



Planning & Development Services

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March 7, 2014

Scott Noriyuki
Northside Management
6810 Fairhill Place
scott@northsidemgt.com
(sent via email)

**Re: PUD13-00009 / 2705 West Malad Street / Planned Unit Application
SUB13-00041 / Bella Vista Place / Preliminary Plat Application**

Dear Mr. Noriyuki:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a conditional use permit for a 14-unit planned residential development and a preliminary plat.

The Boise City Planning and Zoning Commission, at their hearing of March 3, 2014, **approved** your conditional user request, based on compliance with the attached Reasons for the Decision and Conditions of Approval.

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

1. This conditional use approval will not take effect until after the appeal period has lapsed.
2. The decision of the Boise City Planning and Zoning Commission may be appealed to City Council within ten (10) calendar days from the issuance of this decision. The appeal must be written, accompanied by the appropriate fee, and submitted to the Planning and Development Services Department prior to the deadline set forth herein. Appeal application forms are available in the Planning Department or online under Applications at:
<http://pds.cityofboise.org/> or <http://pds.cityofboise.org/home/documents/apps/100/>
3. All appeals of this permit must be filed by **5:00 P.M., on March 13, 2014.**
4. If this Conditional Use Permit is not acted upon within two (2) years, it will become null and void without further notification from this Department.

This letter constitutes your Conditional Use Permit.

On March 3, 2014, the Boise City Planning & Zoning Commission recommended **approval** of the Preliminary Plat of the Bella Vista Place Subdivision to the Boise City Council, subject to compliance with the Conditions of Approval listed below. Unless otherwise specified, all conditions shall be completed prior to signing of the Final Plat by the Boise City Engineer.

If you have any questions, please contact me at (208) 384-3834.

Sincerely,



Todd Tucker
Associate Planner
Boise City Planning and Development Services

TT/mc

Attachment

cc: Vista Neighborhood Association / Attn: Dave Kangas (*sent via email*)

Reason for the Decision

The proposed single-family units are compatible with other development in the neighborhood. The fourteen single-family homes meet the requirements for density, building separation, and parking. Based upon correspondence from commenting agencies, the proposed use will not place an undue burden on the transportation system or other public facilities in the vicinity. The residential project will generate less traffic than many commercial uses that are allowed in the C-2D zone. The project will not create excessive noise, odors, adverse lighting, and the parking requirements can be met. The proposal is consistent with the goals and policies of the Boise City Comprehensive Plan. The Environmental Stewardship *Policy ES 1.4 Development Patterns* promotes compact walkable development patterns that support transit to reduce vehicle emissions. The property is located in a Mixed-Use land use category which generally supports higher density residential uses to support the transit system. The property is approximately 250 feet west of S. Vista Avenue and the bus for routes 3 and 4 stop at S. Canal Street, one block south of project. *GDR-N-3 Mix of Housing Types* (a) encourages a variety of housing types including townhouses, single family dwellings and apartments. *CB-CCN 3.2 Mix of housing types* encourages mix of housing types, lot sizes and prices in the Central Bench to maintain the area's diverse character.

Conditions of Approval

Site Specific

1. Construction, use and property development shall be in compliance with plans and specifications on file with Boise City Planning and Development Services received on August 30, 2013 and January 17, 2014 except as may be modified by the following conditions.
2. All exterior setbacks shall be met.
3. The lots shall be increased by one foot in width to accommodate a 20 foot wide interior garage.

4. Prior to a building permit application, the applicant shall submit detailed floor plans and elevations that depict each façade oriented to Malad Street be comprised of a minimum of 15% windows or doors.
5. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) per memo dated September 27 2013. 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 plans must be submitted to the Public Works Department for approval.
6. The applicant shall comply with all requirements and conditions of the Ada County Highway District as per the staff report dated November 1, 2013.
7. The applicant shall comply with Boise City Fire Department requirements as per a letter dated September 27, 2013 and February 14, 2014. Please contact Romeo Gervais at (208) 570- 6567.

General:

8. 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 the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.
9. All amenities shall be constructed or bonded for prior to the issuance of any construction permits on the site.
10. An occupancy permit will not be issued by the Building Department until all of these conditions have been met. In the event a condition(s) cannot be met by 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 will be required in the amount of 110% of the value of the condition(s) which are incomplete.
11. All landscaping shall be maintained in a healthy and attractive condition, irrigated by an appropriate underground irrigation system.
12. Exterior lighting fixtures must be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets.
13. Any future division of this parcel into individual lots or parcels, for the purpose of selling the separate lots to individual owners, will be required to comply with all provisions of Boise City Code, Title 11, Chapter 9, including lot frontage on a public or approved private street, and all requirements for preliminary and final platting.

14. Construction, use and property development shall be in conformance with all applicable requirements of the Boise City Code.
15. Specific building construction requirements of the International Building Code and Uniform Fire Code will apply. However, these provisions are best addressed at building permit application.
16. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
17. This conditional use permit shall be valid for a period not to exceed two (2) years from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.
18. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a (2) two-year time extension. A maximum of two (2) extensions may be granted.
19. Failure to abide by any condition of this conditional use shall be grounds for revocation by the Boise City Planning and Zoning Commission.

Construction Practices

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.
21. 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.
22. To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
23. 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.

24. Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
25. Comply with requirements of the Nampa Meridian Irrigation District per comments dated August 8, 2013.

Standard Conditions of Approval

26. Vision triangles as defined in Section 11-01-03 and 11-10-04.4.G of the Boise City Zoning Ordinance shall remain clear of all sight obstructions.
27. All parking area and driveways shall be paved, marked and provided with approved wheel restraints, and shall be designed and laid out to conform to the minimum standards required by the Boise City Zoning Ordinance.
28. All lighting shall be designed and located so as to prevent glare or direct light from falling onto adjoining properties or streets. The illumination of all light fixtures shall not exceed two footcandles as measured one foot above the ground at property lines shared with residentially zoned or used parcels.
29. Utility services shall be provided underground.
30. Hook-up to wet line sewers shall be required prior to issuance of an Occupancy Permit.

Recommended Conditions of Approval

Subdivision

31. The subdivision plat shall comply with the site plan and all conditions of approval for the associated Planned Unit Development (PUD13-00009), and a note shall be placed on the face of the Final Plat stating, "The development of this property shall be in compliance with the Boise City Zoning Ordinance or as specifically approved by PUD13-00009."
32. Lot 1 is subject to a cross parking and access easement. The following perpetual ingress/access easement and perpetual cross parking easement requirements must be met:
 - A. A note on the Final Plat shall state: "Lots 1 is subject to a cross parking and cross access easement to be maintained by the Bella Vista Subdivision Homeowner's Association" The perpetual ingress/access easement and cross parking easement shall be delineated on the plat or be described in a separate agreement which is referenced on the plat, and; Conveys to those lot owners taking access from the perpetual ingress/access easement, the perpetual right of ingress and egress and parking over the described easement and; Provides that such perpetual ingress/access easement and cross parking easement shall run with the land.

33. The service driveway widths shall be a minimum of 24 feet wide with two way traffic and no parking on either side. All service driveways shall be constructed to the same construction specifications required for public streets. Contact the Ada County Highway District for public street construction requirements (B.C.C. 11-09-03.5.B.). Certification of construction to A.C.H.D. specifications is required from an independent testing laboratory or a consulting engineer, including test results for the verification of construction (B.C.C. 11-09-03.5.B.).
34. Drainage facilities for the perpetual ingress/access easement and parking area shall comply with Boise City's Storm Water Management and Discharge Control Ordinance (B.C.C. 8- 15). Plans shall be approved and construction inspected by Boise City Public Works.
35. The perpetual ingress/access easement shall be designed to accommodate the turning radius of fire trucks, as determined by the Boise City Fire Department. Plans shall be submitted, reviewed and approved by the Boise City Fire Department and the Boise City Public Works Department prior to signing of the Final Plat by the Boise City Engineer.
36. The perpetual ingress/access easement shall be required to support the use of emergency vehicles having a 70,000 lb. GVW, and verification of construction is required from an independent testing laboratory and a registered Professional Engineer.
37. A ten foot public utility and drainage easement shall be provided along the exterior of the subdivision.
38. A note on the face of the Final Plat shall state:
 - i. The proposed shared parking lot and driveway will be covered with a blanket public utility, ingress, egress, and driveway easement as approved by PUD13-00009.
 - ii. A note on the face of the Final Plat shall state: "The development of this property shall be in compliance with the Boise City Zoning Ordinance."
39. Covenants, homeowners' association by-laws or other similar deed restrictions acceptable to the Boise City Attorney, which provide for the use, control and maintenance of all common areas, storage facilities, recreational facilities or open spaces shall be reviewed and approved by the Boise City Attorney.
40. Prior to the City Engineer's Certification of the Final Plat and prior to earth disturbing activities, an erosion and sediment control (ESC) permit must be obtained. An ESC plan conforming to the requirements of B.C.C. 8-17, is to be submitted to the Director of Planning and Development Services for review and approval. No grading or earth disturbing activities may start until an approved ESC permit has been issued.

41. An individual who has attended the Boise City Responsible Person (RP) certification class, or has obtained Interim Certification for Responsible Person is not identified for this project. A permit will not issue until such time as the name and certification number of the RP has been provided to Boise City. This information can be faxed to 388-4735.
42. No Building Permit for the construction of any new structure shall be accepted until the Final Plat has been recorded pursuant to the requirements of B.C.C. 11-09-04.1.
43. Comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and solid waste collection per Department comments dated August 7, 2013. Please contact BCPW at (208) 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 plans must be submitted to the Public Works Department for approval.
44. The developer shall make arrangements to comply with all requirements of the Boise City Fire Department and verify in one of the following ways:
 - i. A letter from the Boise City Fire Department stating that all conditions for water, access, and/or other requirements have been satisfied,
 - OR
 - ii. A non-build agreement has been executed and recorded with a note on the face of the Final Plat identifying the instrument number.
45. The name, Bella Vista Subdivision, is reserved and shall not be changed unless there is a change in ownership, at which time, the new owner(s) shall submit their new name to the Ada County Surveyor for review and reservation. Should a change in name occur, applicant shall submit, in writing, from the Ada County Surveyor, the new name to the Department of Planning and Development Services and re-approval by the Council of the "revised" Final Plat shall be required. Developer and/or owner shall submit all items including fees, as required by the Planning and Development Services Department, prior to scheduling the "revised" Final Plat for hearing.
46. Correct street names as approved by the Ada County Street Name Committee shall be placed on the plat (B.C.C. 9-06-05.M).
47. A letter of acceptance for water service from the utility providing same is required (B.C.C. 11-09-04.3).
48. Developer shall provide utility easements as required by the public utility providing service (B.C.C. 11-09-03.6).

49. Developer shall provide a letter from the United States Postal Service stating, "The Developer and/or Owner has received approval for location of mailboxes by the United States Postal Service."

Contact: Dan Frasier, Postmaster
770 S. 13th St.
Boise, ID 83708-0100
Phone No. (208) 433-4341
FAX No. (208) 433-4400

50. Prior to submitting the Final Plat for recording, the following endorsements or certifications must be executed: Signatures of owners or dedicators, Certificate of the Surveyor, Certificate of the Ada County Surveyor, Certificate of the Central District Health Department, Certificate of the Boise City Engineer, Certificate of the Boise City Clerk, signatures of the Commissioners of the Ada County Highway District and the Ada County Treasurer (I.C. Title 50, Chapter 13).
51. Developer shall comply with B.C.C. 11-03-04.4 which specifies the limitation on time for filing and obtaining certification. Certification by the Boise City Engineer shall be made within two years from date of approval of the Final Plat by the Boise City Council.
- i. The developer may submit a request for a time extension, including the appropriate fee, to the Boise City Planning and Development Services Department for processing. Boise City Council may grant time extensions for a period not to exceed one year provided the request is filed, in writing, at least twenty working days prior to the expiration of the first two year period, or expiration date established thereafter.
 - ii. If a time extension is granted, the Boise City Council reserves the right to modify and/or add condition(s) to the original preliminary or Final Plat to conform with adopted policies and/or ordinance changes.
 - iii. The Final Plat shall be recorded with the Ada County Recorder within one year from the date of the Boise City Engineer's signature. If the Final Plat is not recorded within the one-year time frame it shall be deemed null and void.
52. The Bella Vista Subdivision is approved for 14 buildable lots.