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Planning & Development Services

June 4, 2014

Jennifer Wheeler
1173 W. University Dr.
Boise, ID 83725
jenniferwheeler@boisestate.edu
(sent via email)

Re: CUP14-00015 / 1173 W. University Drive

Dear Ms. Wheeler:

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.

The Boise City Planning and Zoning Commission, at their hearing of June 2, 2014, **approved** your 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 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 June 12, 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. If you have any questions, please contact me at (208) 384-3823.

Sincerely,

David Moser
Associate Planner
Boise City Planning and Development Services

DM/pjb
Attachment

cc: Steve Simmons / ssimmons1@lcarch.com / (sent via email)
Southeast Neighborhood Association / Fred Fritchman / Fritchman@msn.com / (sent via email)

Reason for the Decision

Conditional Use Permit

The project and height exception is compatible with surrounding uses as the property is already home to the existing alumni center. It is also adjacent to other buildings of similar height. No public agencies have commented that the project should be denied and their suggested conditions do not significantly alter the project. ACHD's report states surrounding streets have the capacity to handle traffic from this development. The project meets setback and parking requirements with the attached variances. Adverse impacts are not expected as it will be used as office space a majority of the time. The proposed use is supported by the general goals, objectives and policies of the Comprehensive Plan. The site is designated BSU Master Plan on the land use map. It shows that an alumni center is planned at this location.

Variances

The granting of the variance will not be in conflict with the spirit and intent of the Comprehensive Plan and will not affect a change in zoning. The variances are for parking and do not create any conflicts related to noise or hours of operation. This is in conformance with *Policy CEA 9.3* that advocates for developments along the campus boundary to provide an appropriate transition of land uses. There is an unusual circumstance related to the distance between the property line and the curb. There is a large amount of unused right-of-way that provides additional buffering for parking. There is also a hardship related to the intended use of the facility as an alumni center where a large amount of onsite parking is desirable. The variance will not be materially detrimental to public health, safety or welfare and will not be injurious to surrounding property owners.

Conditions of Approval

Site Specific

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **April 24, 2014** except as expressly modified by the following conditions:
2. A three foot high solid landscaping buffer shall be installed along east property line adjacent to the parking lot. The landscape buffer shall be three high at the time of installation.
3. The applicant shall comply with the ACHD letter dated **May 23, 2014**.
4. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) for drainage, sewers, street lights and subdivisions per Department comments dated **April 30, 2014** and **May 1, 2014**. 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.

5. The applicant shall comply with all conditions within the Ada County Drainage District #3 letter dated **May 9, 2014**.
6. The applicant shall comply with all conditions within the memo from Boise City Forestry dated **May 5, 2014**.
7. Comply with all conditions stated in the letter dated **April 30, 2014**, from the Boise Public Works Department, Solid Waste Program.

Standard Conditions of Approval

8. 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.
9. All signs will require approval from the Planning and Development Services Department prior to installation.
10. Utility services shall be installed underground.
11. 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.
12. 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.
13. Failure to abide by any condition of this permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
14. This 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 commence the use permitted by the permits in accordance with the conditions of approval.
15. Prior to the expiration of this permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

Construction Site Practices

16. Hours of construction shall be limited to 6am to 8pm Monday through Saturday. Any activity that constitutes excessive noise as defined by Boise City Code must occur in the stated construction hours. The only activity exempt from these requirements is large scale concrete pouring.
17. 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 may include, but are not limited to:
 - a. Provide suitable containers for solid waste generated by construction activity;
 - b. Wet demolition of existing buildings;
 - c. Watering of driving surfaces and earth moving activities;
 - d. Installation of wind screening around property and each open floor above grade; and
 - e. Daily broom cleaning of above grade floors, adjacent streets and sidewalks.
18. 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.
19. 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.
20. Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
21. 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.