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Planning & Development Services

June 9, 2015

Jim Conger
DevCo
4824 W. Fairview Ave.
Boise, ID 83706
jconger@congergroup.com
(sent via email)

Re: PUD15-00005 & CVA15-00019 / 2105 S. Federal Way

Dear Mr. Conger:

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 196 unit planned residential development comprised of 11 apartment buildings on 7.89 acres located at 2105 S. Federal Way in an L-OD (Limited Office with Design Review) zone. A variance to reduce the parking setback along South Hudson Avenue is included.

The Boise City Planning and Zoning Commission, at their hearing of **June 8, 2015**, **approved** your requests, 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 18, 2015**.
4. If this Conditional Use Permit and Variance Permit are 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 and Variance Permit.

If you have any questions, please contact me at (208) 388-4717.

Sincerely,



Cody Riddle
Manager, Current Planning
Boise City Planning and Development Services

CR/wm

cc: Vista Neighborhood Association, Inc. / Attn: Kim Bentley / davekangas@msn.com & fastpurplecar@excite.com
(sent via email)

Reason for the Decision

The project is compatible with other uses in the neighborhood and those reasonably expected to develop. The area includes single and multi-family residential as well as numerous commercial and office uses. The development is consistent with Blueprint Boise. *Principle NAC3.2* directs infill development to areas identified as suitable for change. The Plan delineates this portion of the Federal Way Corridor as “Reinvestment in Established Infrastructure Needed”. While not infrastructure, the proposed development represents a significant investment in the neighborhood. The Plan also encourages a mix of housing, including higher density development that makes use of existing infrastructure, including transit. The property is designated mixed-use and transit routes are located approximately 1/3 mile to the north at the intersection of Federal Way and Overland and 1/2 mile south at the intersection of Broadway Avenue.

The site is large enough to accommodate the proposed use without adversely impacting other properties in the vicinity. With the exception of the Hudson Avenue frontage, all perimeter setbacks have been met and all required parking and other amenities provided. Comments from public agencies confirm the project will not place an undue burden on the transportation system or other infrastructure in the area.

There is justification for the variance along Hudson. The portion of the site between Hudson and Federal Way is only 200 feet wide and encumbered by a 40-foot wide irrigation easement parallel to the street. The combination of the easement and application of the 20-foot parking setback effectively eliminates 1/3 of the developable area of this portion of the site. The property is a double-fronted lot. While it is a public street, Hudson functions as a service drive, only providing access to the post office parking lot to the west. That parking is only located five feet from the property line. The applicant is proposing a ten foot setback on their side of the street. The variance will have no impact on the general public and is not in conflict with any elements of Blueprint Boise.

Recommended 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 28, 2015 and the revised site, landscape, and clubhouse plans received May 26, 2015**, except as expressly modified by the following conditions:
2. **Planning:**
 - a. Parking for a minimum of 196 bicycles shall be provided. At least 25 percent of these spaces shall be covered.

- b. Unless prohibited by the Boise Project Board of Control, three additional sidewalk connections shall be extended to Federal Way as conceptually depicted in the “Recommended Sidewalk Connections” illustration included in this report.
- c. Clearly delineated pedestrian crossings shall be provided at each of the three entrances to the site. Features such as striping or changes in paving material, color and/or grade should be included.
- d. Additional variation in color and materials of Building Types 2, 3 and 4 shall be provided. An emphasis shall be placed on providing distinct differences in the buildings along Federal Way. This requirement is subject to final approval by the Design Review Team.
- e. Detailed information on the layout, design, and seating fixtures included in the patio area shall be provided to the Planning Team prior to issuance of any construction permits. It shall demonstrate the amenities are large enough to accommodate group functions.

Agency Requirements

- 3. Comply with requirements of the Ada County Highway District (ACHD).
- 4. The applicant shall comply with all conditions of the Boise Fire Department. For additional information, contact Romeo Gervais at (208) 570-6567.
- 5. Comply with Boise City Public Works Department requirements as listed in the following dated memos:
 - a. Drainage and Stormwater (April 29, 2105)
 - b. Solid Waste (April 30, 2015)
 - c. Sewer (April 29, 2015)
- 6. Comply with the requirements of the Ada County Drainage District #3 as outlined in comments dated **May 5, 2015**.

Standard Conditions of Approval

- 7. 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 (208) 384-3830 regarding questions pertaining to this condition.

8. 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 approved mulch, such as bark or soil aid.
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. 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 (208) 384-4083. Species shall be selected from the Boise City Tree Selection Guide.
11. Utility services shall be installed underground.
12. 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.
13. All amenities, landscaping, fencing, sidewalks and underground irrigation shall be installed or bonded for prior to the issuance of a building permit. For bonding, the applicant is required to provide a minimum of two bids for the amenities, landscaping materials and the installation. The bond shall be for 110% of the highest bid and submitted to the Building Department on the 2nd floor of City Hall. For additional information, please call (208) 384-3830.
14. 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.
15. 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.

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 twenty four (24) months 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. The definition of structures in this context shall include sewer lines, water lines, or building foundations.
18. Prior to the expiration of this conditional use, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.
19. 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.