

DRH17-00338 | 122 N. 5th Street | Walter Lindgren | Certificate of Appropriateness
demolish the existing structure and construct a two-story, 11,380 square foot commercial
building in a C-5HD (Central Business with Historic Design Review) zone.

Ted Vanegas: This property is located in the Old Boise Historic District at 122 N. 5th Street. The Brownfield's Building is located on the corner and was constructed in 1959. It is considered non-contributing due to alterations and it is outside the period of significance.

As you'll recall you saw this previously under a different application number (DRH17-00239). The previous application came before you with a more modern design to the building but located in the same footprint that exists today. At that time, the Commission found that the design of the building was too modern and didn't comply with some of the guidelines concerning building orientation (*showed photos of existing building*).

The applicant, in this revised application, has provided two site plans. A preferred and an alternate. The planning team is recommending denial of this application due largely to the orientation of the building and location of parking on the site. As seen on the preferred site plan it has angled parking. The alternate site plan has some parallel parking along 5th Street. There are some other changes to the alternate site plan which loses the landscape island to create a patio area. Again, the building is located in the same footprint with parking located on the corner of 5th and Idaho. On the left, you'll see the previous design which was part of the previous denial by the Commission. You'll see that it appeared more modern in design. The applicant has come back with the preferred plan incorporating more traditional design elements into the building and the attempt to make it more congruous with the Old Boise Historic District. Largely with the addition of more brick on the second level changing the roofline into a more traditional style as you can see looking at it from Idaho and 5th Street. Again, you'll see the addition of a parapet, more brick, less glass and a bit of a more traditional look than the previous design.

General concerns of staff with the project is that it constitutes demolition and new construction. As such, it would need to comply with the Commercial Historic Guidelines as well as the Downtown Design Guidelines and Street Frontage Guidelines which call for buildings to address the street and when on a corner the building should address the corner with parking located toward the rear of the building or toward an interior side. Here we have the parking lot adjacent to Idaho and 5th Street.

Commercial Guidelines for Historic Districts are the main guiding document and are quite clear on how buildings should be oriented in the Old Boise Historic District. In Section 2.1.5 under their parking policy, "*Onsite parking should be located in ways that minimize disruption of the pedestrian experience*". 215.5, "*Not appropriate to locate parking lots on the street sides of buildings. Parking spaces should be located to the rear. The building should be orientated toward the street. Corner plazas and entries, if the building is located on an intersection*", which it is in this case. Again, to design the building to reinforce the pedestrian frontage character.

The applicant has stated in their application that they consider this a Level I improvement. I've put together examples of these levels of improvement. This is the Level I improvement example as you can see. It is an expansion of 0-50 percent of the building. As seen with the example given this is the existing building and then you see a small expansion here and a small expansion here. This is what the Design Guidelines consider is an example of a Level I improvement. Staff does not at all agree that what is proposed is a Level I improvement. Staff contends that this is essentially a demolition of the existing building and new construction. If you look at the existing Brownfield's building and then the building on the bottom for all intents and purposes, if you're looking at this building it does not look like the same building. It is a new building.

These are the block frontage standards that need to apply. These are found in the Downtown Guidelines. As seen here parking locations to the rear are good, interior side, acceptable. To the front or located adjacent to a street is not acceptable.

These are some examples. This is the Veltex building constructed around 2005. Note how the building does address the street. It addresses the corner of the intersection with a plaza. This is the building replacing the former Gibson Funeral Home across 5th Street. As you can see the building addresses the street and creates a plaza environment toward the front of the street. These are examples of other buildings located in the Old Boise Historic District. New buildings constructed in the Old Boise Historic District should comply and be congruous with that district and with existing buildings in the district. You'll note how all these existing buildings do address the street.

5th and Idaho is an important intersection in the Downtown which is why it is especially important that this property is developed correctly. Other public comments received concerning this project from owners of other buildings recently built which were held to strictly to the Historic District and Downtown Design Standards include:

- Project is incorrectly labeled as a remodel.
- Parking in front is out of character with the district.
- Building doesn't have enough size or massing for the site.

Staff recommends denial of the new construction and again, conditional approval for the demolition of the building. The demolition shall not take place until plans for the entire site have been provided and have received approval by the Historic Preservation Commission. Reviewed language for demolition inside of City Code as well as the Guidelines. "*Demolition of all or more than 25-percent of a structure shall be reviewed by the Commission.*" This indicates if you're taking down more than 25-percent of the building it is considered a serious project to be reviewed by the Commission. In the Ordinance, "*Any act or process that permanently, substantially destroys or razes any building, site, structure or object in whole or in part.*"

Commissioner Richter: Can you go back to the Level I, II and III slide. Do we know the additional square footage added to the upstairs and if it is doubling the square footage of the building? Can we look at the elevations?

Ted Vanegas: It states, "Construct a 5,480 first floor with a 2,900-square foot second floor and the 3,450-square foot basement will remain". The existing main floor is 5,480 and we consider it essentially a reconstruction on the same footprint as well as the 2,900-square foot second level.

Walter Lindgren (Applicant's Architect / Lindgren Labrie Architecture, PLLC): As Ted mentioned you've seen this project before in a different format. I wanted to at least reintroduce the project to you. As staff mentioned we are, in general, approaching the project in a similar matter in that the value that we see in the existing structure is great and actually provides a great asset to the building property owner. As you know, Barry Jones is the property owner and spoke in front of this group last time we were here. I'll allow him a few minutes to say a few words as well and it is important to hear his perspective on his property and where he wants to take his project and that's a part of our big story.

As staff mentioned, the Brownfield's Building was built in the late 50's early 60's. It is kind of a tired building and has some elements that certainly aren't congruous to the district. Our goal is to put a new face on this building. Our contention is, yes, this is a remodel and not a demolition as staff has presented. We are maintaining a good portion of the building including the basement level, the main level and some of the other components which I'll address later on in the presentation. I wanted to get you oriented which staff has already done.

As he mentioned, this is the existing site plan, a black and white version and fairly straight forward. I believe there are 18 stalls that exist on the corner and nine which do extend into the existing 5th Street right-of-way. The goal of this project is we've got existing parking onsite and that is something we do see as a value that adds to the project and we do want to maintain as best we can.

I want to address the Level I improvement. That is a big part of our story to tell and then I can come back to how it affects the site. As staff mentioned, we feel clearly by definition this is a Level I improvement. The building by and large structurally at the very least is being maintained. We are not proposing to demolish the building as stated. We're proposing to modify it to take on a second floor which has been discussed with staff and they were very clear that they had no contention with a second floor addition. The 2,900-square feet we addressed with staff...they were comfortable with the area and they were comfortable with the application of the guidelines. As you read through the Level I improvements. I'll read it verbatim. It says, "*Level I Improvements...includes ALL exterior remodels, building additions and/or site improvements that affect the exterior appearance of the building/site and/or increase the building's gross floor area by up to 50-percent. The requirement for such improvements is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards.*" I've been through a lot of the codes so I get a little confused at times so bear with me. We looked at the guidelines and the code for guidance in how we approached this project and how staff and the Commission would treat this project. One in particular is on the contention of this being a demolition versus a remodel. One thing I don't have on our slide is the definition of a remodel which is for some reason or another not in the Ordinance, but is in the Design Guidelines. I will read verbatim, "*A remodel is to alter a*

structure in a way that may or may not be sensitive to the preservation of its significant architectural forms and features. Changing a building without regard to its distinctive character defining architectural features or style.” When you read the Level I improvements it is safe to say that when you talk about all exterior remodels this definitely falls under that frame work.

I do want to address the portions that we are demolishing and maybe address why we're proposing to demolish them. I would argue it is not a gratuitous exercise. When you look at this building, it was built in the early 1960's or late 50's. What you currently have is a Mansard which was actually built after the fact. That was added onto the structure some years after the original construction. Most, and I don't want to be presumptuous, but I think most, if not all, can look at that Mansard and agree it has no contributing architectural element which is congruous with this district or the design aesthetic desired in this district.

The other thing to look at is what we are also proposing to remove which is the existing storefront window system which definitely dominates the north and west sides. The challenge with those windows is:

- a. As they exist they top out at 8-feet above the finished floor and are very tight.
- b. They are a single-pane window system which is a very inefficient window system. Probably wouldn't even meet our code com-check compliance if we were to bring this through to the building department.

Outside of those two elements, I don't want to overstate this or in any way be misleading about what we're trying to do here. The challenge with how the north and west elevations are is there is a lot of storefront and the Mansard. Those are two components that we view as detrimental or not necessarily worth salvaging. Outside of those two components we have a structural system that is to remain intact by and large. Essentially what you have is a column and post beam system. With the post beam system, you have columns 10-feet on center throughout the building. Those columns will remain and the beam that supports the upper roof structure and parapet you see will remain as well by and large. The only caveat to that and to address one of the comments that came up at our last hearing was what staff had addressed as the trigger to their concern and that was the desire to raise the roof structure. As you see from the proposed building perspective from the Idaho Street side the portion that is to remain as a single-level story...we listened to staff and the Commission and that roof structure is going to remain as is. The challenge is it's got a 10-foot clear height and if we're going to try to get a national tenant into this building it is a little bit of a challenge and problematic, but it is something of a compromise because we realize it adds a little more demolition to the building. Having said that we also propose a second floor addition which again, staff was comfortable with in the meetings we've had with them. With that second floor addition we're talking about an office component with retail/restaurant downstairs. That floor plate would be held at a certain elevation and it is only anticipated as you would any other expansion whether it be vertically, laterally or to the side. You would alter that existing construction to accommodate that new construction so it is reasonable to think that structure would need to be addressed in that accommodation of the second floor addition.

To address the architecture one of the things we heard from the previous meeting we had was the architecture was a little contemporary. We came back and looked at some of the elements to create a more traditional style with the cap on top and a lot more brick components extending not only to the first floor, but the second floor and then some metal accent pieces. The idea is to create a lively, engaging and inviting storefront atmosphere at the ground level with the professional office environment on the second floor with rooftop chairs facing out onto Idaho Street while predominately the entrance into the retail and restaurant components will be by and large from the parking site to the west. The office component has a distinct entrance off Idaho to the north. This shows some of the materials including the brick materials and metal accents which are very subtle and we're very limited on the stucco accents. They are primarily just to highlight the cornice caps and a very traditional way to finish off a building gracefully.

Getting back to the Level I improvement and how this impacts our approach to the site design. Stepping back a little bit one of the things we discussed as a group and it has not just been myself as the architect, but Thornton Oliver Keller has been addressing both the retail and office components and also addressing the feasibility of this project and whether or not there is from a performance standpoint a return on investment and whether it makes sense. From day one and the first meeting, Barry's goal was...this property has been handed down from his father and this is his retirement. Whether this is relevant or not, it is important to understand this is not approached as a developer might. It is approached as someone that has a very big asset which is important to them. There are assets in the basement floor, there's asset in the existing bones with this project. We looked at this project several different ways. We looked at it with a single-story option, just providing a little bit of lipstick, and what it would feel like if you brought it to the corner. As staff mentioned, from financial feasibility, a risk litigation this is the approach that Barry the property owner wishes to take. This is very important to understand. The image in front of you is what we refer to as the default site improvement plan. By design, the Level I improvement being in place this is just the default plan to provide a little bit of landscape, but not to finish off the streetscapes with the urban on 5th Street and the neighborhood on the Idaho Street side. What we'd do in this scenario is move the trees, at least on the Idaho Street side farther out to the street curbside providing a little bit more pedestrian walkway and to provide a little bit more of an outdoor patio for a potential restaurant in that corner. In any case we do view that access to Idaho Street and the alley as being critical to this property and this development.

One other item and as a good will gesture and due to the fact this is a Level I we understand that streetscape improvements would not be required. This is important and important to Barry and us to provide and develop this in a design conscience manner. What this shows is the opportunity to maintain the parking count on the site by and large by reconfiguring a little and providing what is a 12-foot sidewalk versus the 16-foot which is normally required in urban brick streetscape. That would be including the Silva cell tree grates and that sort of thing. The neighborhood streetscape is what is required on the Idaho Street side and that is something we have proposed here. We're open to looking at other streetscapes and I know that is one of the comments staff had. We would argue that this is exactly what the code had suggested. Again, the access to Idaho Street being critical. We are in conversation with CCDC. We've been earmarked and

depending on how this process goes I feel they are vigilant about being able to help significantly fund this. If this were to trigger we see this as a great asset to the project and would be encouraged to see that funding being a necessary component to us moving forward with the streetscape.

Barry Jones (Applicant): This is a building I grew up in and the location of our original business where we built prosthetic limbs. One of your gentleman out here, Mr. Carlton, and I spent a great deal of time in there manufacturing and taking care of people in this building. I learned from my father in this building and eventually I'm the owner of this building. At least, when the note is paid. I want to stress that because we're still paying that note. When we decided to move our business and move to Meridian...our clientele are not strong on coming into downtown Boise as most are elderly folks. Access for the elderly was a challenge. We moved out and my wife and I and our four kids were left with this investment. This is really what the approach is. We've lived our life in it and we made business in it and now it is the next level.

I don't want to demolish the building. Our approach is feasibility. We have to make it realistic for income. We're going to put the kids through college with this. I've never been real tickled with the look of the building. It kind of came with the business. We wanted to put some value in the design and improve what was going on down here. The other was impact. It is big to us that we leave as much as we can. This is why we're not asking for demolition. I don't know how it evolved into the demolition of a building and the construction of a two-story building. That's not what we're asking. We're asking to take a section of the inefficient part of this building off, apply what is more efficient, make it more attractive to people that we can bring in and lease this out. The original idea was to raise the roof to a 14-foot height which to me makes no difference but, the people leasing it out say that's what we get our contenders with. That's how we get our good renters in that are going to put good spots in there. We've given that up and we're lowered it back down and we're not going mess with the structure on the south side of this outside of the second story. The question I have is with we're doing too much demo for this to be a remodel? I question, how much demo can we do? There really wasn't an answer. We still don't really have an answer for that yet. In part what we've done by scaling this back and keeping the roof and the rafters and everything the same in there we should be within reason and what is yet undefined of what too much demo is. That is the question on the table that we have and we're still trying to get that answer. From there, what we have is a structure and we don't want to send the whole thing to the dump. We want to save what we can. We have a basement that is functional and structural back walls that are functional and will remain.

I want to compare to the single pane and I've already talked to with the glass people and it is amazing the difference that will make in that building. Redoing that front end for a reasonable façade that people would be attracted to and contribute to what we've got downtown.

I see what is going up around there. I'm not a 12-Million Dollar guy. That's not my project across the street. This is the project we have and this is what we've chosen to work with and this is what we want to take as little of it as we can and contribute to what is going up around there to make it look much more presentable than it is now.

The reason we got into the higher ceilings...you learn about investments and as we dug into this and looking to do a remodel we learned that it is full of asbestos. It is a 1960's building. There is a remarkable amount of asbestos and that adds to the feasibility. How much of this do we do and just put some more lipstick on it and call it good or how much can we actually change to attract bigger vendors into this area? So with the idea we have do all of this abatement and make these changes in here, why not go high and why not go for this?

It is important to let you know we did back out of what we were originally asking and we've reduced the amount of demolition that would go into what we want to do. We're bringing a very nice structure that fits the rest of the area in there that would be attractive to people and be contributing while keeping our parking as well. Another very important part is if we move the parking around then we start running into issues where this grade changes. We kicked it around and it would be very difficult to park cars in that back side at the elevation change. That is maybe more of a structural thing to get into. Hopefully we can leave it remain where it is. This is really what we're shooting for. We're not asking to tear this building down. We're asking to rehab it to a modern level.

Commissioner Richter: On the revised drawings you show a top height of 17-feet from finished floor.

Walter Lindgren: That sounds correct.

Commissioner Richter: How tall is the existing building? Doesn't seem like it is 17-feet.

Walter Lindgren: It is plus or minus 18 or 19 to the top of the parapet.

Commissioner Richter: The top of the parapet wall?

Walter Lindgren: Correct.

Commissioner Richter: How deep is that parapet?

Walter Lindgren: To the roofline? I don't know exactly. It's pretty healthy because there was a period where it had been added on. When the Mansard was added on. Initially it was a lot lower. There is a healthy 5 or 6-feet from the top of the parapet.

Commissioner Richter: Do you know what the existing top plate elevation is in the existing building?

Walter Lindgren: I don't.

Commissioner Richter: To me it doesn't look like that building is 17-feet tall where you could actually stack a second floor on top of there. It looks like if you try to put a 17-foot wall up there you're going to have to tear the existing walls down.

Barry Jones: Part of what you're seeing on the old structure with the 8-foot buildings is the old water cooling system?

Commissioner Valderrama: Swamp cooler?

Barry Jones: Yes. It was originally cooled with a swamp cooler so the top part of that below the ceiling level is the decking for the swamp cooler. They ran it on the outskirts of the building. That swamp cooler section is taking up a large part of what we're looking at. That gives some appearance to the façade that the front of that building is lower. That is one of the parts I'm very anxious to get rid of because this does allow them to raise the glass level at that point. Does that clarify that at all as far as appearance?

Commissioner Richter: Yes, a little bit.

Barry Jones: I don't have the numbers to share with you.

Commissioner Richter: I'm just anxious to see where that existing top height is. If you start changing that existing top height then you're tearing the wall down to achieve that 17-foot. I guess that is staff's point of how far are you taking the demolition.

Walter Lindgren: Frankly a lot of these haven't been engineered yet. We've had plenty of discussions with our engineers...structural, excavation, mechanical, you name it. The point with that and especially as it goes to the south that line is maintained as the current parapet. Whether or not the existing structure can be relied upon to take that weight or something internal has to happen that is a structural issue but, from a demolition standpoint the proposal is not to demo that wall to accommodate that.

Vice-Chairman Lassen: The proposed storefront window height. Is that the same as what is in there now?

Walter Lindgren: The beamline exists in that wall frame so the bottom of that beamline is about 11-feet above grade. The point of that is to create and maintain the post and beam structure throughout the building and the framing above that. The whole goal is to open up that storefront to that 11-foot mark.

Vice-Chairman Lassen: The interior ceiling height as it exists is 11-feet? What is the existing?

Walter Lindgren: It is 10-feet so we'd have to accommodate that on the interior with these kind of soffited conditions. The existing is 10-feet clear to the other side of the roof structure.

Commissioner Richter: That's to structure?

Walter Lindgren: Correct. I believe it is the top cord bearing so the bottom...the truss as it sits on the structure is a top cord so that's how you get that elevation. It is within inches of 12-foot to the top...that bearing point. The structure happens to be so deep and

comes down to roughly that 10-foot mark. The existing roof structure bears on the continuous beam line which the bearing point is about 12-feet above finished floor.

Vice-Chairman Lassen: But the existing roof is not a floor system so you're redoing the whole ceiling to create a floor system?

Walter Lindgren: Correct. Under this proposal the capacity of that existing roof structure wouldn't handle a floor load or whatever TSF.

Vice-Chairman Lassen: So it is a new structural...

Walter Lindgren: Exactly. Again, as I commented if you're doing any kind of addition let's say vertically or horizontal you've got to accommodate the existing structure to accommodate the addition. As it pertains to the portion that would remain as a single-story, that we're doing as is.

Ted Vanegas: Back on the demolition question. The applicant has indicated themselves that what they would keep in place is a wall, some beams and some support columns. We've seen projects in residential districts that were maybe supposed to be redesigns or remodels and found that they had brought the entire structure down to maybe a couple of walls or a couple of beams or support like that and that obviously is not remodel but demolition. Were you're stripping a building down to a wall and a few beams and support columns staff will contend that this is for all intents and purposes a demolition. This is for all intents and purposes a new building. At best if you're going to contend that it is a remodel of the building a very minimum it would be considered a Level III and not a Level I remodel. With a Level III you're adding a second level to the building and making more substantial changes but, with a Level III remodel it is required to comply with site design requirements and block frontage requirements of the Downtown Design Guidelines. Either way, but staff still contends this for all intents and purposes is a remodel. You look at this building and you're not looking at the Brownfield's Building and saying, "Oh, they remodeled the Brownfield's Building". You're looking at it and saying, "They built a new building". This is essentially what you're seeing. Those are my comments. I suppose if the Commission was inclined to approve this application staff would like to be given the opportunity to provide some conditions. But, again, we're considering this an actual demolition and as such it needs to comply with all site design street frontage requirements.

Commissioner Richter: Has there been any conversations between the applicant and building officials or the building department as far as what level this falls under? Who is saying it is Level I? Is it the applicant or the building department? The building department is going to come down and say they're going to look at the plans and they're going to say this is Level I, Level II or Level III. Has there been any conversation with the building department about this?

Ted Vanegas: I'm not aware of any conversations with the building department and what the building department has said on this. I haven't been included in that. I've only seen the Level I indication from the applicant. I haven't heard that from anybody else.

I don't know that plans have been submitted to the building department on this. That usually wouldn't occur until after the plans had been approved.

Commissioner Richter: I just wanted to know if there are were preliminary conversations as far as the building department or the City of Boise or anybody giving them direction saying that this is, say "Go ahead with this. It is Level I or go ahead with this, it is Level II or go ahead, this is Level III". I'm not sure where the applicant got direction for "Level I".

Ted Vanegas: I know the applicant has met with Sarah and some other planning staff so I'll let Sarah expand on that.

Sarah Schafer: They are actually talking about it being a Level I, II or III in conjunction with our guidelines and not in conjunction with how the building department reviews the applications which are two totally different things. They are talking about it in conjunction with the guidelines you saw up on the screen today. I have no idea in conjunction with how the building department would review the application.

Commissioner Richter: Would that change the conditions of approval from us if they went forward with this as Level I and then the building department said it was a Level III. Because now we've approved this as Level I and they don't have to change frontage or anything like that or does that wipe out and we don't need to worry about that?

Sarah Schafer: If, through the building department and review of the plans, there is a lot more of the structure coming down then what the applicant is representing at the hearing then yes, it would change what was reviewed and we would need to bring it back before you if there was a lot more of the structure coming down. For example, we just had that instance where on Front Street a project stated that they were keeping the structure and just remodeling the interior where they actually tore it down and decided to rebuild it exactly the same. They had to go through a variance process and get all new approvals because now they tore down a structure that was at the property lines that they were not to have at the property lines per current code so they had to go through all the Planning & Zoning approvals to get the variances. It would be a similar instance to where now they have the building built back at the wrong location.

Walter Lindgren: To address the levels of improvement and I think Commissioner Richter might be addressing...I haven't done too many Tenant Improvements (TI's)in Boise, but I think they have different levels of TI's and this is actually planning item. In the guidelines and I'll go through this briefly a Level I improvement essentially is expanding the floor area anywhere from 0-50-percent. This is why we're falling into that category. With that no streetscape improvements are required. They are encouraged and we get that and we'd like to see it done nicely. But, it is not required. All these levels are purely based on square footage that is why we're under that 50-percent. Staff confirmed that. Level II is an expanded floor area of 50-100-percent. Even then the streetscapes are still a requirement, but it's not that the building has to be up to that block. Level III takes it from an expanded floor area that is greater than 100-percent. It is only at Level III does that improvement require that frontage. I want to make sure I define this clearly, but that's the level it takes to that point. Clearly if we're under 50-percent there is no reason why we could at all be considered Level II or III. By definition it doesn't exist. Again, I do want

to say it does address and includes all fixture remodels. I grant you the building is being redefined and that's a good thing, but it is essentially a remodel and we're not demoing the building and reconstructing it. We're salvaging what we can. With regards to the second floor...I get it. I don't want to promise stuff that we can't keep. We know that is problematic. What I would say is, were that construction to be maintained even if it means having to construct something to support that addition we would do that. Basically preserving the construction even if it meant somewhat redundant construction to support whether it be the second floor or what have you.

Barry Jones: The goal is to make it look different than Brownfield's does right now. That is our goal. To make it appear like the rest of downtown Boise and that's where we've gone to our design review. The first time we sat in front of you it was a little too modern so we're put it back and actually I think I like this one better anyway, but it ties into the rest of the buildings around us and it is keeping the bones and adding the beauty to it and that is what our goal is. That's what makes it rentable for us as an investment. Moving forward it maintains its appearance with the rest of downtown. Hopefully, we can get some good renters to come down into Boise and rent this place out and still provide parking. That is the other thing too with the parking. We are parking people in this building that will be renting it and then at night it will turned over because we're in the core of downtown so it remains parking in the downtown core. Part of the goal with this is to keep that open.

Walter Lindgren: As Barry mentioned, the goal here is to create a project everyone can be proud of, get excited and create a nice corner there and something filled with activity. The architecture is to create something congruous even with the pilasters to give it some texture and basically...even as you transition I know there has been discussion about new construction which this is arguably is not, but it is one thing to build a building up to that corner...this is a transitional property if you will. As you go farther to the east you start to get into, very quickly, single-story structures and a little bit of a different building type. We're in downtown, but we're really not in the core. Maybe in 20-30 years...God willing Barry is still around and he wants to redevelop it maybe that's when we bring it to the front. That is purely a new construction requirement which we vigorously disagree this is.

Public Portion Closed

Commissioner Richter: I want to commend the applicant and architect on the revised drawings. It is much more congruous with the neighborhood. The size, scale and the design fit much closer to the Downtown Historic District. I'm still not convinced this isn't a Level III. There are too many unknowns for me as far as what exactly is going to happen to the existing building once you start construction. There needs to be some more questions that need to be answered for me to comfortably say yes to this application not only for our protection and to make sure we're making the right decision with all the information that could possibly be given on this but, for your protection too if you go down the road with our approval on something and come to find out that you're going to have to go and do this all over again. There needs to be more conversations with the building department with doing some very minor demolition to find out what exactly the existing top heights are and what is exactly is existing in the building. What are you guys

building off of? It seems very cloudy to me that there is a full understanding of exactly how you're structurally going to put the second floor on top. The design is great and the architecture is fantastic...it is beautiful. Have you gone through the portion of getting construction documents and getting structural engineers in there to make sure the building is going to work the way it is designed right now with what is existing there. Some of those questions need to be answered before I feel like that is going to be turned into a full demolition and that whole thing is going to come down to achieve what you're wanting to achieve there. That's where I'm sitting right now.

Vice-Chairman Lassen: I like this building, I really do. It looks great. What it comes down to is this a demolition or a remodel? I look at this and this is a new building. This is a brand new building. Yes, the back and south walls are there and they are probably still solid walls, but what you see from the street is a brand new building. I hesitate to...I know we're playing with numbers on is it a remodel or is it a demolition? Anything that you do that much change to needs to comply. This is such a visible corner and it does need to comply with the block front and it needs to be on the street and needs to comply with the City's Commercial Design Guidelines for the Historic District. I feel this is a new building and I'm not convinced that this is a remodel.

Commissioner Rupp: I agree and I would feel more comfortable after hearing staff if we were able to have additional supporting documentation to help us weigh on whether or not based on...what if you have people in there looking at it, is this truly at a place and opportunity for a new fresh face, but is an authentic remodel or is it based on the documentation coming from other additional City staff and efforts you have to go forward with and maybe having those done and coming back for final approval would be beneficial so we make the right decision the first time rather than having you go forward and have it come back. I have to agree it is beautiful.

Commissioner Valderrama: I also have the same concerns as Commissioner Richter. Thinking along the lines of the unknowns of the roof weight holding the second story structure. That it is the only thing that keeps rolling around in my head and that I'm stuck on. So if that were the case then it would seem to me like it would be a complete demolition or more than what is required for that. I'm still stuck on that. If I had a little bit better understanding of the structure of the walls and how much of the weight is it going to hold. That's what I'm stuck on.

Commissioner Shallat: I understand where the applicant is going with this. You're looking at your Level I, Level II and Level III and it is literally just saying expanding floor by a certain percent. I get that and it is the literal reading of it. Then you have staff saying this is a Level III at best. We're left here listening to staff's recommendation and we're going off the literal interpretation of the rule which I feel is like shoe horning a project in based on the black and white reading and this is why you have a citizen commission is to make those hard calls. I'm very sensitive to what you're trying to do with this project and I get that. I have a letter here from Thomas Development saying they want to have more infill and a larger scale and you're sitting here saying, you're not an Idaho, LLC and I can't put in a larger apartment complex here. The reason we denied it last time was it was a modern look and this is much better. I'm not even sure if it would be better or worse to have the parking there. I've been going over that in my mind. There is a plus and minus

game there where you have additional street parking, but at the same time you want to increase pedestrian friendly streets and mixed use and it is difficult for me. I'm a little frustrated with these Level I through Level III improvements because in the literal reading you're right, but at the same time staff is telling me this is going to be a Level III. I have staff's word for that and they in the planning department consider this a Level III because it's stripping it down, but that's not what it says right here. I need more of a clarification and I guess I'm on the fence.

Commissioner Richter: The reason I have come to this conclusion of whether or not it's a remodel or demolition, where does the applicant fall in between that range? I'll come at you from a little bit of personal knowledge about this and through some workings I did through commercial projects here in Boise. We went into it as a Level I and it ended up being a Level II. There is some gray area there and you want to be able to make sure you are clear on what level you're at. If you go into it thinking and budgeting for a Level I and it comes out a Level II it is a totally different budget. It is going to be way more expensive to try and pick up the tail end of things then to go into this project knowing exactly what you're getting yourself into. Like I said, we're protecting ourselves by making sure we have all the proper information to make a well informed and educated decision. If this is truly a Level I by all means I'd be totally for it, but I don't have enough information to tell me that. Having that information and hopefully protecting the applicant by getting ahead of the game and having some more open conversations with the right people and right departments and trying to figure out where are you with this. Ask them to give you a little guidance and guidelines and help you out so it's not just staff saying it's a complete demolition or it's not a full Level III or not new construction. Work with the other agencies within the City to make sure you are on the right track. You don't want to be on one track thinking you're going down the right way, get our approval and then all of sudden you're on the wrong track. This is where I'm coming from. I can't make a well-educated enough decision to approve this application right now.

Commissioner Shallat: I'll add a few additional comments. This is an inverse situation from the last application where we had two structural engineers saying the structure was unsound and I had to go with the structural engineers. Now we're to dispute a fact between staff and the applicant and I'm going to put it back on the applicant and if it is truly a Level I then convince me with some additional architects and engineers. We've got three letters, but bring up some other testimony in the audience and if staff says it's a Level III and they don't have the same sort of evidence then I'll be siding with you. I'm not convinced and there is a dispute of fact here. I don't know if I can vote in favor of it at this point, but if you want to run this Level I then convince me.

COMMISSIONER RICHTER MOVED TO DENY DRH17-00338.

COMMISSIONER RUPP SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.