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## Planning & Development Services

June 11, 2015

Renee Strand  
Holst Architecture  
110 SE 8<sup>th</sup> Avenue  
Portland, Oregon 97214  
[rstrand@holstarc.com](mailto:rstrand@holstarc.com)

RE: **DRH15-00152 / 401 S. 5<sup>th</sup> Street**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Design Review Committee on your request for approval to construct a seven-story, 204,345 square foot apartment building with retail and live/work units on ground floor and structured parking on the first and second levels on property located in a pending C-5DD (Central Business with Downtown Design Review) zone.

The Committee, at their hearing of June 10, 2015, voted to approve your request. Based on the findings included in the Project Report, the Committee concluded your project complies with Section 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.

Enclosed is a copy of the Conditions of Approval, as well as the Findings of Fact, included in the Project Report. Please be advised detailed Findings can be reviewed in the Planning and Development Services Department on the 2<sup>nd</sup> 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 2<sup>nd</sup> 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 me at 384-3847.

Sincerely,



Sarah M. Schafer  
Manager  
BOISE CITY PLANNING & DEVELOPMENT SERVICES

SMS:nh

Attachments:

- Conditions of Approval
- Findings of Fact

cc: John Holmes / Holst Architecture / 110 SE 8<sup>th</sup> Avenue / Portland, Oregon 97214  
[jholmes@holstarc.com](mailto:jholmes@holstarc.com)  
Will Howard / Stack Rock Group, Inc. / 405 S. 8<sup>th</sup> St., Ste. 225 / Boise, Idaho 83702  
[will@stackrockgroup.com](mailto:will@stackrockgroup.com)  
Dan Everhart / [dan@preservationidaho.org](mailto:dan@preservationidaho.org)

## Site Specific Conditions

1. Compliance with the plans and specifications submitted to and on file in the Planning and Development Services Department dated received June 3, 2015, except as expressly modified by the following conditions:
  - a. Provide specifications on all exterior lighting. Down lighting preferred.
  - b. For the street trees in tree grates use a modular suspended pavement system to allow for a larger soil volume for greater tree health.
  - c. An advertised work session shall take place at 60-percent construction drawings review the design and its consistency with the Design Review approval.
  - d. ~~Provide the second row of street trees on the back side of the sidewalk along the Myrtle Street frontage as shown in the Streetscape Standards document. Condition deleted at May 13, 2015 hearing.~~
  - e. Extend the planter strip along Myrtle Street at the curb line a minimum of 30-feet in each direction, replacing the pavers that are indicated. (Shown on revised site plan received June 3, 2015)
  - f. Extend the curb side planter to the south on 5<sup>th</sup> Street to incorporate the tree in the tree grate. Provide the planting details for the tree lawn/planter along the full street frontage. (Shown on revised site plan received June 3, 2015)
  - g. Provide a planter at the building base on the 5<sup>th</sup> Street elevation adjacent to the “Commercial Bike” space. (Shown on revised site plan received June 3, 2015)
  - h. Provide Class II trees within the tree grates along Broad Street.
  - i. Provide a minimum of 12.5-percent façade transparency along the Myrtle Street first level frontage to meet the requirements of the departure process for the Downtown Design Standards and Guidelines. (Shown on revised elevations received Jun 3, 2015)
  - j. Provide vertical modulation within the west and east facades of the building to meet the Downtown Design Standards and Guidelines 4.2.2. The Design shall be brought back to the Committee at an advertised public work session dated May 27, 2015. (Shown on revised elevation received June 3, 2015)
  - k. ~~Provide façade articulation that meets the multifamily building standard 4.2.3. The Design shall be brought back to the Committee at an advertised public work session. Condition deleted at May 13, 2015 hearing~~
  - l. ~~Provide a distinctive roofline per standard 4.2.6. The Design shall be brought back to the Committee at an advertised public work session. Condition deleted at May 13, 2015 hearing.~~
  - m. Reduce the blank walls along the alley specifically for the first 50-feet visible from the public right-of-way.
  - n. No compact parking stalls are allowed within the parking structure. All spaces must be 8.5 feet wide by 18 feet deep or greater with 22 feet of back up space.
  - o. Provide a plan for the move-in/move-out truck traffic and placement of items so as not to block the alley, streets or vehicular circulation areas.

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 (April 10, 2015), sewers (April 13, 2015), street lights (April 10, 2015) and pretreatment (April 10, 2015) comments as well as the comments from the Solid Waste/Ground Water Manager dated April 10, 2015. 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).
7. Compliance with the requirements of the Boise City Fire Department.

## **Standard Conditions of Approval**

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 an approved mulch such as bark or soil aid.
9. 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.
10. Vision Triangles as defined under Section 11-07-02 (B) of the Boise City Code shall remain clear of sight obstructions.
11. 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.

12. Deciduous trees shall be not less than 2" to 2½" caliper size at the time of planting, evergreen trees 5' to 6' 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.
13. 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.
14. All parking areas and driveways shall be paved and striped. All handicapped spaces and approved compact spaces shall be clearly marked and signed as required. Bicycle parking, as required by Section 11-07-03 (6) (a) of the Boise City Code, shall be provided.
15. All Americans with Disabilities Act (ADA) requirements shall be met. Accessible space(s) shall be provided, which are to be located on the shortest accessible route of travel to the accessible building entry.
16. 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.
17. No obstructions (landscaping, signs, fences or other elements) shall encroach upon any required fire access or fire facility.
18. All signs will require approval from the Planning and Development Services Department prior to installation.
19. 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.
20. Utility services shall be installed underground.
21. 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.
22. 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" 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" caliper tree is removed, it must be replaced with either one 18" caliper tree or three 6" caliper trees or five 4" 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.

23. 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.
24. 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.
25. 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**

### **Sections 11-03-04.12 C(7)(d)**

With the Conditions of Approval attached, staff finds compliance with the following Findings and Considerations:

#### **Site Design - Section 11-03-04.12 C(7)(d) (i)**

- A. Traffic Impact** – That traffic impact is minimized and the pedestrians and cyclists have been provided for through the use of sidewalks, pathways, landscaping, and safe parking lot design.
- B. Landscaping, Stabilization, and Screening** – That landscaping screens buffer adjacent uses, and screen or conceal unsightly areas.
- C. Grading and Drainage** – That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.

Drainage is required to be retained on site and all details are to be reviewed and approved by the Boise City Public Works Department and the Ada County Highway District.

- D. Signage** - That signs provide for business identification, minimizes clutter and complies with the sign regulations.

All signs are required to receive separate approvals.

- E. Utilities** - That utility systems do not detract from building design and that their size and location are appropriate and maintainable.

All utilities are required to be installed underground.

#### **Structure Design - Section 11-03-04.12 C(7)(d) (ii)**

- A. Building Mass** – The building mass should be consistent with development in the immediate area.
- B. Building Facades** – The height to width relationship should be compatible and consistent with the architecture in the area.
- C. Openings in the Facades** – Openings in the façade shall be consistent with the architecture in the area.
- D. Exterior Materials** – Exterior materials that complement surrounding development in terms of color and relief should be utilized.
- E. Commercial/Industrial Buildings Adjacent to Residential:** The design shall minimize impacts on adjoining (including across a street or alley) residential uses and districts.

**Adopted Plans and Design Guidelines - Section 11-03-04.12 C(7)(d) (iii)**

Adopted plans and design guidelines in the appendix are to be used in reviewing applications. The DRC may develop and recommend to the PZC design guidelines for Council adoption.