



Planning & Development Services

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August 15, 2013

Mark Bowen
Mark H Bowen CMS
8500 Elkhorn Lane
Nampa, Idaho 83686

Re: DRH13-00225 / 1000 W. Myrtle Street

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Design Review Committee on your request for conceptual approval to construct a 334,000 square foot, 9-story office building in a C-5DD (Central Business with Downtown Design Review) zone.

The Committee, at their hearing of August 14, 2013, voted to approve your request. Based on the findings that were included in the Staff Report, the Committee concluded that your project 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*.

Enclosed is a copy of the Conditions of Approval, as well as the Findings of Fact, included in the Staff Report. Please be advised that the detailed Findings can be reviewed in the Planning and Development Services Department on the 2nd floor of City Hall.

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

- a. This approval will not take effect until after the appeal period has lapsed.
- b. A Building Permit will be required from the Building Division prior to construction.
- c. If this Design Review Permit is not acted upon by the commencement of construction or extended, pursuant to the Boise City Code, within eighteen months, it will become null and void without further notification from this department.
- d. A decision or condition of a Committee Level Design Review may be appealed to the Planning & Zoning Commission within ten (10) calendar days from the date of the Committee's action. The Appeal must be written, accompanied by the appropriate fee, and submitted to the Boise City Planning and Development Services Department prior to the deadline set forth herein. Appeal Application Forms are available in the Planning Department on the 2nd floor of City Hall.

- e. A decision of the Planning and Zoning Commission may then be appealed to the Boise City Council. Once the Council makes a final decision, the landowner may request a regulatory taking analysis for that decision and/or conditions within 28 days following such final decision in accordance with Section 67-8003 of the Idaho Code.

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

Sincerely,

Josh Wilson

p.p. Sarah M. Schafer
Manager, Design Review and Historic Preservation
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

SMS:nh

cc: Debbie McDonald / SBP, LLLC /999 Main Street, Ste. 1300 / Boise, Idaho 83702

Attachments:

- Conditions of Approval
- Findings of Fact

Conclusion and Recommended Conditions

Staff finds the project complies with Sections 11-03-04.12 C (7)(d) of the Zoning Ordinance, the Design Review Guidelines 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 the plans and specifications submitted to and on file in the Planning and Development Services Department dated received July 10, 2013, except as expressly modified by the following conditions:
 - a. Provide documentation from the Idaho Transportation Department approving the two drop-off locations on Front Street. If the locations are not approved, continuation of the streetscape with street trees in tree wells is required.
 - b. A system which provides audio and visual indication of a vehicle exiting the below grade parking and delivery area shall be installed at the ingress/egress location on 11th Street.
 - c. A detailed design review approval will be needed to review the following:
 - Landscape plan
 - Building materials
 - Mechanical screens
 - Final building form
 - Openings in the facade

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 (Inter-Department Correspondence dated July 12, 2013 from Brian Murphy), sewers (Inter-Department Correspondence dated July 11, 2013 from Mike Sheppard), street lights (Inter-Department Correspondence dated July 15, 2013 from Mike Hedge) and pretreatment (Inter-Department Correspondence dated July 11, 2013 from Terry Alber) comments as well as the memorandum from the Solid Waste/Ground Water Manager dated July 15, 2013. 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. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
5. 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.
6. Compliance with the requirements of the Ada County Highway District (ACHD) letter dated July 26, 2013.
7. Compliance with the Boise City Fire Department requirements.

Standard Conditions of Approval

8. The applicant is encouraged to participate in a Transportation Demand Management Program which may include the following measures:
 - a. Designation of an Alternative Transportation Coordinator to promote alternatives to automobile transportation to employees. This should be coordinated with ACHD's Commuteride Program and ValleyRide.
 - b. Establish employee alternative transportation incentive programs which may include discounted or free transit passes for employees, carpool/vanpool matching services through coordination with ACHD Commuteride, and flexible work hours.
9. All landscaping areas shall be provided with an underground irrigation system. Landscaping shall be maintained according to current accepted industry standards to promote good plant health, and any dead or diseased plants shall be replaced. All landscape areas with shrubs shall have an approved mulch such as bark or soil aid.
10. All landscape trees shall be pruned in accordance with the American National Standards Institute's Standard Practices for Tree Care Operations (ANSI A300 - latest edition). No trees on the site shall be topped, headed back, rounded over or otherwise disfigured. Contact Boise City Community Forestry at 384-4083 for information regarding tree care operations.
11. An approved protective curbing shall enclose all landscape areas where they are adjacent to parking areas or driveways.
12. Vision Triangles as defined under Section 11-07-02 (B) of the Boise City Code shall remain clear of sight obstructions.
13. In compliance with Boise City Code, anyone planting, pruning, removing or trenching/excavating near any tree(s) on ACHD or State right-of-ways must obtain a permit from Boise City Community Forestry at least one (1) week in advance of such work by calling 384-4083. Species shall be selected from the Boise City Tree Selection Guide.

14. Deciduous trees shall be not less than 2 to 2 ½ inch caliper size at the time of planting, evergreen trees 5 to 6 feet in height, and shrubs 1 to 5 gallons, as approved by the Design Review staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
15. All surface drainage shall be reviewed and approved by ACHD and BCPW. Perimeter grading shall be designed to match the existing grade of the adjoining properties.
16. Any outside lighting shall be reflected away from adjacent property and streets. Exterior light fixture details shall be submitted to the Design Review staff for approval prior to issuance of a Building Permit. Impacts on residential areas shall not be permitted.
17. Boise City Fire Department requires water mains, fire hydrants and temporary Fire Department access to be installed, inspected and approved by the Fire Department prior to commencement of combustible construction. Note: Temporary water and temporary access during construction may be permitted upon request to, and approval by, the Fire Department.
18. No obstructions (landscaping, signs, fences or other elements) shall encroach upon any required fire access or fire facility.
19. All signs will require approval from the Planning and Development Services Department prior to installation.
20. 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.
21. Utility services shall be installed underground.
22. No trees within street right-of-ways shall be removed or pruned without approval from Boise City Community Forestry in compliance with Boise City Code. No trees within the property, as shown on the plans and approved by the Design Review Committee or the Design Review staff, shall be removed without the approval of the Design Review Committee or the Design Review staff and in compliance with Boise City Code.
23. In the event a tree is removed without prior approval, the tree shall be replaced with a tree with trunk caliper 1.5 times the one removed or with a sufficient number of trees, as approved by the Design Review Committee or the Design Review staff, with a trunk caliper not less than 4 inches and a total cumulative caliper area equal to 1.5 times the caliper area of the tree(s) removed. Caliper shall be as measured by the American Nurseryman's Association standards. For example, if a 12 inch caliper tree is removed, it must be replaced with either one 18 inch caliper tree or three 6 inch caliper trees or five 4 inch caliper trees. The replacement requirement may be modified upon a showing made to the Design Review Committee or the Design Review staff of disease or death of the tree which was not caused by neglect.

24. 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 percent of the value of the condition(s) that is incomplete.
25. 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.
26. 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.

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)**

Design Review Guidebook