



BVNABoise@gmail.com

3 September 2016

Planning and Zoning Staff
City of Boise Planning and Development Services
150 N. Capitol Blvd
Boise, ID 83702

RE: 25 August 2016 Planning Staff Report to Planning Commissioners
(Re: Ben's Crow Inn PUD16-00005, SUB16-00006, CAR16-00002)

Dear Cody,

We apologize for not getting this to you before the weekend. As a review for us (the BVNA Board), we went back and captured what the P&Z Commissioners originally presented to City Council, and then your staff's summary of the major points raised by the NA and public testimony at the 12 July City Council meeting. We're hopeful that DevCo's optional redesign indicates a willingness to work with all the agencies required to facilitate a project that transforms a "Boise icon" into a valuable Planned Unit Development. We regret that this optional redesign did not involve Neighborhood Association or private property owner collaboration and/or mediation, as the City Council requested.

1) Background - Planning and Zoning Commission site specific conditions. Commissioner Bradbury moved to approve PUD16-00005 in accordance with the project report and conditions of approval therein with modifications to the site specific conditions:

- That no more than 50% of the homes on lots 1-15 and 17-22 be three stories in height and no two adjacent to each other;
- That the proposed public pathway be placed in a 17-foot wide lot, with a 7-foot paved area and a 5-foot landscaping on either sides
- That the applicant shall coordinate the location and design of the proposed public pathway with Ada County;
- That the lots width be 50 feet, rather than the proposed 40 feet with side setbacks of 10 feet rather than the proposed 5 feet;
- And that there be a landscape buffer required behind at the west of the lots to help shield the existing public bike path";

"The motion was seconded by Commissioner Gibson *and then withdrawn on Legal's advice.*"

2) Background - Public Comments via either public testimony (12 July) or email.

- Need to protect commercial corridor and existing commercial zoning.
- Protect and preserve public access to the Boise Greenbelt.
- Desire for paved public parking.
- Higher design standards for the PUD.
- Three story homes are inappropriate.

- Privacy impacts.
- Concern with impacts to the Barber Pool Reserve and wildlife.
- The Comprehensive Plan identifies housing as a secondary use for a commercial zone.
- Pedestrian crossing on Warm Springs Avenue.
- Transition to adjacent property

3) Discussion questions for 6 September meeting (BVNA P&Z Staff):

The two major issues discussed at the 12 July City Council public meeting were (1) appropriate land use planning of this site in accordance with the Boise Comprehensive Plan, and (2) the developer's claim of providing a public benefit of Greenbelt access when there was an outstanding easement issue.

a. Comprehensive Plan - Land Use. We recognize that the appropriate land use issue cannot be raised in the upcoming 20 September City Council meeting, but we continue to maintain that this proposed development is not in accordance with the Boise City Comprehensive Plan. It will eliminate the last commercial site with potential to serve as a walkable, mixed use community center in the east Barber Valley. We had hoped that the Council's discussion on 12 July would have influenced DevCo to consider planning a small amount of mixed use commercial space adjacent to the Greenbelt access.

b. Greenbelt Access/Parking. DevCo disputes the easement details in their optional redesign and generously offers to donate land for a public parking lot. However, the public access to the Greenbelt remains an outstanding issue. If DevCo is correct in their legal assessment of the easement then they have generously provided public parking and access to the Greenbelt. However, they have not complied with any further planning to ensure this access point can be supported by the adjacent agencies tasked with constructing a public path across the Penitentiary Canal to link BCI with the Greenbelt. Without this planning, the DevCo application appears to be very generous, but lacks significant planning details.

1. Comprehensive Plan: Both the developer and City Staff avoid any reference to the Boise City Comprehensive Plan and goals in the DevCo redesign and the City Staff recommendations to City Council. Why is there no reference or consideration of Comprehensive Plan objectives and goals?
2. DevCo/Peterson Discussions: DevCo outlined their negotiations with the Peterson's and indicated the Peterson's "did not respond". Why wasn't the Peterson's letter of explanation and request for mediation provided in the public record and for City Council review?
3. Prescriptive Easement: what is the legal determination of this issue?
4. Disputed Survey: same as above; what is the legal determination of this issue? An uninformed Council decision on 20 September will leave the public vulnerable to a possible large commitment of taxpayer funding to properly connect the BCI Greenbelt stub to the Greenbelt. The DevCo BCI planning documents state "connect to existing path to Greenbelt". All parties agree that the existing path is not safe. An ADA accessible path will require extensive engineering and the most efficient (and least costly to the public) connection to the Greenbelt may NOT be where DevCo has planned to stub.
5. Land Donation – Lot 26: The planned parking lot (Lot 26) is not convenient to the actual Greenbelt access point and may encourage trespassing across properties to the south and west. Despite DevCo's generosity, this may not be in the best interests of the public; is an alternate, more convenient parking lot possible?

6. 35 Foot Height Limit: DevCo agreed to plan for 1-story residential structures on lots 23-26 in the original application. DevCo states they will now likely plan for 2-story homes on these lots and City Staff advises a recommended condition of approval to require a six-foot sight obscuring fence. Why relax the 1-story requirement when the two adversarial private parties (DevCo and the Peterson's) have not discussed any compromises? I.e. Why is the City taking the DevCo position on a clear mandate from the Council on 12 July to "work something out – mediation, if necessary".

Thanks in advance for your time.

BVNA Board