-DEPARTMENT
CORRESPONDENCE**

Date: June 13, 2011

To: Sarah Schafer
Planning and Development Services

From: Jim Wyllie 
Public Works Department

Subject: Royal Cubes Residential / Office
Floodplain Review Comments
DRH11-00133
FPR 999

I have reviewed the Design Review Application for the above referenced project and have the following comments:

1. The subject project is located in the Boise River floodplain. Property development is subject to the regulations and requirements of Chapter 12, Boise City Zoning Ordinance.
2. If this project is approved:
 - a. Two elevation certificates will be required for each building. One elevation certificate is required for issuance of a building permit. A second elevation certificate is required to document post construction finish floor height.
 - b. Minimum finish floor elevation of all buildings shall be no less than 1.0 feet above the base flood elevation.
 - c. Building utilities shall be elevated above the base flood elevation or floodproofed to prevent entry of flood waters into building utility systems.
 - d. Recommend that all buildings be constructed with slab-on-grade foundations.

Call if you have questions.

cc: Rob Bousfield, Assistant City Engineer
of FPR 999 2.4

FPR999DRH11-00133Royal



Independent School District of Boise City #1

Boundaries, Transportation, and Traffic Safety

8169 W Victory Rd - Boise, ID 83709

(208) 854-4167 Fax (208) 854-4011

RESPONSE TO PLANNING & DEVELOPMENT SERVICES

DATE: June 8, 2011

TO: PDSTransmittals@cityofboise.org

RE: DRH11-00133

At the present time, the Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District.

The schools currently assigned to the proposed project area are:

Elementary School: **Garfield**

Junior High School: **North**

High School: **Boise**

Comments Regarding Traffic Impact: **None**

Comments Regarding Safe Routes to School Impact: **None**

If you have any further questions, please feel free to contact this office.

Sarah Stobaugh, Supervisor
Traffic Safety and Transportation

SS/pkw

Memo

To: Planning and Development Services
From: Peter McCullough, Public Works Department
Date: 6/8/11
Re: Solid Waste Comments- DRH11-00133, 1005 W. Royal Blvd.

City of Boise Solid Waste staff has reviewed the application for this project and has the following comments:

1. The proposed location for trash enclosures does not meet City of Boise requirements.
2. Ensure trash enclosures will comply with all Solid Waste Ordinance requirements detailed at:
http://www.cityofboise.org/Curbit/Trash/Commercial/Commercial_Trash_Home/CommercialEnclosureRequirements.pdf
3. Enclosure dimensions and required clearances must be shown on future site plans.

The applicant may contact me with any questions at 384-3906.

**Morrison Investors, LLC
14 Corporate Plaza Drive, Suite 100
Newport Beach, CA 92660**

August 3, 2011

Boise City Design Review Committee
c/o Sarah Schafer
City of Boise
150 N. Capital Boulevard
Boise, Idaho 83701

Re: Royal Cubes Residential/Office Project
File # DRH11-00133

Dear Sarah:

Morrison Investors, LLC, the owner of the Morrison Park Apartments located at 1099 S. Dale Street in Boise, wishes to express its opposition to the Royal Cubes Residential/Office project. The Royal Cubes Residential/Office project ("The Cubes") is proposed to be built across S. Dale Street from the 280 unit Morrison Park Apartments.

Based on our review of the proposed Cubes Project we have several concerns. Specifically they are as follows:

1. The poor aesthetic created by The Cubes.

We believe that the use of recycled shipping containers creates a negative aesthetic throughout the community. Shipping container housing is perceived as low cost/low income housing. The boxy exposed corrugated metal container look, the feel of industrial living that comes with stacked containers, the negative psychology of living in a metal container, the difficulty of living in cramped limited design interior space, and HVAC and maintenance problems, all combine to make this undesirable housing. Although container housing is being experimented with overseas, it is seldom utilized for housing and especially not in the United States. This fact alone says that people do not want to live in them. This project will likely become a low income housing project.

The use of shipping containers in place of normal construction materials (i.e. wood and brick) is generally used as a cheap alternative to normal construction. It is also normally used to satisfy short-term housing needs. It is rarely used as large scale long-term housing. Shipping container architecture originated as a cheap alternative for housing families without adequate shelter, as 'first responder' headquarters for natural disasters, and as military bunkers. Boise fortunately does not fit into any of these categories.

The Cubes is a large massing of containers. This is not just a stand-alone project of a few containers. It is three containers high and represents 108 units stretching an entire block. This is a huge mass of metal that will stand out for blocks, especially with the colors being proposed. It will be very imposing from the pedestrian street view. This is not like anything else in Boise, let alone in the Royal/S. Dale Street area. It certainly will not blend into the natural park environment that is so identifiable with this area. At a minimum, to help break up the monolithic nature of this project, the two large buildings should be broken up into several smaller buildings to help create more open space and air between groups of living units.

We were surprised to see that the shipping containers are not clad in some other material to hide the corrugated metal. There is no real design to this project other than a stack of shipping containers. If a majority of the exposed areas of the metal containers were clad in vinyl siding or other materials that softened the cold steel look of the project, that would be an improvement. In addition, all that metal will be difficult to maintain. Without regular painting, the colors will quickly fade and the paint will peel.

The Cubes in its current design and with the living environment it creates, does not represent the image of quality that this neighborhood deserves. This type of living is a fad that will soon pass. We are surprised that Boise would consider experimenting with this type of housing with a developer who has never done one of these projects before. Why not require a different design that blends in more with what Boise is about, rather than taking a long term chance on the first design that is presented?

2. The Cubes is not adequately parked on site.

It is apparent that The Cubes is not adequately parked on site. With 108 units, the basic multi-family ordinance requires 1.5 spaces per unit (162) plus one visitor space per 10 spaces (16.2 spaces for a total of 178.2 spaces or 179 spaces rounded. The project drawings show 144 spaces being provided. This works out to 1.33 spaces per unit. This is a minimum shortfall of 35 units.

However the office portion of this project needs to be taken into account and adequately parked. Specifically, the live/work units with their business office use will generate more parking than a residential unit. This work area should be parked according to office parking requirements. This will add additional parking requirements.

Furthermore, it is our opinion that The Cubes will, by its nature as a lower income project, have more occupants per unit than in a typical multi-family project. This heavier use will require more parking on site (either for the tenants or for their guests). Therefore, more parking should be required than for a normal multi-family project.

All of The Cubes required parking must be accommodated on its own site. None of the required parking should be allowed to be satisfied with offsite parking, especially on S. Dale Street which our project faces. Parking is a big problem in our area where parking is very tight. S. Dale Street is filled with parked cars already. Exacerbating the problem are

the Boise State students that park on S. Dale Street for the day and take the shuttle to campus. The shuttle stop is on the Morrison Park Apartments property. The Cubes should not be allowed to add to that problem. There is no extra parking on the street for The Cubes.

The design of the office portion of The Cubes shows intent to park that use offsite. The office portion of The Cubes has office doors that open to the street. This invites office guests to park on the street in front of the offices. This will only add to the parking problems on the streets. The design should be changed so that the offices don't open onto the street, but rather should open onto the interior of the project close to the parking allocated for office use.

3. The false conception that The Cubes is a green and socially responsible development that will “reduce the carbon footprint of typical building construction”.

The claim that The Cubes will reduce the carbon footprint of typical building construction is very doubtful. On the surface it sounds good, but is it really true? There are approximately 18 million shipping containers used in the world. Of these, 90% are used on ocean going ships and 26% of all these go through China. It is clear that most of the 18 million containers end up on the world's coasts. It is our opinion that the additional energy required to transport these containers via large trucks to Boise, the added costs of sandblasting the container interiors to the bare metal (required by health organizations to thoroughly clean and sanitize them from toxins), and the costs of heavy duty cranes required to lift them into place—all emit more carbon than would be typical in most construction.

Metal shipping containers conduct heat very well. This means that the temperature inside the containers can easily drop too low in the cold season, and conversely, rise quickly in the hot season. Therefore, controlling temperature inside the steel container unit is a major concern. When the recurring premium amount of energy needed to air condition a metal container in summer and heat a metal container in winter is taken into account, the project becomes less efficient than most projects, and certainly not green.

The argument that the development is 'green' is further muted when one takes into account the amount of shipping containers used in the project. Even if 100 recycled shipping containers were used, that would represent a reduction of less than .000005% of the world's shipping containers.

Essentially, to say that this project is “green” is very questionable and should be proven. It is not justifiable to allow this project to be completed based on environmental grounds. It is our opinion that the cost of shipment, cleaning, and cooling/heating of these containers outweigh the benefit of recycling a handful of the 18 million containers in existence today.

4. The overall use of shipping containers in the construction of The Cubes as well as for the primary residence of the people living in the project.

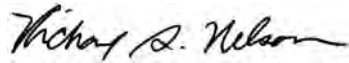
While the height dimensions of the living space within the interior of the containers is not within the purview of the Design Review Committee, if this project progresses to the next level of approval, we want to point out that there are serious concerns regarding interior heights here. The actual dimensions and livable area within the storage containers are an issue. The site plan shows the heights of the four levels of the building to be between 10' and 9' - 1 7/8". These heights only measure the *external* distance between floors and are calculated without compensating for loss of *internal* width/height due to insulation, the container's internal dimensions, plumbing, electrical installation, foundation supports, etc. This leads us to believe that the *internal* widths/heights of the containers are below acceptable living standards and codes in Boise.

For these reasons, we oppose the approval of The Cubes. Thank you for taking our concerns into consideration.

Sincerely,

Morrison Investors, LLC

By: Morrison Management, LLC, it Manager



By: Richard G. Nelson
Manager

Citation

1. Ebeling, C. E. (Winter 2009). "Evolution of a Box". *Invention and Technology* 23 (4): 8–9. ISSN 8756- 7296.
2. <http://data.worldbank.org/indicator/IS.SHP.GOOD.TU>
3. Smith, J.D. "Shipping Containers as Building Components" 2006 University of Brighton Department of the Built Environment