



**Derick O'Neill**  
Director

**Boise City Hall**  
150 N. Capitol Boulevard

**Mailing Address**  
P. O. Box 500  
Boise, Idaho 83701-0500

**Phone**  
208/384-3830

**Fax**  
208/384-3814

**TDD/TTY**  
800/377-3529

**Web**  
[www.cityofboise.org/pds](http://www.cityofboise.org/pds)

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David H. Bieter

**City Council**  
**President**  
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**Council Pro Tem**  
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Ben Quintana  
TJ Thomson

## Planning & Development Services

December 15, 2015

Eran Fields  
FH Broncos, LLC  
3954 Hopevale Dr.  
Sherman Oaks, CA 91403  
[efields@fieldsholdings.com](mailto:efields@fieldsholdings.com)  
(sent via email)

**Re: CAR15-00031 & CUP15-00088 / 1808 W. Boise Avenue**

Dear Applicant:

This letter is to inform you of the action taken by the Boise City Planning and Zoning Commission on your request for a rezone of 1.15 acres from C-1D (Neighborhood Commercial with Design Review) to R-OD (Residential Office with Design Review) and a conditional use permit for a height exception and parking reduction associated with a 98-unit multi-family building.

The Boise City Planning and Zoning Commission, at their hearing of **December 14, 2015**, **approved** your conditional use 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 conditional use permit must be filed by **5:00 P.M., on December 24, 2015**.
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.

The Boise City Planning and Zoning Commission, at their meeting on **December 14, 2015**, **recommended** to the Mayor and Boise City Council **approval** of the rezone request based on the attached Reasons for the Decision. This application will be considered by the Boise City Council to establish a public hearing date. You will be notified of the established hearing date.

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: David Ruby / The Architects Office, PLLC / [david@taoidaho.com](mailto:david@taoidaho.com) (sent via email)  
South Boise Village / Attn: Elizabeth Barnes / [elizabethbarnes@boisestate.edu](mailto:elizabethbarnes@boisestate.edu) (sent via email)  
Southeast Neighborhood Association Inc. / Attn: Fred Fritchman / [ffritchman@msn.com](mailto:ffritchman@msn.com) (sent via email)

## Reason for the Decision

### Rezone

The rezone is consistent with the Comprehensive Plan. The property is designated “Mixed Use” and R-O is a permissible implementing zone. The property is also located at the center of a Neighborhood Activity Center. The form and intensity of development allowed in the R-O zone is consistent with each of these designations. A primary purpose of the zone is to accommodate higher density residential development. This is consistent with *Goal CC3, Policy CC9.1 and Principles GDP-MU.2 and MU.6* that promote transit-supportive development patterns. Right-of-way along each boundary will ensure an appropriate transition is provided to the surrounding neighborhood. This is consistent with *Policy CEA9.3 of Blueprint* and the *Original South Boise Plan*.

The rezone is in the best interest of the public. It will allow the property to be developed in a fashion more appropriate for this urban location. All necessary infrastructure is available, and no public agency has voiced opposition.

### Conditional Use Permit

The project should not cause compatibility issues. It is primarily intended to house BSU students, who should not rely as heavily on automobiles. This is reinforced by the walkability of the neighborhood and adjacent transit. The building will be taller than structures on adjacent parcels. However, the site is surrounded by public right-of-way that will provide an appropriate transition. There are structures of comparable height on the BSU campus to the north. Further, the area is an activity center and designated mixed-use. As redevelopment occurs, it should be of a similar scale and intensity to the proposed.

The surrounding right-of-way, combined with a building that steps down adjacent to existing homes will prevent negative impacts. To date, no public agency has voiced opposition to the project. It is supported by Blueprint Boise that encourages urban designs where parking is concealed from public view. This is achieved through the use of structured parking, also promoted by the Plan. The project will serve as a catalyst for this activity center and it has been designed with an appropriate transition to surrounding properties to ensure compatibility.

## 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 **October 27, 2015** except as expressly modified by the Design Review Committee, or the following conditions:

2. Planning:

- a. A minimum of ten bicycle parking spaces shall be provided in a covered location near the main entry to the building.
- b. A minimum of five parking spaces in the garage shall be reserved for guests.
- c. The parking structure shall include all required accessible parking spaces.
- d. Residents of the project who do not receive a designated parking space in the project are prohibited from obtaining residential parking district permits. Language to this effect shall be included in all individual lease agreements, separately initialed by each resident, and shall include a financial penalty for a violation of such prohibition and possibly eviction. A draft copy of the standard lease agreement shall be provided to Planning and Development Services prior to issuance of any construction permits on the site.
- e. A record of survey, consolidating the parcels shall be completed prior to issuance of any construction permits.
- f. The project shall include a minimum of one car share vehicle for residents and the applicant shall pursue the availability of a vehicle for non-residents.

**Agency Requirements**

- 3. Comply with requirements of the Ada County Highway District (ACHD) as outlined in comments dated **December 2, 2015**.
- 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 memos:
  - a. Sewer and Drainage/Stormwater (November 4, 2015)
  - b. Solid Waste (October 29, 2015)
- 6. Comply with requirements of Valley Regional Transit as outlined in department comments dated **November 10, 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. Deciduous trees shall be not less than 2" to 2 1/2" inch caliper size at the time of planting, evergreen trees 5' to 6' in height, and shrubs 1 to 5 gallons, as approved by staff. All plants are to conform to the American Association of Nurseryman Standards in terms of size and quality.
12. Utility services shall be installed underground.
13. 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.
14. 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 Subdivision desk on the 2<sup>nd</sup> floor of City Hall. For additional information, please call (208) 384-3998.

15. 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.
16. 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.
17. Failure to abide by any condition of this conditional use permit shall be grounds for revocation by the Boise City Planning and Zoning Commission.
18. 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.
19. 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.
20. 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.